

NELSON COUNTY ANIMAL CONTROL ORDINANCE

(Ordinance A-1-94, as amended 1/7/03)

1. An ordinance providing for control of dogs/cats on premises, within county wide, incorporated cities, subdivisions and areas of high population density for the protection of the public; penalties for violation.

SECTION 1: DEFINITIONS

ANIMAL CONTROL CENTER - Any premises designated and operated by Nelson County Animal Care and Control under the authority of the County for the purpose of impounding and caring for dogs and cats held under the provisions of this ordinance.

AREA OF HIGH POPULATION DENSITY - Any area which contains a cluster of five (5) or more adjacent residences.

DOG/CAT - A domestic canine or feline, 4 months or older.

ANIMAL CONTROL OFFICER - The officer(s) employed, appointed, and authorized by the County Fiscal Court to primarily enforce the dog, animal and livestock laws of the Commonwealth and this Ordinance, and to maintain and operate the Animal Control Center of Nelson County; an Animal Control Officer shall be designated a peace officer by Nelson County Fiscal Court for the purposes of animal control only.

FERAL CATS - Wild, untamed, unsocialized cats, unaccustomed to human contact. These animals fall within a special category and may require exception to the usual holding period.

ANIMAL - Includes every warm-blooded living creature except a human being.

HUMANE SOCIETY - Any organization of the Commonwealth organized for the purpose of preventing cruelty and inhumane treatment of animals.

OWNER - Any person, partnership, or corporation or other individual, or entity that owns, keeps, harbors a dog/cat referred to herein or anyone who feeds and/or cares for such dog/cat for fifteen (15) consecutive days.

QUARANTINE - Humane confinement of an animal for the observation of symptoms of rabies in a secure enclosure which prevents the animal from coming into unauthorized contact with any other animal or human, for a period of ten days from the date the dog/cat bit or scratched a person.

RESTRAINED - A dog/cat shall be deemed to be restrained if kept upon the premises of its owner or if accompanied by a responsible person off of the owner's premises and kept under that person's control.

UNCLAIMED DOG/CAT - Any dog/cat that is abandoned and/or confined at the Animal Control Center for five (5) days and unclaimed by owner, or owner cannot be identified or located.

SECTION 2: LICENSES

Every person owning a dog/cat in Nelson County shall purchase annually a license from Nelson County Animal Control and Protection, or a licensed veterinarian, or a facility

designated by Nelson County Fiscal Court to sell licenses. The cost of a license for an altered (sterilized) pet shall be \$5.00 per year. The cost to license an unaltered cat or dog shall be \$20.00 per year. A \$20 refund will be offered to any owner who elects to spay/neuter the animal and provides proof of such surgery within 30 days. Owners of more than 3 cats and/or dogs may elect to purchase a kennel/cattery license for \$15.00 per year if all animals have been spayed/neutered or \$30.00 per year if any animal has not been spayed/neutered.

SECTION 3: INVESTIGATIONS AND CITATIONS

A. Whenever it is necessary for Animal Control to make an inspection in order to perform any duty or enforce any provision of this chapter or any other applicable state statute, they are hereby empowered to enter property at a reasonable time and inspect the premises.

Animal Control shall have the power only if consent of the owner or occupant of the property is freely given, a search warrant is obtained, or such exigent circumstances exist that a warrantless, non-consensual search is required.

B. Nelson County Animal Control Officers shall be authorized to issue a uniform citation for any violation of this ordinance. In lieu of a uniform citation, an Animal Control Officer may issue a violation notice, either as a warning or with a stipulated fee. The violation notice will note a compliance date, as well as a waiver of right to protest such violation in a court proceeding. Failure to comply, pay fee, or sign waiver will result in issuance of a uniform citation.

SECTION 4: IMPOUNDMENTS

A. Every dog/cat kept on the premises in the County, or within subdivisions, and areas of high population density of Nelson County, shall be restrained. Any un-restrained dog/cat found within such areas of Nelson County may be taken by an Animal Control Officer or any law enforcement officer to the Animal Control Center.

B. Any animal observed by law enforcement or an Animal Control Officer to be in immediate danger of death or serious injury may be removed from such situation by the quickest and most reasonable means available.

C. Animals found in cruel, abusive or neglected situations as defined in this ordinance or animals that have been abandoned may be promptly impounded if no immediate contact with a responsible person can be made, provided, however, that the Animal Control Officer shall leave written notice stating the location of the animal and the reason for impoundment.

D. Any dog/cat so taken shall be confined in a humane manner not less than five (5) days, unless claimed by the owner. If the owner can be identified and/or located, an Animal Control Officer shall immediately make a reasonable effort to notify such owner to reclaim the impounded dog or cat. If said dog/cat is not claimed by the owner within five (5) days, it may be humanely destroyed or placed for adoption through the Humane Society. All dogs/cats adopted from the Animal Shelter shall be surgically altered to prevent breeding.

E. If an impounded dog/cat has an injury, illness, or condition causing severe pain or distress, to the extent that the usual holding period would be inhumane, the dog/cat may be immediately euthanized. Feral cats, because of the psychological stress of confinement, may fall into this category.

F. Notwithstanding the holding periods set out above, an animal that is quarantined for biting or scratching a person shall be held at least ten days from the date the bite or scratch occurred.

G. An owner reclaiming an impounded unsterilized dog/cat shall pay a fine of \$25.00 for the first impoundment, and \$50.00 for each subsequent impoundment. If the dog or cat has been surgically altered, the fee for the first impoundment shall be waived; if the same animal is impounded a second time, the fee will be \$10.00, and \$25.00 for any subsequent impoundments. The owner may also be required to pay \$10.00 per day board fees for each day the dog/cat is impounded. Proof of vaccination for rabies shall be furnished and current license shall be required before any impounded dog/cat is released to an owner.

SECTION 5: CONFINEMENT OF DOGS/CATS WHEN IN HEAT

Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog/cat cannot come into contact with another dog/cat except for planned breeding.

SECTION 6: NUISANCE

Every owner shall exercise proper care and control of his dog or cat so as to prevent the following actions 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. Such nuisance shall be subject to fine as provided under Section 9.

SECTION 7: HUMANE TREATMENT OF DOGS/CATS

A. No owner shall fail to provide his dog/cat 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/cat is restrained by a chain, leash, or similar restraint, such restraint shall be designed to prevent the animal from choking or strangling itself.

B. No person shall crop a dog or cat's ears or tail unless such person is a licensed veterinarian.

C. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise chase any dog/cat or cause or permit any dog/cat fight or other combat between animals and dogs/cats.

D. No owner or person charged with a dog/cat's care shall abandon a dog/cat.

Abandonment consists of:

1. leaving a dog/cat for a period in excess of 48 hours without providing for someone to

feed, water, and check on the dog/cat's condition. In the event that a dog/cat is found so abandoned, such dog/cat may be taken by an Animal Control Officer, (or Law Enforcement) and impounded in the Animal Control Center. Such dog/cat, if taken from private property, shall be kept for not less than five (5) days with the same procedure to be followed as in Section 4 (Impoundment);

2. leaving a dog/cat by a roadside or other public area;

3. leaving a dog/cat on either public or private property without the property owner's consent.

E. No person shall place any poisonous substance which may be harmful to a dog/cat in any location where it may be readily found and consumed by any such dog/cat.

F. All owners shall maintain a clean and healthful living area free of accumulated waste and debris so that the dog/cat shall be able to walk or lie down without coming into contact with such waste.

SECTION 8: VICIOUS DOGS

The owner of any dog determined under the provisions of KRS 258:235 to be a vicious dog by an Animal Control Officer, shall be required to purchase a permit of \$100.00. This permit fee shall go to Nelson County Fiscal Court. Any dog that has been determined to be a vicious dog shall be contained in an enclosed fence with a height of at least 8 feet.

SECTION 9: PENALTIES

Any person violating any provision of this Ordinance 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 five (5) days nor more than sixty (60) days, or both so fined and imprisoned. If any violation is continuous, each day's violation shall be deemed a separate violation. In lieu of the penalties provided herein, when a violation notice is issued, the Animal Control Officer may assess a civil penalty not less than \$10.00 nor more than \$100.00. All civil penalties shall be paid to the Nelson County Fiscal Court.

SECTION 10: CONFLICT

All ordinances in conflict herewith are repealed to the extent of such a conflict. In the event any part of this Ordinance is construed to be in conflict, abate or abridge any Kentucky Revised Statute, then the more restrictive construction shall be applicable.

SECTION 11: EFFECTIVE

This Ordinance shall become effective immediately after its passage and publication as required by law.