

COMMONWEALTH OF KENTUCKY
OWEN COUNTY
ORDINANCE #142

AN ORDINANCE AMENDING DOG ORDINANCE #22,
SECTION II; SECTION III; SECTION V; SECTION VII;
SECTION III TO X, RENUMBERING IV, V, VI, VII, VIII, IX;
AND CREATING A NEW SECTION IX

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

DOG ORDINANCE

AN ORDINANCE REGULATING DOG OWNER'S DUTIES TO
MAINTAINING AND KEEPING THEIR ANIMALS UNDER CONTROL.

WHEREAS, numerous citizens in Owen County, Kentucky have
complained to the Owen County Fiscal Court about dogs running at large
causing disturbances and not being under control of the owners in all areas of
the county, but outside the corporate limits of the City of Owenton, Monterey, &
Gratz.

WHEREAS, the Owen County Fiscal Court recognizes the rights of
citizens to possess and to keep dogs, it further recognizes the rights of citizens
to enjoy the peace and quietude of their property and the public thoroughfares
which they travel free from any nuisance created by dogs running at large.

WHEREAS, the Owen County Fiscal Court has determined that there is a
legitimate need to require dog owners to keep their dogs under their control at
all times.

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

SECTION I – DEFINITIONS

For the purpose of this ordinance, the following terms shall be deemed to
have the meaning indicated below:

OWNER: Any person, partnership, or corporation that owns, keeps or
harbors a dog referred to herein.

DOG: A member of the canine family.

DOG POUND: Any premise designated and operated by the Owen
County Fiscal Court; a small animal shelter.

DOG WARDEN: The officer employed, appointed and authorized by the
Owen County Fiscal Court to primarily enforce the dog, animal and livestock
laws of the Commonwealth and this ordinance.

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RESTRAINT: A dog shall be deemed to be restrained if kept upon the premises of its owner or is accompanied by a responsible person off of the owner's premises and kept under that persons' control.

CONTROL: Power to manage and direct said dog and is not limited to the physical control of said dog.

AT LARGE: Shall mean off the premises of the owner or keeper and not under the control of the owner or keeper or members of the owner or keeper's immediate family or an agent of the owner or keeper "AT LARGE" shall not include a hunting dog which, while not on a restraint is subject to the master's command.

HARBOR: A dog shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

COUNTY RESIDENTIAL PROPERTY OWNER: A county residential property owner is any person owning, renting or leasing real estate in Owen County, Kentucky, outside the corporate limits of the Cities of Owenton, Monterey and Gratz, Kentucky.

SECTION II

Every dog within the county, outside the corporate limits of Owenton, Monterey, & Gratz, Kentucky, shall be restrained by the owner or person controlling same.

Unrestrained dogs may be taken by the Dog Warden or any other Peace Officer of this County to the Owen County Fiscal Court, Small Animal Shelter, and there confined in a humane manner not less than five (5) days, exclusive of the date of seizure, unless sooner claimed by their owner, custodian, or person entitled to the possession thereof.

If said dog is not claimed within five (5) days, the dog shall become the property of the Owen County Fiscal Court for appropriate disposition.

Before any impounded dog is released by the Owen County Fiscal Court, Small Animal Shelter, any owner, custodian or other person entitled to the possession of a dog taken up under this ordinance may claim such animal upon proof that it has been or is licensed in accordance with State Law; and proof that the dog has been inoculated against rabies. In order to claim such animal, a boarding charge as levied by the Owen County Fiscal Court, Small Animal Shelter and a pick up fee of twenty-five dollars (\$25.00) for each impoundment to be paid to the Owen County Fiscal Court, Small Animal Shelter and payment for rabies inoculation and dog license fee unless proof is shown otherwise. The pick up fee of twenty-five dollars (\$25.00) will be waived for any licensed and inoculated dog for the first impoundment but will be charged for any impoundments thereafter.

Any Dog Warden may sell and transfer title to any dog held after the legal detention period provided in the preceding section hereof above has expired.

Such owner, may upon reclaiming the impounded dog, be issued a citation for any violation of this ordinance.

SECTION III

Confinement of dogs when in ardor: Every female dog in ardor shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog except for planned breeding.

SECTION IV

Nuisance: No owner or person in control shall fail to exercise proper care and control of a dog he owns or harbors, so as to prevent the following action by them: Chasing of vehicles; excessive, continuous or untimely barking, howling or yelping, so that the admitted sounds are unreasonably loud and disturbing and which are of such a character and testing duration as to disturb the peace and quiet of the neighborhood or to be detrimental to the life and health of any individual; molesting of passers-by, attacking other domestic animals; trespassing upon school grounds; trespassing upon private property or damaging of property of any nature.

SECTION V

Vicious dog: It shall be unlawful for any owner to harbor or keep any dog with vicious propensity. It shall be prima facie evidence of viciousness for any dog to bite or attack any person while outside the owner's premises. If the Owen County Dog Warden detains or keeps in isolation a dog to determine if said dog has rabies, the owner of said dog shall be liable to the Owen County Fiscal Court, Small Animal Shelter for boarding fees.

SECTION VI

Humane treatment of dogs: No owner shall fail to provide his dog with good and wholesome food and water; proper shelter and protection from the weather, veterinarian care when needed to prevent suffering and humane care and treatment.

If any dog is restrained by chain, leash or similar restraint, such chain or restraint shall be designed to prevent the animal from choking or strangling itself.

No person shall beat, cruelly mistreat or torment, overload, overwork or otherwise chase any dog or cause or permit any dog fight or other combat between animals and dogs.

No owner shall abandon a dog, abandonment consisting of leaving a dog for a period in excess of twenty-four (24) hours without providing for someone to feed, water and to check on the dog's condition. In the event a dog is found to be abandoned, such dog may be taken by the Dog Warden or other Peace Officer and impounded at the Owen County Small Animal Shelter. Such dog if

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taken from private property, shall be kept for not less than five (5) days with the same procedure otherwise to be followed as in Section II. In the event a dog is so abandoned, the owner, rather than the person, if any, who is charged with the animal's care shall be liable for a citation or criminal complaint for violation of this section.

No person shall crop a dog's ears, except by a licensed veterinarian.

SECTION VII

No person shall place any poisonous substance which may be harmful to a dog as described herein in any location where it may be readily found and eaten by any such dog.

SECTION VIII

It shall be unlawful for any person to abandon any dog or cat upon any public place, including the right of way of a public highway or upon the property of another without provision of the care and sustenance of such animal.

SECTION IX

All dogs six (6) months and older owned by a resident of Owen County shall be licensed on July 1st of each year.

Each license shall be five dollars (\$5.00) each for the first three (3) dogs and three dollars and fifty cents (\$3.50) each for four to seven (4-7) dogs. Owners with eight (8) or more dogs shall constitute a kennel which would require a Kennel License for a fee of forty dollars (\$40.00). These rates are subject to change on a yearly basis.

SECTION X

The Dog Warden or any Peace Office of Owen County, Kentucky shall issue a citation or file a criminal complaint giving notice of the charge of any violation of this ordinance.

PENALTIES

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall upon conviction, be punished by fine of not less than \$25.00 nor more than \$100.00, or to be imprisoned for not less than five (5) days nor more than sixty (60) days, or both so fined and imprisoned.

If any violation be continuing, each day's violation shall be deemed a separated violation.

CONFLICT WITH EXISTING LAW

In the event any section of this ordinance conflicts with existing State Law, the conflicting section of this ordinance shall be inapplicable to the extent with the conflict. The provisions of this ordinance shall be in addition to any existing State or Local Laws.

All other ordinances that are in conflict of this ordinance are hereby repealed to the extent of such conflict.

VALIDITY

If any provision of the dog ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this dog ordinance.

All dogs shall be maintained according to the Owen County Dog Ordinance #22 adopted May 13, 1986 and amended herein.

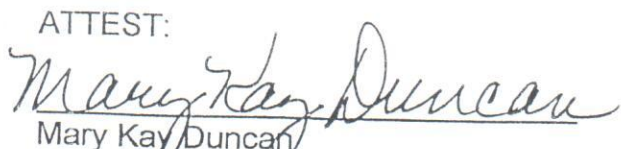
Given first reading on the 13th day of July, 2004.

Published in the Owen County News Herald on 18th day of August, 2004.

Given second reading, passed adopted and approved by the Owen County Fiscal Court of Owen County, Kentucky, upon motion of Magistrate Gary Minch, second by Magistrate Eugene Vannarsdall at a duly convened meeting thereof held on the 10th day of August, 2004 with yea and nay votes as follows:

- Eugene Vannarsdall yes
- Bobby Gaines yes
- Carl Banks yes
- Dr. Gary Minch yes


William O'Banion
County Judge/Executive

ATTEST:

Mary Kay Duncan
County Clerk