

## CHAPTER 90: ANIMALS

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### § 90.01 DEFINITIONS.

As used in this chapter, the following terms shall mean:

**ANIMAL CONTROL OFFICER.** Person(s) employed by the Shelby County Fiscal Court to enforce the provisions of KRS Chapter 258, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, and the provisions of this chapter.

**ANIMAL SHELTER.** Any premises designated or operated by the Fiscal Court of Shelby County for the purpose of impounding and caring for dogs held under authority of this chapter and to provide quarantine for dogs and cats presented to the shelter when quarantine by the owner is not feasible.

**APPROVED RABIES VACCINE.** Any vaccine approved by the American Veterinary Medical Association and the Kentucky Department for Human Resources and found effective in protecting an animal from contracting rabies.

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**CAT.** Any feline 3 months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine.

**COMMERCIAL KENNEL.** Any establishment where dogs and/or puppies or cats and/or kittens or ferrets are kept for the primary purpose of breeding, buying, selling, or boarding of the animals.

**DOG.** Any canine 3 months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine.

**EUTHANASIA.** The act of putting an animal to death in a humane manner by methods specified as acceptable for that species by the most recent report of the American Veterinary Medical Association Panel on Euthanasia.

**FERRET.** Any musteline 3 months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine.

**OWNER.** Any person owning, keeping, or harboring a dog, cat, or ferret in Kentucky.

**QUALIFIED PERSON.** A person granted a permit by the Secretary for Health Services to vaccinate his or her own dog against rabies.

**QUARANTINE.** The confinement of an animal for observation of clinical signs of illness indicating rabies infection, and the prevention of escape of contact with any person or other animal.

**RESTRAINT.** A dog(s) shall be deemed to be under restraint if it is on the premises of its owner, or if accompanied by a responsible person and under that person's control.

**VACCINATION.** The administration by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the administrative regulations promulgated by the Secretary for Health Services.

**VETERINARIAN.** A licensed practitioner of veterinary medicine.

**VICIOUS ANIMAL.**

(1) Any animal which constitutes a physical threat to human beings or domestic animal due to a known propensity to endanger life by an unprovoked assault or bite which results in serious bodily harm;

(2) Any animal which when unprovoked, approaches in a terrorizing manner, any person in an attitude of attack upon streets, sidewalks or any public grounds or places, whether restrained or not;

(3) Any animal with a known propensity, tendency or disposition to unprovoked attacks which cause injury or endanger the safety of human beings or domestic animals;

(4) Any animal which bites in the past multiple times or to the extent of causing severe injury and assaults or otherwise attacks human beings or domestic animals;

(5) Any animal owned or harbored primarily or in part for the purpose of fighting with animals;

(6) It shall be prima facie evidence that an animal is vicious if the animal bites a human being or domestic animal more than once in the same attack; and

(7) Exceptions. An animal shall not be deemed vicious solely because:

(a) It bites, attacks or menaces:

1. Any person assaulting its owner;

2. Any person or animal who has tormented or abused it; or

(b) It is otherwise acting in defense of any attack from a person or other animal upon its owner or another person; or

(c) It is protecting or defending its young or the young of any other animal.

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.02 DOGS; RESTRAINT REQUIRED.**

All dogs shall be kept under restraint at all times by their owner or person responsible for the animal(s).

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.03 VACCINATIONS.**

(A) *Vaccination.*

(1) (a) On or before July 1 of each year, every owner shall have his or her dog, cat or ferret initially vaccinated against rabies by the age of 4 months and revaccinated at the expiration of the immunization period as certified by a 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 Services.

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(b) The vaccination certificate shall be prepared and issued in duplicate, 1 copy to be retained by the issuing veterinarian and 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.

(c) 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 or her duly authorized agent shall remove the tag.

(2) Every qualified person who vaccinates his or her own dog shall comply with the vaccination certificate and tag requirement 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 or her premises shall make a reasonable effort to capture or vaccinate the cats.

(B) *Out-of-state vaccinations.* Any owner who has had his or her dog, cat or ferret vaccinated against rabies in another state by the proper authority shall not be required to have the dog, cat or ferret revaccinated when brought into this state provided the requirements of the state under which the vaccination was made were of a standard not lower than those required in this state, and provided further that the dog wears a tag affixed to its collar or harness bearing the year of the vaccination and the owner of the cat or ferret shows proof of a valid rabies vaccination. One year after the date of the vaccination, the dog, cat, or ferret shall be revaccinated unless provided otherwise by administrative regulations promulgated by the secretary for health services.

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.04 LICENSES AND LICENSE REVOCATIONS.**

(A) *License fee.* On or before July 1, 2004, and on that day each year thereafter, every owner of a dog, cat or ferret who resides in Shelby County, shall apply to the Animal Shelter for a license. Proof of a valid rabies vaccination must be provided when applying for a dog, cat or ferret license. Licenses shall be required for each dog, cat or ferret 4 months of age or older. License tags shall be firmly attached to a harness or collar and shall be worn by the dog, cat or ferret. The application shall be accompanied by a license fee in accordance with § 90.15.

(B) *License revocation.* All licenses required under this section shall be renewed on or before July 1 of each year. The Animal Control Officer may revoke any license issued hereunder. Grounds for the revocation include, but are not limited to, conviction pursuant to any violation of this chapter or any related State or Federal law. Failure to adhere to the standards set forth in this chapter shall be grounds

for revocation of any license. License revocations shall be in writing and shall state the grounds therefore. Any person whose license is revoked under this section may appeal the revocation to the Shelby County Fiscal Court Animal Shelter Committee within 10 days following the date of the revocation. The appeal shall be in writing and shall state the grounds therefore, and shall be signed by either the person bringing the appeal or his or her authorized representative. If requested by the appellant, a hearing shall be held before the Shelby County Fiscal Court Animal Shelter Committee which shall be the sole arbiter of the appeal. The decision of the Committee shall be final. (Ord. 7-6-04, passed 7-6-2004)

**§ 90.05 IMPOUNDING.**

(A) Unrestrained dogs or other animals pursuant to § 90.09 may be taken by the Animal Control Officer or peace officers, and impounded in the Animal Shelter, or other suitable facility, and confined in a humane manner. However, if after a reasonable effort the seizure of any the unrestrained dog cannot be made or should the dog present a hazard to the public safety or property or have an injury or physical condition which causes the dog to suffer, the Animal Control Officer or police may immediately destroy the dog by the most reasonable and humane means then available.

(B) Impounded animals shall be kept for not less than 5 days, unless reclaimed by their owners. If the owner can be identified by means of a license tag or otherwise, the impounding agency shall immediately notify the owner by the most expedient means available after the impoundment of the animal. Animals not claimed within 5 days of their impoundment and those not placed in suitable new homes after the time, may be humanely euthanized after the 5-day holding period, unless the animal has an injury or physical condition which causes it to suffer. In those cases the Animal Shelter may immediately euthanize the animal, and if a human being has been bitten by the animal, the animal shall be tested for rabies.

(C) Gunshot shall not be used as a routine method of euthanasia in animal shelter settings. This prohibition shall not apply in animal shelter settings if an animal presents a threat to the health or safety of anyone lawfully on the premises of the shelter. The prohibition against gunshot shall also not apply to peace officers or animal control officers outside animal shelter situations if an animal:

- (1) Cannot be seized;
- (2) Presents a threat to the health or safety of the general public; or
- (3) Has an injury or physical condition which causes the animal to suffer.

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(D) When an impounded animal's owner can be identified and that animal's owner does not reclaim the animal within 5 days, the owner shall pay all fees associated with the care or euthanasia, or both, of the animal as established by the Shelby County Fiscal Court. Every owner reclaiming an impounded animal which is subject to the terms of this chapter shall pay a fee as established by the Shelby County Fiscal Court.

(E) Upon reclaiming an impounded animal, the owner shall show proof of a valid rabies vaccination and a current license. If proof of vaccination cannot be provided, the owner shall purchase a vaccination voucher from the animal shelter. The voucher shall be valid for 10 days from the date of issuance and shall be used in the prescribed time period. The animal shelter shall reimburse the veterinarian for the cost of performing the vaccination.

(F) Any dog which has bitten or scratched someone shall be quarantined for 10 days from the time the bite or scratch occurs. Any owner who fails to properly quarantine their dog is subject to criminal complaint for violation of this section and the dog shall be removed to the animal shelter for the remainder of its quarantine period. The owner will be responsible for all quarantine fees.

(G) A dog whose owner is unavailable or incapable of quarantining the animal may be taken by the Animal Control Officer or other peace officer and quarantined at the animal shelter for the prescribed period.

(H) Any peace officer or animal control officer may seize or destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of its owner or handler. A peace officer or animal control officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner, or handler, and if he or she is reasonably sure that the dog is a hunting dog, then he or she shall not destroy the dog, unless it is found in the act of pursuing or wounding livestock, or wounding or killing poultry, or attacking human beings.

(I) A hound or hunting dog may be unrestrained when engaged in lawful hunting activities while on private or public property designated or authorized for that purpose.  
(Ord. 7-6-04, passed 7-6-2004)

**§ 90.06 ISSUANCE OF CITATIONS.**

(A) In addition to, or in lieu of impounding an unrestrained dog, the Animal Control Officer or peace officer may issue a uniform citation to the owner of the animal specifying the section or sections of this chapter so violated and identifying the specific nature of the violation. The citation shall impose upon the owner the obligation of appearance to answer the charges specified on the citation in the Shelby District Court at the time and place indicated on the citation.

(B) Peace officers or Animal Control Officers shall seize and impound any dog which does not bear a valid rabies tag or other legible identification which is found running at large. Where violations of the licensing requirements of this chapter are observed, the Animal Control Officer may issue a violation notice in lieu of a uniform citation. The violation notice will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the violation notice is issued waives all rights to protest the violation and waives all right to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to the Shelby County Animal Shelter. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of a uniform citation.  
(Ord. 7-6-04, passed 7-6-2004)

**§ 90.07 CONFINEMENT OF DOGS IN HEAT.**

Every female dog in heat shall be confined in a building or secure enclosure in such a manner that the female dog cannot come in contact with a male dog except for a planned breeding.  
(Ord. 7-6-04, passed 7-6-2004)

**§ 90.08 NUISANCE.**

No owner shall fail to exercise proper care and control of his or her dog(s) so as to prevent the following actions: excessive, continuous or untimely barking or howling, molesting of passersby, chasing of vehicles, attacking domestic animals, trespassing upon school grounds or trespassing on public or private property, or damaging property of any nature.  
(Ord. 7-6-04, passed 7-6-2004)

**§ 90.09 HUMANE TREATMENT OF ANIMALS.**

(A) *General.* No owner or commercial kennel shall fail to provide his or her animal with good wholesome food and water, veterinary care when needed to prevent suffering, and with humane care and treatment to include protection from weather if needed by a certain class of animals. All animal shelters, commercial kennels and living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept. Metal barrels are prohibited as primary shelter for any dog.

(B) *Neglect and cruelty.* No person shall neglect, beat, cruelly ill treat, or torment any animal or cause or permit any dog fight, cockfight or other combat between animals, or between animals and persons. For the purposes of this division, neglect, cruel treatment and torment of an animal shall be defined as a failure by a person to adhere to the requirements and provisions of § 90.09(A) above. In the event there is a reasonable cause to suspect that an animal is being beaten, cruelly treated, neglected, or tormented or involved in a dog fight, cockfight, or other combat, custody of the animal may be taken by the Animal Control Officer or his or her designee and the animal shall be impounded in accordance

with procedures set forth in § 90.05. Upon finding by the court that the animal has been neglected, beaten, cruelly ill treated or tormented or involved in a dog fight, cockfight, or other combat between animals, the animal shall then become the property of Shelby County. In addition, the animal may also be considered abandoned if not claimed by owner and then dealt with pursuant to § 90.05. Any animal observed by a peace officer or Animal Control Officer to be in immediate danger may be removed from the situation by the quickest and most reasonable means available.

(C) *Abandonment.* No owner shall abandon any animal on public or private property for a period in excess of 24 hours, without providing for food, water and shelter. In the event that an animal is found to be abandoned, the animal shall be taken by the Animal Control Officer and impounded in the Animal Shelter or other facility and there confined in a humane manner. The animal shall be impounded in accordance with the procedures set forth in § 90.05. In the event that an animal is so abandoned, the owner, or the person, if any, whom he or she has charged with the animal's care, shall be subject to criminal complaint for violation of this section.

(D) *Restraint.* If any dog is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. The chain or restraint shall not be less than 10 feet in length and either on a swivel designed to prevent the animal from choking or strangling itself or else on a chain run.

(E) *Fighting prohibited.*

(1) No person shall own, possess, keep or train any bird or animal, with the intent that the bird or animal shall be engaged in an exhibition of fighting. In the event that a person shall own, possess, keep or train any bird or animal, with the intent that the bird or animal shall be engaged in an exhibition of fighting, he or she shall be liable criminally charged with violation of this section and subject to the penalties contained in this chapter.

(2) No person shall be present at any organized dog fight, cockfight or combat between animals. In the event that a person is present at any organized dog fight, cockfight or combat between animals, he or she shall be criminally charged with violation of this section and subject to the penalties contained in this chapter.

(3) Any person who is found present at an organized dog fight, cockfight or combat between animals and who is charged with being a spectator in violation of this section and who is in possession of, and/or is the owner of or keeper of an animal of the same species as that involved in the animal fight may be charged with intent to engage in an exhibition of fighting in violation of this section. The animal shall be confiscated if found on the premises or in the immediate area of the dog fight, cockfight or combat between animals.

(F) *Poisons/traps.* No person shall place any traps or poisonous substance which may be harmful to any domesticated animal in any location where it may be readily found and/or eaten by the animal.



*(G) Actions prohibited.*

- (1) No person shall crop a dog's ears or tail, except a veterinarian.
- (2) No person shall raise or kill a dog or cat for food or the skin or fur.
- (3) No person shall engage or cause or allow any other person to engage in a sexual act with any animal.
- (4) No person shall mutilate any animal whether dead or alive.

(H) *Violation.* Any animal found involved in a violation of any portion of this section may be confiscated by a peace officer and held pursuant to § 90.05. Upon conviction of this charge, all animals so confiscated shall become the property of Shelby County and the owner of the animal(s) shall have responsibility to pay to Shelby County all fees associated with the impoundment and with medical treatment provided the animal while it was in custody.

(I) This section shall not be construed so as to apply to generally accepted farming practices in Shelby County, Kentucky, and the generally accepted farming practices shall be excluded from this section.

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.10 ADOPTION OF DOGS FROM THE SHELBY COUNTY ANIMAL SHELTER.**

(A) All dogs over the age of 6 months which are purchased or otherwise obtained from the Shelby County Animal Shelter shall, within 30 days of purchase or obtainment, be surgically altered to prevent breeding. Dogs under the age of 6 months when adopted shall be surgically altered within 30 days of becoming 6 months of age. Proof of spay or neuter surgery shall be provided to the Animal Control Officer within 30 days of adoption. If proof of spay or neuter surgery is not produced, violators shall have their dog(s) impounded in accordance with § 90.05 and shall be subject to penalties in accordance with this section.

(B) Prior to the adoption of any animal from the animal shelter, the shelter will require the prospective owner to complete an Animal Placement Questionnaire. This Questionnaire is designed to determine the prospective owner's ability to properly care for the animal. Past experience and knowledge of Animal Shelter personnel of the prospective owners as well as previous violations of this section by the prospective owners may be grounds to refuse the adoption. Additional grounds may be whether the prospective owner is able to provide an enclosure where the animal is to be kept which is adequate to keep the animal restrained, whether the animal is being purchased for resale, whether the prospective owner has obtained another animal from the Animal Shelter in the past 12 months, whether the prospective owner is purchasing the animal solely for guard or attack purposes.

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(C) Persons adopting a dog(s) from the Animal Shelter shall be required to pay all fees as determined by the Shelby County Fiscal Court.

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.11 EXHIBITIONS OF WILD OR VICIOUS ANIMALS PROHIBITED.**

(A) No person shall keep, or permit to be kept, on his or her premises, any wild or vicious animal as defined in KRS 65.877, and as amended, 301 K.A.R. 2:082, and as amended, and as defined in this chapter for display or exhibition purposes, whether gratuitously or for a fee, or as a pet. This section shall not be construed so as to apply to a zoological garden or circus.

(B) Any dog determined to be vicious by a court and allowed to be returned to an owner shall be confined in a locked enclosure at least 7 feet high or a locked kennel run with a secured top. The dog may leave the enclosure only to visit the veterinarian or to be turned in to an animal shelter. The dog shall be muzzled if leaving the enclosure for either of these purposes.

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.12 NON-APPLICABILITY TO NON-RESIDENTS.**

The sections of this chapter requiring a license shall not apply to non-residents of the County who are keeping or harboring a dog(s), provided that the dog(s) of the owners shall not be kept in the county longer than 30 days and that the dog(s) shall be kept under restraint and shall wear an identification tag. No non-resident shall, however, keep any pet in this county over the age of 4 months that has not been vaccinated against rabies with an approved rabies vaccine.

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.13 INTERFERENCE WITH ENFORCEMENT PROHIBITED.**

No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual authorized to enforce the provisions of this chapter.

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.14 SALE OF RABIES VACCINE.**

It shall be unlawful for any person to sell, give away, permit to be sold or given away any rabies vaccine live or killed to anyone but a veterinarian.

(Ord. 7-6-04, passed 7-6-2004)

**§ 90.15 FEES AND CHARGES.**

Below is the initial fee schedule which shall be effective when this chapter is adopted. Proposed amendments to the fee schedule may be submitted at any time by the Shelby County Fiscal Court Animal Shelter Committee. Any new or revised fees will become effective on the first day of the month following the month in which the amended fee schedule is adopted.

<i>Shelby County Animal Shelter Fee Schedule</i>	
Dog license	\$10
Cat license	\$10
Ferret license	\$10
Commercial kennel license	New classification
Class A kennel/cattery Over 51 dogs/cats	\$100
Class B kennel/cattery Up to 50 dogs/cats	\$50
Class C kennels Business boarding, sentry	\$200
Pet shop	\$200
Animal dealer Non-resident	\$250
Animal dealer Resident	\$100
Human Society At physical address only	NC
Register wildlife	NC
Wolf hybrid	\$10
Violation notice	\$25
Small trap deposit	\$45
Large trap deposit	\$250
Euthanize a owner animal	\$30, maximum
Spay/neuter voucher	\$30
Rabies voucher	\$10
Trailer charger per use	\$75, minimum for two hours

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<i>Shelby County Animal Shelter Fee Schedule</i>	
Trailer use over two hour limit	\$37 per hour
Postage and handling	\$.50
<i>Redemption</i>	
Altered dogs/cats	\$15
Unaltered dogs/cats	\$45, spay/neuter voucher included
Quarantine dogs/cats	\$50
All small animals	\$25
All large livestock	\$50
Board per day small animal	\$5
Board per day livestock	\$15 at shelter
<i>Adoption Fees</i>	
Dogs includes spay/neuter, rabies vouchers	\$65
Dogs already altered	\$65, including rabies voucher
Cats includes rabies, spay/neuter voucher	\$40
Cats altered	\$10, plus rabies voucher

(Ord. 7-6-04, passed 7-6-2004; Am. Ord. 06-05-05, passed 6-5-2007)

**§ 90.99 PENALTY.**

(A) Any person who violates § 90.03 shall be fined not less than \$10 nor more than \$100. Each day of violation shall constitute a separate offense.

(B) Any person violating or failing or refusing to comply with §§ 90.05(D) through (F), 90.06, 90.07, 90.08, or 90.11(B) shall, upon conviction, be fined not less than \$5 nor more than \$100, or be imprisoned in the county jail for not less than 5 nor more than 60 days, or both.

(C) Any person violating any other provision of this chapter shall be deemed guilty of a Class B misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$250, or be imprisoned in the county jail for a period not to exceed 90 days, or both. Each day a violation continues shall constitute a separate offense.

(Ord. 7-6-04, passed 7-6-2004)