

ORDINANCE #01-04
AMENDMENT TO ORDINANCE #'s 82-18 and _____
RELATING TO THE CONTROL AND REGULATION
OF THE CANINE POPULATION IN
MADISON COUNTY, KENTUCKY

BE IT ORDAINED BY THE FISCAL COURT OF MADISON COUNTY,
COMMONWEALTH OF KENTUCKY:

WHEREAS, the Fiscal Court of Madison County, Commonwealth of Kentucky, adopted ordinance #82-18 on Feb 27, 2001, an ordinance relating to the control and regulation of the canine population in Madison County Kentucky, and

WHEREAS, said ordinance was amended on Feb 27, 2001 by Ordinance # 01-04, and

WHEREAS, various changes have been made to Chapter 258 of the Kentucky Revised Statutes relating to the regulation of canines, and

WHEREAS, it is in the best interest of the county and the counties' canine population to incorporate the statutory changes into the existing canine ordinances.

NOW, THEREFORE, be it ordained by the Fiscal Court of Madison County that Ordinance #82-18, as previously amended, is hereby amended as follows:

DOGS

100. REGISTRATION OF DOGS REQUIRED: FEE: DURATION OF LICENSE: REPLACEMENT OF TAG.

101. 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.

102. 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 July of each year, or on the first day of the month following acquisition of the dog.

103. 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.

200. ANTI - RABIES VACCINATION REQUIRED: PENALTIES.

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201. The provision 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 revaccinated 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 a 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.

202. Violators of any part of this section shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), each offense constituting a separate offense, and this fine shall be in addition to any court costs; owners of rabid dogs are liable.

300. KENNEL LICENSE REQUIRED.

301. 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. Kennels keeping thirty (30) dogs or more shall pay an additional county fee of twenty (\$20.00).

302. The Madison County [~~dog~~] Animal Shelter is operated to impound dogs according to the provisions set forth in the sections hereafter shall not be subject to licensing.

400. PUBLIC NUISANCES PROHIBITED.

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- 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:

401. Definitions: Habitually in this article means three (3) or more times during any one thirty day period. Keep or harbor in this article 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.

402. Incessantly barks, howls, yelps or whines loud enough to be heard beyond the premises of where it is kept or harbored for a period of [~~three (3)~~] one (1) hour continuously.

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

404. 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.

405. When not on the property of its 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.

406. Chase, attacks or kills any other dog, any livestock or other animal besides those owned by the person who keeps, harbors or owns said dog.

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

500. LIVESTOCK PROTECTION FROM DOGS: PENALTY

501. 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.

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- Livestock fund is controlled by the commissioner of finance; commissioner of agriculture to enforce provisions in this section.

502. Violators of any part of this section, upon conviction, shall be fined ten dollars (\$10.00) to one hundred (\$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.

600. IMPOUNDING OF DOGS.

601. (1) Any dog without current and proper registration tag may be taken up and impounded at any time by those officially appointed to serve as Dog Wardens by the Madison County Fiscal Court or by any Peace Officer of the city, county, or state. (2) Any unlicensed or licensed dog that is observed running at large on public ways (streets, roads, sidewalks, public parks, ect.) by persons officially appointed as Dog Wardens may be taken up and impounded for the protection of the public and the animal. (3) Any licensed or unlicensed dog may be taken up and impounded if it is observed off the owners property while the Dog Warden is addressing a complaint regarding a possible nuisance. (4) Any dog that has committed one or more of the nuisances defined in paragraph 400 above may be taken up and impounded by persons appointed as Dog Wardens or by any Peace Officer of the state, county, or city. The owner or possessor of the dog may be cited to appear in court to answer to charges of violation of this article and shall be subject to the penalties stipulated in par. 1200 below.

602. ~~[For the purpose of discharging the duties imposed by this article and to enforce its provisions, any Dog Warden who has been appointed as a peace officer or any Dog Warden when accompanied by a peace officer is empowered to enter upon the premises on which the dog is kept or harbored to request the exhibition of such dog and to take it for impounding.]~~

603. 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 par. 400.

604. Impoundment shall be at the Madison County Animal Shelter, or any other place which meets the specifications of the ~~[humane society]~~ Kentucky Revised Statutes and is officially designated by the Madison County Fiscal Court.

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605. ~~[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 condition by where they may regain custody of such animals.]~~

606. Dogs shall be confined in a humane manner under the supervision of the Madison County Fiscal Court.

607. Unlicensed dogs suffering from injury, infections, disease or severe illness shall be destroyed by ~~[the Dog Warden]~~ a certified Euthanasia specialist or other qualified person in a humane manner. All other dogs, licensed or unlicensed and which are healthy, may be kept for no less than ~~[-seven (7)]~~ five (5) days after pickup, and then if unclaimed, may be destroyed by the ~~[Dog Warden]~~ a euthanasia specialist or other qualified person in a humane manner. All carcasses shall be disposed of according to applicable laws and regulations.

700. RECLAIMING OR BUYING IMPOUNDED DOGS.

701. Any licensed dog may be reclaimed by its owner upon paying a ~~[redemption]~~ claiming fee, ~~[a veterinarian fee for an anti-rabies vaccination in the absence of proof of vaccination within the past year]~~, and the cost of boarding and keeping.

702. Any unlicensed dog may be claimed by its owner by paying, in addition to the costs listed in par. 701, a license fee of two dollars (\$2.00).

703. Any dog not claimed by the owner in ~~[-seven (7)]~~ five (5) days after pickup may be sold for the ~~[accumulated costs detailed in par. 701 and par. 702]~~ adoption fees approved by the Madison County Fiscal Court.

800. ENTICING DOG FROM OWNER: PENALTY

801. It shall be unlawful for a person to entice a dog from the yard or enclosure of its keeper or owner, causing it to be impounded, or to take a dog to another residence or location (except personnel designated by this article for the enforcement of this article) or to remove a muzzle, collar, license tag or chain without the consent of the keeper or owner thereof.

802. 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.

900. ANIMAL SHELTER: WARDENS \ ANIMAL CONTROL OFFICERS

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901. 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.

902. The animal shelter and all permanent equipment used in the shelter, and all equipment used by the Dog Wardens \ Animal Control Officers in the performance of their duties shall be provided by the Madison County Fiscal Court.

903. The Dog Wardens \ Animal Control Officers shall be appointed by the Madison County Fiscal Court. The Animal Control Supervisor \ Program Director shall be appointed by the Madison County Fiscal Court [~~to serve as Deputy Dog Warden~~].

1000. RECORDS

1001. It shall be the duty of the Dog Wardens \ Animal Control Officers and the Animal Control Supervisor \ Program Director to keep the following records:

- Accurate and detailed records of the licensing of dogs for the current Fiscal Year and the Fiscal Year directly Prior. These records shall include breed, sex, coloration, and [~~size of the dog~~] and the name of owner.

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

- [~~Accurate and detailed records of bite cases, and of investigations and disposition in each case.~~]

- 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 \ Animal Control Officers and Animal Control Supervisor \ Program Director in the performance of their duties.

- The Dog Wardens \ Animal Control Officers and the Animal Control Supervisor \ Program Director of the animal shelter shall cooperate in the maintaining of all records mentioned in this section.

- All records shall be open to inspection by the public upon reasonable request.

1100. [~~COUNTY CANINE BOARD~~]

1101. [~~A county canine board shall consist of each member of Fiscal Court or an appointee of their choice. Chair person shall be appointed by County Judge/Executive. Meetings of canine board shall be set at a time and place determined by chairman.~~]

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1102. [~~The chairman shall be a Fiscal Court Member appointed by County Judge/Executive.~~]

1103. [~~The functions of this board shall be to provide guidelines for the implementation and proper execution of the provisions of this article, to provide guidelines for the functions of the animal shelter and its Animal Control Supervisor and of the Dog Warden, to report annually and at other times as directed by a government of the county therein with respect to daily records and fiscal matters, to consider complaints and interpret the article for the general public.~~]

1104. [~~The Animal Control Supervisor of the animal shelter and the Dog Warden shall be responsible to said board and the board shall be responsible to the Madison County Fiscal Court.~~]

1100. ABANDONMENT OF DOGS:

1101. It shall be unlawful for any person to leave a dog on any property (public or private) without the property owners consent. This includes private property, public parks, roadways, the Madison County Animal Shelter, or any other property that does not belong to the dog owner.

1102. It shall be unlawful for any person to vacate a residence an abandon a dog on the premises.

1200. PENALTY FOR VIOLATION OF ARTICLE

1201. Any person, firm or organization violating any of the provisions of this article (excluding par. 200, 500 or 800), 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 fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00) for each separate offense, and this penalty shall be in addition to all court costs and to all costs which may be charged under par. 700.

1300. EFFECT TO PREVIOUS ORDINANCES

This ordinance makes the highlighted amendments to the previous ordinances as well as restates those provisions of the previous ordinances that are unaffected by the amendments contained herein.

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THE AMENDMENT TO THIS ORDINANCE NO. 82-18 SHALL BECOME
EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, SECONDED AND GIVEN FIRST READING APPROVAL at a duly
convened meeting of the Fiscal Court of Madison County, Kentucky, held on
the 13th day of February, 2001.

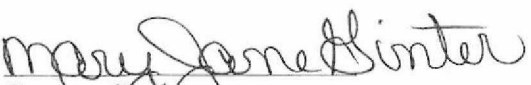
GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the
Fiscal Court of Madison County, Kentucky, held on the 27 day of
February, 2001, and of record in Fiscal Court Order Book 2
Page 11.

DATE ADOPTED: February 27, 2001
MOTION BY: Forniss Park
SECONDED BY: Larry Combs

VOTE:	YES	NO
Magistrate Billy Ray Hughes	✓	___
Magistrate Forniss Park	✓	___
Magistrate William Tudor	✓	___
Magistrate Larry Combs	✓	___
Judge Kent Clark	✓	___



MADISON COUNTY JUDGE/EXECUTIVE

Attest:


County Clerk