

**COMMONWEALTH OF KENTUCKY
DAVISS COUNTY FISCAL COURT**

KOC 1010.6 (2013)

**AN ORDINANCE ESTABLISHING AN ANIMAL CONTROL
AND PROTECTION POLICY**

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF DAVIESS, COMMONWEALTH OF KENTUCKY:

Section I: Definitions

As used in this ordinance, the following terms shall mean:

1. **Abandon** - The intentional relinquishment and control of domesticated animals without appropriate safeguards for the animal's well-being.
2. **Animal** - Any live vertebrate creature, domestic or wild.
3. **Animal Control Officer** - Any person designated by the city or county as required by KRS 258.915 to assist in the operation of the animal shelter and to enforce this ordinance and state laws regarding animal control.
4. **Animal Shelter** - Any facility operated by the city, county or any governmental agency or humane society for the purpose of impounding or caring for animals.
5. **Cat** - Any age feline of the domesticated type.
6. **Circus** - A commercial variety show featuring animal acts for public entertainment.
7. **Commercial Animal Establishment** - Any pet shop, grooming shop, riding school or stable, zoological park, circus, performing animal exhibition or kennel, but shall not include a licensed veterinarian.
8. **Dog** - Any age canine of the domestic type.
9. **Domestic Animal** - Any of the following animals: domestic dog, cat, rabbit, mouse, rat, reptile, guinea pig, chinchilla, hamster, gerbil, ferret.
10. **Farm** - A land area containing 10 or more contiguous acres.
11. **Humane Society** - Any organization existing for the purpose of preventing cruelty to animals.
12. **Kennel** - Any premises where any person or entity engages in boarding, breeding, buying, letting for hire, training for fee, selling, providing temporary sanctuary, rescuing or adopting dogs or cats, except a kennel shall not include boarding at a facility owned and operated by a licensed veterinarian.

13. **Livestock** - (a) All cattle, buffaloes or animals of the bovine species; (b) all horses, mules, burros and asses or animals of the equine species; (c) all goats or animals of the caprine species; (d) all swine or animals of the porcine species; (e) all sheep or animals of the ovine species; (f) all fowl or animals of the order Galliforme (gamebirds); (g) all ducks and geese or animals of the Anatidae (water fowl) family; (h) all ostrich, emu, rhea and cassowaries or animals of the ratite order, (i) all llamas or animals of the camelid family and deer and elk, whose regulatory requirements are under KRS Chapters 150 and 246, as well as poultry, ratites and corvine.
14. **Non-Domestic Animal** - Any animal including, but not limited to felines (other than the domestic house cat), non-human primates, bears, wolves, coyotes, foxes, and venomous reptiles, and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this section, the Daviess County Fiscal Court may add to or remove from the classification of non-domestic animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to the list may be made only if the Fiscal Court determines, after public hearing, that such species because of habit, mode of life, or natural instinct is incapable of being domesticated; requires the exercise of art, force, or skill to keep them safely in subjection; and would create a reasonable likelihood of hazard to the public. Each determination by the Legislative body as to additions or deletions shall become effective when filed with the County Judge/Executive and approved by Daviess County Fiscal Court.
15. **Owner** - Any person, partnership, or corporation owning, keeping or harboring one or more animals. For purposes of enforcing this ordinance, an animal shall be deemed harbored if it is fed or sheltered for three or more consecutive days.
16. **Pet** - Any animal kept for pleasure rather than utility; under no circumstances shall a non-domestic animal or livestock, as defined in this Ordinance be considered a pet unless specifically provided by this ordinance.
17. **Public Nuisance** - Any animal(s) creates a public nuisance if the animal:
 - a. Molests or chases passersby or passing motor vehicles, bicycles or scooters other than those owned or operated by the same person or his immediate family who keeps, owns or harbors the animal;
 - b. While off the owner's (or person charged with caring or controlling the animal) property, attacks, threatens, worries, injures or kills domestic animals, or livestock or runs at, jumps upon, chases, bites at or in any other way frightens, molests or scares any child or adult other than the one who owns, keeps or harbors the animal and the members of his immediate family;
 - c. Trespasses by going upon any property or premises not owned or occupied by the person who keeps, harbors or owns the animal, including school grounds;
 - d. Is repeatedly at large;
 - e. Damages private or public property including turns over, gets into, or otherwise damages or disturbs garbage cans, or any items or personal property located on any premises other than those owned or occupied by the person who owns, keeps or harbors the animal or goes upon public cemeteries, trails, parks and playgrounds, except at designated parks or under restraint;
 - f. Barks, whines, mews, crows, cackles or howls excessively or continuously and loud enough to be heard beyond the premises of where it is kept or harbored;
 - g. Allows offensive odors, unclean or unsanitary conditions on property where animals are kept. Causes fouling of the air by noxious or offensive odors resulting from the accumulation of animal excrement and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity

to the premises where the animal is kept or harbored because of the failure to keep the animal's pen, yard, lot or other enclosures in a sanitary condition and free from preventable odors;

- h. Is a dog or other animal over four (4) months of age that is capable of carrying the rabies virus and recommended to be vaccinated by the Cabinet for Health and Family Services, which animal is maintained, kept or harbored and does not have a current rabies vaccination;
- i. Is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence, or the inadequacy of the facilities, or the inability to provide proper care for those animals.

18. **Residential Property** – Any real property defined as residential by the Owensboro Metropolitan Zoning Ordinance within the geographical boundary of Daviess County, Kentucky, used primarily for human occupancy.

19. **Restraint** - The act of restraining or securing any animal by tether, leash, lead or under control of a responsible person and obedient to that person's commands or confined to the real property limits of its owner. Hunting dogs, while accompanied by their owner or a responsible person and under the control of that person, are excluded from this restriction.

20. **Shelter** - A moisture proof structure of suitable size and composition to accommodate the animal and allow retention of body heat, with a sufficient quantity of suitable bedding to provide insulation and protection against heat, cold and dampness or other environmental conditions detrimental to the animal.

21. **Tethering System** - A method of confining a dog to the owner's property by use of a 10-foot chain with swivels on both ends and attached to a pulley or overhead trolley, at least 10 feet in length and mounted no more than 7 feet above the ground.

22. **Wholesome Food** - Food which is palatable, safe and not contaminated.

23. **Vaccination** - The injection of any dog or cat by a veterinarian or other qualified person of a vaccine approved by and administered according to the regulations of the Cabinet for Health and Family Services.

Section II: Mandatory Licensing Registration and Tag Required

1. Every person who keeps or maintains any dog over the age of 4 months must, within 30 days of becoming a Daviess County resident, obtain and continuously maintain a dog license.

2. Upon annual presentation of proof of rabies vaccination and payment of a \$5.00 license fee, the Daviess County Animal Control Officer shall issue a Daviess County dog license.

3. Upon acceptance of the license application and fee, the Animal Control Officer shall issue a durable metal license tag, which has a unique number for each dog. Such license tag is not transferable and must be attached, along with the rabies vaccination tag, to the collar around the neck of the dog. The Animal Control Officer shall keep a record of all license tags issued.

4. Dog licenses shall bear a registration number, shall attach to a suitable collar and shall remain on the dog at all times. Failure to comply with this licensing requirement may result in penalties provided in KRS 258.990.

5. The dog license application shall include the following information:

- Name, address and phone number of the owner of the dog.
- Name of dog, if any.
- Breed of dog.
- Color of dog.
- Sex of dog.

6. The owner of a dog required to be licensed under this ordinance shall provide a collar with dog license attached to the collar and shall keep the collar on the dog at all times.

Section III: Cruelty to Animals:

It shall be unlawful for any person to:

1. Beat intentionally or strike repeatedly, maim, mutilate, disfigure, torture, torment, burn or scald, overload, treat cruelly or otherwise intentionally injure or cause the death of any animal.

2. Fail to provide the animal, belonging to them, or under their control, with wholesome food and water in sufficient quantity and nutritional value to meet the normal daily requirements for the condition and size of the animal; to adequately shelter the animal from rain, hail, sleet, snow, or a surrounding environment causing the animal to suffer or die.

3. Fail to provide domestic animals with appropriate shade during times of extreme heat; appropriate shade may include tarps, sunshades, or roofed structures.

4. Fail to provide domestic animals, which are continuously confined with sufficient room necessary for daily exercise.

5. Fail to keep a domestic animal in an area that is dry, clean, sanitary and free from offensive odors and its own waste.

6. Confine for an extended period of time an animal in any pen, cage, coop, crate or any other such place or enclosure that is too small for the size of the animal. A confined area or enclosure may be deemed too small if the animal is unable to stand up and turn around, regardless of the type of enclosure used.

7. Construct floors in a manner which fails to protect the confined domestic animals' feet and legs from injury. If the floor is mesh or slatted, it shall not permit any animals' feet or any portion to pass through any opening in the floor. If the floor of the primary enclosure is constructed of wire, a solid resting surface or surfaces shall be provided. This resting surface must be large enough to comfortably and simultaneously hold all the occupants of the primary enclosure.

8. Abandon any domestic animal or livestock while under possession, care, custody or control of a person. Abandonment may consist of leaving such animal for a period exceeding 24 hours without food or water. An abandoned animal may be impounded by any law enforcement officer or Animal Control Officer and confined in the Daviess County Animal Shelter.

9. Permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. If the law enforcement officer(s) or Animal Control Officer(s) has reasonable cause to suspect that an animal is involved in a dogfight, cockfight or other combat, as defined by KRS 525.125 the animal may be impounded by the law enforcement officer or Animal Control Officer and confined in the Daviess County Animal Shelter. Said animal shall be held as evidence and confined in such facility in a humane manner. Upon a finding by the Court that the animal has been involved in a dogfight, cockfight or other combat between animals, the animal shall become the property of the Daviess County Fiscal Court or held for disposition as ordered by a court of competent jurisdiction.

10. Allow any ill or injured domestic animal to go without appropriate and reasonable veterinary care.

11. Crop a dog's ears, except by a licensed veterinarian.

12. Fail to report striking a domestic animal or livestock while operating a motor vehicle. The operator of a motor vehicle which strikes a domestic animal or livestock shall immediately report the incident to the animal's owner or caretaker. If the operator cannot locate the owner or a caretaker the vehicle operator shall report the accident to a law enforcement officer, an Animal Control Officer or to the local Humane Society.

13. Expose a domestic animal to a known poisonous substance which is available and susceptible to being eaten by such animal. However, it shall be lawful for a person to place on his property rat poison if mixed with vegetable substances.

14. Inflict pain, injury or death to an animal by striking, beating, dropping, kicking, dragging, strangling, choking or by using an object or weapon.

15. Cause pain, injury or death to an animal by caustic, flammable, boiling or heated substances.

16. Cause injury or death to an animal by suffocation, or drowning; or failing to provide health related grooming.

Section IV: Animal Nuisances and Animals as Prizes Prohibited

1. No person shall keep or maintain livestock or a non-domestic animal on a residential property of less than two (2) acres and within one hundred (100) feet of a dwelling not owned or occupied by the owner of the livestock or non-domestic animal.

a. Except an owner of at least one-half (0.5) acre or more may keep six or fewer female chickens for personal, family, or home use in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. Owner shall maintain the fence or structure in good repair. All gates or doors to the fence or

structure shall fit properly and shall be locked or secured by a latch. Fence or structure must be at least fifty (50) feet from a dwelling not owned or occupied by the owner of the chickens.

b. Except an owner may raise and breed homing or racing pigeons. All lofts, bins, and other structures used by residents to raise, breed, and otherwise house homing pigeons shall conform to all existing rules and regulations of the planning and zoning regulations and it is further provided that no structure shall be so located on any lot that is closer than fifty (50) feet from a dwelling not owned or occupied by the owner of the pigeons.

c. Except an owner may keep domestic small animals (not including dogs and cats) for personal, family, or home use in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. Owner shall maintain the fence or structure in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch. Fence or structure must be at least fifty (50) feet from a dwelling not owned or occupied by the owner of the domestic small animals (not including dogs and cats).

2. No person shall own, keep or harbor any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owner's, to enjoyment of life or property. Evidence establishing a nuisance, besides the definition of public nuisance above, includes, but is not limited to the following:

a. Allowing dogs to threaten, worry, harass, injure, or kill domestic animals or livestock off the owner's (or one charged with the care and control of the dog) property.

b. Allowing dogs to run at large, repeatedly allowing dogs to chase, jump at or on, bark at or otherwise annoy or threaten passing pedestrians, bicyclists, motorcyclists or operators of motorized vehicles.

c. Allowing animals to disturb the peace and quiet of any person by excessive, continuous or untimely noises including, but not limited to, barking, howling, yelping, mewing, crowing, cackling or whining in any neighborhood located in the county or any city.

d. Allowing offensive odors or otherwise unclean or unsanitary conditions on property where animals are kept and maintained; allowing animal to trespass on or damage private or public property.

e. Allowing dogs to run at large off the owner or caretaker's property.

f. Maintaining, keeping or harboring any dog, cat or ferret over 4 months old that does not have a current rabies vaccination.

g. Offering or giving away any live animal as a prize or reward in connection with any raffle, protest, demonstration, promotion, or as a part of any gratuity or pecuniary exchange to induce entry into any game, contest or other competition, except livestock or hunting animal, offered or given away as a part of a farm youth education program or other similar program offered by a not for profit entity. Nothing in this section shall

prohibit the auction or sale of animals. Each offering or giving away of an animal in violation of this section shall be deemed a separate offense.

h. Keeping any animal known to carry or is susceptible to carrying the rabies virus and which cannot be effectively vaccinated against the rabies virus with any vaccine approved by the Kentucky Cabinet for Health and Family Services.

i. Keeping any hybrid animal or any wildlife which has attacked a human or which is apprehended or observed unrestrained.

Section V: Quarantine Required

1. When an animal bites a person, the incident shall be reported to an Animal Control Officer and to the Green River District Health Department. Any dog, cat, ferret or other animal that bites a person shall be quarantined so that the animal may not come in contact with a person or animal. All animals shall remain in quarantine for ten (10) days, or as provided in KRS 258.085.

2. Except as provided in number 3 of this section, every physician shall, within (12) twelve hours following their professional attendance of a person bitten by an animal, report incident to the Green River District Health Department listing the victim's name, age, sex and precise location of bite. If a child is bitten and no physician attends, the report shall be made by his parents, guardian or person in care of the child at time of incident. If an adult is bitten and no physician attends, he/she or person caring for him/her shall make the report.

3. If the Green River District Health Department is closed, the incident shall be reported the next working day.

4. If an animal bite occurs **off** the owner's property and not under the control of the owner, the animal shall be quarantined at the Daviess County Animal Shelter or at any licensed veterinarian facility.

5. If an animal bite occurs **on** the owner's property or under the control of the owner, the Green River District Health Department shall decide where to quarantine the animal. If the animal is quarantined on the owner's property, the animal shall be kept within an enclosure or with restraints deemed adequate by the Daviess County Animal Shelter to prevent direct contact with a person or other animal.

6. Following the ten (10) day quarantine period, the animal, if found free of rabies, may be released from quarantine by the Green River District Health Department. An Environmentalist with the Green River District Health Department shall prepare a written statement that the animal has been examined and found free of any signs or symptoms of rabies and that the animal has been inoculated against rabies.

Section VI: Chaining and Tethering System

1. Any chain, leash or tethering system, as defined by this ordinance, shall confine the dog within the owner's real property boundaries.

2. No chain, leash or other connection to the tethering system shall exceed 1/8 of the dog's body weight.
3. Any chain, leash or tethering system shall be at least ten (10) feet in length, have swivels on both ends and designed to prevent the animal from choking or strangling.
4. Any chain, leash or tethering system must attach to a properly fitted collar or harness worn by the animal.
5. Any violation of this section shall be subject to penalties as defined in section XIV.

Section VII: Kennels; Requirements and Regulations

1. Upon application to the Director of the Daviess County Animal Shelter, the Director may issue a kennel license.
2. If an owner/operator of a kennel receives a kennel license, then this license shall be sufficient to cover all animals maintained by the kennel and the kennel shall not be required to obtain a license, registration or permit for each individual animal.
3. The Director shall issue kennel licenses only after an Animal Control Officer inspects the proposed kennel site and finds that the facility meets the terms and provisions of this ordinance.
4. All dogs and cats over 4 months of age maintained or kept in a licensed kennel shall have a current rabies vaccination, pursuant to KRS 258.015, which shall govern the enforcement of this sub-section.
5. Licensed kennels shall provide veterinary care for all animals within the kennel's control to maintain good health and general welfare of the animals.
6. Kennel owners shall renew their license annually by applying to the Director of the Animal Shelter and paying a \$25.00 Kennel License fee. Any not-for-profit organization shall be exempt from the fee for any and all kennels operating solely as a part of the business of the not-for-profit organization. Any such not-for-profit may file one application for all kennels operating solely as a part of its business and shall list the addresses and maximum number of animals kept at all such kennels on its application.
7. Any violation of this section shall be subject to penalties as defined in section XIV A.

Section VIII: Standards for Kennels, Pet Shops and Commercial Animal Establishments

1. All kennels, whether commercial or noncommercial, pet shops and commercial animal establishments shall, in addition to the other requirements of this ordinance, comply with minimum standards of this section. Failure to comply may result in the denial or revocation of a license and the issuance of a citation subjecting the owner to the penalties in section XIV. Facilities are subject to inspection by the Animal Control Officer or other law enforcement officer upon officer's request during business hours.

2. Housing: Any enclosure designed primarily for the use of keeping or maintaining animals. Owners and operators of enclosures shall:

a. Construct floors in a manner to protect the confined animals' feet and legs from injury. If the floor is mesh or slatted it shall not permit any animals' feet or any portion to pass through any opening in the floor. If the floor of the primary enclosure is constructed of wire, a solid resting surface or surfaces shall be provided. This resting surface must be large enough to comfortably and simultaneously hold all the occupants of the primary enclosure.

b. Provide adequate protection against weather related extremes. Floors of buildings, runs and walks shall be of such material to permit proper cleaning and disinfecting and be maintained in good repair.

c. Protect the animals from injury.

d. Shelter animals securely and keep other animals from entering the enclosure;

e. Provide the building with adequate ventilation and temperature control.

f. Provide sufficient shade, in addition to shelter, for all the animals housed in the enclosure.

g. Regularly clean, sanitize and replace when worn or soiled surfaces that animals come into routine contact with.

h. Provide all animals adequate space to stand up, lie down and turn around in a natural position without touching the sides or top of the cage. Crates and pet taxis are not acceptable for full time containment of animals.

i. Ensure all runs provide adequate exercise area and protection from the weather

j. Ensure all animal enclosures, including cages and runs are clean, dry and sanitary.

3. Lighting: All areas where animals are housed shall be lighted to permit routine inspection and cleaning of the facility, and observation of the animals. A regular diurnal lighting cycle of either natural and/or artificial light shall be provided, and lighting shall be uniformly diffused throughout the facility for the well being of the animals.

4. Ventilation: All housing areas shall be sufficiently ventilated when animals are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation shall be provided by windows, vents, fans, air conditioning or other generally accepted system for the particular species of animal. Auxiliary ventilation, such as fans, blowers or air conditioning shall be provided when the ambient temperature is 85 degree Fahrenheit or higher.

5. Sanitation: Excreta and food waste shall be removed from primary enclosures daily or as often as necessary to prevent an accumulation of feces and food waste, to prevent soiling of the animals contained in the primary enclosures and to reduce disease hazards, insects, pests, and odors.

6. Exercise: Kennel, pet shop and commercial animal establishment owners and operators shall develop, document and follow an appropriate plan to provide animals with an opportunity for ordinary and necessary exercise.

7. Feeding and Watering: Except as otherwise prescribed by a veterinarian, all animals in a kennel, pet shop or commercial animal establishment shall be fed daily, other than certain reptiles and amphibians. Reptiles and amphibians shall be fed in accordance with the customary feeding habits of the species. The food shall be free from contamination, wholesome, palatable and of a sufficient quantity and nutritive value to meet the normal daily requirement for the condition and size of the animal. Food receptacles must be used and be readily accessible to all animals, be located so as to minimize contamination by excreta and pests and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. All animals shall have fresh water available at all times. Water vessels shall be mounted or secure in a manner that prevents tipping and be of the removal type. Water receptacles must be kept clean and sanitized.

8. Kennel Licenses and Fees: The fee for an annual Kennel License shall be \$25.00.

9. Violation: Any violation of this section shall be subject to penalties as defined in section XIV.

Section IX: Impoundment

1. Dogs running at large, abandoned or without proper restraints or animals creating a nuisance shall be taken to the animal shelter by the authorized Animal Control Officer and impounded. If a law enforcement officer responds to dogs running at large or without proper restraints or animals creating a nuisance and if the animal poses a danger to the public or other animals, the officer shall notify animal control and if possible, keep the animal under surveillance until it can be apprehended by the Animal Control Officer.

2. Impounded animals may be kept for at least 5 days for identification and reclaiming by owner. This requirement may be waived by the Animal Control Officer or his agent if an impounded animal has an injury or physical condition, which causes the animal to suffer or causes other animals to suffer. In addition, any animal voluntarily surrendered by its owner does not have to be impounded for the 5 day limit.

3. After 5 days of impoundment and if the owner has not reclaimed the animal, the Daviess County Animal Shelter may treat the animal as voluntarily surrendered.

4. During the initial 5 day impoundment, the Daviess County Animal Shelter shall attempt to locate and notify the impounded animal's owner.

5. An owner of an impounded animal so notified may reclaim the animal and shall pay to the Daviess County Animal Shelter the impoundment fee and any additional ordinary, necessary and reasonable expenses incurred by the Daviess County Animal Shelter resulting from the impoundment including, but not limited to, veterinary expenses. Failure to pay the impoundment and other fees shall result in the animal being declared voluntarily surrendered.

a. The animal shelter may charge the owner \$20 to reclaim an animal impounded by the

shelter.

b. Any animal not reclaimed by its owner within 5 days shall become the property of the animal shelter and shall be placed for adoption or humanely euthanized.

c. The reclamation fee shall double for each additional time the owner reclaims the same animal (i.e \$40 for 2nd offense, \$80 for 3rd offense).

d. The animal shelter may waive or reduce the reclamation fee for an animal if the Owner:

- i. Is a Daviess County resident;
- ii. Agrees to insert a microchip location device "chip" in the animal either by the animal shelter or a veterinarian;
- iii. Pays the cost of the chip insertion to the animal shelter or veterinarian; and
- iv. Agrees to spay or neuter the animal before the animal shelter releases the animal.

e. For any third (3rd) impoundment or subsequent impoundment, the animal shelter shall require the owner to pay the cost of inserting a "chip" and shall require the owner to spay or neuter the animal before releasing the animal to the owner.

6. If an animal has a serious physical injury creating substantial risk of death, the Animal Control Officers may euthanize the animal immediately.

7. In addition to, or in lieu of, impounding any animal found at large in the county, or any city therein, law enforcement officer or other Animal Control Officer may proceed against the owner as provided in Section XIV of this ordinance.

8. Any dog found within Daviess County without a required license and registration from Daviess County, or any animal which violates any provision of this ordinance, may be impounded by a person or agent authorized to enforce the ordinance.

Section X: Restraint

Owners shall restrain all domestic animals except cats.

1. No owner or person in charge of any animal shall permit such animal to run at large unless such animal (except cats) is under the absolute control of the owner or his agent.

2. Owners shall confine all domestic female dogs or cats in heat in a building or secure enclosure in such a manner that such animal cannot come into contact with another animal except for planned breeding.

3. **EXCEPTION** – Any dog used to assist in hunting during a lawful hunting season shall not be subject to this section while engaged in any hunting activity unless such animal constitutes a physical threat to human beings or other animals, in which case all related provisions hereto shall apply.

4. **EXCEPTION** – Any animal raised for commercial purposes and maintained on any farm in the county or other area except incorporated cities, unincorporated residential neighborhoods and towns, shall not be subject to the provisions of this section to the

extent that said animal does not constitute a physical threat to human beings or other animals.

Section XI: Keeping of Non-Domesticated Animals Prohibited

No person shall keep or permit to be kept on their premises any non-domestic animal.

1. This section shall not be construed to apply to the following:

- a. Licensed circuses and theatrical exhibits;
- b. Authorized wildlife rehabilitators with any required state-issued or federal-issued permit, subject to the restrictions below;
- c. Licensed veterinary hospitals for the purpose of treating injured animals;
- d. Federally-licensed research institutions;
- e. Zoological parks;
- f. Museum of Science and History

2. Authorized wildlife rehabilitators:

- a. Those parties legally possessing non-domestic animals under a state-issued permit or federal-issued, which would have been legal before the effective date of this ordinance may continue to possess such animals until the expiration date of the original permit. Permits when renewed will subject the owner to the prohibitions of this ordinance, including the prohibition of non-domestic animals on residentially zoned lots of less than two (2) acres. Small non-domestic animals, kept exclusively indoors, may be kept on residentially zoned lots of less than two (2) acres.
- b. Any party legally owning, harboring or keeping an animal under this section shall register with the Director of the Daviess County Animal Shelter within 30 days of the effective date of this ordinance.
- c. Upon the presentation of a state-issued permit or federal-issued, the Director of the Daviess County Animal Shelter shall issue a county permit after an inspection to ensure the permit-holder meets the conditions and restrictions of this ordinance.
- d. Under no circumstances may a person keep non-domestic (wild) animals on residential property of less than two (2) acres after December 31, 2013, except as permitted by this ordinance in Section XI 2a. above.

3. Any person keeping non-domestic animals permitted by this ordinance shall comply with the standards set forth in the Kentucky Department of Fish and Wildlife regulations (301 KAR), statutes (KRS 150), and applicable federal statutes and regulations. Additionally, the owners/keepers of such non-domestic animals shall register ownership with the Director of the Daviess County Animal Shelter within 30 days of obtaining such animal and provide the Director

with a copy of all documents from the Commonwealth of Kentucky or United States of America permitting owner to possess the animal. Permittee shall register with the Director of Animal Control annually, in January, for as long as the permitte retains the permit.

Section XII: Sterilization

No animal shall be released for adoption from the Daviess County Animal Shelter unless the new owner agrees to subject the animal to the spay-neuter program sponsored by the Daviess County Fiscal Court and the payment of any and all applicable fees required.

1. Daviess County Animal Shelter may refuse to release any animal for adoption.
2. Any 501c(3) organization or other similar organization may release an animal for adoption in Daviess County only if the organization spays or neuters the animal before adoption and complies with the terms of this ordinance regarding kennel licenses.

Section XIII: Microchip Location Device "Chip"

The Daviess County Animal Shelter shall not release any animal for adoption unless the new owner participates in the microchip program sponsored by the Daviess County Fiscal Court and pays any and all applicable fees.

Section XIV: Penalties

1. Violations

- a. Any person who violates any of the provisions of this ordinance may be subject to the penalties set forth in KRS 258.990 and the penalties set forth in KRS 525.125 and KRS 525.130.
- b. If none of the statutes cited provide a penalty for the violation of any of the provisions of this ordinance, then such violation shall constitute a violation and shall, upon conviction be punishable by a fine of not less than \$25.00 or more than \$500.00. Each day that a violation continues shall constitute a separate offense.

2. NOTICES AND WARNINGS

a. Licensing Registration and Tag Violations

- i. An Animal Control Officer may issue a citation to the owner of a dog found without a license.
- ii. An Animal Control Officer may issue a licensing notice in lieu of a citation for failure to license or register a dog as required by this ordinance.
- iii. The notice shall provide a compliance date, associated fees and costs for registration.
- iv. The Licensing Notice shall provide that by acceptance of the notice the

owner waives his/her rights to a hearing, appeal or protest of the violation.

v. If any owner receiving a notice fails to comply with the terms of the notice, an Animal Control Officer may issue a uniform citation for the violation.

b. Cruelty Violations

i. An Animal Control Officer may issue a citation to any person who violates **Section III, Cruelty to Animals** of this ordinance.

ii. An Animal Control Officer may issue an Animal Care Notice in lieu of a citation.

iii. The Animal Care Notice shall provide the owner with terms and a date for compliance with this ordinance and an explanation of the acts constituting a cruelty violation.

iv. The Animal Care Notice shall provide that by acceptance of the notice the owner waives his/her rights to a hearing, appeal or protest of the violation.

v. If any owner receiving an Animal Care Notice fails to comply with the terms of the notice, an Animal Control Officer may issue a uniform citation for the violation.

c. Animal Nuisances and Animals as Prizes

i. An Animal Control Officer may issue a citation to any person who violates **Section IV, Animal Nuisances and Animals as Prizes Prohibited** of this ordinance.

ii. An Animal Control Officer may issue a Disturbance Notice in lieu of a citation.

iii. The Disturbance Notice shall provide the owner with terms and a date for compliance with this ordinance and an explanation of the acts constituting a violation of disturbance.

iv. The Disturbance Notice shall provide that by acceptance of the notice the owner waives his/her rights to a hearing, appeal or protest of the violation.

v. If any owner receiving a Disturbance Notice fails to comply with the terms of the notice, an Animal Control Officer may issue a uniform citation for the violation.

d. Restraint

- i. An Animal Control Officer may issue a citation to any person who violates **Section X, Restraint** of this ordinance.
- ii. An Animal Control Officer may issue a Restraint Notice in lieu of a citation.
- iii. The Restraint Notice shall provide the owner with terms, a date for compliance with this ordinance and an explanation of the acts constituting a violation of restraint.
- iv. The Restraint Notice shall provide that by acceptance of the notice the owner waives his/her rights to a hearing, appeal or protest of the violation.
- v. If any owner receiving a Restraint Notice fails to comply with the terms of the notice, an Animal Control Officer may issue a uniform citation for the violation.

e. Vaccination Notice

- i. An Animal Control Officer may issue a citation to any person who violates **KRS Chapter 258, Vaccination**.
- ii. An Animal Control Officer may issue a Vaccination Notice in lieu of a citation.
- iii. The Vaccination Notice shall provide the owner with terms and a date for compliance with Kentucky Revised Statutes.
- iv. The Vaccination Notice shall provide that by acceptance of the notice the owner waives his/her rights to a hearing, appeal or protest of the violation.
- v. If any owner receiving a Vaccination Notice fails to comply with the terms of the notice, an Animal Control Officer may issue a uniform citation for the violation.

f. Sterilization Notice

- i. An Animal Control Officer may issue a citation to any person who violates **Section XII, Sterilization** of this ordinance.
- ii. An Animal Control Officer may issue a Sterilization Notice in lieu of a citation.
- iii. The Sterilization Notice shall provide the owner with terms and a date for compliance with this ordinance.

iv. The Sterilization Notice shall provide that by acceptance of the notice the owner waives his/her rights to a hearing, appeal or protest of the violation.

v. If any owner receiving a Sterilization Notice fails to comply with the terms of the notice, an Animal Control Officer may issue a uniform citation for the violation.

3. Where an Animal Control Officer observes a violation of any of the provisions of this ordinance, the officer may issue a WARNING CITATION in lieu of a Violation Notice or Uniform Citation, stipulating a time by which corrective action must be administered. If the owner does not comply with the terms of the WARNING CITATION by the specified time, a Violation Notice or Uniform Citation may be issued.

4. All fees provided for in this ordinance are set forth in the Daviess County Animal Shelter Policy Manual which is presently in effect and may be modified by future Daviess County Fiscal Court action.

5. At the discretion of the Animal Control Officer, in lieu of assessing a fee or citation as described in this section, a verbal warning of correction may first be given.

Section XV: Conflicting Ordinances

All other Daviess County ordinances, specifically KOC 1010.6 (2012), which conflict are repealed to the extent of such conflict.

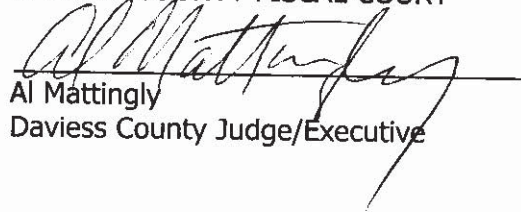
Section XVI: Severability Clause

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity will not affect the remaining parts of this ordinance.

Section XVI: This Ordinance becomes effective immediately upon passage and publication. Introduced and publicly read on first reading on this the 1st day of October, 2013. Publicly read and approved on second reading on this the 24th day of October, 2013.

DAVIESS COUNTY FISCAL COURT

BY:


Al Mattingly
Daviess County Judge/Executive

ATTEST:


Jennifer Warren
Fiscal Court Clerk

PREPARED BY:


Claud Porter, Daviess County Attorney