

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Definitions
- 90.02 Statutory authority
- 90.03 Exemptions

Dogs

- 90.10 Immunization required
- 90.11 Dogs to be restrained; impoundment
- 90.12 Release of impounded dog; fee
- 90.13 Cropping dogs' ears

Other Animals

- 90.20 Prohibited acts by animals
- 90.21 Cruelty to animals
- 90.22 Abandoning animals
- 90.23 Placing of poisonous substances
- 90.24 Maintaining livestock prohibited
  
- 90.99 Penalty

§ 90.01 DEFINITIONS.

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

"AREA OF HIGH POPULATION DENSITY." Any area which contains a cluster of five or more adjacent residences.

"DOG." Any member of the canine family, six months of age or over.

"DOG POUND." Any premises designated and operated by the Dog Warden under authority of the county in accord with KRS 258.195 for the purpose of impounding and caring for dogs held under the provisions of this chapter.

"DOG WARDEN." The officer employed, appointed, and authorized by the county fiscal court to primarily enforce the dog, animal, and livestock laws of the commonwealth and this chapter and to maintain and operate the dog pound of the county.

"OWNER." Any person, partnership, or corporation that owns, keeps, or harbors a dog.

“RESTRAINT.” A dog shall be deemed to be restrained if kept on the premises of its owner or if accompanied by a responsible person off the owner’s premises and kept under that person’s control.

(Ord. 162, passed 7-II-78)

§ 90.02 STATUTORY AUTHORITY.

This chapter is made in conjunction with and pursuant to Chapters 258 and 436 which regulate dogs, their control, and humane treatment.

(Ord. 162, passed 7-II-78)

§ 90.03 EXEMPTIONS.

Any owner who keeps a dog on premises not within an incorporated town, a subdivision, or an area of high population density shall be exempt from the provisions of this chapter.

(Ord. 162, passed 7-II-78)

DOGS

§ 90.10 IMMUNIZATION REQUIRED.

No dog shall be permitted on the streets of the city unless the dog has been immunized by inoculation for rabies and has a tag on him showing that he has been immunized.

(Ord. , passed 6-I4-49) Penalty, see §90.99

§ 90.11 DOGS TO BE RESTRAINED; IMPOUNDMENT.

Every dog kept on premises in this county within incorporated towns, subdivisions, and areas of high population density shall be restrained. Any unrestrained dog may be taken by the Dog Warden or any other peace officer of this county to the dog pound and there confined for not less than seven days unless claimed by his owner. If the owner can be identified, the owner shall immediately be notified by the Dog Warden to reclaim the impounded dog. If the dog is not claimed within seven days it shall be humanely destroyed or otherwise disposed of.

(Ord. 162, passed 7-II-78)

§ 90.12 RELEASE OF IMPOUNDED DOG; FEE.

(A) An owner reclaiming an impounded dog shall pay a fee of \$5 to the the Dog Warden for impoundment the first time and \$15 for each subsequent impoundment. The owner shall also pay a \$3 per day boarding bill for each day the dog is impounded by the Dog Warden. Proof of vaccination for rabies shall be furnished and current license shall be required before any impounded dog is released to an owner.

(B) All sums paid herein shall be duly receipted by the Dog Warden or his authorized employee. All funds not in excess of \$6,000 shall be retained by the Dog Warden as an expense of his office and funds in excess thereof shall be paid over to the Nelson

County General Fund, unless sooner requested. The Dog Warden shall file an accounting with the fiscal court of the county at the end of each calendar year.

(C) An owner reclaiming the impounded dog may be cited under this section or any other provision of this chapter.  
(Ord. 162, passed 7-11-78) Penalty, see §90.99

#### § 90.13 CROPPING DOGS' EARS.

No person shall crop a dog's ears, except a licensed veterinarian.  
(Ord. 162, passed 7-11-78) Penalty, see §90.99

### OTHER ANIMALS

#### § 90.20 PROHIBITED ACTS BY ANIMALS.

No owner shall fail to exercise proper care and control of his animals so as to prevent the following actions by them: excessive, continuous, or untimely barking or howling; molesting passersby; chasing vehicles; attacking other domestic animals; trespassing on school grounds; trespassing on private property; or damaging property of any nature.  
(Ord. 162, passed 7-11-78) Penalty, see §90.99

#### § 90.21 CRUELTY TO ANIMALS.

No owner shall fail to provide his animals with good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork, or chase any animal, or cause or permit any dog fight, cockfight, or other combat between animals.  
(Ord. 162, passed 7-11-78) Penalty, see §90.99

#### § 90.22 ABANDONING ANIMALS.

No owner shall abandon an animal, abandonment meaning leaving the animal for a period in excess of 24 hours without providing for someone to feed, water, and check on the animal's condition. In the event that an animal is found so abandoned, the animal may be taken by the Dog Warden, police officer, or humane officer, and impounded in the dog pound. The animal, if taken from private property, shall be kept for not less than 30 days with the same procedure to be followed as set forth in §§90.11 and 90.12. In the event that an animal is so abandoned, the owner, rather than the person, if any, whom he has charged with the animal's care shall be liable for citation for violation of this section.  
(Ord. 162, passed 7-11-78) Penalty, see §90.99

§ 90.23 PLACING OF POISONOUS SUBSTANCES.

No person shall place any poisonous substance which may be harmful to any animal as described in this chapter in any location where it may be readily found and eaten by an animal.

(Ord. 162, passed 7-11-78) Penalty, see §90.99

§ 90.24 MAINTAINING LIVESTOCK PROHIBITED.

(A) Except as otherwise provided in this chapter, no person shall house, feed, or raise within the city any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, or other livestock.

(B) This section shall not apply in areas of the city that are zoned agricultural in nature nor shall this section apply to livestock brought into the city for the purpose of being shipped out of the city, or brought into the city for the purpose of slaughter by a properly licensed slaughter house.

(C) The housing, feeding, and raising of animals, birds, or fowls otherwise prohibited by this section may be permitted by applying for a special permit from the City Council. Such permits may be issued to permit circus performances or other public exhibitions of entertainment events.

(Ord. , passed 5-9-50; Am. Ord. 431, passed 5-16-90) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person, firm, or corporation violating the provisions of §§ 90.10 and 90.24 shall be deemed guilty of a violation and shall be subject to a fine of not less than \$10 nor more than \$100 for each offense, and each day that the violation continues shall constitute a separate offense. Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided in §§ 34.20 through 34.33 in the amount of no less than \$25 nor more than \$100 for the first offense, no less than \$50 nor more than \$200 for the second offense and no less than \$100 nor more than \$300 for any subsequent offense. (Ord. passed 5-9-50)

(B) Sections 90.01 through 90.03, 90.11 through 90.13, and 90.20 through 90.23 shall be enforced by citation issued to the owners of any dogs not under restraint, or the owner of any animal is in violation of the above listed sections of this chapter. If any violation continues, each day the violation continues shall be deemed a separate offense and shall be separately disposed of in the manner set out above. Upon conviction for a first offense, the penalty shall constitute and be prescribed as a violation, subject to a fine of not more than \$250. Second and subsequent offenses shall constitute and be prescribed as a

misdemeanor, subject to a fine of not more than \$250, imprisonment not exceeding 90 days, or both. Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided in §§ 34.20 through 34.33 in the amount of no less than \$25 nor more than \$100 for the first offense, no less than \$50 nor more than \$200 for the second offense and no less than \$100 nor more than \$300 for any subsequent offense.  
(Ord. 162, passed 7-11-78; Am. Ord. B2015-29, passed 12-8-15)

2016 S-21

