

PENDLETON COUNTY FISCAL COURT
ORDINANCE NO. 841.0

AN ORDINANCE ESTABLISHING AND RELATING TO THE DUTIES OF THE PENDLETON COUNTY ANIMAL CONTROL OFFICER, TO THE OPERATION OF THE PENDLETON COUNTY ANIMAL SHELTER, TO THE OBLIGATIONS TO PURCHASE DOG AND KENNEL LICENSES, AND TO THE CONTROL OF DOGS AND WILD OR EXOTIC ANIMALS.

Be it ordained by Fiscal Court of the County of Pendleton, Commonwealth of Kentucky:

WHEREAS, the Pendleton County Fiscal Court is required by KRS Chapter 258 to employ an Animal Control Officer, and

WHEREAS, the Pendleton County Fiscal Court is required by KRS Chapter 258 to establish a dog pound, and

WHEREAS, the Pendleton County Fiscal Court is permitted by KRS 258.195 to impose reasonable regulations to insure the efficient and proper operation of the dog pound, and

WHEREAS, the Pendleton County Fiscal Court desires to impose certain duties on the owners of dogs, and wild or exotic animals; and further desires to otherwise regulate dogs and wild or exotic animals.

NOW THEREFORE,

Section 1. Definitions:

a. **“AKC or UKC Registered Show Dog”**

The term “AKC or UKC Registered Show Dog” means any breed of dog of the “restricted dog” list for which the owner thereof has documentation showing the dog to be a registered AKC or UKC show/performance dog. The documentation to prove the animal is a show/performance dog must include: (a) an AKC or UKC registration; (b) AKC or UKC three (3) generation pedigree; (3) proof the dog is being used as a show dog once the dog reaches the age of six (6) months; and (4) the first five (5) numbers of the AKC or UKC registration tattooed on the abdomen or the upper side of the left rear leg.

b. **“Dog”** means any member of the canine family.

c. **“Wild or Exotic Animal”** means: i., any animal or creature which is not

indigenous to the "lower 48" of the United States of America; ii., any animal or creature which is native to the said section of the United States but which is normally considered "wild;" iii., and/or any animal or creature which is inherently dangerous to human beings, regardless of age, if not covered under "i" or "ii."

d. **"Owner,"** when applied to the proprietorship of a dog, wild, or exotic animal, includes every person having a right of property in the dog, wild, or exotic animal and every person who keeps or harbors a dog, wild, or exotic animal or has it in his or her care, or permits it to remain on or about premises owned or occupied by him.

e. **"Restricted Dog"**

The term "Restricted Dog" as used within this article shall refer to (1) any dog whose sire or dam is of a breed which is defined as a restricted breed of dog in this definition; (2) any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a restricted breed (3) any dog that is certified by, or would be certified upon request of a veterinarian licensed to practice veterinary medicine in the State of Kentucky, to be primarily of the breed (unless exempted as a registered show dog):

- (1) American Staffordshire Terriers or Staffordshire Bull Terriers under the standards established by the American Kennel Club; or
- (2) Substantially conforms to the standards established by the United Kennel Club for American Pit Bull Terriers; or
- (3) Rottweiler under the standards established by the American Kennel Club.

f. **"Vicious Animal"**

1. Any dog, wild, or exotic animal which constitutes a physical threat to human beings or domestic animals demonstrated by an unprovoked assault or a bite.

2. Any dog, wild, or exotic animal which, when unprovoked, approaches in a terrorizing manner any person, in an attitude of attack, anywhere other than while upon the premises of the residence of its owner, all as reasonably perceived by the person involved considering the attendant circumstances.

3. Any dog, wild, or exotic animal with a known propensity, tendency or disposition to unprovoked attacks which cause injury or endanger the safety of human beings or domestic animals.

4. Any dog, wild, or exotic animal which bites causing injury of any kind or assaults or otherwise attacks human beings or domestic animals.

5. Any dog, wild, or exotic animal owned or harbored primarily or in part for the purpose of fighting with animals.

6. It shall be prima facie evidence that a dog, wild, or exotic animal is vicious if it bites a human being or domestic animal more than once in the same attack.

7. Any dog, wild, or exotic animal declared “vicious” pursuant to state law, KRS 258 or its successor, or by virtue of the provisions of Section 15 of this ordinance.

8. Exceptions. A dog, wild or exotic animal shall not be deemed vicious solely because:

a. It bites, attacks or menaces:

1. Any person assaulting its owner.

2. Any competent adult or animal who is tormenting or abusing it.

b. Of its breed or of an assumed/known component of its breed.

g. **“Kennel,”** means an establishment, being a building, pen, or similar construction, made out of metal, wood, concrete, chain link, or similar construction from which a dog cannot escape or stray, the floor being constructed of an impervious nature as to facilitate the washing and removal from same of waste or other debris created by the animal(s) or its care; the kennel shall provide at least twenty-five (25) square feet of surface for each dog, kept or to be kept in the same.

h. **“Animal Alteration”** any animal that has been spayed or neutered by a licensed professional and which has a certificate or such proof thereof.

Section 2. Shelter Name The county’s dog pound shall be named and referred to as the “Pendleton County Animal Shelter.”

Section 3. Shelter Purpose The Pendleton County Animal Shelter shall house and the Animal Control Officer only have responsibility toward canines (dogs) found within Pendleton County.

Section 4. Appointment of Animal Control Officer The Pendleton County Judge-Executive shall appoint the Animal Control Officer and or an assistant subject to the advice and consent of the Fiscal Court, to serve at the pleasure of the Pendleton County Judge-Executive; said Animal Control Officer or assistant may be terminated at any time, for any reason, by the Pendleton County Judge-Executive; the Animal Control Officer shall be at least eighteen (18) years of age.

Section 5. Duties of the Animal Control Officer The Animal Control Officer shall have those duties prescribed by KRS 258 as well as such other duties related to the operation of the Pendleton County Animal Shelter, not precluded by Chapter 258, assigned by the Pendleton County Judge- Executive, including but not limited to the following:

- a. Operating the shelter and caring for dogs in a decent and humane manner.
- b. Selling dog and kennel licenses.
- c. Accepting Pendleton County dogs from Pendleton County citizens, in accordance herewith, and from peace officers.
- d. Seizing and impounding dogs which do not bear a proper license and/or rabies tag which are found running at large.
- e. Enforcing any judicial determination of a vicious dog under KRS 258.235 by seizing or killing any such dog found to be running at large.
- f. Cooperating with a court in the matter of determining the status of a dog as a vicious dog and enforcing any orders of the court in such a proceeding.
- g. Seizing, or if unable to seize, destroying any dog found in the act of pursuing, wounding or killing livestock or poultry, or attacking human beings
- h. Seizing, or if unable to seize, destroying any dog found running at large unless the same be accompanied and under the control of its owner or handler, or unless the dog shall be a hound or other hunting dog which has become temporarily lost from its pack or wandered from the immediate control of its owner or handler; he or she shall make a fair and reasonable effort to determine whether the latter exception with respect to a hound or other hunting dog applies.
- i. Cooperating with the Commissioner of Agriculture with respect to enforcing regulations, orders, or quarantines as determined and prescribed by the Commissioner.
- j. Issuing uniform and local citations and bringing criminal complaints for the enforcement and violation of the provisions of KRS Chapter 258, the animal cruelty statutes, and/or this ordinance; the Animal Control Officer shall not have the authority to issue citations for any other violation or have any other authority normally vested in peace officers. The Animal Control Officer may at his discretion issue local citations for any violation of this ordinance not to exceed \$50.00 first offense, \$75.00 second offense. Any further violation will result in a uniform citation. All uniform citations will be regulated by either Section 22 and/or Section 23
- k. Issuing such citations to owners of dogs for violation in lieu of seizing, impounding, or destroying a dog under this section unless directed otherwise in and through KRS 258.
- l. Through a letter of authorization from the local board of health environmentalist, the animal control officer may enforce and carry out all aspects of KRS 258, which deal with the quarantining of animals and shall be reimbursed to the county at the owners expense in the amount of \$4.00 per day for such quarantine.

m. The Animal Control Officer shall maintain records as follows: a daily log of all calls or requests made to or of him or her concerning dogs; the log shall include the date and approximate time of the call, the identity of the caller or requester, the nature of the request made, and a description and time of the action taken; the date and time a dog was received, whether it was dropped off at the Shelter, and if picked up by him or her, the location within the county of the pickup; each dog shall be identifiable by number using a reliable method that will coincide with an identification card for such dog – such number will be assigned promptly upon the dog's arrival at the Shelter; the Officer shall also keep a log, as well as note on each dog's card, recording the disposition of the dog, indicating the details of destruction (date, manner and by whom) or adoption (date, by whom, and fees collected); a summary of the foregoing information, in a form acceptable to the County Judge-Executive, shall be submitted to such official by the Animal Control Officer on a monthly basis.

n. The Animal Control Officer shall be responsible for keeping necessary records to permit him or her to make reports and to submit such reports and funds to the Pendleton County Treasurer on a weekly basis or at any time such funds accumulate to an amount that exceeds Two Hundred (\$200.00) Dollars. All animal control reports shall be kept in the office of the County Judge/Executive for a minimum of 3 years. The Animal Control Officer shall post a bond in the amount of Five Thousand (\$5,000.00) Dollars with good and sufficient surety to secure his or her financial responsibilities under this ordinance; the Fiscal Court may pay the fee for corporate surety, if necessary.

o. The Animal Control Officer shall not flourish or discharge a firearm during the performance of his or her duties except when privileged to do so under the traditional doctrines of self protection, protection of another, or in accordance with this ordinance and/or KRS Chapter 258; the Animal Control Officer shall not carry a concealed weapon unless licensed to do so.

p. The Animal Control Officer shall have no duty to pick up or dispose of any dog or other animal that has been injured or killed without his or her intervention on or off a highway, or which may be a corpse on any private or public property.

Section 6. Animal Control Compensation The salary of and reimbursable expenses for the Animal Control Officer shall be set from time to time by motion or resolution of the Fiscal Court; any reimbursable expenses, which may include reasonable mileage, shall be fully documented to the reasonable satisfaction of the Judge-Executive and Fiscal Court and be payable upon presentment to the Fiscal Court not less often than monthly.

Section 7. Adoption Process The Pendleton County Animal Shelter shall encourage the adoption by members of the public of any dog accepted by the Animal Control Officer; all such dogs shall be kept for five (5) days preceding claim by their owner(s); after expiration of the five (5) days the dog(s) may be adopted pursuant hereto – any dog adopted shall be afforded its shots, be wormed, no dog shall be destroyed, except for the reasonable protection of persons, other dogs, or property or for demonstrable humane purposes, prior to five (5) days following its acceptance by the Animal Control Officer. Anyone wishing to adopt a dog shall be required to sign an affidavit stating such

animal shall be neutered or spayed within one month or upon the animal reaching six months of age, and shall, in fact, neuter or spay said animal within the said month or upon the animal reaching six months of age. Such persons adopting said animal shall cause a receipt, as proof of neutering or spaying as provided for herein having been done, to be delivered to the Pendleton County Animal Shelter within forty (40) days of the adoption or within ten (10) days of the animal reaching six (6) months of age, whichever is later.

If the dog is not adopted or if the circumstance referred to in Section 11 apply, then the Animal Control Officer shall have the authority to euthanize the dog as provided in Section 11.

Section 8. Animal Care All animals in the care of Pendleton County Animal Control shall have humane treatment as specified in the following:

a. No dog shall be sold or disposed of for scientific, experimental or laboratory purposes or for the purpose of avoiding the application of this ordinance.

b. Unless the dog presents a clear, present and unreasonable danger to persons or property or other dogs in the Animal Control Officer's care, or, unless the said dog comes within the Animal Control Officer's duties as set out in Section 5, subsections d through o, no dog shall be destroyed except by lethal injection by or under the direction of a person properly certified to accomplish the same; all action calculated to bring a dog under control for whatever purpose shall be characterized by the minimum of force necessary to accomplish the purpose and attended by a minimum of pain to the dog, it being the expressed legislative intent and purpose to prescribe netting and tranquilizing where feasible in lieu of brute or deadly force; any dogs destroyed by a means prescribed or anticipated under this ordinance shall be subsequently treated with reasonable dignity, being covered immediately after destruction and promptly so transported for appropriate disposition to an official disposal site for or with which the county has a contract.

Section 9. Licensing, Fees and Adoption Process (Excluding "Restricted Dogs")

a. On or before July 1 of each year the owner of any dog six (6) months old or older kept in Pendleton County shall apply to the Animal Control Officer or his designee for a license for each dog or kennel owned, harbored, or operated by him, acquire the license, and pay the fee set out herein below;

b. Upon the qualification and payment of the fee a dog license bearing a serial number and such other information as will properly identify the dog, along with a tag bearing the corresponding number, shall be issued by the Animal Control Officer to the owner.

c. No license or tag prescribed by this ordinance shall be transferable to another dog except as provided in the within subsection "e", part 3.

d. Any person becoming the owner of a dog kept in Pendleton County after July 1 of any year which has not already been licensed and the owner of any dog which becomes six (6) months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained, with the fee being prorated on a quarterly basis.

e. Any person who keeps or operates a kennel in which ten (10) or more dogs are kept while on property owned, rented, or leased by the owner must apply to the Animal Control Officer or his or her designee for a kennel license entitling he or she to keep or operate a kennel and pay the fees set out herein below.

1. The kennel license shall be issued on a form prescribed and supplied by the county through the Animal Control Officer.
2. Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags equal to the number of dogs authorized to be kept in the kennel.
3. The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another, within the kennel, whenever any dog is permanently removed.
4. Each kennel's license shall have a number and tags issued in regard to that kennel shall have a number or identifier to permit a dog from that kennel to be identified as such.
5. Before a kennel license is initially issued, and from time to time as deemed necessary and proper by the Animal Control Officer, the kennel shall be inspected by the Animal Control Officer for compliance with above Section 1e.

f. Fees applicable under this ordinance shall be as follows:

1. Individual dog licenses (1 to 9 dogs)-\$7.00 each
2. Individual dog alteration licenses - \$3.50 each
3. Kennel license (10 or more dogs) - \$20.00 + \$1.00 for each dog housed. Any owner of 10 or more dogs must purchase a kennel license and adhere to kennel requirement as set forth herein.
4. Privilege of dropping off unwanted dog by the owner or keeper - \$20.00
5. Adoption - \$35.00 plus out of pocket costs for shots, worming, neutering and any other veterinary expenses; the reasonably anticipated total of such adoption fees may be collected from the adoptive party prior to securing the prescribed services for the dog and pending a determination of the actual amount thus computed. Any mother dog and her puppies under the age of three (3) months shall be

considered one dog for purposes of adoption.

6. The \$35.00 fee for adoption will be waived for qualifying rescue groups. The county Judge Executive will appoint a committee of three (3) persons to research "rescue groups" that wish to foster and adopt homeless dog(s) from Pendleton County. Dogs must be held in the animal control custody for not less than five (5) days, before fostering and/or adoption. The County Judge/Executive will maintain any list of qualifying rescue groups. Any such group shall comply with the following, at minimum:

- (a) Copy of 501(c)(3) papers
- (b) Copy of incorporation papers
- (c) Copy of mission statement
- (d) Copy of policy and procedures, including spay/neuter
- (e) Copy of adoption contract
- (f) A minimum of two (2) references from other shelters on past adoption
- (g) List of adoption avenues, i.e., Pet Finders, Pet Smart Partners, Advertising, etc.
- (h) Veterinary references (minimum of 2)
- (i) No rescue group shall have more than 15 dogs in its possession at any time

The decision as to whether a group shall be qualified as a rescue group shall be exclusively in the considered discretion of the County Judge/Executive.

7. Recovery by the owner of a dog properly picked up by the Animal Control Officer may occur only upon payment by the owner of a fee of Ten (\$10.00) Dollars for the first day of any part of same and Four (\$4.00) Dollars for each subsequent day or part of same; further should the owner be unable to produce evidence of a rabies vaccination then the owner shall also pay Eleven (\$11.00) Dollars for a rabies vaccination.

8. The aforesaid fees set forth in subparts 1-5 may be increased from time to time to reflect any change in the consumer Price Index (CPI)--such increases in the index may be cumulated with the fees being increased periodically by round figures reflecting such change totals. Any such changes reflecting increases in the CPI may be done by the County Judge/Executive through Executive Order.

g. A certificate or proof of alteration of any dog must be presented to the party selling the dog licenses and a copy shall be affixed to the licensing paper work before the owner qualifies for alteration licenses.

h. All dog license tags and the rabies vaccination tags prescribed under KRS 258.015 shall be securely affixed to the dog by means of a collar or harness.

i. It shall be unlawful for any person to bring or permit to be brought into this county any unlicensed dog; it shall further be unlawful for any person to turn loose or abandon a dog for purposes of avoiding one's obligation hereunder.

j. All owners of dogs over six (6) months of age shall pay such fees as are set out in this section, subsections a through d, and as are applicable to them as the owner or keepers of such dog or dogs.

Section 10. "Restricted Dogs"

a. Standards for "Restricted Dogs"

(1) The standards of the American Kennel Club and the United Kennel Club referred to in (definition section) are on file in the county judge's office and the animal control office.

(2) Technical deficiencies in the dog's conformance to the standards described in shall not be construed to indicate that the subject dog is not a restricted dog under this article.

b. Restrictions for "Restricted Dogs"

A Restricted Dog, other than (1) an AKC or UKC Registered Show Dog; (2) or Guide dogs for the blind or hearing impaired; (3) or support dogs for the physically handicapped, (4) or sentry dog, guard dog used for commercial purposes, (5) or police-owned dogs in service are exempt from this Section, is restricted within the Pendleton County limits, and must be registered pursuant to the provisions of Section 10 (c) (Registration) and comply with this Ordinance, unless the animal is owned and maintained by a local, state or federal agency and used for law enforcement purposes. It shall be unlawful for any person to keep within the Pendleton county limits any restricted dog as defined in this ordinance, except for AKC or UKC registered show dog as defined and identified in the definition Section of this Ordinance, or registered in accordance with Section 10 (c) (Registration).

c. Registration for "Restricted Dogs"

(1) In order to assure that owners of Restricted Dogs are in compliance with the requirements of this article and to assist in assuring compliance, every owner of a restricted dog in the county shall register the dog with the Animal Control Office of Pendleton County.

(2) The registration shall include the following:

(a) Name, address and telephone number of the dog's owner;

(b) The address where the dog is harbored, if different from the owner's address;

- (c) A complete identification of the dog including the dog's sex, color, and any other distinguishing physical characteristics;
- (d) Documentary proof from a licensed veterinarian of registration with an identification chip administered by a licensed veterinarian or the animal control officer, if certified;
- (e) Documentary proof from a licensed veterinarian of sterilization;
- (f) Proof of rabies vaccination; and
- (g) Proof of the liability insurance or other evidence of financial responsibility required pursuant to this article.

(3) No registration shall be issued for a restricted dog until all requirements listed herein have been met. In addition to all other fees, Pendleton County will assess, and the owner or custodian of the dog must pay, the sum of twenty-five dollars (\$25.00) for issuance of the registration allowing possession of a Restricted Dog breed in the county. The registration shall be for a one (1) year period and may be renewed for additional one-year periods upon payment of the \$25.00 fee and compliance with other requirements of this ordinance.

(4) Existing owners of a Restricted Dog who desire to continue to keep the dog within the Pendleton county limits will have sixty (60) days subsequent to the effective date of this Ordinance to register the animal with the Pendleton County Animal Control Officer in order for that animal to be allowed to remain in the county, pursuant to the following criteria:

- (a) The animal must be registered with an identification chip inserted under skin by a licensed veterinarian or by the animal control officer, if certified,
- (b) The owner provides proof of rabies and other vaccinations;
- (c) The owner and handler must be at least twenty-one (21) years of age;
- (d) The owner shall, at his own expense, have the animal spayed or neutered, and shall present to the Pendleton County Animal Control Officer documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a restricted dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would place the dog's life at risk or produces documentation showing that the dog is a registered AKC or UKC show/performance dog as defined in definitions section of this ordinance.

(5) The Pendleton County Animal Control Office shall create and maintain a registration system containing the numbers and names of the animals and the names and addresses of the owners. The owner shall be responsible for notifying the Pendleton County Animal Control Office of any change in his address, within ten (10) days of the change (regardless of whether the new address is inside or outside the County limits), and the owner shall also be responsible for notifying the Pendleton County Animal Control Office when the dog dies.

(6) If an owner sells transfers, gives, trades, barter or otherwise disposes of a registered restricted dog the owner shall report the transaction to the Pendleton County Animal Control Office within the time frame set forth in paragraph (E) above. It is unlawful to abandon a restricted dog in the county. Any new owner of such described dog must also comply with all requirements of this ordinance.

(7) In order to protect the public and to afford relief from the severe harm and injury which is likely to result from a dog attack, every owner of a Restricted Dog, or any dog declared a "Vicious Animal" under this ordinance, shall at all times while owning the dog, provide evidence of his financial responsibility and ability to respond in damages in the amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such dog. Proof of ability to respond in damages shall be given by filing with the Animal Control Officer a certificate of insurance, on a homeowner's policy or otherwise, from an insurance company authorized to do business in the state stating that the owner is and will be insured against liability to respond in such.

d. Investigation

Upon receipt of a completed Restricted Dog application, the Animal Control Officer shall investigate the application by having the Pendleton County Sheriff conduct a criminal background check of the applicant. After receipt of the criminal background check the Animal Control Officer may grant a Restricted Dog permit if the Animal Control Officer finds the following conditions satisfied:

- (1) Neither the applicant, owner, nor the keeper of the animal has had a Restricted Dog permit or any other license required under this division revoked, or been convicted of a violation of this division or any law regulating animals within three years or any felony within the past ten years;
- (2) Possession of the animal at the location specified will not violate any law, ordinance, or regulation.
- (3) The Pendleton County Sheriff's Department shall not be held liable for any errant information reported by the criminal background check, nor any errant information as a result of incorrect information submitted by the applicant.

e. Review of Restricted Dog License

Within seven calendar days after the mailing of written notice that a Restricted Dog license has been denied, the owner or applicant may file with the Animal Control Officer a written request for review of the denial decision. Only one request for review may be made. The request shall state all grounds for review and present in writing the evidence relied upon to support granting the permit. The Animal Control Officer may further investigate the application and shall reconsider the application. The Restricted Dog license denial is stayed pending reconsideration. The applicant for a Restricted Dog License bears the burden of proof to justify issuance of a license. If no appeal of the denial of the Restricted Dog license application is filed, or if the Animal Control Officer upholds a Restricted Dog license denial after reconsideration of a license denial, the Animal Control Officer may impound the animal and humanely destroy it by lethal injection ten calendar days after mailing written notice of the denial.

f. Possession of certain dogs by felons prohibited.

- (1) For a period of 10 years commencing upon the release of a person from

incarceration, it is unlawful for a person convicted of a forcible felony, or any felony violation Class D or higher, or any violation of KRS 525.125, KRS 525.130 or KRS 525.135, or a felony violation of Class D or higher of the Kentucky Controlled Substances Act, to knowingly own, possess, have custody of, or reside in a residence with, either:

- (a) an unspayed or unneutered dog or puppy older than 24 weeks of age; or
 - (b) irrespective of whether the dog has been spayed or neutered, any dog that is over twenty pounds in weight.
- (2) Any dog that is less than twenty pounds in weight, owned, possessed by, or in the custody of a person convicted of a felony, as described in subsection (a), must be microchipped for permanent identification.
- (3) A person who violates this Section is guilty of a Class A misdemeanor.
- (4) It is an affirmative defense to prosecution under this Section that the dog in question is neutered or spayed, or that the dog in question was neutered or spayed within 7 days of the defendant being charged with a violation of this Section. Medical records from, or the certificate of, a doctor of veterinary medicine licensed to practice in the State of Kentucky who has personally examined or operated upon the dog, unambiguously indicating whether the dog in question has been spayed or neutered, shall be prima facie true and correct, and shall be sufficient evidence of whether the dog in question has been spayed or neutered

g. Violation of Section 10 of this Ordinance will result in the following:

- (1) The restricted dog's owner found to be in violation of the aforementioned regulations shall be subject to an immediate revocation of the restricted dog registration, and the restricted dog shall be subject to immediate seizure and impoundment.
- (2) A Restricted Dog seized by Pendleton County shall be held for a period of 5 five business days and the owner may reclaim the dog by payment of preset reclaim fees as described in Section 9 (f) (7) The dog shall not be released unless the reclaim fee is paid. The owner must also meet all registration requirements or signs an affidavit or sworn declaration stating that the dog will be removed outside the county limits immediately.
- (3) A dog released pursuant to the affidavit or sworn declaration, which remains in the county limits, is subject to immediate seizure. If not removed per the affidavit or sworn declaration the owner shall be subject to a fine of \$500.00 per day.
- (4) Animal Control personnel may humanely destroy an animal not reclaimed or abandoned after mandatory five day holding period.

Section 11. Handling of "Vicious Dogs" The County Judge/Executive, after reviewing evidence, may declare a dog, wild or exotic animal "vicious" when found to qualify as vicious under one or more provisions of this ordinance. Said animal shall be destroyed, banned from any domicile in Pendleton County, or kept confined as the said County Judge/Executive's Executive Order shall provide. A copy of any such order shall be served on the "owner" of the dog by the sheriff by either personal service or posting a copy on the residence of the owner, accompanied by mailing by regular mail as in a

proceeding for forcible detainer. The owner shall have five (5) business days to appeal the finding to circuit court. Said order shall be thereafter effective. Regardless of and pending any such appeal the following subsection "a" through "g" shall apply:

a. The vicious animal shall be confined by the owner in an enclosure constructed satisfactory to the County Judge/Executive to preclude the possibility of the animal escaping. 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.

b. The enclosure shall display a sign warning of the vicious animal which shall be visible and legible from the public roadway or public access, if applicable.

c. The vicious animal shall not be permitted outside of the enclosure except to obtain necessary veterinary care or under the direction of the County Judge/Executive, in which case it shall be under the direct control and supervision of its owner 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.

d. Should the County Judge/Executive deem the enclosure to be inadequate to protect the public then the owner shall promptly deliver the animal to the Animal Shelter for confinement pending any such appeal; the owner shall pay to the County the sum of Ten (\$10.00) Dollars per day for such period of confinement in the Shelter.

e. The owner of a vicious animal shall immediately notify the County Judge/Executive and the County Dispatch if the animal is loose, unconfined, has attacked an animal or human being, or is deceased.

f. The foregoing subsections "a" through "e" shall apply to any dog declared "vicious" under state law or under this ordinance, in the latter case, should the County Judge/Executive's Order provide for confinement in lieu of euthanization or banishment. However, in the case of a dog being ordered confined and such dog is found later to be running at large, such dog shall be seized immediately and either banished or euthanized.

g. Any dog that is declared to be "vicious" by the county judge/executive and is not ordered euthanized must be marked with a readable micro chip at the cost of the owner.

h. Financial responsibility for the owner of a "Vicious" dog is referred to under Section 10 (c)(7).

Section 12. Dogs Leashed and Under Control Notwithstanding any Law or Regulations to the contrary, any owner of a dog, or dogs regardless of the number, shall keep them under control at all times while on property owned, rented, or leased by the dog

owner. When a dog, or dogs are engaged in daytime exercise or other lawful activity on property not owned, rented, or leased by the dog owner, each dog shall be restrained in a suitable dog/animal carrier or on a leash from which it cannot escape; any leash utilized pursuant hereto shall be no longer than six (6) feet in length; this provision shall not apply to a dog or dogs which are freed temporarily for the purpose of legitimate training, hunting, controlled breeding, trial, show or herding. Any dog not restrained hereunder and not coming within an exception as provided for hereunder shall be considered as unlicensed.

Section 13. Kennel Owner Record Keeping Owners of ten (10) or more dogs over the age of six (6) months shall maintain a record of all such dogs. The record shall consist of at least the following detail: number of the dogs tagged (licensed), name if any, approximate date of birth, approximate weight, physical description through use of colors and markings, where, when, and from whom the animal was obtained, proof of neutering or spaying (if adopted from an Animal Shelter), recent photograph of animal, immunization record, and when and to whom the animal was released if the same is no longer in the possession of said owner; said record shall be maintained for at least one (1) year after the animal is no longer in the possession of said person.

Section 14. Inspection of Kennels and Records by Animal Control Officer
The Animal Control Officer shall have the right to inspect the records stipulated and described in Section 13 and the kennel as described in Section 1 as relates to any person owning, harboring, or believed to own or harbor ten (10) or more dogs over six (6) months of age; any such person or persons shall have the duty to provide the information or permit the inspection anticipated by this Section upon reasonable notice and in any event within twenty-four hours of such notice delivered or attempted to be delivered upon said person or persons.

Section 15. Requirements for Female Dogs It is 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.

Section 16. Fighting of Any Type of Dogs It shall be unlawful for any person to stage, cause, instigate, permit, observe or attend any dog-fight or combat between humans and dogs.

Section 17. Interfering with Duties of the Animal Control It shall be unlawful for any person to interfere or attempt to interfere, directly or indirectly through the encouragement of another person or an animal with the duties of the Animal Control Officer or with the efforts of the Animal Control Officer or a peace officer to enforce or comply with the provisions of this ordinance.

Section 18. Harboring of Wild or Exotic Animals
a. It shall be unlawful to sell, own, harbor, or keep as a pet, as that term is used to

distinguish such intention and purpose from those intentions and purposes that may be licensed by state or federal agencies, a wild or exotic animal.

b. This Section 18 shall only apply to such wild or exotic animals as are not within the county as of the first reading of this ordinance.

c. Any such wild or exotic animal may be ordered by the County Judge/Executive to be euthanized, confined, or banished, at the discretion of the Judge Executive, subject to appeal in the same manner as provided in Section 15 of this Ordinance.

Section 19. Dealing with Animals as a Public Nuisance Any and all owners shall keep their dog, wild, or exotic animal from becoming a public nuisance, in this context a "public nuisance" being an animal which:

- a. Molests passers-by or passing vehicles.
- b. Attacks people or other animals, with the concept of "attack" being given its ordinary meaning and shall be without regard to whether an attack was or might have been successful;
- c. Damages public or private property;
- d. Makes noise in an excessive, continuous, or untimely manner;
- e. Creates unsanitary conditions; or,
- f. Disturbs the peace, comfort, or health of any person or persons in any manner.
- g. Pursues or wounds livestock, including: chickens, ducks, turkeys, other domesticated fowl; ratites; and/or cervine, bovine, porcine, caprine, or equine animals that are privately owned by another person and raised in a confined area for breeding stock, food, fiber, or other products, or for pleasure of man;

Only one such prescribed occurrence shall be necessary to constitute a public nuisance.

Section 20. Animal Control Duties as Described in KRS Nothing in this ordinance shall be deemed to negate, obviate, or reduce any duties or liability prescribed by KRS Chapter 258; this ordinance shall only be deemed to supplement the provisions and to increase the duties of owners of dogs, wild, or exotic animals.

Section 21. The Provisions of this Ordinance are Severable. Any sentence, clause or section or part of this ordinance or the application thereof to any particular case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or part of this ordinance, it being the legislative intent of this body to ordain and enact such provision, section, paragraph, sentence, and part hereof separately and independently of such other provision.

Section 22. Fines for Violation of this Ordinance Other Than Section 19 Any person who violates any part of this Ordinance except for Section 19 shall be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or be sentenced to no more that Ninety (90) days in jail, or both fines and incarceration; each separate violation or each day that a violation exists shall be a separate offense.

Section 23. Fines for Violation of Section 19 of this Ordinance Any person who violates Section 19 of this Ordinance shall be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars; each separate violation or each day that a violation exists shall be a separate offense.

Section 24. Fines Issued Under Local Citations The Animal Control Officer may, at his discretion, issue local citations in lieu of uniform citations for the following, but not limited to: dogs running at large; dog having no licenses or rabies tag or not having such license or tag affixed; etc. Local citations shall be set at fifty dollars (\$50. 00) for the first offense and seventy-five dollars (\$75.00) for the second offense.

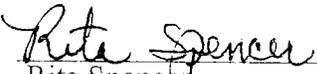
Section 24. Repeal of All Previous Animal Control Ordinances All previous ordinances pertaining to animal control and parts of ordinances in conflict herewith and all amendments thereto are hereby repealed.

Section 25. Effective Date of this Ordinance This ordinance shall take effect upon its passage and publication according to law.

Section 26. Notice and Publication Notice and Publication of this ordinance shall be by summary.

841.0 Enacted this 27 day of MAY, 2008


Henry W. Bertram
Pendleton County Judge/Executive

ATTEST:
 BY: 
Rita Spencer
County Clerk
Registery Clerk