

**Spencer County, Kentucky**  
**Ordinance No. 5**  
**Fiscal Year 2005 Series**

**An ordinance providing for the control of dogs on premises, within incorporated towns, subdivisions, and areas of high population density for the protection of the public; penalties for violation.**

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;
- Area of High Population Density – Any area that contains a cluster of five (5) or more adjacent residences.
- Kennel – Any establishment where dogs and /or puppies are kept for the purpose of owning, breeding, buying or selling such animals. The KENNEL LICENSE shall apply to six (6) dogs and shall require an additional KENNEL LICENSE for each increment of up to six (6) dogs. Kennels are subject to inspection at any time, with no prior notice.

**Section 2: Licenses and Impoundment.** 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. Every dog kept on the premises in the County within incorporated towns, subdivisions, and areas of high population density, shall be restrained. 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. 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 six (6) or more dogs must obtain a KENNEL LICENSE at the cost of \$200.00 per year.

**Section 3: Citations.** The Rescue Officer, or any Peace Officer of Spencer County, shall issue to the owner of any dog found off its owner's premises a citation giving notice of a charge of violation of this ordinance, except owners who keep a dog or dogs which are not within an incorporated town, subdivision, or an area of high population density, shall be exempt from provisions of Section 2 of this ordinance. Upon conviction of violation of Section 2 hereof, the owner shall be liable to the County for a fine of not less than \$10.00 nor more than \$100.00.

**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) No owner shall fail to provide his dog with good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. If any dog is restrained by a chain, leash, or similar restraint, such chain or restraint shall be designed to prevent the animal from choking or strangling itself. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise chase any dog, or cause or permit any dog fight or other combat between animals and dogs. No owner shall abandon a dog, abandonment consisting of leaving a dog for a period in excess of 24 hours without providing for someone to feed, water, and check on the dog's condition. In event that a dog is found so abandoned, such dog may be taken by the Rescue Officer or Police Officer and impounded in the Dog Pound. Such dog, if taken from private property, shall be kept for not less than 30 days



with the same procedure otherwise to be followed as in Section 2 (Impounding). In the event that a dog is so abandoned, the owner, rather than the person, if any, who he has charged with the animal's care, shall be liable for citation for violation of this section. No person shall crop a dog's ears except a licensed Veterinarian.

(b) No person shall place any poisonous substance which may be harmful to a dog as described herein in any location where it may be readily found and eaten by any such dog.

**Section 7: Vicious dogs.** The owner of any dog determined to be a vicious dog by the Spencer County Judge or Sheriff, 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.

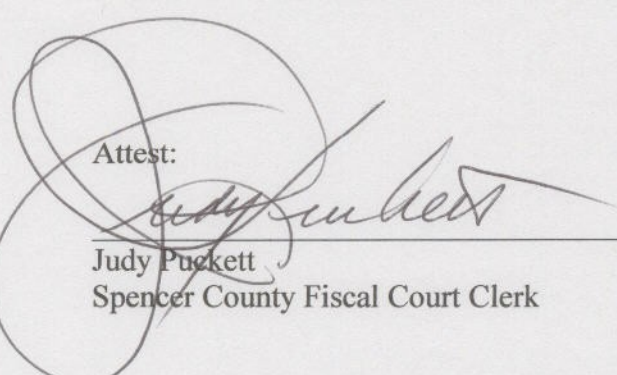
**Section 9. Severability.** The provisions of each section of this Ordinance are severable, and if any provision, section, paragraph, sentence or part thereof, or the application thereof to any person, license, class or group, be held unconstitutional or invalid for any reason, such holding shall not 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.

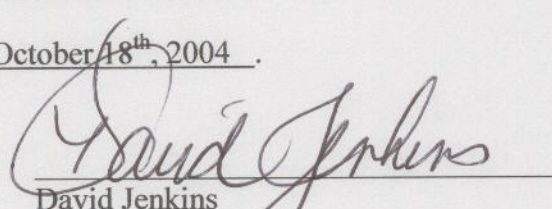
**Section 10: Effective.** This ordinance shall become effective on 10/18/04, 2004, after its passage and publication as required by law. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Given first reading and approval on September 20<sup>th</sup>, 2004 .

Given second reading and adoption on October 18<sup>th</sup>, 2004 .

Attest:

  
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Judy Puckett  
Spencer County Fiscal Court Clerk

  
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David Jenkins  
Spencer County Judge Executive