

MEMORANDUM

TO: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration

FROM: Sara Evers, Department Acting Director Public Health *Sme*

RE: Changes to Chapter 205

DATE: 10/13/2022

Chapter 205 of the Ordinances of St. Charles County, Missouri needs substantial updates and revisions to ensure that the Department of Public Health is able to adequately respond to and manage the community health and safety issues involving animals within St. Charles County. The last revision to Chapter 205 occurred in 2015.

Proposed changes to Chapter 205 are outlined below.

General

- Reference to Department, Division, and the respective directors has been revised to ensure consistency and infirmity throughout.

Article I

- Section 205.010 Definitions added
 - Abandon, Adequate Food, Adequate Water, Contamination, Department, Division, Division Director, Dunbar Scale, Dwelling, Estrus, Microchip, Proprietor
- Section 205.010 Definitions amended
 - Adequate Care, Adequate Control, Adequate Shelter, At Large, Competent Person, Dangerous Dog, Dealer, Director, Feral Cat Program, Impound, Impounding Facilities, Owner, Severe or Fatal Attack, Tag
- Section 205.010 Definition deleted
 - Kennel

Article II

- Section 205.040 Cruelty to Animals
 - Revised subsection B.5 to add purposely, intentionally, or recklessly failing to provide adequate shelter, care, or control to the offense of animal abuse
 - Added subsection C creating the offense of animal neglect by a proprietor of a boarding or breeding kennel, pet shop, dealership, or grooming parlor if they fail to ensure that an animal with a serious illness or injury receives prompt treatment by a licensed veterinarian.
- Section 205.05 Failure to Register/Vaccinate or Microchip

- Makes it an offense to fail to microchip an animal when required by Sections 205.080, 205.140 and or 205.141

Article III

- Section 205.120 Animals Impounded When- Where kept
 - Revised subsection C to clarify and bolster the procedures for impounded animals
- Section 205.140 Procedure Following Animal Bite
 - Significantly revised subsection B set more specific preconditions before the Division Director may exercise their discretion and allow home confinement and quarantine
- Section 205.142 Procedures and Requirements for Declaring Dogs to be Dangerous and for Handling Dogs After Incidents
 - Revised subsection A for investigation of dog bites
 - Revised subsection B to require the Department Director to review the investigation file and make a determination as to whether the dog should be declared dangerous
 - Significantly revised subsections C and D regarding factors to consider in the dangerous dog declaration, including the addition of the Dunbar Bite Scale, as well as potentially mitigating factors to consider.
 - Added subsection G and I exempting dogs from the provisions of this section if they are maintained or utilized for law enforcement purposes, or if the bite was sustained by a person who, at the time, was committing a willful trespass, or was tormenting the dog in question.
- Section 205.145 Control and Euthanasia of Dangerous Dogs
 - Significantly revised subsection B providing additional conditions prior to the return of any dangerous dog to its owner.
 - Added subsection E which details a more robust administrative appeal process, providing that the hearings are to be formal, contested hearings, presided over by a hearing examiner.
- Section 205.146 Dunbar Scale
 - Added new section that outlines the Dunbar Scale as referenced above.
- Section 205.147 Declaration of Animals Habitually at Large
 - Significantly revised subsection C which details a more robust administrative appeal process.

Article IV

- Section 205.160 Kennel Registration Required
 - Added subsection B which makes it unlawful to fail to maintain a valid and current kennel registration.
- Section 205.180 Boarding and Breeding Kennels, Pet Shops, Grooming Shops and Dealerships- Inspection

- Added subsections C and D which provide an enforcement mechanism for violations of Article IV, sections 205.190, 205.200, 205.210, or 205.220, and provides for kennel registration revocation, notice and appeal
- Section 205.190 Conditions General
 - Significantly revised subsection A setting additional requirements for the adequate shelter of animals in kennel type facilities. These include requirements that proprietors or competent persons be onsite during hours that the facility is open. In addition, new requirements are set forth relating to veterinary care and owner notification relating to animals with a serious illness or injury.
- Section 205.200 Boarding Kennels Record Keeping
 - Added section that requires boarding kennels to keep sufficient documentation relating to the care of animals in their facility.

Article VI

- Section 205.240 Fees
 - Revised fees the Division charges relating to services provided.