

ORDINANCE NO. 2100

**AN ORDINANCE OF THE CITY OF COTTLEVILLE,
MISSOURI, REPEALING CHAPTER 205 OF THE
MUNICIPAL CODE OF THE CITY OF COTTLEVILLE AND
ENACTING, IN LIEU THEREOF, A NEW CHAPTER 205
REGULATING ANIMALS WITHIN THE CITY**

WHEREAS, pursuant to § 79.110, RSMo., the Board of Aldermen of the City of Cottleville, Missouri, “[...] shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same[;]” and

WHEREAS, pursuant to § 79.380, RSMo., the Board of Aldermen of the City may, “[...] make regulations and pass ordinances for the prevention of the introduction of contagious diseases in the city [...] and make regulations to secure the general health of the city[;]” and

WHEREAS, pursuant to § 79.400.4, RSMo., the Board of Aldermen of the City may “[...] provide for the erection of all needful pounds, pens and buildings for the use of the city, within or without the city limits, and appoint and compensate keepers thereof and establish and enforce rules governing the same[;]” and

WHEREAS, pursuant to § 79.400.5, RSMo., the Board of Aldermen of the City “[...] may also tax, regulate and restrain and prohibit the running at large of dogs, and provide for their destruction when at large contrary to ordinance, and impose penalties on the owners or keepers thereof[;]” and

WHEREAS, the Board of Aldermen desires to amend the provisions of Chapter 205 of the Municipal Code of the City of Cottleville regulating animals within the City;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF COTTLEVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 205 of the Municipal Code of the City of Cottleville, Missouri, be and is hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new Chapter 205, to read as follows:

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:

ABANDON

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

ADEQUATE CARE

Normal and prudent attention to the needs of an animal, including 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; from injuring itself, or from any person, or any other animal; or from damaging any property.

ADEQUATE FOOD

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

ADEQUATE SHELTER

The continuous provision of a structure having a roof, walls, and a floor, which is dry, weatherproof, and made of durable material. At a minimum, the structure must:

1. Be sufficient in size to allow each sheltered animal housed in it to stand up, turn around, and lie down;
2. Shelter the animal from the adverse effects of the elements, including access to shade from direct sunlight and protection from exposure to inclement weather conditions;
3. Be free of standing water and accumulated waste;
4. Have adequate ventilation;
5. Provide a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner; and

6. Have not been declared unfit for habitation under Section 505.200.

ADEQUATE WATER

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

ADULT CAT

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

ADULT DOG

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

ANIMAL

Any living vertebrate except human.

AT LARGE

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

BOARDING KENNEL

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

BREEDING KENNEL

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

COMMUNITY CAT

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

COMPENDIUM

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

COMPETENT PERSON

Any person, regardless of age, who has custodial or supervisory authority or control over an animal.

CONTAMINATION

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

DANGEROUS DOG

Any dog with the following characteristics:

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

DEALER

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

DEPARTMENT

The St. Charles County Department of Public Health.

DEPARTMENT DIRECTOR

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

DIVISION

The Division of Human Services of St. Charles County, Missouri.

DIVISION DIRECTOR

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

DOMESTICATED ANIMAL

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

DUNBAR SCALE

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

DWELLING

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

ESTRUS

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

EXOTIC/DANGEROUS ANIMAL

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

EXPOSED TO RABIES

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

FERAL CAT

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

FERAL CAT PROGRAM

Any program adopted as provided for in Section 205.225 or approved by the Division Director that provides spay/neuter services and education for and related to only feral and community cats.

GROOMING SHOP OR PARLOR

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

HARBOR

To feed or shelter or confine an animal.

IMPOUND

To apprehend, catch, trap, net or, if necessary, kill any animal by the Division or its agent.

IMPOUNDING FACILITIES

Any premises designated by the County for the purpose of caring for animals impounded by the Division or its agent.

KITTEN

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

MICROCHIP

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

OWNER

Any person who owns an animal. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an animal owner under this Chapter, even if the animal was in possession and control of a competent person at the time of the offense.

PEN

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

PET SHOP

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

POLICE DEPARTMENT

The City of Cottleville Police Department.

PROPRIETOR

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

PUPPY

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

REGISTRATION-VACCINATION

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

SECURE FENCE

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

SEVERE OR FATAL ATTACK

Any physical injury resulting directly from an animal's attack or bite which registers as a Level 4 or above on the Dunbar Scale.

TAG

Any object, which bears the number of a certificate of vaccination and which has been issued by the authority of the Division.

VETERINARIAN

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

WILD ANIMAL

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

ARTICLE II. PROHIBITED CONDUCT

SECTION 205.020. Animals to be Under Control When Off Owner's Premises.

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

B. The provisions of this Section shall not apply to:

1. Dogs being used in hunting, training, field trials and dog shows while on any property with express permission.
2. Dogs of any government agency.

SECTION 205.030. Confinement to Property.

A. It shall be unlawful for any owner or anyone having care, custody or control of any animal to:

1. Confine an animal in an outdoor pen or enclosure without adequate space so as to provide the animal with free movement or exercise.
2. Leave an animal tethered outdoors for ten (10) consecutive hours in a twenty-four (24) hour period or on a tether that allows a dog or cat to enter upon a sidewalk or right of way.
3. Tether a dog or cat except by means of:
 - a. A properly fitting harness or collar.
 - b. A tether in proportion to the size of the animal so that its weight and construction do not burden or encumber the animal's movement but not allow breakage. The tether must be at least fifteen (15) feet in length with a swivel at both ends. If a trolley system is used the trolley cable must be at a safe height from the ground.
4. Tether an animal in such a manner that the animal cannot access adequate shelter while tethered.

5. Tether an animal in conditions where the animal or tether can become entangled causing a hazard for injury or death, or where the tether can restrict the animal's access to adequate shelter or adequate food or water.
6. Tether an animal outdoors in a manner that does not allow the animal to defecate or urinate in an area separate from the area where it must eat, drink or lie down.
7. Expose an animal to any weather conditions that cause immediate or imminent threat to the animal's physical well-being.
8. Tether an animal in an area where it stays wet or muddy for more than 24 hours after the cessation of a period of rain.
9. Leave an animal tethered outside in a residentially zoned area between the hours of 10:00 P.M. and 6:00 A.M., except temporarily tethering outdoors for a time period not exceeding fifteen (15) minutes for the purpose of urination/defecation.
10. Tether a dog under the age of six months.

SECTION 205.035. Harboring Stray Animals.

A person may not harbor any stray animal, unless it is reported to the Division within 24 hours of finding the animal. The Division may impound the animal at its discretion.

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, adequate food, adequate water, adequate shelter, or adequate control, or allows an 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 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 real cost associated with the impound, care, keeping, all diagnostic test and treatment.

SECTION 205.050. Failure to Register/Vaccinate or Microchip.

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

1. Fails to arrange registration/vaccination of any cat, dog, puppy, kitten or ferret with the Division when or before the puppy, kitten, or ferret reaches six (6) months of age, but not before it reaches three (3) months of age;

2. Fails to arrange registration/vaccination of any dog or cat within forty-five (45) days of acquisition by the owner;

3. Fails to have a collar or harness bearing a current tag on the vaccinated dog or cat when the animal is outside the residence of the owner;

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

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

SECTION 205.060. Harboring Habitually Barking Dogs.

A. No person shall keep or harbor upon his premises any dog that disturbs the peace of any other person by loud and persistent or loud and habitual barking, yelping or howling. Brief howling or barking at a disturbance on or near the property of the regular premises of the dog shall not be considered habitual barking.

B. Complaints during normal business hours of the Division shall be taken by the Division. Complaints after the Division's normal business hours shall be taken by the Police Department.

C. Before investigating the complaint, the authority receiving it shall take the name, address and telephone number(s) of each complainant. If the Police Department investigates the

complaint, the Police Department shall forward a copy of the complaint, as well as an incident report, if any, to the Division. Upon complaint to the Division or upon the Division's receipt of a copy of a complaint taken by the Police Department, the Division may investigate.

D. This Section shall not apply to kennels operating under licenses issued by St. Charles County and/or the City of Cottleville, if applicable, at the time this Chapter takes full force and effect.

E. A violation of Section 205.060 is an infraction punishable by a fine of fifty dollars (\$50.00) for the first (1st) offense, one hundred dollars (\$100.00) for the second (2nd) offense and two hundred dollars (\$200.00) to five hundred dollars (\$500.00) for any offense thereafter.

SECTION 205.062. Harboring Dangerous Dogs.

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

B. This Section shall not apply to:

1. Dogs being used for official purposes by any government agency.
2. Kennels operating under licenses issued by St. Charles County.

SECTION 205.064. Prohibition on Animal Fight Training.

A. It shall be unlawful to fight-train an animal or to keep, harbor, board or in any manner possess an animal for the purpose of animal-fighting or animal-fight exhibitions. Scars, wounds, training and/or fighting paraphernalia shall be used as are 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 or in any way encourage any animal for purposes of engaging in an animal fight exhibition.
2. The use of other 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 animal to develop aggression or fighting skills.

4. Any other activity, the primary purpose of which is the training of animals for aggressive or vicious behavior or animal fights.

SECTION 205.070. Failure to Dispose of Dead Animals.

A. No owner or competent person 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.

SECTION 205.080. Keeping Exotic/Dangerous Animals.

It shall be unlawful for any person to sell, own, possess or harbor any wild or exotic/dangerous animal in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, or a licensed sanctuary or refuge. All such animals present in the City of Cottleville for more than thirty (30) days out of each year shall be identified by a microchip and that microchip registered at the Division. Any violation of the section shall be considered a separate violation for each day the animal is subject to microchip and registration and, upon conviction, shall result in a fine of up to one hundred dollars (\$100.00) for such failure to microchip and register such exotic or dangerous animal.

SECTION 205.082. Keeping Roosters.

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

SECTION 205.085. Limits on Domesticated Animals.

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

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

C. In all residential zoning districts, the occupant of a dwelling may only keep chickens for personal use under the following conditions:

1. Hens may be kept on residential property. A rooster may only be kept on a residentially zoned parcel of land five (5) acres or more in size.

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

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

4. Hens shall be confined in an enclosure by a secure fence meeting the following specifications:

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

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

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

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

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

a. A roof constructed of standard building material but not a tarpaulin;

b. Walls constructed of wood or metal which are six (6) feet or less in height;

c. A non-porous floor of vinyl, plastic, or concrete, covered with straw or wood shavings;

d. Contain a minimum of four (4) square feet per animal kept;

e. A coop shall not exceed one hundred (100) square feet in area, and shall be located entirely in the rear yard of the residence.

6. The enclosure and chicken coop may be located within a rear yard setback for the residence provided the following setbacks are maintained:

a. A minimum of ten (10) feet from any property line; and

b. A minimum of twenty-five (25) feet from any residence other than the owner's residence.

7. Both the fenced enclosure and the coop shall be maintained as to not pose a threat to the public health, safety, or welfare or to cause a public nuisance. No material from the

confinement area or coop shall run off onto adjoining property. Any manure or waste shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent offensive smells or conditions conducive to disease.

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

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

D. Any person that obtains a kennel registration must comply with the requirements set forth in Sections 205.160 to 205.210, inclusive. Nothing herein shall be constructed to repeal the provisions of the Keeping Exotic/Dangerous Animals Ordinance. Nothing herein shall be construed to limit the number of livestock on agriculturally zoned property.

SECTION 205.090. Interfering with Officer.

A. An owner or competent person is guilty of interfering with an officer when he:

1. Conceals an animal from an officer of the Division or Police Department.
2. Refuses to surrender an animal upon the lawful request of an officer of the Division or Police Department.
3. Physically attempts to prevent impounding by the officer of the Division or Police Department.

SECTION 205.100. Disposal of Fecal and Urine

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

ARTICLE III. REGISTRATION AND IMPOUNDING

SECTION 205.110. Registration/Vaccination

A. Every owner or competent person who is responsible for any ferret, puppy, or kitten shall have such ferret, 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 the City of Cottleville 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 the City of Cottleville, and to veterinarians who practice outside the City but who vaccinate animals that are transported into the City.

E. Each veterinarian practicing in the City of Cottleville 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 dog or cat under this Article.

F. All veterinarians shall pay the Division a fee to be set by the St. Charles 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 205.120. Animals Impounded – When – Where Kept.

A. The Division Director, or other persons designated by the 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 this Chapter, or which have been at large and are immediately 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 a seventy-two (72) 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 governmental entity;
8. Any animal whose owner has voluntarily and intentionally relinquished control to the Division Director;
9. Any cat, dog, ferret, kitten or puppy not wearing a registration tag;
10. Any animal in imminent danger of death or in pain or suffering and the issues causing the imminent danger of death or pain and suffering is not being addressed by the owner or custodian of the animal;
11. Any animal that requires adequate care and the owner or anyone having care, custody or control has failed to provide such care after being notified by an animal control officer or law enforcement official;
12. Any animal in a residence or on a property that has been found unfit for habitation;
13. Any animal in a residence or on the property where the owners or occupants have been evicted by a law enforcement agency;
14. Any animal in a residence or on the property where law enforcement has taken into custody the owner or occupant, provided that there is no other owner or competent person present who can take custody of the animal and provide adequate care;
15. Animals tethered not in compliance with any part of Section: 205.030.

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 require a hearing, to be held in accordance with the procedures set for in Section 205.145(E), 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 (1) 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 suspected of being rabid, exposed to rabies within the past thirty (30) days, or known to have bitten-any person or domestic animal.

E. The Division Director shall have discretion in the decision to treat or euthanize an animal, including, but not limited to, feral cats or any diseased, sick or injured animal pursuant to procedures authorized, in writing, by the Department Director.

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), impounding for a period of at least six (6) months at the impounding facilities designated by the County and vaccination.

3. If the animal is a ferret, cat, dog, kitten or puppy immunized by a vaccine recommended by the Compendium within such vaccines duration of immunity (as stated in the Compendium under booster recommendations), confine the animal for a period of at least 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.

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 205.140. Procedure Following Animal Bite.

A. The owner of any animal which bites any person or animal, regardless of the circumstances or 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 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 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. 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 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 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 a dangerous under this Chapter;
 - e. In the case of a dog bite at a Level 3 or higher on the Dunbar Scale, the dog 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 the preconditions in Section 205.140(B)(1) are met, confinement and quarantine described in this Section 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 Section 205.150 and 205.240 of this Article.
4. Dogs and/or puppies shall be confined in one (1) 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 205.141. Animal Identification.

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

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

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

SECTION 205.142. Procedures and Requirements for Declaring Dogs to be Dangerous and for Handling Such Dogs, After Bite 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 incident 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 injures. The Director may consider 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 205.142.

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

1. Evidence shows the bite to a human 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 the Dunbar Scale, and one (1) or more of the factors set forth in Section 205.142(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 human in reasonable fear of their life.

D. In addition to the ground 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 when making a determination regarding the declaration of a dangerous dog and its disposition:

1. Whether the dog has kill a domestic animal, livestock or poultry without provocation while off the owner's property;
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 dogfighting, or has trained the dog for dogfighting;
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 has the capacity, willingness, and ability to protect the public safety in the future;
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 the City of Cottleville. Such dog may not be returned to the City.

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 record the incident in the 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..

G. 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 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 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.
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), after giving notice and an opportunity to be heard to the dog's owner as provided in Section 205.145(D) and (E).

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. 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 less than 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 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 dogs enclosure. The Division of Human Services is authorized to make notices and signs available to owners. Any alternate sign shall 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 muzzle 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 the City of Cottleville. 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 Section 205.145(B), or an agreement or order issued pursuant to this 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 receive the aforesaid notice.

E. Administrative Appeal Process; Contested Hearing.

1. Hearing. Upon timely receipt of the written request submitted pursuant to Subsection 205.145(D) above, an 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 facts 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 may appeal such decision by filing a request for review with the Circuit Court of Missouri, 11th Judicial Circuit, in accordance with Section 536.110, RSMo., as amended.

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.

SECTION 205.146. Dunbar Scale.

A. Level 1. Obnoxious or aggressive behavior but no skin-contact by teeth.

B. Level 2. Skin-contact by teeth but no skin-puncture. However, may be skin nicks (less than one-tenth (1/10) of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.

C. Level 3. One (1) to four (4) punctures from a single bite, which may have lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites, and drops to the floor).

D. Level 4. One (1) to four (4) punctures from a single bite, with deep bruising around the wound (such as when a dog held on and bore down) or lacerations in both directions (such as when a dog held on and shook its head from side to side).

E. Level 5. Multiple-bite incident with at least two (2) Level 4 bites or multiple-attack incident with at least one (1) Level 4 bite in each.

F. Level 6. Victim dead.

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. 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).

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 may appeal such decision by filing a request for review with the Circuit Court of Missouri, 11th 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 therefor, 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 205.150. Redemption of Animals Not Infected by Rabies.

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

1. An impoundment registration fee as authorized by this Chapter to be charged when any animal is impounded;
2. A daily boarding fee as authorized by this Chapter to be charged for sheltering and feeding impounded animals; and
3. All other expenses incurred in impounding in the manner provided herein.

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

SECTION 205.160. Kennel Registration Required.

A. It is unlawful for any person to keep or maintain a boarding or breeding kennel, pet shop, grooming shop, or dealership in the City of Cottleville without first obtaining a valid and subsisting registration therefor from the Division.

B. It is unlawful for any person to keep or maintain a boarding or breeding kennel, pet shop, grooming shop, or dealership in the City of Cottleville without maintaining a valid and current registration from the Division for each separate physical facility requiring a registration.

C. The St. Charles 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. Registrants must accept delivery of registered mail or certified mail notice and provide the Division Director notice of any changes of address.

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 City of Cottleville Planning and Zoning Commission that the establishment of a kennel at the proposed site is not in violation of the City’s Zoning Ordinances 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, 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 Sections 205.180, 205.190, 205.200 or 205.210 herein.

SECTION 205.180. Board 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 insure 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 the City of Cottleville 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, 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, and 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 205.190. Conditions – General

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

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

2. Adequate food, adequate water and bedding, suitable to the age and condition of the animal, 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, spoiled or damaged bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.
4. Water must be conveniently available for cleaning purposes.
5. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to keep from contaminating well animals.
6. There shall be a proprietor or competent person representing the proprietor on duty at all times during hours any boarding or breeding kennel, pet shop and/or dealership is open whose responsibility shall be the care and welfare of the animals.
7. A proprietor or competent person shall be present on the premises at least every twelve (12) hours to feed, water and do the necessary cleaning of animals and birds on days the boarding or breeding kennel, pet shop and/or dealership is closed.
8. No person, persons, association, firm or corporation shall knowingly sell a sick or injured dog, cat or other small animal.
9. No animal that is known or reasonably suspected to have a disease contagious or communicable to humans may be exposed to or offered for sale to the public.
10. No person, persons, association, firm or corporation shall misrepresent a dog, cat or other small animal to a consumer in any way.
11. At boarding and breeding facilities, provision shall be made for consultation or part-time veterinary care for the animals by formal agreement, which shall include, at a minimum a written program for veterinary care specifying the manner of the availability of veterinary care during regular hours as well as emergency, weekend and holiday care. Such program must address the need for specific monitoring of medically fragile, aged or animals less than six (6) months. The proprietor shall post or make available in writing the program for veterinary care to customers of the boarding or breeding facility.
12. Any animals with serious illness or injury shall receive prompt treatment by a licensed veterinarian, and the proprietor or competent person shall promptly notify the animal's owner of same.

SECTION 205.200. Boarding Kennels, Record Keeping

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

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

- a. Name, address, and phone number of pet owner;
- b. Emergency contact number;
- c. Animal's name, age, sex, and breed;
- d. Vaccination information, with official rabies;
- e. Preexisting physical problems;
- f. Medication information and instructions;
- g. Veterinarian of the pet owner's choice;
- h. Special feeding instructions, if needed;
- i. Special boarding instructions, if needed;
- j. Any additional services to be performed;
- k. Date animal received; and
- l. Date animal released.

2. A daily record of the identity of the individual(s) employed by the proprietor to be the competent person responsible for the care and welfare of the animals as required by Section 205.190(A)(6).

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

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

SECTION 205.210. Conditions – Grooming Parlors

A. Grooming parlors shall:

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

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

SECTION 205.220. Additional Services Provided.

A. In addition to the services required by this Chapter, the Division 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 Cottleville;
3. Euthanizing animals;
4. Disposing of euthanized animals;
5. Impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Chapter, during or after normal business hours of the Division.

SECTION 205.225. Feral Cat Program.

A. Feral Cat Programs shall consist of any program that provides spay/neuter services and education for and related to only feral and community cats. Such programs shall:

1. Provide low-cost or free sterilization for feral and community cats weighing more than two (2) pounds who are at least eight (8) weeks of age;
2. Not provide sterilizations services for pet cats or pet kittens;
3. Ear tip all feral and community cats for which it provides services;
4. Vaccinate all feral and community cat for FVRCP and rabies; and
5. Provide educational materials and trainings on the subject of feral and community cats.

SECTION 205.230. Recovery of Costs for Services Authorized.

The Division is authorized to recover the costs of performing the services authorized this Article, set forth in Section 205.240.

SECTION 205.235. Animals Apprehended Running At Large – Mandatory Vaccination.

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

ARTICLE VI. FEES, PENALTIES AND ENFORCEMENT

SECTION 205.240. Fees.

A. The Division shall charge fees for services required or requested pursuant to this Chapter as follows:

Dangerous Dog Basket Muzzle.....	\$20.00
Aggressive/Dangerous Dog Collar.....	\$20.00
Aggressive/Dangerous Dog Sign.....	\$10.00
Rabies Vaccination Registration -Altered	\$5.00
Rabies Vaccination Registration -Unaltered	\$10.00
Rabies Vouchers:	
Altered.....	\$27.00
Unaltered.....	\$30.00
Vaccination	\$5.00

Administration Fee.....	\$10.00
Administration Fee Multiples of 5 or more animals.....	\$30.00
Kennel Boarding (Daily Fee).....	\$10.00
Medical Treatment Fee.....	\$Actual Cost
Adoption Fee:	
All Dogs, Cats, & Parrots	\$60.00
Pocket Pets.....	\$5.00
Cockatiels/Parakeets/Canaries.....	\$10.00
Rabbits & Ferrets Altered by PAC.....	\$30.00
Rabbits & Ferrets already Altered.....	\$10.00
Exotics (Lizards, snakes).....	\$20.00
Rescue Adoption.....	\$30.00
Kennel Registration.....	\$50.00
Grooming Fee (Flea or Tick Treatment).....	\$25.00
Relinquished Animals.....	\$20.00
Litter Relinquishment.....	\$35.00
Euthanasia	\$45.00
Microchips.....	\$10.00
Trap Deposit:	
Cat.....	\$40.00
Dog.....	\$100.00
Cat Carrier.....	\$5.00
Leash.....	
\$1.00No-Jump Harness.....	
\$15.00	
Disposal of Euthanized /Dead Animals.....	\$20.00
Ash Return, Dog.....	\$75.00
Ash Return, Cat	\$45.00
Ash Return, Small Pet	\$25.00
Ash Return, Pot Bellied Pig.....	\$95.00
Transport of privately owned animals.....	\$40.00
Service Fee for wild animal removal.....	\$40.00
Home quarantine monitoring fee.....	\$40.00
Pickup of wild animals:	
During business hours.....	\$40.00
After Hours.....	\$100.00
Portable Coral Set Up Fee.....	\$150.00
Necropsy.....	\$100.00
Diagnostic Testing.....	Actual Costs

B. The Division shall charge fees, based upon their actual expenses, not to exceed the fee schedule herein set out, required or requested pursuant to the Animal Control Ordinance by instituting an "Impound Fee" with a fee schedule as follows:

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

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

C. In addition to the fees listed in Section 205.240, the Division shall charge for its expenses in impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Chapter.

D. The Division Director may waive or modify a fee if they determine waiver or modification of such fee to be appropriate.

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 five hundred dollars (\$500.00), or by imprisonment in the St. Charles County Jail for a term not to exceed ninety (90)days, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues.

SECTION 205.260. Enforcement.


Enforcement of this Chapter shall be the responsibility of the Department of Public Health and prosecution shall be the responsibility of the County Counselor.

SECTION 2. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 3. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 4. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

Read the first (1st) time this 19 day of July, 2023.


As Presiding Officer and as Mayor

Attest: 
City Clerk

Read the second (2nd) time and passed this 14 day of August, 2023.


As Presiding Officer and as Mayor

Attest: 
City Clerk

Approved this 14 day of August, 2023.


Mayor

Attest: 
City Clerk