

ORDINANCE NO. 290, SERIES 2007

AN ORDINANCE AMENDING CHAPTER 91 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("CODE") PERTAINING TO UNALTERED DOGS, THE WAIVER OF METRO ANIMAL SERVICE FEES DUE TO FINANCIAL HARDSHIP, AND THE QUARANTINE OF ANIMALS (AMENDED BY SUBSTITUTION).

SPONSORED BY: COUNCILMAN DOWNARD, COUNCILWOMAN HAMILTON AND COUNCILMAN STUCKEL

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (COUNCIL), AS FOLLOWS:

SECTION I. Chapter 91 of the Code is hereby amended to read as follows:

**§ 91.001 DEFINITIONS.**

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

**ABANDON** or **ABANDONMENT**. **ABANDONMENT** consists of leaving an animal for a period in excess of 24 hours, without the animal's owner or the owners designated caretaker providing all provisions of necessity as defined in this chapter and checking on the animal's condition.

**AGRICULTURAL USE**. A tract of at least five contiguous acres for the production of agricultural or horticultural crops, as defined in KRS 100.111.

**ALTERED ANIMAL**. Any animal that has been spayed or neutered.

**ANIMAL**. Any non-human living creature, domestic or wild, excluding fish, insects, and eggs.

*ANIMAL CONTROL* or *ANIMAL CONTROL AND PROTECTION* or *DIVISION OF ANIMAL CONTROL AND PROTECTION* or *DIVISION*. See "Metro Animal Services".

*ANIMAL CONTROL OFFICER (ACO)*. Persons designated by the Metro Government as the primary enforcement officers of ordinances and state and federal laws pertaining to, and regulating animals and owners of animals, and for the enforcement of sections of the Kentucky Revised Statutes pertaining to the cruelty to animals.

*ANIMAL DEALER*. Any person engaging in the business of buying and/or selling any animal or animals, including fish, for the purpose of resale to pet shops, research facilities, another animal dealer or to another person, including the sale of any animal from any roadside stand, booth, flea market or other temporary site. (Persons buying or selling animals fit and destined for human consumption ~~and persons involved in the occasional sale of a litter or an animal on a random basis~~ and agricultural uses as defined in this chapter are not included in this definition. Agricultural uses as defined in this chapter, are not included in this definition.) *ANIMAL DEALERS* are also subject to the provisions of §§ 91.090 through 91.101 and § 91.123 of this chapter.

*ANIMAL-DRAWN VEHICLE*. Vehicles with four or more wheels drawn by an animal.

*ANIMAL SHELTER*. Any premises designated and/or operated by the Metro Government for the purpose of impounding and caring for animals held under authority of this chapter.

***ANIMAL WELFARE GROUP.*** Any organization existing for the purpose of the prevention of cruelty to animals, and providing shelter for abandoned and lost animals and are incorporated under the laws of the Commonwealth of Kentucky.

***APPROVED RABIES VACCINE.*** Any vaccine for protecting an animal from contracting rabies approved as effective by the Kentucky Department for Human Resources and by the National Association of State Public Health Veterinarians, Inc. (NASPHV) in the most current version of the annual Compendium of Animal Rabies Prevention and Control.

***ASSISTANCE DOG.*** A dog accompanying and providing support for a person who is deemed to be disabled under federal, state, or local law. For purposes of this chapter, the term ***ASSISTANCE DOG*** shall include a service dog recognized or defined under federal or state law.

***AT-RISK DOG.*** An at-risk dog is one which either when off its owner's premises or off those on which its presence had explicitly been allowed, and unprovoked:

(1) Menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person;

(2) Causes physical injury to any domestic pet or livestock while not under restraint; or

(3) Is found not under restraint, excluding those dogs engaged in hunting activities or training therefor; or

~~—(4)— Is an unaltered dog not licensed under this chapter.~~

**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.

**BOARDING KENNEL or CATTERY.** Any establishment where dogs, cats, puppies, or kittens are kept for the purpose of boarding for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for treatment, diagnostic, or recuperative purposes, or for grooming.

**BOARDING STABLE** including **RIDING SCHOOL** or **STABLE.** Any facility for boarding, livery, training or riding school or any facility which maintains horses or ponies, mules, donkeys or burros for the purpose of housing, feeding, riding, training, driving or riding lessons, for a fee and/or which advertises these services by the use of a sign, billboard or by placing an advertisement in newspapers, on bulletin boards or in any other publication excluding licensed pari-mutuel facilities.

**CAT.** Any domestic feline four months of age or older.

**CIRCUS.** A traveling public entertainment show consisting of acrobats, clowns, and trained animals, but shall not include a show including wrestling bears or other direct contact between members of the public and inherently-dangerous animals.

**CLASS A KENNEL OR CATTERY.** Any establishment where dogs and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying, or selling such

animals and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The Class A Kennel or Cattery license shall apply to up to five dogs or cats and shall require an additional Class A Kennel or Cattery license for each increment of up to five dogs or cats.

***CLASS B KENNEL OR CATTERY.*** Any establishment where dogs, puppies, cats, or kittens are kept for the primary purpose of showing (including but not limited to field trial competition, hunting trial competition, herding, conformation, and obedience competition) and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The primary purpose shall be determined by verifying the participation of one or more of the housed animals in a sanctioned competition in the preceding 12 months. The license shall apply to up to five dogs and cats. Animals in excess of five shall be licensed individually.

***CLASS C KENNEL OR CATTERY.*** Any establishment where dogs or puppies are kept for the primary purpose of training for guard, sentry, field, obedience, whether gratuitously or for a fee. A Class C Kennel may also offer boarding services if the boarding occurs at the same location with no additional boarding kennel license required, except that an additional boarding kennel license shall be required when the facility reaches a maximum of 25 dogs and cats.

***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).

**DANGEROUS DOG.** Except as exempted in § 91.150(B) a dangerous dog is:

(1) Any dog, including an at-risk dog, which when unprovoked, in an aggressive manner commits a severe attack on any person or inflicts death or serious injury to any person;

(2) Any dog which maims or kills domestic pets or livestock when not under restraint;

(3) Any dog which is used in the commission of a crime as provided in the Kentucky Penal Code including, but not limited to dogfighting, threatening or menacing, or guarding the conduct of unlawful activity;

(4) Any dog which is declared by the Director to be a dangerous dog under the procedures set forth in this chapter; or

(5) Any dog owned or harbored primarily for the purpose of fighting or harming other animals, excluding any dog used for hunting or training for hunting purposes.

**DIRECTOR.** The Director of Louisville/ Jefferson County Metro Animal Services and/or his or her designee.

**DOG.** Any domestic canine four months of age or older.

**DOMESTIC PETS.** Any of the following animals: domestic dog, cat, rabbit, mouse, rat, reptile, guinea pig, chinchilla, hamster, gerbil, ferret.

**DWELLING UNIT.** Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy by one or more persons, and which at a minimum contains sleeping, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term includes hotel or motel rooms, extended stay lodging facilities, nursing home rooms and assisted living units.

**ELEPHANT RIDE.** Allowing individuals to ride on the backs of Asian elephants, as regulated under § 91.130.

**ENCLOSURES.**

(1) **ENCLOSURES FOR DOGS AND PUPPIES.**

(a) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from

leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign prescribed by MAS, posted next to the driveway or entry to the property. The enclosure must contain proper shelter from the weather. This type of enclosure is not acceptable for a female in heat, for ~~unaltered dogs~~, dangerous dogs, or potentially dangerous dogs. However, a dog that is found unrestrained outside this type of enclosure twice within a one-year period shall be issued a violation notice and corollary penalty assessed by MAS. Nevertheless, in lieu of paying the penalty as set forth in the violation notice for the first offense only, the owner can elect to have his or her dog attend and satisfactorily complete an education or training course established under Section 91.060. The owner must notify MAS within 7 days of receiving the violation notice that he or she plans on having the animal undergo training, and must provide written proof to MAS within 7 days after completion of the training course that the dog successfully completed the training. Failure to attend or successfully complete the training course, including complying with the notification requirements as set forth immediately above, will result in the penalty from the violation notice being assessed. Finally, a dog found unrestrained outside an enclosure as described in this subsection (b) a third time within a one-year period shall not only subject the dog's owner to a penalty issued by MAS, but the dog shall no longer be permitted to be kept in this type of enclosure.

(2) ***ENCLOSURES FOR POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS.*** Enclosures for potentially dangerous dogs and dangerous dogs shall be an uncovered fence or structure at least six feet in height, installed beneath

ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient in size to allow the dog to stand, sit, and turn around in a natural position, to defecate away from food and water, and which allows for an adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather. A “DANGEROUS DOG” sign prescribed by MAS must be posted at the entry to the property.

***EXOTIC SPECIES.*** Any animal born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

***FERRET.*** A weasel-like, usually albino mammal (*Mustela putorius furo*) related to the polecat and often trained to hunt rats or rabbits.

***KITTEN.*** Any domestic feline younger than four months of age.

***LICENSE FACILITY.*** Any facility and/or business operation or person designated by the Metro Government pursuant to § 91.020 of this chapter to issue licenses required by this chapter and/or provide applications thereto.

***LIVESTOCK.*** Cattle, sheep, swine, goats, horses, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, lagomorph, caprine, or equine species, deer and elk, whose regulatory requirements are under KRS Chapters 150 and 246, as well as poultry, ratites, and cervine, that are privately owned and raised in a confined area for breeding stock, food, fiber, and other products.

***METRO ANIMAL SERVICES*** or ***MAS***. Louisville/Jefferson County Metro Government Department of Animal Services.

***METRO COUNCIL***. Legislative Council of the Metro Government.

***METRO GOVERNMENT***. Louisville/Jefferson County Metro Government.

***MICROCHIP***. A passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system. Such system must be compatible with a scanner used by MAS.

***MULTIPLE PET LICENSE***. A license available for purchase to a party who owns, maintains, or possesses four or more altered pets that are kept for the primary purpose of companionship. This license may be purchased in lieu of required individual dog, cat, or ferret licenses.

***NUISANCE***.

(1) Any act of an animal or its owner that irritates, perturbs or damages rights and 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 a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal.

(2) Subject to the restrictions set forth in KRS 413.072(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.

~~**OCCASIONAL SALE.** Any sale of a single animal or a single litter of puppies, kittens or otherwise which is on a random, unsystematic basis and does not exceed the sale of one animal or one litter over a 12-month period, provided there are no more than one licensed unaltered cat or more than one permitted licensed unaltered dog on the premises.~~

**OWNER.** Any person owning, keeping or harboring animals in Jefferson County.

**PERSON.** An individual, partnership, association, company, firm, business or corporation.

**PET BIRDS.** Any tamed or domesticated bird kept caged or within doors.

**PET SHOP.** Any person engaged in the business of breeding, buying, selling at retail or as a broker of animals, including fish, of any species for profit-making purposes, except farming operations that breed, buy, or sell at retail pursuant to and in conjunction with their agricultural use shall not be considered pet shops for purposes of this chapter.

**POTENTIALLY DANGEROUS DOG.** Except as exempted in § 91.150(B) a potentially dangerous dog is:

(1) Any dog, including an at-risk dog, as defined herein, which, when unprovoked, in an aggressive manner bites, scratches, or bruises any person.

(2) Any unrestrained dog which, when unprovoked, bites, injures, or kills another domestic pet or livestock while that animal is restrained in compliance with this chapter.

(3) Any dog which is declared by the Director to be a potentially dangerous dog under the procedures set forth in this chapter.

***POULTRY.*** Chickens, ducks, turkeys, or other domestic fowl.

***PUPPY.*** Any domestic canine younger than four months of age.

***QUALIFIED PERSON.*** Any veterinarian, or other person granted a permit by the State Secretary of Health and Family Services to vaccinate their own dogs or cats against rabies.

***QUARANTINE.*** Humane confinement of an animal in a building in a manner which prevents the animal coming into unplanned contact with any other animal or human being.

***REASONABLE HOURS.*** The normal business hours of any establishment or business regulated by this chapter.

***RESTRAINT.***

(1) For all animals except 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.

(2) 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, or except for ~~unaltered dogs~~, dangerous dogs, and potentially dangerous dogs, accompanied by a responsible person into an enclosed "off-leash" area designated by the Kentucky Department of Parks or the Metro Department of Parks and in conformance with all regulations and/or requirements imposed as a condition of utilizing such "off-leash" area by such Departments of Parks, or their designees.

(3) In addition to the requirements of subsection (2), above, under this definition, **RESTRAINT** for ~~unaltered dogs~~, dangerous dogs, and potentially dangerous dogs shall mean as follows:

(a) That dangerous dogs and potentially dangerous dogs are at all times 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;

(b) That owners of ~~unaltered dogs~~, dangerous 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.

(c) That a lead or leash ~~for an unaltered dog for a potentially dangerous or dangerous dog~~ shall not exceed four six feet in length.

(4) Other standards and requirements for restraining dogs shall be as set forth in § 91.091.

(5) All livestock weighing more than 40 pounds, except horses, stallions, colts, geldings, mares, fillies, ponies, miniature horses, mules, jacks, jennies, goats, kids and sheep, must be kept on tracts or lots of at least .5 acres or more.

(6) Horses, stallions, colts, geldings, mares, fillies, mules, jacks and jennies must be kept on an individual tract, lot, or parcel (as defined in the Land Development Code) of at least one acre or more; except that the properties and facilities of Louisville Zoo, the Louisville/Jefferson County Metro Police Department, Churchill Downs, and the Kentucky Derby Museum shall be exempt from this requirement.

(7) All livestock other than poultry as set forth in subsection (8), below shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property. 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.

(8) All crowing and non-crowing poultry must be kept on tracts or lots of at least .5 acres or more, unless a tract or lot is on less than .5 acres and only houses five or less non-crowing poultry, and no more than one crowing poultry in accordance with the remainder of this subsection. All crowing and non-crowing poultry shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. The fence or structure must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch. Poultry associated with an agricultural use shall not be subject to the restraint requirement as set forth herein.

(9) For purposes of this chapter, the term "lawful hunting activities" contained in KRS 258.265(3) shall be deemed to include the training of hunting dogs, including field trials.

**SECRETARY.** The Secretary of the Louisville/Jefferson County Metro Government Cabinet for Public Works and Services.

**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 caused serious physical trauma or death.

**THEATRICAL EXHIBITION.** Any exhibition or act featuring performing animals. The inclusion of any prohibited wild animal, as defined in this chapter, shall not be allowed without the express written permission of the Director, which shall be notated on the issued permit. Such permission shall be given only if it is demonstrated to his/her

satisfaction that the animal(s) will not constitute a threat to public health or safety.

***THEATRICAL EXHIBITIONS*** shall not include resident or non-resident dog and cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association or any affiliate thereof, nor shall it include any primary horse show.

***UNALTERED DOG, CAT OR FERRET.*** Any dog, cat or ferret which has been neither spayed nor neutered.

***UNFIT FOR PURCHASE OR ADOPTION.*** Any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this chapter, veterinary findings of internal and external parasites shall not be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition. An animal shall not be found unfit for purchase on account of injury sustained or illness contracted subsequent to the consumer's taking possession thereof.

***VACCINATIONS.*** The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Secretary of the Cabinet for Health and Family Services.

***VETERINARIAN.*** A licensed practitioner of veterinary medicine, accredited by the Kentucky Board of Veterinary Examiners.

**VETERINARY HOSPITAL OR CLINIC.** Any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

**WILD ANIMAL.** Shall include the following:

(1) Any animal that generally is not domesticated and living among humans, nor those defined as domestic pets herein; and

(2) Any animal classified by the Kentucky Department of Fish and Wildlife in its statutes or regulations as either:

(a) Inherently dangerous wildlife;

(b) Exotic wildlife; or

(c) Wildlife whose importation or possession is prohibited by any federal or state law or regulation; and

(3) A hybrid of any animal herein classified as a **WILD ANIMAL**.

**ZOOLOGICAL GARDEN.** Any park or zoo operated by a person or private corporation, but excluding any governmental agency or foundation.

**§ 91.002 RESTRAINT REQUIRED.**

All animals shall be kept under restraint at all times, as defined in this chapter, except as otherwise provided herein, and any deviation or violation thereof is strictly prohibited.

**§ 91.003 CONFINEMENT OF ANIMAL IN HEAT.**

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 a planned breeding.

**§ 91.004 OWNER TO CONTROL ANIMALS; NUISANCES PROHIBITED.**

No owner shall fail to exercise proper care and control of his or her animals so as to prevent the animal from constituting a nuisance as defined in this chapter.

**§ 91.005 EXHIBITION OF WILD OR VICIOUS ANIMALS.**

No person or private corporation shall keep, or permit to be kept, on their premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This chapter shall not be construed so as to apply to a zoological garden, theatrical exhibition, or circus, as defined in § 91.001 of this chapter.

**§ 91.006 NON-APPLICABILITY.**

(A) Sections 91.001 through 91.142 requiring a license or ~~permit~~ shall not apply to non-residents of Jefferson County who are keeping or harboring only domestic pets, provided that animals of such owners shall not be kept in Jefferson County longer than 30

days and that the animals shall be kept under restraint. No non-resident shall, however, keep any dog, cat, or ferret in Jefferson County over the age of four months that has not been vaccinated against rabies with an approved rabies vaccine.

(B) Nothing in this chapter shall be construed so as to be inconsistent with KRS 258.215 or 258.265, or to otherwise affect hunting, canine competitions, the handling of game, or any lawful activity.

(C) Pursuant to the provisions of KRS 247.160, all property under the ownership or control of the State Fair Board shall be exempt from the application of this chapter.

#### **§ 91.007 INTERFERENCE WITH ENFORCEMENT PROHIBITED.**

(A) No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual authorized to enforce the provisions of this chapter or any state or federal law pertaining to or regulating animals.

(B) No person shall release or attempt to release an animal from an MAS facility or a humane trap which belongs to MAS.

#### **§ 91.008 PROHIBITION ON OWNERSHIP OF WILD ANIMALS.**

(A) The keeping or holding of wild animals that are inherently dangerous wildlife, exotic wildlife, endangered species, or wildlife whose importation or possession is prohibited by any federal or state law or regulation is prohibited, and declared to be unlawful. This section shall not apply to the following:

(1) Any zoological garden accredited by the American Association of Zoological Parks and Aquariums;

(2) Licensed circuses and theatrical exhibits;

(3) Authorized wildlife rehabilitators with any required state-issued permit;

(4) Licensed veterinary hospitals for the purpose of treating injured animals;

(5) Federally-licensed research institutions.

(B) (1) Those parties legally-possessing wild animals under a state-issued permit, which would have been legal before the effective date of this chapter may continue to possess such animals until the expiration date of the original permit. Such permits may not be renewed or transferred to any other individual or entity, and will subject the new owner to the prohibitions set forth herein.

(2) Any party legally owning an animal under this section shall register such animal with MAS within 30 days of the effective date of this chapter.

(C) Keeping of wild animals not prohibited by this chapter shall be in accordance with standards set forth in the Kentucky Department of Fish and Wildlife regulations. Additionally, the owners/keepers of such wild animals shall register ownership with MAS, within 30 days of obtaining such animal.

#### **§ 91.009 FEE SCHEDULE.**

(A) *Effective dates.* The fee schedule set forth in this section shall be effective on the effective date of the ordinance amending and re-enacting this chapter. The fee schedule, in whole or in part, may be amended by the Director with the approval of the Metro Council. Any new or revised fees will become effective on the first day of the month following the month in which an amended fee schedule is approved by the Metro Council.

(B) *Exemption.* No license or permit shall be required for Metro Animal Services facilities and its satellites, any activity conducted at, or by, Churchill Downs, any veterinary hospital which does not advertise boarding services, university-operated medical research facility, or the Louisville Zoo.

(C) *Animal Services Building Fund and Animal Care Fund.* Louisville Metro Department of Finance shall establish a separate building fund to be known as the "Animal Services Building Fund" for the future building needs of Metro Animal Services (MAS) Department and an Animal Care Fund to provide for pet sterilizations. The Department of Finance shall create separate accounts for said funds. Twenty percent of all fees collected by MAS shall be deposited into the account for the Building Fund, and 5% of all such fees so collected shall be deposited into the account for the Animal Care Fund. Any donations or bequests received from the public for the future building or animal-care needs of MAS shall also be deposited in this account. This fund, if not already effective, shall become effective the first day of the month following the adoption of this chapter. The amount of said fees contributed to the fund shall remain in effect until amended by the Metro Council.

(D) *Fee schedule.* Metro Animal Services fee schedule shall be as set forth in Appendix A to this chapter.

(E) *Fee increases.* All fees established in Appendix A shall be reviewed at least every two years, at which time, they may be increased, based upon a comparison with the most recently-published Consumer Price Index. Such fee increases shall be instituted only when the amount equals or exceeds \$.25, and in increments of \$.25. If costs require greater rate increases, these may be implemented upon Metro Council approval.

(F) *Exempt.* Assistance dogs shall be exempt from license fees under this section.

(G) Waiver and/or Reduction in Fees. Pursuant to regulations promulgated by the Director, MAS may waive or reduce any of the fees for services that are set forth in Appendix A due to financial hardship or on the basis of income level, as the case may be, or if

(1) the violator(s) attend and satisfactorily complete an education or training course established under Section 91.060; and/or

(2) the dog or cat is spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.

## **§ 91.010 SANITARY DISPOSAL OF ANIMAL FECES REQUIRED.**

(A) It shall be unlawful for any owner or person in charge of a dog, cat, ferret, or other four-footed mammal, poultry or other fowl to permit such animal to be on school grounds, metro parks or other public property, or on any private property other than that

of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalks, highways, or rights-of-way of the Metro Government other than duly designated bridle paths, unless the owner or person in charge of such animals:

(1) Has, in his or her possession, a suitable device for the picking up, collection and proper sanitary disposal of the animal feces or manure.

(2) Immediately removes all feces deposited by such animal(s) and disposes of same in a sanitary manner.

(B) This section shall not apply to blind or visually impaired and/or disabled persons accompanied by an assistance dog.

## **LICENSES, ~~PERMITS~~ AND VACCINATIONS**

### **§ 91.020 DOG, CAT, AND FERRET LICENSES.**

(A) Effective upon passage of this chapter and from that day forward, every owner of an animal who resides or whose animal resides in Jefferson County and who is regulated by this chapter shall apply to MAS or a license facility designated by the Mayor, for any appropriate license required by this chapter. Individual dog, cat, and ferret licenses shall be issued in conjunction with a valid rabies vaccination certificate and shall be valid for the term of the vaccination. License tags and rabies vaccination tags shall be required for each dog or cat four months of age or older. License and vaccination tags shall be firmly attached to a harness or collar worn by the animal.

(B) Animals kept temporarily (not in excess of 30 days unless granted an extension by MAS) for the purpose of breeding or showing shall not require an individual dog or cat license provided the owner has proof of a current rabies vaccination. ~~This section shall not apply to unaltered dogs which are brought into Jefferson County for the purpose of showing at recognized dog show or exhibition, while on the premises of such a show or exhibition.~~

(C) The cost of an individual unaltered dog, cat, or ferret license ~~or permit~~ registered before the effective date of this chapter shall be as provided in § 91.009. In addition to the individual unaltered dog, cat, or ferret license, the owner shall also be issued a spay/neuter rebate certificate worth a prescribed amount towards the cost of a spay or neuter surgery at participating veterinarians. That prescribed amount shall be as provided in § 91.009.

~~(D) Owners of altered dogs shall file with any application for a permit under this section an appropriate certificate from a veterinarian certifying that the dog has been spayed or neutered. Otherwise, the dog must be licensed under § 91.021. The Director may require that animal to be examined by MAS or its designee.~~

(E) Pursuant to KRS 258.095, the Metro Government hereby designates as license facilities those hospitals or clinics of veterinary medicine located within Jefferson County which agree to abide by the procedures established for the issuance of licenses by MAS. For each individual dog, cat, or ferret license issued, the license facility shall withhold and retain the amount of \$1 from the license fee collected. This provision shall become effective the first day of the month following the adoption of this chapter and the amount

of the fee paid the licenses facility shall remain in effect until amended by the Metro Council.

(F) All offices or clinics of veterinary medicine shall notify clients of the legal licensing and permit requirements that are set forth in this chapter.

~~§ 91.021 REGISTRATION AND SPECIAL PERMITS FOR UNALTERED DOGS.~~

~~(A) From and after the effective date of this chapter, no person shall own or possess, or buy, sell, or trade, or otherwise transfer ownership or possession of an unaltered dog which has not been spayed or neutered, or which has not been registered and obtained a permit pursuant to this section.~~

~~(B) The owner, or any person in possession of every unaltered dog born or brought into Jefferson County shall register that dog with MAS on a form provided by MAS. No unaltered dog shall be issued a permit pursuant to subsection (A) until that dog has been properly registered with MAS. As a condition of initial registration, as well as each annual permit renewal, MAS shall require the owner of the unaltered dog to furnish the following:~~

~~(1) The name and address of the owner; or person in possession;~~

~~(2) The location(s) where the unaltered dog will be kenneled or housed; and~~

~~— (3) — A certificate from a veterinarian, or other documentation satisfactory to the Director, that the unaltered dog has had a microchip inserted, which microchip shall meet the standards for microchips approved by the Director.~~

~~— (C) — Registration required under this section shall be renewed annually, either electronically or by mail, as the Director shall provide by regulation. All requirements for initial registration shall also apply to annual renewals.~~

~~— (D) — The registered location(s) of any unaltered dog shall not be changed for any period in excess of three days without notification to MAS. The Director shall provide by regulation the means of notification. The owner or person in possession of any unaltered dog which is stolen, or which escapes from or strays from its enclosure, shall immediately upon such occurrence notify MAS.~~

~~(E) — The owner or person in possession of any unaltered dog shall not be without immediate notification to MAS. The Director shall provide by regulation the means of notification.~~

~~(F) — MAS shall charge a fee as set forth in § 91.009 for the annual registration and permitting of unaltered dogs.~~

~~— (G) — Law enforcement agencies and officers and Class A and Class B kennels shall be exempt from the registration and licensing requirements of this section.~~

~~— (H) — Owners of unaltered dogs shall have 90 days from the effective date of this chapter to comply with this section.~~

**§ 91.022 UNALTERED DOGS TO BE ENCLOSED OR UNDER RESTRAINT.**

(A) Unaltered dogs shall at all times be kept and maintained:

(1) In a proper enclosure as defined in this chapter; and as approved by the Director in writing; or

(2) Under restraint as defined in this chapter.

(B) Law enforcement agencies and officers and Class A and Class B kennels shall be exempt from the requirements of this section.

**§ 91.023 OTHER REQUIRED LICENSES AND PERMITS.**

(A) Licenses or permits shall be required in the following categories, in addition to those set forth elsewhere in this chapter. Each separate location must be licensed separately, inspected and meet the requirements of this chapter prior to the license or permit being issued.

(B) License or permits in these categories shall be effective each July 1 and be valid for one year:

(1) Class A kennel or cattery.

(2) Class B kennel or cattery.

(3) Class C kennel.

(4) Pet shop.

(5) Livery, riding, or boarding stable, except for activities conducted at, or by, Churchill Downs.

(6) Animal welfare group shelter.

(7) Animal-drawn vehicles (one license per company).

(8) Theatrical exhibition.

(9) Wildlife permit.

(10) Animal dealer.

(11) Circus.

(12) Boarding kennel or cattery.

(13) Swine permit.

~~(14) Unaltered dog permit.~~

(15) Dangerous dog.

(16) Potentially dangerous dog.

However, the licenses required in subsections (B)(14), (B)(15), and (B)(16), above, shall be in lieu of the dog license required by § 91.020, and the fee for any valid license

previously issued under § 91.020 shall be credited against those required for dangerous or potentially dangerous dogs at the time of the subsequent license issuance.

(C) The application for or the grant of a license set forth under subsections (A) and (B), above, except for dogs licensed under subsections (B)(14), (B)(15), and (B)(16), is deemed to permit periodic inspections of the public areas of any such licensed entity during such entity's business hours for the purpose of verifying compliance with the terms and conditions of this chapter. This section, and all other provisions in this chapter authorizing such inspections, shall be reasonably construed and applied by MAS personnel.

#### **§ 91.024 LICENSE RENEWAL; REVOCATION; APPEALS.**

(A) *Renewal.* All licenses required under § 91.023 shall be renewed on or before July 1 of each year.

(B) *Revocation.*

(1) The Director may revoke or deny any license issued hereunder.

(2) Grounds for such revocation or denial include, but are not limited to, conviction pursuant to any violation of this chapter or conviction pursuant to any related state or federal law.

(3) License revocation or denial notices shall be in writing and shall state the grounds therefor.

(C) *Appeals.*

(1) Any person who receives such license revocation or denial notice issued pursuant to this chapter may appeal such notice to the Secretary within ten days following the receipt of such notice unless such period is extended by the Secretary.

(2) Any appeal from such notice shall be in writing, shall state the grounds therefor and shall be signed by the person bringing the appeal or their authorized representative.

(3) Failure to file a timely appeal to a license revocation or denial notice shall result in license revocation or denial.

(4) If requested by the appellant, a hearing shall be held on the issues raised by the appeal.

(5) The hearing shall be held within a reasonable period of time before the Secretary or his/her designee. The decision of the Secretary shall be final for all purposes of this chapter, but may be appealed to the court of appropriate jurisdiction.

**§ 91.025 VACCINATIONS; FIXATION OF TAGS.**

(A) Every owner of a dog, cat, or ferret four months of age or older shall have it vaccinated against rabies. Any owner of a dog, cat or ferret reaching four months of age shall have such animal vaccinated by the tenth business day after the date the animal attained this age. Every owner of a puppy, kitten or ferret that is between three and four months old may have such animal vaccinated against rabies. Such vaccination shall be in

accordance with the vaccination requirements prescribed by the National Association of State Public Health Veterinarians, Inc. (NASPHV) in the most current version of the annual "Compendium of Animal Rabies Prevention and Control." Vaccinations shall be performed by a veterinarian or qualified person.

(B) The veterinarian or qualified person administering the vaccination shall issue to the dog, cat, or ferret owner a vaccination certificate on a form prescribed by the Kentucky State Department of Public Health. The vaccination certificate shall be prepared and issued in triplicate. One copy shall be forwarded by the veterinarian or qualified person to the Louisville/Jefferson County Board of Health, or its designee, no later than seven days after the end of the preceding month, one copy shall be given to the owner of the dog, cat, or ferret, and one copy shall be retained by the veterinarian or qualified person. Each vaccination certificate shall bear the name and address of the issuing party and a serial number and a brief description of the animal vaccinated. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the name of the person issuing it.

(C) Any animal that has not been vaccinated by a veterinarian against rabies which is sold, traded or otherwise removed from a kennel or cattery must be re-vaccinated against rabies by a veterinarian ~~or qualified person~~, and must be ~~re-~~ properly licensed by MAS.

(D) When a rabies voucher is purchased from MAS at the time of license application, the person purchasing such voucher shall, within seven business days, take the dog, cat, or ferret to a veterinarian who will vaccinate the animal, issue a regular

vaccination certificate in the manner prescribed herein, and return the voucher to the animal shelter. The animal shelter will present the voucher to the Metro Government from which payment will be made to the veterinarian performing the vaccination. A veterinarian or other qualified person who purchases a dog, cat, or ferret does not have to purchase a rabies voucher from MAS, but must show his or her permit number.

(E) The rabies tag described herein and furnished by the veterinarian or other qualified person for dogs, cats, or ferrets shall be affixed by the owner to a collar or harness or affixed to an enclosure or cage furnished by him or her, and shall be worn by the animal for which the certificate was issued whenever off the premises of the owner, unless receiving medical treatment, or participating in a recognized dog or cat show, or a hunting or field trial.

(F) Whenever an animal is not wearing its rabies vaccination tag, as allowed in subsection (E), the owner/handler shall retain the rabies tag and shall produce the same whenever called upon to verify that the animal in question had the required vaccination. The certificate of vaccination may be produced if the tag has been lost.

(G) Every owner of a dog, cat, or ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between revaccinations shall conform to manufacturer's written instructions (currently every 12 months for annual vaccines, or 36 months for triennial vaccines), and requirements prescribed by the NASPHV in the current version of the annual "Compendium of Animal Rabies Prevention and Control."

(H) A dog, cat, or ferret owner who is visiting Louisville Metro for less than 30 days shall have proof of current vaccination for any such animal; a dog shall have its rabies tag attached to its collar or harness, in accordance with KRS 258.035, except during a recognized show or exhibition.

**§ 91.026 SALE OF RABIES VACCINE.**

It shall be unlawful for any person to sell, give away, permit to be sold or given away any rabies vaccine live or killed to anyone but a veterinarian or other qualified person.

**§ 91.027 CERTAIN SALES OF ANIMALS PROHIBITED.**

(A) It shall be unlawful for any person required to be licensed under §§ 91.020 and 91.023, but who has not obtained such a license or permit, to sell, offer to sell, or to advertise the sale of an animal. Any electronic or print offer to sell, including a paid advertisement, shall include the license number of the licensed person making the offer.

(B) It shall be unlawful for any person to sell, offer to sell, or to advertise the sale of an animal which is required to be licensed and vaccinated under §§ 91.020, 91.023, and 91.025, but which has not been licensed or permitted and vaccinated. Any electronic or print offer to sell, including a paid advertisement, shall include the license number of the animal offered for sale.

(C) It shall be unlawful for any person to purchase an animal which has been offered for sale, or sold, in violation of this section.

(D) It shall be unlawful for any person to sell, offer to sell, or to advertise the sale of an animal, or for any person to purchase a dog which has been classified by the Director as a dangerous dog or a potentially dangerous dog without the written permission of the Director.

(E) In addition to a citation issued to the owner, any animal sold or offered for sale in violation of this section may be impounded by MAS. The animal shall be released to the owner(s) only upon the obtaining of all required licenses or vaccinations, and the payment of all other redemption fees and costs provided under § 91.071.

(F) The requirements of this section shall not apply to animals sold, offered for sale, or advertised for sale by, or in connection with, any activity conducted by the Louisville Zoo, or Churchill Downs.

#### **§ 91.028 LIABILITY FOR PERSONAL INJURY OR DAMAGES.**

(A) 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.

(B) 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.

#### **LIMITATION ON DOGS IN RESIDENTIAL AREAS**

**§ 91.040 NUMBER OF DOGS ON RESIDENTIALLY USED PROPERTY.**

(A) No more than three dogs, excluding puppies, may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, (as defined in the Land Development Code), which is .5 acres or less and has on such property any building or structure containing a residential use.

(B) No more than seven dogs, excluding puppies, may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, (as defined in the Land Development Code), which is more than .5 acres but less than two acres and has on such property any building or structure containing a residential use.

(C) This section shall not apply to an individual tract, lot or parcel (as defined in the Land Development Code), which has on such property a building or structure containing a residential use, if such location has a current Class A, Class B, or Class C kennel license and continues to maintain such license, as provided by § 91.023.

**AMNESTY**

**§ 91.050 DIRECTOR MAY DECLARE AMNESTY.**

(A) The Director, with the approval of the Secretary, may suspend the civil and criminal penalties under §§ 91.020 and 91.023 of this chapter for a period not to exceed 90 days in any one calendar year upon condition that owners comply with the

requirements of those sections during the amnesty period. At the expiration of a declared amnesty period, all civil and criminal penalties under this chapter shall be fully in effect.

(B) The Director, with the approval of the Secretary, may suspend all or any parts of license fees payable under §§ 91.020 and 91.023 of this chapter for a period not to exceed 90 days in any one calendar year, upon condition that owners comply with the requirements of those sections during the amnesty period. At the expiration of a declared amnesty period, all fees payable under this chapter shall be fully in effect.

(C) A declared amnesty shall not apply to any provision of this chapter other than §§ 91.020 and 91.023.

## **EDUCATION, TRAINING, AND SOCIALIZATION PROGRAMS**

### **§ 91.060 PUBLIC FUNDS AUTHORIZED FOR EDUCATION, TRAINING, AND SOCIALIZATION PROGRAMS.**

(A) The Council finds it to be in the public interest, and the Director is hereby authorized to enter into joint agreements with animal control and animal welfare organizations for the purpose of planning, promoting, and conducting education and training programs for the purpose of:

(1) Educating the public as to responsible and lawful animal ownership and management; and

(2) Raising the level of compliance with the provisions of this chapter.

(B) The Director is authorized to expend public funds for this purpose, provided that all such expenditures shall be made in accordance with all metro ordinances, policies, and procedures relating to contracts and expenditures.

(C) The Director may, in his/her discretion, apply to District Court, or to the Code Enforcement Board, to reduce or abate any fine or civil penalty which could otherwise be imposed under § 91.999 upon condition(s) that:

~~——(1) The violator(s) attend and satisfactorily complete an education or training course established under this section; and/or~~

~~——(2) That the dog will be spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.~~

## **IMPOUNDMENT**

### **§ 91.070 IMPOUNDMENT AUTHORIZED; EUTHANASIA OF UNCLAIMED ANIMALS.**

(A) Unrestrained animals shall be taken by the Animal Control Officer, peace officer, or may be turned in by any citizen, impounded in the animal shelter and there confined in a humane manner. However, if after a reasonable effort the seizure of any such unrestrained animal cannot be made or should the animal present a hazard to public safety or property or have an injury or physical condition which causes the animal to

suffer, the Animal Control Officer or peace officer may immediately destroy the animal by the most reasonable and humane means then available.

(B) Impounded dogs, cats, or ferrets shall be kept for not less than five days (or any state-mandated holding period), unless reclaimed by their owners. All other domestic pets or owned wildlife shall be held for not less than three days unless reclaimed by their owner. If the owner can be identified by means of a license tag or otherwise, the impounding agency shall immediately notify the owner by the most expedient means available of the impoundment of the animal. Animals not reclaimed by their owners within the established time periods and those not placed in suitable new homes after such time, may be humanely euthanized by MAS. However, if an impounded animal has an injury or physical condition which causes the animal to suffer, MAS may immediately humanely euthanize the animal.

(C) ~~Any unaltered dog and a~~Any dog which has been declared to be a dangerous dog, or a potentially dangerous dog by the Director and whose owner has not complied with all of the requirements of this chapter for owning or maintaining such a dog, shall be impounded.

(D) Any animal deliberately used to facilitate an act that is illegal under federal, state, or metro law shall be impounded.

(E) Any animal impounded under subsections (C) and/or (D) shall not be released, except upon terms and conditions imposed by the Director that are in the interest of public safety and welfare.

(F) A licensed or registered animal which is found by an ACO loose and not under restraint but wearing its required tags which, and which does not otherwise meet any of the other definitions of an at-risk dog, may be returned to its owner by the ACO with a warning that the animal is in violation, that must be confined or restrained in accordance with this chapter, and that a further violation may result in impoundment, a citation, or a fine or civil penalty.

(G) A licensed or registered animal which is found for the second time by an ACO loose and not under restraint, but wearing its required tags, shall be impounded and the owner cited under the provisions of this chapter.

(H) An unlicensed animal whose owner has previously been notified or cited by MAS for failing to license such animal may be impounded if the animal is found to be unlicensed a second time by MAS.

#### **§ 91.071 RECLAIMING IMPOUNDED ANIMAL.**

(A) Every owner reclaiming an impounded animal which is subject to the terms of this chapter shall pay all redemption fees. Said fees shall be paid to MAS.

(B) Any dog or cat which is impounded under this chapter shall not be reclaimed unless the animal has a microchip inserted either by MAS or by a veterinarian in accordance with standards and specifications promulgated by the Director. If a microchip is inserted by the MAS the owner shall pay all fees specified under § 91.009, and all penalties and fines under § 91.999, of this chapter.

(C) Proof of vaccination against rabies and distemper, hepatitis, parainfluenza, parvovirus (DHPP) for dogs or against rabies and rhinotracheitis, calici, panleukopenia (FVRCP) for cats, or sufficient antibody titers for these diseases and an annual parasitic examination for internal parasites in the past 12 months, and a current license shall be required before any dog or cat is released. If no proof of vaccinations, parasite exam, or current license is shown, a rabies vaccination and/or parasite exam voucher(s) and/or license must be purchased before the animal is released. All vaccination/parasite exams must be administered to the animal within the prescribed time printed on the voucher(s). The administration of vaccinations may be deferred by the veterinarian at his or her discretion based upon his or her assessment of need or the health of the animal.

(D) Any unaltered dog or cat which is not licensed ~~or permitted~~ as required under this chapter, and which is impounded for any reason after the effective date of this chapter shall not be reclaimed by an owner unless the dog or cat is spayed or neutered by or at the direction of MAS. A dog or cat shall not be spayed or neutered pursuant to this subsection (D) if a veterinarian licensed by the Commonwealth of Kentucky sets forth in writing that such dog may not be spayed or neutered due to medical reasons. Nothing in this section shall preclude a determination pursuant to § 91.150 that a dog is a potentially dangerous dog or dangerous dog.

(E) Dogs and cats impounded for violation of the restraint requirements which are wearing a valid dog license or Metro Government cat license ~~and which have been spayed or neutered~~ may be redeemed for one-half the redemption and daily board fees.

This does not include animals impounded for humane treatment, ~~an unaltered dog,~~ a potentially dangerous dog, ~~or a dangerous dog~~ or by quarantine.

(F) Any owner or person responsible for any animal(s) impounded under this chapter and charged with a violation thereof, upon conviction, shall pay, in addition to the regular redemption and board fees, all veterinary fees and any associated charges incidental to maintaining the animal(s) up to the date of conviction. These fees shall be payable even if the animal(s) is not redeemed or if custody is awarded to the Metro Government.

(G) Any owner or person responsible for any animal(s) impounded under this chapter and charged with a violation thereof shall, upon a second conviction within a five-year period, be prohibited from owning, maintaining, or keeping any animal for a period of two years from the date of the second conviction.

(H) The Director may, prior to release of an impounded animal, require that:

~~——(1)——~~ The animal's owner attend and satisfactorily complete an education or training course established under this section; ~~and/or~~

~~——(2)——~~ That the dog will be spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.

## **§ 91.072 QUARANTINE OF ANIMALS.**

(A) Any animal ~~(excluding wildlife)~~ dog, cat or ferret which has bitten or scratched a human being shall be quarantined for ten days from the time the bite or

scratch occurs. Any owner who fails to properly quarantine his/her animal is subject to citation for violation of this section, and the animal shall be impounded by MAS for the remainder of its quarantine period. The owner shall be responsible for all fees during the quarantine period and any stay at MAS facilities in connection with a quarantine.

(B) An animal whose owner is unavailable or incapable of quarantining the animal, shall be impounded by the MAS and quarantined at MAS facilities for the prescribed period.

(C) Any animal quarantined at any location which does not have a microchip implanted, shall have a microchip implanted by MAS at the expense of the animal's owner.

(D) Any horse on the facility or property owned, leased or otherwise operated by a person or entity licensed and regulated by the Kentucky Horse Racing Authority under KRS Chapter 230, which has been approved pursuant to KRS 230.300 as part of the licensed person's or entity's place, track or enclosure for conducting horse race meetings, or which has been approved pursuant to KRS 230.380 to simulcast horse racing and conduct pari-mutuel wagering shall be exempt from this section, but shall instead be regulated by KRS 258.065 and KRS 258.085.

(E) All animals, other than dogs, cats, or ferrets, shall be regulated in accordance with KRS 258.085.

### **§ 91.073 ISSUANCE OF CITATIONS; VIOLATION NOTICES.**

(A) In addition to, or in lieu of impounding an animal for any violation of this chapter, any Animal Control Officer, peace officer may issue a citation to the owner of such animal specifying the section or sections of this chapter so violated and identifying the specific nature of the violation. Such citation shall impose upon the owner the obligation of appearance to answer the charges specified in the citation in the Jefferson County District Court at the time and place indicated on the citation.

(B) Where violations of this chapter are observed, any Animal Control Officer or peace officer may issue a violation notice in lieu of a uniform citation. The violation notice will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the violation notice is issued waives all rights to protest such violation and waives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to MAS. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of a uniform citation.

(C) Where an Animal Control Officer observes a violation of the humane treatment provisions of this chapter which pertain to veterinary care or grooming or license or vaccination requirements on newly acquired animals, the officer may issue a warning citation in lieu of a uniform citation, stipulating a time by which veterinary treatment, grooming, vaccination, or licensing must be administered. If the owner does not comply with the terms of the warning citation by the specified time, a uniform citation may be issued.

(D) Where an Animal Control Officer observes a dog being kept on a chain or tether, in potential violation of the restraint definition in this chapter, the officer may notify the owner of the violation in person or by means of a notice placed at the entry to the property. If the owner does not correct the situation or notify MAS within one hour of the placement of such notice that the dog has been removed from the chain or tether, the dog may be removed and the owner issued a ~~control~~ violation notice or uniform citation for violation of the restraint requirement.

(E) Any owner of a dog or cat who is cited and convicted in a court of law or pleads guilty in a court of law to a restraint violation of this chapter on two occasions within a 12-month period or whose animal is impounded twice within a 12-month period for a restraint violation of this chapter, or a combination of two separate incidents of citation and impoundment within a 12-month period, shall have the animal spayed or neutered within seven days of the conviction or plea. Verification from the veterinarian performing the surgery shall be provided to MAS in writing within seven days of the surgery.

(F) Where an Animal Control Officer or any other peace officer has not witnessed a violation of this chapter, and upon the request of a complainant who has witnessed a violation, the officer shall take a sworn written statement from the complainant as to the circumstances of the violation, and shall file the complaint with the District Court in accordance with the rules and procedures of that court.

(G) The Director shall work with the County Attorney and the Commonwealth's Attorney to facilitate joint prosecutions in the Circuit Court pursuant to KRS 24A.110 in

cases involving death or serious injury arising from concurrent violations of both this chapter and the Kentucky Penal Code.

(H) The Director may waive fees issued in accordance with subsection (B), above, if ~~(1)~~ the animal's owner attends and satisfactorily completes an education or training course established under this chapter ~~and/or (2) the animal is spayed or neutered at the expense of the owner, as prescribed by the Director.~~

### **§ 91.074 CIVIL PENALTIES FOR VIOLATIONS AUTHORIZED.**

(A) *Citation to owner or to person or persons responsible.* Except as otherwise provided in subsection (C) hereof, whenever an Animal Control Officer, based upon personal observation of investigation, has reasonable cause to believe that a person has committed a violation of this chapter, the Animal Control Officer is authorized to issue a citation to the offender in accordance with § 32.283.

(B) *Form of citation.* The citation shall contain the information as set forth in § 32.283~~(D)~~(C).

(C) *Notice to owner or to person or persons responsible.* Whenever the Animal Control Officer determines that there has been a violation of this chapter, or has grounds to believe that a violation has occurred, in lieu of issuing a citation as set forth in § 91.073 or in subsection (A) hereof, notice may be given to the owner or person or persons responsible therefore in the manner prescribed in subsections (D) and (E) hereof. If the person to whom the notice is given fails or refuses to remedy the violation within the time