

Spencer County, Kentucky
Ordinance No. 2
Fiscal Year 2008 Series

**An Ordinance Establishing A Dog Licensing Fee and Procedure
And Requirements For Dog Control and Treatment**

Whereas, the Fiscal Court of Spencer County, Commonwealth of Kentucky has determined it necessary to provide regulations regarding animal control,

Now Therefore, Be It Ordained by the Fiscal Court of Spencer County, that:

SECTION 1: Definitions. As used in this ordinance, the following terms shall be defined as:

- Owner – Any person, partnership, or corporation that owns, keeps or harbors a dog referred to herein;
- Dog – A member of the canine family, four (4) months of age or over;
- Dog Pound – Any premises designed and operated by the Rescue Officer under the authority of the County for the purpose of impounding and caring for dogs held under the provisions of this ordinance;
- Rescue Officer – The Officer employed, appointed, and authorized by the County Fiscal Court to primarily enforce the dog laws of the Commonwealth and this ordinance, and to maintain and operate the Dog Pound of Spencer County;
- Humane Society – Any organization of the Commonwealth organized for the purpose of preventing cruelty and inhumane treatment of animals;
- Restraint – A dog shall be deemed to be restrained if kept upon the premises of its owner or if accompanied by a responsible person off of the owners' premises and kept under that persons' control;
- Kennel – Any establishment where dogs and /or puppies are kept for the purpose of owning, training, breeding, buying or selling such animals. The KENNEL LICENSE shall apply to ten (10) dogs and shall require an additional KENNEL LICENSE for each increment of up to ten (10) dogs. Kennels are subject to inspection at any time, with no prior notice.
- Year – Any calendar year.

SECTION 2: Licenses and Impoundment. Each year every person having a dog in Spencer County shall purchase a dog license at the cost of \$5.00 for spayed or neutered, \$20.00 for unaltered. Un-restrained dogs may be taken by the Rescue officer or any other Peace Officer of this County to the Dog Pound and there confined in a humane manner not less than 5 days, unless claimed by their owners. If the owner can be identified, said owner shall be immediately notified by the Rescue Officer to reclaim the impounded dog. If said dog is not claimed within 5 days, it shall be humanely destroyed or otherwise disposed of.

An owner reclaiming an impounded dog shall pay a fee of \$25.00 to the Rescue Officer for impoundment for first impoundment and \$35.00 for each subsequent impoundment of the same animal. The owner shall also pay \$5.00 per day board bill for each day the dog is impounded by the Rescue Officer. Proof of vaccination for rabies shall be furnished and current license shall be required before any impounded dog is released to an owner. Such owner shall, upon reclaiming the impounded dog, be issued a citation for any violation of this ordinance.

An establishment housing ten (10) or more dogs must obtain a KENNEL LICENSE at the cost of \$200.00 per year. The KENNEL LICENSE shall apply to ten (10) dogs and shall require an additional KENNEL LICENSE for each increment of up to ten (10) dogs. Kennels are subject to inspection at any time, with no prior notice.

SECTION 3: Citations. The Spencer County Rescue Office and his/her agents may issue criminal citation(s) to the owner of any dog observed by the Rescue Office or the agent to be in violation of any section of this Ordinance. Citations shall specify the section(s) of this Ordinance that is violated. The citation shall impose an obligation on the owner to answer the specified charges before Spencer District Court at the time and place indicated. In lieu of a criminal citation, the Rescue Officer or his agent may issue a warning citation.

SECTION 4: Confinement of dogs when in heat. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog except for planned breeding.

SECTION 5: Nuisance. No owner shall fail to exercise proper care and control of his dog so as to prevent the following action by them: excessive, continuous, or untimely barking or howling; molesting of passersby; attacking other domestic animals; trespassing upon school grounds; trespassing upon private property; or damaging of property of any nature.

SECTION 6: Humane Treatment of Dogs.

A. **General Care:** No owner shall fail to provide his dog with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

1) **Shelter:** Any owner or keeper of dogs shall maintain a clean and healthful shelter and living area for any dog being kept, which area shall be free of accumulated waste and debris so that the dog shall be free to walk or lie down without coming in contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the dogs being kept. In addition to the shelter, a shaded area shall also be provided by means of other structures, trees, or awning(s). Insulated bedding materials shall be provided during inclement weather extremes. Shelters shall also be constructed to protect the animal from precipitation and of a material which provides insulation from extreme temperatures. Dogs should be protected from weather that can cause heat-related illnesses, sunburn, exposure, frostbite, or hyperthermia, as well as severe weather conditions. Owners found in non-compliance with this Section 1 shall for first offense be issued a warning; for

second offense be issued a citation; and for third offense have their dog confiscated and/or go to court, as referenced in Section 8 of this ordinance.

2) Chaining: If any dog is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten (10) feet in length and either on a swivel designed to prevent the dog from choking or strangling itself or else on a chain run.

A) This ordinance prohibits continuous chaining/tethering of dogs. If a dog is to be kept outside 24 hours a day, seven days a week, the dog will be confined in an adequate fence or enclosure no smaller than 200 square feet. Dogs must have access to shade, shelter, food and water.

B) In those cases where dogs are left out periodically, the dog should not be exclusively restrained by a fixed-point chain or tether for a period of time exceeding ten (10) hours in any twenty-four (24) hour period – dogs on a chain or tether must have access to shade, shelter, food, and a tip-proof water supply.

Owners found in non-compliance with this Section 2 shall for first offense be issued a warning; for second offense be issued a citation; and for third offense have their dog confiscated and/or go to court, as referenced in Section 8 of this ordinance.

B. Companionship, Activity, and Abandonment: Reasonable and regular exercise should be provided for the animal by the owner or other caregiver on a daily basis. No owner shall abandon any dog, abandonment consisting of leaving such dog for a period in excess of twenty-four (24) hours, without providing for someone to feed, water and check on the dog's condition, or by leaving any dog by a roadside or other area and leaving the dog on a public or private property, without the property owner's consent. In the event that a dog is found so abandoned, such dog may be taken by the Rescue Officer, police or humane officer and impounded in the Animal Shelter or other facility maintained by a humane society and there confined in a humane manner.

Such dog, if taken from private property, shall be kept for not less than five (5) days. However, if the animal is seriously ill or injured or has a contagious disease, it may be immediately destroyed to relieve suffering. Additionally, if the owner retrieves said animal from the shelter, said owner shall be liable to pay as a fee \$25.00 to the Rescue Officer for the impoundment for first impoundment and \$35.00 for each subsequent impoundment of the same animal. The owner shall also pay \$5.00 per day for each day the animal is kept at the shelter. In the event that a dog is so abandoned, the owner, or the person, if any, whom he has charged with the dog's care, shall be liable for citation for violation of this section.

C. Abuse: No person shall neglect, beat, cruelly ill treat, or torment any dog or cause or permit any dog fight. For the purposes of this paragraph neglect, cruel ill treatment and torment of a dog shall be defined as a failure by a person to adhere to the requirements and provisions of subparagraph (A) above. In the event there is reasonable cause to suspect that a dog is being beaten, cruelly ill treated, neglected, or tormented or involved in a dog fight, custody of such dog may be taken by the Rescue Officer, police or humane officer and impounded in the Animal Shelter or other facility maintained by a humane society. Said dog

shall be held as evidence and confined in such facility in a humane manner. Upon a finding by the court that the dog has been neglected, beaten, cruelly ill treated or tormented or involved in a dog fight, the dog shall become the property of Spencer County. Any dog observed by a police or animal control officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

No person shall own, possess, keep or train any dog, with the intent that such dog shall be engaged in an exhibition of fighting. In the even that a person shall own, possess, keep or train any dog, with the intent that such dog shall be engaged in an exhibition of fighting, he shall be liable for citation for violation of this section and subject to the penalties contained herein.

D. Violations: 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 of this charge, all dogs so confiscated shall become the property of Spencer County and the owner of the dog(s) shall pay to Spencer County any and all costs associated with the care of such dog(s), including but not limited to, all boarding fees and veterinary fees associated with medical treatment provided the dog while it was in custody.

E. Poisons: No person shall place any poisonous substance which may be harmful to domestic dogs in any location where it may be readily found and eaten by such animals.

SECTION 7: Vicious dogs. The owner of any dog determined to be a vicious dog by the Spencer District Court, shall be required to purchase a permit of \$100.00. This permit fee shall go to Spencer County. This dog, after being determined to be a vicious dog, is required to be contained in an enclosed fence with a height of at least 8 feet.

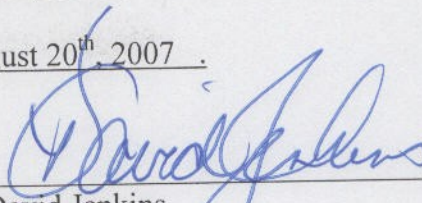
SECTION 8: Penalties. Any person violating any provision of this ordinance (excepting Section 2) shall be deemed guilty of a misdemeanor and shall upon conviction, be punished by a fine of not less than \$10.00 nor more than \$100.00 or be imprisoned for not less than 5 nor more than 60 days, or both, so fined and imprisoned. If any violation is continuous, each day's violation shall be deemed a separate violation.

SECTION 9. Severability. The provisions of each section of this Ordinance are severable, and if any provision, section, paragraph, sentence or part thereof, or the application thereof to any person, license, class or group, be held unconstitutional or invalid for any reason, such holding shall not affect or impair the remainder of this Ordinance, it being the legislative intent of the Fiscal Court to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of every other.

SECTION 10: Effective Date. This ordinance shall become effective immediately upon its passage and publication as required by law. All prior ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

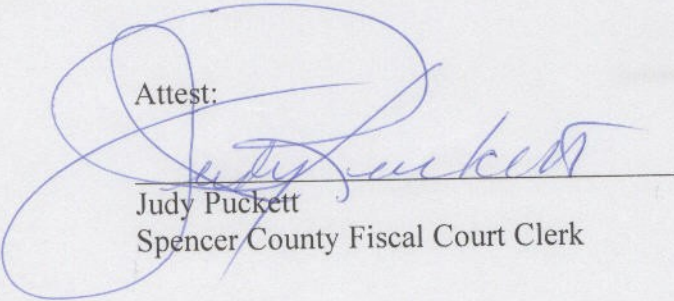
Given first reading and approval on July 23rd, 2007 .

Given second reading and adoption on August 20th, 2007 .



David Jenkins
Spencer County Judge Executive

Attest:



Judy Puckett
Spencer County Fiscal Court Clerk