

**Commonwealth of Kentucky  
McCracken County Fiscal Court  
ORDINANCE NO. 2005-14  
(AMENDING ORDINANCE NO. 2004-12)**

**AN ORDINANCE ESTABLISHING MINIMUM ANIMAL CONTROL AND  
LICENSING REQUIREMENTS**

WHEREAS The Fiscal Court of McCracken County hereby finds, determines and declares that this Ordinance is necessary for the preservation of the public welfare, health and safety.

WHEREAS, Senate Bill 133 of the 2004 General Assembly amended KRS 258 et seq to allow counties to establish animal licensing and control programs.

WHEREAS, it is the intent of the Fiscal Court to bring minimal controls necessary to address at large animals that create nuisances in McCracken County.

NOW, THEREFORE, be it ordained by the Fiscal Court of McCracken County, Commonwealth of Kentucky:

**SECTION I. DEFINITIONS**

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

*ABANDON.* 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 property or roadways.

*ANIMAL.* Any live vertebrate creature.

*ANIMAL CONTROL.* The department of the county that is designated by the Fiscal Court to enforce the provisions of this ordinance 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 county. An Animal Control Officer shall be a Law Enforcement Officer for the purpose of animal control only.

*ANIMAL SHELTER.* The McCracken County Humane Society shelter; and any premises operated or approved for operation by the Fiscal Court, as required by KRS 258.119 for the purpose of impounding and caring for animals held under the authority of this ordinance.

*BOARDING FEE.* Fee paid to the Animal Shelter or McCracken County for the daily living care of the animal. It does not include medical care.

*CAT.* “Cat” means any feline three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine.

*DIRECTOR OF ANIMAL CONTROL.* The person appointed by the Judge/Executive to administer the provisions of this ordinance. The Chief Animal Control Officer.

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

*DOG.* “Dog” means any canine three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine.

*DOMESTIC ANIMAL.* Animals as are habituated to live in or about the habitations of human beings, and 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.* Any animal not indigenous to the United States and not ordinarily tame and which is by nature an animal that lives apart from human beings.

*FERRET.* “Ferret” means any musteline three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine.

*HUMANE SOCIETY.* The McCracken County Humane Society, 4000 Coleman Road, Paducah, KY.

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

*IMPOUNDMENT FEE.* Fee paid to the Animal Shelter or McCracken County for the administration, documentation, and record keeping requirements, and for the return and adoption of impounded animals.

*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.

*PUBLIC NUISANCE.* Any animal(s), which engages in, but not limited to, the following activity:

- (1) Molests passers-by or passing vehicles;
- (2) Attacks people or other animals;
- (3) Damages public or private property;

- (4) Is excessively 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 state of Kentucky to vaccinate his or her own animal against rabies.

*RESTRAINT.* Enclosed in an area by a form of fencing designed to control the movement of the animal or 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 a responsible person accompanies it and is under that person's control.

*RUNNING AT LARGE.* Any public nuisance 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 while engaged in or returning 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.

*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) Any animal with a known propensity, tendency or disposition to unprovoked attacks which causes injury or endangers the safety of human beings or domestic animals; or
- (4) 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
- (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.
- (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.

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

**SECTION II. ANIMAL CONTROL -- 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 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 ordinance or any other applicable state statute, they are hereby empowered to enter property at a reasonable time and inspect the premises. Animal Control shall not have the power to enter enclosed building and structures unless 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 ordinance, and found in the county, 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 can not 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.
  - 1. Fee required of any owner or person for first-time animal impoundment.
 

Impoundment Fee	\$25.00 per incident
Boarding Fee	\$ 8.00 per animal per day
Dog License Fee	\$10.00 (if not currently licensed)
  - 2. Fee required of any owner or person for each subsequent animal impoundment.
 

Impoundment Fee	\$50.00 per incident
Boarding Fee	\$ 8.00 per animal per day
Dog License Fee	\$20.00 (if not currently licensed)

(E) Any animal required to be licensed, but found unlicensed, or any animal, except cats, whose owner is unknown, shall be impounded until its owner claims it. Subject to KRS 258, the policies of the county, and the policies of the Animal Shelter, if the animal is not claimed by its owner, the animal may then be offered for adoption or may be euthanized at the discretion of the Director of Animal Control or the Shelter. 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.

1. Fee required of any owner or person for first-time animal impoundment.

Impoundment Fee	\$25.00 per incident
Boarding Fee	\$ 8.00 per animal per day
Dog License Fee	\$10.00 (if not currently licensed)

2. Fee required of any owner or person for each subsequent animal impoundment.

Impoundment Fee	\$50.00 per incident
Boarding Fee	\$ 8.00 per animal per day
Dog License Fee	\$20.00 (if not currently licensed)

(F) Any cat impounded by Animal Control shall be held at the Animal Shelter until claimed by its owner, the animal may then be offered for adoption or may be euthanized at the discretion of the Director of Animal Control or the Animal Shelter. 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.

(G) When any licensed animal is impounded in the Animal Shelter/Humane Society, Animal Control shall notify the owner of the impoundment. The animal shall be held a minimum of seven (7) days from the date of impoundment, before the animal may be adopted or euthanized at the discretion of the Director of Animal Control or Humane Society.

1. Fee required of any owner or person for first-time animal impoundment.

Impoundment Fee	\$25.00 per incident
Boarding Fee	\$ 8.00 per animal per day (or fraction thereof)

2. Fee required of any owner or person for each subsequent animal impoundment.

Impoundment Fee	\$50.00 per incident
Boarding Fee	\$8.00 per animal per day

(H) Any dog found by Animal Control not bearing a valid rabies tag shall be impounded. Subject to the policies of the county and the Animal Shelter, if the dog is not claimed by its owner, the animal may then be offered for adoption or may be euthanized at the discretion of the Director of Animal Control or the Animal Shelter.

1. Fee required of any owner or person for first-time animal impoundment.

Impoundment Fee	\$25.00 per incident
Boarding Fee	\$ 8.00 per animal per day
Dog License Fee	\$10.00

2. Fee required of any owner or person for each subsequent animal impoundment.

Impoundment Fee	\$50.00 per incident
Boarding Fee	\$ 8.00 per animal per day
Dog License Fee	\$20.00

- (I) 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 days to correct certain violations. Should the violation not be corrected and/or fees paid within the allotted time, then the notice shall serve as a uniform citation and the violating party shall report to McCracken County District Court at the designated court date and time.
- (J) 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.
- (K) 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 this ordinance. If the owner is cited and the animal impounded, the animal shall remain in the custody of the Animal Shelter pending a decision by District Court, unless ownership is voluntarily relinquished to Animal Control.
- (L) 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 ordinance.
- (M) Unless otherwise provided by this ordinance, Animal Control Officers may impound any animal(s) found to be in violation of any part of this ordinance. All animals shall be held a minimum of seven (7) days at the Animal Shelter, unless redeemed by their owner and the impounding officer or the Director of Animal Control authorizes its release. After seven (7) days Animal Control may release the animal(s) for adoption or euthanasia.
- (N) If a person has been charged with possessing a vicious animal, inhumane treatment of an animal, cruelty to an animal or a similar charge, Animal Control Officers or Law Enforcement Officers are authorized to impound all animals or livestock related to the charge. The animal(s) shall be held pending a decision by the District Court unless the animal(s) are voluntarily surrendered to Animal Control. Animal Control may then offer the animals for adoption, release them to the Animal Shelter, sell the animals at

public auction, or otherwise arrange for their final disposition in a manner that is in the interest of McCracken County and is approved by the County Administrator.

### **SECTION III. LICENSING AND REGISTRATION OF DOGS**

- (A) The owner of all dogs over the age of four (4) months 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. Licenses shall be issued by the County Administrator at the Courthouse during regular operating hours. The Fiscal Court may authorize veterinarians to issue licenses in accordance with McCracken County ordinances and policies.
- (B) Upon application for license, the owner must present a current valid rabies certificate for the dog that is to be licensed.
- (C) The license fees for dog(s) shall be \$3.00 except as may otherwise be provided for in Section III. License fees may be changed by order of the fiscal court. The license fee shall be waived for authorized police, law enforcement, rescue dogs, and service dogs trained for the purpose of aiding a person who is totally or partially blind, totally or partially deaf, or otherwise physically disabled.
- (D) 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.
- (E) Term of License: The initial license issued under this section shall be valid for one (1) year from the last day of the month of issuance. A renewal license shall validate the license for one (1) year from the previous date of expiration.

### **SECTION IV. RABIES VACCINATION**

- (A) All animals, as required by KRS 258, shall be vaccinated for rabies and revaccinated for rabies at the expiration of the immunization period as certified by a veterinarian, or any person as may be qualified by state law.
- (B) Any dog, cat or ferret reclaimed or adopted from the Animal Shelter must have a valid rabies vaccination. The purchase or issuance of a rabies voucher through a veterinarian shall constitute temporary compliance with this section until the expiration date of said voucher.

### **SECTION V. INHUMANE TREATMENT OF ANIMALS**

- (A) It shall be unlawful to abandon any 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 shall be unlawful for any person to exhibit, display or keep any animal without providing food, water, adequate shelter from the elements, adequate space, ventilation, shade from the sun, proper sanitation, care and medical attention.
- (D) It shall be unlawful for any person to keep an animal within the passenger compartment of 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 by any reasonable means necessary.
- (E) It shall be unlawful for any person to stage, cause, instigate, permit, observe or attend any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

#### **SECTION VI. ANIMALS TO BE UNDER CONTROL**

- (A) It shall be unlawful for any person to permit any animal owned or harbored by him or her, to run at large. 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 reasonably possible and feasible, the owner of the livestock shall be notified prior to the actual capture and impoundment of the livestock. Owners of impounded livestock shall pay reasonable fees for the pick-up, transportation, boarding, and medical care of the animals.
- (B) It shall be unlawful to own or possess a vicious animal.
- (C) It shall be unlawful to own or possess an animal that conducts itself in such a manner as to constitute a public nuisance.
- (D) 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.

#### **SECTION VII. WILD AND EXOTIC ANIMALS**

- (A) It shall be unlawful to sell, own, harbor or keep as a pet any wild or exotic animal, not indigenous to the United States, except state and federal conservation officers, licensed nuisance wildlife officers, and licensed rehabilitators.
- (B) It shall be unlawful to sell, own, harbor or keep as a pet any wild animal native to the United States, except state and federal conservation officers, licensed nuisance wildlife officers, and licensed rehabilitators.

- (C) It shall be unlawful to sell, own harbor or keep any venomous reptile.

## **SECTION VIII. SECONDARY ANIMAL SHELTERS**

The Director of Animal Control or the County Administrator may for the causes of over capacity, refusal, inadequacy, or exigent circumstances, shelter or impound animals at facilities other than the Humane Society shelter. All fees, including impoundment and boarding, shall be paid to McCracken County.

## **SECTION IX. SEVERABILITY**

Should any section, clause, sentence, or part of this Ordinance be adjudged by any Court of competent jurisdiction, to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this Ordinance as a whole or any part. Any section of this ordinance that is in conflict to KRS Chapter 258 as amended by ACTS 189 of 2004, shall only void that section of the ordinance.

## **SECTION X. CONFLICT**

Should any section, clause, sentence, or part of this Ordinance be in conflict with any other statute, law, or ordinance, the stricter of the provisions shall apply.

## **SECTION XI. PENALTY**

Each day that a violation occurs shall constitute a separate violation, unless the context clearly indicates otherwise. Each animal may constitute a separate violation, unless the context clearly indicated otherwise.

- (A) Any person failing to comply with the licensing requirements of Section III or the vaccination requirements of Section IV of this ordinance shall on a 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 not more than \$250.
- (B) Any person violating any provision of Section V of this ordinance relating to the inhumane 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. Any person who has been convicted, entered an Alford plea, or pled guilty, shall forfeit ownership of the animals involved to Animal Control. The animals shall be disposed in a manner that is in the best interest of McCracken County. Further, the court may assess reasonable fees for boarding and veterinary treatment for reimbursement payments to McCracken County. The court may order all other animals of the same species in control of said person to be forfeited to Animal Control.

- (C) Any person violating Section VI relating to animals to be under control of this ordinance, shall on the first offense be fined not less than \$25 nor more than \$100; on the second or subsequent offense shall be fined not less than \$50 nor more than \$250.
- (D) Any livestock owner who violates Section VI of this ordinance shall on the first offense be fined not less than \$50 nor more than \$250 and required to reimburse the county for all reasonable expenses incurred in capturing, impounding, boarding and providing necessary medical services to the livestock. On a second or subsequent offense, the owner shall be fined not less than \$150 nor more than \$500, and the owner shall reimburse the county for all reasonable expenses incurred in capturing, impounding, boarding and providing necessary medical services to the livestock.
- (E) Upon conviction under Section VI of this ordinance 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 90 days in the county jail or both. In addition the court shall 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 the animal to stand erect without touching the top or cover. All such enclosures 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 sign warning 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 division (E)(1) above, the court may order that the animal be immediately surrendered to Animal Control to be euthanized.
- (F) Upon conviction of a second or subsequent offense under Section VI of this ordinance, 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; and if the violation involves the same animal, the court shall order the animal immediately surrendered to Animal Control to be euthanized.
- (G) Upon conviction under Section VI (A), (C) or (D) relating to animals running at large, possessing nuisance animals, and exposing female dogs during estrus, the penalty shall be a fine of not less than \$25 or more than \$250. The court may order the abatement of the nuisance animal(s).
- (H) Any person violating the provisions of Section VII of this ordinance relating to wild and exotic animals shall on the first offense be fined not less than \$25 nor more than \$100 for each such animal; on the second or subsequent offense shall be fined not less than \$50 nor more than \$500. Upon conviction of a first offense for each such animal, the Department of Animal Control shall take possession of said animal.
- (I) Any person violating Section II of this ordinance, relating to interference of duty, on the first offense be fined not less than \$50 nor more than \$250 or up to 30 days in the county jail, or both; on a second or subsequent offense be fined not less than \$250 nor more than \$500, or sentenced up to 90 days in the county jail, or both.
- (J) Any person who shall violate any of the provisions of this ordinance for which no other penalty is provided shall be fined not less than \$25 or more than \$500, or be sentenced up to 90 days in the county jail, or both, for each offense.

**SECTION XII. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its adoption

This the \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
 Danny Orazine  
 McCracken County Judge Executive

Attest:

\_\_\_\_\_  
 McCracken County Clerk

First Reading \_\_\_\_\_  
Advertised \_\_\_\_\_  
Second Reading and Adoption \_\_\_\_\_  
Advertised \_\_\_\_\_