

## CHAPTER 90: ANIMALS

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### GENERAL PROVISIONS

#### § 90.01 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDON.** To forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal. (KRS 257.100 (4))

**AT-LARGE.** Not restrained by leash, cord, chain or otherwise confined in an enclosure.

**DOG WARDEN.** This term shall be interchangeable with Animal Warden and Animal Control Officer.

**DOG.** This term shall in be intended to mean both male and female.

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**ENCLOSURE.** An uncovered fence or structure of at least seven feet in height or a covered fence or structure of sufficient height to allow the dog to stand erect without touching the top or cover, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Further said fence or structure shall be sufficiently embedded in the ground to prevent the dog from digging under said fence or structure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the dog from escaping from the enclosure.

**KEEPER.** Keeper shall mean any person to whom a vicious dog is entrusted.

**OWNER.** Any person or persons, firm, association or corporation owning, keeping or harboring a dog. Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his/her care, or permits it to remain on or about the premises owned or occupied by him/her.

**RESTRAINT.** A vicious dog shall be deemed to be under restraint if on the premises of the owner or keeper and confined in a secure enclosure as previously defined or under the control of the owner or keeper and securely muzzled and restrained with a chain or braided leather, nylon or manilla leas or leash having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

**VICIOUS DOG.** Shall include the following:

- (a) Any dog which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by an unprovoked assault or bite so as to cause serious bodily harm; or
- (b) Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in an attitude of attack upon the streets, sidewalks, or any public grounds or places; or
- (c) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of human beings or domestic animals; or
- (d) Any dog which bites (to the extent of puncturing or severely bruising skin), inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- (e) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
- (f) Any dog which has previously attacked or bitten a human being other than under the type of circumstances that would be justifiable hereunder; or
- (g) Any dog which has behaved in such a manner that the owner or keeper thereof knows or should reasonably know that the dog is possessed of tendencies to attack or to bite human beings other than the type which would be justified hereunder; or
- (h) Any dog certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human like or property if not kept in the manner required by this article upon the basis of reasonable medical probability; or
- (i) Any dog which has been classified as vicious by the Hardin County Dog Warden or a peace officer; or
- (j) Any dog which has been trained as an attack or guard dog, except such dogs which are employed by any police department within the Commonwealth of Kentucky; or
- (k) An animal shall not be deemed vicious solely because: 1) it bites, attacks or menaces (a) anyone assaulting its owner or keeper, or (b) any person or other animal who has tormented or abused it, or 2) it is otherwise acting in the defense of any attack from a person or other animal upon its owner or any other person or 3) it is protecting or defending its young or the young of any other animal, or 4) where a person has broken into or entered, without permission, the enclosure of such dog.

**§ 90.15 ALTERNATE OPINION**

Should the owner or keeper of any dog which has been classified as vicious by the Hardin County Dog Warden, a peace officer, or by a doctor of veterinary medicine, and should the said owner desire to challenge this classification, then said owner/keeper may engage the services of a licensed doctor of veterinary medicine, all costs of which are to be borne by the owner/keeper of the dog in question. Said alternate opinion must be acquired and completed within 48 hours of the initial classification of the dog as being vicious. (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.16 CONTROL OF DOGS**

(1) It shall be unlawful for any person to keep or harbor within the city any dog that barks or yelps or otherwise makes such noise as to disturb the peace & quiet of the people in the neighborhood or area where the dog is kept. Verification of more than one (1) person from at least two different households shall be required, before this provision takes effect.

(2) It shall be unlawful to entice a dog from a yard or enclosure of its owner or keeper or to bring any dog into the city for the purpose of impounding or disposing of the same or to remove a muzzle or license tag from any dog without the consent of the owner, keeper or custodian thereof.

(3) No owner, custodian, possessor or harbinger shall permit any dog to run at large other than on its owners premises at any time unless under the direct control of the owner, custodian, possessor or harbinger.

(4) The owner, custodian, possessor or harbinger of every dog shall, at all times, keep such dog either (1) confined on the owner's premises within an enclosure which it can not escape or (2) firmly secured by means of a collar or chain or other device so that it can not escape and stray from the premises on which it is secured or (3) under the immediate control of such person. The term "under immediate control" is defined as the power to manage and direct said dog and is not limited to physical control of said dog. (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.17 CONTROL OF VICIOUS DOGS**

(1) It shall be unlawful for any person, firm, or corporation to keep or harbor within the City, a vicious dog that shall bite or fiercely attach any person or domestic animal while outside of its owner's yard or enclosure or real estate.

The section shall not apply where a person shall break into or enter without the permission the premises or enclosure of such dog and be pursued therefrom and attacked or bitten by the dog.

(2) All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

(3) It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless the owner or keeper has the vicious dog under proper restraint, and under the direct control and supervision of the owner or keeper of the vicious dog.

(4) The owner or keeper of a vicious dog shall display a sign on his or her premises warning that there is a vicious dog on the premises. Such sign shall be visible and capable of being read from the public street. The sign shall be a minimum of two square feet in area.

(5) The owner or keeper shall immediately notify the Hardin County Dog Warden and the Police Department if a vicious dog is on the loose, is unconfined, has attacked another animal or has attached a human being, or has died.

(6) The Hardin County Dog Warden or peace officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions hereof, subject to the right of such owner or keeper to contest the seizure or impoundment, as provided in this article, in Hardin District Court.

(7) In the event that the owner or keeper of the dog refuses to surrender the dog to the Hardin County Dog Warden, the Hardin County Dog Warden may obtain a search warrant from a judge of the Hardin District Court to seize the dog upon the execution of the warrant.

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(8) No person shall walk or exercise a vicious dog within 1,000 feet of a school, day care, day nursery, playground, hospital or fairground.

(9) No more than two vicious dogs may be kept at a singular site or residence. This section shall not apply to duly licensed kennels.

(10) No vicious dog may be kept on a chain tied to a fixed point outside an enclosure. (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.18 ENFORCEMENT OF RESTRICTIONS ON VICIOUS DOGS**

In the event that a public law enforcement officer or the Hardin County Dog Warden has probable cause to believe that a vicious dog is being harbored in the City of Elizabethtown in violation of this article, he or she may:

(1) Order the violation immediately corrected and cite the owner or keeper to appear in court for the violation, or

(2) If the violation cannot be immediately corrected and the dog is posing an imminent serious threat to human beings or other domestic animals, the dog may be seized and impounded, in which case the owner or keeper will be cited to appear in court for the violation. At the owner's or keeper's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owner's or keeper's choosing. If the court rules that the dog is not vicious as defined, it will be released to the owner or keeper upon payment to the Hardin County Dog Warden of the expense of keeping such dog, pursuant to a schedule of such costs maintained by the Hardin County Dog Warden. If the court rules that it is vicious as defined, the dog will be released to the owner or keeper only after payment of any fees and penalties, upon presentation of proof by the owner or keeper that the dog will now be kept restrained or confined as specified in this article. If, within seven days following such order regarding a vicious dog the owner or keeper of a vicious dog fails to either provide proof that the dog will be kept restrained or confined in compliance with the provisions of this article or fails to reclaim it after impoundment and pay the fees and penalties, the dog may be humanely euthanized. (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.19 IMPOUNDMENT**

(1) Any dog found running at large within the city limits, unless under direct control of the owner, custodian, possessor or harbinger shall be taken up by the Hardin County Dog Warden and/or other proper authority, and impounded in the shelter designated by the Hardin County Animal Shelter and there confined in a humane manner for a period of not less than five (5) days unless sooner claimed by its owner, custodian or person entitled thereto.

(2) The Hardin County Dog Warden may humanely destroy or transfer title of all animals held after the legal detention period in the above paragraph has expired and the animal has not been claimed by its owner, custodian or other person entitled to the possession thereof; provided the person to whom title is being transferred licenses said dog according to the laws of the Commonwealth of Kentucky and supplies proof of a rabies inoculation for said dog together with the boarding charges levied by the animal shelter, and in addition thereto the pick-up fee payable to the city provided below.

(3) Any owner, custodian or other person entitled to the possession of a dog impounded under subsection (1) hereof may be claimed by such owner, custodian or person entitled to possession thereof upon proof that said dog has been or is licensed, according to the laws of the Commonwealth of Kentucky; proof that said dog has been inoculated against rabies; payment of boarding charges levied by the County, and payment to the county of any fine due. (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.20 PROVISION OF NECESSITIES**

No owner shall fail to provide his animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal 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 animals being kept. All living areas shall be constructed and maintained to promote proper drainage of rain water to prevent the accumulation of mud and/or water. Shelters shall be constructed to protect the animal from precipitation and of a material which provides insulation from temperature extremes. In addition to the shelter, a shaded area shall also be provided by means of other structures, tree(s) or awning(s). The shelter shall have a floor augmented with resting boards. Insulating bedding materials shall be provided during inclement weather extremes. (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.21 RESTRAINT BY LEASH OR CHAIN; SPECIFICATIONS**

If any animal is restricted by a chain, leash or similar restraint, it shall be designed and placed as defined under Restraint in this Ordinance. (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.22 ABANDONMENT**

No person shall abandon any animal, abandonment consisting of: leaving an animal for a period in excess of 24 hours, without providing for someone to feed, water and check on the animal's condition, or leaving an animal by the roadside or other area, or leaving an animal on either public or private property without the property owner's consent. In the event that an animal is found so abandoned, such animal may be taken by a Hardin County Dog Warden or peace officer and impounded in a shelter, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in the Impounding Section. In the event that an animal is so abandoned, the owner or keeper, if any, whom he has charged with the animal's care, shall be subject to a citation for violation of this section. KRS 257.100 (4) (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.23 CRUELTY TO ANIMALS**

It shall be unlawful for any person to willingly or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, except as otherwise provided in this Chapter, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious animals or trespassing animals. KRS 525.130. (Ordinance No. 17-2000, passed Sept. 25, 2000)

**§ 90.24 CRUELTY OR EXHIBITION FIGHTING PROHIBITED**

- (1) No person shall cause or allow cruelty to be inflicted on an animal.

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(2) No person shall cause or permit any dog fight or other combat between animals. For the purpose of this paragraph, neglect, cruel, ill treatment and torment of an animal shall be defined as a failure by a person to adhere to the requirements and provisions of enforcement. In the event there is a reasonable cause to suspect that an animal is being beaten, cruelly ill-treated, neglected or tormented or involved in dog fight or other combat, custody of such an animal may be taken by a Hardin County Dog Warden, peace officer or humane officer and impounded in a shelter or other facility maintained by a humane society. The animal shall be held as evidence, and confined in such facility in a humane manner. Upon finding by a court that the animal has been neglected, beaten, cruelly ill-treated or tormented or involved in a dog fight or other combat between animals, the animal shall become the property of Hardin County.

(3) No person shall own, possess, keep or train any dog with the intent that such dog shall be engaged in exhibition of fighting. In the event that a person shall own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting, he shall be liable for citation for violation of this ordinance and subject to the penalties under Enforcement.

(4) No person shall be present at any dog fight or combat between animals. In the event that a person is present at a dog fight or combat between animals, he shall be liable for citation for violation of this ordinance and subject to the penalties provided in Enforcement.

(5) Any person who is found present at a dog fight or combat between animals, and who is charged with being a spectator in violation of this ordinance, and who is in possession of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with the intent to engage in an exhibition of fighting in violation of this ordinance. The animal shall be confiscated if found on the premises or in the immediate area of the dog fight or combat between animals. (Ordinance No. 17-2000, passed Sept. 5, 2000)

**§ 90.25 KILLING DOGS, CATS FOR FOOD OR FUR PROHIBITED**

No person shall raise or kill a dog or cat for food or the skin or fur. (Ordinance No. 17-2000, passed Sept. 5, 2000)

**§ 90.26 MUTILATION OF ANIMALS**

No person shall mutilate any animal whether dead or alive. This provision does not apply to accepted livestock practices concerning humane slaughter. (Ordinance No. 17-2000, passed Sept. 5, 2000)

**§ 90.27 SEXUAL ACTS WITH ANIMALS**

No person shall engage or cause or allow any other person to engage in a sexual act with any animal. (Ordinance No. 17-2000, passed Sept. 5, 2000)

**§ 90.28 REMOVAL OF ANIMAL IN IMMEDIATE DANGER**

Any animal observed by a peace officer or Hardin County Dog Warden to be in immediate danger may be removed from such situation by the quickest and most reasonable means available. (Ordinance No. 17-2000, passed Sept. 5, 2000)

**§ 90.29 CONFISCATION OF VICTIMIZED ANIMAL**

Any animal found involved in a violation of any portion of this ordinance may be confiscated by any Hardin County Dog Warden or peace officer and held in a humane manner. Upon conviction of this charge by a court of law, all animals so confiscated shall become the property of Hardin County, and the owner of the animals shall pay to or reimburse Hardin County all veterinary fees associated with medical treatment provided the animals while it was in custody.

A Hardin County Dog Warden or peace officer shall be allowed reasonable access to inspect the property of anyone found guilty of violation of any of the provisions under this ordinance. (Ordinance No. 17-2000, passed Sept. 5, 2000)

**§ 90.99 PENALTIES**

The enforcing agency, department or individual may choose to seek enforcement through the Code Enforcement Board enacted on the 30<sup>th</sup> day of April, 2003, by Ordinance No. 09-2003.

Any person violating this ordinance shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or be imprisonment in the county jail for not less than ten (10) nor more than sixty (60) days, or by both fine and imprisonment. Every day a violation continues shall constitute a separate offense.

(1) Any person found guilty of violating the provisions of this Ordinance concerning owning a vicious dog, in addition to the penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized if in the opinion of that Judge that the severity of the attack warrants such action.

(2) Any person found guilty of violating the provisions of this Ordinance concerning owning a potentially vicious dog or vicious dog shall be fined not less than two hundred fifty (\$250.00) dollars and shall have the dog spayed or neutered within seven days of that finding. Proof of the surgery must be provided to the citing agency within twenty-four hours of its performance.

(3) Any person found guilty of violating the provisions of this ordinance concerning owning a potentially vicious dog or a vicious dog, in addition to any other penalties or stipulations imposed, shall within seven days of that finding also have the dog implanted with a microchip identification. Within seven days of that implantation the owner shall present the animal to the Division of scanning and verification of the microchip and identification number.

(4) In addition to any penalties and/or stipulations imposed, anyone convicted of violations of Cruelty to Animals and/or Harboring a Vicious Animal, may also be required to relinquish ownership of the animal(s) to the Hardin County Dog Warden immediately upon conviction, and said animal may be humanely euthanized according to the standard of procedures followed by the Hardin County Dog Warden. (Ordinance No. 17-2000, passed Sept. 5, 2000, Amended Ordinance No. 29-2000, passed Dec. 18, 2000)

Any owner, custodian, possessor or harbinger which violates this ordinance shall be fined not less than \$25.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$500.00 for each subsequent offense, plus applicable court costs. (Ordinance No. 28, passed December 4, 1995) (Am. Ord. 19-2003, passed 06-23-2003)