

Bill No. 5153

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

Requested by: Sara Evers

Sponsored by: Terry Hollander

AN ORDINANCE AMENDING CERTAIN SECTIONS 205.020, 205.040, 205.064, 205.110, 205.120, 205.130, 205.140, 205.142, 205.145, 205.147, AND 205.180 OF THE 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 205.020, 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 **pursuant to a contract for kenneling and/or enforcement with the County.**

Section 2. 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. An owner or competent person 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, **adequate food, adequate water,**

**adequate shelter, or adequate control, or allows an animal to be at large.**

B. An owner or competent person 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 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. 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.

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

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

Section 3. 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

It shall be unlawful to fight-train [~~a dog~~] **an animal** or to keep, harbor, board or in any manner possess [~~a dog~~] **an animal** for the purpose of [~~dog~~] **animal**-fighting or [~~dog~~] **animal**-fight exhibitions. Scars, wounds, training and/or fighting paraphernalia shall be used as evidence of participation in [~~dog~~] **animal**-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~~] **animal** for purposes of engaging in an [~~dog~~] **animal** fight exhibition.
2. The use of other [~~dogs or~~] animals of any sort for blood sport **or animal-fight** training.
3. Abusing the animal by inflicting blows, kicks or other physical contact in order to encourage the [~~dog~~] **animal** to develop aggression or fighting skills.
4. Any other activity, the primary purpose of which is the training of [~~dogs~~] **animals** for aggressive or vicious behavior or [~~dog~~] **animal** fights.

Section 4. 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 **ferret**, 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 **ferret**, puppy, or kitten reaches four (4) months of age, but not before it reaches three (3) months of age.

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

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

D. The Division 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 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 **ferret**, dog, or cat under this Article.

F. All veterinarians shall pay the Division 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 **ferret**, dog, or cat.

H. After vaccinating any **ferret**, 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 Division. 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 **ferret**, 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 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 5.

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 Division Director, 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 pursued by an employee of the Division 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 another **governmental** entity, when that information is received in writing from the individual(s) responsible for animal control in that [~~City or~~ **County**] **governmental** entity;
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 in 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 at a boarding facility approved by the Division Director under the supervision of and in a manner satisfactory to the Division Director.

C. The Division Director shall, within forty-eight (48) hours of impoundment, make reasonable efforts to notify the owner, if known, of the impoundment by



mail, telephone, and electronic mail. The written notice shall include 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 Sections 205.145(~~D~~E) 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 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.

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.

Section 6. 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. 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. If the animal is a ferret, 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), [F]impounding for a period of at least [~~ten (10) days~~] **six (6) months** 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. If the animal is a ferret, 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), [E]confine the animal for a period of at least [~~ten (10)~~] **forty-five (45)** 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 7. 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 animal which bites any person or animal, regardless of the circumstances and irrespective of whether such animal is vaccinated, shall surrender such animal to the custody of the Division Director for confinement in the St. Charles County Animal Control Shelter for a period of not less than 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 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 animal as provided in Section 205.150 of this Article. If for any reason, such 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 animal is alive and healthy, it may be released to its owner unless such 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 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.

1. Preconditions for confinement and quarantine described in this Section [~~201~~]205.140(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. **In the case of a dog bite at a level 3 or higher on the Dunbar Scale, the dog [animal]** has been in the physical custody of the Division

at the Pet Adoption Center for a minimum of twenty-four (24) hours. **The Division Director may waive this requirement upon consideration of factors involving the health of the dog, including but not limited to the dog's age, susceptibility to disease, or existing medical conditions;** 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]~~**140**(B)(1) are met, confinement and quarantine described in this Section ~~[201]~~**205.140**(B) may be allowed at the discretion of the Division Director.

3. All expenses shall be borne by the owner of the animal as provided in Sections 205.150 **and 205.240** 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 immediately. Such report shall contain the name and address of the owner of the animal, the date and time of the bite, the 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 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 8. 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 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 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 the 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. Following the investigation, the Division Director shall provide the complete investigation file to the Department Director. The Department Director shall review the investigation file and make a determination as to whether the dog should be declared dangerous, in accordance with **this** Section [240]205.142[(C)].

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

1. Evidence shows the bite to a human [or] 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]~~**205.145(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 a~~n~~ ~~individual~~ **human** in reasonable fear of their life.~~;~~~~or~~
  - ~~4.~~ ~~The dog has been previously declared dangerous by another entity, when that information is received in writing from the individual(s) responsible for animal control in that City or County.]~~

D. ~~[When permitted by this Chapter, the]~~ **In addition to the grounds set forth in Section 205.142(C), the Department Director may declare a dog dangerous upon consideration of the following factors.** The Department Director may consider any or all of the following factors when making a determination regarding the declaration of a dangerous dog and its disposition:

1. Whether the dog has killed a domestic animal, livestock, or poultry;
2. 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. Whether the dog has bitten a human being or domestic animal off the premises of the dog's owner;
4. 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. Whether the dog can be effectively trained or retrained to change its temperament or behavior;

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

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

**[8] Whether the owner has the capacity, willingness, and [The] ability [of the owner] to protect the public safety in the future [if the dog is permitted to remain in the County.];**

**7. Whether the dog has had prior recorded incidents of biting humans or domesticated animals; and**

**8. Whether the dog has been previously declared dangerous by another governmental entity, when that declaration is received in writing from the governmental entity.**

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.

F. If the Division Director receives a report that a dog 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 Division's records, and the Department Director may take that incident 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 record into the Division's records information that a dog has chased or menaced a human being or domestic animal 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, and the Department Director may 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.

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.

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 9. 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 fatal attack or bite upon a human being 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. 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 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 Sections 205.145(~~(C)~~**D**) & **(E)** below.

B. If it is determined that a dangerous dog can be returned to its owner, the owner shall enter into a written agreement or be issued a written order to control the dog. 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
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.
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.

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).

7. A notice indicating the presence of a dangerous dog shall be prominently displayed and legible to the public at each entrance to the premises and on each side of the dog's enclosure. 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 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.

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.

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.

10. All dangerous dogs must be spayed or neutered unless a duly licensed veterinarian provides a statement in writing that such procedure is not in the best interest of the dog.

C. Any dog not controlled as provided in [~~this~~] Subsection 205.145(B) or an agreement or order issued pursuant to this [~~Section~~]**Chapter**, 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 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.

D. Upon determining that a dog is dangerous, and at least ten (10) days prior to any disposition of any such dog, the Division shall notify the dog's owner, if known, 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 in accordance with Section 205.145(D) by submitting a written request for hearing to the Department within five (5) days of receiving the

aforesaid notice.

E. Administrative Appeal Process; Contested Hearing.

1. Hearing. Upon timely receipt of the written request submitted pursuant to Subsection 205.145([C]D), above, a hearing examiner shall be appointed to preside over a formal hearing.
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 hearing should be given.
4. Any person serving as a hearing officer shall be 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.

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.

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 10. 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** 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. Unless an appeal is filed by the owner with the Department within five (5) business days **of receipt of such notification**, 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 appeal the determination of the animal being habitually at large, a hearing examiner shall be appointed to preside over a formal hearing to determine whether the animal is habitually left at large in accordance with this Section **205.147**.
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 hearing should be given.
4. Any person serving as a hearing officer shall be 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 animal is habitually left at large in accordance with Section 205.147.
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. ~~[Follow the formal rules of evidence, and a]~~Any animal 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 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** ~~[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 determined to be habitually at large pursuant to this Section and declared abandoned therefore, and the Division Director determines the animal to be sick or otherwise not suitable for adoption, the animal may be humanely

euthanized.

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 11. 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 to make or cause to be made such inspections as may be necessary to ensure compliance with this Article, Sections **205.180**, 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 Division 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 **205.180**, 205.190, 205.200, **or** 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 **205.180**, 205.190, 205.200, **or** 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 12. 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