

CLARK COUNTY FISCAL COURT
ORDINANCE NO. 2015 - 11

**ORDINANCE OF THE CLARK COUNTY FISCAL COURT
TO REGULATE THE CARE AND TREATMENT
OF ANIMALS IN CLARK COUNTY, KENTUCKY**

WHEREAS, the Clark County Fiscal Court has been advised that there exists in Clark County situations involving the owners of animals wherein said owners are not providing adequate and humane care;

WHEREAS, the Clark County Fiscal Court has determined that it is beneficial to the residents of Clark County to regulate the animal population and animal establishments within the county to ensure that animals are treated humanely, controlled by their owners and custodians, and subject to the authority of Animal Control as established in K.R.S. 258 et. seq.

WHEREAS, the Clark County Fiscal Court wishes to enact an Ordinance relating to the care and control and regulating the humane treatment of animals;

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of Clark County, Kentucky, in duly session assembled as follows:

SECTION ONE. That the Clark County Animal Shelter Treatment has created determined the standard of care required by animal owners and licensing regulations and confinement and impound practices in addition to other matters relating to animal control.

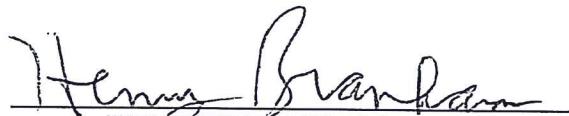
SECTION TWO. Said regulations and polices have been codified and set forth in the **CLARK COUNTY ANIMAL SHELTER, ANIMAL LICENSING, CONTROL, CARE, CONFINEMENT, AND TREATMENT POLICIES AND REGULATIONS**, a copy of which is attached hereto and incorporated by reference;

SECTION THREE. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

SECTION FOUR. These policies shall remain in full force and effect as modified herein until such time as it is changed, modified, altered and/or amended by further Orders and Ordinances of the Clark County Fiscal Court.

INTRODUCED, upon motion by Magistrate Blanton, SECONDED by Magistrate Brinegar, and therefore passed by 6 - 1 vote, and was GIVEN FIRST READING at a duly convened meeting of the Clark County Fiscal Court, held on this 16th day of December, 2015.

INTRODUCED, upon motion by Magistrate Blanton, SECONDED by Magistrate Branham, and therefore passed by unanimous vote, and was GIVEN SECOND READING at a duly convened meeting of the Clark County Fiscal Court, held on this 13th day of January, 2016.



HENRY BRANHAM
CLARK COUNTY JUDGE/EXECUTIVE

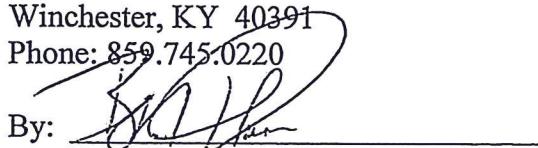
ATTEST:



Michelle S. Turner
MICHELLE S. TURNER
CLARK COUNTY CLERK

PREPARED BY:

Clark County Attorney's Office
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By: 
BRIAN N. THOMAS
CLARK COUNTY ATTORNEY

N: FC.Ordinance.-2015 Ordinance-AnimalShelterPolicy

CLARK COUNTY ANIMAL SHELTER
ANIMAL LICENSING, CONTROL, CARE, CONFINEMENT,
AND TREATMENT POLICIES AND REGULATIONS

SECTION 1-1 - CANINE LICENSE REQUIRED

Any owner of a canine within the limits of Clark County shall apply to a participating veterinarian or his/her agent for the appropriate license. Proof of current rabies inoculation shall be evident by presentation of a tag or certificate issued by a licensed veterinarian or his/her agent. A Clark County Dog License shall be required for all canines over four (4) months of age. Individual dog licenses shall be renewed each year not less than 335 days nor more than 380 days from the previous date of issue. License tags shall be firmly affixed to a harness or collar worn by the canine at all times. If a canine is found not to be wearing its Clark County Dog License the owner may prove that the canine has been licensed by providing a certificate of purchase from the veterinarian or his/her agent. If the owner is unable to locate the license tag, a replacement tag shall be purchased from a participating veterinarian or his/her agent. The replacement tag shall be effective from the date of purchase through the expiration of the original license and shall be affixed to a harness or collar worn by the canine at all times. Canines kept temporarily (less than thirty (30) days) within the county for the purpose of breeding, showing or any other activity not prohibited by this chapter shall not require a Clark County Dog License but owners shall be required to provide proof of current rabies vaccination by producing a rabies tag or certificate issued by a licensed veterinarian or his/ her agent.

SECTION 1-2- LICENSE FEE

The fee for each Clark County Dog License shall be five dollars (\$5.00). The fee for a replacement license tag of a lost, unexpired license shall be three dollars (\$3.00). Owners of animals adopted from the Clark County Animal Shelter are exempt from this fee for 365 days following adoption.

SECTION 1-3- LICENSING PROCEDURE

Clark County Dog License tags are purchased by the Clark County Fiscal Court on behalf of the Clark County Animal Shelter. The director of the Clark County Animal Shelter will dispense Clark County Dog License Tags to licensed veterinarians practicing within the limits of Clark County. Each canine that is inoculated against rabies and whose owner's primary address lies within the limits of Clark County shall additionally be issued a Clark County Dog License and the owner shall pay the associated fees. A canine whose owner can provide proof that the canine received a rabies inoculation by a licensed veterinarian practicing outside the limits of Clark County and whose owner's primary address lies within the limits of Clark County; a canine that is inoculated or whose owner can provide proof that the canine has been inoculated against rabies and whose owner's primary address does not lie within the limits of Clark County

but the primary residence of the canine lies within the limits of Clark County shall be issued a Clark County Dog License and the owner shall pay the associated fees. Four dollars (\$4.00) of the license fee or two dollars (\$2.00) of the replacement license fee shall be paid to the Clark County Fiscal Court for the purpose of maintaining the animal shelter, one dollar (\$1.00) of the license fee or replacement license fee shall be retained by the issuing veterinarian in exchange for his/her services of collecting this fee and maintaining a record of licenses issued.

Veterinarians practicing within the limits of Clark County shall pay Clark County Dog License fees collected for the preceding quarter to the Clark County Fiscal Court on or before October 15, January 15, April 15 and July 15. A statement including the total number of license issued, replacement license issued and free license issued (if adopted from the Clark County Animal Shelter) should accompany the payment each quarter.

SECTION 2-1- RABIES VACCINATION REQUIRED

The owner of a domesticated animal shall have said animal vaccinated against rabies in compliance with KRS 258.015. If the animal is a canine the owner is to firmly affix the rabies tag issued by the administering veterinarian to the harness or collar that should be worn by the canine at all times. If a canine is found to be running at large and not wearing a current rabies tag the canine will be assumed to have not been vaccinated against rabies and will be admitted to the Clark County Animal Shelter under such assumption. The owner of the animal may provide proof at the time of reclamation that the animal has been vaccinated against rabies by providing a certificate issued by the administering veterinarian. If the owner cannot provide proof that the animal has been vaccinated against rabies, the owner, upon reclamation must purchase a voucher for a rabies vaccination from the Clark County Animal Shelter and agree to redeem the voucher at a participating veterinarian within seven (7) days of issuance.

SECTION 3-1- CONFINEMENT REQUIRED

1) The owner, or his designee, of every canine within the limits of Clark County, shall at all times, a) keep such canine confined on his or her property b) be in immediate control of the canine.

2) A canine may be allowed outside of the property of its owner or his designee if the canine is accompanied by and in immediate control of its owner or his designee by way of a leash and harness or collar or if the canine is in a location designated for off leash animals and under voice control of its owner.

SECTION 3-2 - ACCEPTABLE METHODS OF CONFINEMENT

- 1.) a fence constructed of chain link, plastic, wood or other material that is in good condition and would not be deemed hazardous to the animal;
- 2.) an invisible fence or underground fence with electrical current;
- 3.) a chain or tie out that provided that meet the regulations set forth in Section 7-2.4 of this Ordinance.

SECTION 4-1 Impoundment

Any canine found running at large within the limits of Clark County and not confined in the manner prescribed in section 3-1 and 3-2, whether licensed or unlicensed, shall be taken up by any dog warden and impounded in the Clark County Animal Shelter and there confined in a humane manner for a period of not less than five (5) days, inclusive of the date of seizure unless sooner claimed by its owner or his designee. Thereafter, the canine may be placed for adoption or humanely euthanized. A canine surrendered to the Clark County Animal Shelter by a third party, whose owner is unknown, shall be held at the shelter in the same manner. A canine that is surrendered to the Clark County Animal Shelter by the owner or designee may immediately be placed for adoption or humanely euthanized at the discretion of the director of the Clark County Animal Shelter. If any animal found running at large, whose owner is unknown and is unable to be immediately located by reasonable means is injured, the animal will be transported to a participating veterinary clinic and may be humanely euthanized prior to the five (5) day hold period if it is the recommendation of the attending veterinarian for humane reason.

SECTION 4-2 - Transfer of Detained Animals

The director of the Clark County Animal Shelter or their designee may transfer ownership of any animal held at the shelter provided that the animal has been surrendered by the owner or that the legal detention period set forth in section 4-1 has been met, provided that the adopter pays the fees set forth by the Clark County Fiscal Court and in compliance with state laws pertaining to rabies inoculation and licensing. All animals adopted from the Clark County Animal Shelter must be surgically sterilized prior to transfer of ownership. If an animal cannot be sterilized at the time of adoption due to a medical reason the adopter agrees to return the animal at the appropriate time as designated by the veterinarian and provide the Clark County Animal Shelter with proof that the animal has been sterilized.

SECTION 4-3 - Reclamation by Owner

The owner of an animal or his designee may claim an animal being held at the Clark County Animal Shelter within five (5) days inclusive of the date of intake, provided that proof of ownership can be produced, as well as, proof that the animal has been inoculated against rabies in accordance with KRS 258.015, proof that canines have a valid Clark County Dog License and payment of fees set forth by the Clark County Fiscal Court. If proof of ownership can be provided but proof cannot be provided that the animal has been inoculated against rabies or has a valid Clark County Dog License, if a canine, the owner will be required to purchase a voucher for these services that must be redeemed at a participating veterinarian within five (5) days. If an animal found running at large has required medical treatment by a veterinarian, the owner will be required to reimburse the cost of treatment to the Clark County Animal Shelter before the animal is released. After five (5) days, inclusive of the date of intake an animal can no longer be claimed and must go through the adoption process even if the other requirements of this ordinance are met.

SECTION 4-4 - QUARANTINE

Any animal that is reported to have bitten a human may be picked up by a Clark County Dog Warden and impounded in the Clark County Animal Shelter for the applicable quarantine period. In the event an animal is impounded for a quarantine period, the owner shall be responsible for a boarding fee set forth by the Clark County Fiscal Court and any additional fees related to rabies inoculation and county licensing that may apply. If an animal is not claimed by the owner within five (5) days of release from the quarantine period the animal will be considered abandoned and may be humanely euthanized or adopted as deemed appropriate by the director of the Clark County Animal Shelter.

SECTION 5-1 ANIMAL CRUELTY

Any animal involved in an alleged violation of KRS 525.125, 525.130 or 525.135 may be confiscated and held at the Clark County Animal Shelter in a humane manner. Upon taking custody of an animal pursuant to KRS 525.125, 525.130 or 525.135 the responding dog warden shall give notice of the seized animal by posting a notice at the location the animal was taken into custody or by delivering notice to a person residing at the property. The notice shall include the date and time the animal was taken into custody, as well as, the name and phone number of the Clark County Animal Shelter. The animal shall remain in the custody of the Clark County Animal Shelter until the matter is resolved and the director of the Clark County Animal Shelter is notified of the outcome in writing by the Clark County Attorney.

- a) Upon a plea or a finding of guilt the animal shall become the property of the Clark County Fiscal Court and may immediately be offered for adoption or may be humanely euthanized at the discretion of the director of the Clark County Animal Shelter.
- b) Upon a dismissal of charges or a finding of innocence the animal shall immediately be made available to the owner. If the animal is not claimed by the owner within five (5) days of the dismissal or acquittal the animal shall become property of the Clark County Fiscal Court and may be placed for adoption or humanely euthanized as deemed appropriate by the director of the Clark County Animal Shelter.

SECTION 6-1 - HARBORING A VICIOUS ANIMAL

Any animal that has bitten a person when unprovoked may be deemed vicious if

- a) The person bitten files a criminal complaint for the purpose of having the animal declared vicious.
- b) If an animal bites or attempts to bite a human, the animal shall be impounded at the Clark County Animal Shelter for quarantine period. After an animal has been impounded at the Clark County Animal Shelter three (3) times within a 365 day period for the purpose of quarantine the director of the Clark County Animal Shelter may petition to have the animal declared a vicious animal.
- c) It shall be unlawful for any person to keep or harbor within the limits of Clark County an animal known to be vicious unless it is at all times kept on the owner's or harborer's property securely confined indoors or in a securely enclosed and locked outdoor pen or shelter suitable to prevent the entry of persons other than the owner of the animal and

designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet, must have secure sides and must be at least seven (7) feet high and have a secure top. If it has no concrete, cement or asphalt bottom, the sides must be imbedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the animal. A vicious animal shall be transported to or from the indoors and the securely enclosed and locked outdoor pen or shelter only if such animal is muzzled and restrained by a suitable chain or leash not exceeding six (6) feet in length and under the control of a responsible adult. The muzzle must be made in a manner that it will not cause injury to the animal or interfere with its vision or respiration but will prevent the animal from biting any person or animal.

- d) A vicious animal shall be permitted off the owner's or harborer's property only if such animal is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible adult and only for the purposes authorized by KRS 258.235. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent the animal from biting any person or animal.
- e) When any animal is required by this section to be confined, it shall also be required that a conspicuous notice be posted at the place of confinement of such a nature as to warn the public of the nature of the animal therein confined.
- f) No person under the age of eighteen (18) years shall be permitted to own, harbor or handle a vicious animal.

SECTION 7-1 - CARE AND TREATMENT OF ANIMALS

(a) Definitions.

(1) ***Adequate food*** means the provision of foodstuff that is uncontaminated, wholesome, palatable, and of sufficient quality and nutritive value to maintain the normal condition and weight of the animal. Food shall be provided at suitable intervals or at least once a day, unless restricted by a veterinarian. The diet shall be appropriate for the animal's species, age and condition. Food shall be served in a receptacle, dish or container that is physically clean and absent of agents injurious to the health of the animal.

(2) ***Adequate shade*** means for dogs one (1) or more separate outside areas of shade, large enough to contain all dogs at one time and to protect them from the direct rays of the sun. A doghouse shall not constitute adequate shade. For all other animals that, as determined by species, require shade, "adequate shade" means one (1) or more outside areas of shade large enough to protect all the animals present from the direct rays of the sun.

(3) ***Adequate shelter*** means for dogs an appropriate, durable, enclosed, permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with a roof, four (4) sides and a floor constructed in a manner to protect a dog's feet and legs from

injury and with dimensions appropriate for breed and size. The shelter shall provide the dog adequate protection and shelter from heat and cold and from the direct effect of wind, rain and snow. The shelter shall have a sufficient amount of clean organic bedding material, e.g., straw, hay or wood shavings, to keep the dog warm and dry. For all other animals, "adequate shelter" means an appropriate structure that provides the animal adequate protection and shelter, as determined by the animal's species, from heat and cold and from the direct effect of wind, rain and snow.

(4) *Adequate water* means constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, which is provided in a sanitary manner.

(5) *Veterinary care* means an appropriate level of professional medical care and treatment by a licensed veterinarian to maintain the proper health and condition of an animal as determined by its species, breed and age.

SECTION 7-2 - PROHIBITED ACTS

It shall be unlawful:

(1) For any person within the county to unnecessarily or cruelly beat, torture, abuse or otherwise mistreat any horse or other animal, whether his own or that of another, or to subject such an animal to any condition that is likely to result in harm to the animal.

(2) For the owner or harborer of an animal to fail to provide the animal with adequate food, water, shelter, shade or veterinary care.

(3) For a dog's housing area or enclosure to be excessively muddy or contain standing water, due to a lack of groundcover, or be otherwise unsanitary. A dog's area or enclosure shall be free of objects or contaminants which are likely to cause injury or be detrimental to the health of the dog, including, but not limited to, rusty or jagged metal objects, broken glass, or harmful chemical solvents or agents.

(4) For the owner or harborer of a dog to use a collar or harness made of wire, flat chain, chain with sharp edges, or chain with rusty or non-uniform links. If attached to a tether, the collar or harness shall be properly fitting and not primarily metal or choke-type. The tether attached to a collar or harness shall be of a weight and material appropriate for the breed and size of the animal; cannot weigh more than five (5) pounds total weight; be no less than twelve (12) feet in length; and have swivels at both ends. A person shall not wrap a tether directly around a dog's neck. An area where a dog is tethered shall be free of objects which could become tangled in the tether. The tether shall be secured to a fixed immobile point that allows freedom of movement while withstanding the force necessary to restrain the dog.

(c) Any person who violates this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or be imprisoned for a term not to exceed twelve (12) months, or both, for each act, which shall constitute a separate offense.

State Law reference— Cruelty to animals, KRS 525.125, 525.130.

SECTION 7-3 - POISONING, ETC.

If any person shall in Clark county shall unlawfully kill, disfigure, maim, poison or attempt to administer poison to, any animal whether his own or that of another, he shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed twelve (12) months, or both, for each act which shall be a separate offense.

SECTION 7-4 - ABANDONING DISABLED ANIMAL

Any person who shall leave or cause to be left any wounded, diseased or infirm animal on a street, alley, lot or commons to die a lingering death shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed twelve (12) months, or both, for each act which shall be a separate offense.

(Ord. No. 10-99, § 1, 1-28-99)

SECTION 7-5 - FIGHTS; WAGERING

(a) Intentionally causing or instigating the fighting of animals or fowl in Clark county is hereby prohibited.

(b) Any person who shall be present at and abet or encourage any such fights and any person who shall bet any money or other thing of value upon the results of any such fight shall, upon conviction, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed twelve (12) months, or both, for each act which shall be a separate offense.

SECTION 8-1- WHEN RESTITUTION REQUIRED FOR IMPOUNDMENT

Animal control officers may seize and impound any animal or fowl which is the subject of a violation of the provisions of sections 7-2 through 7-5 of this Code. In addition to any other penalties provided in this Code, any person violating the provisions of sections 7-2 through 7-5 of this Code shall be subject to an order of restitution for the actual costs incurred in seizing, impounding and confining the animal or fowl.

SECTION 9-1- NUISANCES CREATED BY ANIMALS

- (a) It shall be unlawful for the owner or harborer of an animal to permit:
 - (1) Any animal to attack, chase or snap at pedestrians or passersby;

(2) The accumulation of animal excrement so as to cause unsightly litter or fouling of the air by odor and thereby create an unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

(3) Unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

(b) Any person who violates this section shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for a first offense; not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for a second offense in a twelve-month period; not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for a third offense in a twelve-month period; and not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for a fourth and each subsequent offense in a twelve-month period. Each day's continuance of any such violation shall be a separate offense.

(c) Any animal which is the subject of any violation of this section may be impounded as set forth in Section 4-1.