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ORD. 76-26

WHEREAS, the Fiscal Court of Madison County, the Commissioners of the City of Richmond, and the Council of the City of Berea, have jointly determined that in order to effectively control the running at large of dogs within the territorial limits of Madison County and to prevent certain nuisances, it is necessary that the three bodies act in concert with ordinances and orders which are identical:

NOW THEREFORE, BE IT ORDAINED by the Madison County Fiscal Court:

SECTION I: REGISTRATION OF DOGS REQUIRED.

- (a) It shall be unlawful for any person or group to keep, harbor, or own any dog within Madison County, including the incorporated urban areas therein, without first having paid a yearly license fee thereon.
- (b) The license fee shall be two dollars (\$2.00) and it shall cover a period from July 1 to June 30, or any part thereof. This fee is due and payable on the first day of each year, or on the first day of the month following acquisition of the dog.
- (c) It shall be the duty of the keeper, harbinger or owner of a dog to register the same with the Dog Warden who shall issue a receipt therefor in the form of a tag of metal or other durable material, having stamped or engraved thereon the registration number and the year of registration and it shall be the duty of the keeper, harbinger or owner to attach such tag to a collar and to keep it on the dog at all times.
- (d) A second license tag to replace the original lost from a dog may be obtained for one dollar (\$1.00) upon verification of purchase of an original license for the same dog that year.

SECTION II: ANTI-RABIES VACCINATION REQUIRED.

- (a) The provisions of the Kentucky Revised Statutes 258.025 to 258.085 inclusive, listed herein by title, shall be enforced:
- Dogs are to be vaccinated against rabies; certificates and metal tags bearing certificate numbers are to be issued.
  - Under certain conditions, dogs of an entire county may be exempt from vaccination by the State Board of Health.
  - A dog vaccinated in another state need not be re-vaccinated within a year of its vaccination date.
  - Vaccinations are to be made by approved veterinarians,
  - Quarantine of all dogs may be ordered in case of rabies epidemic.
  - Persons bitten by dogs or other animals are to be reported to the local health department within twelve (12) hours after the incident.
  - Any dog having bitten a person or another dog or other animal, and being suspected of rabies is to be quarantined; the head of the dog is to be sent to an approved laboratory at the dog owner's expense.
  - State Board of Health is to administer the rabies law.
- (b) Violators of any part of this Section shall be fined not less than ten dollars

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(\$10.00) nor more than one hundred dollars (\$100.00), each day of offense constituting a separate offense, and this fine shall be in addition to any court costs; owners of rabid dogs are liable.

SECTION III. KENNEL LICENSE REQUIRED.

- (a) A kennel license may be issued in any unincorporated area of Madison County under the provisions of Kentucky Revised Statutes 258.165 to 258.185 inclusive. The license fee shall be ten dollars (\$10.00) for each kennel to keep ten (10) dogs or less, and fifteen dollars (\$15.00) to keep more than ten (10) dogs.
- (b) Dog kennels and therefore kennel licenses shall be prohibited within the corporate limits of cities in Madison County.
- (c) The Madison County Dog Shelter as operated to impound dogs according to the provisions set forth in the Sections hereafter shall not be subject to kennel licensing.

SECTION IV. PUBLIC NUISANCES PROHIBITED.

No person shall keep, harbor or own any dog which shall do any one or more of the following objectionable actions, each of which is hereby declared to be a public nuisance:

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(a) Incessantly barks, howls, yelps, or whines loud enough to be heard beyond the premises of where it is kept or harbored.

(b) Habitually goes upon any property or premises not owned or occupied by the person who keeps, harbors or owns said dog.

(c) Habitually turns over or gets into garbage cans or milk containers, or damages shrubbery, lawns and items of personal property, located on any premises other than those owned by the person who keeps, harbors or owns said dog.

(d) When not on the property of its keeper or owner, habitually runs at, jumps upon, chases, barks at, bites at, or in any way frightens, molests or scares any child or adult other than the one who keeps, harbors or owns said dog and members of the immediate family.

(e) Chases, attacks or kills any other dog, any livestock or other animal besides those owned by the person who keeps, harbors or owns said dog.

(f) Bites any person on sidewalks, streets, or any property other than that of the keeper or owner.

(g) Definitions:

"Habitually" in this document means three or more times during any one thirty (30) day period.

"Keep or harbor" in this document means to habitually allow the dog to remain, or to lodge, or to be fed, within a person's home, yard, building or enclosure, or on his premises.

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#### SECTION V. FEMALE DOGS CONFINED.

It shall be unlawful for the keeper or owner of any female dog to permit her, when she is in heat, to run at large. Such dog not confined to the premises of her keeper or owner may be picked up by a Dog Warden and the keeper or owner shall be fined.

#### SECTION VI. LIVESTOCK PROTECTION.

(a) The provisions of the Kentucky Revised Statutes 258.095 to 258.125, and 258.275 to 258.355, inclusive, and listed herein by title, shall be enforced:

-Dog owner is liable to livestock or poultry owners for damages done by dog.

-Licensed dogs killed without justification may be compensated for.

-Dogs guilty of destruction of livestock or poultry may be ordered confined or destroyed; owner of such dog forfeits compensation for loss.

-Dogs guilty of excessive damage to livestock or poultry may be ordered quarantined.

-Livestock Fund is controlled by Commissioner of Finance; Commissioner of Agriculture to enforce provisions in this Section.

(b) Violators of any part of this Section, upon conviction, shall be fined ten dollars (\$10.00) to one hundred dollars (\$100.00), each day of violation constituting a separate offense, or be imprisoned not more than sixty (60) days, or both, and this fine shall be in addition to any court costs.

#### SECTION VII. IMPOUNDING OF DOGS.

(a) Any dog without a proper and current registration tag, or any dog which has committed any one or more of the public nuisances mentioned in Section IV above, or any female dog in heat running at large, may be taken up at any time by those persons officially appointed to serve as Dog Wardens by the Madison County Fiscal Court.

(b) For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any Dog Warden when accompanied by a peace officer, is empowered to enter upon the premises on which the dog is kept or harbored and to request the exhibition of such dog and the license for such dog.

(c) It shall be the duty of all peace officers within the county and its urban areas to support and aid the Dog Wardens in their duties if called upon, and this shall include the issuing of a summons to the keeper, harborer or owner of any dog whether licensed or unlicensed, which has been permitted to be a public nuisance as defined in Section IV, or at large as in Section V.

(d) Impoundment shall be at the Madison County Animal Shelter, or any other place which meets the specifications of the Humane Society and which is officially designated by the Madison County Fiscal Court.

(e) Immediately upon impounding a dog, the Dog Warden shall make every possible effort to notify the owners of such dog so impounded and inform the owners of the conditions whereby they may regain custody of such animal.

JANUARY

Term,

4th

Day,

4th

Day of

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(f) Dogs shall be confined in a humane manner under the supervision of the Madison County Humane Society.

(g) Unlicensed dogs suffering from injury, infectious disease or severe illness shall be destroyed by the Dog Warden in a humane manner. All other dogs, licensed or unlicensed and which are healthy, may be kept for no less than seven (7) days after pickup, and then, if unclaimed, may be destroyed by the Dog Warden in a humane manner. All carcasses shall be disposed of according to applicable laws and regulations.

#### SECTION VIII. RECLAIMING OR BUYING IMPOUNDED DOGS.

(a) Any licensed dog may be reclaimed by its owner upon paying a redemption fee of two dollars (\$2.00) for the first redemption and ten dollars (\$10.00) for any subsequent redemption of the same dog, a veterinarian fee for anti-rabies vaccination in the absence of proof of vaccination within the past year, and the costs of boarding and keeping.

(b) Any unlicensed dog may be claimed by its owner by paying, in addition to the costs listed in "a" of this Section, a license fee of two dollars (\$2.00).

(c) Any dog not claimed by the owner in seven (7) days after pickup may be sold for the accumulated costs detailed in parts "a" and "b" of this Section.

#### SECTION IX. ENTICING DOG FROM OWNER.

(a) It shall be unlawful for a person to entice a dog from the yard or enclosure of its keeper or owner ~~for the purpose of~~ causing it to be impounded, or to remove a muzzle, collar, license tag or chain without the consent of the keeper or owner thereof.

(b) Any person who shall violate this Section, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense, and this fine shall be in addition to any court costs.

#### SECTION X. ANIMAL SHELTER; WARDENS.

(a) The Animal Shelter provided by the Madison County Fiscal Court is hereby designated as the official animal shelter for both rural and urban areas of Madison County.

(b) The Animal Shelter and all permanent equipment used in the shelter, and all equipment used by the Dog Wardens in the performance of their duties shall be provided by Madison County Fiscal Court.

(c) The Dog Warden shall be appointed by the Madison County Fiscal Court. Deputy Dog Wardens may be recommended by Richmond City Commission and/or Berea City Council to the Madison County Fiscal Court, and the Fiscal Court shall appoint the Deputy Dog Wardens.

(d) The Dog Warden and Deputy Dog Wardens shall work in cooperation with each other, giving each other aid when needed, and covering all urban and rural areas of Madison County.

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(e) The daily cost of operation of the shelter and the collection of dogs by the Dog Wardens shall be shared on a percentage basis as follows: sixty five percent (65%) by Madison County Fiscal Court, twenty five percent (25%) by Richmond City Commission, and ten percent (10%) by Berea City Council, of all expenses not covered by monies received from fees, licensing, redemptions, costs and sales, and by donations through Madison County Humane Society.

#### SECTION XI. RECORDS.

It shall be the duty of the Dog Warden to cause to be kept:

(a) Accurate and detailed records of the licensing of dogs. These records shall include breed, sex, coloration, size and name of owner.

(b) Complete records of all dogs collected, impounded, reclaimed, sold or disposed of, including dates, persons involved and identification of dogs (as in "a" above).

(c) Accurate and detailed records of bite cases, and of investigations and disposition in each case.

(d) Accurate and detailed records of all monies received, and of all costs of operation of the Animal Shelter and of those expenses incurred by the Dog Wardens in the performance of their duties.

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(e) The Dog Wardens and the Manager of the Animal Shelter shall cooperate in the maintaining of all records mentioned in this Section.

(f) All records shall be open to inspection by members of the County-City Canine Board, and by any other person directly involved with the information in the records.

SECTION XII. COUNTY-CITY CANINE BOARD.

(a) A County-City Canine Board shall be formed as follows: two (2) members shall be appointed by each of the County Fiscal Court, the Richmond City Commission and the Berea City Council, and one (1) member shall be appointed by the Madison County Humane Society, totalling seven (7) members on the Board.

(b) The chairman and any other officers shall be elected from the membership by said Board.

(c) The functions of this Board shall be to provide guidelines for the implementation and proper execution of the provisions of this ordinance; to provide guidelines for the functions of the Animal Shelter and its Manager, and of the Dog Wardens; to report annually and at other times as directed by a government of the county or a city therein, with respect to daily records and fiscal manners; to consider complaints and interpret the ordinance for the general public.

(d) The Manager of the Animal Shelter and the Dog Wardens shall be responsible to said Board; and the Board shall be responsible to the Madison County Fiscal Court.

SECTION XIII. PENALTY.

Any person, firm or organization violating any of the provisions of this ordinance (excluding Sections II, VI and IX), including permitting their dog to be a nuisance or receiving a summons for any cause pertaining to dogs, shall, upon conviction thereof, be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense, with each days violation being considered a separate offense, and this penalty shall be in addition to all court costs and to all costs which may be charged under Section VIII.

SECTION XIV. INVALIDITIES; CONFLICTS; EFFECTIVE DATE.

(a) If any Section, paragraph or clause of this ordinance is held invalid by any court of competent jurisdiction, the invalidity of such section, paragraph or clause shall not affect any of the remaining parts.

(b) All prior ordinances or portions of ordinances in conflict herewith are hereby repealed to the extent of such conflict and to such conflict only.

(c) This ordinance shall be considered to be in full force one month after *this date.*

**FINIS**

Motion carried.

IN RE: DOGS (COMMITTEE)

Motion by Farris Parks, seconded by Richard Cobb, it is ordered that Bill C. Rice and Judge Robert Turley be appointed as the county's representatives on a committee composed of representatives from the cities of Richmond and Berea and Madison County Humane Society.

Motion carried.

IN RE: RED CROSS (REQUEST FOR \$5,000.00)

Comes now Charley Todd, member of the court and asks the court if any action is anticipated relative to the Red Cross's request for \$5,000.00 to maintain the Madison County Red Cross office.

Court did not take any action on the request.

IN RE: PORTER, MRS. MARTHA (PROPERTY ON NORTH <sup>Second</sup> STREET COUNTY PROPERTY (NORTH SECOND STREET)

Motion by Richard Cobb, seconded by Farris Parks, it is ordered