

CHAPTER 91: ANIMALS AND FOWL
GENERAL PROVISIONS
§ 91.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. Any animal left more than 24 hours without a person checking on the condition of the animal(s) and providing food and water. Any animal left on private property without the owner's consent or deserted or dumped on public property or roadways.

ANIMAL. Any live vertebrate creature.

ANIMAL CONTROL. The department of the county which is designated by the Fiscal Court to enforce the provisions of this chapter and to operate the Animal Shelter.

ANIMAL CONTROL OFFICER. Any person designated by the Director of Animal Control who is qualified to perform duties under the laws and ordinances of the Commonwealth of Kentucky and the county. An Animal Control Officer shall be a Law Enforcement Officer for the purpose of animal control only.

ANIMAL SHELTER. Any premises operated or approved for operation by the Fiscal Court for the purpose of impounding and caring for animal held under the authority of this chapter.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, boarding or breeding kennel, grooming facility, auction, petting zoo, zoological park, circus, performing animal exhibit, or any person engaged in the business of breeding, buying, or selling at retail or wholesale, any species of animal for profit.

DIRECTOR OF ANIMAL CONTROL. The person appointed by the Judge/Executive and approved by the Fiscal Court to the Chief Animal Control Officer.

DAY. For the purpose of this chapter, a 24 hour period shall constitute a day.

DOMESTIC ANIMAL. Animals as are habituated to live in or about the habitations of human beings, and which are kept, cared for, sheltered, fed, or harbored for use as a pet or as a source of food, raw materials or income.

HUMANE SOCIETY. Any person or organization operating from a fixed site and taking in or accepting stray or unwanted animals.

IMPOUNDED. Having been received into the custody of Animal Control or any authorized representative thereof.

LIVESTOCK. Cattle, sheep, swine, goats, emus, ostriches, horses or any other animals of the bovine, ovine, porcine, caprine, ratite or equine species.

OWNER. Any person owning, keeping, harboring or sheltering one or more animals.

PERSON. All natural persons, corporations, partnerships, firms, associations, governmental bodies, agencies or other entities.

PET. Domesticated animal kept for pleasure rather than utility.

PUBLIC NUISANCE. Any animal(s) which:

- (1) Molests passers-by or passing vehicles;
- (2) Attacks people or other animals;
- (3) Damages public or private property;
- (4) Is repeatedly at large;
- (5) Makes noise in an excessive, continuous or untimely manner;

- (6) Creates unsanitary conditions; or
- (7) Disturbs the peace, comfort or health of persons in any other

manner.

PROPER QUARANTINE. Confinement to a secure enclosure which shall not permit the animal to come in contact with another animal or person, except the owner or caregiver, for a period of ten (10) days.

QUALIFIED PERSON. Any person granted a permit by the Kentucky Department of Human Resources to vaccinate their own animal against rabies.

REASONABLE GROOMING. To maintain an animal's coat to prevent conditions which inhibits normal walking or eliminating body waste or which is medically harmful to the animal.

RESTRAINT. Enclosed in an area by a form of fencing designed to control the movement of the animal or secured by a leash or chain. An animal shall be deemed to be restrained if it remains on the premises of its owner or if it is accompanied by a responsible person and is under that person's control.

RUNNING AT LARGE. Any animal that is off the property of the owner, custodian, possessor or harbinger and is not restrained. Except that a hound or other hunting dog which has been released from restraint for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if the hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler it shall not be deemed to be a violation.

STRAY. Any animal running at large.

VETERINARIAN. One licensed and qualified to treat diseases and injuries of animals.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

VICIOUS ANIMAL.

- (1) Any animal which constitutes a physical threat to human beings or domestic animal due to a known propensity to endanger life by an unprovoked assault or bite which results in serious bodily harm; or
- (2) Any animal which when unprovoked, approaches in a terrorizing manner, any person in an attitude of attack upon streets, sidewalks or any public grounds or places; or
- (3) Any animal with a known propensity, tendency or disposition to unprovoked attacks which cause injury or endanger the safety of human beings or domestic animals; or
- (4) Any animal which bites multiple times or to the extent of causing severe injury and assaults or otherwise attacks human beings or domestic animals; or
- (5) Any animal owned or harbored primarily or in part for the purpose of fighting with animals.
- (6) It shall be prima facie evidence that an animal is vicious if the animal bites a human being or domestic animal more than once in the same attack.
- (7) Exceptions. An animal shall not be deemed vicious solely because;
 - (a) It bites, attacks or menaces;
 1. Any person assaulting its owner;
 2. Any person or animal who has tormented or abused it; or

(b) It is otherwise acting in defense of any attack from a person or other animal upon its owner or another person; or

(c) It is protecting or defending its young or the young of any other animal.

WILD ANIMAL. Any animal not domesticated, not ordinarily tame or which is by nature an animal that lives apart from human beings.

ANIMAL CONTROL

§ 91.15 POWERS OF COUNTY ANIMAL CONTROL.

(A) The Director and all officers of Animal Control shall have the powers of a peace officer for the purpose of enforcing animal control laws or ordinances in the county, if they otherwise qualify as a peace officer under the laws of the Commonwealth of Kentucky.

(B) All officers of Animal Control shall comply with KRS 61.300.

(C) Whenever it is necessary for Animal Control to make an inspection in order to perform any duty or enforce any provision of this chapter or any other applicable state statute, they are hereby empowered to enter property at a reasonable time and inspect the premises. Animal Control shall have the power only if the consent of the owner or occupant of the property is freely given, a search warrant is obtained or such exigent circumstances exist that a warrantless, non-consensual search is required.

(D) All animals of any age running at large, as defined in this chapter, and found in the county, may be picked up by Animal Control and impounded in the animal shelter. All animals of any age which have bitten or scratched a human being and which can not be properly quarantined or found not properly quarantined may be picked up by Animal Control and impounded in the animal shelter for any applicable quarantine period. A Law Enforcement Officer or Animal Control Officer may order any animal which has bitten or scratched a human being to be quarantined at the animal shelter if the officer has reason to believe such animal is vicious or may pose a threat to the safety of the community. In the event an animal is impounded for a quarantine period, the owner shall be responsible for a reasonable fee for board, administration and medical attention during the impoundment.

(E) Any animal required to be licensed but found unlicensed or any animal, except cats, whose owner is unknown, shall be impounded for a minimum period of five days unless its owner earlier claims it. If the animal is not claimed by its owner within five days of impoundment, the animal may then be offered for adoption or may be euthanized at the discretion of the Director of Animal Control. Any person claiming or reclaiming an animal pursuant to this section shall pay a reasonable fee for board, administration and medical attention for the animal during impoundment and obtain proper licensing for such animal, if applicable, from Animal Control. Animal Control shall make reasonable efforts to locate and inform the owner of any animal that said animal has been impounded.

(F) Any cat impounded in the Animal Shelter shall be held a minimum of three days or unless earlier claimed by its owner. If the animal is not claimed by its owner within three days of impoundment, the animal may then offered for adoption or may be euthanized at the discretion of the Director of Animal Control. Any person claiming or reclaiming an animal pursuant to this section shall pay a

reasonable fee for boarding, administration and medical attention for such animal during impoundment.

(G) When any licensed animal or animal whose owner is known, is impounded in the Animal Shelter, Animal Control shall notify the owner by mail, within three business days of impoundment. If the mail is returned undeliverable, the animal shall be held a minimum of fourteen (14) days from the date of impoundment, before the animal may be adopted or euthanized at the discretion of the Director of Animal Control.

(H) The registered owner shall reclaim the animal within 10 days of the receipt of notice of impoundment. Any licensed animal or animal whose owner is known which is not reclaimed by its owner within 10 days of receipt of the notice of impoundment may be offered for adoption or may be euthanized at the discretion of the Director of Animal Control. Any person claiming or reclaiming an animal pursuant to this section shall pay a reasonable fee for boarding, administration and medical attention for such animal during impoundment.

(I) An Animal Control Officer may choose to issue a Misdemeanor Notice in lieu of a uniform citation. The Misdemeanor Notice will stipulate the violation(s) observed, associated fee and compliance date. The Misdemeanor Notice shall allow up to but not exceed seven days to correct the violation. Should the violation not be corrected within the allotted time, then the notice shall serve as a uniform citation and the violating party shall report to Garrard District Court at the designated court date and time. If the violation is serious in nature the Animal Control Officer may issue a uniform citation. All associated fees shall be paid to the Garrard County Animal Shelter.

(J) Any animal observed by a Law Enforcement Officer or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

(K) In the event that any Law Enforcement Officer or Animal Control Officer witnesses a vicious animal, as defined, the animal may be impounded and the owner cited for violation of § 91.20 (B) or § 91.21. If the owner is cited and the animal impounded, the animal shall remain in the custody of the Animal Shelter pending a decision by District Court, unless ownership is voluntarily relinquished to Animal Control.

(L) It shall be unlawful for any person or owner to interfere with, hinder, harass, or abuse any officer or individual authorized to enforce the provisions of this chapter.

(M) Any and all fees shall be set annually by the Director of Animal Control, including but not limited to, animal related licenses, adoption, boarding, administration, and violation fees.

Statutory reference:

Impounding, destruction of dogs; exemption of hunting dogs,

See KRS 258.215

§ 91.16 ADOPTION AND MANDATORY SPAY/NEUTER

(A) Prior to the adoption of any animal from the Animal Shelter an application must be completed by the person wishing to adopt the animal(s). The application is designed to determine the prospective owner's ability to care for the animal.

(B) Animal Control and the Animal Shelter are not obligated to sell or transfer possession of any animal in their custody.

(C) All dogs and cats adopted from the Animal Shelter or a licensed humane society must be surgically altered to prevent breeding. The surgical alteration must occur within 30 days after obtaining the dog or cat. If the animal is a puppy or kitten it must be surgically altered within 30 days after reaching five months of age. For the purpose of this section "obtained" does not include any animal reclaimed by its owner.

Penalty, see § 91.99

§ 91.17 LICENSING AND REGISTRATION OF DOGS.

(A) The owner of all dogs or those who harbor or maintain dogs in the county shall license and register their dog(s) with Animal Control, in accordance with this chapter and the Kentucky Revised Statutes. Licenses shall be issued by Animal Control at the Animal Shelter during regular operating hours. Upon payment, the owner shall be issued a certificate of registration and the license tag(s). Dog license tags must be attached to a collar and worn by the dog at all times.

(B) Any Humane Society, which operates from a fixed site in the county and takes in strays or unwanted animals, shall apply for a license with Animal Control. The site shall be inspected prior to annual license renewal.

Penalty, see § 91.99

Statutory reference:

Dog licensure, see KRS 258.135, 258.145, 258.155

Dog temporarily in state need not be licensed, see KRS 258.205

§ 91.18 RABIES VACCINATION.

(A) All dogs, cats and ferrets four months of age and older, shall be vaccinated for rabies and re-vaccinated for rabies at the expiration of the immunization period as certified by a veterinarian.

(B) Any dog, cat or ferret reclaimed or adopted from the Animal Shelter must have a valid rabies vaccination. The purchase or issuance of a rabies voucher through the Animal Shelter shall constitute temporary compliance with this section until the expiration date of said voucher.

Penalty, see § 91.99

Statutory reference:

Rabies control, see KRS 258.005 – 258.090

§ 91.19 HUMANE TREATMENT OF ANIMALS.

(A) It shall be unlawful to abandon any animal.

(B) It shall be unlawful for any person to inhumanely treat any animal, including, but not limited to, the deprivation of necessities, beating, mutilating, torturing, killing, overloading, overworking, or otherwise abuse any animal. Nothing herein shall prevent Animal Control from humanely euthanizing any animal.

(C) It shall be unlawful for any person to exhibit, display or keep any animal without providing food, water, adequate shelter from the elements, adequate space, reasonable grooming, ventilation, shade from the sun, proper sanitation, care and medical attention.

(D) Any animal, which is chained, tied or otherwise restrained, shall be provided no less than 10 feet of chain, rope and the like, with a swivel attached to prevent entanglement. Any animal restrained in such a manner that the animal's chain, rope or the like, allows the animal to leave its owner or keeper's property, shall be deemed running at large.

(E) It shall be unlawful for any person to keep an animal within the passenger compartment of an automobile without adequate ventilation in the summer or adequate warmth in the winter. No person shall enclose any animal in the trunk of an automobile. An Animal Control Officer or Law Enforcement Officer shall rescue any animal confined in such a manner.

(F) Any person, who as the operator of a motor vehicle, strikes a domestic animal shall immediately report the incident to Animal Control or any Law Enforcement Officer.

Penalty, see § 91.99

Statutory reference:

Cruelty and mistreatment of animals, see KRS 525.125 and 525.130

§ 91.20 ANIMALS TO BE UNDER CONTROL.

(A) It shall be unlawful for any person to permit any animal owned or harbored by him, to run at large. When livestock are running at large, Animal Control or the Law Enforcement Officer shall make reasonable efforts to notify the owner as soon as possible. If reasonably possible and feasible, the owner of the livestock shall be notified prior to the actual capture and impoundment of the livestock.

(B) It shall be unlawful to own or possess a vicious animal.

(C) It shall be unlawful to own or possess an animal that conducts itself in such a manner as to constitute a public nuisance.

(D) It shall be unlawful to allow a female dog to be exposed during estrus (in season, in heat) so as to attract male dogs. Every female that is in season (in heat, estrus) shall be confined in a building or secure enclosure in such a manner that such female dog cannot come in contact with a male dog except for planned breeding.

Penalty, see § 91.99

Statutory reference:

Confinement and control of dogs at night, see KRS 258.265

Confinement of female dogs in heat, see KRS 258.255

§ 91.22 HUMANE SOCIETIES; STANDARDS AND LICENSING.

(A) All humane societies in the county shall be governed by the same standards as commercial animal establishments as set forth in §§ 91.35 et seq. of this chapter, and shall be subject to any ordinance pertaining to commercial animal establishments.

(B) Humane societies shall maintain records on each animal accepted or housed, noting the following:

- (1) Name and address of previous owner or person turning in the animal.
- (2) Date received.
- (3) Condition of the animal and any medical treatment.
- (4) Date of adoption, redemption, or euthanization.
- (5) Name and address of new owner.
- (6) Verification of neutering.

COMMERCIAL ANIMAL ESTABLISHMENTS

§ 91.35 DEFINITION.

In addition to the definitions provided in § 91.01 of this chapter, the following definitions shall apply to the provisions of this subsection, unless the context clearly indicates or requires a different meaning.

OWNER or OPERATOR. Any person, group of persons, partnership, or any entity owning or operating a commercial animal establishment.

§ 91.36 LICENSING PROVISIONS.

(A) Licensing. All commercial animal establishments shall obtain and maintain a valid commercial animal establishment license in order to operate a commercial animal establishment within the county.

(B) The commercial animal establishment licenses shall be issued by the Director of Animal Control.

(C) The commercial animal establishment license shall be valid for a period of one year, effective July 1 through June 30 of each year.

(D) The commercial animal establishment license shall be renewed annually. see § 91.99

Statutory reference:

Kennel licensure, see KRS 258.165, 258.185

§ 91.37 MINIMUM STANDARDS.

(A) All commercial animal establishments shall provide an adequate environment for each animal, which is compatible with the general health and welfare of the animals.

(B) All commercial animal establishments shall provide adequate space for each animal. Each cage or enclosure shall be large enough for the animal to stand, sit, lay and turn around without touching the walls and ceiling of the cage or enclosure, or another animal.

(C) All commercial animal establishments shall provide adequate sanitation. Each cage or enclosure shall be maintained as follows:

(1) Cages or enclosures containing dogs or cats, of any age, shall be cleaned with hot water, disinfectant and detergent daily, (including holidays) or more if conditions require additional cleaning or disinfecting to keep animals out of contact with feces or urine. Litter boxes shall be cleaned daily (including holidays) and the litter box changed as needed.

(2) Cages or enclosures containing birds shall contain a perch and shall be cleaned with hot water and disinfectant at least twice weekly or more if condition require addition cleaning.

(3) Cages or enclosures containing small animals shall be cleaned with hot water and disinfectant at least twice weekly or more if conditions require additional cleaning.

(D) All commercial animal establishments shall provide adequate nourishment and water for each animal as follows:

(1) Each animal shall be given fresh food and water daily, including holidays.

(2) Soft food shall be available to those animals unable to chew standard dry food.

(3) Potable water shall be available to each animal at all times.

(4) Food and water containers shall be washed and disinfected daily.

(E) All commercial animal establishments shall provide proper medical treatment from a veterinarian for sick or injured animals.

(F) All commercial animal establishments shall provide adequate room (cage) temperature for the general health and welfare of the animal.

(G) All commercial animal establishments shall provide a general cleanliness of its establishment, and shall not permit an insect or rodent infestation.

Penalty, see § 91.99

§ 91.38 INSPECTIONS.

The Director of Animal Control or any Animal Control Officer shall be permitted and empowered to make an inspection of any commercial animal establishment within the county, and shall further be permitted to take photographs of commercial animal establishment during the inspection. The inspection shall take place upon the verbal request of the Director of Animal Control or any Animal Control Officer, during regular business hours of the commercial animal establishment.

§ 91.39 LICENSE REVOCATION.

The Director of Animal Control may revoke any license issued under § 91.17 subsection B or § 91.36. Grounds for such revocation include but are not limited to, conviction pursuant to any violation of this chapter or conviction pursuant to any related state or federal law. Failure to adhere to the standards set forth in this chapter or failure to permit the Department of Animal Control to inspect any establishment, business, or person regulated by this chapter during regular business hours shall be grounds for revocation of any said license. License revocation notices shall be in writing, specify the number of days for animal removal, not to exceed seven (7) days, and shall state the grounds therefore. Any person who receives such license revocation notice issued pursuant to this section may appeal such notice to the Animal Shelter Advisory Board within ten (10) days following the receipt of such notice. Any such appeal shall be in writing, shall state the grounds therefore and shall be signed by the person bringing the appeal or their authorized representative. Failure to file a timely appeal to a license revocation notice shall result in license revocation. A hearing for an appeal, shall be held within 30 days of receipt of the notice of appeal before the Animal Shelter Advisory Board, which shall be the sole arbiter of the appeal.

§ 91.99 PENALTY.

(A) Any person violating any section(s) of this chapter shall be deemed guilty of a Class A misdemeanor as defined by Kentucky Revised Statutes in accordance with the specific penalties set below. Each day that a violation occurs shall constitute a separate violation, unless the context clearly indicates otherwise.

(B) Any person failing to comply with mandatory spay/neuter requirements of § 91.16 of this chapter shall:

(1) For the first offense either show the court proof from a licensed veterinarian that the surgical procedure has been performed or be ordered by the court to surrender the animal to Animal Control without a refund of adoption fees, and be fined a sum not less than \$10 nor more than \$100.

(2) For the second offense immediately surrender the animal to Animal Control without a refund of adoption fees, and be fined not less than \$50 not more than \$100.

(C) Any person failing to comply with the licensing requirements of §§ 91.17, 91.22 and 91.36 or the vaccination requirements of § 91.18 of this chapter shall on a first offense be fined not less than \$10 nor more than \$100; on a second or subsequent offense shall be fined not less than \$50 not more than \$100.

(D) Any person violating any provision of § 91.19 of this chapter relating to the humane treatment of animals shall be fined a sum not to exceed \$100, or be sentenced to not less than 5 and up to 60 days in the county jail, or both.

(E) Any person violating § 91.20(A), (C) & (D) of this chapter shall on the first offense be fined not less than \$50 nor more than \$100; on the second or subsequent offense shall be fined not less than \$100 nor more than \$200.

(F) Any livestock owner who violates § 91.20(A) of this chapter shall on the first offense be fined not less than \$50 nor more than \$100 and required to reimburse the county for all reasonable expenses incurred in capturing, impounding, boarding and providing necessary medical services to the livestock.

(G) Upon conviction under § 91.20(B) of this chapter relating to the possession of a vicious animal, the penalty shall be a fine of not less than \$100 nor more than \$500, or not less than 10 days and up to 60 days in the county jail or both. In addition the court shall order one of the following:

(1) That the following regulations be followed as a condition of the owner retaining ownership of the animal:

(a) The vicious animal shall be neutered, microchip implanted for identification purposes and registered with Animal Control.

(b) The vicious animal shall be confined in an enclosure constructed of an uncovered fence or structure of at least seven feet in height with anti-climbers or a covered structure of sufficient height to allow the animal to stand erect without touching the top or cover. All such enclosures shall be designed to prevent the entry of small children and shall be suitable to confine the vicious animal. Such enclosures shall be securely closed and locked, and shall be designed to prevent the animal from digging out or otherwise escaping from the enclosure.

(c) The enclosure shall display a sign warning of the vicious animal and shall be visible from the public roadway or public access if applicable.

(d) The vicious animal shall not be permitted outside of the dwelling of its owner or outside of the enclosure unless it is necessary to obtain veterinary care or under the direction of Animal Control. If the vicious animal must be allowed outside the permitted areas, it shall be under the direct control and supervision of its owner or keeper and shall be muzzled and restrained with a lead or leash not to exceed three feet in length, or placed in a secure animal carrier.

(e) The owner or keeper of a vicious animal shall immediately notify Animal Control if the animal is loose, unconfined, has attacked an animal or humane being, or is deceased.

(2) In the alternative to division (G)(1) above, the court may order that the animal be immediately surrendered to Animal Control to be euthanized.

(H) Upon conviction of a second or subsequent offense under § 91.20(B) of this chapter, relating to the possession of a vicious animal, the penalty shall be a fine of not less than \$500 nor more than \$1000, or not less than 10 and up to 60 days in the county jail, or both; and if the violation involves the same animal, the court shall order the animal immediately surrendered to Animal Control to be euthanized.

(I) Any humane society which fails to comply with the requirements of § 91.22 shall for the first offense be fined not less than \$25 nor more than \$100; on the second or subsequent offense shall be fined not less than \$50 nor more than \$100. In addition to the fine, the fourth offense shall result in a permanent license revocation.

(J) Any person violating § 91.15(M) of this chapter, relating to interference of duty, on the first offense be fined not less than \$50 nor more than \$100 or sentenced not less than 5 and up to 30 days in the county jail, or both; on a second or subsequent offense be fined not less than \$60 nor more than \$100, or sentenced not less than 5 and up to 60 days in the county jail, or both.

(K) Any commercial animal establishment violating § 91.37 or § 91.38 of this chapter shall on the first offense be fined not less than \$50 nor more than \$100; on a second or subsequent offense be fined not less than \$100.