

COMMONWELATH OF KENTUCKY  
SPENCER COUNTY  
ORDINANCE NO. 1, SERIES 2007

\* \* \* \* \*

AN ORDINANCE RELATING TO VICIOUS DOGS IN SPENCER COUNTY, KENTUCKY.

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WHEREAS, the Spencer County Fiscal Court has recognized that there is a continuous problem with vicious dogs running loose in Spencer County, Kentucky; and,

WHEREAS, it is in the best interests of the citizens of Spencer County that there be a consistent policy for dealing with these animals.

NOW, THEREFORE, BE IT ORDAINED BY THE SPENCER COUNTY FISCAL COURT AS FOLLOWS:

SECTION I: DEFINITIONS

Vicious Dog:

- (1) Any dog which, when unprovoked, approaches any person in a terrorizing manner, in an attitude of attack upon streets, sidewalks or any public grounds or places; or,
- (2) Any dog which bites once or multiple times to the extent of causing severe injury and assaults or otherwise attacks human beings or domestic animals; or,
- (3) Any dog owned or harbored primarily or in part for the purpose of fighting with other animals.
- (4) It shall be prima facie evidence that a dog is vicious if the dog bites a



human being or domestic animal more than once in the same attack or the attack results in the death of its victim.

(5) *Exceptions.* A dog shall not be deemed vicious solely because:

(a) It bites, attacks, or menaces:

1. Any person assaulting its owner;
2. Any person or animal who has tormented or abused it;

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

(c) It is protecting or defending its nursing young or livestock or the young of livestock in the field; or

(d) It is a certain breed or assumed/known component of its breed.

## SECTION II

It shall be unlawful to own or possess a vicious dog except as set out in the remainder of this ordinance.

## SECTION III

It shall be unlawful for an owner to a dog determined to be vicious by Spencer District Court unless said dog is:

(1) Registered with Spencer County Animal Control.

(2) Confined in an enclosure constructed in a manner that satisfies Animal Control as to the impossibility of the dog escaping. The enclosure must be six sides and must have a secure and permanent roof and floor as well as sides constructed of chain link or heavier gauge metal. All such enclosures shall be designed to prevent the entry of small children and shall be suitable to confine the vicious dog. Such



enclosures shall be securely closed and locked, and shall be designed to prevent the dog from digging out or otherwise escaping from the enclosure. The enclosure shall display a sign warning of the vicious dog and shall be visible from the public roadway or public access if applicable.

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

#### SECTION IV

The owner or keeper of a vicious dog shall immediately notify Animal Control if the dog escapes, has attacked an animal or human being, or is deceased.

#### SECTION V

(1) Upon any person who violates Section II shall be fined not less than \$100 nor more than \$500 and/or confined in the County Jail of 0 to 90 days. Each day shall be considered a separate offense.

(2) Upon conviction under this Ordinance Spencer District Court may order the dog be immediately surrendered to Animal Control and that the animal be euthanized.

#### SECTION VI

(1) In the event that there is reasonable cause to suspect that a dog is vicious,



custody of said dog may be taken by Animal Control. Said dog shall be held as evidence.

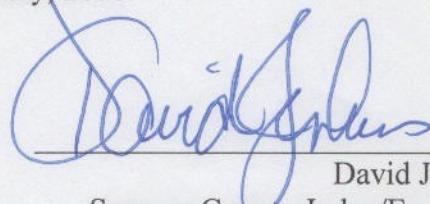
(2) Any dog found involved in a violation of any portion of this Ordinance may be confiscated by a peace officer and held in a humane manner. Upon conviction the owner of the dog(s) shall be responsible to reimburse Spencer County for all veterinary fees and other expenses related to maintenance of the animal under confiscation.

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 9th day of August, 2006.

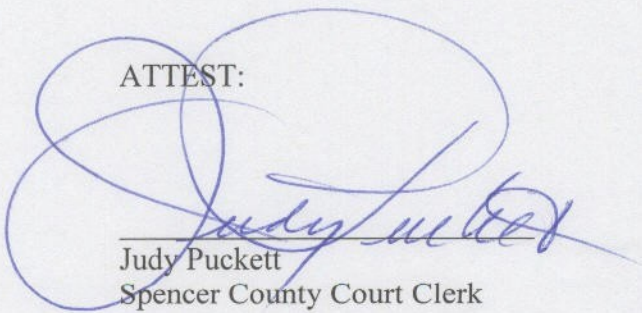
Given first reading on the 3rd day of July, 2006.

Given second reading on the 9th day of ~~July~~<sup>August</sup>, 2006.



David Jenkins  
Spencer County Judge/Executive

ATTEST:



Judy Puckett  
Spencer County Court Clerk