

## CHAPTER 90: ANIMALS

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### Section

#### ***General Provisions***

- 90.001 Definitions
- 90.002 Animals running at large
- 90.003 Cruelty to animals in the second degree
- 90.004 Dyeing or selling dyed chicks or rabbits
- 90.005 Abandoning domestic animals prohibited
- 90.006 Destruction of abandoned and suffering animal
- 90.007 Keeping of livestock, hogs, and fowl prohibited
- 90.008 Torture of dogs or cats

#### ***Keeping and Treatment of Animals***

- 90.015 Definitions
- 90.016 Applicability of state law
- 90.017 Sanitary conditions required
- 90.018 Animal carcasses
- 90.019 Wild animals and exotic animals prohibited
- 90.020 Breeding vicious dogs, exotic and wild animals
- 90.021 Minimum area limitations
- 90.022 Injuring or poisoning animals
- 90.023 Diseased animals

#### ***Restraint and Impounding***

- 90.035 Animals at large; impounding
- 90.036 Impounding
- 90.037 Place of impoundment
- 90.038 Interference with impounding of animals
- 90.039 Disposition of unredeemed animals
- 90.040 Stray dogs
- 90.041 Female dogs in heat
- 90.042 Dogs and animals that have attacked or bitten; rabies

#### ***Vicious Dogs and Animals; Rules and Regulations***

- 90.055 Registration of vicious dogs
- 90.056 Keeping and maintaining animals and vicious dogs within the city
- 90.057 Conditions precedent to vicious dogs being permitted to remain within the city's territorial limits
- 90.058 Police dog exclusion
- 90.059 Vicious dog licensing and registration; regulations
- 90.060 Animal control officer or enforcement agent to take possession; entry on private property

#### ***Enforcement***

- 90.070 Enforcement agents
- 90.071 Interference with animal control officer or enforcement agent
- 90.072 Powers of enforcement agents or animal control officer

#### ***Nuisances***

- 90.085 Noise disturbance
- 90.086 Trespassing animal; rights of property owner
- 90.087 Depositing animal refuse in public places
  
- 90.999 Penalty

## **GENERAL PROVISIONS**

### **§ 90.001 DEFINITIONS.**

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

“ABANDON.” Shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100 (4))

“AT LARGE.” Off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain, or otherwise.

“OWNER.” Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his care, or permits it to remain on or about the premises owned or occupied by him.

### **§ 90.002 ANIMALS RUNNING AT LARGE.**

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another.

Penalty, see § 90.999

### **§ 90.003 CRUELTY TO ANIMALS IN THE SECOND DEGREE.**

(A) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to being a spectator or vendor at an event where a four-legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

(2) Subjects any animal in his custody to cruel neglect; or

(3) Kills any animal other than a domestic animal killed by poisoning. This division shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(B) Nothing in this section shall apply to the killing of animals:

(1) Pursuant to a license to hunt, fish, or trap;

(2) Incident to the processing as food or for other commercial purposes;

(3) For humane purposes;

(4) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

(5) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

(7) In defense of self or another person against an aggressive or diseased animal;

(8) In defense of a domestic animal against an aggressive or diseased animal;

(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(KRS 525.130 (1), (2)) Penalty, see § 90.999

#### **Cross-reference:**

*Torture of dogs or cats, see § 90.008*

**Statutory reference:**

*Cruelty to animals in the first degree, a Class D felony, see KRS 525.125*

**§ 90.004 DYEING OR SELLING DYED CHICKS OR RABBITS.**

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.999

**§ 90.005 ABANDONING DOMESTIC ANIMALS PROHIBITED.**

No owner of a domestic animal shall abandon the animal.

Penalty, see § 90.999

**§ 90.006 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.**

(A) Any peace officer, animal control officer, or any person authorized by the Board may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.

(KRS 257.100)

**§ 90.007 KEEPING OF LIVESTOCK, HOGS, AND FOWL PROHIBITED.**

It shall be unlawful for any person to keep or harbor any livestock, swine, pigs, hogs, chickens, or other such animals or fowl within the city limits.

Penalty, see § 90.999

**§ 90.008 TORTURE OF DOGS OR CATS.**

(A) As used in this section, unless the context otherwise requires, TORTURE means the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal.

(B) A person is guilty of torture of a dog or cat when he without legal justification intentionally tortures a domestic dog or cat.

(C) Nothing in this section shall apply to the killing or injuring of a dog or cat:

- (1) In accordance with a license to hunt, fish, or trap;
- (2) For humane purposes;
- (3) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

(4) For purposes relating to sporting activities, including but not limited to training for organized dog or cat shows, or other animal shows in which a dog or cat, or both, participate;

(5) For activities of bona fide animal research activities, using dogs or cats, of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

- (6) In defense of self or another person against an aggressive or diseased dog or cat;
- (7) In defense of a domestic animal against an aggressive or diseased dog or cat;
- (8) For animal or pest control; or
- (9) For any other purpose authorized by law.

(D) Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or

profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources shall not constitute a violation of this section.

(KRS 525.135)

(E) The acts specified in this section shall not constitute cruelty to animals under KRS 525.125 or 525.130.

Penalty, see § 90.999

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**Statutory reference:**

*Torture of dogs or cats, second and subsequent offenses, a Class D felony, see KRS 525.135*

## **KEEPING AND TREATMENT OF ANIMALS**

### **§ 90.015 DEFINITIONS.**

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

**“ANIMAL.”** Any live creature, domestic or wild, male or female, except humans.

**“ANIMAL CONTROL OFFICER.”** The city official(s) designated as animal control officer(s), including the Code Enforcement officer, as well as the dog warden of Logan County, Kentucky.

**“ANIMAL SHELTER.”** The Logan County Humane Society or a facility authorized by an animal control officer for confinement, maintenance, safekeeping, and control of animals that come into custody of the animal control officer or enforcement agent in the performance of his or her official duties.

**“AT LARGE.”** On or off the premises of the owner and not under the immediate effective control of the owner or custodian, either by leash, cord, chain, or other restraint, or effectively confined within a fenced area on the owner’s premises. It shall be presumed that a dog is at large if it is not licensed or not registered under §§ 90.015 through 90.023 , 90.035 through 90.042 , 90.055 through 90.060 , 90.070 through 90.072 , 90.086 , 90.087 and 90.999 .

**“BIRD OF PREY.”** Any variety of predatory bird, including eagles, hawks, falcons, owls, and vultures.

**“CAT.”** Any member of the feline species, male or female, of any age.

**“CITY.”** The City of Auburn, Kentucky, a municipal corporation of the fifth class, and including any departments, divisions, boards, or agencies thereof.

**“CITY LICENSE.”** The license issued by the city or its designated agent and required to be in the possession of the license holder.

**“DOG.”** Any member of the canine species, male or female, of any age.

**“ENFORCEMENT AGENT.”** Any person designated by the city to enforce the provisions of this subchapter, including but not limited to animal control officers, Code Enforcement officials, and city police officers and the Logan County Sheriff or his or her deputies.

**“EXOTIC ANIMALS.”** Any of the following described animals: all animals, including snakes and spiders, whose bite or venom is poisonous or deadly to humans; apes, including chimpanzees, gibbons, gorillas, and orangutans; baboons; bears; cheetahs; crocodilians and alligators; constrictor snakes; coyotes; elephants; gamecocks and other fighting birds; hyenas; jaguars; leopards; lions; lynxes; ostriches; pumas, also known as mountain lions and panthers; wolves; raccoons; skunks; and tigers.

**“FALCONRY.”** The art of training raptors for the pursuit of game and the sport of hunting with raptors.

**“FOWL.”** Any and all fowl, domestic or wild, male or female, including chickens, ducks, turkeys, pigeons, and geese.

**“KEEP.”** Possessing, controlling, exercising, or allowing to run at large.

**“LEASH”** or **“LEAD.”** Any chain, rope, or device used to restrain an animal.

**“OWN.”** To own, have a property right in, keep, care for, or harbor a dog or other animal, or permit a dog or animal to remain on or about premises owned or occupied by him or her, whether or not the person has an actual ownership interest in the dog or animal.

**“OWNER.”** Any person who owns, has a property right in, keeps, cares for, or harbors a dog or other animal, or permits such dog or animal to remain on or about premises owned or occupied by him or her, whether or not the person has an actual ownership interest in the dog or animal. If a dog is owned by a family, all adult members of the family, individually and jointly, shall be deemed owners for the purposes of §§ 90.015 through 90.023 , 90.035 through 90.042 , 90.055 through 90.060 , 90.070 through 90.072 , 90.086 , 90.087 and 90.999 .

**“PERSON.”** Any individual, firm, corporation, limited liability company, association, or partnership.

**"PIT BULL DOG."** Any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terrier, or Staffordshire Bull Terriers, or substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers, including any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.

**"PUBLIC NUISANCE."** Any dog, cat, or other animal or animals that: chases passers-by or passing vehicles; attacks other animals; is at large three or more times within a year's time; damages private or public property; barks, howls, cries, or makes other loud noises, or runs at large, so as to disrupt the peace of the neighborhood; or is kept, housed, or harbored in such a manner so as to present unsanitary conditions, or causes offensive, obnoxious, or foul odors which impair the reasonable use and enjoyment of surrounding properties.

**"RUNNING AT LARGE."** Any dog, cat, or other animal that is free of restraint off of the premises of the owner. Dogs, cats, and other animals that are not securely held on a leash or lead and are on any street, alley, or sidewalk, or at any other public place, or on private property without the consent of the property owner are considered to be running at large.

**"STATE."** The Commonwealth of Kentucky, and its departments, divisions, boards, and agencies thereof.

**"VACCINATION."** An anti-rabies vaccination using a type of vaccine approved and administered by a veterinarian.

**"VETERINARIAN."** Any veterinarian licensed by the state to practice veterinary medicine or employed by a governmental agency.

**"VICIOUS DOG."** Any dog such as a pit bull breed that has a known or natural propensity, tendency or disposition to attack unprovoked or which has caused death or serious injury to a person engaged in a lawful activity or has attacked or bitten without provocation a person engaged in a lawful activity; or which has killed or seriously injured another animal after an animal control officer or enforcement agent has issued, based upon the vicious or predatory nature of the dog, a written notice to the owner or custodian of such dog to keep it confined or muzzled and leashed in accordance with this subchapter; or which has been declared to be vicious by the attending physician of the victim of an attack or an animal control officer or enforcement agent, taking into consideration the nature and severity of the incident and whether the dog has displayed dangerously aggressive behavior and is likely to inflict injury on another person or animal. A vicious dog does not include a dog that bites or attacks a person or other animal that provokes, torments, tortures, or treats an animal cruelly.

**"VICIOUS DOG LICENSE."** A license issued by the city upon registration of vicious dogs.

**"WILD ANIMAL."** Any animal that is not a domesticated companion animal, or any crossbreeds of these animals with domestic animals, or any descendant of any crossbreed. Such animals include, but are not limited to: any venomous snake, python or constrictor snakes, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynxes, bobcats, badgers, foxes, coyotes, wolves, wolverines, squirrels, bears, deer, chipmunks, moose, elk, rabbits, opossums, beavers, groundhogs, moles, gophers, prairie dogs, rats, mice, rodents, and bats.

**"WOLF-HYBRID."** Any domesticated dog that has in its known genetic history and/or formal pedigree crossbreeding with the wolf species to include, but not be limited to, animals referred to as wolf-hybrids or wolf-mix breeds or the breed known as Tundra Shepherd.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.016 APPLICABILITY OF STATE LAW.**

No person owning any animal shall violate any laws, rules, or regulations of the state applicable thereto. These state laws, rules, and regulations are included herein by reference. Where the provisions of the state regulations are less restrictive than the provisions of §§ 90.015 through 90.023, 90.035 through 90.042, 90.055 through 90.060, 90.070 through 90.072, 90.086, 90.087 and 90.999, the latter shall govern.

(Ord. 2006-06, passed 10-9-06) Penalty, see §90.999

#### **§ 90.017 SANITARY CONDITIONS REQUIRED.**

(A) Unless a local zoning ordinance is to the contrary, no person shall be permitted in an area zoned residential to raise poultry or animals for commercial purposes. All persons raising poultry or animals within the city, whether for commercial purposes or otherwise, shall be required to keep them at all times in a clean and sanitary condition and free from obnoxious odors.

(B) The premises upon which fowl, rodents, cattle, horses, sheep, or goats are kept shall always be sanitary and subject to inspection and regulation by the animal control officer.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.018 ANIMAL CARCASSES.**

(A) The body or part of any animal to be used for human food shall not be transported through any streets, unless it is covered so as to protect it from insects, animals, dust, and dirt.

(B) No person shall permit any dead horse, cow, sheep, or other animal carcass to remain within the city longer than a reasonable time for removing or burying the animal carcass.

(C) When a dead animal is found in the city, the owner shall promptly and properly bury the animal when notified to do so by an animal control officer or enforcement agent. Where the owner is unknown or neglects or refuses, an animal control officer or enforcement agent, or his or her designee, shall bury the animal.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.019 WILD ANIMALS AND EXOTIC ANIMALS PROHIBITED.**

No person shall own wild animal(s) and/or exotic animal(s) within the jurisdictional boundaries of the city. This prohibition does not apply to zoological parks, properly licensed transient animal exhibits, circuses, licensed veterinarians or licensed caregivers to wild animals, or persons owning birds of prey in compliance with all state and federal regulations.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.020 BREEDING VICIOUS DOGS, EXOTIC AND WILD ANIMALS.**

The breeding of vicious dogs, exotic animals, and wild animals within the boundaries of the city is strictly prohibited and enforcement agents may impound such animals when they are pregnant or impound any litter these animals may produce. This prohibition shall not apply to person(s) owning and/or breeding birds of prey for the purpose of falconry in compliance with all state and federal regulations.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.021 MINIMUM AREA LIMITATIONS.**

(A) No animal shall be kept on any lot or parcel of land within the city consisting of less than 10,000 square feet in area.

(B) The provisions of division (A) above shall not apply to the keeping of:

- (1) Small household pets, including but not be limited to dogs and cats; or
- (2) Animals for commercial purposes, where such use is lawful under the city zoning code.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.022 INJURING OR POISONING ANIMALS.**

(A) Any person who accidentally or otherwise strikes an animal with an auto and injures it shall contact the Police Department or animal control officer regarding the injured animal.

(B) No person shall willfully or negligently poison any animal.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.023 DISEASED ANIMALS.**

(A) Every person owning or having any animal under his or her charge within the city which he or she knows or suspects has been affected by any communicable or infectious disease, including but not limited to glanders or anthrax, shall isolate the animal from other animals and shall immediately report the existence or suspected existence of the disease to an animal control officer or enforcement agent.

(B) The animal control officer or enforcement agent is authorized, on the evidence of a veterinary surgeon or three disinterested witnesses, that any animal is incurably injured or diseased, to kill, or order the animal to be killed at once.

(Ord. 2006-06, passed 10-9-06)

### **RESTRAINT AND IMPOUNDING**

#### **§ 90.035 ANIMALS AT LARGE; IMPOUNDING.**

(A) The owner of any dog or animal shall keep the dog or animal confined to the premises and property of the owner and shall not allow the dog or animal to run at large, except as provided in this chapter.

(B) No owner of a dog or other animal shall permit or allow the dog to run or be at large, as defined in §90.035, or to go about or on the premises or property of any other person within the city without the permission of the other person.

(C) No owner of any cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens, or any other animal shall allow these animals to run at large within the city. Herding any such animals or tying them for grazing in any street or other public place shall be deemed running at large within the meaning of this section. To permit any running at large is declared to be a public nuisance and dangerous to the public health and safety.

(D) Any animal led or permitted to run at large in violation of this section shall be impounded at the owner's expense until the penalty for the violation, any impoundment charges, and any other charges required by this chapter are paid.

(E) Any animal control officer, enforcement agent, or other officer designated by the city is authorized to capture and impound any animal found at large in accordance with this chapter.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.036 IMPOUNDING.**

(A) All vicious dogs and animals taken into custody by an animal control officer or enforcement agent, as provided in § 90.060, shall be impounded at the Logan County Humane Society, except as provided in division (B) below.

(B) If the vicious dog is found on the premises of its owner, but is unlicensed by the city or state or at large, the Code Enforcement Officer, animal control officer or enforcement agent may, in his or her discretion, not impound the dog, but in lieu thereof, issue a Notice of Violation and/or a Citation on a form provided by the Code Enforcement Board of the City of Russellville to the owner for owning an unlicensed vicious dog or animal and/or permitting the dog or animal to be at large.

(C) All dogs and animals impounded shall be handled or disposed of by state law, as provided by KRS Chapter 258 and § 90.038 herein.

(D) No dog or animal impounded by an animal control officer or enforcement agent shall be released to its owner without authority from the City of Auburn Code Enforcement Officer, or the Mayor.

(E) If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer or enforcement agent shall immediately, upon impoundment, notify the owner by telephone or mail. An owner reclaiming an impounded dog or animal shall pay the required fee imposed by the Logan County Humane Society or other impounding authority and shall comply with any other requirements of the Logan County Humane Society or this chapter before the dog or animal can be released, including but not limited to, the spaying and neutering of a vicious dog.

(F) Any dog or animal seized by an animal control officer or enforcement agent shall be impounded for a minimum five days, and if not claimed by the owner by such time, shall become the property of the Logan County Humane Society. Such animal may be placed for adoption in a suitable home or humanely euthanized.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.037 PLACE OF IMPOUNDMENT.**

(A) Any dog or animal seized or captured pursuant to this subchapter may be impounded at the Logan County Humane Society.

(B) The city may by resolution enter into a contract with any other Humane Society in the city, county or state, or other similar association, not organized for pecuniary profit as pound keeper, for the collection, keeping for redemption, and destruction of all animals found in the city and impounded in accordance with the provisions of this chapter.

(C) The animal control officer or enforcement agent may seize and take into custody and impound, or cause to be taken into custody and impounded the following:

(1) Any dog or animal off the premises of the owner which official or his or her agent has reason to believe is a stray dog;

(2) Any female dog in heat off the premises of the owner;

(3) Any dog or animal that is permitted to run at large within the city contrary to §90.035(A); and

(4) Any vicious dog found to be in violation of §§90.055 or 90.056.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.038 INTERFERENCE WITH IMPOUNDING OF ANIMALS.**

No person shall willfully prevent or obstruct the impounding of any animal violating any of the provisions of §§90.015 through 90.023, 90.035 through 90.042, 90.055 through 90.060, 90.070 through 90.072, 90.086 , 90.087 and 90.999, or shall take any animal out of the Logan County Humane Society without the consent of the person in charge of the facility, or shall knowingly impound or attempt to impound any animal not legally liable to impoundment.

(Ord. 2006-06, passed 10-9-06) Penalty, see §90.999

#### **§ 90.039 DISPOSITION OF UNREDEEMED ANIMALS.**

When a dog or animal has been impounded and has not been redeemed by his or her owner, the Logan County Humane Society, or any person authorized under § 90.037 to do so, may cause the dog or animal to be sold or destroyed in a humane manner.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.040 STRAY DOGS.**

Any person who picks up a stray dog shall immediately notify and turn the dog over to the Logan County Humane Society or animal control officer. No person shall harbor or hold for reward or procure a license for a dog which has strayed upon his or her premises or which has been picked up on a public street, highway, or other public place unaccompanied by its owner or other person, or which has been stolen from its owner.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.041 FEMALE DOGS IN HEAT.**

Female dogs in heat found running at large shall be seized and impounded, and shall not be released except on approval of an animal control officer and payment of the required fees to the Logan County Humane Society.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.042 DOGS AND ANIMALS THAT HAVE ATTACKED OR BITTEN; RABIES.**

(A) An animal control officer or enforcement agent may serve notice upon the owner or person in charge of a dog or other animal which has attacked or bitten a person, to confine the animal at the expense of the owner or person in charge of it upon the premises of the owner or person in charge or at some other place designated in the notice, for at least ten days after the animal has attacked or bitten the person.

(B) The owner or person in charge of an animal which has attacked or bitten a person shall permit the animal control officer or enforcement agent to examine the animal at any reasonable time, and daily if desired, within a period of ten days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

(C) Whenever a dog or other animal is affected by rabies or suspected of being affected by rabies, or has been bitten by an animal known or suspected to be affected with rabies, the owner or person in charge of the dog or animal or any person having knowledge thereof, shall immediately notify either an animal control officer, or the city police.

(D) Every physician shall immediately after his or her first professional attendance upon any person bitten by a dog or other animal, report to an animal control officer, or the city police, the name, age, sex, race, and precise location of the person so bitten. When a physician is not in attendance of a person bitten by an animal, then any person in charge of or in control of or responsible for the person bitten shall report the incident to the police or an animal control officer and provide the same information as set out herein.

(E) An animal control officer or the city police shall serve a notice, in writing, upon the owner of a dog or other animal known or suspected to have been bitten by an animal known or suspected of being affected by rabies, requiring the owner or person in charge of the animal to confine it for a period of not less than six months.

(F) Whenever the police or an animal control officer has reason to believe that a danger exists that rabies may spread within the city, the officials shall serve a notice in writing upon all persons owning or having charge of any animal requiring the person to confine the animal or, the authorities, in lieu of serving a notice in writing, may cause a notice to be published in the official newspaper of the city. Other animals may be included in the order whenever, in the opinion of the officials, this is necessary.

(G) Whenever the state or local health department has knowledge that any case of rabies exists among dogs or other domestic animals within the state, and in its judgment the disease is liable to spread, the state or local health department may issue an order requiring either the police, the animal shelter, or an animal control officer to order animals confined as provided in this section, and to cause the enforcement of these provisions by appropriate proceedings either in law or equity.

(H) An animal confined under the order of either the police or an animal control officer shall not be released until a certificate of release has been issued by the official who ordered the confinement.

(Ord. 2006-06, passed 10-9-06)

### **VICIOUS DOGS AND ANIMALS; RULES AND REGULATIONS**

#### **§ 90.055 REGISTRATION OF VICIOUS DOGS.**

(A) Registration, photographs, and proof of vaccination required. Every owner of a vicious dog (which includes pit bull dogs) in the city shall annually register the animal with the Code Enforcement Officer of the City of Auburn. This registration shall state the name, address, and telephone number of the person possessing the animal, the address where the animal is harbored, if different from the possessor's address, completely identify the animal, including genus and species, his or her common name, gender, color, and other distinguishing physical characteristics, including size and weight. An owner of a vicious dog shall also submit two color photographs showing the color and approximate size of the animal with the registration and obtain from the city a vicious dog license. In the case of dogs or other animals required by law to be vaccinated for rabies, proof of rabies vaccination shall also be provided. Registration shall be completed for all animals that are located or kept within the territorial limits of the city for a period exceeding 24 hours. The registration period shall be for one year, and shall be renewable annually on the anniversary date of registration.

(B) At the time the dog is registered, a tag shall be issued to the owner of the vicious dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a vicious dog.

(C) Proof dog or animal has been spayed or neutered. Every owner of a vicious dog in the city shall submit with its initial registration written proof from a veterinarian that the animal has been spayed or neutered, or a written statement from the veterinarian why the animal cannot or should not be spayed or neutered.

(D) Insurance. An owner of a vicious dog must produce evidence that he or she has the ability to respond in damages up to and including the amount of \$100,000 for bodily injury to or death of any person or persons or for damage to property that

may result from the ownership, keeping, or maintenance of such animal. Proof of financial responsibility may be in the form of a certificate of insurance, or in the form of a surety bond conditioned upon the payment of such damages. If such insurance or surety bond is changed, altered, or terminated after registration of the vicious dog, the owner of such animal shall provide evidence to the city of insurance or surety bond complying with the terms of this provision.

(E) Reporting requirements. Every owner of a vicious dog in the City is required to report the following information in writing to an animal control officer:

- (1) The removal from the city or death of the animal;
- (2) The birth of offspring of the animal;
- (3) The new address of the animal if it is relocated within the corporate city limits; or
- (4) When the animal is running at large, has been stolen, or has attacked a person or another animal.

(F) Failure to comply. It shall be unlawful for any owner of a vicious dog in the city to fail to comply with the requirements and conditions set forth in §§ 90.015 through 90.023, 90.035 through 90.042, 90.055 through 90.060, 90.070 through 90.072, 90.086, 90.087 and 90.999. A vicious dog found to be in violation of those sections shall be subject to immediate seizure and impoundment. In addition, failure to comply with those sections will result in the automatic revocation of the license of such animal.

(Ord. 2006-06, passed 10-9-06; Am. Ord. 2012-02, passed 3-12-12)

### **§ 90.056 KEEPING AND MAINTAINING ANIMALS AND VICIOUS DOGS WITHIN THE CITY.**

(A) Manner of keeping dogs and animals. No person shall keep or maintain any dog or other animal in the city in such a manner so as to become a public nuisance or to disturb the peace, comfort, or health of any person residing within the city. The keeping of all animals within the city shall be subject to all pertinent regulations of the state and Logan County Health Department.

(B) Vicious dogs to be properly confined or leashed. The owner of a vicious dog shall:

- (1) When a vicious dog is indoors, secure all means of egress so that the dog may not exit.

(2) Leash and muzzle. No person shall permit a vicious dog to go outside of its kennel, pen, or the owner's property unless such animal is securely restrained with a leash or lead no longer than three feet in length and the leash or lead is physically controlled by a person 18 years of age or older who is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, and the like. In addition, all such animals on a leash or lead outside of the animal's kennel, pen, or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(3) Chains and tethers. It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether without adequate food and water.

(4) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled, as provided in division (B) above. Such pen, kennel, or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of no less than two feet. All structures erected to house such animals must comply with all zoning and building regulations, and all such structures must be adequately lighted, ventilated, and be of appropriate size to allow the animal confined therein to move around, and must be kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure. When being transported, the animal must be muzzled or caged.

(a) Signs. All owners of vicious dogs shall display on the kennel or pen and also in a prominent place on the premises a sign easily read by the public from adjoining public roads or streets using a sign stating the presence of a vicious dog by both symbol and words.

(b) Inspection. All owners of vicious dogs shall allow animal control officers and enforcement agents the freedom to inspect the area as necessary to assure that the health and safety needs of the animals and the public are being met.

(Ord. 2006-06, passed 10-9-06)

### **§ 90.057 CONDITIONS PRECEDENT TO VICIOUS DOGS BEING PERMITTED TO REMAIN WITHIN THE CITY'S TERRITORIAL LIMITS.**

Vicious dogs shall not be permitted to remain within the city's territorial limits unless all of the following conditions are met:

- (A) The animal is properly registered in the city;
- (B) The animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or personal property;
- (C) Adequate safeguards are made to prevent unauthorized access to such animal;

(D) The health or well-being of the animal is not in any way endangered by the manner of keeping or confinement;

(E) Keeping of such animal does not constitute a public nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;

(F) Keeping of such animal will not create or cause offensive odors or constitute a danger to public health; and

(G) The quarters in which such animal is kept or confined is adequately lighted and ventilated and are so constructed that it may be kept in a clean and sanitary condition.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.058 POLICE DOG EXCLUSION.**

It is not the intent of this chapter to prohibit the City Police Department, Logan County Sheriff, or other law enforcement agency from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined at all times in accordance with the policy of such law enforcement agency policy.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.059 VICIOUS DOG LICENSING AND REGISTRATION; REGULATIONS.**

(A) All vicious dogs, six months of age or older, owned, kept, harbored, or maintained in the city shall be licensed and registered with the city.

(B) Licenses shall be issued by the City Code Enforcement Officer upon submittal of application, Proof of Insurance as provided in § 90.055(D).

(C) The owner shall state at the time the application is made for the license, upon forms provided for such purpose by the City Code Enforcement Officer, the owner's name and address and the name, breed, color, and sex of each vicious dog owned or kept by him or her and provide proof of rabies vaccination.

(D) Upon receipt of the properly executed application(s), Proof of Insurance and payment of the license fee, the city shall issue to the owner a license certificate for each vicious dog so licensed.

(E) A vicious dog license shall not be transferable from one dog to another and no refunds shall be made on any license fee because of death of the vicious dog or the owner leaving the city before the expiration of the license period.

(F) If there is a change of owners of a vicious dog during the license period, the new owner may have the current registration transferred to his or her name upon payment of a transfer fee of \$1 and Proof of Insurance.

(G) The registration and license period provided for herein shall be on an annual basis with each license to be renewed on anniversary date of issue.

(H) The provisions of this chapter shall not apply to dogs brought into the city for the purpose of participating in any bona fide dog show, or to "seeing eye" dogs properly trained to assist blind persons when the dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

(I) All vicious dogs that are brought into the city, except as provided in division (H) above, shall be registered and licensed as herein provided if said animals remain in the city for more than 24 hours.

(J) The licensing and registration herein required shall be in addition to all licenses, registrations, and vaccination requirements of the state or county by law or regulation.

(K) Any vicious dog whose owner does not possess a vicious dog license as herein required shall prima facie evidence that the dog is unlicensed and unregistered, and in any proceeding under this chapter, the burden of proof of the fact that a dog has been licensed and registered shall be on the owner of the dog.

(Ord. 2006-06, passed 10-9-06)

#### **§ 90.060 ANIMAL CONTROL OFFICER OR ENFORCEMENT AGENT TO TAKE POSSESSION; ENTRY ON PRIVATE PROPERTY.**

(A) Any vicious dog found at large within the city and whose owner is not readily ascertainable, or any dog or animal found in violation of the provisions of §§ 90.015 through 90.023, 90.035 through 90.042, 90.055 through 90.060, 90.070 through 90.072, 90.086, 90.087 and 90.999 may be taken into custody by an animal control officer or enforcement agent.

(B) An animal control officer or enforcement agent shall have specific authority to enter upon private property for the purpose of inspecting or checking vicious dogs to determine if they are properly licensed by the city, or for taking into custody any unlicensed vicious dog found at large within the city, or any vicious dog found upon the property of another, other than the owner of the vicious dog.

(C) An animal control officer or enforcement agent may use any reasonable means and force necessary to take control and possession of vicious dogs and animals violating this chapter, including, but not limited to, using tranquilizer guns or devices. An animal control officer or enforcement agent shall not be liable, either civilly or criminally, for dogs or animals that are unintentionally injured or killed in the process of taking control or possession of the animals as provided herein.

(Ord. 2006-06, passed 10-9-06)

## **ENFORCEMENT**

### **§ 90.070 ENFORCEMENT AGENTS.**

(A) Enforcement. It shall be the duty of animal control officers and enforcement agents to enforce this subchapter. Upon the receipt of a complaint from any person that an animal is present within the city in violation of §§ 90.015 through 90.023, 90.035 through 90.042, 90.055 through 90.060, 90.070 through 90.072, 90.086, 90.087 and 90.999, an animal control officer or enforcement agent shall forthwith investigate the complaint and shall require the person in possession of such animal to comply with the provisions of these sections or to safely remove such animal from the city. Upon failure of the person in possession of the animal to comply with such order, an animal control officer or enforcement agent shall forthwith cause the animal to be seized and impounded. If such animal constitutes a serious threat of harm to humans, property or other animals, it may be rendered immobile by reasonable means or by the use of tranquilizers or other drugs, or if that is not safely possible, then such animal may be destroyed.

(B) Consultation. An animal control officer or enforcement agent, in investigating any person registering under this section or in the enforcement of this chapter, is authorized to consult with and seek the advice of any individual, agency, organization, or society that may be able to provide information and advice concerning animals regulated hereby.

(Ord. 2006-06, passed 10-9-06)

### **§ 90.071 INTERFERENCE WITH ANIMAL CONTROL OFFICER OR ENFORCEMENT AGENT.**

It shall be unlawful for any person to interfere with, molest, hinder, or prevent an animal control officer or enforcement agent of this city in the discharge of his or her duties as prescribed in this subchapter.

(Ord. 2006-06, passed 10-9-06) Penalty, see §90.999

### **§ 90.072 POWERS OF ENFORCEMENT AGENTS OR ANIMAL CONTROL OFFICER.**

Nothing in this chapter shall be construed to conflict with any of the powers or authority of enforcement agents, including police officers, or animal control officers conferred by the provisions of state law.

(Ord. 2006-06, passed 10-9-06)

## **NUISANCES**

### **§ 90.085 NOISE DISTURBANCE.**

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he occupies or owns shall be considered as harboring the dog.

(Ord. 2006-06, passed 10-9-06) Penalty, see §90.999

### **§ 90.086 TRESPASSING ANIMAL; RIGHTS OF PROPERTY OWNER.**

Any person who finds an animal on his or her property to his or her injury or annoyance may:

(A) Defend or protect himself or herself against trespassing animals;

(B) Remove the animal to the Logan County Humane Society; or

(C) Retain possession of the animal and, as soon as possible, notify the Logan County Humane Society or the city animal control officer of this custody, giving a description of the animal and the owner's name, if known.

(Ord. 2006-06, passed 10-9-06)

### **§ 90.087 DEPOSITING ANIMAL REFUSE IN PUBLIC PLACES.**

No person shall deposit any dead animal matter, offal, or any solid refuse animal matter in any sewer, watercourse, vacant lot, or pond in the city. The depositing of the refuse animal matter in any such place is declared a public nuisance.

(Ord. 2006-06, passed 10-9-06) Penalty, see §90.999

### **§ 90.999 PENALTY.**

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be fined not more than \$500 for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates §90.003 shall be guilty of a Class A misdemeanor and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense. (KRS 525.130)

(C) Any person who violates §90.004 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500. (KRS 436.600)

(D) Any person who violates §90.008 shall be guilty of a Class A misdemeanor for the first offense. (KRS 525.135(4))

(E) If a person is convicted of or pleads guilty to an offense under §§90.003 and 90.008 arising from the person's treatment of an equine, the court may impose one or both of the following penalties against the person, in addition to fines and imprisonment:

(1) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or

(2) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction. If a person's ownership interest in an equine is terminated by a judicial order under division (1) of this division (E), the court may order the sale, conveyance, or other disposition of the equine that was the subject of the offense resulting in conviction.

(KRS 525.130(5))

(F) For violations of §§ 90.015 through 90.023, 90.035 through 90.042, 90.055 through 90.060, 90.070 through 90.072, and 90.086, and 90.087, the following divisions apply:

(1) Any person violating the provisions of §90.019 (Wild and Exotic Animals) shall be deemed guilty of a misdemeanor and shall be fined not less than \$250 or more than \$500.

(2) Any person violating the provisions of §90.035 (Running at Large) shall be deemed guilty of a violation and shall be fined not less than \$50 or more than \$100.

(3) Any person violating the provisions of §90.059 (Vicious Dog Registration and Regulations) shall be deemed guilty of a misdemeanor and shall be fined not less than \$50, nor more than \$100 for the first violation, and not less than \$100 nor more than \$500 for each subsequent violation hereof.

(4) Any person violating § 90.056 (Keeping and Maintaining Animals and Vicious Dogs within the City) shall be deemed guilty of a Class B Misdemeanor and shall be fined not more than \$250 or imprisoned for not more than 90 days, or both, for the first violation, and shall be deemed guilty of a Class A Misdemeanor and fined not more than \$500 or imprisoned for not more than one year or both, for each subsequent violation. Each day of violation shall constitute a separate offense.

(5) Civil penalties. Violation of the sections identified above is a civil offense. The maximum civil penalty that may be imposed is \$250 for each offense, and each day these sections are violated may be considered a separate offense. If one who violates these sections does not contest a citation, then the penalty for such violation shall be \$50, and each day these sections are violated may be considered a separate offense.

(6) The Code Enforcement Board of Auburn, Kentucky is granted concurrent jurisdiction to decide all cases based on a citation issued by the Code Enforcement Officer for violation of these sections.

(7) In order to assist in enforcement of the sections listed under this division (E), the Code Enforcement Board may authorize the City Attorney of Auburn to file a legal action to collect fines, foreclose on judgment liens, and to seek injunctive relief against a violator who fails to comply with the terms of these sections.

(Ord. 2006-06, passed 10-9-06; Am. Ord. 2017-09, passed 11-13-17)