

Bill No. 5110

Ordinance No. \_\_\_\_\_

Requested by: Sara Evers  
Sponsored by: Nancy Schneider

AN ORDINANCE AMENDING CHAPTER 205  
ORDINANCES OF ST. CHARLES COUNTY,  
MISSOURI (“OSCCMO”), ANIMAL  
REGULATIONS

WHEREAS, Article II, Section 2.529 of the St. Charles County Charter provides that the Council may exercise legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated cities, towns, and villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and

WHEREAS, pursuant to that provision of its Charter, St. Charles County has adopted Animal Regulations in Chapter 205 of OSCCMo; and

WHEREAS, pursuant to Missouri Revised Statute Section 192.300, St. Charles County may enact certain health and safety ordinances related to rabies, in all areas of the county, whether unincorporated or incorporated, to wit: §§ 205.050, 205.110, 205.120, 205.130, 205.140, 205.150, 205.225, 205.235, and 205.240 of OSCCMo; and

WHEREAS, the County Council finds that it is in the public interest to amend Chapter 205 of OSCCMo, as provided herein; and

WHEREAS, the amended Chapter 205 may be adopted, in whole or

in part, as part of contracts with municipalities for kennel services or kennel and enforcement services from the St. Charles County Department of Public Health, Division of Humane Services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 205.010, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

#### SECTION 205.010: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

##### **ABANDON**

**To forsake entirely, to neglect or refuse to provide or perform legal obligations for the care and support of an animal. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.**

##### ADEQUATE CARE

Normal and prudent attention to the needs of an animal, including [~~wholesome food, clean water, shelter and~~] health care as necessary to maintain good health **or address illness or injury** in a specific species of

animal.

### ADEQUATE CONTROL

Reasonable restraint sufficient to prevent an animal from running at large~~[, or]~~ from injuring itself, ~~[or from]~~ any person, or any other animal~~;~~ or from damaging any property.

### ADEQUATE FOOD

**Foodstuff provided free of contamination by insects, fungus, mold, mildew or other form of spoilage, provided at suitable intervals and in suitable supply for species and age of such animal, sufficient to maintain a reasonable level of nutrition, and provided in a safe dish or container and which is provided at least every 24 hours.**

### ADEQUATE SHELTER

~~[Structurally sound, properly ventilated and weatherproofed housing which is large enough to let the animal housed in it stand up, turn around, and lie down; is equipped with bedding that will not absorb water and/or freeze; and will not exacerbate existing weather conditions by, for example, absorbing heat on hot sunny days.]~~ The continuous provision of a structure having a roof, walls, and a floor, which is dry, weatherproof, and made of durable material. At a minimum, the structure must:

- 1. Be sufficient in size to allow each sheltered animal housed in it stand up, turn around, and lie down;**

- 2. Shelter the animal from the adverse effects of the elements, including access to shade from direct sunlight and protection from exposure to inclement weather conditions;**
- 3. Be free of standing water and accumulated waste;**
- 4. Have adequate ventilation;**
- 5. Provide a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner; and**
- 6. Have not been declared uninhabitable under Section 500.500 or by the building official.**

#### **ADEQUATE WATER**

**Potable water of a drinkable temperature which is free from contamination by fecal matter, urine, mold, mildew, bacteria or other forms of spoilage which would make the water unsuitable to be consumed; and provided in a safe dish, container or by another suitable manner, in sufficient volume, and at suitable intervals to maintain normal hydration for the weather conditions and the age, species, condition, size, and type of each animal, but under no circumstances shall such interval exceed 12 hours.**

#### **ADULT CAT**

**Any domestic member of the felis catus family over the age of six (6) months.**

#### **ADULT DOG**

**Any domestic member of the canis familiaris family**

over the age of six (6) months.

#### ANIMAL

Any living vertebrate except human.

#### AT LARGE

Off the premises of the owner, or of anyone having care, custody, or control **of the animal**, and not under the adequate control of the owner or of anyone having care, custody, or control **of the animal**. At large shall not include any dog or puppy lawfully off-**leash**~~[leashes]~~ in a designated off-leash animal park.

#### BOARDING KENNEL

A place or establishment other than a pound where animals not owned by the proprietor are sheltered, fed and watered for a fee.

#### BREEDING KENNEL

A place or establishment maintaining five (5) or more female cats or dogs as breeding stock.

#### COMMUNITY CAT

A cat that is un-owned, free roaming, stray, lost or an abandoned former pet living in the wild that may or may not be feral or socialized.

#### COMPENDIUM

The current Compendium of Animal Rabies Control issued by the National Association of State Public Health Veterinarians, Inc.

## COMPETENT PERSON

Any person, regardless of age, who has ~~[custody of the]~~ **custodial or supervisory authority or control over an animal.** ~~[in question or is capable of controlling and governing the animal in question whose command the animal is obedient.]~~

## CONTAMINATION

**Pollution, waste, fungus, mold, mildew, bacteria or other unclean material that has rendered water or food to become unusable.**

## DANGEROUS DOG

Any dog with the following characteristics:

1. Any dog which has inflicted a severe or fatal injury on a human, whether upon public or private property, provided that the Division has a signed physician's statement documenting the injury and its treatment, and qualifying the injury as a severe or fatal injury.
2. Any dog declared by the **Department** Director to be dangerous pursuant to Section 205.142(C) and (D) of this Chapter or lawfully declared dangerous by a City or municipality within the County.

## DEALER

Any person, group of persons or corporation engaged in selling, **auctioning** or donating dogs, cats or other small animals to other dealers, or to kennels, pet shops or research facilities.

**DEPARTMENT**

**The St. Charles County Department of Public Health.**

**DEPARTMENT DIRECTOR**

**The Director of the St. Charles County Department of Public Health.**

**DIVISION**

**The Division of Humane Services [~~or any person or agent employed or designated by the~~] of St. Charles County, Missouri.**

**DIVISION DIRECTOR**

**The Director of the Division of Humane Services of St. Charles County, Missouri.**

**DOMESTICATED ANIMAL**

Any animal, including but not limited to a cat, dog, kitten or puppy, that has been tamed and kept by humans primarily for labor, food or for human companionship. Domesticated animal shall not include fish or any of the following caged animals: birds, reptiles, amphibians, other small mammals weighing less than six (6) pounds, or exotic/dangerous animals.

**DUNBAR SCALE**

**The Dunbar Dog Bite Scale, an assessment of the severity of biting problems based on an objective evaluation of wound pathology, as codified in Section 205.146 of this Chapter.**

## **DWELLING**

**A building, or portion thereof, designed and used exclusively for residential occupancy.**

## **ESTRUS**

**The period in the sexual cycle of most female mammals, during which they are in heat.**

## **EXOTIC/DANGEROUS ANIMAL**

Any animal not indigenous to the United States and/or not normally kept as a pet including but not limited to non-human primates, alligators, large carnivores, deadly or poisonous animals, wolves, coyotes or any animal bred with a wolf or coyote.

## **EXPOSED TO RABIES**

Any animal, whether licensed and vaccinated for rabies or not, which has been bitten by or has been fighting with, or has consorted with an animal known to have rabies or showing symptoms of rabies.

## **FERAL CAT**

A domestic cat born in the wild or that has reverted back to a wild state and is not tame or socialized.

## **FERAL CAT PROGRAM**

Any program adopted as provided for in Ordinance of St. Charles County Section 205.225 or approved by the [~~Director of the~~] Division **Director** [~~of Humane Services~~] **that provides spay/neuter services and education for and related to only feral and community cats.**



## GROOMING SHOP OR PARLOR

Any establishment or place where animals are bathed and/or groomed for a fee.

## HARBOR

To feed, shelter, or confine an animal.

## IMPOUND

To apprehend, catch, trap, net or, if necessary, kill any animal by the Division [~~of Humane Services of the County~~] or its agent.

## IMPOUNDING FACILITIES

Any premises designated by the County for the purpose of caring for animals impounded by the Division [~~of Humane Services of the County~~] or its agent.

## ~~[KENNEL~~

~~Any person, group of persons or corporation engaged in buying, selling, breeding, or boarding dogs, cats or other small animals.]~~

## KITTEN

Any domestic member of the felis catus family age of six (6) months or under.

## MICROCHIP

**A chip encoded with a unique identification number that can be implanted in an animal for identification purposes, and is obtained from a manufacturer, a veterinary clinic, a pet services facility, or the Division.**

## OWNER

Any person [~~with custody of an animal who purchased, was gifted or otherwise legally acquired such animal~~] **who owns an animal. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an animal owner under this chapter, even if the animal was in possession and control of a competent person at the time of an offense.**

#### PEN

A secure enclosure [~~primarily used for dogs~~] with four (4) sides, a top, and a lockable gate/door that is large enough to allow animals free movement while inside, protection from the elements and will prevent an animal from escaping or entering.

#### PET SHOP

Any commercial establishment where dogs, cats or other small animals are bought, sold, or exchanged.

#### **PROPRIETOR**

**An owner of a boarding or breeding kennel, pet shop, dealership or grooming parlor.**

#### PUPPY

Any domestic member of the canis familiaris family age of six (6) months or under.

#### REGISTRATION-VACCINATION

The procedure of vaccinating against the rabies virus and issuing a numbered tag and an identically numbered certificate of vaccination. The words "registration" and "vaccination" shall be interchangeable.

## SECURE FENCE

Any fence [~~or pen~~] kept in good repair, constructed of wood, metal or plastic and built to prevent an animal from going over, under or through; and prevents the animal from putting his head or mouth through any opening.

## SEVERE OR FATAL [~~ATTACK~~] INJURY

[~~Any attack by a dog which causes a severe or fatal injury, or the death of a domestic animal~~] **Any physical injury resulting directly from an animal's attack or bite which registers as Level 4 or above on the Dunbar Scale.**

## TAG

Any object which bears the number of a certificate of vaccination and which has been issued by the authority of the Division [~~of Humane Services of the County~~].

## VETERINARIAN

Any individual who is validly and currently licensed to practice veterinary medicine in Missouri as determined by the Missouri Veterinary Medical Board in accordance with the requirements and provisions of Missouri Revised Statute Sections 340.200 to 340.298.

## WILD ANIMAL

Any indigenous species of animal which is not normally domesticated in the United States and would normally live in the wild, irrespective of its actual state of domesticity, docility or tameness.

Section 2. Chapter 205.020, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

SECTION 205.020: APPLICATION

This Chapter shall apply to the unincorporated area of the County, or to any cities or municipalities having adopted this Chapter in whole or in part.

Section 3. Chapter 205.030, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

SECTION 205.030 INTERGOVERNMENTAL COOPERATION

[~~A.~~] Nothing herein shall prevent the County from cooperating or joining by contract with any City, Town or Village for the regulation of animals, provided:

1. The Governing Body of the affected City, Town or Village consents to such cooperation or contract, and
2. In contracting with any City, Town or Village to render animal control services, the County agrees to enforce the provisions of this Chapter alone.

Section 4. Chapter 205.032, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

Section 205.032 Animals To Be Under Control When Off Owner's Premises.

A. All owners and [~~eustodians or~~] anyone having care, custody or control of any animal shall prevent the animal from being at large. All domesticated animals, when such animal is off of their premises, in a residentially zoned district, shall be on a leash not to exceed ten (10) feet in length.

B. The provisions of this Section shall not apply to:  
1. Dogs being used in hunting, training, field trials and dog shows while on any property with express permission.  
2. Dogs of any government agency.

Section 5. Chapter 205.034, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

Section 205.034 Confinement to Property.

[~~A.~~] It shall be unlawful for any owner or anyone having care, custody or control of any [~~dog or cat~~] **animal** to:

1. Confine an animal in an outdoor pen or enclosure without adequate space so as to provide the animal with free movement or exercise.
2. Leave [~~a dog or cat~~] **an animal** tethered outdoors for ten (10) consecutive hours in a twenty-four-hour period or on a tether that allows a dog or cat to enter upon a sidewalk or right-of-way.
3. Tether [~~a dog or cat~~] **an animal** except by means of:
  - a. A properly fitting harness or collar.
  - b. A tether in proportion to the size of the animal so that its weight and construction do not burden or encumber the animal's movement but not allow breakage. The tether must be at least fifteen (15) feet in length with a swivel at both ends. If a trolley system is used the trolley cable must be at a safe height from the ground.
4. Tether [~~a dog or cat~~] **an animal** in such a manner that the animal cannot access adequate shelter while tethered.
5. Tether [~~a dog or cat~~] **an animal** in conditions where the animal or tether can become entangled causing a hazard for injury or death, or where the tether can restrict the animal's access to adequate shelter, **adequate food**, or adequate [~~food or~~] water.
6. Tether [~~a dog or cat~~] **an animal** outdoors in a manner that **does not allow** [~~prevents~~] the animal to defecate or urinate in an area separate from the area where it must eat, drink or lie down.
7. Expose [~~a dog or cat~~] **an animal** to any weather conditions that cause immediate or

imminent threat to the animal's physical well-being.

8. Tether an animal in an area where it stays wet or muddy for more than twenty-four (24) hours after the **cessation** [~~session~~] of a period of rain.

9. Leave an animal tethered outside in a residentially zoned area between the hours of 10:00 P.M. and 6:00 A.M., except temporarily tethering outdoors for a time period not exceeding fifteen (15) minutes for the purpose of urination/defecation.

10. Tether a dog **or** cat under the age of six (6) months.

Section 6. Chapter 205.036, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

**SECTION 205.036: HARBORING STRAY ANIMALS**

A person may not harbor any stray animal, unless it is reported to **the Division** [~~St. Charles County Animal Control~~] within twenty-four (24) hours of finding the animal. **The Division** [~~Animal Control~~] may impound the animal at its discretion.

Section 7. Chapter 205.040, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

## SECTION 205.040: CRUELTY TO ANIMALS

A. ~~[A]~~**An owner or** competent person ~~[or owner]~~ is guilty of animal neglect when having custody or ownership or both of an animal and he or she fails to give it adequate care.

B. ~~[A]~~**An owner or** competent person ~~[or owner]~~ is guilty of animal abuse when he:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this ~~[act]~~ **section**;

2. Purposely, intentionally or recklessly causes injury, suffering, or pain to an animal;

3. Abandons an animal;

4. Overworks, overloads, drives, tortures, beats, or recklessly or maliciously wounds or kills an animal, or carries or transports it in any vehicle or other conveyance in an inhumane or unsafe manner or causes any of these acts to be done; or

5. ~~[Having ownership or custody or both of an animal and willfully fails to provide adequate control or allows it to be at large.]~~

**Purposely, intentionally or recklessly fails to provide adequate food, adequate water, adequate shelter, adequate care or adequate control or allows an animal to be at large.**

C. **A proprietor of a boarding or breeding kennel, pet shop, dealership or grooming parlor is guilty of animal neglect if they fail to ensure that an animal with a serious illness or injury**



**receives prompt treatment by a licensed veterinarian.**

~~[C.]~~ **D.** The provisions of this Section shall not apply to euthanasia of an animal by the owner or a veterinarian.

~~[D.]~~ **E.** Any person found guilty of animal abuse or neglect shall be responsible for all ~~[real]~~ actual costs associated with the impound, care, ~~[keeping]~~ **and** all diagnostic tests and treatments.

Section 8. Chapter 205.050, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown ~~[bracketed and stricken]~~):

**SECTION 205.050: FAILURE TO REGISTER/  
VACCINATE OR MICROCHIP**

An owner **or competent person** is guilty of failure to register/vaccinate **or microchip** when he:

1. Fails to arrange registration/vaccination of any cat, dog, puppy~~[or]~~, kitten **or ferret** with the ~~[St. Charles County]~~ Division ~~[of Humane Services]~~ when or before the puppy ~~[or]~~, kitten **or ferret** reaches ~~[four (4)]~~ six (6) months of age, but not before it reaches three (3) months of age;
2. Fails to arrange registration/vaccination of any dog or cat within forty-five (45) days of acquisition by the owner; ~~[or]~~
3. Fails to have a collar or harness bearing a current tag on the vaccinated dog or cat when the animal is outside the residence of the owner~~[-]~~;

4. Fails to implant a microchip in an animal when required by Sections 205.080, 205.140 and/or 205.141; or

5. Fails to maintain current contact information with the microchip registry company or the Division by which the owner or competent person of the microchipped animal can be reached, when the microchip is required by Sections 205.080, 205.140 and/or 205.141. Said contact information shall be updated within thirty (30) days of any change.

Section 9. Chapter 205.060, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.060: HARBORING HABITUALLY BARKING DOGS

A. No person shall keep or harbor upon his premises any dog that **disturbs the peace of any other person** by [~~frequent~~] **loud and persistent or loud** and habitual barking, yelping or howling [~~causes fear or annoyance to the person or persons living in the immediate area~~]. **Brief howling or barking at a disturbance on or near the property of the regular premises of the dog shall not be considered habitual barking.**

B. Complaints during normal business hours of the Division [~~of Humane Services~~] shall be taken by the Division. Complaints after the Division's normal business hours shall be **directed to** [~~taken by~~] the St.

Charles County Police Department.

C. Before investigating the complaint, the authority receiving it shall take the name, address and telephone number(s) of each complainant. If the Police Department investigates the complaint, the Police Department shall forward a copy of the complaint, as well as an incident report, if any, to the Division [~~of Humane Services~~]. Upon complaint to the Division or upon the Division's receipt of a copy of a complaint taken by the Police Department, the Division [~~of Humane Services~~] may investigate [~~and, upon a finding that the owner of the animal has violated Subsection (A), may request further legal action if either the complainant agrees in writing to testify against the violator of this Section or if the Division's own investigation results in evidence of the violation of Subsection (A)~~].

D. This Section shall not apply to kennels operating under licenses issued by St. Charles County at the time this Chapter takes full force and effect.

E. A violation of Section 205.060 is an infraction punishable by a fine of fifty dollars (\$50.00) for the first (1st) offense, one hundred dollars (\$100.00) for the second (2nd) offense and two hundred dollars (\$200.00) to one thousand dollars (\$1,000.00) for any offense thereafter.

Section 10. Chapter 205.062, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.062: HARBORING DANGEROUS DOGS

A. No owner or competent person shall keep or harbor upon his/her premises any dangerous dog in violation of the provisions of this Chapter, nor shall any owner or competent person fail to control his or her dangerous dog as required by the provisions of this Chapter~~[-]~~, **the provisions of an order issued pursuant to Section 205.145, or the provisions of an agreement between an owner and the Division.** Violation of this provision shall be subject to the penalties set out in Section 205.250, in addition to the fees and penalties set out in Section 205.240.

- B. This Section shall not apply to:
1. Dogs being used for official purposes by any government agency.
  2. Kennels operating under licenses issued by St. Charles County.

Section 11. Chapter 205.064, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.064: PROHIBITION ON ANIMAL FIGHT TRAINING

~~[A.]~~ It shall be unlawful to fight-train a dog or to keep, harbor, board or in any manner possess a dog for the purpose of dog-fighting or dog-fight exhibitions. Scars, wounds, training and/or fighting paraphernalia shall be used as evidence of participation in dog-fight training

or exhibitions. "Fight training" shall include, but not be limited to:

1. Actions designed to torment, badger, bait or in any way encourage any dog for purposes of engaging in a dog fight exhibition.
2. The use of other dogs or animals of any sort for blood sport training.
3. Abusing the animal by inflicting blows, kicks or other physical contact in order to encourage the dog to develop aggression or fighting skills.
4. Any other activity, the primary purpose of which is the training of dogs for aggressive or vicious behavior or dog fights.

Section 12. Chapter 205.070, Ordinances of St. Charles County, Missouri ("OSCCMo") is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

**SECTION 205.070 FAILURE TO DISPOSE OF DEAD ANIMALS**

A. No **owner or** competent person [~~or owner~~] shall place or leave the carcass of any dead animal in any street, alley or lot, or allow the carcass to remain on his or anyone else's property.

B. The owner of any animal which has died from any cause shall dispose of the body within twenty-four (24) hours after knowledge of such death. The animal shall be buried no closer than four (4) feet to the natural surface of the ground or disposed of by the County, a private veterinarian, or a disposal plant licensed under Chapter 269, RSMo., 1986.

Section 13. Chapter 205.080, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.080: KEEPING EXOTIC/  
DANGEROUS ANIMALS

It shall be unlawful for any person to sell, own, possess or harbor any wild or exotic/dangerous animal in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, or a licensed sanctuary or refuge. All such animals [~~must be~~] **present in the County for more than thirty (30) days out of each year shall be identified** by a microchip and that microchip registered at the [~~St. Charles County~~] **Division** [~~of Humane Services~~]. **Any violation of the Section shall** [~~require the owner or caretaker to immediately surrender the animals forfeiting all ownership to the St. Charles County Division of Humane Services for proper placement or humane euthanasia~~] **be considered a separate violation for each day the animal is subject to microchip and registration and, upon conviction, shall result in a fine of up to \$100 a day for such failure to microchip and register such exotic or dangerous animal.**

Section 14. Chapter 205.082, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text

shown [~~bracketed and stricken~~]):

#### SECTION 205.082: KEEPING ROOSTERS

It shall be unlawful for any person to own, possess, harbor or keep a rooster in a residentially zoned parcel of land less than five (5) acres in size.

Section 15. Chapter 205.085, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

#### SECTION 205.085: LIMITS ON DOMESTICATED ANIMALS

A. No person shall harbor, keep or allow another to harbor or keep more than four (4) domesticated animals on any parcel of property located within a residentially zoned district; except that any person may keep more than four (4) animals on any parcel of property only after obtaining a kennel registration issued by the Division Director [~~of Humane Services of St. Charles County~~].

B. No person shall harbor, keep or allow another to harbor or keep more than four (4) snakes on any parcel of property located within a residentially zoned district. **This** [~~Subsection (B) of this Section~~] shall not apply to any property zoned single family residential.

C. In all residential zoning districts, the occupant of a dwelling [~~unit~~] may **only** keep **chickens** for

personal use [~~chickens only~~] under the following conditions:

1. [~~Only hens~~] Hens may be kept on residential property. [~~Roosters are prohibited except as specified in OSCCMo Section 205.082.~~] **A rooster may only be kept on a residentially zoned parcel of land five (5) acres or more in size.**

2. In residential lots of ten thousand (10,000) square feet or more, the maximum number of hens that may be kept is eight (8).

3. Hens shall not be kept for commercial or resale purposes. Hens and eggs may not be sold, nor may they be advertised for sale.

4. Hens shall be confined in an enclosure by a secure fence (as defined in Section 205.010) meeting the following specifications:

a. Constructed of wire mesh, wire grid or chicken wire;

b. Six (6) feet or less in height;

c. The area enclosed by the fence shall contain a minimum of ten (10) square feet per hen; and

d. Located entirely in the rear yard of the residence.

5. A chicken coop shall be located within or adjacent to the fenced confinement area described in Section 205.085(C)(4). No more than one (1) chicken coop may be located on a lot. The chicken coop shall be structurally sound and meet the following specifications:



- a. A roof constructed of standard building material but not a tarpaulin;
  - b. Walls constructed of wood or metal which are six (6) feet or less in height;
  - c. A non-porous floor of vinyl, plastic or concrete, covered with straw or wood shavings;
  - d. Contain a minimum of four (4) square feet per animal kept;
  - e. A coop shall not exceed one hundred (100) square feet in area, and shall be located entirely in the rear yard of the residence.
6. The enclosure and chicken coop may be located within a rear yard setback for the residence provided the following setbacks are maintained:
- a. A minimum of ten (10) feet from any property line; and
  - b. A minimum of twenty-five (25) feet from any residence other than the owner's residence.
7. Both the fenced enclosure and the coop shall be maintained as to not pose a threat to the public health, safety or welfare or to cause a public nuisance. No material from the confinement area or coop shall run off onto adjoining property. Any manure or waste shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent offensive smells or conditions conducive to diseases.

8. Food for hens shall be stored in a sanitary, leak-proof container that cannot be contaminated by rodents or insects.

9. Chickens shall not be slaughtered on the property under any circumstances.

D. Any person that obtains a kennel registration must comply with requirements set forth in Ordinance of St. Charles County Sections 205.160 — 205.210, inclusive. Nothing herein shall be construed to repeal the provision of the County's Keeping Exotic/Dangerous Animals Ordinance, Ordinance of St. Charles County Section 205.080. Nothing herein shall be construed to limit the number of livestock on agriculturally zoned property.

Section 16. Chapter 205.090, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.090: INTERFERING WITH OFFICER

[~~A.~~] An owner or [~~any~~] **competent** person is guilty of interfering with an officer when he:

1. Conceals an animal from an officer of the Division [~~of Humane Services~~] or Police Department.
2. Refuses to surrender an animal upon the lawful request of an officer of the Division [~~of~~

~~Humane Services~~] or Police Department.

3. Physically attempts to prevent impounding by the officer of the Division of ~~Humane Services~~ or Police Department.

Section 17. Chapter 205.100, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.100: DISPOSAL OF FECAL AND URINE MATTER

All fecal and urine accumulations in any pen, run, cage or yard where any animal is kept shall be removed and disposed of or cleaned in such a manner as to prevent [~~the attraction of flies~~] **insects, pests or vermin infestation** and/or the creation of offensive, disagreeable, or noxious odors. Dog or cat owners or anyone having care, custody or control of a dog or cat shall immediately dispose of, in a sanitary manner, fecal matter created while off the dog or cat owner's property.

Section 18. Chapter 205.110, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.110: REGISTRATION/  
VACCINATION

A. Every **owner or competent** person who is responsible for any puppy or kitten shall have such puppy or kitten vaccinated by a veterinarian against rabies and registered as provided in this Article when or before the puppy or kitten reaches four (4) months of age, but not before it reaches three (3) months of age.

B. Every cat, dog, kitten and puppy shall be vaccinated by a veterinarian as indicated by the Compendium of Animal Rabies Control. No dog or cat shall be exempted from this Article due to advanced age.

C. No veterinarian practicing in St. Charles County shall vaccinate a dog or cat without complying with the registration requirements of this Section within thirty (30) days of vaccination.

D. The Division [~~of Humane Services of the County~~] shall prepare numbered tags and certificates of vaccination for distribution to veterinarians practicing within St. Charles County, and to veterinarians who practice outside the County but who vaccinate animals that are transported into the County.

E. Each veterinarian practicing in St. Charles County shall order from the Division [~~of Humane Services of the County~~] a sufficient number of numbered tags and certificates of vaccination to assure that he will be able to discharge his duty to register and vaccinate a dog or cat under this [~~Section~~] **Article**.

F. All veterinarians shall pay the Division [~~of Humane Services of the County~~] a fee to be set by the

County Council for each numbered tag and certificate of vaccination ordered, payable either upon receipt of the tags and certificates ordered or within thirty (30) days of billing.

G. Veterinarians may include the fee authorized by Subsection (F) of this Section in the amount charged clients for supplies and services in vaccinating a dog or cat.

H. After vaccinating any dog or cat, the veterinarian shall complete a certificate of vaccination, assign it the number of a numbered tag, and deliver that tag and a copy of the certificate of vaccination to the vaccinated animal's owner and the ~~[St. Charles County]~~ Division ~~[of Humane Services]~~. It shall be the owner's duty to attach the tag to a collar or harness of the vaccinated animal and ensure that the animal wears its collar or harness when outside the owner's residence. Any dog or cat found at large without a tag may be deemed to be a stray animal and not vaccinated under this Section.

I. The Division ~~[of Humane Services]~~ shall collect its copies of completed certificates of vaccination and maintain cross files of the certificates by name of owner and by certificate number.

Section 19. Chapter 205.120, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown ~~[bracketed and stricken]~~):

SECTION 205.120: ANIMALS IMPOUNDED--  
WHEN--WHERE KEPT

A. The [~~Director of the~~] Division **Director** [~~of Humane Services of the County~~], or other persons designated by the Division Director, shall have the power to enter onto any lots or lands to impound the following animals:

1. All dogs outside while in estrus not securely confined in an enclosed pen;
2. All animals which are at large contrary to the requirements of Article II, Section 205.040, or which have been at large and are [~~immediately~~] pursued by an employee of the Division [~~of Humane Services~~] regardless of whether the animal is at large at the time it is apprehended;
3. All animals for which there is no **owner or** competent person apparently responsible who can provide adequate care;
4. All animals exposed to rabies, whether or not at large, or on a leash, or confined to an owner's premises;
5. Any dog or cat which has not been vaccinated within **the** seventy-two-hour period following release from any impounding facility;
6. Any dog or cat not vaccinated against the rabies virus;
7. Any animal that has bitten a person[~~;~~] or animal, or any animal that has lawfully been declared dangerous by the County or [~~a~~] **another entity, when that information is received in writing from the individual(s) responsible for**

**animal control in that** City or [~~municipality within the~~] County;

8. Any animal whose owner has voluntarily and intentionally relinquished control to the **Division** Director;

9. Any cat, dog, kitten or puppy not wearing a registration tag;

10. Any animal in imminent danger of death or in pain or suffering and the issues causing the imminent danger of death or pain and suffering is not being addressed by the owner or custodian of the animal;

11. Any animal that requires adequate care and the owner or anyone having care, custody or control has failed to provide such care after being notified by an animal control officer or law enforcement official;

12. Any animal in a residence or on a property that has been found unfit for habitation;

13. Any animal in a residence or on the property where the owners or occupants have been evicted by a law enforcement agency;

14. Any animal in a residence or on the property where law enforcement has taken into custody the owner or occupant, **provided that there is no other owner or competent person present who can take custody of the animal and provide adequate care;**

15. Animals tethered [~~not~~] in [~~compliance with any part~~] **violation** of Section 205.034.

B. Any animal impounded pursuant to this Section shall be impounded in the St. Charles County Animal Control Shelter or ~~[elsewhere]~~ **at a boarding facility approved by the Division Director** under the supervision of and in a manner satisfactory to the **Division Director**.

C. ~~[Any impounded animal bearing registration tags or bearing identification of ownership shall be held ten (10) days after the owner has been notified, unless it is claimed sooner by the owner.]~~ The **Division Director** shall, ~~[make reasonable efforts within twenty four (24) hours of impoundment to notify the owner, and, if unsuccessful, shall send the owner written notice by mail]~~ **make reasonable efforts to notify the owner, if known, of the impoundment by mail, telephone, and electronic mail.** The written notice shall include ~~[the date by which the owner must redeem the impounded animal, and state the fees payable pursuant to Sections 205.150 and 205.240 prior to release. Once written notice is sent, the impounded animal shall be held for ten (10) days from the date of mailing. Any impounded animal unclaimed after ten (10) days shall be placed for adoption or humanely destroyed. But no animal shall be placed for adoption if suspected of rabies, exposed to rabies, or known to have bitten any person]~~ **each ground for the impoundment and shall state the owner's right to request a hearing, to be held in accordance with the procedures set forth in Section 205.145(D) of the Ordinances of St. Charles County, by submitting a written request for hearing to the Department within five (5) days of receiving the aforesaid notice.**



**If there is no timely written request for a disposition hearing, or if, at the disposition hearing, the hearing examiner finds that one or more grounds for the impoundment existed and have not been abated as of the date of the hearing, the animal shall not be returned to the owner. Such animals shall be placed for adoption or humanely destroyed, but no animal shall be placed for adoption if it is rabid, is suspected of being rabid, has been exposed to rabies within the past thirty (30) days, or is known to have bitten any person.**

**Notwithstanding the foregoing, if in advance of the disposition hearing the Division Director determines that all grounds for the impoundment have been abated and no longer exist, the Division Director may cancel the hearing and return the animal to its owner. The owner shall pay all applicable fees pursuant to Sections 205.150 and 205.240 prior to release of the animal.**

D. If an impounded animal does not bear registration tags or identification of ownership, and is not diseased or disabled beyond reasonable recovery, that animal shall be held for five (5) consecutive business days. If unclaimed by its owner after five (5) days, that animal may be placed for adoption or humanely destroyed~~[But]~~, **but** no animal shall be placed for adoption if **it is rabid, is** suspected of being rabid, **has been** exposed to rabies **within the past thirty (30) days**, or is known to have bitten any person ~~[or domestic animal]~~.

E. The **Division** Director shall have discretion in the

decision to treat or euthanize an animal, including, but not limited to, feral cats or any diseased, disabled, sick or injured animal pursuant to procedures authorized, in writing, by the **Department** Director [~~of Public Health~~].

Section 20. Chapter 205.130, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

#### SECTION 205.130 IMPOUNDING OF ANIMALS SUSPECTED OF OR EXPOSED TO RABIES

A. Any animal which exhibits objective symptoms suggestive of rabies, after written certification to the owner by the impounding officer or veterinarian or such other person designated by the County for enforcement of this Chapter, shall be impounded off the property of the owner. The animal shall be held for clinical observation for ten (10) days at the impounding facilities designated by the County and, if alive at the termination of this period, shall be returned to the owner after payment of the fees payable pursuant to Sections 205.150 and 205.240. [~~As an alternative procedure, the owner, at his own expense, may designate any veterinary hospital in the County or any boarding kennel licensed by the County wherein such animal is to be impounded and observed for a similar ten (10) day period.~~] If such animal should die during the observation period, regardless of the location, the head shall be removed and submitted to a qualified

laboratory for examination.

B. Any animal which has been exposed to rabies shall be immediately destroyed unless the owner, at his expense, chooses one (1) of the following alternative methods:

1. Strict isolation in a kennel or animal hospital for six (6) months.

2. Impounding **for a period of at least ten (10) days at the impounding facilities designated by the County** and vaccination, if the animal is a cat, dog, kitten or puppy not immunized by any vaccine recommended by the Compendium within such vaccine's duration of immunity (as stated in the Compendium under booster recommendations).

3. [~~Restraint by leash at owner's home~~] **Confine the animal for a period of at least ten (10) days to the owner's home securely indoors, behind a secure fence, or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping**, and re-vaccination, if the animal is a cat, dog, kitten or puppy immunized by a vaccine recommended by the Compendium within such vaccine's duration of immunity (as stated in the Compendium under booster recommendations).

C. All other conditions of this Section and of Section 205.150 of this Article, must be fulfilled prior to the release of any animal suspected of or exposed to rabies and impounded for clinical observation.

Section 21. Chapter 205.140, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

SECTION 205.140: PROCEDURE FOLLOWING ANIMAL BITE

A. The owner of any [~~cat, dog, kitten, or puppy~~] **animal** which bites any person or animal, regardless of the circumstances [~~or~~] **and** irrespective of whether such [~~cat, dog, kitten, or puppy~~] **animal** is vaccinated, shall **surrender** [~~place~~] such [~~cat, dog, kitten, or puppy~~] **animal** [~~in~~] **to** the custody of the **Division** Director for confinement in [~~a manner satisfactory to the Director and in a manner that will prevent contact with people and other animals not already exposed~~] **the St. Charles County Animal Control Shelter** for a period of not less than [~~two hundred forty (240) hours~~] **ten (10) days** following the date of the bite, for the purpose of clinical observation. As set out in Section 205.141, during such confinement, the [~~cat, dog, kitten, or puppy~~] **animal** shall be permanently identified by a microchip providing a permanent record of the identity of the animal. All expenses shall be borne by the owner of the [~~cat, dog, kitten, or puppy~~] **animal** as provided in Section 205.150 of this Article. If for any reason, such

~~[cat, dog, kitten, or puppy]~~ **animal** should die while in confinement, its head shall be removed and submitted to a qualified laboratory. If at the end of the period of observation such ~~[cat, dog, kitten, or puppy]~~ **animal** is alive and healthy, it may be released to its owner unless such ~~[cat or dog]~~ **animal** has been declared a dangerous animal and is subject to the provisions of Section 205.145 or subject to a contracting City's or municipality's ordinance authorizing humane euthanasia. An animal subject to Section 205.145 or subject to a contracting City's or municipality's ordinance authorizing humane euthanasia, shall **only** be released or euthanized in conjunction with the provisions of those Sections.

B. The Division ~~[of Humane Services]~~ **Director** is authorized to allow confinement in a manner other than as described in Subsection (A) of this Section when such animal will be controlled and observed in accordance with the owner's signed agreement. ~~[Preconditions for quarantine are: the animal does not have a recent history of being at large, the animal is not displaying a sudden change in disposition, and the owner has both the ability and desire to keep the animal in a secure building and separate from other animals.]~~

**1. Preconditions for confinement and quarantine described in this Section 201.140(B) are:**

**a. The animal does not have a recent history of being at large, and was not at large or off the owner's property at the time;**

**b. The animal is not displaying a sudden change in disposition;**

**c. The owner has both the ability and desire to keep the animal in a secure building and separate from other animals, and the owner has demonstrated that he can prevent the animal from biting a human or other animal again;**

**d. In the case of a dog bite, the dog has not previously been declared dangerous under this Chapter;**

**e. The animal has been in the physical custody of the Division at the Pet Adoption Center for a minimum of twenty-four (24) hours; and**

**f. The animal is not under investigation for declaration as a dangerous animal under Section 205.142.**

**2. If all of the preconditions in Section 205.110(B)(1) are met, confinement and quarantine described in this Section 201.140(B) may be allowed at the discretion of the Division Director.**

**3. All expenses shall be borne by the owner of the [~~cat, dog, kitten, or puppy~~] animal as provided in Section 205.150 of this Article.**

**4. Dogs and/or puppies shall be confined in one of the following manners: (a) complete indoor housing, (b) secure caging or a pen in an enclosure with a locked gate, or (c) yard confinement with secure perimeter fencing and**

locked gate.

**5.** Cats and/or kittens shall be confined in one of the following manners: (a) complete indoor housing, or (b) caging in a secure enclosure.

**6.** The animal's needs for ambient temperature control, **adequate** water, nutrition, elimination, and space to comfortably stand up and lie down must be adequately provided by the selected confinement method. Should the animal exhibit neurologic signs, die, or disappear during the quarantine period, Humane Services shall be notified immediately.

C. All other conditions of this Section and of Section 205.150 must be fulfilled prior to the release of any animal impounded or confined for clinical observation as the result of biting a person.

D. It shall be the duty of **the owner of an animal that has bitten a human being or domestic animal and a person bitten by any animal**[;] (or of the parent or guardian of a minor bitten by an animal[;]) to report the bite to the Division [~~of Humane Services~~] immediately. Such report shall contain the name and address of the owner of the animal, the date and time of the bite, the [place] **geographical location** where the person was bitten, and a general description of the animal and all circumstances pertaining to the bite.

E. All other animals [~~subject~~] **suspected of exposure** to rabies shall be quarantined or euthanized and rabies tested in a laboratory in accordance with the rabies compendium and Public Health Officials recommendations on a case by case basis.

Section 22. Chapter 205.141, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

#### SECTION 205.141: ANIMAL IDENTIFICATION

A. Any animal which is apprehended running at large or who has bitten a human being or animal shall be photographed and microchipped by the **Division** Director [~~immediately~~] **as soon as is reasonably practicable** after a bite or running at large incident or if the animal is impounded prior to its release.

B. The cost of such microchip shall be charged to the owner as a fee pursuant to Section 205.240.

C. If the animal is transferred to another owner, the previous owner shall, within ten (10) days of the transfer of ownership, inform the **Division** Director in writing of the name, address and telephone number of the new owner(s) of the animal. The previous owners shall notify the new owners in writing of the details of the animal's record, terms and conditions of maintenance, if any, and provide the **Division** Director with a copy of the notice and the new owners acknowledgment of receipt.



Section 23. Chapter 205.142, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.142 PROCEDURES AND REQUIREMENTS FOR DECLARING DOGS TO BE DANGEROUS AND FOR HANDLING SUCH DOGS AFTER INCIDENTS

A. Whenever the **Division** Director learns that a dog has bitten a human being or another domestic animal, the **Division** Director shall record the incident, and [~~determine~~] **the Division shall conduct an investigation of the bite. Such investigation shall include, but is not limited to,** whether the Division has records of prior incidents in which the dog in question has bitten human beings or domestic animals[~~-The Director may consider~~]; **the facts and circumstances surrounding the bite, including witness statements, photographs and/or other relevant evidence; whether a human being or domestic animal had been injured and required medical care from a physician or veterinarian; and he severity of such injuries. The Division Director shall record** information that the dog in question has bitten human beings or domestic animals in other Cities or Counties when that information is received in writing from the individual(s) responsible for animal control in that City or County.

B. [~~If~~] **Following the investigation, the Division**

Director [~~finds no records of such prior incidents, and the~~] shall provide the complete investigation file to the Department Director [~~determines that.~~] The Department Director shall review the investigation file and make a determination as to whether the dog should be declared dangerous, in accordance with Section 240.145(C).

**C. The Department Director shall declare a dog dangerous when:**

- 1. Evidence shows the bite [~~was an unprovoked attack in which~~] to a human [~~being~~] or [~~domestic animal~~] is a Level 3 or higher on the Dunbar Scale; or**
- 2. Evidence shows a bite to a human is less than a Level 3 on a Dunbar Scale, and one or more of the factors set forth in Section 240.245(D) is present; or**
- 3. Evidence shows that a dog that did not bite engaged in behavior that contributed to a bite, i.e. packing, and the behavior when considered on its own placed an individual in reasonable fear of their life; or**
- 4. The dog has been [~~injured and required medical care from a physician or veterinarian or was an unprovoked attack in which a human being or domestic animal was not injured and did not require medical care, the Director shall give the dog's owner an educational packet prepared by the Division stating the Division's procedures in bite cases and the Division's recommendations for animal care and for~~**

~~handling dogs that may have bitten. If the Director determines that the bite was an unprovoked attack in which a human being or domestic animal has been injured and required medical care from a physician or veterinarian, the Director may, after considering all mitigating factors, declare the animal a dangerous dog and may utilize the procedures set out in Section 205.145. The Director's determination that the animal is a dangerous dog may be based on information that the dog in question has been declared a] **previously declared dangerous [dog in] by another entity, [City or County]** when that information is received in writing from the individual(s) responsible for animal control in that City or County [and when the criteria for determining the animal or dangerous dog in that City or County are substantially similar to the criteria set forth herein.]~~

~~[C. Regardless of whether the attack is provoked or unprovoked, where a bite occurred on the property of the owner of the dog under review, the]~~

**D. When permitted by this Chapter, the Department Director may consider**~~[, as a mitigating factor in his/her decision whether to declare a dog to be dangerous, that the victim of the bite is an animal which intruded onto those premises. Where the victim of a bite which occurs on the premises of the owner is a human, the Director may only consider a provoked bite as a mitigating factor in his decision whether to declare a dog to be dangerous.~~

~~D. If the Director finds any record of one (1) such prior incident, including any one (1) such prior incident in another City or County, the Director shall:~~

~~1. Determine whether to declare the dog in question a dangerous dog after considering~~  
any or all of the following factors **when making a determination regarding the declaration of a dangerous dog and its disposition:**

~~1. [a.] Whether the dog has killed a domestic animal, livestock or poultry [without provocation while off the owner's property];~~

~~2. [b.] Whether the dog's owner **maintains the dog to promote its aggressive tendencies or responses, or** owns or harbors the dog primarily or in part for the purpose of dog fighting, or has trained the dog for dog-fighting;~~

~~3. [c.] Whether the dog has bitten a human being or domestic animal [without provocation and] off the premises of the dog's owner [regardless of whether medical care was required];~~

~~[d. Whether the dog, while on the owner's premises, has bitten without provocation a human being other than the dog's owner, or a member of that owner's family normally residing where the dog is harbored;~~

~~e. Whether the dog, when unprovoked, has chased or approached a human being off the premises of the dog's owner and in a menacing fashion or apparent attitudes of attack, regardless of whether the human being is injured by the dog;~~

~~4. [f.] Whether the dog has a known~~

propensity, tendency or disposition to make unprovoked attacks, to cause injury, or to otherwise threaten the safety of human beings or domestic animals **such as habitually snapping, charging, growling, or otherwise manifesting a disposition to bite, attack or injure if afforded the opportunity;**

5. [~~g.~~] Whether the dog can be effectively trained or retrained to change its temperament or behavior;

6. [~~h.~~] Whether the owner maintains the dog to promote its aggressive tendencies or responses; and

7. [~~i.~~] Any other relevant evidence concerning the maintenance of the dog; and

8. [~~j.~~] [~~Any other relevant evidence regarding t~~]The ability of the owner to protect the public safety in the future if the dog is permitted to remain in the County

~~[2.— Impound any dog determined to be a dangerous dog at a designated kennel as provided in Section 205.140(A) of this Chapter; and]~~

~~[3.— Spay or neuter any dog determined to be dangerous while that dog is impounded.]~~

**E. A dog may be declared dangerous because of its prior acts even after its owner has removed it from unincorporated St. Charles County. Such a dog may not be returned to the County.**

~~[E.]~~ **F.** If the **Division** Director receives a report that a dog~~[, when unprovoked,]~~ has chased or approached a human being or domestic animal while at large and off the premises of the dog's owner and confronted that person in a menacing fashion or apparent attitude of attack, regardless of whether the human being or domestic animal is injured by the dog, the **Division** Director shall ~~[give the dog's owner an educational packet prepared by the Division concerning dangerous dogs. The Director shall]~~ record the incident in the ~~[Department's]~~ **Division's** records, **and the Department Director may take** that incident ~~[may be taken]~~ into account in determining whether the dog is a dangerous dog should there be any subsequent bite of a human or domestic animal. The **Division** Director may ~~[consider]~~ **record into the Division's records** information that a dog has~~[, when unprovoked]~~ chased or menaced a human being in another City or County, when that information is received in writing from the individual(s) responsible for animal control in that City or County, ~~[in determining whether to provide educational information to the dog's owner]~~ **and** ~~[The]~~ the **Department** Director may ~~[record]~~ consider such information in determining whether **the dog is a dangerous dog should there be any subsequent bite of a human being or domestic animal.**

~~[F. If the Director finds records of two (2) or more prior incidents in which a dog has bitten a human being or a domestic animal, including incidents occurring in another City or County, where that information is received in writing from the individual(s) responsible for animal control in that City or County; the Director shall:~~

- ~~1. Declare the dog a dangerous dog;~~
- ~~2. Impound the dog at a designated kennel as provided in Section 205.140(A) of this Chapter; and~~
- ~~3. At the end of the dog's impoundment as provided above, cause the dog to be humanely euthanized pursuant to Section 205.145.]~~

**G. This Section shall not apply to any dog maintained by any governmental law enforcement agency so long as it is maintained and utilized for law enforcement purposes.**

~~[G.]~~ **H.** This Section shall not apply to any City or municipality having contracted with the County and opted out of this Section as provided pursuant to their contract for humane enforcement services or kenneling services.

**I. Dogs shall not be declared dangerous if the bite was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.**

Section 24. Chapter 205.145, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.145: CONTROL AND EUTHANASIA OF DANGEROUS DOGS

A. If the **Department** Director declares that a dog that has bitten a human being or a domestic animal is dangerous, the **Department** Director shall dispose of the dog as follows:

1. If the **Department** Director finds that the dog made a [~~severe or~~] fatal attack **or bite** upon a human being [~~or domestic animal, the~~] **at a Level 6 on the Dunbar Scale, the Department** Director shall cause the dog to be humanely euthanized as set out in Subsection (C) herein.

~~[2. If the Director finds that the dog had been provoked to make a severe or fatal attack upon a human being or domestic animal, the Director shall either cause the dog to be humanely destroyed or return the dog to its owner subject to the owner's written agreement to control the dog as provided in Section 205.145(B) below. The agreement may include a provision that if the animal attacks again, it shall be humanely euthanized.]~~

~~[3.]~~ 2. The **Department** Director has discretion to dispose of all other dogs declared to be dangerous either by causing them to be **properly rehomed**, humanely euthanized or returned to [~~its~~] **the animal's** owner subject to the restrictions as provided in Section 205.145(B) below, after giving notice and an opportunity to be heard to the dog's owner as provided in Section 205.145(C) below.



B. ~~[Before the Director returns]~~ **If it is determined that a dangerous dog can be returned to its owner, the ~~[Director]~~ owner shall ~~[secure that owner's]~~ enter into a written agreement or be issued a written order to control the dog ~~[as provided herein]~~. Such written agreement or order shall contain the following terms, as well as any other terms deemed appropriate and necessary to control the dog:**

1. Any dangerous dog shall wear at all times a bright collar with the words "Dangerous Dog" embroidered or stamped on the collar so the dog can readily be identified as a dangerous dog.

2. The owner of the dangerous dog shall notify the Division of Humane Services immediately if the dog is loose or missing or has attacked another animal or human being.

3. The owner of the dangerous dog shall notify the Division of Humane Services within twenty-four (24) hours if the dog has died. ~~[or has been sold or given away to a new owner. The owner transferring custody to a new owner shall comply with the notice provisions of Section 205.141(C). If the dog has been sold or given away, the owner shall provide the Division of Humane Services with the name, address and telephone number of the new owner. The new owner, if the animal is kept within St. Charles County, must comply with the requirements in this Chapter for keeping a dangerous animal.]~~

4. **The owner of the dangerous dog must receive the approval of the Division Director prior to any sale or transfer of custody of the**

**dog. The new owner is bound by the terms of any agreement or order issued pursuant to this Chapter.**

[4.] **5.** While on its owner's property, a dangerous dog must be securely confined indoors, **behind a secure fence**, or in a securely enclosed and locked pen or structure[;] suitable to prevent the animal from escaping. Such a pen or structure must have a minimum dimension of five (5) feet by ten (10) feet, must have strong, secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide adequate shelter, as defined by this Chapter **205 OSCCMo**. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal, unless the dangerous dog is a female with young under three (3) months of age, in which case the young may occupy the same enclosure as the mother.

[5.] **6.** No dangerous dog may be kept in any area of the owner's property that would allow the dog to exit easily (i.e. behind screen doors or **open** windows). [~~nor may any dangerous dog be chained without a physical barrier to prevent contact with other animals or people or the escape of the dog.~~]

[6.] **7.** A [~~sign~~] **notice** indicating the presence of a dangerous dog shall be [~~present at~~] **prominently displayed** and [~~large enough to read from any public thoroughfare from which the property is entered and the owner of the dog shall post a notice conspicuously visible~~] **legible** to the

public at each entrance to the premises and on each side of the dog's enclosure~~[, if any, reading in letters not less than two (2) inches high "DANGEROUS DOG DEWARE". A sign with a picture of a growling dog shall also be displayed at all places where the notice of dangerous dog is posted].~~ The ~~[sign available from the]~~ Division of Humane Services **is authorized to make notices and signs available to owners, and said notices and signs** shall be deemed to meet this requirement. Any alternate sign ~~[shall]~~ **must** be approved in advance, in writing, by the **Division** Director and a copy of the approved sign shall be maintained in the Division's file on the dog.

~~[7.]~~ **8.** A dangerous dog may be off the owner's premises only if it is securely muzzled with a humane muzzle and on a strong leash no more than four (4) feet long and under the **adequate** control of the owner.

~~[8.]~~ **9.** The owner of a dangerous dog shall present to the Division of Humane Services proof that the owner has procured primary liability insurance or a surety bond to include bodily injury and property damage in the amount of at least three hundred thousand dollars (\$300,000.00). Such insurance or surety bond shall be for an initial period of twelve (12) months and must be continuously renewed without a break in coverage for as long as the dangerous dog lives or is kept in St. Charles County. The insurance or bond shall be payable to any person injured by the dangerous dog. This policy or bond shall

contain a provision requiring the County to be notified by the issuing company at least ten (10) working days prior to any cancellation, termination or expiration of the policy.

~~[9.]~~ **10.** ~~[All owners of dangerous dogs must, within ten (10) days of such declaration, provide the Division of Humane Services with two (2) sets of color photographs of the dangerous dog, one (1) of each side and showing the color and approximate size of the dog. The owners shall, in addition to any information required by Section 205.141, provide the following information: The dog's name or names and the name, address and phone number of the dog's veterinarian. All owners of dangerous dogs must, within ten (10) days of such declaration, have the dog]~~ **All dangerous dogs must be spayed or neutered [and must provide evidence of such spaying or neutering from a duly licensed veterinarian] unless a duly licensed veterinarian provides a statement in writing that such procedure is not in the best interest of the dog.**

~~[11. Any dog not controlled as provided in this Subsection 205.145(B) shall be subject to immediate seizure and impoundment for a minimum of ten (10) days or for the time necessary for the owner to comply with this Subsection, whichever is larger.]~~

**C.** Any dog not controlled as provided in this Subsection 205.145(B) **or an agreement or order issued pursuant to this Section,** shall be subject to immediate seizure and impoundment for a minimum of

ten (10) days or for the time necessary for the owner to comply with this Subsection~~[, whichever is larger,]~~ **or the provisions of the agreement or order, whichever is larger.** All owners the Division alleges are in violation of the terms of a written order or agreement issued pursuant to Section 205.145 shall relinquish custody and possession of the animal to the Division upon request.

~~[C. The Director shall give owners of dogs declared to be dangerous notice of the Director's declaration and intended disposition of the dog, as provided herein.]~~

~~[1. Notice of declaration of dangerous dog and of disposition. Immediately upon]~~

**D.** Upon determining that a dog is dangerous, and at least ten (10) days prior to any ~~[humane euthanasia]~~ **disposition** of any such dog, the Division ~~[of Humane Services]~~ shall notify the dog's owner, if known, ~~[if the owner is unknown or unable to be contacted,]~~ of the declaration and **the intended disposition of the dog, as provided herein, including** any scheduled euthanasia. The notice shall state the owner's right to request a hearing ~~[before the Director of the Department of Public Health of any determination made by the Director]~~ **in accordance with Section 205.145(D)** ~~[to the Director of the Department of Public Health of any determination made by the Director]~~ by submitting a written request for hearing to the ~~[Director of the]~~ Department ~~[of Public Health]~~ within five (5) days of receiving the aforesaid notice.

~~[2.]~~

**E. Administrative Appeal Process; Contested Hearing.**

**1. Hearing.** Upon timely receipt of the written request submitted pursuant to Subsection 205.145(C)[4], above, ~~[the Director of the Department of Public Health shall schedule]~~ a hearing ~~[at which all interested parties may be heard, including the owner, individuals possessing knowledge of the characteristics of the dog in question, and any other individuals who may come]~~ **examiner shall be appointed to preside over a formal hearing.**

**2.** ~~[into contact with the dog if it is not destroyed. After all parties have been heard, the Director of the Department of Public Health]~~ **The hearing shall be held within twenty-one (21) days of the hearing examiner's appointment unless continued for good cause.**

**3.** ~~The hearing examiner shall [make the final determination as]~~ **set the hearing time and place and shall mail a notice of the hearing to the owner, to [whether a dog is a dangerous dog and what its disposition] the Department, and to other necessary parties, if any, to whom the hearing examiner determines that notice of the hearing should be given.**

**4.** ~~Any person serving as a hearing officer shall be [under the provisions of this Chapter. The Director of the Department of Public Health's]~~ **an attorney at law licensed to practice law in Missouri.**

**5.** **The hearing examiner shall take evidence**

at the hearing and determine if the facts support a finding that the dog is dangerous in accordance with Sections 205.142 and 205.145.

6. Each formal hearing shall:
  - a. Provide a video record of the proceedings (or, at the option and cost of the appellant, provide the record by audio, stenographic, or other reliable means of recording capable of transcription); and
  - b. Permit the parties to introduce evidence under oath, to call and examine witnesses under oath, and to cross-examine opposing witnesses on any matter relevant to the issues; and
  - c. Follow the formal rules of evidence.
7. Any dog found to be dangerous by the hearing examiner shall be declared dangerous.
8. If the hearing examiner finds the dog to be dangerous, the hearing examiner shall issue findings of fact and conclusions of law, and an order consistent with the remedies set forth in Sections 205.142 and 205.145.
9. The hearing examiner's determination and decision following the contested hearing is final for all administrative purposes, and there shall be no further administrative relief available.
10. Any party aggrieved by the decision of the hearing examiner pursuant to Section 205.145(C) may appeal such decision by filing a request for review with the Circuit Court of Missouri, 11<sup>th</sup> Judicial Circuit in accordance with Section 536.110 of the Revised Statutes of Missouri (RSMo.), as may be amended.
11. Contested hearings may be resolved by

**consent agreement, settlement, stipulation, consent order, or default. A party is in default if such party fails to appear for a properly noticed hearing.**

[~~E.~~] **F.** Should the **Division** Director receive from any court of competent jurisdiction a stay of an order of euthanasia on a dog, the dog shall remain impounded in the County animal facility until the court has issued its final order.

[~~F.~~] **G.** This Section shall not apply to any dog maintained by any governmental law enforcement agency so long as it is maintained and utilized for law enforcement purposes.

**H.** This Section shall not apply to any City or municipality having contracted with the County and opted out of this Section as provided pursuant to their contract for humane enforcement services or kenneling services.

Section 25. Chapter 205.146, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

#### **SECTION 205.146 DUNBAR SCALE**

- A. *Level 1.* Obnoxious or aggressive behavior but no skin-contact by teeth.**
- B. *Level 2.* Skin-contact by teeth but no skin-puncture. However, may be skin**



nicks (less than one-tenth (1/10) of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.

- C. ***Level 3.*** One to four (4) punctures from a single bite, which may have lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites and drops to floor).
- D. ***Level 4.*** One to four (4) punctures from a single bite, with deep bruising around the wound (such as when a dog held on and bore down) or lacerations in both directions (such as when a dog held on and shook its head from side to side).
- E. ***Level 5.*** Multiple-bite incident with at least two (2) Level 4 bites or multiple-attack incident with at least one Level 4 bite in each.
- F. ***Level 6. Victim dead.***

Section 26. Chapter 205.147, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

## SECTION 205.147 DECLARATION OF ANIMALS HABITUALLY AT LARGE

A. The **Division** Director may, after reviewing all the circumstances surrounding the apprehension of an animal found running at large for the third time or more, off the premises of the owner, custodian, or anyone having care, custody or control of that animal, determine that the animal is ~~[abandoned and declare the animal available to the public for adoption]~~ **habitually at large. The Division Director shall have five (5) business days to determine that an animal is habitually at large. During that time, the animal shall remain in the custody of the Division Director at the St. Charles County Animal Control Shelter.**

B. **Upon a finding that the animal is habitually at large, the Department Director shall declare the animal abandoned.** If the animal is so declared, the owner shall be notified by registered **or certified** mail, return receipt requested, or by personal delivery~~[, and]~~. ~~[unless]~~**Unless an appeal is filed by the owner with the Department** within five (5) business days, the animal shall be made available for adoption, **subject to Section 205.147(D) below. If an animal is declared habitually at large, it shall remain in the custody of the Division Director at the St. Charles County Animal Control Shelter until final resolution of the administrative appeal process.**

C. **Administrative Appeal Process; Contested Hearing.**

1. Upon timely receipt of the written request submitted by the owner for a hearing to ~~[contest]~~ **appeal** the ~~[issue]~~ **determination of the animal being** habitually ~~[being]~~ at large, ~~[the Director of the Department of Public Health shall schedule]~~ a hearing ~~[at which all interested parties may]~~ **examiner shall** be appointed to preside over a formal hearing to determine whether the animal is habitually left at large~~[- After all parties have been heard, the Director]~~ **in accordance with this Section.**
2. **The hearing shall be held within twenty-one (21) days of the hearing examiner's appointment unless continued for good cause.**
3. **The hearing examiner shall set the hearing time and place and shall mail a notice of the hearing to the owner, to the Department, and to other necessary parties, if any, to whom the hearing examiner determines that notice of the ~~[Department of Public Health shall make the final determination]~~ hearing should be given.**
4. **Any person serving as ~~[to weather]~~ a hearing officer shall be an ~~[animal is habitually]~~ attorney at law licensed to practice law in Missouri.**
5. **The hearing examiner shall take evidence at ~~[large. A determination]~~ the hearing and determine if the facts support a finding that the animal is habitually left at large in accordance with Section 205.147.**
6. **Each formal hearing shall ~~[be made in all cases in which]:~~**
  - a. **Provide a video record of the proceedings (or, at the option and cost of the appellant, provide the record by audio, stenographic, or other reliable means of recording capable of transcription); and**
  - b. **Permit the parties to introduce evidence under**

**oath, to call and examine witnesses under oath, and to cross-examine opposing witnesses on any matter relevant to the issues.**

- 7. Follow the formal rules of evidence, and any animal [~~is~~] found to be habitually at large by the hearing examiner shall be declared abandoned and made available for public adoption, subject to Section 205.147(D) OSCCMo.**
- 8. If the hearing examiner finds the animal to be habitually at large, the hearing examiner shall issue findings of fact, conclusions of law, and an order consistent with the remedies set forth in this Section.**
- 9. The hearing examiner's [~~running at large off the property of the owner, custodian, or anyone having care, custody, or control of the animal. The Director of the Department of Public Health's~~] determination and decision following the contested hearing is final for all administrative purposes, and there shall be no further administrative relief available.**
- 10. Any party aggrieved by the decision of the hearing administrator pursuant to Section 205.147(C) may appeal such decision by filing a request for review with the Circuit Court of Missouri, 11<sup>th</sup> Judicial Circuit in accordance with Section 536.110 of the Revised Statutes of Missouri (RSMo.), as may be amended.**
- 11. Contested hearings may be resolved by consent agreement, settlement, stipulation, consent order, or default. A party is in default if such party fails to appear for a properly noticed hearing.**

**D. In the case of any animal [~~declared~~] determined to be habitually at large [~~where~~] pursuant to this**

**Section and declared abandoned therefore, and the Division Director [of the Department of Public Health upheld that determination, the] determines the animal [may be adopted, or, if the animal is] to be sick or otherwise not suitable for adoption, the animal may be humanely euthanized [as allowed by ordinance].**

E. This Section shall not apply to any dog or cat known to be feral.

**F. This Section shall not apply to any dog maintained by any governmental law enforcement agency so long as it is maintained and utilized for law enforcement purposes.**

Section 27. Chapter 205.150, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

**SECTION 205.150 REDEMPTION OF ANIMALS NOT INFECTED BY RABIES**

~~[A.]~~ Any animal captured or impounded under the provisions of this Chapter, determined not to be infected with rabies, may be redeemed by the owner or other person having the right of possession of such animal upon the presentation of proper vaccination certificate and upon the payment to the Division of ~~[Humane Services of]~~:

1. An impoundment registration fee as authorized by this Chapter to be charged when any animal is impounded~~[-]~~;
2. A daily boarding fee as authorized by this

Chapter to be charged for sheltering and feeding impounded animals[-]; **and**

3. All other expenses incurred by the County in impounding in the manner provided herein.

Section 28. Chapter 205.160, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

**SECTION 205.160 KENNEL REGISTRATION REQUIRED**

**A.** It is unlawful for any person to keep or maintain a boarding or breeding kennel, pet shop, grooming shop, or dealership in unincorporated St. Charles County without first obtaining a valid [~~and maintaining a valid~~] registration [~~therefor~~] from the Division [~~of Humane Services of~~].

**B. It is unlawful for any person to keep or maintain a boarding or breeding kennel, pet shop, grooming shop, or dealership in unincorporated St. Charles County[-] without maintaining a valid and current registration from the Division for each separate physical facility requiring a registration.**

**C.** The County Council shall set a fee and, if required by any applicable provision of law, the voters shall approve that fee, for such kennel registration. That fee shall be assessed not upon individual animals but upon the owner or keeper of a boarding or breeding kennel, pet shop, grooming shop, or dealership. Each registration and certificate of inspection issued

pursuant to this Article shall be conspicuously displayed at the establishment to which such registration and certificate were issued. The registration shall be dated and numbered and shall bear the name of St. Charles County, Missouri, and the name and address of the owner or keeper of the establishment, and the expiration date of the registration. The registration shall run for a period of one (1) year from the date of [purchase] **issuance. Registrants must accept delivery of registered mail or certified mail notice and provide the Division Director notice of any change of address.**

Section 29. Chapter 205.170, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

#### SECTION 205.170 KENNEL REGISTRATION— INFORMATION REQUIRED

A. Zoning Compliance. The applicant for an original kennel registration shall present to the Division Director a written statement from the County Division of Planning and Zoning of the Department of Community Development that the establishment of a kennel at the proposed site is not in violation of the St. Charles County Unified Development Ordinance or is permissible either as a legal non-conforming use or under a conditional use permit.

B. *Health Inspection.* Before a boarding or breeding kennel, pet shop, grooming shop, or dealership registration may be issued by the Division [~~of Humane Services of St. Charles County~~], the Division must issue a certificate of inspection showing that said boarding and breeding kennel, pet shop, grooming shop and dealership is in compliance with Article IV, Sections 205.180, 205.190, 205.200 or 205.210 herein.

Section 30. Chapter 205.180, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.180 BOARDING AND BREEDING KENNELS, PET SHOPS, GROOMING SHOPS AND DEALERSHIPS—INSPECTION

A. *Inspection.* It shall be the duty of the Division [~~of Humane Services of St. Charles County~~] to make or cause to be made such inspections as may be necessary to [~~insure~~] **ensure** compliance with this Article, Sections 205.190, 205.200 or 205.210 herein. The owner or keeper of a boarding or breeding kennel, pet shop, grooming shop or dealership shall admit to the premises for the purpose of making an inspection, any officer, agent, or employee of the [~~St. Charles County~~] Division [~~of Humane Services~~] at any reasonable time that admission is requested.



B. *Unlawful.* It shall be unlawful to keep, use or maintain within St. Charles County any boarding or breeding kennel, pet shop, grooming shop, or dealership that is unsanitary, detrimental to public health and/or safety, or not in compliance with this Article, Sections 205.190, 205.200, 205.210 or 205.220 herein. Such unlawful conditions may be cause for revocation or denial of a kennel registration.

**C. *Enforcement.* Upon finding a boarding or breeding kennel, pet shop, grooming shop, or dealership to be in violation of any requirement of this Article, Sections 205.190, 205.200, 205.210 or 205.220, an officer of the Division shall issue a notice of violation. Such notice of violation shall order the owner or competent person to correct the cited violation(s) within ten (10) days. Such premises shall be re-inspected within three (3) days after the date set for correction in the notice of violation.**

**D. *Revocation, Notice and Appeal.* The failure to correct any violation after notice shall result in revocation of the kennel registration and closure of the boarding or breeding kennel, pet shop, grooming shop, or dealership. The Division shall notify the owner or competent person in writing of the effective date of the kennel registration revocation. The notice shall also state the owner or**

competent person's right to request an appeal, before the Department Director, of the kennel registration revocation by submitting a written request for appeal to the Department Director within five (5) days of receiving the aforesaid notice of revocation. The request for appeal must set forth the reason(s) the kennel registration should not be revoked and include any and all mitigating information the Department Director should consider in reaching a determination and decision. The Department Director's determination and decision is final for all purposes, and there shall be no further administrative relief available.

*E. Relocation of Animals.* Relocation of any or all animals may be required dependent upon the nature of the violation(s) and/or any other violations under Chapter 205. The owner or keeper of the boarding or breeding kennel, pet shop, grooming shop, or dealership shall allow the Division to obtain and verify an accurate inventory of any animals.

Section 31. Chapter 205.190, Ordinances of St. Charles County, Missouri ("OSCCMo") is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

## SECTION 205.190 CONDITIONS--GENERAL

A. Boarding or breeding kennels, pet shops and dealerships shall meet the following conditions:

1. Housing facilities shall be provided [~~the animals and such~~] **to the animals which provide adequate shelter and such shelter shall be constructed to provide protection of the animal(s) from excessive sunlight, rain, snow, wind, or other elements;** shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury; shall **provide adequate control to contain the animal(s); shall restrict the entrance of other animals; shall be constructed to provide drainage to prevent the accumulation of water, mud, debris, excreta, or other materials and shall be designed to facilitate the removal of animal and food wastes. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein** [~~contain the animals, and shall restrict the entrance of other animals.~~]

2. **Adequate** [~~Suitable~~] food, **adequate water and bedding, suitable to the age and condition of an animal,** shall be provided and stored in facilities [~~adequate to~~] **which** provide protection against infestation or contamination by **mold, mildew, fungus,** insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

3. Provision shall be made for the removal and disposal of animal and food wastes, **soiled or damaged** bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.
4. Water must be conveniently available for cleaning purposes.
5. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to keep from contaminating ~~[well]~~ **other** animals.
6. There shall be a ~~[an employee]~~ or ~~[owner]~~ **proprietor or competent person representing the proprietor** on duty at all times during hours any ~~[store]~~ **boarding or breeding kennel, pet shop and/or dealership** is open whose responsibility shall be the care and welfare of the animals ~~[in that shop or department held for sale or display]~~.
7. An ~~[employee]~~ **proprietor** or ~~[owner]~~ **competent person** shall ~~[come in to]~~ **be present on the premises at least every twelve hours to** feed, water and ~~[do]~~ **provide** the necessary cleaning of animals and birds on days the ~~[store]~~ **boarding or breeding kennel, pet shop and/or dealership** is closed.
8. No person, persons, association, firm or corporation shall knowingly sell a sick or injured dog, cat or other small animal.

**9. No animal that is known or reasonably suspected to have a disease contagious or communicable to humans may be exposed to or offered for sale to the public.**

**10. No person, persons, association, firm or corporation shall misrepresent a dog, cat or other small animal to a consumer in any way.**

~~[SECTION 205.200 FACILITIES.~~

~~A. Boarding or breeding kennels, pet shops, and dealerships shall:~~

~~1. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements.]~~

**11. At Boarding and Breeding facilities provision shall be made for consultation or part-time veterinary care for the animals by formal agreement, which shall include, at a minimum a written program for veterinary care specifying the manner of the availability of veterinary care during regular hours as well as emergency, weekend and holiday care. Such program must address the need for specific monitoring of medically fragile, aged or animals less than 6 months. The proprietor shall post or make available in writing the program for veterinary care to customers of the boarding or breeding facility.**

**12. Any animals with serious illness or injury shall receive prompt treatment by a licensed veterinarian, and the proprietor or competent person shall promptly notify the animal's owner of same.**

Section 32. Chapter 205.200 Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

**SECTION 205.200: BOARDING KENNELS;  
RECORD KEEPING**

**A. Boarding kennel proprietors shall be required to keep the following records on file for a minimum of sixty (60) days, except in the case of a complaint by the owner of an animal, or if some other problem occurred during boarding, those records shall be kept for one (1) year, to be made available to any officer, agent, or employee of the Division upon request:**

**1. A record or form which contains the following information concerning each animal boarded:**

- a. Name, address, and phone number of pet owner;**
- b. Emergency contact number;**
- c. Animal's name, age, sex, and breed;**
- d. Vaccination information, with official rabies;**
- e. Preexisting physical problems;**
- f. Medication information and instructions;**
- g. Veterinarian of the pet owner's choice;**
- h. Special feeding instructions, if**

**needed;**

**i. Special boarding instructions, if needed;**

**j. Any additional services to be performed;**

**k. Date animal received; and**

**l. Date animal released.**

**2. A daily record of the identity of the individual(s) employed by the proprietor to be the competent person responsible for the care and welfare of the animals as required by 205.190.6, OSCCMo.**

**3. A record of the daily observation by the proprietor or competent person representing the proprietor of all animals to assess their health and well-being, to document adequate food and adequate water, to identify medications (if any) and treatments (if any) given and exercise periods, such that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian if needed. If the proprietor of the boarding facility has a policy on when a veterinarian is consulted, it shall be posted conspicuously at the area where owners arrive to register and drop off their animals.**

**4. A record of all training and guidance given to personnel employed by the proprietor to serve as the competent person involved in the care and provision of adequate shelter, adequate care, adequate food and adequate water of the animals being boarded at the boarding kennel.**

Section 33. Chapter 205.210, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

**SECTION 205.210: CONDITIONS--GROOMING PARLORS**

Grooming parlors shall:

1. Provide such restraining straps for the animal while it is being groomed so that such animal shall neither fall nor be hanged.
2. Not leave animals unattended before a dryer.
3. Not prescribe or administer treatment or medicine that is the province of a licensed veterinarian.
4. Not put more than one (1) animal in each cage.
5. Provide for the removal and disposal of animal and food wastes, bedding, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.

Section 34. Chapter 205.220, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):



SECTION 205.220 ADDITIONAL SERVICES PROVIDED

A. In addition to the services required by this Chapter, the Division [~~of Humane Services of St. Charles County~~] is authorized to perform the following services upon request:

1. Taking possession of animals unwanted by their owners and brought by them to the Division;
2. Putting up for adoption unwanted animals brought to the Division by residents of St. Charles County;
3. Euthanizing animals;
4. Disposing of euthanized animals;
5. Impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Animal Control Ordinance, during or after normal business hours of the Division [~~of Humane Services~~].

Section 35. Chapter 205.225, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.225: FERAL CAT PROGRAM

Feral Cat Programs shall consist of any program that provides spay/neuter services and education

for and related to only feral and community cats.  
Such programs shall:

1. Provide low-cost or free sterilization for feral and community cats weighing more than two pounds who are at least eight weeks of age;
2. Not provide sterilizations services for pet cats or pet kittens;
3. Ear tip all feral and community cats for which it provides services;
4. Vaccinate all feral and community cat for FVRCP and rabies; and
5. Provide educational materials and trainings on the subject of feral and community cats.

Section 36. Chapter 205.230, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

**SECTION 205.230 RECOVERY OF COSTS FOR SERVICES AUTHORIZED**

The Division [~~of Humane Services of St. Charles County~~] is authorized to recover the costs of performing the services authorized by this Article, set forth in Section 205.240.

Section 37. Chapter 205.235, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

SECTION 205.235 ANIMAL APPREHENDED  
RUNNING AT LARGE—MANDATORY  
VACCINATION

Any animal which is apprehended running at large may not be released to the owner-claimant without proof that the animal has been vaccinated against rabies and proof that the animal has received a microchip as required by Section 205.141. Any animal for which such proof is lacking shall be vaccinated for rabies prior to release from impoundment, or, in the alternative, the owner-claimant may present a receipt from a duly licensed Missouri veterinarian showing payment in full for a rabies vaccination.

Section 38. Chapter 205.240, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

SECTION 205.240: FEES

A. The Division [~~of Humane Services of St. Charles County~~] shall charge fees for services required or requested pursuant to this Chapter as follows:

<b>Dangerous Dog Basket Muzzle</b>	<b>\$20.00</b>
<b>Aggressive/Dangerous Dog Collar</b>	<b>\$20.00</b>
<b>Aggressive/Dangerous Dog Sign</b>	<b>\$10.00</b>
Rabies Vaccination Registration- Altered	\$5.00

Rabies Vaccination Registration-	
Unaltered	\$10.00
Rabies Vouchers:	
Altered	\$27.00
Unaltered	\$30.00
Vaccination	\$5.00
Administration Fee	\$10.00
Administration Fee Multiples of 5	
or more animals	\$30.00
Kennel Boarding (Daily Fee)	\$10.00
Medical Treatment Fee	<b>Actual Costs</b> [ <del>\$25.00</del> ]
Adoption Fee:	
All Dogs, Cats, & Parrots	\$60.00
Pocket Pets	\$5.00
Cockatiels/Parakeets/Canaries	\$10.00
Rabbits & Ferrets Altered	
by PAC	\$30.00
Rabbits & Ferrets	
already Altered	\$10.00
Lizards/snakes	\$20.00
Rescue Adoption	\$30.00
Kennel Registration	\$50.00
Grooming Fee (Flea or Tick	
Treatment)	\$25.00
Relinquished Animals	\$20.00
<b>Litter Relinquishment</b>	<b>\$35.00</b>
Euthanasia	\$45.00
Microchips	\$10.00
Trap Deposit:	
Cat	\$40.00
Dog	\$100.00
Cat Carrier	\$5.00

Leash	\$1.00
<del>[No Jump Harness</del>	<del>\$15.00]</del>
Disposal of Euthanized/Dead Animals	\$20.00
<b>Ash Return – Dog</b>	<b>\$75.00</b>
<b>Ash Return – Cat</b>	<b>\$45.00</b>
<b>Ash Return – Small Pet</b>	<b>\$25.00</b>
<b>Ash Return – Pot Bellied Pig</b>	<b>\$95.00</b>
Transport of privately owned animals	\$40.00
Service Fee for wild animal removal	\$40.00

Pickup of wild animals:

<del>[Home quarantine monitoring fee</del>	<del>\$40.00]</del>
During business hours	\$40.00
After Hours	\$100.00
Portable Coral Set Up Fee	\$150.00
Necropsy	\$100.00
Diagnostic Testing	Actual Costs

B. The ~~[St. Charles County Department of Public Health,]~~ Division ~~[of Humane Services]~~ shall charge fees, based upon their actual expenses, not to exceed the fee schedule herein set out, required or requested pursuant to the Animal Control Ordinance by instituting an "Impound Fee" with a fee schedule as follows:

Running At Large Registered/Vaccinated Fees	
1st Offense	\$20.00
2nd Offense	\$35.00
3rd Offense	\$50.00
4th Offense and additional offenses (per offense)	\$100.00

Running At Large Not Registered/Vaccinated Fees	
1st Offense	\$25.00
2nd Offense	\$50.00
3rd Offense and additional offenses (per offense)	\$100.00

or

C. In addition to the fees listed in Section 205.240, the Division [~~of Humane Services of St. Charles County~~] shall charge for its expenses in impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Chapter.

D. The [~~Director of the~~] Division [~~of Humane Services~~] **Director** may waive or modify a fee if they determine waiver or modification of such fee to be appropriate.

Section 39. Chapter 205.250, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~]):

#### SECTION 205.250 PENALTIES

Unless otherwise set out in a Section of this Code, a violation of any provision of this Chapter is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the St. Charles County Jail for a term not to exceed one

(1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues.

Section 40. Chapter 205.260, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold typeface**, deleted text shown [~~bracketed and stricken~~):

**SECTION 205.260 ENFORCEMENT**

Enforcement of this Chapter shall be the responsibility of the Department of Public Health and [~~all legal~~] **prosecution** shall be the responsibility of the County Counselor.

Section 41. This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after is posting in six public places, its publication in full on the website of St. Charles County, Missouri, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE

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CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR