

ORDINANCE NO. 310.14

**AN ORDINANCE ESTABLISHING ANIMAL AND LIVESTOCK CONTROLS
WITHIN SIMPSON COUNTY, KENTUCKY;
ESTABLISHING A LICENSING FEE STRUCTURE;
PROHIBITING CERTAIN ACTS RELATED TO ANIMALS AND LIVESTOCK
WITHIN SIMPSON COUNTY, AND SETTING FORTH PENALTIES
FOR VIOLATIONS OF THIS ORDINANCE**

WHEREAS, the Simpson County Fiscal Court has received a multitude of complaints concerning a variety of activities within Simpson County, Kentucky, and affecting the safety, health and welfare of the citizens of Simpson County, as well as the pets, livestock and other animals located within the County; and,

WHEREAS, the Fiscal Court finds and determines it to be in the best interest of the citizens and residents of the County to adopt an ordinance regarding animal control; and,

WHEREAS, the Fiscal Court has determined that it is in the best interest of its citizens to create and adopt the following animal control ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Simpson County Fiscal Court as follows:

SECTION 1. DEFINITIONS.

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

ABANDONED. Any animal left more than 24 hours without a person checking on the condition of the animal(s) and providing food and water. Any animal left on private property without the owner's consent or deserted or dumped on public properties or roadways.

ALTERED ANIMAL. A dog or cat (as the context herein may require) that has been spayed or neutered.

ANIMAL CONTROL. The department of the County which is designated by the Fiscal Court to enforce the provisions of this chapter and to operate the Animal Shelter.

ANIMAL CONTROL OFFICER. Any person designated by the Director of Animal Control who is qualified to perform duties under the laws and ordinances of the Commonwealth of Kentucky and the city and county. An Animal Control Officer shall be a Law Enforcement Officer for the purpose of animal control only.

ANIMAL SHELTER. Any premises operated and approved for operation by the Fiscal Court and/or the City Commission for the purpose of impounding and caring for animals held under the authority of this chapter.

COUNTY. All public and private areas within the jurisdiction of Simpson County, Kentucky.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, boarding or breeding kennel, grooming facility, auction, petting zoo, zoological park, circus, performing animal exhibit, or any entity, person or persons engaged in the business of breeding, buying, or selling at retail or wholesale, any species of animal for profit.

DIRECTOR OF ANIMAL CONTROL. The person appointed by the Judge/Executive and approved by the Fiscal Court to be the Chief Animal Control Officer.

DAY. For the purpose of this chapter, a 24-hour period shall constitute a day.

DOMESTIC ANIMAL. Animals as are habituated to live in or about the habitations of human beings, which are kept, cared for, sheltered, fed, or harbored for use as a pet or as a source of food, raw materials or income.

EXOTIC ANIMAL. A normally undomesticated animal, whether or not native to the region including, but not limited to lions, reptiles, alligators, snakes, monkeys, giraffes, bears, tigers and wolves (or any hybrid thereof).

FARM. Any privately owned or leased enclosed, unified tract of property consisting of greater than five (5) acres shall be considered a farm for all purposes under this ordinance.

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

IMPOUNDED. Having been received into the custody of Animal Control or any authorized representative thereof.

KENNEL. Any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray there from.

LIVESTOCK. Cattle, sheep, swine, goats, emus, ostriches, horses or any other animals of the bovine, ovine, porcine, caprine, ratite or equine species.

OWNER. Any person owning, keeping, harboring or sheltering one or more animals.

PERSON. All natural persons, corporations, partnerships, firms, associations, governmental bodies, agencies or other entities.

PET. Domesticated animal kept for pleasure rather than utility.

PIT BULL DOG. Any dog who exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terrier, or 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 breed of Staffordshire Bull Terrier, American Staffordshire Terrier or American Pit Bull Terrier.

PUBLIC NUISANCE. Any animal(s) which:

- (1) Molests passers-by or passing vehicles;
- (2) Attacks people or other animals;
- (3) Damages public or private property;
- (4) Is repeatedly at large;
- (5) Makes noise in an excessive, continuous or untimely manner;
- (6) Creates unsanitary conditions; or
- (7) Disturbs the peace, comfort or health of persons in any other manner.

PROPER QUARANTINE. Confinement to a secure enclosure which shall not permit the animal to come in contact with another animal or person, except the owner or caregiver, for a period of ten (10) days.

QUALIFIED PERSON. Any person granted a permit by the Kentucky Department of Human Resources or other agency authorized by the Commonwealth of Kentucky to vaccinate their own animal against rabies.

REASONABLE GROOMING. To maintain an animal's coat to prevent conditions which inhibit normal walking or eliminating body waste, or which is medically harmful to the animal.

RESTRAINT. Enclosed in an area by a form of fencing designed to control the movement of the animal and secured by a leash or chain. An animal shall be deemed to be restrained if it remains on the premises of its owner or if it is accompanied by a responsible person and is under that person's control.

RUNNING AT LARGE. Any animal that is off the property of the owner, custodian, possessor or harbinger and is not restrained. Except that a hound or other hunting dog which has been released from restraint for hunting purposes shall be deemed to be under reasonable control of its owner or handler which engages in or returns from hunting, and if the hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, it shall not be deemed to be a violation.

STRAY. Any animal running at large.

VETERINARIAN. One licensed and qualified to treat diseases and injuries of animals.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

VICIOUS ANIMAL.

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

(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; or

(3) The following are deemed a vicious animal: Pit Bull, Rotweiller, Wolf-Hybrid and mixed breed thereof.

(4) 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; or

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

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

(7) 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.

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

a. It bites, attacks or menaces (i) any person assaulting its owner unless by a duly sworn officer in the line of duty; or (ii) any person or animal who has tormented or abused it; or

b. It is otherwise acting in defense or any attack from a person or other animal upon its owner or another person unless the attack is justified and by a duly sworn officer in the line of duty; or

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

UNALTERED ANIMAL. A cat or dog (as the context herein may require) that has not been spayed or neutered.

WILD ANIMAL. Any animal not domesticated, not ordinarily tame or which is by nature an animal that lives apart from human beings.

WOLF-HYBRID. Any domesticated dog that has in its known genetic history and/or formal pedigree crossbreeding with the wolf species to include, but not limited to, animals referred to as wolf-hybrids or wolf-mix breeds or the breed known as Tundra Shepherd.

SECTION 2. POWERS OF COUNTY ANIMAL CONTROL.

A. The Director and all officers of Animal Control shall have the powers of a peace officer for the purpose of enforcing animal control laws or ordinances in the City and County, if they otherwise qualify as a peace officer under the laws of the Commonwealth of Kentucky.

B. All officers of Animal Control shall comply with KRS 61.300.

C. Whenever it is necessary for Animal Control to make an inspection in order to perform any duty or enforce any provision of this chapter or any other applicable state statutes, they are hereby empowered to enter property at a reasonable time and inspect the premises. Animal Control shall have the power only if the consent of the owner or occupant of the property is freely given, a search warrant is obtained or such exigent circumstances exist that a warrantless, non-consensual search is required.

D. All animals of any age running at large, as defined in this chapter, and found in the City, may be picked up by Animal Control and impounded in the animal shelter. All animals of any age which have bitten or scratched a human being and which cannot be properly quarantined or found not properly quarantined may be picked up by Animal Control and impounded in the animal shelter for any applicable quarantine period. A Law Enforcement Officer or Animal Control Officer may order any animal which has bitten or scratched a human being to be quarantined at the animal shelter if the officer has reason to believe such animal is vicious or may pose a threat to the safety of the community. In the event an animal is impounded for a quarantine period, the owner shall be responsible for a reasonable fee for board, administration and medical attention during the impoundment.

E. Any animal required to be licensed, but found unlicensed, or any animal whose owner is unknown, shall be impounded for a minimum period of five days unless its owner earlier claims it. If the animal is not claimed by its owner within five days of impoundment, the animal may then be offered for adoption or may be euthanized at the discretion of the Director of Animal Control. Any person claiming or reclaiming an animal pursuant to this section shall pay a reasonable fee for board, administration, and medical attention for the animal during impoundment and obtain proper licensing for such animal, if applicable, from Animal Control. Animal Control shall make reasonable efforts to locate and inform the owner of any animal that said animal has been impounded.

F. When any licensed animal or animal whose owner is known, is impounded in the Animal Shelter, Animal Control shall notify the owner by phone or personally, within three (3) business days of impoundment. The animal shall be held a minimum of eight (8)

days from the date of impoundment before the animal may be adopted or euthanized at the discretion of the Director of Animal Control.

G. The registered owner shall reclaim the animal within five (5) days of the receipt of notice of impoundment. Any licensed animal or animal whose owner is known which is not reclaimed by its owner within five (5) days of receipt of the notice of impoundment may be offered for adoption or may be euthanized at the discretion of the Director of Animal Control. Any person claiming or reclaiming an animal pursuant to this section shall pay a reasonable fee for boarding, administration and medical attention for such animal during impoundment.

H. An Animal Control Officer may choose to issue a Misdemeanor Notice in lieu of a uniform citation. The Misdemeanor Notice will stipulate the violation(s) observed, associated fee and compliance date. The Misdemeanor Notice shall allow up to but not exceed seven (7) days to correct the violation. Should the violation not be corrected within the allotted time, then the notice shall serve as a uniform citation and the violating party shall report to Simpson District Court at the designated court date and time. If the violation is serious in nature, the Animal Control Officer may issue a uniform citation. All associated fees shall be paid to the Simpson County Animal Shelter.

I. Any animal observed by a Law Enforcement Officer or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

J. In the event that any Law Enforcement Officer or Animal Control Officer witnesses a vicious animal, as defined, the animal may be impounded and the owner cited for violation of Section 7. If the owner is cited and the animal impounded, the animal shall remain in the custody of the Animal Shelter pending the decision by District Court, unless ownership is voluntarily relinquished to Animal Control.

K. It shall be unlawful for any person or owner to interfere with, hinder, harass, or abuse any officer or individual authorized to enforce the provisions of this chapter.

L. Any and all fees shall be set annually by the Fiscal Court, including but not limited to, animal related licenses, adoption, boarding, administration and violation fees.

M. While any licensed animal, or animal whose owner is known, is impounded in the Animal Shelter preceding and during a court action in regards to the animal, the owner shall not visit the Animal Shelter unless it is agreed upon by the owner, animal control officers and the Judge/Executive. During the visiting of an animal, the owner is to visit the animal at the outside parts of the pens and shall not try to open the pen doors. If an owner of an animal tries to tamper with the locks on the pens or open the pens by any means, necessary action shall be taken. If an owner tries to visit with their animal and it is not agreed upon with the Animal Control Officers and the Judge/Executive, the owner will be charged with Criminal Trespassing pursuant to KRS 511.070.

SECTION 3. ADOPTION AND MANDATORY SPAY/NEUTER.

A. Prior to the adoption of any animal from the Animal Shelter, an application must be completed by the person wishing to adopt the animal(s). The application is designed to determine the prospective owner's ability to care for the animal.

B. Animal Control and the Animal Shelter are under no obligation to sell or transfer possession of any animal in their custody.

C. All dogs adopted from the Animal Shelter or a licensed humane society must be surgically altered to prevent breeding. The surgical alteration must occur within thirty (30) days after obtaining the dog. If the animal is a puppy, it must be surgically altered within thirty (30) days after reaching five months of age. For the purpose of this section "obtained" does not include any animal reclaimed by its owner.

D. Every owner of a vicious dog in the County shall submit with its initial registration written proof from a veterinarian that the animal has been spayed or neutered, or a written statement from the veterinarian why the animal cannot or should not be spayed or neutered.

E. An owner of a vicious dog must produce evidence that he or she has the ability to respond in damages up to and including the amount of Ten Thousand Dollars (\$10,000.00) for bodily injury to or death of any person or persons or for damage to property that may result from the ownership, keeping or maintenance of such animal. Proof of financial responsibility may be in the form of certificate of insurance, or in the form of a surety bond conditioned upon the payment of such damages. If such insurance or surety bond is changed, altered, or terminated after registration of the vicious dog, the owner of such animal shall provide evidence to the County Director of Animal Control of insurance or surety bond complying with the terms of this provision within thirty (30) days after said insurance or surety bond is changed, altered or terminated.

F. It shall be unlawful for any owner of a vicious dog in the County to fail to comply with the requirements and conditions set forth in this ordinance. A vicious dog found to be in violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply with this ordinance will result in the automatic revocation of the license of such animal.

SECTION 4. LICENSING AND REGISTRATION OF DOG(S) AND OTHER ANIMALS.

A. The owner of all dogs or those who harbor or maintain dogs in the County shall license and register their dog(s) with Animal Control, in accordance with regulations established by Fiscal Court.

B. License fees may be changed by the Fiscal Court by an ordinance or resolution.

C. Upon payment, the owner shall be issued a certificate of registration and the license tag(s). Dog license tags must be attached to a collar and worn by the dog at all times. A kennel license/certificate shall be posted in a prominent place.

Penalty, see Section 16.

SECTION 5. RABIES VACCINATION.

A. All animals are required by KRS 258 to be vaccinated for rabies, and revaccinated for rabies at the expiration of the immunization period as certified by a veterinarian.

B. Any dog reclaimed or adopted from the Animal Shelter must have a valid rabies vaccination. The purchase or issuance of a rabies voucher through the Animal Shelter shall constitute temporary compliance with this section until the expiration date of said voucher.

Penalty, see Section 16.

SECTION 6. HUMANE TREATMENT OF ANIMALS.

A. It shall be unlawful to abandon an animal.

B. 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, or otherwise abuse any animal. Nothing herein shall prevent Animal Control from humanely euthanizing any animal.

C. It is unlawful for any person to exhibit, display or keep any animal without providing food, water, adequate shelter and/or protection from the elements, adequate space, reasonable grooming, ventilation, shade from the sun, proper sanitation, care and medical attention.

D. Any animal, which is chained, tied or otherwise restrained, shall be provided no less than 10 feet of chain, rope and the like, with a swivel attached to prevent entanglement. Any animal restrained in such a manner that the animal's chain, rope or the like allows the animal to leave its owner or keeper's property shall be deemed running at large. Provided, however, that regardless of any other provision in this ordinance to the contrary, a vicious animal, as defined in this ordinance, shall not be permitted to be kept in the manner provided in this section, and shall only be allowed to be kept in accordance with Section 7 of this ordinance.

E. It shall be unlawful for any person to keep an animal in an automobile without adequate ventilation in the summer or adequate warmth in the winter. No person shall enclose any animal in the trunk of an automobile. An Animal Control Officer or Law Enforcement Officer shall rescue any animal confined in such a manner.

F. It shall be unlawful for any person to stage, cause, instigate, permit, observe or attend any dog fight, cock fight, bull fight, or other combat between animals or between animals and humans.

G. It shall be unlawful for any person to set free any hare, rabbit or other animal for the purpose of violating any provisions of this chapter.

H. No performing animal exhibition, circus or horse show shall be permitted in which the animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering. All equipment used on animals in such shows shall fit properly and be in good working order.

I. No person(s) shall expose any poisonous substance, whether mixed with food or not, so that the same shall likely be eaten by an animal, provided that it shall not be unlawful for a person to expose on his property, common rat poison, mixed only with vegetable substances.

J. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report the incident to Animal Control or any Law Enforcement Officer.

K. No person(s) shall give away any live animal as a prize or for inducement to enter any contest, game or other competition, or as an inducement to enter into business agreement, whereby the offer was for the purpose of attracting the trade, except it shall not be unlawful to give away small fish, not to exceed four (4) inches, as a prize.

L. It shall be unlawful for any person to crop a dog's ears or tail, except a licensed veterinarian.

Penalty, see Section 16.

M. Any animal removed by the Animal Control Officer pursuant to Section 2 shall be retained by the Animal Control Officer pending resolution of any and all charges against the owner of the animal resulting in court action being taken by the Animal Control Officer and Fiscal Court against the owner of the animal.

SECTION 7. ANIMAL TO BE UNDER CONTROL.

A. It shall be unlawful for any person to permit any animal owned or harbored by him to run at large within the City or in areas outside the corporate limits defined as

subdivisions by the Fiscal Court and/or Planning & Zoning Commission. When livestock are running at large, Animal Control or the Law Enforcement Officer shall make reasonable efforts to notify the owner as soon as possible. If reasonable possible and feasible, the owner of the livestock shall be notified prior to the actual capture and impoundment of the livestock.

B. It shall be unlawful to own or possess a vicious animal that has not been properly registered with the Animal Control Officer.

C. The owner of a vicious dog shall:

1. When a vicious dog is indoors, secure all means of egress so that the dog may not exit.

2. No person shall permit a vicious dog to go outside of its kennel, pen or the owner's residence unless such animal is securely restrained with a leash or lead no longer than six (6) feet in length and the leash or lead is physically controlled by a person 18 years of age or older who is in physical control of the leash or lead. Such animals may not be leashed or tethered to inanimate objects such as trees, posts, buildings, etc. In addition, all such animals on a leash or lead outside of the animal's kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

3. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled, as provided in paragraph C(2) above. Such pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced in yard by itself is insufficient to meet this standard, unless approved, in writing, by the Animal Control Officer. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of at least two (2) feet, unless approved, in writing, by the Animal Control Officer. All structures erected to house such animals must comply with all zoning and building regulations, and all such structures must be adequately lighted, ventilated and be of appropriate size to allow the animal confined therein to move around, and must be kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure. When being transported, the animal must be muzzled or caged.

4. All owners of vicious dogs shall allow animal control officers and enforcement agents the freedom to inspect the area as necessary to assure that the health and safety needs of the animals and public are being met.

5. Every owner of a vicious dog (which includes pit bull dogs and wolf-hybrids) in the City shall annually register the animal with the Animal Control Officer and pay a Fifty Dollar (\$50.00) registration fee. This registration shall state 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, completely identifying the animal, including genus and species, his or her common name, gender, color, and other distinguishing physical characteristics, including size and weight. An owner of a vicious dog shall also submit two (2) color photographs showing the color and approximate size of the animal with the registration and obtain from the County a vicious dog tag. In the case of dogs or other animals required by law to be vaccinated for rabies, proof of rabies vaccination shall also be provided. Registration shall be completed for all animals that are located or kept within territorial limits of the City for a period exceeding twenty-four (24) hours. The registration period shall run from July 1 to June 30 of the following year.

D. Vicious dogs shall not be permitted to remain within the City's territorial limits unless all of the following conditions are met:

1. The animal is properly registered in the County and proof of payment of Fifty Dollars (\$50.00) registration fee is maintained by the owner, having such proof available upon request by the Animal Control Officers, City officers and/or enforcement agents.

2. The animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or personal property.

3. Adequate safeguards are made to prevent unauthorized access to such animal.

4. The health or well being of the animal is not in any way endangered by the manner of keeping or confinement.

5. Keeping of such animal does not constitute a public nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of this surrounding neighborhood.

6. Keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

7. The quarters in which such animal is kept or confined is adequately lighted and ventilated and are so constructed that it may be kept in a clean and sanitary condition.

E. The breeding of vicious dogs within the boundaries of the County is strictly prohibited, unless the person or entity has a duly licensed kennel, as that term is defined, and enforcement agents may impound such animals when they are pregnant or impound any litter these animals may produce.

F. It shall be unlawful to own or possess an animal that conducts itself in such a

manner as to constitute a public nuisance.

G. It shall be unlawful to allow a female dog to be exposed during estrus (in season, in heat) so as to attract male dogs. Every female that is in season (in heat, estrus) shall be confined in a building or secure enclosure in such a manner that such female dog cannot come in contact with a male dog except for planned breeding.

Penalty, see Section 16 unless stated otherwise in this section.

SECTION 8. HUMANE SOCIETIES; STANDARDS AND LICENSING.

A. All humane societies in the County shall be governed by the same standards as commercial animal establishments as set forth in any applicable provision of the Kentucky Revised Statutes, and shall be subject to any ordinance pertaining to commercial animal establishments.

B. Humane societies shall maintain records on each animal accepted or housed, noting the name and address of the previous owner or person turning in the animal.

COMMERCIAL ANIMAL ESTABLISHMENTS: SECTIONS 9 - 12

SECTION 9. DEFINITIONS.

In addition to the definitions provided in Section 1 of this chapter, the following definition shall apply to the provisions of this subsection, unless the context clearly indicated or required a different meaning.

OWNER OR OPERATOR. Any person, group of persons, partnership, or any entity owning or operating a commercial animal establishment.

SECTION 10. LICENSING PROVISIONS.

A. All commercial animal establishments and/or kennels shall obtain and maintain a valid commercial animal establishment license in order to operate a commercial animal establishment within the County.

B. The commercial animal establishment licenses shall be issued by the County Judge/Executive Office or Director of Animal Control, and shall be charged a license fee as established by the Simpson Fiscal Court, as amended from time to time.

C. The commercial animal establishment license shall be valid for a period of one year, effective July 1 through June 30 of each year. License fees for commercial animal establishments shall be established or changed by resolution of the fiscal court.

D. The commercial animal establishment license shall be renewed annually.

SECTION 11. MINIMUM STANDARDS.

A. All commercial animal establishments shall provide an adequate environment for each animal, which is compatible with the general health and welfare of animals.

B. All commercial animal establishments shall provide adequate space for each animal. Each cage or enclosure shall be large enough for the animal to stand, sit, lay and turn around without touching the walls and ceiling of the cage or enclosure, or other animals.

C. All commercial animal establishments shall provide adequate sanitation. Each cage or enclosure shall be maintained as follows:

1. Cages or enclosure containing dogs, of any age, shall be cleaned with hot water, disinfectant and detergent daily (including holidays), or more if conditions require additional cleaning or disinfecting to keep animals out of contact with feces or urine. Litter boxes shall be cleaned daily (including holidays), and the litter box changed as needed.

2. Cages or enclosures containing birds shall contain a perch and shall be cleaned with hot water and disinfectant at least twice weekly or more if conditions require additional cleaning.

3. Cages or enclosures containing small animals shall be cleaned with hot water and disinfectant at least twice weekly or more if conditions require additional cleaning.

D. All commercial animal establishments shall provide adequate nourishment and water for each animal as follows:

1. Each animal shall be given fresh food and water daily, including holidays.

2. Soft food shall be available to those animals unable to chew standard dry food.

3. Potable water shall be available to each animal at all times.

4. Food and water containers shall be washed and disinfected daily.

E. All commercial animal establishments shall provide proper medical treatment from a licensed veterinarian for sick or injured animals.

F. All commercial animal establishments shall provide adequate room (cage) temperature for the general health and welfare of the animal.

G. All commercial animal establishments shall provide a general cleanliness of its

establishment, and shall not permit an insect or rodent infestation.

Penalty, see Section 16.

SECTION 12. INSPECTIONS.

The Director of Animal Control or any Animal Control Officer shall be permitted and empowered to make an inspection of any commercial animal establishment within the County, and shall further be permitted to take photographs of commercial animal establishments during the inspection. The inspection shall take place at the verbal request of the Director of Animal Control or any Animal Control Officer during regular business hours of the commercial animal establishment.

SECTION 13. LICENSE REVOCATION.

The Director of Animal Control may revoke any license issued by and through this or any other animal control ordinance. Grounds for such revocation include, but are not limited to, conviction pursuant to any violation of this chapter or conviction pursuant to any related state or federal law. Failure to adhere to the standards set forth in this chapter or failure to permit the Department of Animal Control to inspect any establishment, business, or person regulated by this chapter during regular business hours shall allow the Director of Animal Control to revoke the license. Any license revocation notice shall be in writing, specify the number of days for animal removal (if required), not to exceed seven (7) days, and shall state the grounds therefore. Any person who received such license revocation notice issued pursuant to this section may appeal such notice to the Fiscal Court within ten (10) days following the receipt of such notice. Any such appeal shall be in writing, shall state the grounds therefore, and shall be signed by the person bringing the appeal or their authorized representative. Failure to file a timely appeal to a license revocation notice shall result in license revocation. A hearing for an appeal shall be held within thirty (30) days of receipt of the notice of appeal before the Fiscal Court, or a committee established by the Fiscal Court, which shall be the sole arbiter of the appeal.

SECTION 14. LIVESTOCK.

A. Swine Prohibited Within Corporate Limits and areas outside the Corporate Limits that have been approved as subdivisions by the Fiscal Court and/or Planning & Zoning Commission. It shall be unlawful to keep swine within the corporate limits of the City at any time during the year.

B. Poultry Prohibited Within Corporate Limits and areas outside the Corporate Limits that have been approved as subdivisions by Fiscal Court and/or Planning & Zoning Commission. Except in Agricultural zoning districts or properties defined as a farm by this ordinance, or in a properly zoned area for mass production for human consumption, it shall be unlawful to keep poultry within the areas defined above, at any time during any year.

C. Livestock Prohibited Within Corporate Limits. Except in Agricultural zoning districts or properties defined as a farm by this ordinance, it shall be unlawful to keep livestock of any kind, including, but not limited to, llamas, alpacas, bison, horses, goats, sheep, and cattle, within the corporate limits of the City or in any areas defined as subdivisions by the Fiscal Court and/or Planning & Zoning Commission, at any time during any year. This section shall not apply to livestock participating in a scheduled parade so long as the livestock is not kept in the City beyond the time span established for the parade.

D. Rabbits Limited Within Corporate Limits. Except in Agricultural zoning districts or properties defined as a farm under this ordinance, it shall be unlawful:

1. To keep undomesticated rabbits or hares within the corporate city limits at any time during any year;

2. To keep more than one (1) unaltered domesticated rabbit or hare as a pet within the corporate city limits at any time during any year; or

3. To keep domesticated rabbits or hares for sale or consumption within the corporate city limits at any time during any year. Domesticated rabbits or hares maintained as pets must be maintained in such a manner as to eliminate any foul odor being emitted upon property located within the corporate city limits at any time during any year.

E. Livestock Running at Large Prohibited. It shall be unlawful for any person to suffer or permit any cow, calf, horse, mare, colt, mule, sheep, goat, or other such stock owned by such person, or under his control, to run at large within the city or areas outside the corporate limits that are defined as subdivisions by the Fiscal Court and/or the Planning & Zoning Commission.

F. Any person violating any provision of this section shall, upon conviction by a court of competent jurisdiction, be guilty of a violation and shall be fined not more than fifty dollars (\$50.00) for each violation.

SECTION 15. MISCELLANEOUS PROVISIONS.

A. Exotic Animals. No person shall maintain, harbor or keep an exotic animal or hybrids of exotic animals within the County.

B. Removal of Animal Excreta Required.

1. The custodian of every animal shall remove any excreta deposited by his/her animal(s) within the city limits or areas outside the corporate limits defined as a subdivision by the Fiscal Court and/or the Planning & Zoning Commission, on public walks, streets, recreation areas or private property belonging to another, excluding the private property owned by the animal owner.

2. Upon private property owned by the owner or custodian of the animal, the custodian of every animal shall remove excreta deposited by his/her animal(s) no less frequently than weekly.

3. Any excreta not removed in violation of subsection 1 above is declared to be a public nuisance.

4. Any person violating any provision of this section shall, upon conviction by a court of competent jurisdiction, be guilty of a violation and shall be fined not more than fifty dollars (\$50.00) for each violation.

C. Animal Carcasses.

1. The body or part of any animal to be used for human food shall not be transported through any streets, unless it is covered so as to protect it from insects, animals, dust and dirt.

2. No person shall permit any dead horse, cow, sheep, or other animal carcass to remain within the City, or areas outside the corporate limits defined as subdivisions by the Fiscal Court and /or Planning & Zoning Commission, longer than a reasonable time for removing or burying the animal carcass.

3. When a dead animal is found in the City, the owner shall promptly and properly bury the animal when notified to do so by an animal control officer or enforcement agent. Where the owner is unknown or neglects or refuses, an animal control officer or enforcement agent, or their designee, shall bury the animal.

D. Barking Dogs Considered a Nuisance. No owner or custodian of a dog shall permit the dog to create excessive noise, including barking, such that it becomes a nuisance, with the exception of a licensed veterinarian at the location of his/her veterinary facility.

E. Service Animals for Persons with Disabilities. Nothing in this ordinance shall prohibit any person from having any type of duly trained and/or certified animal as a service animal. For purpose of this ordinance, "service animal" shall mean an animal specifically trained and/or certified to help/assist persons with disabilities.

Penalty, see Section 16.

SECTION 16. PENALTIES.

Each day that a violation occurs shall constitute a separate violation, unless the context clearly states otherwise.

A. The penalty for a violation of Section 2 shall be fined not less than \$10, nor more than \$100 for each occurrence. Each occurrence shall be deemed to be a separate offense, which may be charged and penalized hereunder.

B. Any person failing to comply with mandatory spay/neuter requirements of Section 3 of this chapter shall:

1. For the first offense either show the court or hearing authority proof from a licensed veterinarian that the surgical procedure has been performed or be ordered by the court to surrender the animal to Animal Control without a refund of adoption fees, and be fined a sum not less than \$10 nor more than \$100.

2. For the second offense immediately surrender the animal to Animal Control without a refund of adoption fees, and be fined not less than \$50, nor more than \$250.

C. Any person failing to comply with the licensing requirements of Section 4 or the vaccination requirements of Section 5 of this chapter shall on the first offense be fined not less than \$10, nor more than \$100; on a second or subsequent offense shall be fined not less than \$50, nor more than \$250.

D. Any person violating any provision of Section 6 of this chapter relating to the humane treatment of animals shall be fined a sum not to exceed \$500, or sentenced up to twelve (12) months in the county jail, or both.

E. Any person violating Section 7(A) (Animals To Be Under Control) of this chapter shall on the first offense be fined not less than \$25, nor more than \$100; on a second or subsequent offense shall be fined not less than \$50, nor more than \$250.

F. Upon conviction under Section 7 (other than Section 7(A) which is addressed above) of this chapter relating to the possession of a vicious animal, the penalty shall be a fine of not less than \$100, nor more than \$500, or up to ninety (90) days in the county jail, or both. In addition, the court may order one of the following:

1. That the following regulations be followed as a condition of the owner retaining ownership of the animal:

(a) The vicious animal shall be neutered, microchip implanted for identification purposes and registered with Animal Control.

(b) The vicious animal shall be confined in an enclosure constructed of an uncovered fence or structure of at least seven feet in height with anti-climbers or a covered structure of sufficient height to allow an animal to stand erect without touching the top or cover. All such enclosure shall be designed to prevent the entry of small children and shall be suitable to confine the vicious animal. Such enclosures shall be securely closed and locked, and shall be designed to prevent the animal from digging out or otherwise escaping from the enclosure.

(c) The enclosure shall display a warning sign of the vicious animal

and shall be visible from the public roadway or public access if applicable.

(d) The vicious animal shall not be permitted outside of the dwelling of its owner or outside of the enclosure unless it is necessary to obtain veterinary care or under the direction of Animal Control. If the vicious animal must be allowed outside the permitted areas, it shall be under the direct control and supervision of its owner or keeper and shall be muzzled and restrained with a lead or leash not to exceed three feet in length, or placed in a secure animal carrier.

(e) The owner or keeper of a vicious animal shall immediately notify Animal Control if the animal is loose, unconfined, has attacked an animal or human being, or is deceased.

2. In the alternative to Section 16, F(1) above, the court may order that the animal be immediately surrendered to Animal Control to be euthanized.

G. Upon conviction of a second or subsequent offense under Section 7 (other than Section 7(A)) of this chapter relating to the possession of a vicious animal, the penalty shall be a fine of not less than \$250, nor more than \$500, or up to one year in the county jail, or both. If the violation involves the same animal, the court shall order the animal immediately surrendered to Animal Control to be euthanized.

H. Any humane society which fails to comply with the requirements of the minimum standards as set forth in KRS Chapter 258 shall be fined \$100 for the first offense. In addition to the fine, if minimum standards are not met within thirty (30) days, the license shall be revoked.

I. Any commercial animal establishment or kennel violating the minimum standards of KRS Chapter 258 or the provisions of this ordinance, as applicable, shall on the first offense be fined not less than \$50, nor more than \$250; on a second or subsequent offense be fined not less than \$500, nor more than \$1,000 per offense.

J. Any person violating the provisions of Section 15(A) (Exotic Animals) shall be deemed guilty of a misdemeanor and shall be fined not less than \$250.00, nor more than \$500.00.

K. Any person violating any provision of this chapter for which another penalty is not provided shall be deemed guilty of a misdemeanor and be fined not more than \$500.00, or imprisoned for not more than six (6) months, or both.

DISCLAIMER: Any section of this ordinance that is in conflict with Chapter 258, as amended by ACTS 189 of 2004, shall only void that section of the ordinance.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such

portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

September 8, 2011

FIRST READING

October 11, 2011

SECOND READING

At a meeting of the Simpson County Fiscal Court, Franklin, Kentucky, held on October 11, 2011, on motion made by Blake Tarpley and seconded by Marty Chandler, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY RANDOLPH

Yes KELLY BANTON

Yes MARTY CHANDLER

Yes BLAKE TARPLEY

Yes JIM HENDERSON, JUDGE/EXECUTIVE

ATTEST:

Pam Rohrs

Pam Rohrs, Fiscal Court Clerk
Simpson County, Kentucky