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ORDINANCE NO. 842.2

AN AMENDMENT TO ORDINANCE NO. 842.0 AMENDING THE COMPREHENSIVE MEASURES FOR ANIMAL CONTROL, PROTECTION, AND LICENSING AND ENACTING KENNEL LICENSING, FEES, AND INSPECTIONS

WHEREAS, recent changes to KRS have occurred revealed the need for the enactment of comprehensive measures for animal control, protection, and licensing within the County;

WHEREAS, through the provisions of KRS 67.083(3)(a), the fiscal courts of the Commonwealth of Kentucky are empowered to enact ordinances providing for the "control of animals, and abatement of public nuisances";

WHEREAS, through the provisions of KRS 258.135(1), "the governing body of each county" is empowered to establish, pursuant to ordinance, "an animal licensing program" and authorized to "administer and enforce" such program;

WHEREAS, through the provisions of KRS 367.083(3)(m), the fiscal courts of the Commonwealth of Kentucky are empowered to enact ordinances for the "regulation of commerce for the protection and convenience of the public";

WHEREAS, the term "control," as referenced in the Black's Law Dictionary, connotes the "power or authority to manage, direct, superintend, restrict, regulate, direct, govern, administer, or oversee"; and

WHEREAS, because it is incumbent upon the Fiscal Court of the County of Boyle, in accordance with the authority granted it by statute, to enact a comprehensive ordinance providing for the effective "control" of animals, ensuring the protection of animals and the abatement of public nuisances stemming from the mistreatment, maltreatment, abandonment of animals, and regulating commerce arising from or relating to the buying, selling, bartering, grooming or boarding of animals;

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

ARTICLE I. REPEAL OF PREVIOUSLY ENACTED ORDINANCES

Ordinance No. 842.1, one relating to the care, custody, and control of dogs and cats in Boyle County, Kentucky, enacted March 29, 2023, is repealed in its entirety.

ARTICLE II. DEFINITIONS

ANIMAL: Any non-human living creature, except insects.

ANIMAL CONTROL: The department of county government designated by the Fiscal Court to enforce animal control and protection statutes of the Commonwealth of Kentucky and the provisions of this Ordinance.

ANIMAL CONTROL OFFICER: "Animal control officer" means the same as in KRS 258.095. Any person designated by the Director of Animal Control qualified to perform duties under the laws and ordinances of the Commonwealth of Kentucky and the County of Boyle and whose employment is approved by the Fiscal Court.

ANIMAL RESCUE ORGANIZATION: A non-profit organization incorporated under the lay of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. "Animal Rescue Organization" does not include any entity that breeds animals or that (1) is located on the same premise as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

ANIMAL SHELTER: Any premise designated and/or operated by Boyle County Animal Control for the purpose of impounding and caring for animals seized, stray, homeless, abandoned, running-at-large, unwanted or surrendered animals held under authority of state and local regulations.

CAT: "Cat" means any domestic feline three (3) months of age or older.

COMMUNITY CAT: Any free-roaming cat or kitten with no apparent owner or identification.

COMMUNITY CAT PROGRAM: The program for managing community cats by humanely trapping, sterilizing, vaccinating, ear tipping, and returning the community cat to the location it was found, often referred to as TNVR (trap-neuter-vaccinate-return).

DIRECTOR OF ANIMAL CONTROL: The person appointed by the Boyle County Judge/Executive and approved by the Fiscal Court.

DIURNAL LIGHTING CYCLE: A diurnal cycle is any pattern that recurs every 24 hours due to one complete rotation of the Earth around its axis. Diurnal refers to daytime, and nocturnal refers to nighttime.

DOG: "Dog" means any domestic canine, six (6) months of age or older per KRS 258.095

DOG FIGHTING: "Dog fight" or "dog fighting" means any event that involves a fight conducted or to be conducted between at least two (2) dogs for purposes of sport, wagering, or entertainment.

EAR TIPPED CAT: A cat with approximately a quarter inch of the left ear removed in a straight line cut, indicating that the animal has been sterilized and vaccinated against rabies. An ear-tipped cat may be exempt from provisions directed toward owned animals.

GUARDIAN: A person with control, custody, possession, or other legal interest in an animal.

IMPERVIOUS: Not allowing fluid to pass through.

KENNEL OR CATTERY: A commercial or non-profit establishment where dogs and/or puppies or cats and/or kittens are kept for grooming, daycare, boarding, breeding, buying, or selling such animals for any part of 24 hours.

KITTEN: A feline younger than three months of age.

KNOWINGLY: A person acts intentionally concerning conduct or a circumstance described by this Ordinance defining an offense when they know that their behavior is of that nature or that the circumstance exists.

LIVESTOCK: Cattle, horses, sheep, swine, llamas, bison, goats, poultry, emus, ostriches, or other animals of the bovine, ovine, porcine, caprine, ratite, or equine species that are privately owned and raised in a confined area for breeding stock, food, fiber, and other products.

POULTRY is livestock and means chickens, ducks, turkeys, or other domestic fowl.

MICROCHIP: A passive transponder that can be implanted in an animal and is a radio frequency identification (RFID) system component. The system must be compatible with a scanner used by Animal Control.

MINIMUM CARE: All animals shall be provided "Minimum care". This means care sufficient to preserve the health and well-being of an animal and includes, but is not limited to, the following requirements:

- Food of sufficient quantity and quality to allow for average growth or maintenance of body weight.
- Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs.
- Access to a barn, house, or other enclosed structure sufficient to protect the animal from wind, rain, snow, or sun and adequate bedding to protect against cold and dampness.

- Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.
- Continuous access to an area:
  - With adequate space for exercise is necessary for the health of the animal. Indications of inadequate space include evidence of debility, stress, or abnormal behavior patterns.
  - With air temperature suitable for the health of the animal.
  - With adequate ventilation.
  - With regular diurnal lighting cycles of either natural or artificial light.
  - Kept reasonably clean and free from excess waste or other contaminants that could create a substantial risk of the animal becoming diseased or affected with life-threatening parasites.

OWNER: Any person with legal title to one or more animals but is not a custodian or caretaker participating in a trap-neuter-vaccinate-return (TNVR) program.

PERSON: An individual, corporation, trust, partnership, association, or any other legal entity.

PHYSICAL INJURY: physical trauma, impairment of condition, or pain inconsistent with reasonable handling or training techniques.

PUPPY: Any domestic canine younger than three months of age.

PHYSICAL TRAUMA: Fractures, cuts, burns, punctures, bruises, or other wounds or illnesses produced by violence or by a thermal or chemical agent

POSSESSION: To have physical custody or to exercise dominance or control over an animal.

QUARANTINE: Defined in KRS 258.095: Quarantine means the confinement of an animal for observation of clinical signs of illness indicating rabies infection, and the prevention of escape or contact with any person or other animal. KRS 258.119 mandates a ten-day (10) isolation period.

RECKLESSLY: A person acts recklessly concerning a result of a circumstance described by this Ordinance defining an offense when they fail to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe.

RESTRAINT: For all domestic animals except cats, kittens, puppies and dogs, Restraint shall mean on the premises of the owner or on premises which the animals' presence has been explicitly allowed, or, if off the premises of the owner 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 responsible person.

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.

Community Cats are exempt from restraint requirements.

If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person physically able to control the dog.

RUNNING-AT LARGE: Any animal that is off the owner's or guardian's property and is not restrained.

Exception: a hound or other hunting dog which has been released from restraint for hunting purposes or training as a hunting animal. These dogs are considered under reasonable control of their owner or handler while engaged in or returning from hunting; if the hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, it shall not be deemed to be a violation.

TNVR: "Trap – Neuter – Vaccinate – Return" program for Community Cats. Cats are treated and returned to the area from which they were taken.

TORTURE: As defined by KRS 525.135 (1)(a) Means the intentional infliction of or subjection to extreme physical pain or serious injury or death to a dog or cat, motivated by intent or wanton disregard that causes, increases, or prolongs the pain or suffering of the dog or cat, including serious physical injury or infirmity.

VETERINARIAN: One licensed and qualified to treat diseases and injuries of animals.

VICIOUS DOG: means a dog has been determined by a District Judge to be a threat to persons. KRS 258.235 (5)(a) provides for the determination of a vicious dog: Any person who has been attacked by a dog, or anyone acting on behalf of that person, may make a complaint before the district court, charging the owner or keeper of the dog with harboring a vicious dog.

WANTONLY: A person acts wantonly concerning a result or a circumstance described by this Ordinance defining an offense when they are aware of and consciously disregard a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard constitutes a gross deviation from

the standard of conduct that a reasonable person would observe. The person who creates such a risk but is unaware of it due to voluntary intoxication also acts wantonly.

ARTICLE III. ANIMAL CONTROL DEPARTMENT

SECTION A. POWERS OF ANIMAL CONTROL

1. All officers of Animal Control shall have the powers of a peace officer to enforce animal control laws or ordinances in the county if they otherwise qualify as a peace officer under the laws of the Commonwealth of Kentucky.
2. All officers of Animal Control shall comply with KRS 61.300.
3. Whenever an Animal Control Officer must perform any duty or enforce any provision of this Ordinance or any applicable state statute, that Officer is empowered to enter the property at a reasonable time and inspect the premises. Animal Control Officers shall have such power only if the consent of the owner or occupant of the property is freely given, a search warrant is obtained, or such exigent circumstances exist that a warrantless, non-consensual search is required.
4. All dogs of any age running at large, as defined in this Ordinance and found in Boyle County, Kentucky, shall be seized by Animal Control and impounded at the Boyle County Animal Shelter (from now on referred to as "BCAS"), jointly operated and administered by the Boyle County Fiscal Court and the Danville-Boyle County Humane Society.
5. There shall be a $50.00 Impound fee to "pick up" for animals found running at large. Pickup fee may be waived for first offense except in cases where the animal has received from Animal Control Staff a medical assessment, vaccinations or other medical care.
6. All sick or injured animals found abandoned or running at large shall be seized by Animal Control and impounded at the BCAS. Treatment procedures shall follow the Animal Control Policy & Procedure Manual adopted by Fiscal Court.
7. All animals of any age which have bitten or scratched a human and which cannot be adequately quarantined or found not properly quarantined shall be seized by an Animal Control Officer or peace officer and impounded by the BCAS for any applicable quarantine period. An Animal Control Officer or peace officer may order any animal that has bitten or scratched a human to be quarantined at the BCAS if there is reason to believe such an animal is vicious or may threaten the community's safety.

8. If an animal is impounded for any reason, the owner or guardian shall be responsible for a reasonable fee for board, administration, and medical attention during the impoundment. The Shelter/Animal Control Director may waive the fees for owners facing economic hardship or other extenuating circumstances deemed appropriate by the director. See fee schedule in Article XIII.
9. Any animal required to be licensed but found unlicensed or any animal, except cats, whose owner is unknown, shall be impounded for a minimum of five days unless its owner reclaims said animal within five days of impoundment. After five days, the animal may be offered for adoption or euthanized at the discretion of the Director of Animal Control.
10. Any person claiming or reclaiming an animal according to this Section shall pay a reasonable fee for the board, administration, and medical attention for the animal during impoundment and obtain proper licensing for the animal, if applicable, from Animal Control. Animal Control shall make reasonable efforts to locate and inform the owner or guardian of an impounded animal that the animal has been impounded. See fee schedule in Article XIII.
11. Any cat with evidence of ownership, such as an ID tag or microchip impounded in the BCAS, shall be held a minimum of five days or unless earlier claimed by its owner or guardian. If the animal is not claimed by its owner or guardian within five days of impoundment, the animal will be transferred to DBCHS for adoption or rescue or may be euthanized at the discretion of the Director of Animal Control.

    According to this section, any person claiming or reclaiming an animal shall pay a reasonable fee for boarding, administration, and medical attention for the animal during impoundment. Fees may be waived for good cause. At the discretion of the Animal Control Director, a community cat may be released earlier than at the expiration of the five-day holding period. See fee schedule in Article XIII.

    Cats or kittens without ID or microchip shall be transferred to DBCHS for adoption or rescue, with no mandatory holding period.
12. When any licensed dog, whose owner or guardian is known, is impounded in the BCAS, Animal Control shall notify the owner by telephone, email, Facebook post, and/or a notice on the door of the address on file with the BCAS.
13. Any animal observed by a Law Enforcement Office or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.
14. All dogs must be accompanied by a responsible person in an enclosed "off-leash, dog park" area(s).

15. Removal of animal excreta required:
    a. The custodian of every animal shall remove any excreta deposited by his/her animal(s) on public sidewalks, public recreation areas or private property belonging to another.
    b. Any excreta not removed in violation of subsection (a) above is declared to be a public nuisance.
    c. Any person violating any provision of this section shall, upon conviction by a court of competent jurisdiction, be guilty of a violation and shall be fined not more than fifty dollars ($50.00) for each violation.

ARTICLE IV. ANIMAL PROTECTION VIOLATIONS

SECTION A. TORTURE OF DOG OR CAT

Under KRS 525.135 "Torture" means the intentional infliction of or subjection to extreme physical pain or serious injury or death to a dog or cat, motivated by intent or wanton disregard that causes, increases, or prolongs the pain or suffering of the dog or cat, including serious physical injury or infirmity.

1. Torture" shall include situations where the extreme physical pain, serious physical injury or infirmity, or death results from restraint of the dog or cat, which may include being:
    a. Locked in a cage or kennel;
    b. Sealed in a plastic bag or box;
    c. Chained or tied down to restrict motion;
    d. Pitched in a dumpster;
    e. Abandonment: Abandoned in a building for three (3) days or more with no intention of returning or having made provisions for the animal's care;
    f. Physically restrained with tie wraps, rope, chains, or tape;
    g. Intentionally injured to cause immobility so that the animal cannot save itself from starvation, dehydration, physical impairment, serious physical injury or infirmity, or death; or
    h. Manually restrained; and
2. "Serious physical injury or infirmity" means physical injury or physical infirmity that creates a substantial risk of death, protracted loss, or impairment of the function of the limb or bodily organ caused by willful or wanton disregard while restrained. As used in this paragraph:
    a. "Physical infirmity" includes intentional starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease or parasitic infestation for which medical care has been

denied, denial of life-saving medical care or professional euthanasia while intentionally restraining with the intent to cause or the wanton disregard for extreme physical pain, serious injury, or death; and

b. "Physical injury" includes substantial physical pain, serious injury, or death intentionally caused by fractures, cuts, burns, punctures, bruises due to crushing, burning, drowning, beating, poisoning, suffocating, hanging, impaling or skinning alive, physical disfigurement, loss of function of a limb or body organ or other wounds or illnesses produced by violence or a thermal or chemical agent while intentionally restrained with the intent to cause or the wanton disregard for extreme physical pain, serious injury, or death.

3. A person is guilty of torture of a dog or cat when he or she, without legal justification, intentionally tortures a domestic dog or cat.
4. Torture of a dog or cat is a Class D felony.
5. Each act of torture of a dog or cat may constitute a separate offense
6. Under recommendation of a veterinarian, a tortured dog or cat may be humanely euthanized after it is seized if it is still alive but suffering from the intentional torture that will lead to its death.
7. Nothing in this section shall apply to the killing or injuring of a dog or cat without intent to cause, or without wanton disregard of, increasing or prolonging the pain, suffering, or death of the dog or cat:
   a. In accordance with a license to hunt, fish, or trap;
   b. For humane purposes;
   c. For veterinary, agricultural, spaying or neutering, or cosmetic purposes or breed-specific alterations such as cropping of ears, docking of tails, or declawing of a cat, all done by a veterinarian;
   d. 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 a cat, or both, participate;
   e. For bona fide animal research activities, using dogs or cats, of institutions of higher education; or a business entity registered with the United States Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;
   f. In defense of self or another person against an aggressive or diseased dog or cat;
   g. In defense of a domestic animal against an aggressive or diseased dog or cat;
   h. For animal or pest control; or
   i. For any other purpose authorized by law.
8. 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.

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

SECTION B. CRUELTY TO ANIMALS IN THE FIRST DEGREE

The following persons are guilty of cruelty to animals in the first degree:

1. Whenever a dog is knowingly caused to dog fight for pleasure or profit:
   a. The owner of the dog;
   b. The owner of the property on which the fight is conducted if the owner knows of the dog fight; and
   c. Anyone who participates in the organization of the dog fight; and
2. Any person who knowingly owns, possesses, keeps, trains, sells, or otherwise transfers a dog for the purpose of dog fighting.
3. Activities of dogs engaged in hunting, field trials, dog training, 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.
4. Activities of dogs engaged in working or guarding livestock shall not constitute a violation of this section.
5. Cruelty to animals in the first degree is a Class D felony.

SECTION C. CRUELTY TO ANIMALS IN THE SECOND DEGREE

A person is guilty of cruelty to animals in the second degree when one intentionally or wantonly:

1. Subjects any animal to or causes cruel or injurious mistreatment through abandonment,
2. 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 (4) legged animal is caused to fight for pleasure or profit),
3. Causes 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;
4. Subjects any animal under custody to cruel neglect; or,
5. Kills any animal other than a domestic animal killed by poisoning. This shall not apply to intentional poisoning of a dog or cat, intentional poisoning of a dog or cat shall constitute a violation.
6. Cruelty to Animals in the Second Degree is a Class A misdemeanor punishable as stated in KRS 525.130 (5)(a)(b).

SECTION D. ENFORCEMENT OF ANIMAL CRUELTY AND PROTECTION STATUTES

Nothing in this Article is intended to preclude or prevent the institution of charges under the animal cruelty and protection statutes outlined in Chapter 525 and other pertinent chapters of the Kentucky Revised Statutes or subsequent changes therein.

ARTICLE V. DEFENSES

1. Ownership of the abused, neglected, or abandoned animal or animal otherwise subjected to a violation of the pertinent provisions of this Ordinance shall not be a defense.
2. Guardianship of the abused, neglected, or abandoned animal or animal otherwise subjected to a violation of the pertinent provisions of this Ordinance shall not be a defense.
3. Corporations and other legal entities may be concurrently charged for acts violating this Ordinance committed by their employees or agents when the act is committed in the ordinary course and scope of the employment or agency.
4. It is no defense to the crime of Animal Abandonment that the defendant abandoned the animal at or near an animal shelter, veterinary clinic, or another place of shelter if the defendant did not make reasonable arrangements to care for the animal.

ARTICLE VI. PRE-CONVICTION PROVISIONS

SECTION A. SEIZURE OF VICTIMIZED ANIMAL

Any animal subjected to a violation of the animal protection statutes of the Commonwealth of Kentucky or the pertinent provisions of this Ordinance may be seized by any Animal Control Officer or any peace officer and subsequently impounded at the BCAS.

SECTION B. IMPOUNDMENT

SEIZURE WITH A WARRANT

If there is probable cause to believe that an animal is being subjected to treatment in violation of the animal protection statutes of the Commonwealth of Kentucky or the pertinent provisions of this Ordinance, an Animal Control Officer or peace officer, after obtaining a search warrant, shall enter the premises where the animal is located and seize the animal, and impound it at the BCAS.

SEIZURE WITHOUT A WARRANT

If an Animal Control Officer or peace officer witnesses a situation in which the Animal Control Officer or peace officer determines that the health or life of an animal is in jeopardy and immediate action is required to protect the health or safety of the animal, the Animal

Control Officer or peace officer may seize the animal without a warrant; and that animal shall be immediately transported to the BCAS, where the health of the animal shall be assessed, and, if necessary, medical treatment rendered.

1. Any animal impounded according to subsections 1 and 2 of this Section shall be provided minimum care, as defined in Article II page 5.
2. An Animal Control Officer or peace officer proceeding following the provisions hereof and acting reasonably within the course and scope of their duties shall not be liable for any damages for an entry under subsection 2 of this Section.
3. Any owner or guardian of an impounded animal pursuant to subsection 2 of this Section shall be given written notice of the impoundment within three business days following the impoundment. The notice shall be given by posting at the place of impoundment, by delivery to a person residing at the place of impoundment, or by registered mail if the owner's or guardian's identity is known.

SECTION C. LIENS

All expenses incurred in providing minimum care to an impounded animal shall become a lien on the owner's property and must be discharged before the animal is released to the owner or guardian following a conviction for a violation of the animal protection statutes of the Commonwealth of Kentucky or the pertinent provisions of this Ordinance. If the lien is not satisfied within fifteen (15) days following the resolution of the criminal case, the legal interest of the owner or guardian in the impounded animal shall immediately transfer to the Danville-Boyle County Humane Society in accordance with reasonable practices for the humane treatment of animals. The Humane Society may recover any additional expense that exceeds the value of the transferred interest in the animal.

ARTICLE VII. POST-CONVICTION PROVISIONS

SECTION A. FORFEITURE

1. In addition to any other sentence it may impose, a court shall require a defendant convicted of Cruelty to Animals in the First Degree under KRS 525.125, Cruelty to Animals in the Second Degree under KRS 525.130, or Aggravated Animal Abuse under the pertinent provisions of this Ordinance to forfeit all legal interest of the defendant in the animal subjected to the violation. The court shall award all such interest in or to the animal to the Danville-Boyle County Humane Society.
2. In addition to any other penalty it may impose, the Court may require a defendant convicted of Animal Abuse under the pertinent provisions of this Ordinance or of the second or subsequent offense of Aggravated Animal Neglect or Animal Neglect under the pertinent provisions of this Ordinance to forfeit all legal interest of the defendant

in the animal subjected to the violation. The court shall award all such interest in or to the animal to the Danville-Boyle County Humane Society.

SECTION B. COMMUNITY SERVICE

In addition to any other sentence it may impose, a court may order the defendant convicted of violating the animal protection statutes of the Commonwealth of Kentucky or of the pertinent provisions of this Ordinance to participate in community service. If the court does order community service participation, no such participation shall occur at any humane society, animal shelter, or facility where an animal is present.

SECTION C. CONTACT WITH ANIMALS

1. In addition to any other penalty imposed by law, a person convicted of Cruelty to Animals in the Second Degree under KRS 525.130 may be ordered, in the discretion of the court, not to own, possess, reside with, or have custody of or contact with any animal for a period of two years on a first offense, and for a period of five years on a second or subsequent offense.
2. In addition to any other penalty imposed by law, a person convicted of Cruelty to Animals in the First Degree under KRS 525.125 may be ordered, at the discretion of the court, not to own, possess, reside with, or have custody of or contact with any animal for a period of five years on a first offense, and for a period of 15 years on a second offense.

SECTION D. REIMBURSEMENT OF COSTS

In addition to any other sentence it may impose, a court shall require a defendant convicted for violation of the animal protection statutes of the Commonwealth of Kentucky or the pertinent provisions of this Ordinance to repay all reasonable costs incurred, either before or after judgment, by any person or organization, including the Boyle County Fiscal Court and the Danville Boyle County Humane Society, in impounding and providing minimum care for each animal subjected to a violation of such statutes or provisions, and for all costs of prosecution.

SECTION E. RESTITUTION

In addition to any other sentence it may impose, a court shall order that restitution be made by the defendant to the owner or guardian of any animal subject to mistreatment by the defendant in violation of the animal protection statutes of the Commonwealth of Kentucky or the pertinent provisions of this Ordinance. The measure for restitution shall be the actual pecuniary value of such loss, including but not limited to the actual veterinary expenses, special supplies, and other costs incurred by the owner or guardian treating the animal and

attempting to restore the animal to good health or to ameliorate the effects of the violation otherwise.

ARTICLE VIII. ANIMALS TO BE RESTRAINED: PROCEDURES FOR RUNNING AT LARGE

SECTION A. RUNNING AT LARGE

1. All animals, excluding community cats, shall be kept under restraint, as defined in Article II or otherwise provided herein.
2. 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.
3. The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by the animal upon premises of another.

SECTION B. DOGS RUNNING AT LARGE

At no time shall an owner or guardian permit any dog or dogs to run at large within the County of Boyle, Commonwealth of Kentucky, and any person found to have violated this Section shall be fined:

a. First Offense no less than $50.00
b. Second Offense no less than $75.00
c. Third Offense no less than $ 150.00
d. Fourth or subsequent offenses no less than $ 250.00, be imprisoned in the county jail for not less than five (5) days nor more than 30 days or be subject to both such fine and imprisonment.

Fines are imposed per animal, per incident. All fines shall be payable to Boyle County Animal Control and deposited into the county's general fund to be used to offset Animal Control expenses.

SECTION C. LIVESTOCK RUNNING AT LARGE

1. All livestock other than poultry shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property.
2. Livestock found not restrained by a fence in good repair and which present a threat to public safety may be removed and the owner charged with a violation of this section.
3. A stray equine may be impounded and posted by any person or entity if it is found running at large outside of its enclosure or if it can be determined from the circumstances that its owner has abandoned it. Stray cattle may be taken up and posted by any freeholder by

legal or equitable title or by a tenant of an unexpired lease for not less than three (3) years when found on his place of residence.

SECTION D. PENALTY FOR LIVESTOCK RUNNING AT LARGE

1. Any person who violates Section C shall be fined:

   $100 for the first offense in a 12-month period

   $200 for the second offense in a 12-month period

   $300 for the third offense in a 12-month period

   $400 - $500 for each subsequent offense in a 12-month period

2. Each day the violation exists shall constitute a separate offense.

SECTION E. FEMALE DOGS IN HEAT

1. Every female dog in heat shall be confined in a building or enclosure in such a manner that such female dog cannot come in contact with another dog, except for planned breeding.
2. The penalty for failure to confine a female dog in heat shall follow the same fee schedule as Section B, (a-d).

ARTICLE IX. VICIOUS DOGS

1. At no time shall an owner or guardian permit a dog deemed by a court a "vicious dog" under the provisions of KRS 258.235 (5)(a) to run at large or appear in public except as provided in KRS 258.235(3), and any person found to have violated this section shall be fined not less than two-hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) or be imprisoned in the county jail for not less than five (5) days nor more than sixty (60) days, or be subject to both such fine and imprisonment. Further, each day of violation shall constitute a separate offense.
2. Any dog determined to be vicious by a court and allowed to be returned to an owner shall follow the provisions of KRS 258.235 (3) on confinement: Vicious dog shall be confined in a locked enclosure at least seven (7) feet high or a locked kennel run with a secured top. The dog may leave the enclosure only to visit the veterinarian or to be turned into an animal shelter. The dog shall be restrained and muzzled if leaving the enclosure for either of these purposes.
3. Any owner or guardian of a dog deemed by a court a "vicious dog" according to the provisions of KRS 258.235(3) shall, in addition to the confinement requirements specified in such statute:

a. The owner of any dog deemed by the court to be vicious shall be at least 21 years of age.

b. Annually register the dog with Animal Control in July. Registration shall include the home address and telephone number and email address of the owner or guardian, the address of the premises where the dog will be maintained or kept, and the identity of the dog by genus and species, name, gender, color, and other distinguishing characteristics, including size and weight.

c. License the dog(s) annually at a fee no less than $100.00.

d. Submit two color photographs with the license application showing the color and approximate size of the dog being registered.

e. Submit, at the time of registration, proof of current rabies vaccination.

f. Submit, with initial registration, proof that the dog has been spayed or neutered.

g. Submit proof that the owner has proper enclosure as defined in Section E (2) of this ordinance.

h. Submit proof of microchip installation or injection into the dog, which microchip must be installed or injected by a veterinarian or other properly trained and authorized technician and shall be capable, when scanned, of producing the identification of the dog's owner or guardian; nevertheless, if a dog deemed vicious as outlined in this Section is impounded, the required microchip shall be installed or injected, at the cost of the owner or guardian, before the release of the dog.

i. Produce, at the time of registration, proof of the ability to satisfy damages in an amount not less than $100,000.00 for bodily injury or death or for damage to property that may result from the ownership, possession, or maintenance of a vicious dog; and proof of that financial responsibility shall be in the form of a certificate of insurance or a bond with good and sufficient surety, conditioned upon the payment of such damages. Furthermore, if, any time after registration, the insurance or surety bond is changed, altered, modified, or terminated, the owner or guardian shall resubmit coverage of insurance or surety bond complying with the terms of this subsection.

4. A complaint under this section may be established if an Animal Control Officer has received, from at least two unrelated adults from different residences or from one adult witness with a recorded video showing the alleged violation, a sworn affidavit attesting to the committing of a nuisance pursuant to this subsection or the animal control officer or deputy has witnessed the commission of such a nuisance. Affidavits must come from residents within a 1,000-foot radius of the property where the violation occurred.

ARTICLE X. KENNELS, CATTERIES AND PET SHOPS

SECTION A. COMMERCIAL KENNELS OR CATTERIES

1. All boarding facilities, kennels or catteries shall comply with the "minimum care" standards listed in Article II (Definitions) of this Ordinance; and such kennel or cattery shall comply with the following Minimum Care Standard Requirements:
    a. Indoor enclosures (cages, kennels, or runs) shall be provided for each animal housed.
    b. All cages and enclosures are to be of an impervious material for easy cleaning and disinfecting.
    c. Outdoor enclosures must be cleaned daily with a disinfectant, cleanser, or chlorine bleach; and, at the time of inspection, cleaning agents and materials must be present in quantities sufficient to sanitize the entire facility.
    d. During the cleaning of indoor enclosures, the animals otherwise occupying the same must be removed from therefrom.
    e. Building temperatures shall be maintained at a safe and comfortable level, taking into consideration the type, age, and condition of the animals being housed; the ambient temperature must not fall below forty degrees Fahrenheit (40°F) for more than four consecutive hours and must not rise above eighty-five degrees Fahrenheit (85°F) for more than four (4) consecutive hours when dogs are present, and adequate ventilation shall be maintained by means of windows, doors, vents, and fans.
    f. Be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs. Dog areas must be provided a regular diurnal lighting cycle of both natural and/or artificial light and lighting must be uniformly diffused throughout the facility for the well-being of the dogs. Lighting by either natural and/or artificial means shall provide a minimum sixty (60) watts of candle power for at least eight (8) hours each day unless such lighting will adversely affect the health of the dog. Primary enclosures within indoor housing facilities must be placed so as to protect the dogs from excessive light.
    g. Within indoor enclosures, each animal shall have sufficient space to stand, lie down, and turn around in a natural position without touching the sides or top; and, if additional space, either indoor or outdoor, is not provided, then indoor enclosures must include an adequate exercise area.
    h. Beds or resting benches shall be constructed of impervious material. Bedding shall be kept clean and laundered

i. Outdoor runs or enclosures may be provided in addition to the indoor enclosures and may be separate from or attached to the indoor enclosures.
j. All indoor enclosures shall be kept clean and dry, and all enclosures shall provide outdoor protection from the weather.
k. The food provided the animals shall be free from contamination and shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the particular animal.
l. At all times, all animals shall have fresh water available.

2. Each boarding facility, commercial kennel or cattery as defined in Article II, located within the County Boyle, including incorporated areas, and the Commonwealth of Kentucky, shall be subject to at least one annual inspection by an Animal Control Officer during reasonable hours. Animal Control shall use the inspection form approved by Fiscal Court.
3. Shall a boarding facility, kennel or cattery require a mandatory re-inspection due to a deficiency found during the inspection process, said establishment is allowed ten days to make corrections. Three failed inspections within a license or permit year shall result in a denial or revocation of the license. Five (5) or more unacceptable items result in a denial of a license for a period of one year.
4. The provisions of this Article shall not apply to any office of veterinary medicine, and nothing herein shall be construed as granting authority to an Animal Control Officer to inspect, license, or regulate any aspect of veterinary medicine.

SECTION B. PET SHOPS

1. All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall comply, in addition to the other requirements of this Ordinance, with the "minimum care" standards enunciated in Article II (Definitions). Failure to meet those standards shall be grounds for the issuance of a citation or summons subjecting the owner to the penalties provided in this Ordinance.
2. All pet shops shall be subject to inspection and licensing by an Animal Control Officer upon his or her request during reasonable hours.
3. There shall be available hot water, at a minimum temperature of 140 Fahrenheit, for washing cages and disinfecting, and cold water shall be easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers shall be cleaned and disinfected each day. All water containers shall be mounted so that they may not be tipped and be of the type that are removable for cleaning.

4. Room temperature of the shop shall be maintained at a level that is healthful for every species of animals kept in the shop, taking into consideration the type, age, and condition of the animals being housed.
5. All cages and enclosures are to be of an impervious material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn, and lie down in the natural position. Each cage must be cleaned and disinfected each day.
6. All animals under three months of age are to be fed at least three times daily (24-hour period). All animals from three months to nine months of age must be fed at least twice daily (24-hour period). All other animals must be fed at least one time each day (24-hour period). Food for all animals shall be served in a clean dish so mounted that it cannot be readily tipped and be of the type that is removable for cleaning.
7. Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontally to each other in the same cage. Bird cages must be cleaned every day, and such cages must be disinfected when birds are sold or otherwise transferred. Parrots and other large birds shall have separate cages from smaller birds.
8. There shall be sufficiently clean, dry bedding to meet the needs of each individual animal.
9. All animals must be fed and watered, and all cages cleaned daily, including weekends and holidays.
10. No animal shall be euthanized without the supervision and assistance of a licensed veterinarian.

SECTION C. PENALTIES

Any person violating any provision of this Article shall be deemed guilty of a Class B misdemeanor and shall, upon conviction, be punished by a fine not to exceed two hundred fifty dollars ($250.00) or be imprisoned in the county jail for a period not to exceed 90 days or be both so fined and imprisoned. Each day a violation continues shall constitute a separate offense. Further, nothing herein is intended to preclude or prevent the institution of charges under the animal cruelty and protection statutes set forth in Chapter 525 or other pertinent chapters of the Kentucky Revised Statutes.

ARTICLE XI. LICENSING, REGISTRATION and FEES

Beginning July 1, 2023, the annual license fee for dogs, kennels and cattery establishments (as defined in Definitions) are hereinafter set forth in the fee schedule. Such schedule may be revised by the Boyle County Fiscal Court by resolution on an annual basis:

1. The fee period for dogs and boarding facilities, kennel/cattery licenses shall begin July 1 each year and shall terminate on June 30 the following year. Licensing must be

renewed each year during the month of July, or within thirty (30) days of acquiring or possessing the dog to be licensed; and failure to do so shall result in the imposition of a penalty as hereinafter set forth.

2. At the time of registration, each owner or guardian or person licensing dogs shall provide his or her name, address, and telephone number and email as well as the name, breed, color, and sex of each dog to be licensed.
3. Dog Owners must provide a current Rabies Certificate.
4. Upon payment of the license fee, the owner or guardian shall be issued a certificate of registration and a license tag for each dog. The license tag then shall be affixed to each dog's collar and worn by the dog at all times.
5. Any kennel or cattery to be licensed shall be issued a certificate of registration of compliance with this Ordinance and paying all fees required.
6. Dog, kennel, and cattery licenses may be purchased at the Boyle County Animal Shelter between the hours of 8:30 a.m. and 4:00 p.m. or at the office of Boyle County Judge/Executive during normal business hours.
7. All fees for the licensing of dogs, kennels, and catteries shall be payable to the Boyle County Fiscal Court and used for capital or daily operating expenses of the BCAC.
8. Each owner or guardian of a dog who fails to register the dog and maintain the license as required hereinabove, or who fails to timely renew such license, or who fails to display such license on the dog as required hereinabove shall be fined $25.00 for each separate offense. Every day the owner is in violation shall constitute a separate offense.
9. The owner of a Boarding Facility, Commercial Kennel or Cattery who fails to obtain a kennel or cattery license or timely renew such license as required herein shall be fined $250.00 for each separate offense. Every day the owner is in violation shall constitute a separate offense.

ARTICLE XII. SALE OF CATS AND DOGS

1. Notwithstanding any other provision of law, it shall be unlawful for any person to offer for sale any dog or cat at, in or on any street, public right-of-way, median, park, recreation area, festival, outdoor market, indoor market, booth, yard sale, flea market, roadside stand, temporary site or parking lot of which such access is authorized by the owner.
2. Nothing in this provision shall be construed to prohibit the provision of space to an animal rescue group or an animal shelter, as defined, to publicly showcase dogs or cats available for adoption; provided that the provider does not maintain an

ownership interest in any of the animals offered for adoption or receive a fee for providing such space; nor, shall this section prohibit the display of dogs or cats as part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.

3. Any person, firm, or corporation cited for the unauthorized sale of a dog or cat, as stated herein, shall be fined $500 for each separate offense. Each animal for sale shall constitute a separate offense.

ARTICLE XIII. ANNUAL FEE SCHEDULE

(JULY 1 THROUGH JUNE 30) OR UNTIL REVISED BY THE BOYLE COUNTY FISCAL COURT:

Service	Charge
Annual Dog License – neutered	5.00
Annual Dog License – intact	10.00
Annual Kennel/Cattery or Bording Facility License	100.00
Failure to License Kennel/Cattery or Boarding Facility	250.00
Annual Vicious Dog License	100.00
Failure to License Dog	25.00
Daily Board Fee – dog	15.00
Daily Board Fee – cow	10.00
Daily Board Fee - equine	15.00
Daily Board Fee - goat	10.00
Dogs running at large – first offense within a 12-month period	50.00
Dogs running at large – second offense within a 12-month period	75.00
Dogs running at large-third offense within a 12-month period	150.00
Dogs running at large-fourth and subsequent offenses within a 12-month period	300.00 up to 500.00
Impound (or pickup) Fee – Dogs	50.00
Impound (or pickup) Fee – Livestock	100.00
Livestock running at large – first offense within a 12-month period	100.00
Livestock running at large – second offense within a 12-month period	200.00
Livestock running at large-third offense within a 12-month period	300.00
Livestock running at large-fourth and subsequent offenses within a 12-month period	400.00 up to 500.00
Microchip *	50.00
Failure to clean up pet waste (per offense)	50.00
Violation: Unauthorized sale of a dog or cat	500.00

**Fee may be passed to the Danville Boyle County Humane Society if microchipping is funded by their agency.*

ARTICLE XIV. SEVERABILITY

A determination that any of the provisions of this Ordinance is unconstitutional or otherwise unenforceable shall not affect the validity or enforceability of any other provision or part thereof.

ARTICLE XV. COUNTY WIDE ENFORCEMENT

In accordance with the pertinent provisions of KRS 67.083(7), this Ordinance shall be enforceable throughout the entirety of the County of Boyle.

ARTICLE XVI. EFFECTIVE DATE

This Ordinance shall become effective the **19 day of December 2024**, following passage upon second reading, execution by the County Judge/Executive and publication.

BOYLE COUNTY FISCAL COURT

By: _____
Trille L. Bottom
Boyle County Judge/Executive

ATTEST:

_____
Katina Wesley
Fiscal Court Clerk

Given 1st reading and passed the 10 day of December 2024.

Given 2nd reading and passed the 19 day of December, 2024.