

Powell County, Kentucky ORDINANCE No. 2023-01

**AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS
WITHIN POWELL COUNTY, KENTUCKY,
FOR THE PROTECTION OF THE PUBLIC, AND PROVIDING PENALTIES
FOR THE VIOLATION OF THE PROVISIONS SET FORTH.**

BE IT ORDAINED BY THE FISCAL COURT OF POWELL COUNTY, KENTUCKY

SECTION 1. DEFINITIONS

1. ABANDONED- Any animal or animals left more than 24 hours without a person checking on the condition of the animal(s) and providing food and water. Any animal left on private property without the owner's consent or deserted or dumped on public properties or roadways.
2. ANIMAL CONTROL- The department of Powell County which is designated by the Powell Fiscal Court to enforce the provisions of the county ordinance and state statutes relating to animals and animal control and to operate the Powell County Animal Shelter.
3. ANIMAL CONTROL OFFICER- Any person designated by the Powell County Fiscal Court, or otherwise who is qualified to perform duties under the laws and ordinances of the Commonwealth of Kentucky, and the County, an Animal Control Officer shall be an enforcement officer for the purpose of Animal Control only.
4. ANIMAL- Any non-human living creature, domestic or wild, excluding fish, insects, and eggs.
5. SEVERE ATTACK- An unprovoked attack in an aggressive manner upon a human in which the victim suffered a bite(s) or was shaken violently, and which cause serious physical trauma or death.
6. ATTACK- An unprovoked attack in an aggressive manner on a human that causes a scratch, abrasion, or bruising, or on a domestic pet or livestock that causes death or injury.
7. CRUELTY- Failing to provide adequate food and water; failing to detect the need for or withholding veterinary care; creating or allowing unhealthful living conditions, infliction of suffering, injury, or death to an animal by striking, beating, dropping, kicking, dragging, choking, or by the use of an object or weapon; causing pain, injury, or death by means of caustic, flammable, boiling, or heated substances; causing suffering, injury, or death by suffocation or drowning; failure to provide health-related grooming.

For purposes of this chapter, the definition of CRUELTY shall not include the acts as described in KRS.525.130 (2) and (3).

8. LIVESTOCK- Cattle, emus, goats, horses, sheep, swine or any other animals of the bovine, caprine, equine, ovine, porcine or ratite species.

9. OWNER- Any person or legal entity owning, keeping, possessing, harboring or sheltering one or more animal(s).

10. POTENTIALLY DANGEROUS DOG- “Potentially dangerous dog” means any dog that approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals as declared by law enforcement agents or Animal Control.

11. NUISANCE- Any act or an animal or its owner that irritates, perturbs or damages rights or privileges common to the public or enjoyment of private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions on the following acts or actions by an animal or by its owner or possessor shall hereby being declared a nuisance;

a. Allowing or permitting an animal to habitually bark, whine, howl, mew, crow or cackle in an excessive or continual fashion or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

b. Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including but not limited to getting into or turning garbage containers or damaging gardens, flowers, plants, or other real or personal property or leaving fecal material on the property of another person.

c. Allowing or permitting an animal to molest, chase, snap at, attack or attempt to attack passers-by, vehicles, domestic pets or livestock.

d. Allowing or permitting an animal to (habitually or continually) roam or be found on property of other than its owners or caretakers, trespassing school grounds, parks or the property of any person.

e. Allowing or permitting an animal to be housed or restrained at a distance, that, in the discretion of the animal control officer, poses a threat to the general safety, health and welfare of the general public.

f. Allowing or permitting an animal to be maintained in an unsanitary condition.

g. Allowing or permitting an animal to habitually charge in an aggressive manner with a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal.

i. Subject to the restrictions set forth in KRS 413.070(7), an agricultural operation, as defined under KRS 413.072(3), shall be exempt from any enforcement under this chapter which arises out of a nuisance violation as defined herein.

12. RESTRAINT-

a. For all domestic animals except dogs and puppies, restraint shall mean on the premises of the owner or on premises which the animal's presence has been explicitly allowed or, if off of the owner's property, where permission has not been granted. Under restraint by means of a lead or leash or in a cage or carrier and under the control of a reasonable person. Cats are exempt from the restraint requirements.

b. For puppies and dogs, RESTRAINT shall mean on the premises of the owner or on premises which the animals' presence has been explicitly allowed, and confined in a secure enclosure, or accompanied by the owner and under his/her direct control. If off the premises of the owner where permission has not been granted, the animal must be restrained by a lead or leash and under the control of a responsible person physically able to control the dog, except for vicious dogs, and potentially dangerous dogs.

c. Under this definition Restraint for vicious dogs and potentially dangerous dogs shall mean as follows:

i. That vicious dogs and potentially dangerous dogs are always securely muzzled when off the premises of the owner. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or other animal.

ii. That owners of vicious dogs and potentially dangerous dogs shall not allow the dog to be outside an enclosure as defined in this chapter unless the dog is confined to a secure cage, or is chained, leashed, and is under the control of a person physically able to restrain the dog.

iii. That the lead or leash for a potentially dangerous or vicious dog shall not exceed six feet in length.

iv. Other standards and requirements for restraining dogs shall be as set forth in sections 13 and 13-1.

13. STRAY- Any animal running at large or off of the premises which the animals' presence has been explicitly allowed.

14. VICIOUS ANIMAL – Any animal which constitutes a physical threat to human beings or domestic animals due to a known propensity to endanger life by an unprovoked assault or bite which results in serious bodily harm.

a. any animal which when unprovoked, approaches in a terrorizing manner, any person in an attitude of attack upon streets, sidewalks or any public grounds or places.

b. any animal with a known propensity, tendency or disposition to unprovoked attacks which cause injury or endanger the safety of human beings or domestic animals.

c. Any animal owned or harbored primarily or in part for the purpose of fighting with animals.

i. It shall be prima facie evidence that an animal is vicious if the animal bites a human being or domestic animal more than once in the same attack.

d. An animal shall not be deemed VICIOUS solely because:

i. It bites, attacks, or menaces any person assaulting its owner unless by duly sworn officer in the line of duty; or any person or animal who has tormented or abused it;

ii. It is otherwise acting in defense of any attack from a person or other animal upon its owner or another person unless the attack is justified and by duly sworn officer in the line of duty; or

iii. It is protecting or defending its young or the young of any other animal.

15. WILD/EXOTIC ANIMAL- Any animal not domesticated, not ordinarily tame or which is by nature an animal that lives apart from human beings. Including but not limited to lions, monkeys, deer, coyotes, alligators, crocodiles, apes, raccoons, opossums, giraffes, bears, tigers and wolves or any hybrid thereof.

SECTION 2. POWERS OF ANIMAL CONTROL

1. The Powell County Animal Control Officer and any duly authorized and trained representatives of said office, (if and only if, they otherwise qualify as a peace officer under the laws of the Commonwealth of Kentucky), shall have the powers of a peace officer for the purpose of enforcing animal control laws or ordinances within the limits of Powell County if they otherwise qualify as a peace officer under the laws of the Commonwealth.

2. Whenever it is necessary for the animal Control Officer to inspect in order to perform any duty or to enforce any provision of this ordinance or any other applicable state statutes or county

ordinance, they are hereby empowered to enter property at a reasonable time and inspect the premises. The Animal Control Officer shall have the power only if the consent of the owner or occupant of the property is freely given, exigent circumstances exist, or a search warrant is obtained.

3. All animals of any age which are abandoned or running at large, and found in the County, may be picked up by Animal Control and impounded in the Animal shelter. Furthermore, animals which are inhumanely treated, as provided for in this ordinance, may be taken into custody by Animal Control and impounded in the animal shelter pending the filing of criminal charges, the resolution of criminal charges or a criminal investigation.

4. If any law enforcement officer or Animal Control Officer witnesses a vicious animal, as defined herein, the animal may be impounded, the owner cited for violation of this ordinance or state statute. If the owner is cited and the animal impounded, the animal shall remain in the custody of the Animal Shelter pending the decision by Powell District Court, or such other court of competent jurisdiction, unless ownership is voluntarily relinquished to the Animal Control.

5. Any animal observed by a law enforcement officer or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available, in order to protect the safety of the animal.

6. It shall be unlawful for any person or owner to interfere with, hinder, harass or abuse any officer or individual authorized to enforce the provisions of this ordinance.

SECTION 3. HUMANE TREATMENT OF ANIMALS

1. It shall be unlawful to abandon any animal.

2. It shall be unlawful for any person to inhumanely treat any animal, including, but not limited to, the deprivation of necessities, beating, mutilating, torturing, killing, overworking or otherwise abusing any animal. Nothing herein shall prevent Animal Control from humanely euthanizing any animal.

3. It is unlawful for any person to exhibit, possess, own, display or keep any animal without providing adequate food, water, shelter and protection from the elements, adequate space, reasonable grooming, appropriate ventilation, shade from the sun, proper sanitation, proper care and reasonable medical attention, as described in section 11.

4. Any animal, which is chained, tied or otherwise restrained, shall have no less than ten feet of chain, rope, or similar material, with a swivel attached to prevent entanglement. No owner shall allow any animal to be maintained on a rope or chain that is such that the animal can become entangled in same so as to significantly restrict the free movement of the animal. Any animal restrained in such a manner that the animal's chain, rope or the like allows the animal to leave its

owner or keeper's property shall be deemed running at large; provided however, that regardless of any other provision in this ordinance to the contrary, a vicious animal, as defined in this ordinance, shall not be permitted to be kept in the manner provided in this section, and shall only be allowed to be kept in accordance with Section 4 below.

5. It shall be unlawful for any person to keep an animal in an automobile without adequate ventilation in the summer or adequate warmth in the winter. No person shall enclose any animal in the trunk of an automobile. An Animal Control Officer shall rescue any animal confined in such a manner.

6. No person or persons shall expose any poisonous substance, whether mixed with food or not, so that the same shall likely be eaten by an animal – provided that it shall not be unlawful for a person to expose on his or her property, (in a place not ordinarily or easily accessible by other animals such as dogs and cats common rat poison, mixed only with vegetable substances for the explicit purpose of killing rats or mice on the property of the owner.

7. No person(s) shall give away any live animal as a prize or for inducement to enter any contest, game or competition, except it shall not be unlawful to give away small fish, not to exceed four inches, as a prize.

i. It shall be unlawful for any person to crop a dog's ears or tail, except a licensed veterinarian.

ii. It shall be unlawful for the owner, resident, tenant, occupant, or persons having control or management of any public or private land within the County to permit a public nuisance, health hazard or source of filth to develop thereon, or to permit such to contribute to the material devaluation of surrounding real property. A public nuisance shall include, but not limited to the hoarding of pet animals. The "hoarding of pet animals" shall include, but not be limited to the keeping of more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners or others and without constituting a nuisance to the occupants or neighboring properties, characterized by failure to provide proper food, water, shelter, veterinary care and sanitation to the animals and resulting in squalid living conditions for the animals or the keeper any by complaints from neighbors including, but not limited to mistreated or neglected animals, stench from the property and rodent and insect infestations.

SECTION 4. CANINE LICENSE REQUIRED

1. Any owner of a canine within the limits of Powell County shall apply to the Powell County animal shelter or his/her agent for the appropriate license. Proof of current rabies inoculation shall be evident by presentation of a tag or certificate issued by a licensed veterinarian or his/her

agent. A Powell County Dog License shall be required for all canines over four (4) months of age.

2. Individual dog licenses shall be renewed each year not less than 335 days nor more than 380 days from the previous date of issue. License tags shall be firmly affixed to the harness or collar always worn by the canine.

3. If a canine is found not to be wearing its Powell County Dog License the owner may prove that the canine has been licensed by providing a certificate of purchase from the Powell County animal shelter or his/her agent.

4. If the owner is unable to locate the license tag, a replacement tag shall be purchased from the Powell County animal shelter or his/her agent. The replacement tag shall be effective from the date of purchase through the expiration of the original license and shall be affixed to the harness or collar always worn by the canine.

5. Canines kept temporarily (less than thirty (30) days) within the county for the purpose of breeding, showing or any other activity not prohibited by this chapter shall not require a Powell County Dog License, but owners shall be required to provide proof of the current rabies vaccination by producing a rabies tag or certificate issued by a licensed veterinarian or his/her agent.

SECTION 4-1—License Fee

1. The fee for each Powell County Dog License shall be five dollars (\$5.00). The fee for a replacement license tag of a lost- unexpired license shall be three dollars (\$3.00)- Owners of animals adopted from the Powell County Animal Shelter are exempt from this fee for 365 days following adoption.

SECTION 4-2. Licensing Procedure

1. Powell County Dog License tags are purchased by the Powell County Fiscal Court on behalf of the Powell County Animal Shelter. The director of the Powell County Animal Shelter will dispense Powell County Dog License Tags to approved vendors. Each canine that is inoculated against rabies and whose owner's primary address lies within the limits of Powell County shall additionally be issued a Powell County Dog License and the owner shall pay the associated fees. A canine whose owner can provide proof that the canine received a rabies inoculation by a licensed veterinarian practicing outside the limits of Powell County and whose owner's primary address lies within the limits of Powell County; a canine that is inoculated or whose owner can provide proof that (he canine has been inoculated against rabies and whose owner's primary address does not lie within the limits of Powell County but the primary residence of the canine lies within the limits of Powell County shall be issued a Powell County Dog License and the owner shall pay the associated fees. Five dollars (\$5.00) of the license fee or two dollars (\$3.00) of the

replacement license fee shall be paid to the Powell County Fiscal Court for the purpose of maintaining the animal shelter.

SECTION 5. Rabies Vaccination Required

1. The owner of a domesticated animal shall have said animal vaccinated against rabies in compliance with KRS

258.015. If the animal is a canine the owner is to firmly affix the rabies tag issued by the administering veterinarian

to the harness or collar that should be always worn by the canine.

2. If a canine is found to be running at large and not wearing a current rabies tag the canine will be assumed to have not been vaccinated against rabies and will be admitted to the Powell County Animal Shelter under such assumption. The owner of the animal may provide proof at the time of reclamation that the animal has been vaccinated against rabies by providing a certificate issued by the administering veterinarian.

3. If the owner cannot provide proof that the animal has been vaccinated against rabies, the owner, upon reclamation must purchase a rabies vaccination and notify the Powell County Animal Shelter within seven (7) days of issuance, failing to do so is in violation of section 5 of this ordinance.

SECTION 6. Confinement Required

1. The owner, or his designee, of every canine within the limits of Powell County, shall at all times keep such canine confined on his or her property and be in immediate control of the canine.

2. A canine may be allowed outside of the property of its owner or his designee if the canine is accompanied by and in immediate control of its owner or his designee by way of a leash and harness or collar or if the canine is in a location designated for off leash animals and under voice control of its owner.

SECTION 6-1. Confinement of Animal When in Heat

1. Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

SECTION 6-2. Acceptable Methods of Confinement

a. fence constructed of chain link, plastic, wood or other material that is in good condition and would not be deemed hazardous to the animal;

- b. an invisible (wireless) fence or underground fence with electrical current;
- c. a chain or tie out provided that the regulations set forth in Section of this Ordinance are met.

SECTION 7. Impoundment

1. Any canine found running at large within the limits of Powell County and not confined in the manner prescribed in *Section 6*, whether licensed or unlicensed, shall be taken up by any dog warden and impounded in the Powell County Animal Shelter and there confined in a humane manner for a period of not less than five (5) days, inclusive of the date of seizure unless sooner claimed by its owner or his designee. Thereafter, the canine may be placed for adoption or humanely euthanized. A canine surrendered to the Powell County Animal Shelter by a third party, whose owner is unknown, shall be held in the same manner.
2. A canine that is surrendered to the Powell County Animal Shelter by the owner or designee may immediately be placed for adoption or humanely euthanized at the discretion of the director of the Powell County Animal Shelter.
3. If any animal found running at large, whose owner is unknown and is unable to be immediately located by reasonable means is injured, the animal will be transported to a participating veterinary clinic and may be humanely euthanized prior to the five (5) day hold period if it is the recommendation of the attending veterinarian for a humane reason.
 - a. Habitually straying canines licensed or unlicensed, having been picked up by Animal Control and impounded at least Three (3) times in a Sixty (60) day period are subject to forfeiture and shall become property of The Powell County Fiscal Court on the fourth capture, at which time the animal may be placed for adoption or humanely euthanized at the discretion of the Powell County Animal Shelter Director.

SECTION 7-1. Transfer of Detained Animals

1. The director of the Powell County Animal Shelter or their designee may transfer ownership of any animal held at the shelter provided that the animal has been surrendered by the owner or that the legal detention period set forth in section has been met, provided that the adopter pays the fees set forth by the Powell County Fiscal Court and in compliance with state laws pertaining to rabies inoculation and licensing.
2. All animals adopted from the Powell County Animal Shelter must be surgically sterilized prior to transfer of ownership. If an animal cannot be sterilized at the time of adoption due to a medical reason the adopter agrees to return the animal at the appropriate time as designated by the

veterinarian and provide the Powell County Animal Shelter with proof that the animal has been sterilized.

SECTION 7-2. Reclamation by Owner

1. The owner of an animal or his designee may claim an animal being held at the Powell County Animal Shelter within five (5) days inclusive of the date of intake, provided that proof of ownership can be produced, as well as, proof that the animal has been inoculated against rabies in accordance with KRS 258.015, proof that canines have a valid Powell County Dog License and payment of fees set forth by the Powell County Fiscal Court.
2. If proof of ownership can be provided but proof cannot be provided that the animal has been inoculated against rabies or has a valid Powell County Dog License, if a canine, the owner will be required to purchase a rabies vaccination and provide proof within seven (7) days. If an animal found running at large has required medical treatment by a veterinarian, the owner will be required to reimburse the cost of treatment to the Powell County Animal Shelter before the animal is released.
3. After five (5) days, inclusive of the date of intake an animal can no longer be claimed and must go through the adoption process even if the other requirements of this ordinance are met. Or at the shelters discretion after all applicable fees are reimbursed

SECTION 7-3. Impoundment Fee

1. When an animal is found to be impounded by order or direction due to any violation of this ordinance, the owner said animal shall be indebted to the Animal Control in an amount of \$50 for impoundment and release fee.
2. After the prescribed impoundment period has lapsed, an additional fee of \$ 10 a day shall be attached to the initial fee as set out in *Section 7.3(1)*.
3. After the prescribed impoundment period has lapsed, Animal Control will attempt both a written and verbal notification that the impoundment period for the animal has expired.
4. After all reasonable efforts have been made to contact the owner, and owner has failed to reclaim his animal within a 1 weeks' time from contact, the animal said be considered abounded by the owner. Any abounded animal shall be subject to adoption proceedings for general public.

SECTION 8. Quarantine

1. Any animal that is reported to have bitten a human may be picked up by a Powell County dog warden and impounded in the Powell County Animal Shelter for the applicable quarantine period. In the event an animal is impounded for a quarantine period, the owner shall be responsible for a boarding fee set forth by the Powell County Fiscal Court and any additional fees related to rabies inoculation and county licensing that may apply.
2. If an animal is not claimed by the owner within five (5) days of release from the quarantine period, the animal will be considered abandoned and may be humanely euthanized or adopted as deemed appropriate by the director of the Powell County Animal Shelter.
3. Any owner who fails to properly quarantine their animals is subject to citation for violation of this section and the animal shall be removed to the animal shelter for the remainder of its quarantine period. The owner will be responsible for all quarantine fees.

SECTION 9. Animal Cruelty

1. Any animal involved in an alleged violation of KRS 525.125, 525.130 or 525.135 may be confiscated and held at the Powell County Animal Shelter in a humane manner.
 - a. Upon taking custody of an animal pursuant to KRS 525.125, 525.130 or 525.135 the responding dog warden/ACO shall give notice of the seized animal by posting a notice at the location the animal was taken into custody or by delivering notice to a person residing at the property.
 - b. The notice shall include the date and time the animal was taken into custody, as well as, the name and phone number of the Powell County Animal Shelter. The animal shall remain in the custody of the Powell County Animal Shelter until the matter is resolved and the director of the Powell County Animal Shelter is notified of the outcome in writing by the Powell County Attorney.
2. Upon a plea or a finding of guilt the animal shall become the property of the Powell County Fiscal Court and may immediately be offered for adoption or may be humanely euthanized at the discretion of the director of the Powell County Animal Shelter.
3. Upon a dismissal of charges or a finding of innocence the animal shall immediately be made available to the owner.
 - a. If the animal is not claimed by the owner within five (5) days of the dismissal or acquittal the animal shall become property of the Powell County Fiscal Court and may be placed for adoption or humanely euthanized as deemed appropriate by the director of the Powell County Animal Shelter.

SECTION 10. Declaring A Vicious Animal

1. Any animal that has bitten a person when unprovoked may be deemed vicious if:
 - a. The person bitten suffers a severe attack and,
 - b. Files a petition for the purpose of having the animal declared vicious.

SECTION 10-1 Declaring A Potentially Dangerous Dog

2. Law enforcement agents and animal control may declare an animal as potentially dangerous if the animal meets any of the criteria in section 1 definitions under potentially dangerous dog, vicious animal, or attacks another domestic animal within the boundaries of its own residence, or where the other domestic animal's presence has been explicitly allowed.

SECTION 11. Care And Treatment of Animals

Definitions:

1. Adequate food means the provision of foodstuff that is uncontaminated, wholesome, palatable, and of sufficient quality and nutritive value to maintain the normal condition and weight of the animal. Food shall be provided at suitable intervals or at least once a day, unless restricted by a veterinarian. The diet shall be appropriate for the animal's species, age and condition. Food shall be served in a receptacle, dish or container that is physically clean and absent of agents injurious to the health of the animal.
2. Adequate shade means for dogs one (1) or more separate outside areas of shade, large enough to contain all dogs at one time and to protect them from the direct rays of the sun. A doghouse shall not constitute adequate shade. For all other animals that, as determined by species, require shade, "adequate shade" means one (1) or more outside areas of shade large enough to protect all the animals present from the direct rays of the sun.
3. Adequate shelter means for dogs an appropriate, durable, enclosed permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with a roof, four (4) sides and a floor constructed in a manner to protect a dog's feet and legs from injury and with dimensions appropriate for breed and size. The shelter shall provide the dog adequate protection and shelter from heat and cold and from the direct effect of wind, rain and snow. The shelter shall have a sufficient amount of clean organic bedding material, e.g., straw, hay or wood shavings, to keep the dog warm and dry. For all other animals, "adequate shelter" means an appropriate structure that provides the animal adequate protection and shelter, as determined by the animal's species, from heat and cold and from the direct effect of wind, rain and snow.
4. Adequate water means constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, which is provided in a sanitary manner.
5. Veterinary care means an appropriate level of professional medical care and treatment by a licensed veterinarian to maintain the proper health and condition of an animal as determined by its species, breed and age.

SECTION 12. Prohibited Acts

It shall be unlawful for

1. Any person within the county to unnecessarily or cruelly beat, torture, abuse or otherwise mistreat any horse or other animal, whether his own or that of another, or to subject such an animal to any condition that is likely to result in harm to the animal.

2. The owner or harbinger of an animal to fail to provide the animal with adequate food, water, shelter, shade or veterinary care.
3. A dog's housing area or enclosure to be excessively muddy or contain standing water, due to a lack of groundcover, or be otherwise unsanitary. A dog's area or enclosure shall be free of objects or contaminants which are likely to cause injury or be detrimental to the health of the dog, including, but not limited to, rusty or jagged metal objects, broken glass, or harmful chemical solvents or agents.
4. The owner or harbinger of a dog to use a collar or harness made of wire, flat chain, chain with sharp edges, or chain with rusty or non-uniform links. If attached to a tether, the collar or harness shall be properly fitting and not primarily metal or choke-type. The tether attached to a collar or harness shall be of a weight and material appropriate for the breed and size of the animal; cannot weigh more than five (5) pounds total weight; be no less than twelve (12) feet in length; and have swivels at both ends. A person shall not wrap a tether directly around a dog's neck. An area where a dog is tethered shall be free of objects which could become tangled in the tether. The tether shall be secured to a fixed immobile point that allows freedom of movement while withstanding the force necessary to restrain the dog.
5. Any person who violates this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or be imprisoned for a term not to exceed twelve (12) months, or both, for each act, which shall constitute a separate offense. *See KRS 525.125:130 Cruelty to Animals*

SECTION 12-1. Poisoning, ETC.

If any person in Powell County shall unlawfully kill, disfigure, maim, poison or attempt to administer poison to, any animal whether his own or that of another, he shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed twelve (12) months, or both, for each act which shall be a separate offense.

SECTION 12-2. Abandoning Disabled Animal

Any person who shall leave or cause to be left any wounded, diseased or infirm animal on a street, alley, lot or commons to die a lingering death shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed twelve (12) months, or both, for each act which shall be a separate offense.

SECTION 12-3. FIGHTS; WAGERING

1. Intentionally causing or instigating the fighting of animals or fowl in Powell County is hereby prohibited.

2. Any person who shall be present at and abet or encourage any such fights and any person who shall bet any money or other thing of value upon the results of any such fight shall, upon conviction, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed twelve (12) months, or both, for each act which shall be a separate offense.

SECTION 12-4. Restitution Required for Impoundment

1. Animal control officers may seize and impound any animal or fowl which is the subject of a violation of the provisions of sections 12 through 12-3 of this Code. In addition to any other penalties provided in this Code, any person violating the provisions of sections 12 through 12-3 of this Code shall be subject to an order of restitution for the actual costs incurred in seizing, impounding and confining the animal or fowl.
2. Any person who violates this section shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for a first offense; not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
 - a. A second offense in a twelve-month period; not less than one hundred dollars (\$ 100.00) nor more than five hundred dollars (\$500.00) for a third offense in a twelve-month period;
 - b. And not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for a fourth and each subsequent offense in a twelve-month period. Each day's continuance of any such violation shall be a separate offense.
3. Any animal which is the subject of any violation of this section may be impounded as set forth in Section 7.

SECTION 13. Harboring A Declared Vicious Canine

1. If an animal bites or attempts to bite a human, the animal shall be impounded at the Powell County Animal Shelter for quarantine period. After an animal has been impounded at the Powell County Animal Shelter three (3) times within a 365-day period for the purpose of quarantine the director of the Powell County Animal Shelter may petition to have the animal declared a vicious animal.
2. It shall be unlawful for any person to keep or harbor within the limits of Powell County an animal known to be vicious unless it is at all times kept on the owner's or harborer's property securely confined indoors or in a securely enclosed and locked outdoor pen or shelter suitable to prevent the entry of persons other than the owner of the animal and designed to prevent the animal from escaping.
 - a. A fenced in yard by itself is insufficient to meet this standard, unless approved, in writing, by the Animal Control Officer. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet, must have secure sides and must be at least six (6) feet high and have a secure top.

- b. If it has no concrete, cement or asphalt bottom, the sides must be imbedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the animal.
3. A vicious animal shall be transported to or from the indoors and the securely enclosed and locked outdoor pen or shelter only if such animal is muzzled and restrained by a suitable chain or leash not exceeding six (6) feet in length and under the control of a responsible adult. The muzzle must be made in a manner that it will not cause injury to the animal or interfere with its vision or respiration but will prevent the animal from biting any person or animal.
 4. A vicious animal shall be permitted off the owner's or harborer's property only if such animal is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible adult and only for the purposes authorized by KRS 258.235. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent the animal from biting any person or animal.
 5. 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 public are being met.
 6. When any animal is required by this section to be confined, it shall also be required that a conspicuous notice be posted at the place of confinement of such a nature as to warn the public of the nature of the animal therein confined.
 7. No person under the age of eighteen (18) years shall be permitted to own, harbor or handle a vicious animal.

SECTION 13-1. Harboring A Declared Potentially Dangerous Dog

In addition to the provisions set forth under section 1 Definitions, as to the restraint of a potentially dangerous dog(s). The owner, caretaker, or harborer must always ensure that the animal(s) are contained to the properties that the animal(s) have explicit permission to be on. It shall also be required that a conspicuous notice be posted at the place of confinement of such a nature as to warn the public of the nature of the animal(s) therein confined.

SECTION 14. Livestock within County Limits

1. Livestock as defined in *Section 1*, shall be cared for and maintained by the owner or third party as set forth via this ordinance

SECTION 14-1. Livestock Running At Large Prohibited.

It shall be unlawful for any person to suffer or permit any cow, calf, horse, mare, colt, mule, sheep, goat or other such stock owned by such person, or under his or her control, to run at large within the county limits.

Any person found to be in violation of *Section 14* shall be subject to penalties and fines laid out in *Section 16*.

SECTION 15. Wild/Exotic Animals

No person shall maintain, possess, harbor or keep an exotic or wild animal or hybrids of exotic or wild animals within Powell County.

SECTION 16. Violation of this Ordinance - Criminal Penalties.

Any person convicted of a violation of this Ordinance shall be subject to a fine in an amount not to exceed \$250.00. Each day of violation shall be deemed to be a separate violation.

SECTION 17. Violation of this Ordinance - Civil Penalties

1. In addition to the criminal penalties set forth in Section 16, Powell County may institute a civil action for injunctive relief in the Powell Circuit Court or otherwise.
2. In such an action, it shall be sufficient to allege and prove that a violation of this ordinance has occurred, and it shall not be necessary to allege or prove that any person has been damaged or sustained any loss as a result of any such violation.
3. When the provisions of this ordinance are enforced through civil procedures, Powell County shall be entitled to its costs, filing fees, service fees and attorney fees incurred in connection with the institution and maintenance of such a proceeding.
4. Powell County shall likewise be entitled to civil penalties for up to \$100.00 per day, (beginning at such time that written notification is provided to the individual or entity by the City or County notifying of the violation and instructing the individual or entity to correct said violation), for each day for violation of the terms of this ordinance.

SECTION 18. Severability

1. The provision of this ordinance is severable. If any provision, section, paragraph, sentence or part thereof, or the application thereof, shall be found to be invalid, illegal unconstitutional or otherwise unenforceable, such decision shall not affect or impair the remaining provisions of this Ordinance or the enforcement of same.

SECTION 19. Non-Applicability to Non-Residents

1. The section of this Ordinance requiring a license, shall not apply to non-resident of the County who are keeping only a domestic pet, if animals of such owners shall not be kept in the County longer than thirty (30) days during the calendar year, and such animals shall be kept under restraint and/or in compliance with applicable sections of this Ordinance.
2. No non-resident shall, however, keep any pet in this County over the age of four (4) months that has not been vaccinated against rabies.

SECTION 20. Liability For Personal Injury or Damages

1. Any person owning, controlling, or having care or custody of any animal shall be liable for any personal injury caused by such animal, and for any damage caused by such animal to public or private property.
2. Any person owning, controlling, or having care or custody of any animal shall take such reasonable and necessary precautions as required to protect all persons from physical harm from such animal, and to protect the private property of any other person.

SECTION 21. NUISANCE

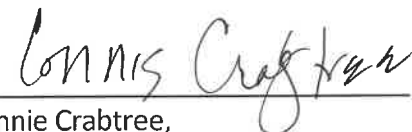
(see section 1 definition of nuisance)

This ordinance was made effective 11th day of April, 2023 by agreement of the Powell County Fiscal Court.

Enacted this the 11th day of April, 2023.


EDDIE BARNES,
Powell County Judge Executive

ATTEST:


Connie Crabtree,
Fiscal Court Clerk

First Reading: March 14th, 2023

Second Reading: April 11th, 2023

Signed by Judge Executive: 

Published: April 28th, 2023

Prepared by:


Robert G. King
Powell County Attorney

POWELL FISCAL COURT

ORDINANCE NO: 2023-01

AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS WITHIN POWELL COUNTY, KENTUCKY, FOR THE PROTECTION OF THE PUBLIC, AND PROVIDING PENALTIES TO THE VIOLATION OF THE PROVISIONS SET FORTH.

SUMMARY

SECTION 1- Definitions.

SECTION 2- Powers of Animal Control.

SECTION 3- Humane Treatment of Animals.

SECTION 4- Canine License Required.

SECTION 5- Rabies Vaccination Required.

SECTION 6- Confinement Required.

SECTION 7- Impoundment.

SECTION 8- Quarantine.

SECTION 9- Animal Cruelty.

SECTION 10- Declaring a Vicious Animal.

SECTION 11- Care and Treatment of Animals.

SECTION 12- Prohibited Acts.

SECTION 13- Harboring a Declared Vicious Canine.

SECTION 14- Livestock within County Limits.

SECTION 15- Wild/Exotic Animals.

SECTION 16- Violation of Ordinance- Criminal Penalties.

SECTION 17- Violation of Ordinance- Civil Penalties.

SECTION 18- Severability.

SECTION 19- Non-Applicability to Non-Residents.

SECTION 20- Liability for Personal Injury or Damages.

Summary prepared by Robert G. King, Powell County Attorney.

The full text of the above ordinance is available for inspection in the office of the Powell County Judge-Executive, Powell County Courthouse, Stanton, Kentucky, 40380.