

**COMMONWEALTH OF KENTUCKY
BOURBON COUNTY FISCAL COURT
ORDINANCE 10-09-03-01**

**AN ORDINANCE AMENDING AND REPLACING ORDINANCE #01-08-98-01
CONTROL OF ANIMALS**

WHEREAS, The Bourbon County Fiscal Court having reviewed Ordinance #01-08-98-01 of the Bourbon County Code for control of dogs, and desiring to amend this ordinance to include cats and other domesticated animals in the nuisance provision of said ordinance, and to make other necessary provisions and amendments:

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Bourbon, Commonwealth of Kentucky, that Ordinance 01-08-98-01 be amended as follows:

DEFINITIONS:

- (1) **"Owner"** or **"Keeper"** shall be defined as any person or persons, firm, association, partnership or corporation owning, keeping, harboring, or allowing a domestic animal to remain on his/her property;
- (2) **"Animal"** means any living creature, domestic or wild, EXCLUDING undomesticated mice, rats, or other vermin;
- (3) **"Wild Animals"** means all bears, lions, tigers, cougars, leopards, cheetahs, jaguars, wolves, and wolverines and other large (more than thirty five (35) pounds) predacious (predatory) omnivore or carnivore, excluding canines;
- (4) **"Animal Shelter"** means any premises designated by the County of Bourbon, either owned by the County or by a non-profit organization to provide such a facility for the County of Bourbon, for the purpose of impounding and caring for animals held under authority of this ordinance and state laws regulating animals and owners of animals;
- (5) **"Humane Society"** means any non-profit corporation organized under the laws of this state and having as its primary purpose the prevention of cruelty to animals;
- (6) **"Running at Large"** means any dog off the premises of the owner or keeper and not under the control of the owner by restraint of a leash or voice command;
- (7) **"Abandon"** means to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner or keeper;

- (8) **“Stray”** means any animal whose owner or keeper is unknown to the person who takes it up and is an animal that has escaped from its owner or keeper and wanders or strays about on property not owned or occupied by the owner or keeper of the animal;
- (9) **“Adoption”** means any animal impounded in the animal shelter which meets the requirements of the adoption section of this ordinance.
- (10) **“Proper Enclosure of a Dangerous Dog”** means while on the owner’s property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent entry of young children and designed to prevent the animal from escaping.
- (11) **“Severe injury”** means any physical injury that results in broken bones or disfiguring laceration requiring multiple sutures or cosmetic surgery.
- (12) **“Aggressive Dog”** means any dog inclined to move in an assertive bold manner or act in a hostile fashion.
- (13) **“Potentially Dangerous Dog”** means any dog that when unprovoked: (a) inflicts significant bites on a human being or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, roads or any public grounds in a menacing fashion or apparent attitude of attack, or a dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of human beings or domestic animals.
- (14) **“Dangerous Dog”** means any dog that according to the records of the appropriate authority, (a) has inflicted severe injury or has killed a domestic animal without provocation while off the owner’s property, or (b) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals or without provocation bites another domestic animal.
- (15) **“Vicious Dog”** means any dog determined to be so, which inflicts serious injury on a person, which is proven to be unprovoked.

HUMANE TREATMENT OF ANIMALS

- (1) No owner or keeper shall fail to provide his/her animal(s) with good wholesome food, veterinary care when needed to prevent suffering and humane care and treatment. At all times, such owner or keeper shall provide his/her animal(s) with water, adequate shelter, protection from the weather, and appropriate veterinary care.

- (2) If any animal is restrained by a chain, leash, or similar restraint, such chain or restraint shall not be less than ten (10) feet in length and either on a swivel designed to prevent the animal from choking or strangling itself or else on a chain run. If any animal is so restrained by a chain, leash, or similar restraint, such animal shall be provided with a collar or a harness.
- (3) No person shall beat, cruelly treat, torment, overload, overwork any animal, or cause or permit any fight or other combat between animals.
- (4) No owner or keeper shall abandon an animal, abandonment consisting of leaving such animal for a period in excess of twenty four (24) hours without providing for someone to feed, water, and check on animal's condition. In the event an animal is found so abandoned, such animal may be taken by the dog warden, animal control officer or any peace officer and impounded in the animal shelter. Such animal, if taken from private property, shall be kept for not less than thirty (30) days with the same procedure otherwise to be followed in the Wild Animal section of this ordinance. In the event that an animal is so abandoned, the owner or the person whom he has charged with the animal's care, shall be in violation of this section subject to penalties herein will be required to pay boarding fee per day per animal.

NUISANCES

No person shall own, keep, or harbor any animal, including, but not limited to dogs and cats, which shall do any one or more of the following objectionable actions, each of which is hereby declared to be a public nuisance within this county.

- (1) Habitual barking, howling, yelping, whining or meowing loud enough to be heard beyond the premises of where it is kept or harbored or while trespassing upon any property or premises not owned or occupied by the owner or keeper of said animal;
- (2) Habitual trespassing upon any property or premises not owned or occupied by the owner or keeper of said animal;
- (3) Habitual turning over, getting into or otherwise damaging or disturbing any items of personal or public property located on any premises other than those owned or occupied by the owner or keeper of said animal;
- (4) Habitual defecating upon any property or premises not owned or occupied by the owner or keeper of said animal;
- (5) Habitual running after, jumping upon, chasing, barking at, or in any other way frightening, molesting or injuring any person other than the owner of said animal and the members of the owner's immediate family; and

- (6) Habitual chasing of motor vehicles, bicycles, scooter, mopeds, or motorcycles other than those owned or operated by the owner of said animal and the members of the owner's immediate family.

The dog warden, animal control officer, or any peace officer, upon receiving a nuisance complaint, shall investigate the complaint. Upon investigation, the dog warden, animal control officer, or peace officer may issue written notice of such complaint to the owner or keeper of the animal, or upon adequate probable cause is a citation to owner or secure a criminal complaint for violation of the nuisance ordinance, or seize the animal pursuant to the provisions of Wild Animal section, or both charge and seize the animal. Any citizen may upon securing the name and address of owner or keeper of said animal creating nuisance should contact the above referenced authorities. He/she may then be directed to file a complaint with the county attorney's office.

RABIES VACCINATIONS

The owner or keeper of any animal over six (6) months of age shall have such animal vaccinated against rabies by a licensed veterinarian. The veterinarian who vaccinates the animal shall issue to the owner thereof a vaccination certificate. The certificate shall bear the name and address of the veterinarian who issued it, along with the certificate number. The veterinarian shall also furnish each owner with a metal tag bearing the certificate number and year of vaccination. The veterinarian may also issue a license, at that time. He/she shall collect the amount as established by the Bourbon County Fiscal Court for said license and shall pay to the Bourbon County Animal Control Officer any monies collected.

RUNNING AT LARGE

It shall be unlawful for any owner or keeper to permit any dog owned by he/she or under his/her control to run at large within the county. Any owner or keeper is deemed to have permitted the dog to run at large if a condition exists that the owner or keeper was, or should have been aware of that which would allow the dog to run at large. Violation of any conditions imposed on dangerous or vicious animals shall constitute a violation of this section.

POISONING PROHIBITED

It shall be unlawful for any person to place any poison of any description or any toxic substance in any place, on his/her premises or elsewhere, where it may be easily found and consumed by an animal.

EXHIBITIONS PROHIBITED

Exhibitions of wild or vicious animals for display or for exhibition purposes, whether gratuitously or for a fee, is prohibited, unless the exhibition is licensed or permitted to do so.

It shall be unlawful within any area of the county for any person to offer or give away any live animal as a prize or reward in connection with any raffle, protest, demonstration, promotion, or as a part of any gratuity or punier or pecuniary exchange to induce entry into any game, contest, or other competition, except livestock offered or given away as a part of a farm youth education program or non-profit charitable organization.

Nothing in this section shall be construed to prohibit the auction or sale of animals.

Any person who shall violate this section shall, upon conviction thereof, be subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for a term not to exceed twelve (12) months, or both for each offense. Each offering or giving away of an animal of this section shall be deemed a separate offense.

WILD ANIMALS

The keeping of wild animals within any area of the county is hereby prohibited and declared to be unlawful. This section shall not apply to any zoological garden accredited by the American Association of Zoological Parks and Aquarium, appropriately licensed theatrical exhibits, carnivals or circuses, any authorized wildlife rehabilitation or licensed veterinary hospital for the purpose of treating injured animals, or any federal licensed research institution.

(a) For the purpose of this section:

- (1) "Dangerous Animal" shall mean any species of animal capable of inflicting serious physical harm or death to human beings because of its nature or physical makeup, including any pet wildlife or any hybrid animal which has attacked a human or which is apprehended or observed unrestrained including but not limited to the provisions set forth in 301 KAR 2:082.
- (2) "Wild Animals" shall mean any species of animal not normally domesticated by man, including but not limited to the provisions set forth in 301 KAR 2:082.

IMPOUNDING (Revised Oct. 2003)

Dogs running at large may be taken by the dog warden, animal control officer or any peace officer and impounded in the animal shelter and there confined in a humane manner. Any cat found to be sick or injured shall be declared to be a public health hazard, and may be seized by the dog warden, animal control officer or any peace officer and impounded in the animal shelter and there confined in a humane manner, not less than three days. A veterinarian, vet tech, a trained shelter supervisor or anyone trained by the above shall do such evaluation leading to treatment. In addition to all other charges, anyone claiming an animal under this section shall be required to reimburse the shelter for all medical and incidental expenses.

The dog warden, animal control officer, or any peace officer may impound any cat committing acts, which constitute a nuisance as defined in the Nuisance Section of the Ordinance.

All impounded animals, including, but not limited to dogs and cats, shall be kept for not less than five (5)* days, unless reclaimed by its owner or keeper. If a license tag or other means, the owner of the animal can be identified, the dog warden, animal control officer shall immediately notify the owner by telephone or mail of impoundment of the animal. Animals not claimed by its owner or keeper within five (5)* days of its impoundment may be placed in a suitable new home or humanely euthanized as determined by the officials of the animal shelter.

- An owner or keeper reclaiming an impounded animal shall pay a fee of thirty (\$30.00) dollars for an altered animal, fifty (\$50.00) dollars for an unaltered animal for the first redemption. Second impoundment will be doubled the amount (\$60.00 for an altered animal and \$100.00 for an unaltered animal), third impoundment will be tripled the amount (\$90.00 for an altered animal and \$150.00 for an unaltered animal). The owner or keeper of a reclaimed animal shall pay in addition to the fees stated above an additional five (\$5.00) dollars per day for each day after the first twenty-four (24) hours. If an animal has been quarantined, the redemption fee shall be five dollars (\$5.00) for each day the animal is quarantined. Proof of vaccination for rabies shall be provided before the animal is released. If proof is not provided, the owner or keeper shall purchase a rabies vaccination card from the animal shelter before the animal is released. It shall be mandatory that upon the first impoundment a microchip shall be implanted. This will be done prior to the release of the animal and the payment of the cost of such procedure (currently \$8.00). Proof of a current dog license shall also be provided before any dog is released to its owner or keeper. If proof is not provided, the owner or keeper shall purchase a license before the dog is released.

If an identified owner or keeper fails to retrieve his/her animal as set forth in the above paragraph, he/she will subject himself/herself to the penalty set out below.

*Revised March 22, 2001

LICENSING (Revised Oct. 2003)

- As of November 1, 2003, the cost of a dog/cat license will be \$8.00. The \$8.00 will be distributed as follows: \$1.25 to the State, \$3.00 to the spay/neuter fund, and \$3.75 to the Bourbon County Fiscal Court minus fees paid to the Animal Control Officer.

ADOPTION

The dog warden, animal control officer or any animal shelter personnel may transfer title to any animal held after the legal detention period as set forth in the impounding section of this ordinance has expired and the dog has not been claimed by its owner or keeper. The person taking title to an animal shall purchase a rabies vaccination certificate and license tag.

HANDLING REQUIREMENTS

It shall be unlawful for any person to keep or harbor within the County of Bourbon a dog known to be potentially dangerous unless it is at all times kept on the owner's or harbor's property securely confined indoors or in a securely enclosed and locked outdoor pen or shelter suitable to prevent entry of young children and designed to prevent the dog from escaping. Such structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no concrete, cement, or asphalt bottom, the sides must be imbedded into ground no less than two (2) feet. The enclosure must also provide protection from the elements for the dog. A potentially dangerous dog shall be transported to or from the indoors and securely enclosed and locked outdoor pen or shelter only if such dog is restrained by a suitable chain or leash not exceeding six (6) feet in length and under the control of a responsible adult over eighteen (18) years of age.

Dangerous dogs are subject to all restrictions listed above and also shall be permitted off the owner's or harbor's property only if such dogs are muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of an adult being someone eighteen (18) years or older. The muzzle must be made in a manner that will not cause injury to the dog or interfere with the vision or respiration but must prevent the dog from biting any person or animal.

A vicious dog shall be subject to all the above restrictions and if the dog having bitten a human being, said dog shall be brought or surrendered to the animal shelter for testing. Further the dog shall be kept for the time necessary to determine its health. If the animal is found to be rabid, it shall be euthanized. If the animal is found healthy, there is to be a hearing with the District Court to determine the disposition of the animal. Such disposition may include euthanasia, however, if the attack occurred on the property of the dog's owner and is the first such incident then the District Court shall be limited to the provisions in this ordinance excluding euthanasia.

Any animal that is shown to have bitten a human being without provocation more than once shall upon such showing be euthanized. Any animal shown to have bitten or killed without provocation on more than one occasion other domestic animals off of the property of his owner may be euthanized at the direction of the District Court. All cost related to this shall be paid by the owner at the time or by reimbursement. This is in addition to any other expenses arising from attack.

ISSUANCE OF CITATIONS AND CRIMINAL COMPLAINTS

Any peace officer, or any enforcement officer so authorized, may issue a citation, or secure a criminal complaint, specifying the section or sections violated, and indicates the specific nature of the violation, to any person violating any provisions of this ordinance. If the charge is by citation or criminal complaint, the owner or keeper is obligated to appear to answer the charges specified at the Bourbon County District Court at the time and place indicated.

This ordinance is in addition to KRS 525.125 or KRS 525.130 and does not preclude appropriate authorities or individuals from filing criminal charges under these statutes, which relate to cruelty to animals.

PENALTIES

Any person violating this ordinance unless otherwise indicated shall, upon conviction, be fined not more than five hundred dollars (\$500.00), or confined in the Bourbon County Detention Center for not more than ninety (90) days, or both, in the discretion of the District Court. Any fines less the court cost shall be payable to the Bourbon County Animal Shelter for the operation of said animal shelter.

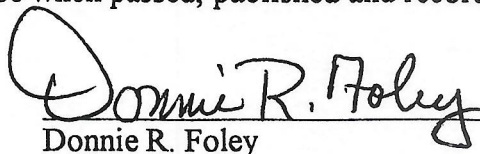
This ordinance repeals all ordinances in reference to animal control within Bourbon County.

Introduced and given first reading at a regular meeting of the Bourbon County Fiscal Court on the 9th day of October, 2003.

Fully adopted after the second reading at the regular meeting of the Bourbon County Fiscal Court on the 23rd day of October, 2003.

This ordinance shall take effect and be in full force when passed, published and recorded according to law.

Date: 10-23-03


Donnie R. Foley
County Judge Executive

Attest: 
Richard S. Eads, County Court Clerk