

HARDIN COUNTY, KENTUCKY
ORDINANCE NO. 249, SERIES 2007

AN ORDINANCE RELATING TO
ANIMAL CONTROL AND WELFARE

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF
COUNTY OF HARDIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

A. Definitions

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. *At large*. Not restrained by leash, cord, chain or otherwise confined in an enclosure.
2. *County*. The unincorporated areas of Hardin County, Commonwealth of Kentucky including the incorporated city limits of Sonora and Upton.
3. *Dog*. This term shall be intended to mean both male and female of the canine species.
4. *Enclosure*. An uncovered fence or structure of at least 7 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, the fence or structure shall be sufficiently embedded in the ground to prevent the dog from digging under the fence or structure. The 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.
5. *Keeper*. Any person to whom a dog is entrusted.
6. *Owner*. Any person or persons, firm, association or corporation owning, keeping or harboring a dog.
7. *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 manila lead or leash having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.

8. *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;
 - (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;
 - (c) Any dog which bites (to 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;
 - (d) Any dog which has behaved in 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;
 - (e) Any dog certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human life or property if not kept in the manner required by this ordinance upon the basis of reasonable medical probability;
 - (f) Any dog which has been classified as vicious by the Hardin County Dog Warden or a peace officer, after observation thereof, as posing a danger to human life or property if not kept in the manner required by this ordinance.
 - (g) Any dog which has been trained as an attack or guard dog, except dogs which are employed by any police department within the Commonwealth of Kentucky; or
 - (h) An animal shall not be deemed vicious solely because;
 - a. It bites, attacks or menaces anyone assaulting its owner or keeper, or any person or other animal who has tormented or abuse it;
 - b. It is otherwise acting in the defense of any attack from a person or other animal upon its owner or any other person;
 - c. It is protecting or defending its young or the young of any other animal; or
 - d. Where a person has broken into or entered, without permission, the enclosure of the dog.

- (i) 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 the said owner/keeper may engage the services of a licensed doctor of veterinary medicine, all cost 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. If said alternate opinion is that the subject dog should not be classified as vicious as provided in this ordinance, any interested party may petition within 48 hours the Hardin District Court for a determination of viciousness. The subject dog shall be treated as vicious as long as such petition is pending.

9. *Nuisance*: Any conduct or such annoyance which would be annoying to an ordinary, average and prudent person.

10. *Disturbance*: Any conduct which disturbs the peace and tranquility of an ordinary, sensible and prudent person.

B. Control of Dogs

1. It shall be unlawful for any person to keep or harbor within the county 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 without intentional antagonization by others. 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 it's owner or keeper or to bring any dog into the county 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. That it shall be unlawful for any owner, custodian, possessor or harbinger of any dog to permit same to run at large other than on that person's premises at any time if the dog is creating a nuisance or disturbance.

C. Control of Vicious Dog

1. It shall be unlawful for any person, farm or corporation to keep or harbor within the County, a vicious dog that shall bite or fiercely attack any person or domestic animal while outside of its owner's yard or enclosure or real estate.
2. This section shall not apply where a person shall break into or enter without permission the premises or enclosure of such dog and be pursued there from and attacked or bitten by the dog.

3. 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.
4. 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.
5. 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. The sign shall be visible and capable of being read from the public street. The sign shall be a minimum of 2 square feet in area.
6. The owner or keeper shall immediately notify the Hardin County Dog Warden and the Hardin County Sheriffs Department if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died.
7. The Hardin County Dog Warden or peace officer is hereby empowered to make whatever inquiry they deemed necessary to ensure compliance with provisions of this chapter, and any Hardin County Dog Warden or peace officer is hereby empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof, subject to the right of the owner or keeper to contest the seizure or impoundment, as provided in this ordinance, in the Hardin District Court.
8. In the event that the owner or keeper of the dog refuses to surrender the dog to the Hardin County Dog Warden, or peace officer, the Hardin County Dog Warden or peace officer may obtain a search warrant from a judge of the Hardin District Court to seize the dog upon the execution of the warrant.
9. No person shall walk or exercise a vicious dog within 1,000 feet of a school, day care, day nursery, playground, hospital or fairground.
10. No more than 2 vicious dogs may be kept at a singular site or residence. This section shall not apply to duly licensed kennels.
11. No vicious dog may be kept on a chain tied to a fixed point outside an enclosure.

D. 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 county 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 violations. At the owners or keepers request and expense, such impoundment may be at a veterinarian or licensed kennel of the owners or keepers 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 cost 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, and 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.

E. Impoundment

1. Any dog found running at large within the county, 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 (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 as provided 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 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 county 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.

F. 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 to provide humane care and treatment. Any owner of animals shall maintain a clean and healthy 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/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. Insulation bedding materials shall be provided during inclement weather extremes.

G. 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 Restrain in this Ordinance

H. 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 section KRS 257.100 (4).

I. 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 ordinance, 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.

J. Cruelty or Exhibition Fighting Prohibited

1. No person shall cause or allow cruelty to be inflicted on an animal.
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 animal may be taken by a Hardin County Dog Warden, peace officer or humane officer and impounded 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 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 the 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 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.

K. 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.

L. 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.

M. 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.

N. 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 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 violations of any of the provisions under this ordinance.

O. Penalties

1. Any person violating any provision of this ordinance shall be deemed guilty of a Class A misdemeanor and shall be punished by a fine not to exceed two hundred fifty dollars (\$250.00) or be imprisoned for a period not to exceed twelve months in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.
2. Any person found guilty of 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 the severity of the attack warrants such action.
3. Any person found guilty of 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 the finding. Proof of the surgery must be provided to the citing agency within twenty four hours of its performance.
4. Any person found guilty of 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 Hardin County Dog Warden for scanning and verification of the microchip and identification number.
5. 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.

P. Conflict

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of said conflict.

Q. Severability

If any provision, clause, sentence, or paragraph of this Ordinance or its application to any person or factual context shall be held invalid, that invalidity shall not affect the remaining provisions of this Ordinance, which may be given effect independent of the provision or application declared invalid.

R. Effective Date

This Ordinance shall be effective upon passage.

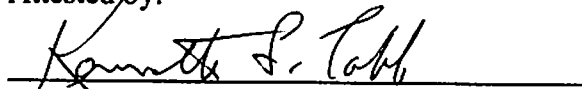
Given First Reading on this the 27th day of February, 2007.

Given Second Reading on this the 13th day of March, 2007.

Adopted on this the 13th day of March, 2007.


HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

Attested by:


KENNETH L. TABB
HARDIN COUNTY COURT CLERK

Approved as to legal form:


KEN M. HOWARD
HARDIN COUNTY ATTORNEY

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