

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.

"ABANDONMENT." Constitutes the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100 (4))

"AT LARGE." On or off the premises of the owner, and not under the immediate effective control of the owner or custodian either by leash, cord, chain, or by being effectively confined within a fenced area on the owner's premises.

"CITY LICENSE." The license issued by the city pursuant to § 90.16.

"KENNEL." The premises of an owner who possesses three or more pets or who owns or keeps animals from breeding purposes.

"OWNER." Every person having a right of property in the animal and every person who keeps or harbors the animal, has it in his care, or permits it to remain on or about the premises owned or occupied by

him. If an animal is owned by a family, all adult members of the family, individually and jointly, shall be deemed "OWNERS" of the animal for purposes of this chapter.

"STATE LICENSE." The license or tag required by KRS Ch. 258.

"WARDEN." Police officers of the city, any individual properly designated as Warden by the city, and the County Dog Warden appointed pursuant to KRS Ch. 258.

(Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08)

§ 90.02 ANIMALS RUNNING AT LARGE.

(A) It shall be unlawful for the owner of any cows, cattle, horses, mules, sheep, goats, or other livestock to permit such animals to run at large within the corporate limits of the city unless attended by a keeper or driver. Such animals shall be located only on property zoned for agricultural use and/or in a lot separate from a dwelling house.

(B) It shall be unlawful for the owner of any chickens, geese, turkeys, or similar domestic fowl to allow the same to run at large in the city.

(Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08) Penalty, see § 90.99

§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

(A) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to being a spectator or vendor at an event where a four (4) legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

(2) Subjects any animal in his custody to cruel neglect; or

(3) Kills any animal other than a domestic animal by poisoning. This division shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(B) Nothing in this section shall apply to the killing of animals:

(1) Pursuant to a license to hunt, fish, or trap;

(2) Incident to the processing as food or for other commercial purposes;

(3) For humane purposes;

(4) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

(5) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

(7) In defense of self or another person against an aggressive or diseased animal;

(8) In defense of a domestic animal against an aggressive or diseased animal;

(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(C) Activities of animals engaged in hunting, field trials, dog training, other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife shall not constitute a violation of this section.

(KRS 525.130) Penalty, see § 90.99

Statutory reference:

Cruelty to animals in the first degree, a class D felony, see  
KRS 525.125

§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.99

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.  
Penalty, see § 90.99

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

(A) Any peace officer, animal control officer, or any person authorized by the Board of Agriculture may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.  
(KRS 257.100)

§ 90.07 KEEPING OF PIGS, HOGS, OR SWINE PROHIBITED.

It shall be unlawful for any person to keep any live pigs, hogs, or swine within the corporate limits of the city.  
(Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08) Penalty, see § 90.99

§ 90.08 BEE-KEEPING PROHIBITED.

It shall be unlawful for any person, firm, or corporation to own, keep, raise, or harbor bees in the city.  
(Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08) Penalty, see § 90.99

## DOGS AND CATS

§ 90.15 LICENSE REQUIRED.

(A) On or before July 1 of each year, the owner or keeper of any dog, cat, or other domestic animal six months old or over shall apply to the City Clerk/Treasurer for a license for each dog, cat, or other

domestic animal owned or kept by him. The application shall be accompanied by a veterinarian's certificate and shall also be accompanied by a license fee of \$5 for each spayed/neutered animal (proof required) or \$20 for each unspayed/unneutered animal. All pets acquired after July 1 must be licensed within 30 days after they are six months old. Operating a kennel shall require a business license.

(B) Any person owning, harboring or having the custody, control or possession of three or more dogs and/or cats shall be considered to be operating a kennel and shall obtain an occupational license for the same.

(C) Dangerous animals, such as but not limited to pit bulls, rottweilers, and the like, will not be licensed and shall be banned in the city.

(Ord. 84-2, passed - -84; Am. Ord. 2004-08, passed - -; Am. Ord. 2008-01, passed 3-10-08) Penalty, see § 90.99

#### § 90.16 ISSUANCE; TAG; LOST LICENSES.

A license bearing a serial number and such other information that will properly identify the animal shall be issued on a form prescribed and supplied by the City Clerk/Treasurer and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the city bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, a duplicate shall be issued at a charge determined by the city. The tag shall be affixed to a substantial collar furnished by the owner which shall be kept on the animal at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any animal. No license or tag issued for one animal shall be transferable to another animal.

(Ord. 84-2, passed - -84; Am. Ord. 2004-08, passed - -) Penalty, see § 90.99

#### § 90.17 DOGS RUNNING AT LARGE.

(A) Every owner, harborer, or person having the custody, control, or possession of any dog or cat, shall keep the dog or cat confined to the premises and property of the owner, harborer, or custodian, except as hereinafter provided.

(B) No owner, harborer, or person having the custody, control, or possession of any dog or cat shall permit the animal to:

(1) Run or be at large as defined in § 90.01.

(2) Go about or on the premises or property of any other person within the city without the permission of such other person.

(Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08) Penalty, see § 90.99

§ 90.18 IMPOUNDMENT; WARDEN'S RIGHT OF ENTRY.

(A) Any and all dogs and cats found at large within the city may be taken into custody by the Animal Warden for the city.

(B) For the purpose of this subchapter, a Warden shall have specific authority to enter upon private property for the purpose of inspecting or checking dogs and cats to determine if they are properly licensed or to take into custody any unlicensed animal, to take into custody any of the animals prohibited by this subchapter to be at large in the city, or to take into custody any animal found upon the property of another other than the owner of that animal.

(C) A Warden may use any reasonable means and force necessary to take control and possession of animals found in violation of this subchapter including, but not limited to, using tranquilizer guns or devices. A Warden shall not be liable, civilly or criminally, for animals that are injured or killed in the process of taking control or possession of the animals as provided herein.

(D) All animals taken into custody by a Warden shall, if practicable, be impounded at the County Dog Pound, or at some other location as designated by the city, except as provided below.

(E) If the animal is found on the premises of its owner, but is unlicensed, or if the animal is found at large, the Warden may, in his discretion, not impound the animal, but in lieu thereof, issue a citation to the owner for owning an unlicensed animal or for permitting the animal to be at large.

(Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08)

§ 90.19 RECLAIMING IMPOUNDED DOG; UNCLAIMED DOGS.

(A) An owner reclaiming an impounded animal shall pay a fee of \$50 plus \$1 per day for each day the animal has been impounded.

(B) Any animal which a Warden seizes shall be impounded for seven days and if not claimed by the owner, shall become the property of the city and shall be placed in a suitable home or humanely destroyed.

(Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08)

§ 90.20 INTERFERENCE WITH WARDEN PROHIBITED.

It shall be unlawful for any person to interfere with, molest, hinder, or prevent a Warden of this city in the discharge of his duties as herein prescribed.

(Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be guilty of a violation and fined not more than \$250 for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates any provision of §§ 90.02, 90.07, 90.08, or 90.17 through 90.20, shall be fined not more than \$50 for each offense. Each day the violation exists shall constitute a separate offense. (Ord. 85-8, passed 9-9-85; Am. Ord. 2008-01, passed 3-10-08)

(C) Any person who violates § 90.03 shall be guilty of a Class A misdemeanor, and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense. (KRS 525.130)

(D) Any person who violates § 90.04 shall be fined not less than \$100 nor more than \$500. (KRS 436.600)

(E) Any pet owner who violates §§ 90.15 or 90.16 shall be fined \$25 per animal, plus a late fee of \$10. Failure to pay the fine and acquire a license within one week will result in a citation to appear before the Code Enforcement Board with a possible maximum fine of \$250. (Ord. 2004-08, passed - -)

Cross-reference:

Enforcement of provisions by Code Enforcement Board;  
civil fines, see § 35.130

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