

**MADISON FISCAL COURT
MADISON COUNTY, KENTUCKY
ORDINANCE #19-09**

**AN ORDINANCE RELATING TO THE CONTROL AND REGULATION OF THE
ANIMAL POPULATION IN MADISON COUNTY
REPEALING ORDINANCE 16-02**

WHEREAS, the Madison County Fiscal Court has determined it is beneficial to the residents of Madison County to regulate the animal population and animal establishments within the County to ensure that animals are treated humanely, controlled by their owners and custodians, and subject to the authority of Animal Control as established in K.R.S. Chapter 258; and

WHEREAS, the Madison County Animal Shelter plans to utilize technology to improve the tracking of dogs in Madison County; and

WHEREAS, the Madison County Fiscal Court wishes to update its Animal Control Ordinance (16-02) to ensure consistency with current Kentucky law;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF MADISON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

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(ED). The following definitions shall apply to the term “abandon(ed)” as it is used herein:

1. Any animal meeting the criteria set forth in KRS 257.010;
2. Any dog left more than 24 hours without a person checking on the condition of the dog and providing food and potable water; or

3. Any livestock left more than 48 hours without a person checking on the condition of the livestock and providing adequate food, shelter and potable water; or
4. Any dog or livestock left on private property without the owner's consent or deserted or dumped on public property or roadways.

ANIMAL CONTROL OFFICER. Any person designated by the Department for Animal Care who is qualified to perform the duties under the laws and ordinances of the Commonwealth of Kentucky and the County and all peace officers with jurisdiction in unincorporated areas of Madison County or any incorporated area of Madison County where there is an inter-local agreement for enforcement of the local animal control ordinances. An Animal Control Officer shall be a law enforcement officer for the purposes of animal control only as established in KRS §436.605 and KRS §258.195.

ANIMAL SHELTER. The Madison County Animal Shelter.

ATTACK. Any act by a canine that meets the definition set forth in KRS 258.095.

CANINE LICENSE. A license that is issued by the Madison County Department for Animal Care or its representatives for all canines owned or harbored within the unincorporated areas of Madison County or any incorporated area of Madison County.

CONTROL. The ability to manage and direct the behavior of a dog, either by leash or by observation and voice command.

DAY. For purposes of this ordinance, and specifically for purposes of measuring required holding periods, a "day" refers to a business day, and non-business days are not included in such calculations.

DIRECTOR OF ANIMAL AND ENVIRONMENTAL CARE. The person approved by the Madison County Fiscal Court as the Chief Officer of the Department of Animal Care.

DEPARTMENT FOR ANIMAL CARE. The department of the Madison County Fiscal Court which is designated by the Fiscal Court to be responsible for the operation of the Madison County Animal Shelter and the enforcement of the provisions of this ordinance, Kentucky Revised Statutes Chapter 258, and Kentucky Revised Statutes relating to animal cruelty.

DOMESTIC ANIMAL. Any animal converted to domestic habitat, as defined in KRS §446.010.

EXOTIC ANIMAL or WILD ANIMAL. Any animal identified as such by the Kentucky Department for Fish and Wildlife or the Federal Government of the United States.

FEE SCHEDULE. List of all fees and fines approved by the Madison County Fiscal Court and charged by the Department for Animal Care.

LIVESTOCK. Any animal identified in KRS §151.100.

OWNER. Any person who meets the definition contained in KRS §258.005.

PERSON. All natural persons, acting solely as an individual or as part of corporations, partnerships, firms, associations, governmental bodies, agencies and other entities.

REGULATED DOMESTIC ANIMAL. Any domestic animal subject to the provisions of this Ordinance, which shall include dogs, cats and ferrets.

RUNNING AT LARGE. Any animal, other than a hunting dog release for the purpose of hunting, that is off the property of the owner, possessor or harbinger, and is not restrained.

SHELTER. A structure that provides protection to an animal from the elements and weather conditions.

STRAY ANIMAL. Any animal, other than a hunting dog that is used for hunting, found running at large.

STRAY CATTLE. Any animal of the bovine, ovine, porcine, or caprine species for which the owner is no longer claiming ownership or for which the owner cannot be determined, but not including any member of the equine species; and

STRAY EQUINE. Any animal of the equine species for which the owner is no longer claiming ownership or for which the owner cannot be determined.

SECTION 2. POWERS OF ANIMAL CONTROL OFFICERS

1. The director and all sworn officers of the Department for Animal Care shall have the powers of a peace officer with the exception of arrest for the purposes of enforcing animal control laws or ordinances in Madison County if they otherwise qualify as a peace officer under the laws of the Commonwealth of Kentucky as established in KRS §258.195, KRS §258.225 and KRS §436.605. All Animal Control Officers shall comply with KRS §61.300.

2. Animal control officers shall have the authority to issue uniform citations, local citations, or local notices for the enforcement of the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, for the enforcement of the provisions of this Animal Control Ordinance, as well as any other powers conferred upon them by Kentucky Revised Statutes.

SECTION 3. PUBLIC NUISANCE

Any Regulated Domestic Animal believed to be creating public nuisance under Kentucky law may be referred to the County Attorney's Office for prosecution of the owner.

SECTION 4. SEIZURE, IMPOUNDMENT AND DESTRUCTION OF ANIMALS

3. a) Peace officers or animal control officers may seize canines of any age running at large, as defined in this ordinance, and found within Madison County, and such animals may be impounded in the Animal Shelter. In the event the canine is impounded, the owner shall be charged

a return to owner fee set by the Fiscal Court. Prior to release of any canine from the animal shelter for a violation of the canine running at large, the owner of the canine shall show proof that the canine has a Madison County Canine License. If the owner cannot provide proof of licensure, they shall be responsible for the associated fees. If the Department for Animal care can reasonably return the canine they may do so and issue a warning or citation to the owner.

b) Peace officers or animal control officers shall seize and impound any dog which does not bear a valid rabies tag or other legible identification which is found running at large. Any dog which an officer or animal control officer seizes shall be impounded in the designated animal shelter of the county and confined in a humane manner. If, after a reasonable effort, the seizure of an unrestrained dog cannot be made, or the dog presents a hazard to public safety or property or has an injury or physical condition which causes the dog to suffer, the animal control officer or peace officer may immediately destroy the dog by the most reasonable and humane means then available.

c) Impounded dogs shall be kept for not less than five (5) days, unless reclaimed by their owners. Dogs not reclaimed and those not placed in suitable new homes may be humanely euthanized after the five (5) day holding period, unless the dog has an injury or physical condition which causes it to suffer. In those cases, the animal shelter may immediately euthanize the dog, and if a human being has been bitten by the dog, the dog shall be tested for rabies.

d) If an owner is identified, the impounding agency shall immediately notify the owner of the impoundment by the most expedient means available.

e) Upon reclaiming an impounded dog, cat, or ferret, the owner shall show proof of a valid rabies vaccination. If proof of the vaccination cannot be provided, the owner shall purchase a vaccination voucher from the animal shelter. The voucher shall be valid for ten (10) days from the

date of issuance and shall be used in the prescribed time period. The animal shelter shall reimburse the veterinarian for the amount of the voucher upon presentation to the shelter by the administering veterinarian.

f) The owner of an impounded animal is responsible for all fees associated with the impoundment of the animal. If the owner can be identified, the fees are due even if the owner does not reclaim the animal.

4. a) All animals, of any age which are alleged to have bitten a human being, or are alleged to have violated KRS §525.125, KRS §525.130, KRS §525.135 or Section 8 of this Ordinance, may be picked up by the Department for Animal Care and impounded in the Animal Shelter in a humane manner for any applicable quarantine period. In the event an animal is impounded for a quarantine period, the owner shall be responsible for a return to owner fee. Prior to the release of any animal from the Animal Shelter the owner of the canine shall show proof that the canine has a Madison County Canine License and valid rabies tag.

b) Upon taking custody of an animal pursuant to KRS §525.125, KRS §525.130, KRS §525.135 or Section 8 of this Ordinance, the Department for Animal care shall give notice of the seized animal by posting a notice at the location where the animal is taken into custody or by delivering notice to a person residing at the property. The animal shall remain in the custody of the Fiscal Court until the accused is given a hearing before a District Court Judge. Should that judge find probably cause for a charge under KRS §525.125, KRS §525.130, KRS §525.135 or Section 8 of this Ordinance, the court may order temporary or permanent forfeiture of the animal to the Madison County Department for Animal Care.

5. The owner of an impounded animal is responsible for all fees associated with the impoundment of the animal. If the owner can be identified, the fees are due even if the owner does not reclaim the animal.

6. Dogs, cats, or ferrets which have bitten a person shall be maintained in quarantine by the owner for ten (10) days from the date of the bite. Owners who fail to properly quarantine their animals shall be subject to a citation for violation of this subsection and the dog, cat, or ferret shall be removed to the animal shelter for the remainder of the quarantine period. The owner shall be responsible for all associated fees of the quarantine and impoundment.

7. A hound or other hunting dog which has been released from confinement 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 a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, the owner or handler shall not be deemed to be in violation of the provisions of this section as a result of the dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

Reference: KRS §258.215

SECTION 5. CANINE LICENSING

1. The purpose of the Canine Licensing Program is to provide informational data to assist the Madison County Department for Animal Care personnel with the following: identifying stray dogs, controlling overpopulation of unwanted dogs, and to ensure the safe return of pets to their owners. This is done by the creation of a computerized database with detailed information about the ownership, age, breed, marking, and sex of canines.

2. Effective July 1, 2016, the owners of all canines four (4) months of age or older or those who harbor or maintain canines in the unincorporated and incorporated areas of Madison County

shall have every canine licensed with the Madison County Animal Shelter in accordance with the provisions of this Ordinance.

3. The initial license fees and renewal fees for each canine shall be set forth in the Fee Schedule. The license fee period shall begin on July 1st of each calendar year, and shall expire on June 30th of that same year. Licenses obtained during the calendar year, at any time after July 1st, shall only be valid for the remainder of the calendar year in which it was obtained. Failure to license, or failure to renew a license, will result in a penalty outlined in the Fee Schedule. At the time of licensing, the owner shall provide his or her name, address, driver's license number or Kentucky Identification Card and telephone number, as well as the name, breed, color and sex of each canine to be licensed. Upon payment of the license fee, the owner shall be issued a receipt of registration and proof of licensure. Proof of licensure shall be affixed to the canine's collar at all times.

4. There shall be no fee for canines that are current on licensing and have transferred ownership.

5. Proof of rabies vaccination shall be required prior to being licensed. If proof cannot be provided, the owner may purchase a voucher form the Department of Animal Care.

6. Failure to register a dog and to obtain the license set forth herein within thirty (30) days of acquiring or possessing the animal, or failure to renew by July 1st of each year shall result in a fine as set forth in the Fee Schedule.

7. Owners of canines four (4) months of age or older or those who harbor or maintain canines in the unincorporated or unincorporated areas of Madison County may purchase their license at the Madison County Animal Shelter or at participating veterinarian offices. Participating veterinarians that issue a license that requires a microchip may, in their

discretion, use microchips provided by the Madison County Department for Animal Care. Participating veterinarians shall receive a portion of the sales of microchips sold at their facility as outlined in the Fee Schedule.

8. In the event that the Madison County Department for Animal Care administers an online program for the purchase and distribution of canine licenses, citizens may obtain same through said program.

SECTION 6. HARBORING A VICIOUS CANINE

1. Any person who has been attacked by a dog, or anyone acting on behalf of that person, may make a complaint before the district court, charging the owner or keeper of the dog with harboring a vicious dog.
2. While the matter is pending before the District Court, and until such time as a ruling is issued by same, the owner of the subject canine shall keep the canine securely confined 24 hours a day in an enclosed pen of sufficient height and strength to prevent escape or under the owner's personal control by leash when outside of its confined area. Any such owner shall also comply with any quarantine requirements imposed by the Madison County Health Department, Kentucky Revised Statutes, and the District Court.
3. An owner of a dog that has been found to be a "vicious dog" by the District Court shall be deemed to have violated this Ordinance, in addition to any penalties imposed by the Kentucky Revised Statutes and the District Court.

SECTION 7. ABANDONED ANIMALS AND LIVESTOCK

No person shall abandon any domestic animal or livestock in violation of KRS §257.010, and such violation shall also constitute a violation of this Ordinance.

SECTION 7. WILD AND EXOTIC ANIMALS

No person shall sell, own, harbor or keep as a pet, any wild or exotic animal in violation of 301 KAR Chapter 200, and any other applicable state or federal law, and any violation of said regulation shall also constitute a violation of this ordinance.

SECTION 8. HUMANE TREATMENT OF ANIMALS

(1) It shall constitute a violation of this Ordinance to abandon any regulated domestic animal or livestock. The Department for Animal Care shall follow those procedures set forth in KRS §258.215 when dealing with abandoned animals.

(2) Any canine found not under restraint without a rabies vaccination tag or up to date with a Madison County Canine License, or any canine found in a condition that requires immediate veterinary care, shall be presumed to be abandoned.

(3) The owner of any canine, feline or livestock shall be required to provide adequate food, water, space, shelter, ventilation and veterinary care, as determined pursuant to the policies of the Department for Animal Care.

(4) Any canine which is chained, tied or otherwise restrained shall be provided no less than ten feet of chain or cable and the like with a swivel attached to prevent entanglement. The tether shall be secure to a fixed immobile point that allows freedom of movement while withstanding the force necessary to restrain the canine. Canines shall not be tethered by use of a training collar or on a collar too small for the size and age of the canine, or of such unreasonable weight as to prevent the canine from moving about freely. Canines shall only be tethered in an area that is free of objects which could become tangled in the tether.

(5) No person shall keep a canine or feline within the passenger compartment of an automobile without adequate ventilation in the summer or adequate warmth in the winter. No

person shall enclose any canine or feline in the trunk of any automobile. An Animal Control Officer or peace officer has authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible. No person shall use any automobile as a permanent shelter for canines or felines.

(6) No person shall stage, cause, instigate, permit, observe or attend any dog fight or other combat between canines and humans. Canines altered for fighting purposes and animals with scarring from previous fighting may be considered evidence of unlawful canine combat.

(7) No person shall own, harbor, or be in possession of any canine fighting paraphernalia.

(8) It shall be unlawful for any person to set free any hare, rabbit, gerbil, domesticated rat, guinea pig, other pet rodent, snake, lizard, turtle or pet reptile or other animal, and same shall constitute a violation of this ordinance.

(9) Any person, who as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and render assistance as may be possible and shall immediately report such injury or death to the animal's owner, if known, or to an Animal Control Officer or Peace Officer.

(10) No person shall expose any toxic, poisonous or illegal substance, whether mixed with food or not, so that the same shall be likely to be eaten by a domestic animal.

(11) No person shall allow canines to remain outdoors during extreme weather, as determined by Madison County Emergency Management Agency.

(12) No owner or handler that has direct visual control of a canine on or off leash shall allow said animal to intimidate, harass or worry another canine that is on its own owner's property.

(13) Violations of the animal cruelty laws set forth in KRS §525.125, KRS §525.130 and KRS §525.135 shall also constitute a violation of this Ordinance.

SECTION 9. ADOPTIONS AND SPAY/NEUTER

1) Prior to the adoption of any animal from the Animal Shelter, an application must be completed by the person wishing to adopt the animal. Any person wishing to adopt an animal who has been convicted of a violation of KRS Chapter 525, or Section 8 of this Ordinance will not be qualified to adopt.

2) The Department for Animal Care are not obligated to sell or transfer possession of any animal in their custody.

3) In the event that the Madison County Animal Shelter administers a spay & neuter program, and upon establishment of same, all canines and felines adopted from the Animal Shelter shall be surgically altered to prevent breeding.

4) The fee for adoption of animals shall be set forth in the Fee Schedule.

SECTION 10. MICROCHIPPING ANIMALS

All animals released from the County animal shelter are subject to being microchipped prior to release, after the expiration of any holding period required by this Ordinance or Kentucky Revised Statutes. Canines released from the shelter by return to owner shall also be subject to canine licensing.

SECTION 11. RABIES VACCINATIONS

(1) Every owner shall have his dog, cat, or ferret initially vaccinated against rabies in conformity with KRS §258.015.

(2) Every owner of a cat or ferret shall show proof of a valid rabies vaccination upon request of an animal control officer or peace officer.

SECTION 12. STRAY CATTLE AND STRAY EQUINE

I. Stray cattle and equine shall be dealt with in conformity with *Reference*: KRS §259.110, KRS §259.120, KRS §259.200 and KRS §259.990.

II. Any person who violates KRS §259.200 or KRS §259.210 shall be fined in accordance with KRS §259.990, and such violation shall also constitute a violation of this ordinance.

SECTION 13. CATTLE RUNNING AT LARGE

(1) No person shall permit their cattle to run at large as set forth in KRS §259.210, and any violation of said statute shall also constitute a violation of this Ordinance.

SECTION 14. PENALTIES

With the exception of penalties outlined by Kentucky Revised Statutes or within a different County Ordinance, any person failing to comply with the requirements set forth in this ordinance may be fined not less than \$25 nor more than \$250. Each day constitutes a new and separate offense.

SECTION 15. SELLING, BOARDING OR BREEDING CANINES

Any individual selling, boarding or breeding canines for a fee shall maintain a business license issued by the Madison County Fiscal Court.

SECTION 16. DECLARATION OF EMERGENCY

In the event of a Declaration of Emergency, the Madison County Judge Executive may suspend on-call operations, with the exception of feeding animals being held at the Madison County Animal Shelter.

SECTION 17. INTERLOCAL AGREEMENT

Except for those duties mandated by statute enforcement of Madison County Animal Control Ordinances within municipal limits will only be enforced by the Department for Animal Care upon execution of an interlocal agreement between the County and the governmental entity.

SECTION 18. EFFECTIVE DATE

All provisions of this ordinance shall take effect upon passage and publication as required by KRS §424.120 and KRS §67.077.

THIS DOCUMENT WAS FIRST INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on the 25th day June 2019.

THIS DOCUMENT WAS GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on the 9th day of July, 2019, and of record in Fiscal Court Order Book _____, at page _____.

APPROVED AND ADOPTED BY:



REAGAN TAYLOR
MADISON COUNTY JUDGE/EXECUTIVE

ATTEST BY:



KENNY BARGER
MADISON COUNTY COURT CLERK