

CHAPTER 205: ANIMAL REGULATIONS

ARTICLE I. IN GENERAL

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:

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 in a specific species of animal.

ADEQUATE CONTROL: Reasonable restraint sufficient to prevent an animal from running at large, or from injuring itself, any person, or any other animal, or from damaging any property.

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.

ANIMAL: Any living warm blooded animal which includes only the following:

1. **Cats:** Any domestic member of the feline (Felidae) family over the age of six (6) months.
2. **Dog:** Any domestic member of the canine (Canidae) family over the age of six (6) months.
3. **Ferret:** Any domesticated variety of polecat (Mustela furo) family.
4. **Kitten:** Any domestic member of the feline (Felidae) family six (6) months of age or younger.
5. **Puppy:** Any domestic member of the canine (Canidae) family six (6) months of age or younger.

AT LARGE: Off the premises of the owner, and not under the adequate control of the owner or a competent person.

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.

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

COMPETENT PERSON: A human being capable of controlling and governing the animal in question, or to whose commands the animal is obedient.

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

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severe or fatal injury.

2. Any dog declared by the Director to be dangerous pursuant to Section 205.142(C) and (D) of this Chapter.

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

DIRECTOR: The Director of the Division of Humane Services or any person or agent employed or designated by the Director.

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.

GROOMING SHOP OR PARLOR: Any establishment or place where animals are bathed and/or groomed for a fee.

HARBOR: To feed or shelter an animal at a single location.

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 the commercial business of buying, selling, breeding, or boarding dogs, cats or other small animals.

OWNER: Any person who owns an animal within the ordinary meaning of "own", or who harbors an animal for thirty (30) consecutive days, or who professes to own or harbor an animal.

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

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.

SEVERE OR FATAL ATTACK: Any attack by a dog which causes a severe or fatal injury, or the death of a domestic animal.

TAG: Any object, regardless of the shape or material, which bears the number of a certificate of vaccination and the words "registered and vaccinated for rabies", and which has been issued by the authority of the Division of Humane Services of the County.

VETERINARIAN: Any veterinarian holding a current State license to practice veterinary medicine. (Ord. No. 93-162 Art. I §1, 10-4-93; Ord. No. 00-064 §§1,3, 5-31-00)

SECTION 205.020: APPLICATION

This Chapter shall regulate all owners, competent persons, businesses, occupations or activities within the unincorporated area of the County. (Ord. No. 93-162 Art. I §2, 10-4-93)

SECTION 205.030: INTERGOVERNMENTAL COOPERATION

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. (Ord. No. 93-162 Art. I §3, 10-4-93)

ARTICLE II. PROHIBITED CONDUCT

SECTION 205.039: ANIMALS TO BE UNDER CONTROL WHEN OFF OWNER'S PREMISES

All owners and custodians of dogs, cats and ferrets shall control their animal when such animal is off of their premises. Any dog, cat or ferret taken by its owner or custodian into a recreational, industrial, commercial or residential area of one (1) acre zoning or less, or into a County park shall be on a leash, unless posted rules of the County park provide for such animals to be off a leash. An owner allowing his dog, cat or ferret to run in an area in which the animal is required to be on a leash shall be subject to a fine of fifteen dollars (\$15.00), in addition to any other kennel, vaccination or chipping fee that may be imposed. (Ord. No. 01-161 §11, 11-28-01)

SECTION 205.040: CRUELTY TO ANIMALS

- A. A competent person or owner is guilty of animal neglect when having custody or ownership or both of an animal, he fails to give it adequate care or adequate control, or allows the animal to be at large.
- B. A 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;
 2. Purposely, intentionally or recklessly causes injury, suffering, or pain to an animal;
 3. Abandons an animal in any place without making provisions for its adequate care;
 4. Overworks, overloads, drives, tortures, cruelly beats, or needlessly wounds or kills an animal, or carries or transports it in any vehicle or other conveyance in an inhumane manner or causes any of these acts to be done; or
 5. Having ownership or custody or both of an animal, willfully fails to provide adequate care or adequate control or allows it to be at large.
- C. The provisions of this Section shall not apply to:
 1. Dogs being used in hunting, training, field trials and dog shows while on Federal, State, municipal or County roads or highways, in a rural area, Federal preserve, wildlife area or private property, while going to or coming from a hunting, field trial or dog show site;
 2. Bloodhounds or other dogs used for tracking in conjunction with Police activities; and

3. Dogs of the Canine Corps of any Police force of the City of St. Louis, St. Louis County, the Missouri State Highway Patrol, St. Charles County or any municipality within, any Federal law enforcement agency, or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes.
4. Euthanasia of an animal by the owner or a veterinarian. (Ord. No. 93-162 Art. II §1, 10-4-93)

SECTION 205.050: FAILURE TO REGISTER/VACCINATE

An owner is guilty of failure to register/vaccinate when he:

1. Fails to arrange registration/vaccination of any puppy or kitten with the St. Charles County Division of Humane Services when or before the puppy or kitten reaches six (6) months of age, but not before it reaches three (3) months of age;
2. Fails to arrange registration/vaccination of any cat, dog or ferret 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 cat, dog, ferret, kitten or puppy when the animal is outside the residence of the owner except during hunting, training, field trials and dog shows. (Ord. No. 93-162 Art. II §2, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.060: HARBORING HABITUALLY BARKING DOGS

- A. No owner or competent person shall keep or harbor upon his premises any dog that by frequent and habitual barking, yelping or howling causes fear or annoyance to the person or persons living in the immediate area or to persons passing upon the streets or sidewalks.
- 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 taken by the St. Charles County Sheriff's office.
- C. Before investigating the complaint, the authority receiving it shall take the name, address and telephone number(s) of each complainant. If the Sheriff's office investigates the complaint, the Sheriff's office 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 of Humane Services or upon the Division's receipt of a copy of a complaint taken by the Sheriff's 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 competent 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) for any offense thereafter. (Ord. No. 93-162 Art. II §3, 10-4-93; Ord. No. 00-064 §§1--2, 5-31-00; Ord. No. 01-161 §1, 11-28-01)

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 Section 205.145(B), nor shall any owner or competent person fail to control his or her dangerous dog as required by the provisions of this Chapter. 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 of the Canine Corps of any Police force of the City of St. Louis, St. Louis County, the Missouri State Highway Patrol, St. Charles County or any municipality, any Federal law enforcement agency or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes.
 - 2. Kennels operating under licenses issued by St. Charles County. (Ord. No. 00-064 §4, 5-31-00; Ord. No. 01-161 §2, 11-28-01)

SECTION 205.064: PROHIBITION ON ANIMAL FIGHT TRAINING

It shall be a misdemeanor to fight-train a dog or to keep, harbor, board or in any manner possess a dog for the purpose of dog-fight exhibitions. Dog-fight exhibitions shall include both commercial and non-commercial events, whether open to the public or clandestine. Scars and wounds are rebuttable evidence of participation in dog-fight training or exhibitions. "*Fight training*" shall include, but not be limited to:

- 1. Actions designed to torment, badger or bait any dog for purposes of encouraging said dog for 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 fighting skills.
- 4. Any other activity, the primary purpose of which is the training of dogs for aggressive or vicious behavior or dog fights. (Ord. No. 01-161 §8, 11-28-01)

SECTION 205.070: FAILURE TO DISPOSE OF DEAD ANIMALS

- A. No 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. (Ord. No. 93-162 Art. II §4, 10-4-93)

SECTION 205.080: KEEPING EXOTIC ANIMALS

It shall be unlawful for any person to sell, own, possess or harbor any bear, lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, wolf hybrids, or coyote, or any deadly, dangerous, or poisonous reptile, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, or animal refuge. (Ord. No. 93-162 Art. II §5, 10-4-93)

SECTION 205.090: INTERFERING WITH OFFICER

An owner or any person is guilty of interfering with an officer when he:

1. Conceals an animal from an officer of the Division of Humane Services or Sheriff's Department.
2. Refuses to surrender an animal upon the lawful request of an officer of the Division of Humane Services or Sheriff's Department.
3. Physically attempts to prevent impounding by the officer of the Division of Humane Services or Sheriff's Department. (Ord. No. 93-162 Art. II §6, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.100: DISPOSAL OF FECAL MATTER

All fecal accumulations in any pen, run, cage or yard where any animal is kept shall be removed and disposed of in such a manner as to prevent the breeding of flies and the creation of offensive, disagreeable, or noxious odors. (Ord. No. 93-162 Art. II §7, 10-4-93)

ARTICLE III. REGISTRATION AND IMPOUNDING

SECTION 205.110: REGISTRATION/VACCINATION

- A. Every 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 six (6) months of age, but not before it reaches three (3) months of age.
- B. Every cat, dog, ferret, kitten and puppy shall be vaccinated by a veterinarian as indicated by the Compendium of Animal Rabies Control. No cat, dog, or ferret shall be exempted from this Article due to advanced age.
- C. No veterinarian practicing in St. Charles County shall vaccinate a cat, dog, ferret, kitten or puppy without complying with the registration requirements of this Section.
- 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 cats, dogs, ferrets, kittens and puppies under this Section.
- 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 cat, dog, ferret, kitten or puppy.
- H. After vaccinating any cat, dog, ferret, kitten or puppy, 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 or to a competent person. 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 cat, dog, ferret, kitten or puppy 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. (Ord. No. 93-162 Art. III §1, 10-4-93; Ord. No. 00-064 §1, 5-31-00; Ord. No. 00-086 §1, 7-26-00)

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

- A. The Director of the Division of Humane Services of the County, or other persons designated by the Director, shall have the power to enter onto any lots or lands to impound any animal as follows:
 1. All dogs and cats, registered or unregistered, not securely confined in an enclosed place, while in heat or estrus;
 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 cats, dogs, ferrets, kittens, puppies for which there is no 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 cat, dog, ferret, kitten or puppy which has not been vaccinated within the seventy-two (72) hour period following release from any impounding facility as required by Section 205.110 of this Article;
 6. Any cat, dog, ferret, kitten or puppy not vaccinated against the rabies virus;
 7. Any animal that has bitten a person or animal;
 8. Any animal whose owner has voluntarily and intentionally relinquished control to the Director.
 9. Any cat, dog, ferret, kitten or puppy not wearing a registration tag.
- B. Any animal impounded pursuant to this Section shall be impounded in the St. Charles County Animal Control Shelter or elsewhere under the supervision of and in a manner satisfactory to the Director of the Division of Humane Services of St. Charles County, or the Director's designee.
- 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 Director of the Division of Humane Services of the County or the Director's designee 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 within forty-eight (48) hours of impoundment. 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.

- 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 suspected of being rabid, exposed to rabies, or known to have bitten any person or domestic animal. (Ord. No. 93-162 Art. III §2, 10-4-93; Ord. No. 94-17 §1, 1-27-94; Ord. No. 00-064 §1, 5-31-00; Ord. No. 01-104 §1, 8-29-01)

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 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 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. (Ord. No. 93-162 Art. III §3, 10-4-93)

SECTION 205.140: PROCEDURE FOLLOWING ANIMAL BITE

- A. The owner of any cat, dog, kitten, puppy or ferret which bites any person, regardless of the circumstances or irrespective of whether such cat, dog, kitten, puppy or ferret is vaccinated, shall place such cat, dog, kitten, puppy or ferret in the custody of the impounding officer for confinement in a manner satisfactory to the impounding officer and in a manner that will prevent contact with people and other animals for a period of

ten (10) days following the evening of the day of the bite, for the purpose of clinical observation. As set out in Section 205.141, during such confinement, the cat, dog, kitten, puppy or ferret shall be permanently identified by the implantation of an encoded, inert glass chip, or like device, which contains a unique identifier capable of providing a permanent record of the identity of the animal. All expenses shall be borne by the owner of the cat, dog, kitten, puppy or ferret as provided in Section 205.150 of this Article. If for any reason, such cat, dog, kitten, puppy or ferret should die while in confinement, its head shall be removed and submitted to a qualified laboratory. If at the end of such ten (10) day period of observation such cat, dog, kitten, puppy or ferret is alive and healthy, it may be released to its owner unless such cat, dog or ferret has been declared a dangerous animal and is subject to the provisions of Section 205.145. An animal subject to the provisions of Section 205.145 shall be released or euthanized in conjunction with the provisions of that Section.

- B. The Division of Humane Services is authorized to allow confinement other than as described provided in Subsection (A) of this Section, such animal will be controlled and observed in accordance with the owner's signed agreement. Preconditions for quarantine at home would be that the animal must have current rabies vaccination, be licensed, be permanently identified by the implantation of an encoded, inert chip, or like device, which contains a unique identifier capable of providing a permanent record of the identity of the animal, not have a recent history of being at large; there shall be proof presented that the bite was provoked, 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. All expenses shall be borne by the owner of the cat, dog, kitten, puppy or ferret as provided in Section 205.150 of this Article.
- 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 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 where the person was bitten, and a general description of the animal. (Ord. No. 93-162 Art. III §4, 10-4-93; Ord. No. 00-064 §1, 5-31-00; Ord. No. 01-161 §3, 11-28-01; Ord. No. 01-174 §1, 12-27-01)

SECTION 205.141: ANIMAL IDENTIFICATION

- A. Any dog, cat or ferret which is apprehended running at large or who has bitten a human being or animal shall be permanently identified by the implantation of an encoded, inert chip, or like device, which contains a unique identifier capable of providing a permanent record of the identity of the animal. Such device shall be implanted prior to the release of the animal from impoundment.
- B. The cost of such permanent identification shall be charged to the owner as a fee pursuant to Section 205.240.
- C. Owners or custodians of any dog, cat or ferret which has been impounded for biting shall, within ten (10) days, but in no event later than the release of the animal, inform the Director in writing of the name, address and telephone number of all owners or custodians of the animal. Thereafter, if the animal is transferred to another owner or

custodian, the previous owner or custodian shall, within ten (10) days of the transfer of ownership or custody, inform the Director in writing of the name, address and telephone number of the new owner(s) or custodian(s) of the animal. The previous owners or custodians shall notify the new owners or custodians in writing of the details of the dog's, cat's or ferret's record, terms and conditions of maintenance, if any, and provide the Director with a copy of the notice and the new owners or custodians acknowledgment of receipt. (Ord. No. 01-161 §9, 11-28-01)

SECTION 205.142: PROCEDURES AND REQUIREMENTS FOR DECLARING DOGS, CATS OR FERRETS TO BE DANGEROUS AND FOR HANDLING SUCH DOGS, CATS OR FERRETS AFTER BITE INCIDENTS

- A. Whenever the Director learns that a dog, cat or ferret has bitten a human being or another domestic animal, the Director shall record the incident and determine whether the Division has records of prior incidents in which the dog, cat or ferret in question has bitten human beings or domestic animals. The Director may consider information that the dog, cat or ferret 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 the Director finds no records of such prior incidents, and the Director determines that the bite was a provoked attack in which a human being or domestic animal 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, cat's or ferret'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, cats or ferrets that 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, cat or ferret and may utilize the procedures set out in Section 205.145. The Director's determination that the animal is a dangerous dog, cat or ferret may be based on information that the dog, cat or ferret in question has been declared a dangerous dog, cat or ferret 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 when the criteria for determining the animal a dangerous dog, cat or ferret 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 or custodian of the dog, cat or ferret under review, the Director may consider, as a mitigating factor in his decision whether to declare a dog, cat or ferret 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 or custodian is a human, the Director may only consider a provoked bite as a mitigating factor in his decision whether to declare a dog, cat or ferret 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, cat or ferret in question a dangerous dog,

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cat or ferret, after considering any or all of the following factors:

- a. Whether the dog, cat or ferret has killed a domestic animal, livestock or poultry without provocation while off the owner's property;
 - b. Whether the dog's owner owns or harbors the dog primarily or in part for the purpose of dog fighting, or has trained the dog for dog fighting;
 - c. Whether the dog, cat or ferret has bitten a human being or domestic animal without provocation and off the premises of the dog's, cat's or ferret's owner regardless of whether medical care was required;
 - d. Whether the dog, cat or ferret, while on the owner's or custodian's premises, has bitten without provocation a human being other than the dog's, cat's or ferret's owner, custodian or a member of that owner's or custodian's family normally residing where the dog, cat or ferret 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;
 - f. Whether the dog, cat or ferret 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;
 - g. Whether the dog, cat or ferret can be effectively trained or retrained to change its temperament or behavior;
 - h. Whether the owner or custodian maintains the dog to promote its aggressive tendencies or responses;
 - i. Any other relevant evidence concerning the maintenance of the dog, cat or ferret; and
 - j. Any other relevant evidence regarding the ability of the owner or custodian to protect the public safety in the future if the dog, cat or ferret is permitted to remain in the County.
2. Impound any dog, cat or ferret determined to be a dangerous dog, cat or ferret 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. If the 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 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 records and 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 Director may consider 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. The Director may record such information from another City or County into the Department's records and 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.
- F. If the Director finds records of two (2) or more prior incidents in which a dog or ferret 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 or ferret a dangerous dog or ferret;
2. Impound the dog or ferret at a designated kennel as provided in Section 205.140(A) of this Chapter; and
3. At the end of the dog's or ferret's impoundment as provided above, cause the dog or ferret to be humanely euthanized pursuant to Section 205.145. (Ord. No. 00-064 §5, 5-31-00; Ord. No. 01-161 §4, 11-28-01)

SECTION 205.145: CONTROL AND EUTHANASIA OF DANGEROUS DOGS OR FERRETS

- A. If the Director declares that a dog or ferret that has bitten a human being or a domestic animal is dangerous, the Director shall dispose of the dog or ferret as follows:
 1. If the Director finds that the dog or ferret made a severe or fatal attack upon a human being or domestic animal, the Director shall cause the dog or ferret 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. The Director has discretion to dispose of all other dogs or ferrets declared to be dangerous either by causing them to be humanely euthanized or returned to its 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 or ferret's owner as provided in Section 205.145(C) below.
- B. Before the Director returns a dangerous dog or ferret to its owner, the Director shall secure that owner's written agreement to control the dog or ferret as provided herein.
 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 or custodian of the dangerous dog or ferret shall notify the Division of Humane Services immediately if the dog or ferret is loose or missing or has attacked another animal or human being.
 3. The owner or custodian of the dangerous dog or ferret shall notify the Division of Humane Services within twenty-four (24) hours if the dog or ferret has died or has been sold or given away to a new owner or custodian. The owner or custodian transferring custody to a new owner or custodian shall comply with the notice provisions of Section 205.141(C). If the dog or ferret has been sold or given away, the owner or custodian shall provide the Division of Humane Services with the name, address and telephone number of the new owner or custodian. The new owner or custodian, if the animal is kept within St. Charles County, must comply with the requirements in this Chapter for keeping a dangerous animal.
 4. While on its owner's property, a dangerous dog or ferret must be securely confined indoors 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. The enclosure, when occupied by a dangerous dog or ferret, shall not be occupied by any other animal, unless the dangerous dog or ferret 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. 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 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. A sign indicating the presence of a dangerous dog shall be present at and large enough to read from any public thoroughfare from which the property is entered and the owner or custodian of the dog shall post a notice conspicuously visible 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 - BEWARE". 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 shall be deemed to meet this requirement. Any alternate sign shall be approved in advance, in writing, by the Director and a copy of the approved sign shall be maintained in the Division's file on the dog.
 7. A dangerous dog may be off the owner's premises only if it is securely muzzled and on a strong leash no more than four (4) feet long and under the control of a competent person. A dangerous ferret may be off the owner's premises only if on a strong leash no more than four (4) feet long and under the control of a competent person.
 8. The owner or custodian of a dangerous dog shall present to the Division of Humane Services proof that the owner or custodian 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. All owners or custodians 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 or custodians 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.
 10. All owners or custodians of dangerous dogs must, within ten (10) days of such

- declaration, have the dog spayed or neutered and must provide evidence of such spaying or neutering from a duly licensed veterinarian.
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 or custodian to comply with this Subsection, whichever is larger. Any ferret not controlled as provided in applicable parts of 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 or custodian to comply with this Subsection, whichever is larger.
- C. The Director shall give owners of dogs or ferrets declared to be dangerous notice of the Director's declaration and intended disposition of the dog or ferret, as provided herein.
1. *Notice of declaration of dangerous dog or ferret and of disposition.* Immediately upon determining that a dog or ferret is dangerous, and at least ten (10) days prior to any humane euthanasia of any such dog or ferret, the Division of Humane Services shall notify the dog's or ferret's owner, if known, or custodian if the owner is unknown or unable to be contacted, of the declaration and of any scheduled euthanasia. The notice shall state the owner's right to request a hearing before the Director of the Department of Community Health and the Environment of any determination made by the Director by submitting a written request for hearing to the Director of the Department of Community Health and the Environment's office within five (5) days of receiving the aforesaid notice.
 2. *Hearing.* Upon timely receipt of the written request submitted pursuant to Subsection 205.145(C)(1), above, the Director of the Department of Community Health and the Environment's office shall schedule a hearing at which all interested parties may be heard, including the owner, individuals possessing knowledge of the characteristics of the dog or ferret in question, and any other individuals who may come into contact with the dog or ferret if it is not destroyed. After all parties have been heard, the Director of the Department of Community Health and the Environment shall make the final determinations as to whether a dog or ferret is a dangerous dog or ferret and what its disposition shall be under the provisions of this Chapter. The Director of the Department of Community Health and the Environment's determination and decision is final for all purposes, and there shall be no further administrative relief available.
- D. The Director may declare a dog or ferret to be dangerous because of its prior acts even after its owner or custodian has removed it from unincorporated St. Charles County. Such a dog or ferret may not be returned to the County.
- E. Should the Director receive from any court of competent jurisdiction a stay of an order of euthanasia on a dog or ferret, the dog or ferret shall remain impounded in the County animal facility until the court has issued its final order. (Ord. No. 00-064 §5, 5-31-00; Ord. No. 01-161 §5, 11-28-01)

SECTION 205.150: COUNTY SHELTER RATES

Any dog, cat or other 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:

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1. An impoundment registration fee to be set by the County Council and to be charged when any animal is impounded.
2. A daily boarding fee to be set by the County Council and to be charged for sheltering and feeding impounded animals.
3. All other expenses incurred by the County in impounding in the manner provided herein. (Ord. No. 93-162 Art. III §5, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

ARTICLE IV. KENNEL REGISTRATION FOR BOARDING OR BREEDING KENNELS, PET SHOPS, DEALERS AND GROOMING SHOPS OR PARLORS

SECTION 205.160: KENNEL REGISTRATION REQUIRED

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 subsisting registration therefor from the Division of Humane Services of St. Charles County. 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. (Ord. No. 93-162 Art. IV §1, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.170: KENNEL REGISTRATION--INFORMATION REQUIRED

- A. *Zoning Compliance.* The applicant for an original kennel registration shall present to the Director a written statement from the County Department of Planning and Zoning that the establishment of a kennel at the proposed site is not in violation of the St. Charles County Zoning 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. (Ord. No. 93-162 Art. IV §2, 10-4-93; Ord. No. 00-064 §§1--2, 5-31-00)

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 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. (Ord. No. 93-162 Art. IV §3, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.190: CONDITIONS--GENERAL

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

1. Housing facilities shall be provided the animals and such shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury; shall contain the animals; and shall restrict the entrance of other animals.
2. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by 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, 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 animals.
6. There shall be an employee or owner on duty at all times during hours any store 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 or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the store or shop 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 person, persons, association, firm or corporation shall misrepresent a dog, cat or other small animal to a consumer in any way. (Ord. No. 93-162 Art. IV §4, 10-4-93)

SECTION 205.200: FACILITIES

Boarding or breeding kennels, pet shops, and dealerships shall:

1. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or

other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein.

2. 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.
3. Be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals. (Ord. No. 93-162 Art. IV §5, 10-4-93)

SECTION 205.210: CONDITIONS--GROOMING PARLORS

Grooming parlors shall:

1. Provide such restraining straps for the dog, cat or other small 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. (Ord. No. 93-162 Art. IV §6, 10-4-93)

ARTICLE V. ADDITIONAL SERVICES PROVIDED BY THE DIVISION OF HUMANE SERVICES

SECTION 205.220: ADDITIONAL SERVICES PROVIDED

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. (Ord. No. 93-162 Art. V §1, 10-4-93; Ord. No. 00-064 §§1--2, 5-31-00)

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 Section 205.220 of this Article, either by fees set by the County Council, or by itemized billing. (Ord. No. 93-162 Art. V §2, 10-4-93;

Ord. No. 00-064 §1, 5-31-00)

**SECTION 205.235: ANIMALS APPREHENDED RUNNING AT LARGE--
MANDATORY VACCINATION**

Any dog, cat or ferret 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 an identification chip as required by Section 205.141. Any dog, cat or ferret 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. (Ord. No. 01-161 §10, 11-28-01)

ARTICLE VI. FEES, PENALTIES AND ENFORCEMENT

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:

Rabies vaccination registration, altered animal	\$5.00
Rabies vaccination registration, unaltered animal	\$10.00
Rabies vaccination	\$5.00
Administration fee (per impound regardless of number of animals impounded)	\$15.00
Kennel boarding (daily fee)	\$10.00
Medical treatment fee	\$20.00
Grooming fee (flea or tick treatment)	\$20.00
Adoption fees:	
Dogs	\$50.00
Puppies	\$60.00
Cats	\$30.00
Kittens	\$40.00
Pocket pets (small animals usually kept in cages, including mice, hamsters, guinea pigs, etc.)	\$5.00
Parrots	\$20.00
Rabbits altered by Division	\$30.00

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Rabbits already altered	\$10.00
Rescues (animals transferred after treatment to rescue groups)	\$30.00
Kennel registration	\$50.00
Surrender fee	\$15.00
Euthanasia	\$40.00
Identification chips	\$10.00
Trap deposit:	
Cat	\$40.00
Dog	\$100.00
Spay/neuter deposit	\$50.00
Cat carrier	\$5.00
Leash	\$1.00
No-jump harness	\$15.00
Growling dog picture signs	\$15.00
Disposal of dead on arrival animals	\$15.00
Transport of privately owned animals, dead or alive	\$35.00
Pickup of wild animals:	
During normal business hours of the Division of Humane Services	\$35.00
After normal business hours of the Division of Humane Services	\$100.00

B. The St. Charles County Department of Community Health and the Environment, 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 "Impoundment Fee" with a fee schedule as follows:

Impound Fee for Running At Large, Vaccinated or Registered with County	
1st offense	\$20.00

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2nd offense	\$35.00
3rd offense	\$50.00
4th offense and additional offenses (per offense)	\$100.00
Impound Fee for Running At Large, Not Vaccinated or Not Registered with County	
1st offense	\$25.00
2nd offense	\$50.00
3rd offense and additional offenses (per offense)	\$100.00
Impound Fee For Exotic Animals, Livestock or (if the number impounded exceeds 10)	
Poultry	\$50.00
Impound Fees For Other Small Animals	\$5.00

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.

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. (Ord. No. 93-162 Art. VI §2, 10-4-93; Ord. No. 01-161 §7, 11-28-01)

SECTION 205.260: ENFORCEMENT

Enforcement of this Chapter shall be the responsibility of the County Counselor. (Ord. No. 93-162 Art. VI §3, 10-4-93)