

COMMONWEALTH OF KENTUCKY
BOYD COUNTY
FISCAL COURT

ORDINANCE NO. 151

AN ORDINANCE RELATING TO ANIMAL CONTROL.

WHEREAS, the Fiscal Court of Boyd County, Kentucky desires to prohibit dogs and cats running at large in the unincorporated area of the county and otherwise regulate the keeping of dogs and cats so as to prohibit their becoming a nuisance or danger to persons;

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Boyd County, Commonwealth of Kentucky, as follows:

DEFINITIONS

As used in this Ordinance unless the context requires otherwise:

- (1) "Owner" or "Keeper" shall be defined as any person or persons, firm, association, partnership or corporation owning, keeping harboring, feeding, watering or allowing a dog or cat to remain on his/her property or premises whether owned, rented or leased.
- (2) "Animal Shelter" means any premises designated and operated by the Boyd Fiscal Court, directly or by contract, for the purpose of impounding and caring for animals;
- (3) "Humane Society" means any nonprofit corporation, organized under the laws of this state and having as its primary purpose the prevention of cruelty to animals;
- (4) "Running at Large" means any dog or cat off the premises of the owner or keeper without restraint of a leash or voice command;
- (5) "Abandon" means an animal whose owner or keeper is unknown to the person who takes it up and is an animal that has escaped or ran away from its owner or keeper and/or wanders
- (6) "Stray" means an animal whose owner or keeper is unknown to the person who takes it up and is an animal that has escaped or ran away from its owner or keeper and/or wanders or strays about on property not owned or occupied by the owner or keeper of the animal.
- (7) "Dog" means any member of the canine family.

(8) "Cat" means any domesticated member of the feline family.

(9) "Pet" means any dog or cat as defined herein.

(10) "Vicious Dog" means any dog which attacks, attempts to attack or threatens to attack any person or persons while off the premises of the dog's owner or keeper or any dog which regularly places persons in reasonable fear of physical injury while off the premises of the owner or keeper or which has known vicious tendencies.

HUMANE TREATMENT OF ANIMALS

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

(2) If any pet 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 on a chain run. If any pet is so restrained by a chain, leash or similar restraint, such animal shall be provided with a collar or harness.

(3) No person shall beat, cruelly treat, torment, overload, overwork or otherwise chase any pet, or cause or permit any fight or other combat between pets.

(4) No owner or keeper shall abandon any dog or cat. Abandonment consists 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 that 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. 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 violate of this section.

NUISANCES

No person shall own, keep or harbor any pet which shall do 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, meowing or whining without obvious cause or provocation or while trespassing upon any property or premises not owned or occupied by the owner or keeper of said dog;

(2) Habitual trespassing upon any property or premises not owned or occupied by the owner or keeper of said dog.

(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 pet;

(4) Habitual defecating or urinating upon any property or premises not owned or occupied by the owner or keeper of said dogs;

(5) Habitual running after, jumping upon, chasing, barking at, biting at, or in any other way frightening, molesting or scaring 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, scooters, mopeds or motorcycles other than those owned or operated by the owners or keeper and the members of the owner's immediate family.

VICIOUS DOGS

No person shall own, possess, harbor or keep any vicious dog.

RABIES VACCINATIONS

Owners or keepers shall have their pets vaccinated in accordance with state law.

RUNNING AT LARGE PROHIBITED

It shall be unlawful for any owner or keeper to permit any pet owned by him or under his control to run at large within the county. An owner or keeper is deemed to have permitted the pet to run at large if a condition exists that the owner or keeper was, or should have been, aware of that would allow the pet to run at large. If an animal regularly runs at large such shall constitute per se violation of this prohibition and ordinance.

IMPOUNDING

(1) 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.

(2) Any dog 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.

(3) The dog warden, animal control officer or any peace office may impound any dog or cat

committing acts which constitute a nuisance as prohibited or described herein. Any dog or cat impounded shall be transported forthwith to the animal shelter and there confined in a humane manner.

(4) All impounded dogs and cats shall be kept for not less than seven (7) days, unless reclaimed by its owner or keeper. If by a license tag or other means, the owner of the animal can be identified, the dog warden or animal control officer shall immediately notify the owner by telephone or mail of the impoundment of an animal. Animals not claimed by its owner or keeper within seven (7) days of its impoundment may be placed in a suitable new home or humanely euthanized as determined by the officials of the animal shelter.

(5) An owner or keeper reclaiming an impounded animal shall pay a fee \$5.00 for any neutered or spayed animal, and a fee of \$15.00 shall be charged for redemption of any unneutered or unspayed animal at the first redemption of such animal and a fee of \$ 25.00 for each subsequent redemption of such unneutered or unspayed animal. If the animal has been quarantined, the redemption fee shall be \$10.00 additional. 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. 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.

COMPLAINTS AND COURT ACTION

Any person may file a complaint alleging any owner or keeper is in violation of this Ordinance or any provision hereof. The Complaint shall be taken by any peace officer, law enforcement officer, dog warden, animal control officer, animal control center employee or other person having law enforcement or animal control jurisdiction or authority within the unincorporated areas of the county. The complaint shall be on the form attached hereto and incorporated herein by reference entitled "Animal Nuisance Complaint" substantially completed and signed by the complainant or person taking the complaint describing particularly the owner or keeper of the animal and behavior complained of.

The person taking the complaint shall upon completion provide a true and correct copy of said complaint to the complainant. Within 5 days thereafter either the person taking the complaint or complainant or both shall take a true and correct copy before the District Court charging the owner or keeper of the animal or animals complained of with violation of this ordinance or any provision hereof. A copy of said complaint shall then be served upon the owner or keeper in the same manner and subject to laws regulating the service of summons in civil actions directing him or her to appear for a hearing of such complaint before the court at a time fixed therein. If the alleged owner or keeper fails to appear at the time fixed, or if upon a hearing of the parties and their witnesses the court finds by a preponderance of the evidence the person is the owner or keeper of any animal within the prohibition or restrictions of this ordinance the court shall enter such order or orders as the court deems necessary to avoid additional complaints or violations hereof by the owner, keeper or animal.

Any person thereafter aggrieved by further violation of this ordinance by the owner, keeper or animal may petition the district court for enforcement of its order by contempt proceeding. In addition to any other means authorized by law for enforcement of court orders the district court may order a civil penalty payable to the Boyd County Fiscal Court at a rate not exceeding \$ 10.00 per day for each and every day the violation occurs or continues but in no event may the accumulated penalty exceed the civil jurisdictional limit of the court

AUTHORITY OF COUNTY ATTORNEY

The Boyd County Attorney and his assistants are hereby authorized to represent the interest of the Boyd Fiscal Court in any matter brought before the district court under this ordinance in order to either seek enforcement of the ordinance or court orders entered hereunder.

EXEMPTION

There is hereby exempted and excepted herefrom any hound dog or other hunting dog which has been released from confinement for hunting purposes. Such hound or hunting dog shall be deemed to be under reasonable control of its owner, keeper or handler and not a nuisance while engaged in or returning from hunting.

There is further exempted herefrom any owner or keeper duly licensed and permitted for operation of a kennel under the Kentucky Revised Statutes but only to the extent of the license or permit.

FILING FEES

Any person or persons other than a regular peace officer filing a complaint hereunder with the District Court shall pay a filing fee as may be assessed by the Circuit Court Clerk.

Should any portion of this Ordinance be deem unenforceable for any reason by any court of competent jurisdiction the remaining portions shall remain in full force and effect.

Introduced and given first reading at a regular meeting of the Boyd Fiscal Court on Sept. 7, 1999 an fully adopted after the second reading at the regular session of the Boyd Fiscal Court on Sept. 21, 1999. This Ordinance shall take effect and be in full force when passed, published and recorded according to law.

DATED: September 21, 1999 * Bell E. Scott

BILL SCOTT, JUDGE EXECUTIVE
BOYD FISCAL COURT

ATTEST: *Shelley Jones*, CLERK
BOYD FISCAL COURT