

CHAPTER 90: ANIMALS

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DOGS

§ 90.01 DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively:

(A) "ANIMAL SHELTER." The Rowan County Animal Shelter or any other facility designated by the Dog Warden to impound and care for a dog picked up by the Dog Warden for violation of this chapter.

(B) "DOG." Any member of the canine species, male or female, of any age.

(C) "DOG WARDEN." The Rowan County Dog Warden employed by the Rowan County Fiscal Court.

(D) "HUMANE SOCIETY." Any person or organization operating from a fixed site and taking in or accepting stray or unwanted animals.

(E) "IMPOUNDED." Having been received into the custody of a Police Officer, Code Enforcement Officer, Dog Warden, or any other empowered official.

(F) "KEEP." Possessing, controlling, exercising or allowing to run at large.

(G) "KENNEL OPERATOR." Any person engaged in the commercial business of breeding, buying, selling or boarding dogs and who owns, harbors or keeps five (5) or more dogs over the age of four (4) months.

(H) "OWNER." Any person owning, keeping or harboring a dog.

(I) "PERSON." Includes all natural persons, corporations, partnerships, firms, associations, governmental bodies, agencies and other entities.

(J) "PIT BULL DOG." Any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire terrier, of Staffordshire bull terriers, or substantially conform to the standards established by the United Kennel Club for American pit bull terriers, including any mixed breed of dog which contains as an element of its breeding the bred of Staffordshire bull terrier, American Staffordshire terrier, or American pit bull terrier.

(K) "PUBLIC NUISANCE." Any animal which molests passers-by or passing vehicles: attacks people or other animals; damages public or private property; is repeatedly at large; makes noise in an excessive, continuous or untimely fashion; or disturbs the peace, comfort or health of persons in any other manner.

(L) "RESTRAINED." Enclosed in an area by a form of fencing (including invisible fencing) designed to control the movement of the dog or secured by a leash or chain.

(M) "RUNNING 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, or chain or effectively restrained on the owner's premises.

(N) "VICIOUS DOG." Any pit bull dog or other dog which has caused death or serious injury to a person engaged in a lawful activity or which has attacked or bitten without provocation a person engaged in a lawful activity; or which has killed or seriously injured another animal after the Police Department or Code Enforcement Officer or Dog Warden has issued, based upon the vicious or predatory nature of the dog, a written or verbal notice to the owner or custodian of such dog to keep it restrained in accordance with this chapter.

(Ord. passed 3-14-73; Am. Ord. 26:97, passed 8-25-97; Am. Ord. 05:2003, passed 3-10-03)

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Statutory reference:

Dogs, KRS Chapter 258

§ 90.02 DOGS RUNNING AT LARGE.

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

(B) No owner, harborer, or person having custody, control or possession of any dog shall permit, allow or suffer the dog to run at large as defined herein.

(Ord. passed 3-14-73; Am. Ord. 26:97, passed 8-25-97; Am. Ord. 05:2003, passed 3-10-03) Penalty, see § 90.99

§ 90.03 NOISE DISTURBANCE; PUBLIC NUISANCE PROHIBITED.

No owner, harborer or person having the custody, control or possession of any dog shall permit such dog to disturb the peace and quiet of the neighborhood by reason of its howling, barking and whining, the stench they cause, unsanitary conditions in which they are kept, or its disturbance of people in the reasonable use and enjoyment of property where any of these factors cause annoyance, discomfort or injury to the health and welfare of persons in the neighborhood.

(Ord. passed 3-14-73; Am. Ord. 26:97, passed 8-25-97; Am. Ord. 05:2033, passed 3-10-03) Penalty, see § 90.99

§ 90.04 REGISTRATION OF PIT BULL DOGS AND VICIOUS DOGS.

Every person in possession of a pit bull dog or vicious dog in the city shall register the dog with the city police department stating the name, address and telephone number of the person possessing the animal, the address where the animal is harbored (if different from the possessor's address), a complete identification of the animal including genus and species, common name, gender, color, size, weight and any other distinguishing physical characteristics. In the case of a dog required by law to be vaccinated for rabies, proof of rabies vaccination shall also be provided. Registration shall be completed within seventy-two (72) hours after the animal is located with the city territorial limits.

(Ord. 05:2033, passed 3-10-03) Penalty, see § 90.99

§ 90.05 POSSESSION; ENTRY ON PRIVATE PROPERTY.

(A) Any and all dogs found at large within the city in violation of this chapter shall be taken into custody by the Police Department or Code Enforcement Officer or Dog Warden or other empowered officials of the city.

(B) For the purpose of this chapter, police officers of the City, Dog Warden, Code Enforcement Office or other empowered officials, shall have specific authority to enter upon private

property for the purpose of taking into custody any dog found at large within the city or any dog found upon the property of anyone other than the owner of said dog.

(C) Police officers, Code Enforcement Officer, Dog Warden or any other empowered official may use any reasonable means and force necessary to take control and possession of dogs found in violation of this chapter, including but not limited to, using tranquilizer guns or devices. Police, Code Enforcement Officer, Dog Warden or other empowered official shall not be liable, civilly or criminally, for dogs that unintentionally are injured or killed in the process of taking control or possession of said animals as provided herein.

(D) It shall be unlawful for any person to interfere with, molest, hinder or prevent city police officers, Dog Warden, Code Enforcement Officer or other empowered officials of this city discharging their duties herein prescribed.

(Ord. 05:2033, passed 3-10-03) Penalty, see § 90.99

§ 90.06 IMPOUNDMENT.

(A) All dogs taken into custody by the city Police, Code Enforcement Officer, Dog Warden or other empowered official as provided herein shall be impounded at the Animal Shelter, except as provided in Section (B) herein. Additionally, all owners of dogs taken into custody, shall be issued a city citation for violation of this Chapter by a police officer or Code Enforcement Officer. Should the Dog Warden take a dog into custody he/she shall immediately notify the City Police Department of Code Enforcement Officer of the city and request that the proper citation be issued.

(B) If the dog is found on or off the premises of its owner at large, the Police Officer, Code Enforcement Officer, Dog Warden, or other empowered official may, in their discretion, not impound the dog, but in lieu thereof, issue a citation to the owner for permitting the dog to run at large.

(C) A record of all dogs impounded shall be made at the time of the impoundment. Said record shall contain the following information: breed, gender, color, size, weight, and any other distinguishing characteristics. Additionally, if the dog is licensed, the record shall contain the name and address of the owner and the license tag number. Final disposition of said dog shall also be included. The original records shall be kept at the Humane Society with copies sent to the Police Department upon final disposition.

(D) All dogs impounded shall be kept for a period of seven (7) days, excluding the date of impoundment. No dog impounded as provided herein shall be released to its owner, keeper, or custodian without written authority from the Code Enforcement Officer of the city. Authority may be given only after the citation and any and all

expenses incurred by the City in keeping the dog have been paid in full. Any dog not reclaimed within the seven (7) day time period shall be handled and/or disposed of by the Humane Society as provided by the regulations of that agency or by state law.

(Ord. passed 3-14-73; Am. Ord. 26:97, passed 8-25-97; Am. Ord. 05:2033, passed 3-10-03) Penalty, see § 90.99

§ 90.07 REMOVAL OF DOG EXCREMENT.

No person shall allow a dog under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device for the removal and containment of the dog's excrement: nor shall any person fail to remove any excrement deposited by any dog under his or her control on public or private property. This section shall not apply to guide dogs under the control of a blind person.

(Ord. 05:2033, passed 3-10-03) Penalty, see § 90.99

§ 90.08 CONFINEMENT OF CERTAIN DOGS.

Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such manner that such female dog cannot come in contact with another animal except for breeding purposes.

(Ord. 05:2033, passed 3-10-03) Penalty, see § 90.99

§ 90.09 REGULATION OF KENNELS.

(A) Every person operating a kennel shall obtain an Occupational Business License from the city. The fee for said license shall be \$10. This section shall not apply to veterinarians.

(B) No kennel license shall be issued except whereby the commercial business operation is consistent with the zoning ordinance of the city and no issuance to a commercial business not permitted by the zoning ordinance shall be valid.

(Ord. 05:2033, passed 3-10-03) Penalty, see § 90.99

LIVESTOCK, FOWL, AND ANIMALS

§ 90.15 KEEPING OF LIVESTOCK WITHIN 200 FEET OF RESIDENCES.

In the public interest of health, welfare, and sanitary conditions it shall be unlawful for any person, firm, or corporation to keep or harbor any livestock, fowl, and animals, within the corporate limits of the city within 200 feet of the closest point of any residence built, or hereafter built within the city; except those animals as are exempted in § 90.17 and 90.18 of this chapter.

(Ord. passed 11-27-56; Am. Ord. 26:97, passed 8-25-97) Penalty, see § 90.99

§ 90.16 RUNNING AT LARGE.

No person, firm, or corporation shall permit any livestock, fowl, or animals owned by them to run at large on the streets, alleys, or public or private property of others with the exception of those animals excepted in § 90.17 of this chapter, and any livestock, fowl, or animals found running at large in such a manner may be impounded by the police or officers of the city, and, if not claimed within 24 hours, may be sold or destroyed by the police or other officers. (Ord. passed 11-27-56; Am. Ord. 26:97, passed 8-25-97) Penalty, see § 90.99

§ 90.17 EXCEPTIONS; ALLOWANCES.

Nothing contained in §§ 90.15 through 90.20 shall prevent any person from owning, keeping, or harboring animals as personal pets, provided they are not kept for other persons for profit; for sale to others; or in excessive numbers, within the prohibited limits of a residence within the corporate limits of the city. Provided further, that cats, and animal pets shall be permitted to run at large unless they have vicious natures that require their confinement in the interest of the public health and safety as provided herein or in other ordinances of the city. (Ord. passed 11-27-56; Am. Ord. passed 3-13-73; Am. Ord. 26:97, passed 8-25-97)

§ 90.18 HARBORING SWINE, PIGS, AND HOGS.

It shall be unlawful for any person to keep or harbor swine, pigs, or hogs, within the city limits. (Ord. passed 11-27-56; Am. Ord. 26:97, passed 8-25-97) Penalty, see § 90.99

§ 90.19 TRANSPORTING OF ANIMALS.

It shall be unlawful for any person to stop or park any truck or vehicle transporting animals upon the streets of the city, or any other place within the city limits, for the purpose of inspecting or examining for sale or purchase. (Ord. passed 11-27-56; Am. Ord. 26:97, passed 8-25-97) Penalty, see § 90.99

§ 90.20 POULTRY DEALERS.

Nothing in §§ 90.15 through 90.19 shall prevent recognized poultry dealers from keeping chickens or poultry in coops; however, such places where poultry is kept for sale shall be kept clean to prevent obnoxious odors and conditions injurious to the health of the citizens and residents of the city. The poultry houses shall be subject to inspection by the county health agent and, if condemned

by the agency, the condition shall be remedied within 5 days or be in violation of this section.

(Ord. passed 11-27-56; Am. Ord. 26:97, passed 8-25-97) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter may be issued a Notice of Violation by a Code Enforcement Officer allowing the offender a specified time to remedy the violation without a fine. If the violation is not remedied, the offender shall be issued a citation by a Code Enforcement Officer of the city. If the Code Enforcement Officer believes that the violation presents a serious threat to the public health, safety, and welfare, or if, in the absence of immediate action, the effects of the violation will be irreparable or irreversible, or the violation is a repeated violation, the Code Enforcement Officer may issue a citation without a Notice of Violation. If the citation is not contested by the person charged with the violation, the following penalties shall apply; however, the Code Enforcement Board may waive all or any portion of said penalty in its discretion, if the Code Enforcement Board determines that such waiver will promote compliance with Chapter 90.

- (1) First Offense:                   \$ 25.00
- (2) Second Offense:                 50.00
- (3) Third Offense:                  100.00

(B) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:

- (1) First Offense:                   \$100.00
- (2) Second Offense:                 200.00
- (3) Third Offense:                  300.00

(C) (1) Any person found to be in violation of the §§ 90.01 through 90.07 shall, in addition to impoundment, be issued a citation. If the citation is not contested by the offender, the following penalties shall apply; however, the Code Enforcement Board may waive all or any portion of said penalty if, in its discretion, the Code Enforcement Board determines that such waiver will promote compliance with §§ 90.01 through 90.07:

- (a) First Offense: \$50.00 plus compliance
- (b) Second Offense: \$100.00 plus compliance
- (c) Third Offense: \$300.00 plus compliance

(2) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:

- (a) First Offense: \$100.00 plus compliance
- (b) Second Offense: \$300.00 plus compliance
- (c) Third Offense: \$500.00 plus compliance

(Ord. passed --; Am. Ord. 26:97, passed 8-25-97; Am. Ord. 05:2003, passed 3-10-03)