

COMMONWEALTH OF KENTUCKY
BOYD COUNTY FISCAL COURT

ORDINANCE NO: 2021-04

AN ORDINANCE AMENDING ORDINANCE NO. 151 RELATING TO ANIMAL
CONTROL

Be it ordained by the fiscal court of county of Boyd, Commonwealth of Kentucky:

DEFINITIONS

As used in this ordinance unless the context requires otherwise:

1. "Owner" or "Keeper" shall be defined as any person or persons, firm, association, partnership, or corporation owning, keeping, harboring, feeding, watering, or allowing a dog or cat to remain on his/her property or premises whether owned, rented, or leased.
2. "Animal Shelter" means any premises designated and operated by the Boyd Fiscal Court, directly or by contract, for the purpose of impounding and caring for animals.
3. "Humane Society" means any non-profit corporation, organized under the laws of this state and having as its primary purpose, the prevention of cruelty to animals.
4. "Running at large" means that a non-livestock animal goes uncontrolled by the animal's owner upon the premises of another without the consent of the owner of the premises, or other person authorized to give consent, or goes uncontrolled by the owner upon a highway, public road, street, or any other place open to the public generally. A non-livestock animal that is found off the premises of its owner or keeper that is not menacing to other persons or injurious to other persons or property, is not believed to be vicious, ill, diseased or aggressive toward persons or other animals while upon the premises of such other animal's owner or keeper shall not be deemed to be running at large provided the non-livestock animal is wearing a collar,

identification tag or other indicator of responsible ownership. Upon receipt of a sworn statement or Affidavit of any interested person alleging that a specific non-livestock animal is regularly off the premises of its owner or keeper and when so off said premises regularly engages in menacing, threatening, aggressive or similar conduct an animal control officer shall investigate the allegations and use best efforts to notify the animal's owner or keeper of the complaint and direct the said owner or keeper to henceforth keep said animal lawfully, securely confined to said owner or keepers premises. If an owner or keeper cannot be located the officer may consider the animal as running-at large. If the animal is thereafter found off the premises of its owner or keeper such shall be a violation of this ordinance

5. "Abandon" means an animal whose owner or keeper is unknown to the person who picks it up and is an animal that has escaped or ran away from its owner or keeper and/or wanders.
6. "Stray" means an animal whose owner or keeper is unknown to the person who picks it up and is an animal that as escaped or run away from its owner or keeper and/wanders or strays about on property not owned or occupied by the owner or keeper of the animal" Dog" means any member of the canine family.
7. "Dog" means any member of the canine family
8. "Cat" means any domesticated member of the feline family.
9. "Pet" means any cat or dog defined herein.
10. "Vicious Dog" means any dog which attacks, attempts to attack, or threatens to attack any person or persons while off the premises of the dog's owner or keeper, or any dog which regularly places persons in reasonable fear of physical injury while off the premises of the owner or keeper or which has known vicious tendencies.
11. "Caretaker" Any person or organization who participates in TNR and/or who regularly provides care to community cat.

12. "Community Cat" Any cat or kitten that has no apparent owner or identification and is free roaming.
13. "Owned Cat" Any cat that is regularly fed and sheltered in that same person's habitation.
14. "Trap Neuter-Return (TNR)" The method of managing community cats by humanely trapping, altering, vaccinating, ear tipping, returning the community cat to the location where they were trapped where the community cats will be provided with long term care by a caretaker.

Humane Treatment of Animals

1. It shall be unlawful for any person to inhumanely treat any animal, including, but not limited to, the deprivation of necessities, beating, mutilating, torturing, killing, overloading, overworking, fighting or otherwise abusing any animal.
2. At all times, Shelter for the animal consists of 4 walls, a roof, and bedding. The bedding and shelter must be able to keep the animals warm, dry, and protected in all weather conditions. Shelter also must be free from waste and debris that may cause any harm to such animals.
3. Owner or keeper must provide water and food for the animal and must be fresh and clean at all times. If such an animal is in need of medical attention, the owner/keeper of the animal must seek humane care and treatment to prevent the animal from suffering.

Any violation in this section will be subject to further action. First with a warning and educated to fix such violations (unless warning for said violation is not feasible). If the violation is serious in nature the Animal Control Officer may issue a uniform citation.

4) It shall be unlawful for an owner or keeper to abandon any dog or cat. Abandonment consists of leaving such an animal for a period in excess of 72 hours without providing for someone to feed, water, and check on the animal's condition. In the event that an animal is found abandoned, such animal may be taken by the dog warden, animal control officer, or any peace officer and impounded in the animal shelter.

5) There shall be no animal secured by a tow or logging chain, pinch collars, prong collars, and choker chains/collars are prohibited. Any animal secured by one

of the previous tie outs can be subject to be removed immediately from the property by any animal control officer, dog warden, or peace officer.

6) It shall be unlawful for any person to keep an animal within the passenger compartment of an automobile without adequate ventilation in the summer and winter months. No person shall enclose any animal in the trunk of an automobile. If this occurs and the owner of the vehicle is not located in time to keep the animal from harm, the animal control officer or peace officer may take whatever action necessary to help the animal.

7) Any person who is operating a vehicle and knowingly strikes a domestic animal, shall report the incident to the Animal Control or Law Enforcement immediately.

8) No person shall place any poisonous substance which may be harmful to any domestic animal, livestock, poultry, or community cats, as described herein, in any location where it may be readily found and eaten by such animal.

Any violation in this section will be subject to further action. First with a warning and educate to fix such violations (unless warning for said violation is not feasible). If the violation is serious in nature the Animal Control Officer may issue a uniform citation.

Nuisances

No person shall own, keep, or harbor any pet which shall do one or more of the following objectionable actions, each of which is hereby declared to be a public nuisance within this county;

1. Habitual barking, howling, yelping, meowing, or whining without obvious cause or provocation or while trespassing upon any property or premises not owner or occupied by the owner or keeper of said dog.
2. Habitual trespassing upon any property or premises not owner or occupied by the other or keeper of said dog.

3. Habitual turning over, getting into, or otherwise damaging or disturbing any items of personal or public property, located on any premises other than those owned or occupied by the owner or keeper of said pet.
4. Habitual defecating or urinating on any property or premises not owned or occupied by the owner or keeper of said dogs.
5. Habitual running after, jumping on, chasing, barking at, biting at, or in any other way frightening, molesting, or scaring any person other than the owner of said animal and the members of the owner's immediate family; and
6. Habitual chasing of motor vehicles, bicycles, scooters, mopeds, or motorcycles other than those owned and occupied by the owners or keeper and the members of the owner's immediate family.

If one or more of these actions occur, contact the Animal control to investigate the situation to try to resolve the problem. If it continues to be a nuisance, the reporting party will have to file a nuisance complaint at the courthouse.

VICIOUS DOGS

Owner or Keeper - shall be defined as any person or persons, firm, association, partnership, or corporation owning, keeping, harboring, feeding, watering, or allowing a dog or cat to remain on his/her property or premises whether owned, rented, or leased.

Unconfined vicious Animal- A vicious animal is "unconfined" if the animal is not securely confined indoors or confined in a securely enclosed and locked pen on the property of the owner of the animal. The pen must be secured on all 4 sides, be secured at the top and bottom as well to prevent escape. The pens must be kept up by cleaning and sanitizing daily, and have adequate lighting.

No person shall own, possess, harbor, or keep any vicious dog.

The following animals are deemed vicious per se:

1. Any animal with a known propensity or disposition that makes them want to attack while being unprovoked, to threaten their safety, or to cause harm to human beings.
2. Any animal without being harassed, bites or attacks, or has bitten or attacked any human being.
3. Any animal owned or kept for fighting purposes, or that have been trained for fighting other animals.

The owner or keeper of any of these animals will make all provisions necessary to keep the animal confined in the proper manner, as stated above.

The owner will make every effort to not permit the animal to go beyond the perimeter of their property unless the animal is securely muzzled and restrained by a chain or leash and is physically under the control of the owner.

RABIES VACCINATIONS

Owners or keepers shall have their pets vaccinated in accordance with state law.

State Law reads as such...

258.015 Dogs, cats, and ferrets to be vaccinated against rabies -- Issuance and distribution of certificates -- Tags for dogs -- Requirements for compliance by qualified persons -- Cat and ferret owners -- Feral cats. (1) Every owner shall have his dog, cat, or ferret initially vaccinated against rabies by the age of four (4) months and revaccinated at the expiration of the immunization period as certified by the veterinarian. The veterinarian who vaccinates a dog, cat, or ferret shall issue to the owner a vaccination certificate on a form approved by the Cabinet for Health and Family Services. The vaccination certificate shall be prepared and issued in duplicate, one (1) copy to be retained by the issuing veterinarian and one (1) copy to be given to the owner of the dog, cat, or ferret vaccinated. Each certificate shall bear the name and address of the veterinarian who issued it. The veterinarian shall also furnish each dog owner

with a rabies tag bearing a serial number corresponding to the vaccination certificate with the year of immunization. The tag shall be affixed to a collar or harness furnished by the owner and shall be worn by the dog for which the tag was issued. No one except the owner or his duly authorized agent shall remove the tag. (2) Every qualified person who vaccinates his own dog shall comply with the vaccination certificate and tag requirement provisions of subsection (1) of this section. (3) Every owner of a cat or ferret shall show proof of a valid rabies vaccination upon request of an animal control officer or peace officer. (4) Any person with feral cats on his premises shall make a reasonable effort to capture or vaccinate the cats. Effective: June 20, 2005 History: Amended 2005 Ky. Acts ch. 99, sec. 569, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 189, sec. 3, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 426, sec. 515, effective July 15, 1998. -- Amended 1978 Ky. Acts ch. 37, sec. 2, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(1). -- Created 1954 Ky. Acts ch. 119, sec. 2, effective June 17, 1954.

RUNNING AT LARGE PROHIBITED

It shall be unlawful for any owner or keeper to permit any pet owned or harbored by him, or under his control to run at large within the County. An owner or keeper is deemed to have permitted the pet to run at large if a condition exists that the owner or keeper was, or should have been, aware of that would allow the pet to run at large. If an animal regularly runs at large, such shall constitute per se violation of this prohibition and ordinance. A violation of this section is subject to animals being impounded at the animal shelter by any animal control officer or peace officer.

COMMUNITY CAT POPULATION MANAGEMENT OF COMMUNITY CAT POPULATION

(A) A Trap-Neuter-Return Program will be developed by animal rescue groups to address the issues presented by feral and other community cats. To that end it recognizes that there are caretakers of community cats.

(B) A Trap-Neuter-Return Program will permit animal rescue groups to engage in the trapping of community cats for the purpose of sterilization, vaccination, ear-tipping for easy identification, and any providing of other necessary medical care for community cats. BCAS (Boyd County Animal Shelter) may work with its designee to implement and/or administer the BCAS's Trap-Neuter-Return Program.

(C) A caretaker providing care for community cat(s) may offer certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition of food and water as well as medical care as needed. If medical care is unavailable or too expensive, a caregiver should contact animal rescue groups for assistance to prevent the suffering of a community cat. (D) If the requirements identified in subsection (C) are met, the caretaker is exempt from licensing and other provisions of this chapter that apply to owned cats.

IMPOUNDING

1. Dogs running at large may be taken by the dog warden, animal control officer, or any peace officer and impounded in the animal shelter, and there confined in a humane manner.
2. Any dog found to be sick or injured shall be declared a public health hazard, and may be seized by the dog warden, animal control officer, or any peace officer and impounded in the animal shelter, and there confined in a humane manner unless animal is considered too sick or injured after being examined by a vet the animal control officer may humanely euthanize the animal to prevent any suffering. If there is no vet available at the time of the call the animal control officer has the right to make the decision for the animal if the animal appears to be suffering.
3. The dog warden, animal control officer, or any peace officer may impound any dog or cat committing acts which constitutes nuisance as prohibited or described herein. Any dog or cat impounded shall be transported forthwith to the animal shelter, and there confined in a humane manner.
4. All impounded dogs and cats shall be kept for not less than five (5) days per (KRS258.215, section 2a,b,c and section 3), unless reclaimed by its owner or keeper. If by a license tag, or by other means, the owner of the animal can be identified, the dog warden or animal control officer shall immediately notify the other by telephone or mail of the impoundment of an animal. Animals not claimed by its owner or keeper within five (5) days of its impoundment, may be placed in a suitable new home/rescue or humanely euthanized as

determined by the officials of the animal shelter.

5. An owner or keeper reclaiming an impounded animal shall pay a fee of \$30.00 for any neutered or spayed animal, and a fee of \$30.00 shall be charged for redemption of any unneutered or unspayed animal, at the first reclaim. Every other additional reclaim of the same animal will increase an additional \$15.00 each time for each subsequent redemption of such unneutered or unspayed animal. If the animal has been quarantined, the redemption fee shall be \$110.00 to reclaim. Proof of vaccination for rabies shall be provided before the animal is released. If proof is not provided, the owner or keeper shall purchase a rabies vaccination receipt from the animal shelter at a charge of \$15.00 before the animal is released. Proof of a current dog license shall also be provided before any dog is released to its owner or keeper. If proof is not provided, the owner or keeper shall purchase a license before the dog is released.

EXEMPTION

There is hereby exempt and accepted therefrom any hound dog or other hunting dog which has been released from confinement for hunting purposes. Such a hound or hunting dog shall be deemed to be under reasonable control of its owner, keeper, or handler and not a nuisance while engaged in or returning from hunting.

There is further exempted there from any owner or keeper duly licensed and permitted for operation of a kennel under the Kentucky Revised Statutes but only to the extent of the license or permit.

COMPLAINTS AND COURT ACTION

Any person may file a complaint alleging any owner or keeper is in violation of this Ordinance or any provision hereof. The complaint shall be taken by any peace officer, law enforcement officer, dog warden, animal control officer, animal control center employee, or any other person having law enforcement or animal control jurisdiction, or the authority within the unincorporated areas of the County. The complaint shall be on the form attached hereto, and incorporated herewith by reference entitled "Animal Nuisance Complaint" substantially completed and signed by the complainant or person taking the complaint describing particularly the owner or keeper of the animal and behavior complained of.

Any person thereafter aggrieved by further violation of this ordinance by the owner, keeper, or animal may petition the district court for enforcement of its order by contempt proceeding. In addition to any other means authorized by law enforcement of court orders, the district court may order a civil penalty payable to the Boyd County Fiscal Court at a rate not exceeding \$10.00 per day for each and every day the violation occurs or continues but in no event may the accumulated penalty exceed the civil jurisdictional limit of the court.

AUTHORITY OF THE COUNTY ATTORNEY

The Boyd County Attorney and his assistants are hereby authorized to represent the interest of the Boyd Fiscal Court in any matter brought before the district court under this ordinance in order to either seek enforcement of the ordinance or court orders entered hereunder.

FILING FEES

Any person or persons other than a regular peace officer filing a complaint hereunder with the District Court shall pay a filing fee as may be assessed by the Circuit Court Clerk.

Should any portion of this ordinance be deemed unenforceable by any reason by any court of competent jurisdiction, the remaining portions shall remain in full force and effect.

Introduced and given first reading at a regular meeting of the Boyd Fiscal Court on the 25 day of MAY, 2021, and fully adopted after the second reading at the regular session of the

Boyd Fiscal Court on June 8, 2021. This ordinance shall take effect and be in full force when passed, published, and recorded according to law.

DATED: June 8, 2021


Eric Chaney

Boyd County Judge Executive

ATTEST: 
BOYD FISCAL COURT COURT CLERK