

COMMONWEALTH OF KENTUCKY
COUNTY OF HENRY
ORDINANCE # 94-8-1

AN ORDINANCE ESTABLISHING A
DOG LICENSING FEE AND PROCEDURE
AND REQUIREMENTS FOR DOG CONTROL AND TREATMENT

Whereas, Henry County has and continues to experience a large unlicensed dog population, and

Whereas, that dog population has created safety problems for citizens and resulted in damage and destruction to property, and

Whereas, a procedure to license all dogs will assist in providing control of the unlicensed population,

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF HENRY, COMMONWEALTH OF KENTUCKY, THAT:

SECTION I - DEFINITIONS

As used in this Ordinance, the following terms shall mean:

(1) APPROVED RABIES VACCINE: Any vaccine approved by the American Veterinary Medical Association and the Kentucky Department for Human Resources and found effective in protecting an animal from contracting rabies.

(2) ANIMAL CONTROL OFFICER: The official designated by the Fiscal Court to be the primary enforcement office for Henry County of the sections of this Ordinance and the state laws regulating dogs and owners of dogs. As used in this Ordinance, the term also includes the agents and employees of the Animal Control Officer, hereinafter

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designated as ACO.

(3) DOGS: A domesticated canine, which are commonly kept as house pets and also used for hunting, guarding people etc.

(4) COMMERCIAL KENNELS: Any person, partnership or corporation maintaining an establishment where dogs are kept for the purpose of breeding, buying, selling, showing or boarding such animals or engaged in the training of dogs for guard or sentry purposes, and which establishment is so constructed that the animals cannot stray therefrom, or any person, partnership or corporation owning or keeping eleven (11) or more dogs, each of which is four (4) months of age or older.

(5) NON-COMMERCIAL KENNELS: Any person, partnership or corporation maintaining an establishment where dogs or cats are kept for the purpose of showing or for a hobby, and which establishment is so constructed that the animals cannot stray therefrom and which maintains no more than ten (10) animals.

(6) OWNER: Any person, partnership, company or corporation owning, keeping or harboring dogs.

(7) PERSON: An individual, partnership, company or corporation.

(8) QUALIFIED PERSON: Person granted a permit by the Secretary of Human Resources to vaccinate his dogs against rabies.

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(9) QUARANTINE: Consists of the dog being humanely confined in a secure enclosure which will not allow it to come in contact with any other dogs or animal.

(10) VACCINATION: The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Kentucky State Board of Health.

(11) VETERINARIAN: A licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Husbandry, United States Department of Agriculture and licensed by the Commonwealth of Kentucky.

(12) VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injury to animals or for the boarding of animals.

SECTION II - DOGS TO BE LICENSED

AND VACCINATED AGAINST RABIES

(a) LICENSE FEE: Effective July 1, 1994 or as soon thereafter as this ordinance is effective and on July 1 each year thereafter, every owner of dogs regulated by this Section shall apply to the ACO or other authorized licensing agents for the appropriate license. Proof of a valid rabies vaccination must be provided when applying for a dog license. License and rabies tags shall be firmly attached to a harness or collar worn by the dog. Dog licenses are required at four (4) months of age. The

application shall be accompanied by a license fee as follows:

- (1) for each unaltered dog over eight (8) months: \$10.00;
- (2) for each altered dog or each dog under eight (8) months: \$5.00.;
- (3) any kennel having ten (10) animals or less during the year: \$20.00;
- (4) any kennel having in excess of ten (10) animals during the year: \$30.00;
- (5) no license shall be required for any veterinary hospital, municipal animal control facility or zoological garden operated by a governmental agency;

(b) LICENSE REVOCATION: All licenses required under this section shall be renewed on or before July 1 of each year. The ACO may revoke any license issued hereunder. Grounds for such revocation include, but are not limited to, conviction pursuant to any violation of this Ordinance or any related State or Federal law. Failure to adhere to the standards set forth in this Ordinance and failure to permit the ACO to inspect any establishment or business regulated by this Ordinance during reasonable hours shall be grounds for revocation of any said license. License revocations shall be in writing and shall state the grounds therefore. Any person whose license is revoked under this Section may appeal such revocation to the Henry County

Fiscal Court, within ten (10) days following the date of such revocation. Said appeal shall be in writing and shall state the grounds therefore, and shall be signed by either the person bringing the appeal or his authorized representative.

(c) VACCINATION: On or before July 1 of each year, every owner of a dog four (4) months of age or older shall have it vaccinated against rabies or have up-to-date vaccination. It is further provided that the owner of a dog reaching four (4) months of age shall have such dog vaccinated by the tenth (10th) day after the date the dog attained this age. Such vaccination shall be in accordance with the vaccination requirements prescribed by the State Board of Health. Vaccinations shall be performed by a licensed veterinarian or qualified person.

The veterinarian or qualified person administering the vaccination shall issue to the dog owner a vaccination certificate on a form prescribed by the State Board of Health. The vaccination certificate shall be prepared and issued in triplicate, one copy to be forwarded by the veterinarian or qualified person to the Henry County Board of Health, and one copy to be given to the owner of the dog. Each certificate shall bear the name and address of the issuing party, and a serial number and a brief description of the dog vaccinated. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of

vaccination. The tag may also bear the name of the person issuing it. "Qualified Person" permits are granted only to kennel or cattery operators and rabies vaccinations may only be given to those animals which are owned by the kennel or cattery. Any dog which is sold, traded or otherwise removed from the kennel or cattery must be re-vaccinated against rabies by a licensed veterinarian and must be re-licensed by the ACO or Agents.

SECTION III - VETERINARIANS AUTHORIZED
TO ISSUE LICENSES

It shall be authorized for the Henry County Fiscal Court to enter into an agreement with any veterinarian to permit that veterinarian to issue dog licenses and to permit that veterinarian to retain \$1.00 for each such license issued.

SECTION IV - VETERINARIANS REQUIRED TO
REPORT ALL DOGS WITHOUT REQUIRED LICENSES

It shall be the duty of all veterinarians to report to the Animal Control Officer all dogs seen or treated by them that are not licensed.

SECTION V - ISSUANCE OF CITATION

The Henry County AOC and his/her agents may issue criminal citation(s) to the owner of any dog observed by the AOC or the agent to be in violation of any section of

this Ordinance. Citations shall specify the section(s) of this Ordinance that is violated. The citation shall impose an obligation on the owner to answer the specified charges before Henry District Court at the time and place indicated. In lieu of a criminal citation, the AOC or his agent may issue a warning citation.

SECTION VI - CONFINEMENT OF ANIMAL WHEN IN HEAT

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

SECTION VII - NUISANCE

No owner shall fail to exercise proper care and control of his dog so as to prevent the following actions: excessive, continuous or untimely barking or howling; molesting of passersby; chasing of vehicles; attacking of domestic animals; trespassing upon school grounds; trespassing upon private property; or damaging of property of any nature.

SECTION VIII - HUMANE TREATMENT OF DOGS

(a) General: No owner shall fail to provide his dog with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. Any

owner or keeper of dogs shall maintain a clean and healthful shelter and living area for any dog being kept, which area shall be free of accumulated waste and debris so that the dog shall be free to walk or lie down without coming in contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the dogs being kept. If any dog is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten (10) feet in length and either on a swivel designed to prevent the dog from choking or strangling itself or else on a chain run. No owner shall abandon any dog, abandonment consisting of leaving such dog for a period in excess of twenty-four (24) hours, without providing for someone to feed, water and check on the dog's condition, or by leaving an dog by a roadside or other area and leaving the dog on a public or private property, without the property owner's consent. In the event that a dog is found so abandoned, such dog may be taken by the ACO, police or humane officer and impounded in the Animal Shelter or other facility maintained by a humane society and there confined in a humane manner. Such dog, if taken from private property, shall be kept for not less than seven (7) days. However, if the animal is seriously ill or injured or has a contagious disease, it may be immediately destroyed to relieve suffering. Additionally, if the owner

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retrieves said animal from the shelter, said owner shall be liable to pay as a fee \$10.00 plus \$5.00 per day for each day the animal is kept at the shelter. In the event that a dog is so abandoned, the owner, or the person, if any, whom he has charged with the dog's care, shall be liable for citation for violation of this section.

(b) No person shall neglect, beat, cruelly ill treat, or torment any dog or cause or permit any dog fight. For the purposes of this paragraph, neglect, cruel ill treatment and torment of a dog shall be defined as a failure by a person to adhere to the requirements and provisions of subparagraph (a) above. In the event there is reasonable cause to suspect that a dog is being beaten, cruelly ill treated, neglected, or tormented or involved in a dog fight, custody of such dog may be taken by the ACO, police or humane officer and impounded in the Animal Shelter or other facility maintained by a humane society. Said dog shall be held as evidence and confined in such facility in a humane manner. Upon a finding by the court that the dog has been neglected, beaten, cruelly ill treated or tormented or involved in a dog fight, the dog shall become the property of Henry County. Any dog observed by a police or animal control officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

No person shall own, possess, keep or train any dog, with the intent that such dog shall be engaged in an

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exhibition of fighting. In the event that a person shall own, possess, keep or train any dog, with the intent that such dog shall be engaged in an exhibition of fighting, he shall be liable for citation for violation of this section and subject to the penalties contained herein.

(c) Any dog found involved in a violation of any portion of this section may be confiscated by a peace officer and held in a humane manner. Upon conviction of this charge, all dogs so confiscated shall become the property of Henry County and the owner of the dog(s) shall pay to Henry County all veterinary fees associated with medical treatment provided the dog while it was in custody.

(d) POISONS: No person shall place any poisonous substance which may be harmful to domestic dogs in any location where it may be readily found and eaten by such animals.

SECTION IX - ACTIONS PROHIBITED

No person, firm, organization or group shall raise or kill a dog for food or the skin or fur.

No person, firm, organization or group shall mutilate any dog whether dead or alive except during a post mortem by qualified person.

No person, firm, organization or group shall engage or cause or allow any other person to engage in a sexual act with any dog.

SECTION X - NON-APPLICABILITY TO NON-RESIDENTS

The sections of this Ordinance requiring a license shall not apply to non-residents of the County who are keeping only domestic dogs, provided that dogs of such owners shall not be kept in the County longer than thirty (30) days and that the dogs shall be kept under restraint. No non-resident shall, however, keep any dog in this County over the age of four (4) months that has not been vaccinated against rabies.

SECTION XI - INTERFERENCE WITH ENFORCEMENT PROHIBITED

No person shall in any manner interfere with, hinder, molest or abuse any officer or individual authorized to enforce the provisions of this Ordinance.

SECTION XI- SEVERABILITY

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION XII - PENALTIES

Any person violating any provision of this Ordinance shall be deemed guilty of a Class A misdemeanor and shall, upon citation to court and subsequent conviction, be punished by a fine not to exceed Five Hundred Dollars

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(\$500.00) or be imprisoned for a period not to exceed twelve (12) months, or both.

Upon Motion of Magistrate Esq. Peak,
seconded by Magistrate Esq. Allgier, passed
and approved by the vote of 6 Yes 0 No, by the
Fiscal Court of Henry County, Kentucky on this 9 day of
Aug., 1994.

APPROVED: Tommy Bryant

HON. TOMMY BRYANT
HENRY COUNTY JUDGE/EXECUTIVE

ATTEST:

Rhonda Carpenter
RHONDA CARPENTER, CLERK

(12)

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COMMONWEALTH OF KENTUCKY
HENRY COUNTY FISCAL COURT
SECTION XII-PENALTIES IN
ORDINANCE NO. 94-8-1

AMENDMENT


Whereas, Henry County Fiscal Court amends Section Twelve in the above Ordinance to read as follows:

Any person who has been convicted of, entered an Alford Plea to, or pleaded guilty to cruelty to animals in any degree (First or Second) shall forfeit ownership of the animal or animals and shall be prohibited from owning or possessing any animals for a period of two (2) years from the date of the conviction.

So Ordered this 17 day of July, 2012.

Upon Motion of Magistrate Hartlage, seconded by Magistrate Fisher, passed and approved by a vote of 6 Yes, and 0 No by the Fiscal Court of Henry County, Kentucky, this 17 day of July, 2012.

ATTEST:


JOHN LOGAN BRENT
HENRY COUNTY JUDGE EXECUTIVE


PEGGY BRYANT
DEPUTY JUDGE EXECUTIVE