

**COMMONWEALTH OF KENTUCKY
OHIO COUNTY FISCAL COURT**

Ordinance 2019-2

Amending

Ohio County Animal Control Ordinance 2011-14

AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS WITHIN OHIO COUNTY, KENTUCKY, FOR THE PROTECTION OF THE PUBLIC AND FOR THE ANIMALS THEREIN AND PROVIDING PENAL TIES FOR THE VIOLATION OF THE PROVISIONS SET FORTH, AS AMENDED BY OHIO COUNTY FISCAL COURT on _____.

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF OHIO, COMMONWEALTH OF KENTUCKY:

SECTION 1. DEFINITIONS:

As used in this ordinance, the following terms shall mean:

ANIMAL: Any live, vertebrate creature, domestic not to include domestic or feral cats and wildlife.

ANIMAL CONTROL OFFICER: Any person designated by the County to respond and to act on complaints of dogs or other animals being at large within the County, or any city therein, not under restraint or otherwise in violation of this ordinance and to assist in the operation of the animal shelter;

ANIMAL SHELTER: Any facility operated by any governmental agency or humane society for the purpose of impounding or caring for animals;

CIRCUS: A commercial variety show featuring animal acts for public entertainment;

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, riding school or stable, zoological park, circus, performing animal exhibition, exotic animal exhibition, or kennel;

FARM DOG: Any dog owned by a farmer or kept on a farm in any part of the County except incorporated and unincorporated residential neighborhoods and towns.

HUMANE SOCIETY: Any organization existing for the purpose of the prevention of cruelty to animals;

KENNEL: Any premises where any person engages in the business of boarding, breeding, buying, letting for hire, training for fee, or selling dogs or cats;

NON-DOMESTIC ANIMAL: All felines (other than the domestic house cat), **wildlife (such as skunk, raccoons, opossums, groundhogs, beaver, deer, and squirrels)**, non-human primates, bears, wolves, coyotes, foxes, and venomous reptiles, and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this section, the Ohio County Fiscal Court may add to or remove from the classification of non-domestic animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to the list may be made only if the Fiscal Court determines, after public hearing, that such species because of habit mode of life, or natural instinct is incapable of being domesticated; requires the exercise of art, force, or skill to keep them safely in subjection; and would create a reasonable likelihood of hazard to the public. Each determination by the Legislative body as to additions or deletions shall become effective when filed with the County Judge Executive.

OWNER: Any person, partnership, or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more;

PET: Any animal kept for pleasure rather than utility; under no circumstances shall a non-domestic animal as defined in this Ordinance be considered a pet unless specifically provided for herein;

PUBLIC NUISANCE: Any animal or animals which:

1. Molest passerby or passing vehicles
2. Attacks other animals
3. Trespass on school grounds
4. Is repeatedly at large
5. Damages private or public property
6. Barks, whines or howls in excessive, continuous or untimely fashion

RESIDENTIAL PROPERTY OWNER: Any person owning, renting or leasing real estate in Ohio County, Kentucky;

RESTRAINT: The act of restraining any animal secured by a leash or lead or under control of a responsible person and obedient to that person's commands, or within the real property limits of it owner;

UNIFORM CITATION: Animal Control Officers have authority to issue uniform citations only for the enforcement of provisions of KRS 258;

VACCINATION: The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Kentucky State Board of Health;

VICIOUS ANIMAL: Any animal or animals that constitute a physical threat to human beings or other animals;

SECTION 2. RESTRAINT

Restraint is required for all animals (except cats and farm dogs) in the county.

- (a) It shall be unlawful for any owner or person in charge of any animal to permit or allow such animal to run at large in the county, or any city therein, unless such animal (except cats and farm dogs) is on a leash or otherwise under the absolute control of the owner or his agent.
- (b) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (c) **EXCEPTION** –Any dog used to assist in hunting during a lawful hunting season shall not be subject to this section while engaged in any hunting activity unless such animal constitutes a physical threat to human beings or other animals, in which case all related provisions hereto shall apply.
- (d) **EXCEPTION**-Any farm animal raised for commercial purposes and maintained on any farm in the county or other area except incorporated cities, unincorporated residential neighborhoods and towns, shall not be subject to the provisions of this section to the extent that said animal does not constitute a physical threat to human beings or other animals.

SECTION 3. VICIOUS ANIMALS PROHIBITED

It shall be unlawful for any person to harbor or keep, within the corporate limits of the county, or any city therein, any animal with a vicious propensity. It shall be prima facie evidence of the viciousness for any dog to bite or attack any person off the owner's own premises.

SECTION 4. HOWLING, BARKING ANIMALS DISTURBING NEIGHBORHOOD PROHIBITED

It shall be unlawful for any owner or person in charge of an animal to suffer or permit on his premises the loud or frequent barking, howling or yelping of such animal so as to annoy or disturb any neighborhood located in the county, or any city therein.

SECTION 5. IMPOUNDMENT

- (a) Unrestrained dogs and nuisance animals shall be taken to an animal shelter by the dog warden

or other authorized animal control officers and impounded. The duty of a law enforcement officer shall be to respond to scene; if the animal is a danger to the public or other animals, to notify the Animal control Officer to pick up the animal, and to keep animal under surveillance until it can be caught and transported by the Animal Control Officer.

- (b) Impounded dogs and cats shall be kept for at least 5 days unless reclaimed by owner. However, this requirement may be waived by the Animal Control Officer or his agent if an impounded animal has an injury or physical condition which causes the animal to suffer or causes other animals to suffer. No injured or sick animal will be accepted from it's owner.
- (c) If by name tag, rabies tag, or other means the owner of an impounded animal can be identified, the Animal control Officer shall immediately notify the owner by telephone or mail. All dogs over the age of 4-months must have current identification attached to a well-fitting collar or harness.
- (d) An owner reclaiming an impounded cat or dog shall pay a fee approved by the Ohio county Fiscal Court, plus any additional necessary charges or costs to the Ohio County Fiscal Court. Any owner failing to pay the impoundment fee shall not be permitted to reclaim cat or dog.
- (e) Any animal not reclaimed by its owner within 5 days shall become the property of the animal shelter and shall be placed for adoption or humanely euthanized.
- (f) Any addition to, or in lieu of, impounding any animal found at large in the county, or any city therein, the law enforcement officer or Animal Control Officer may proceed against the owner as provided in Section 11 of this ordinance.

SECTION 6. ANIMAL CARE

- (a) No owner shall fail to provide his animal(s) with sufficient food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. Any owner or keeper of animals shall maintain a clean shelter or living area for any animal being kept, which shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. All such shelters or living areas must be cleaned on a regular basis.
- (b) If any animal is restrained by a chain, leash, or similar restraint, such chain or restraint shall not be less than 6 feet in length and either on swivels designed to prevent the animal from choking or strangling itself or else on a chain run.
- (c) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. In the event there is reasonable cause to suspect that

an animal is being beaten, cruelly ill-treated, or tormented, or involved in a dogfight, cockfight or other combat, the custody of such animal may be taken by the law enforcement officer or Animal Control Officer and impounded in the Ohio County Animal shelter. Said animal shall be held as evidence and confined in such facility in a humane manner. Upon a finding by the court that the animal has been beaten, cruelly ill-treated or tormented, or involved in a dogfight, cockfight or other combat between animals, the animal shall become the property of the Ohio county Fiscal Court and be disposed pursuant to the provisions of Section 5(e) as set forth herein.

- (d) No owner of an animal shall abandon such animal. Abandonment shall consist of leaving such animal for a period in excess of 24 hours without food or water. An abandoned animal may be taken by a law enforcement officer or animal control officer and impounded in the Ohio County Animal Shelter. The owner shall be subject to all impoundment fees as set forth in Section 11.
- (e) No person shall crop a dog's ears, except a licensed veterinarian and then only if the dog is an animal whose ears are normally cropped for show or if the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.
- (f) Any operator of a motor vehicle who strikes a domestic animal shall immediately report such accident to the animal's owner; if the owner cannot be located and/or scene of accident needs to be secured for safety reasons. 911 shall be called for a law enforcement officer. Law enforcement officer may call Animal Control Officer from scene if owner is not available and animal has serious injury.
- (g) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same is liable to be eaten by any animal, provided that it shall not be unlawful for a person to place on his property rat poison mixed only with vegetable substances.
- (h) All horses, cattle, and other hooved livestock shall receive care equal to minimum standards for equine care in Kentucky" guidelines outlined by Kentucky Horse Council, Inc. and Kentucky law (KRS 525.130).

SECTION 7. STANDARD FOR KENNELS & PET SHOPS

- (a) All kennels, whether commercial or noncommercial, and pet shops shall, in addition to the other requirements of this ordinance, comply with minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license and the issuance of a citation subjecting the owner to the penalties herein. Facilities shall be subject to inspection by the Animal Control Officer upon officer's request during reasonable hours.

- (b) Enclosures must be provided with adequate protection against weather extremes. Floors of buildings, runs and walks shall be of such material to permit proper cleaning and disinfecting.
- (c) The building temperature shall be maintained at a comfortable level. Ventilation shall be maintained.
- (d) Each animal shall have sufficient space to stand up, lie down and turn around in a natural position without touching the sides or tip of the cage.
- (e) Cages are to be of material and construction to permit cleaning and sanitizing.
- (f) Runs shall provide an adequate exercise area and protection from the weather.
- (g) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (h) All animals, other than certain reptiles and amphibians living in the kennel or pet shop shall be fed daily, except as otherwise prescribed by a veterinarian. Reptiles and amphibians shall be fed in accordance with the customary feeding habits of the species. The food shall be free from contamination, wholesome, palatable and of a sufficient quantity and nutritive value to meet the normal daily requirement for the condition and size of the animal.
- (i) All animals shall have fresh water available at all times. Water vessels shall be mounted or secure in a manner that prevents tipping and be of the removal type.

SECTION 8. KEEPING OF NON-DOMESTIC ANIMALS

No person shall keep or permit to be kept on their premises any non-domestic animal. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses, exotic animal exhibitions, or animals in the care of wildlife rehabilitators/keepers as certified by Commonwealth of Kentucky Department of natural Resources

SECTION 9. STERILIZATION

No unclaimed dog or cat or other animal shall be released for adoption unless the new owner agrees to subject the animal to the spay-neuter PROGRAM SPONSORED BY THE Ohio County Fiscal Court and the payment of any and all applicable fees required thereof. Fees charged for owner reclamation of their animal will be reimbursed in total if the owner brings proof of sterilization to the shelter within 60 days of reclaiming their animal.

SECTION 10. ENFORCEMENT

- (a) It shall be a violation of this ordinance to interfere with a law enforcement officer or Animal Control Officer in carrying out and enforcing this ordinance.
- (b) Animal control Officers, pursuant to the provisions of KRS 258.195 (3), shall have the authority to issue uniform citations only for the enforcement of the provisions of Chapter 258.
- (c) This ordinance shall apply to the current provisions of KRS Chapter 258 and all subsequent amendments thereto from the date of their enactment into law unless specifically limited or qualified by amendment to this ordinance.

SECTION 11. NOTICES AND WARNINGS

- (a) Where first offense violations of restraint requirements under Section 2. Restraint are observed, any Animal control Officer may issue a RESTRAINT NOTICE in lieu of a Uniform Citation. The RESTRAINT NOTICE will stipulate the violation observed associated fees and a compliance date, as well as a waiver provision providing that the person to whom the RESTRAINT NOTICE is issued waives all rights to protest such notice and waives all rights to a hearing on the issue relating to that notice. All Associated fees shall be paid to the Ohio County Animal Shelter. Failure to pay the associated fees by the compliance date or failure to waive rights by the compliance date may result in the issuance of a Uniform Citation.
- (b) Where first offense violations of howling, barking animals disturbing neighborhood requirements under Section 4. Howling, Barking Animals Disturbing Neighborhood Prohibited are observed, any Animal control Officer may issue a DISTURBANCE NOTICE in lieu of a Uniform Citation. The DISTURBANCE NOTICE will stipulate the violation observed associated fees and a compliance date, as well as a waiver provision providing that the person to whom the DISTURBANCE NOTICE is issued waives all rights to protest such notice and waives all rights to a hearing on the issue relating to that notice. All associated fees shall be paid to the Ohio County Animal Shelter. Failure to pay the associated fees by the compliance date or failure to waive rights by the compliance date may result in the issuance of a Uniform Citation.
- (c) Where violations of the vaccination requirements of this ordinance or KRS Chapter 258, as amended from time to time, are observed, any Animal control Officer may issue a VACCINATION NOTICE in lieu of a uniform citation. The VACCINATION NOTICE will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the VACCINATION NOTICE is issued waives all rights to protest such violation and waives all rights to a hearing on the issues relation to that violation. All associated fees and late fees and failure to waive rights by the compliance date may result in the issuance of a uniform citation.
- (d) Where violations of the animal care requirements under SECTION 6. ANIMAL CARE of this ordinance is observed, any Animal Control Officer may issue an ANIMAL CARE NOTICE in lieu of

a uniform citation. The ANIMAL CARE NOTTICE will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the ANIMAL CARE NOTCE is issued waives all rights to protest such violation and waives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to the Ohio County Animal shelter. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of a uniform citation.

- (e) Where violations of the sterilization requirements under SECTION 9. STERILIZATION of this ordinance are observed, any Animal Control Officer may issue a STERILIZTION NOTICE in lieu of a uniform citation. The STERILIZATION NOTICE will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the STERILIZATION NOTICE is issued waives all rights to protest such violation and wives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to the Ohio County Animal Shelter. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of a uniform citation.

Where an Animal Control Officer observes a violation of any of the provisions of this ordinance, the officer may issue a WARNING CITAITON in lieu of a Violation Notice or Uniform Citation, stipulating a time by which corrective action must be administered. If the owner does not comply with the terms of the WARNING CITAITON by the specified time, a Violation Notice or Uniform Citation may be issued.

All fees provided for in this ordinance are set forth in the Ohio County Animal Shelter Policy Manual which is presently in effect and may be modified by future Ohio County Fiscal Court action.

SECTION 12. PENALTIES

Any person who violates any of the provisions of this ordinance or other applicable state laws may be subject to the penalties set forth in KRS 258.990 and the penalties set forth in KRS 525.125, KRS 525.130, and KRS 525.135 and upon conviction thereof shall be subject to the fine and criminal penalties set forth therein. In the event that none of the statutes cited heretofore provide a penalty for the violation of any of the provisions of this ordinance, then such violation shall constitute a misdemeanor and shall, upon conviction be punishable by a fine of not less than \$2.00 nor more than \$500.00. Each day that a violation continues shall constitute a separate offense.

SECTION 13. CONFLICTING ORDINANCES

All other ordinances of Ohio County that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 14. SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof will not affect the remaining parts of the ordinance.

Passed on this day _____ of _____, 2018. By Ohio County Fiscal Court.

David Johnston/ Judge Executive

Miranda Funk/ Fiscal Court Clerk