

**COMMONWEALTH OF KENTUCKY  
OHIO COUNTY FISCAL COURT**

**Ohio County Animal Control Ordinance 2011-14**

**AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS WITHING OHIO COUNTY, KENTUCKY, FOR THE PROTECTION OF THE PUBLIC AND FOR THE ANIMALS THEREN AND PROVIDING PENAL TIES FOR THE VIOLATION OF THE PROVISIONS SET FORTH, AS AMENDED BY \_\_\_\_\_**

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;

**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 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. In addition, any animal voluntarily surrendered by its owner, does not have to be impounded for the 5 day limit.
- (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 replaced 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, such operator shall report the accident to a law enforcement officer or Animal Control Officer.
- (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.

