

specified in such notice, then the Animal Control Officer is authorized to issue a citation in accordance with subsection (A) hereof.

(D) *Form.* Such notice prescribed in subsection (C) shall be in accordance with all of the following:

(1) Be in writing;

(2) Include a statement of the violation or violations and why the notice is being issued;

(3) Inform the offender of the right to appeal;

(4) Include a statement that a determination of violation shall be final unless appealed in accordance with this chapter; and

(5) Include a statement of penalties provided for the violation(s).

(E) *Service.* Such citation or notice prescribed in subsection (A) or (C), respectively, shall be properly served on the owner or his or her agent or an occupant when responsible for the violation, as the case may require. When an occupant is served, the owner, if known, will be notified. A citation or notice is properly served if it is served personally, or if a copy is sent by certified mail or first-class mail to the last known address as recorded by the Jefferson County Property Valuation Administration, or if service is perfected in any other manner authorized under the laws of this Commonwealth. However, if the whereabouts of such person is unknown and cannot be ascertained by the Animal Control Officer or the officer's authorized representative in the

exercise of reasonable diligence, the citation or notice is properly served if copies of the citation or notice are posted in a conspicuous place on the premises affected.

(F) *Violation penalties.* Penalties for noncompliance with citations, orders and notices shall be as set forth in § 91.999(B).

(G) *Appeals.* Penalties may be appealed within ten days of service under subsection (E), above, to the Code Enforcement Board under §§ 32.275 through 32.291.

§ 91.075 REPORTING OF ANIMAL BITES AND ATTACKS REQUIRED.

(A) In addition to physicians, every veterinarian, peace officer, animal control officer, court officials, animal welfare group, clinic, hospital, or any establishment providing health care services, shall be subject to the reporting requirements of KRS 258.065.

(B) The Health Department shall make periodic reports to MAS, and these reports shall not relieve the parties named in subsection (A) from those reporting requirements.

§ 91.076 REPORTING SALES AND GIFTS OF FERRETS, DOGS, CATS, PUPPIES, AND KITTENS.

Any person who sells or transfers ownership of a ferret, dog, cat, puppy, or kitten shall notify MAS within ten days of the date of such sale or transfer of the name and address,

and of any other contact information the seller or transferee may have for the buyer or transferee to include a brief description of the animal.

HUMANE TREATMENT OF ANIMALS

§ 91.090 PROVISION OF NECESSITIES.

(A) No owner shall fail to provide his/her animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal 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 animals being kept. All living areas shall be constructed and maintained to promote drainage of rain water to prevent the accumulation of mud and/or water. Shelters shall be constructed to protect the animal from precipitation and of a material which provides insulation from temperature extremes. In addition to the shelter a shaded area shall also be provided by means of other structures, trees, or awning(s). The shelter shall have a floor which is dry and constructed of a material which provides insulation or the floor augmented with resting boards. Insulating bedding materials shall be provided during inclement weather extremes.

(B) The Director, with the approval of the Secretary, may promulgate regulations implementing this section which are not inconsistent with any of the provisions of this chapter.

**§ 91.091 RESTRAINT BY LEASH, CHAIN, OR COLLAR;
SPECIFICATIONS.**

(A) Minimum standards for restraint of animals shall be as follows:

(1) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether:

(a) Between the hours of 8:00 a.m. and 6:00 p.m.;

(b) For a period of time exceeding one hour in any eight-hour period.

(2) A dog may be restrained by a chain or tether provided that it is at least ten feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted no more than seven feet above ground level.

(3) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(4) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(5) Any chain or tether shall be at least ten feet in length and have swivels on both ends.

(6) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(7) All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather, or other durable and non-metallic material. Using a chain, choke, or pinch collar as a primary collar is prohibited.

(8) All collars shall fit an animal so as to avoid causing injury to the animal or becoming imbedded in the animal's neck.

(B) The Director, with the approval of the Secretary, may promulgate regulations implementing this section which are not inconsistent with any of the provisions of this chapter.

§ 91.092 ABANDONMENT.

(A) No person shall abandon any animal. 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. No owner shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found so abandoned, such animal may be taken by an Animal Control Officer or peace officer, ~~or officer~~ and impounded in MAS facilities and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in the § 91.070 of this chapter, or for any longer period required by

law, regulation, or medical necessity. In the event that an animal is so abandoned, the owner or the person, if any, whom he/she has charged with the animal's care, shall be subject to a citation or civil penalties for any violation of this section.

(B) Any animal found not under restraint without a license or vaccination tag, or any animal found in a condition which requires immediate veterinary care, shall be presumed to be abandoned, and shall be seized.

(C) Notice of seizure of an animal from private property shall be posted on the premises from which the animal was seized which notice shall clearly state the address and telephone number of the MAS facility to which the animal was taken.

§ 91.093 CROPPING OF EARS OR TAIL.

No person shall crop a dog's ears or tail, except a veterinarian.

§ 91.094 CRUELTY; EXHIBITION FIGHTING PROHIBITED.

(A) No person shall neglect, beat, cruelly ill-treat or torment any animal or cause or permit any dogfight, cock fight or other combat between animals. For the purpose of this section, neglect, cruel, ill-treatment and torment of an animal shall constitute cruelty as defined in § 91.001, and further defined as a failure by a person to adhere to the requirements and provisions of § 91.090. In the event there is a reasonable cause to suspect that an animal is being beaten, cruelly ill-treated, neglected or tormented or involved in a dogfight, cockfight or other combat, custody of such animal may be taken by an Animal Control Officer, ~~police~~, or humane peace officer and impounded in the

animal shelter. The animal shall be held as evidence and confined in such facility in a humane manner. Upon finding by a court that the animal has been neglected, beaten, cruelly ill-treated or tormented or involved in a dogfight, cockfight or other combat between animals, the animal shall become the property of the Metro Government.

(B) No person shall own, possess, keep, or train any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting. In the event that a person shall own, possess, keep, or train any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting, he/she shall be liable for citation for violation of this chapter and be subject to the penalties provided in § 91.999.

(C) No person shall be present at any dogfight, cockfight or combat between animals. In the event that a person is present at a dogfight, cockfight, or combat between animals, he/she shall be liable for citation for violation of this chapter and be subject to the penalties provided in § 91.999.

(D) Any person who is found present at a dogfight, cockfight, or combat between animals, and who is charged with being a spectator in violation of this chapter, and who is in possession of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with intent to engage in an exhibition of fighting in violation of this chapter. The animal shall be confiscated if found on the premises or in the immediate area of the dogfight, cockfight, or combat between animals.

§ 91.095 POISONS.

No person shall place any poisonous substance which may be harmful to any domesticated animal, as described herein, in any location where it may be readily found and eaten by such animal.

§ 91.096 OFFERING ANIMAL AS PRIZE OR AWARD.

(A) No person shall offer any live animal as a prize or award in connection with any raffle, protest, demonstration, promotion, or as an incentive to participate in any game, promotion, or otherwise.

(B) No person shall sell, adopt or otherwise give away, or offer to sell, adopt or give away animals from any location other than their personal residence or business or any location licensed by the Metro Government for such purpose.

(C) The provisions of this section shall not apply to any raffle or promotion conducted by a private, non-profit, livestock related organization engaged in such activity at a show or exhibition sanctioned by the Kentucky Department of Agriculture.

§ 91.097 KILLING DOGS, CATS FOR FOOD OR FUR PROHIBITED.

No person shall raise or kill a dog or cat for food or the skin or fur; nor shall any person or business possess any items made from or containing dog, puppy, cat or kitten fur; or any food item containing dog, puppy, cat or kitten. All items made from or containing any type of fur must be labeled with the name of the species whose fur is used.

§ 91.098 MUTILATION OF ANIMALS.

No person shall mutilate any animal whether dead or alive. This provision does not apply to accepted livestock practices concerning humane slaughter at licensed stockyards, slaughterhouses and meat packing establishments or on the premises of agricultural uses. Further, this section shall not apply to the processing of fish or wildlife taken through legal hunting and fishing methods or to the practice of taxidermy.

§ 91.099 SEXUAL ACTS WITH ANIMALS.

No person shall engage or cause or allow any other person to engage in a sexual act with any animal.

§ 91.100 REMOVAL OF ANIMAL IN IMMEDIATE DANGER.

Any animal observed by a peace officer or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

§ 91.101 CONFISCATION OF VICTIMIZED ANIMAL.

(A) Any animal found involved in a violation of any portion of this section may be confiscated by any Animal Control Officer or any peace officer and held in a humane manner.

(B) Upon a hearing before a district court judge, and that judge finding probable cause for the charge, the court shall order immediate forfeiture of the animal to the Metro Government unless the owner, within 24 hours of such finding, posts a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding and

veterinary fees in the amount of \$450 (\$15 per day) plus all other fees, fines, and penalties imposed under this chapter for each animal, for the first 30 days of its impoundment. If after 30 days, the case has not been adjudicated, the owner must post another full cash bond on the 30th day in the same amount of the original bond or equal to the cost and care of each animal for the first 30 days, whichever is greater. This same process shall be followed each 30-day period until the case has been adjudicated.

(1) Upon a plea or finding of guilt the cash bond(s) shall be immediately paid to MAS. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s). Any portion of the posted bond that has not been encumbered by daily costs at the time of the pleas or finding of guilt shall be returned to the owner. Upon conviction, all animals not forfeited pursuant to subsection (B) herein above shall become the property of the Metro Government.

(2) Upon a finding of innocence, any cash bond(s) posted shall be immediately returned to the owner.

STANDARDS

§ 91.120 BOARDING KENNELS AND CATTERIES.

(A) All boarding kennels or catteries shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these

standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.025 and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Indoor enclosures (cages, kennels, or runs) shall be provided for each animal housed. These enclosures shall be constructed of an impervious material. Floors shall be metal, fiberglass, concrete, or covered throughout with a minimum of three inches of gravel. Enclosures must be cleaned daily with a disinfectant, cleanser, or chlorine bleach. Cleaning materials must be present at the time of any inspection in amounts sufficient to clean the entire facility. Animals must be removed from enclosures during cleaning.

(C) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained by means of windows, doors, vents, and fans.

(D) Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure. If additional space is not provided, either indoor or outdoor, then this enclosure must provide an adequate exercise area.

(E) Beds or resting benches shall be constructed of an impervious material.

(F) Outdoor runs or enclosures may be provided in addition to the indoor enclosures. These outdoor enclosures may be separated or attached to the indoor enclosures. They shall be constructed of an impervious material with floors as in subsection (A) of this section.

(G) All enclosures shall be kept clean and dry.

(H) All enclosures shall provide protection from the weather.

(I) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(J) All animals shall have fresh water available at all times, except as part of a veterinary treatment regimen. Water vessels shall be mounted or secure in a manner that prevents tipping and be of the removable type, except in areas where animals are kept for medical recuperative purposes.

(K) Veterinary care shall be provided to maintain good health and general welfare and to prevent suffering. All costs for such care will be paid for by the boarding kennel or cattery and reimbursed by the owner of the puppy, dog, cat, or kitten unless such care is the result of negligent action or inaction of the owner of the boarding kennel or cattery.

(L) Animals over the age of ~~one~~ four months which are boarded must have proof of a valid Metro Government pet license and ~~a~~ additionally, rabies vaccination, ~~if over the age of four months.~~

(M) Owners of boarded animals which do not have proof of a valid dog or cat license shall be presented with a license application by the boarding kennel or cattery. Such application shall be supplied by MAS. The owner shall be advised by the boarding kennel or cattery of the licensing requirement.

(N) The provisions of this section shall not apply to any office of veterinary medicine that does not advertise boarding services. Further, nothing herein shall be construed as granting authority to MAS to inspect, license or regulate any aspect of veterinary medicine. The provisions of this section shall apply solely to the inspection, licensing and regulation of boarding services offered or advertised by offices of veterinary medicine unrelated to the medical diagnosis or treatment of an animal.

(O) The Director, with the approval of the Secretary, may promulgate regulations implementing this section which are not inconsistent with any of the provisions of this chapter.

§ 91.121 CLASS C KENNELS.

(A) Any Class C kennel shall, in addition to the other requirements of this chapter, comply with the standards of this section whenever any dog is trained for guard, sentry, or obedience purposes. Failure to meet these standards shall be grounds for denial of or revocation of a kennel license, and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Class C kennels shall comply with the standards set forth in § 91.120 in addition to the following standards.

(C) The area used for training shall be clean, free of accumulated waste and debris, and well-drained.

(D) Outdoor areas where animals are trained for guard or sentry work must be completely enclosed or surrounded by a fence at least eight feet in height, installed at or below ground level, with anti-climbers at the top.

(E) Enclosures and the training area must be locked at all times to prevent unauthorized entry or escape of the animals.

(F) No training shall employ the use of cruelty.

§ 91.122 CLASS B KENNELS OR CATTERIES.

(A) All Class B kennels or catteries shall, in addition to the other requirements of this chapter comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.025 of this chapter and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Indoors: animals which are kept primarily indoors shall be provided with wholesome food and clean water, a clean living environment free of accumulated waste and debris, comfortable temperature and ventilation, and provided veterinary care when needed. If allowed access to outdoors on a temporary basis, the outdoor area shall be kept free of waste and debris and well-drained. Such outdoor area shall comply with all restraint requirements contained in this chapter.

(C) Outdoors: animals which are kept primarily outdoors shall be provided with proper shelter, a clean living environment free of accumulated waste and debris, supplemental protection from weather extremes, and well-drained. Such outdoor area shall comply with all restraint requirements contained in this chapter.

(D) Each Class B kennel or cattery license shall apply to no more than five dogs and/or cats, four months of age or older. Any additional dogs or cats four months of age or older must be licensed individually.

(E) Each purchaser of a dog, cat, puppy, or kitten shall be provided with a copy of § 91.141 by the kennel or cattery, along with a Metro Government dog/cat license application.

§ 91.123 CLASS A KENNELS OR CATTERIES.

(A) All Class A kennels or catteries shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.025 of this chapter and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon request during reasonable hours.

(B) Each Class A kennel or cattery shall comply with the standards set forth in § 91.120 in addition to the following standards.

(C) Each dog or cat, four months of age or older, must have proof of a valid vaccination against rabies.

(D) Each purchaser of a dog, cat, puppy, or kitten shall be provided with a copy of § 91.141 by the kennel or cattery, along with a Metro Government dog/cat license application.

(E) Each 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.

§ 91.124 PET SHOPS.

(A) All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) There shall be available hot water at a minimum temperature of 140° F., for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be mounted so the animal cannot turn them over and be of the type that are removable for cleaning.

(C) Room temperature of the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.

(D) All cages and enclosures are to be of a nonporous 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.

(E) All animals under three months of age are to be fed at least three times per 24 hours. All animals from three months to nine months of age are to be fed at least two times per 24 hours. All other animals must be fed at least one time per 24-hour period. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning.

(F) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned everyday, and cages must be disinfected when birds are sold or as otherwise transferred. Parrots and other large birds shall have separate cages from smaller birds.

(G) There shall be sufficient clean, dry bedding to meet needs of each individual animal.

(H) All animals must be fed and watered, and all cages cleaned every day, including Sundays and holidays.

(I) Each purchase of a dog, cat, puppy, kitten, or ferret shall be provided with a copy of § 91.141 by the pet shop, along with a Metro Government dog/cat license application.

§ 91.125 RIDING SCHOOLS OR STABLES.

(A) All riding schools or stables as defined herein shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) All animals shall be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(C) All equipment used for riding must properly fit each individual animal.

(D) Shelter.

(1) All buildings and sheds used for stabling animals shall be:

(a) Well lit and ventilated and provide adequate protection from the weather;

and

(b) Kept clean and in good repair at all times and manure and urine shall be removed therefrom daily.

(2) Acceptable bedding material must be provided.

(3) Any enclosure where animals are kept shall be graded and raked to keep the surface reasonably dry.

(E) Flies and other insects must be controlled through general sanitation and necessary means.

(F) Animals let for riding purposes must be in good physical condition.

(G) Riding stables which rent or lend horses to the general public and pony rides shall, in addition to the above requirements, also adhere to the following standards:

(1) Animals exhibiting the following shall be deemed unfit for work:

(a) Sores or abrasions caused or likely to be irritated by the bearing of services, girth, harness, or bridles, unless packing could be utilized.

(b) Serious injury or illness.

(c) Obvious signs of emaciation, malnutrition, lameness or exhaustion.

(2) Animals requiring veterinary care shall not be moved, ridden, or driven, except for the purpose of humane keeping, pasturing, or obtaining medical care.

(3) Animals shall be properly shod and the hooves shall be kept trimmed.

(4) Animals shall be kept clean, particularly in the areas in contact with harness or other tack.

(5) Animals shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one animal shall be ten hours out of every 24 hours.

(6) Animals shall not be worked when the temperature at the workplace reaches or exceeds 95°F. Animals which are on heat stress treatment which has been prescribed by a veterinarian may be worked while under such treatment, as long as a veterinarian is on the premises of the workplace.

(7) No animal shall be over-ridden or driven to result in overheating or exhaustion.

(8) All harnesses and bridles shall be kept cleaned and in good repair.

(9) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

(10) MAS may order a quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

(a) Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.

(b) General malnutrition as diagnosed by veterinarian.

(c) Presence or suspicion of transmissible disease as diagnosed by a qualified veterinarian.

(H) All stalls, barns, paddocks, fields or any enclosures where horses or ponies are kept, shall be secured by gates and fencing that is in good repair and sufficient to prevent the animal from leaving such enclosure.

§ 91.126 ANIMAL WELFARE GROUPS.

(A) All animal welfare groups shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.025 and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

(C) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(D) Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or tops of cages.

(E) Cages are to be of material and construction that permit cleaning and sanitizing.

(F) Cage floors of concrete, unless radiantly heated, shall have a resting board of some type of bedding.

(G) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

(H) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

(I) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(J) All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

(K) All cats four months or older, and all dogs four months or older prior to being sold or adopted, must be spayed or neutered, have a Metro Government license, and a valid rabies vaccination. A voucher only may be used when the pet is under the age of four months for a cat, or ferret, or five months for a dog. The animal then must be spayed or neutered within 30 days. Vouchers must be submitted to MAS. A voucher shall be issued when an adopted animal is deemed unable to withstand the surgery by a veterinarian.

(L) This provision shall not apply to any animal reclaimed by its owner.

(M) Animals accepted which have no known owner must be held for no less than five days for dogs and puppies and five working days for cats, kittens, and three days for other animals. A photograph of the animal(s) shall be posted at MAS at the designated location for the entire holding periods. Such photograph shall have printed on it the animal(s) identification number and the date through which it shall be held. Business hours must be sufficient to permit the owner to reclaim the animal. Redemption fees or all fees associated with redemption for such animals cannot exceed those established by this chapter and charged by MAS.

(N) A record must be kept on each animal accepted or housed, noting the following:

- (1) Name and address of previous owner or person turning in the animal.
- (2) Date received.
- (3) Condition and medical treatment.
- (4) Date sold, adopted, or destroyed.
- (5) Name and address of new owner.
- (6) Date animal was surgically altered, and name of veterinarian.

(O) Failure to keep such records and/or failure to release said records to authorized personnel of MAS shall be grounds for issuance of a citation to the person and/or revocation of any license issued pursuant to this chapter.

§ 91.127 ANIMAL-DRAWN VEHICLES.

(A) All operators and owners of animal-drawn vehicles shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) All animals shall be provided daily with food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(C) Shelter.

(1) All buildings and sheds used for stabling animals shall be:

(a) Well-lit and ventilated and provide adequate protection from the weather;
and

(b) Kept clean and in good repair at all times, and manure and urine shall be removed therefrom daily.

(2) Any enclosures where animals are kept shall be graded and raked so as to keep the surface reasonably dry.

(3) Clean bedding must be provided.

(D) Flies and other insects must be controlled through general sanitation and necessary means.

(E) All animals used for carriage horse tours must weigh at least 800 pounds and be considered in generally good health. Any owner or operator of an animal-drawn vehicle who desires to use an animal for this purpose which does not weigh 800 pounds must apply to the MAS for approval in writing prior to such use.

(F) Animals exhibiting the following shall be deemed unfit for work:

(1) Sores or abrasions caused or likely to be irritated by the bearing of services, girth, harnesses, or bridles, unless padding could be utilized.

(2) Serious injury or illness.

(3) Obvious signs of emaciation, malnutrition, lameness, or exhaustion.

(G) Animals requiring veterinary care shall not be moved, ridden, or driven, except for the purpose of humane keeping, pasturing, or obtaining medical care.

(H) Animals shall be properly shod, and the hooves shall be kept trimmed.

(I) Animals shall be kept clean, particularly in the areas in contact with harness or other tack.

(J) Animals shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one animal shall be ten hours out of every 24 hours.

(K) Animals shall not be worked when the temperature at the work place reaches or exceeds 95°F. Animals which are on heat stress-preventive treatment which has been prescribed by a veterinarian may be worked while under such treatment on contracts entered into prior to the beginning of such treatment.

(L) The speed at which any animal is driven shall not exceed a slow trot.

(M) No animal shall be overridden or driven to result in overheating or exhaustion.

(N) Animals shall be provided water at the loading site and on routes at all times they are working.

(O) All harnesses and bridles shall be kept oiled and cleaned and in good repair.

(P) Carriages must be kept properly lubricated, and wheels must spin freely.

(Q) MAS may order a quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

(1) Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.

(2) General malnutrition, as diagnosed by a veterinarian.

(3) Presence of suspicion of contagious or transmittable disease, as diagnosed by a veterinarian.

(4) Owners and operators of animal-drawn vehicles shall not permit unsanitary conditions to be present on any town route, animal rest area, or any area where the animals are kept. All such areas shall be kept clean and free of conditions which might harbor or be conducive to the breeding of insects or rodents.

(R) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

§ 91.128 SALE OF ANIMALS FROM ANIMAL SHELTER.

(A) All dogs and cats purchased or obtained from MAS must be surgically altered to prevent breeding prior to the purchase. For purposes of this chapter, "obtained" does not include reclaimed. A voucher shall be issued when an adopted animal is deemed unable to withstand the surgery by a veterinarian.

(B) Prior to the sale or adoption of any animal from the animal shelter, MAS will require the prospective buyer to complete an animal placement questionnaire. The questionnaire is designed to determine the prospective owner's ability to properly care for the animal. Past experience and knowledge of MAS personnel of the prospective owners, as well as previous violations of this chapter by the prospective owners, may be grounds to refuse the sale or adoption. Additional grounds may be whether the prospective owner is able to provide an enclosure where the animal is to be kept which is adequate to keep the animal restrained, whether the animal is being purchased for resale, whether the prospective owner has obtained another animal from the Animal Shelter in the past 12

months, whether the prospective owner has owned a pet which has died without appropriate veterinary care, and whether the prospective owner is purchasing the animal solely for guard or attack purposes. The animal shelter is not obligated to sell any animal in its custody.

(C) Any person adopting an animal is required to comply with all stipulations and conditions set forth in the adoption agreement. Failure to do so may result in the issuance of a uniform citation for violation of this section and forfeiture of the animal.

§ 91.129 THEATRICAL EXHIBITIONS

(A) All theatrical exhibitions as defined herein shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the sides or top or any other animal or waste.

(C) Each enclosure shall maintain a comfortable and healthful temperature level as well as adequate ventilation.

(D) The enclosure, performance, or exhibit area shall include a barrier located in such a manner as to prevent the public from coming in contact with the animal. Exempted from this subsection (D) are pony rides, elephant rides at a circus that has a

license as required by § 91.023, and has been granted authorization by MAS, petting zoos containing only domestic pets as defined herein, and exhibitions sanctioned by the Kentucky Department of Agriculture.

(E) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

(F) No animal shall be caused to fight, wrestle, or be physically matched against any other animal or person.

(G) No animal shall perform or be displayed in any dangerous situation, such situation presenting the danger of physical injury to the animal or person.

(H) MAS must be notified of all displays or performances, including date, time, and exact location at least 48 hours in advance of a display or performance.

§ 91.130 ELEPHANT RIDES.

(A) No person, firm, or corporation shall use elephants for rides in a circus without first obtaining special authorization from MAS. Such authorization shall be affixed to the authorized entity's license or permit issued under § 91.023.

(B) Qualifications for elephant ride authorization.

(1) *Safety record.* Applicants for elephant ride authorization shall include in their initial application or application renewal for a permit, or license issued pursuant to §

91.023, information that will identify, by drawings and/or photographs, the animal(s) that will be used in the rides. The application, or application renewal for a permit or license, shall also include a certified statement on the complete safety record of the animal(s). No elephant that has caused a serious injury or death to a handler, trainer, member of the public, or other person within five years prior to application for a permit or license shall be used for rides. Safety incidents that occurred prior to the five-year period shall be reviewed by MAS for possible exclusion of the elephant for rides, in accordance with the following factors, but not limited to:

- (a) The circumstances surrounding the injuries caused by the elephant.
- (b) The seriousness or extent of injuries, or number of individuals affected.
- (c) The number of safety incidents in which the elephant was involved.

MAS shall have final approval authority regarding the use of elephants authorized for rides following consideration of the above factors. In addition, if an elephant(s) is involved in a safety incident subsequent to the approval of the application for a permit or license, but prior to entering, or while performing in, Louisville Metro, Officers of MAS may direct the animal to be removed from all exhibition activities until the conclusion of the investigation or prosecution.

(2) *Safeguards.* Applicants for a permit or license, as provided in § 91.023, who seek to offer elephant rides to the general public shall provide documentation of safeguards to insure public safety. This documentation shall include:

(a) An emergency plan for protecting the public that specifies what to do in case of elephant incidents; where tranquilizing equipment and/or firearms are kept; who is to use tranquilizing equipment, and when they shall be used to capture, control, or destroy escaped or out-of-control animals.

(b) Such equipment, and an employee trained in the use of such equipment, shall be on the premises at all times that such elephant is in a public contact situation.

(c) An emergency plan to evacuate the elephant riders in a safe manner in case of animal safety incidents or non collaboration of the elephant.

(3) *Experienced supervision.* All elephant rides shall be supervised by a minimum of one qualified handler and one assistant at all times. Applicants shall provide documentation that the handler has had not less than one year of experience in elephant handling, and no safety incidents with the elephants that he or she handled. Such handler and assistant shall be in the immediate presence of the elephant at all times when the elephant is in a position to be in direct contact with the public and when being led to the rides exhibition, or back to its post. Applicants shall include the names of handlers and the experience documentation in their initial application for a permit or license, and in their renewal applications thereafter.

(4) *Barriers.* Two protective physical barriers shall be present between the elephant and the public at all elephant ride sites. Such barriers shall have a space between each barrier to prevent bystanders from touching the animal and animal from touching bystanders. Applicants shall include in their application package photos or

drawings of barriers they intend to use and a description of materials used to construct such barriers.

(5) *Insurance.* Applicants must submit when applying for a permit or license proof of a certificate of insurance with an insurance company licensed to do business within the Commonwealth of Kentucky that provides:

(a) Third-party liability coverage protecting the public from death or injury by the elephants used in the rides with a limit of liability no less than \$500,000; and

(b) An endorsement that requires the insurer to notify MAS in the event that the policy should lapse or be cancelled.

(6) No unaltered elephant male, female in heat or with a calf of six months or younger shall be used for elephant rides.

(7) Only Asian elephants shall be used for elephant rides.

(8) *Final approval.* MAS shall not grant authorization for elephant rides at a circus if any of the requirements in this section are not satisfied. However, MAS still may issue a permit or license to a circus, in accordance with § 91.023, to allow it to perform its other acts, minus elephant rides.

SALE OF ANIMALS

§ 91.140 EXOTIC SPECIES; KEEPING OF RECORDS.

(A) *Exotic species.* Any pet shop, animal dealer, or other person who transfers or permits to be transferred the ownership of an exotic species, as herein defined, shall keep records of the ownership transfer for a period of at least three years. These records shall include:

(1) Point of origin of the animal.

(2) The medical history of said animal, including but not limited to vaccinations, diseases, and treatment.

(3) The date the pet shop, animal dealer, or other person came into possession of the animal.

(4) The date of transfer and the transferee's name and address.

(B) *Records available.* These records shall be kept by the transferor and shall be made available to MAS or other authorized agent upon request.

(C) *Grounds for citation.* Failure to keep such records and/or to release such records to authorized personnel shall be grounds for the issuance of a citation subjecting the owner or person transferring such animals to the penalties contained, pursuant to § 91.999 and/or the revocation of any license issued pursuant to this chapter.

**§ 91.141 PUPPIES, DOGS, KITTENS, CATS, AND FERRETS;
CERTIFICATION AS UNFIT FOR PURCHASE OR ADOPTION.**

(A) No pet shop, animal dealer, or other party, whether individual, organization, or establishment, shall sell or offer for adoption any puppy, dog, kitten, cat, or ferret which is unfit for purchase. The purchaser or adoptee of a puppy, dog, kitten, cat, or ferret from a pet shop, animal dealer, or other party, which suffers or dies of a disease or parasitic infection, must have these conditions or death certified by a veterinarian within 30 days of the purchase date as evidence that the animal was unfit for purchase. Any puppy, dog, kitten, cat, or ferret which suffers from any congenital or hereditary condition must be certified as unfit for purchase by a veterinarian within one year of the date of purchase.

(B) In the event that a puppy, dog, kitten, cat, or ferret is certified as unfit for purchase or adoption, and such certification is presented in writing to the pet shop, animal dealer, or other person, within 72 hours of the veterinary certification, the owner or purchaser may choose one of the following options and the pet shop, animal dealer or other party shall be obligated to fulfill the conditions of the chosen option.

(1) The owner or purchaser may return the puppy, dog, kitten, cat, or ferret for a full refund of the purchase price plus tax. Additionally, the owner or purchaser shall be entitled, up to a total amount not to exceed the full purchase price of the puppy, dog, kitten, cat, or ferret, to any veterinary fees incurred relating to the disease, defect, or infection; veterinary fees directly related to the veterinarian's examination and certification that the puppy, dog, kitten, cat, or ferret is unfit for purchase pursuant to this section; and for veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease, defect, or infection.

(2) The owner or purchaser may return the puppy, dog, kitten, cat, or ferret for an exchange equal to the full purchase price plus tax. Additionally, the owner or purchaser shall be entitled, up to a total amount not to exceed the full purchase price of the puppy, dog, kitten, cat, or ferret to any veterinary fees incurred relating to the disease, defect or infection; veterinary fees directly related to the veterinarian's examination and certification that the puppy, dog, kitten, cat, or ferret is unfit for purchase pursuant to this section; and for veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease, defect or infection.

(3) The owner or purchaser may retain the puppy, dog, kitten, cat, or ferret and attempt to cure the disease, defect, infection, or to ameliorate the condition caused by the disease, defect, or infection. The pet shop, animal dealer, or other person shall be responsible for the cost of veterinary fees incurred related to the disease, defect, or infection for which the puppy, dog, kitten, cat, or ferret was certified as unfit, up to the full purchase price of the puppy, dog, kitten, cat, or ferret plus tax.

(4) The owner or purchaser of a puppy, dog, kitten, cat, or ferret which dies from the disease, defect, infection or condition for which it is certified as unfit for purchase may receive a full refund of the purchase price of the puppy, dog, kitten, cat, or ferret plus tax in addition to any veterinary fees incurred relating to the disease, defect or infection up to the full purchase price of the puppy, dog, kitten, cat, or ferret plus tax.

(5) The pet shop, animal dealer, or other party may contest a demand for veterinary expenses, refund, or exchange made by a purchaser or owner if done so in writing within two days of the owner or purchaser's presentment of a certificate of

unfitness. In the event that the pet shop, animal dealer, or other party wishes to contest a demand for veterinary expenses, refund, or exchange made by the purchaser or owner pursuant to this section, the pet shop, animal dealer or other party shall have the right to require the consumer to produce the puppy, dog, kitten, cat, or ferret for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the seller/provider of the animal are unable to reach an agreement which constitutes one of the options set forth in subsections (B)(1) through (4) within ten business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain such reimbursement of veterinary expenses, refund or exchange.

§ 91.142 WAIVER.

(A) A purchaser may sign a waiver knowingly relinquishing all of the above rights specified in § 91.141(B). The waiver must include the following language:

"These are your rights under Chapter 91 of the Metro Government Code of Ordinances.

If you purchase or adopt any puppy, dog, kitten, cat, or ferret and:

(1) Within 30 days after such purchase, the animal is certified by a veterinarian as having been unfit for purchase or adoption because it suffers from, or dies as a result of, a disease or parasitic condition; or

(2) Within one year of the date of purchase, the animal is certified by a veterinarian as suffering any congenital or hereditary condition;

Then you have the right to return the animal to the seller within 72 hours of the veterinary certification and receive a full refund or exchange of equal value, or you may keep the animal and attempt to cure the condition. You may also recover certain qualified veterinary fees up to the purchase price of the animal. If you sign this waiver, you will lose these rights."

(B) The waiver must be in bold print and signed by the buyer. If such a waiver is signed by the buyer, the pet shop, dealer, or other person may offer his or her own warranty, or sell the puppy, dog, kitten, cat, or ferret "as is."

(C) In addition to the other requirements of this section, the owner of each dog, puppy, cat, kitten, or ferret which is placed for sale, adoption or placement shall maintain a record which documents the origin of the animal. This record shall contain the name, address, and telephone number of the kennel/cattery and its owner, or the individual which produced the animal. In the case of adoption from a licensed animal welfare group or government-operated shelter, the record must indicate if the animal was a stray, where it was picked up, and by whom, and if previously owned, the name and address. This record shall be available to MAS.

(D) The document shall also contain, other than if being adopted from a shelter, if the animal originates from:

(1) Jefferson County, the animal dealer, pet shop, kennel or cattery license number, or the individual dog, cat, or ferret license number of the female that produced the litter or individual animal.

(2) Kentucky (outside Jefferson County), the state kennel license or individual dog license number(s), and the United States Department of Agriculture (USDA) animal dealer license number (if applicable) of the owner that produced the litter or individual animal, dog, cat, or ferret.

(3) Outside Kentucky, the USDA animal dealer license number (if applicable) of the owner that produced the litter or individual animal.

(E) All advertisements for the sale, adoption, or placement of these animals within Jefferson County must contain the owners, animal dealer, pet shop, kennel or cattery license number, and/or their individual dog, cat, or ferret or multiple cat household license number.

DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS

§ 91.150 DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.

(A) *Prohibition.* No dog shall commit an attack or severe attack, as previously defined. In the event that a peace officer or Animal Control Officer witnesses either type of attack or witnesses the wounds or injuries caused by the attack, and the offending animal(s) can be identified by credible evidence, including, but not limited to, witness identification, forensic evidence, or other physical evidence, the dog(s) may be impounded and the owner cited for violation of this section. If the owner is cited and the

animal(s) impounded, the animal(s) shall remain impounded subject to the conditions set forth in §§ 91.070 or 91.151, pending a decision by the Jefferson District Court or the Director, in accordance with their respective authority, unless ownership is voluntarily relinquished and the dog(s) turned over to MAS. Upon a plea or finding of guilt, the dog(s) may be redeemed by the owner after inspection and verification of a proper enclosure as defined under this chapter ~~state law~~, unless ordered euthanized by the court. There the dog(s) shall remain, securely confined, and may not be removed except to be treated by a veterinarian or to be turned in to or inspected by MAS. While being transported to the veterinarian or animal control shelter, it must be muzzled and restrained by a leash no longer than ~~three~~ four feet in length. No owner of a dangerous dog(s) or potentially dangerous dog(s) may transfer ownership or the location where the animal(s) is contained. The owner shall be responsible for all veterinary, euthanasia, redemption, and/or boarding fees.

(B) *Exemptions.* An animal shall not be deemed to be a potentially dangerous dog or dangerous dog solely because it bites or attacks:

(1) Anyone assaulting its owner. This shall not include any police officer attempting to subdue or effect the arrest of a suspect.

(2) Any person who is in the act of tormenting or abusing it.

(3) Any unrestrained animal which attacks it or its young while it is restrained in compliance with this chapter.

(4) Anyone entering the owner's property to commit robbery, burglary, assault, or other crime. Simple trespass by a person onto private property shall not be considered provocation for any attack.

(5) While performing work by a governmental law enforcement agency.

(6) While seriously injured or incapacitated.

§ 91.151 ALTERNATIVE PROCEDURES FOR CONTROLLING DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.

As an alternative to the procedures set forth under § 91.150(A), the Director, or his/her designee, shall have the authority to do all of the following procedures. If at any time during the process under this section, the Director determines that a dog is an immediate threat to public safety and welfare, the Director shall impound the dog and proceed under § 91.150.

(A) Upon observation of an at-risk dog by an Animal Control Officer, or upon receipt of a complaint of an at-risk dog, the identity of the owner shall be determined. If the identity of the dog's owner cannot be determined, the dog shall be immediately impounded.

(B) If the dog's owner can be identified, the Animal Control Officer shall investigate the circumstances of the complaint. If the Animal Control Officer finds probable cause to believe that the dog is a dangerous dog as defined in this chapter, the dog shall be immediately impounded pending a final determination by the Director. If

the Animal Control Officer finds probable cause to believe that the dog is a potentially dangerous dog as defined in this chapter, the dog may be returned to the owner provided that (1) the dog is not an immediate threat to public safety and welfare; and (2) the owner signs an acknowledgment on a form provided by MAS that he/she is the dog's owner, and that the owner will confine the dog to the owner's property pending a final determination by the Director. If the owner(s) fail or refuse to sign such an acknowledgment, the dog shall be immediately impounded pending a final determination by the Director.

(C) The Director shall forthwith determine if the dog under investigation is a dangerous dog or a potentially dangerous dog as defined in this chapter.

(D) If an at-risk dog under investigation has previously been classified as a potentially dangerous dog and exhibits escalating aggressive behaviors which threaten public safety or welfare, that circumstance alone may be grounds for an Animal Control Officer to impound the dog, and for the Director to determine that the dog is a dangerous dog.

(E) If the Director determines that a dog under investigation is a dangerous dog or a potentially dangerous dog as defined in this chapter, the Director shall notify the owner of the dog in writing, by certified mail and a return receipt which shows the date and place delivered. The notice shall advise the owner of (1) the provisions of this chapter relating to the requirements for ownership of a dangerous dog or a potentially dangerous dog; and (2) the owner's right to appeal the Director's determination together with the process for filing an appeal.

(F) If the owner of a dog which the Director has declared to be a dangerous dog or a potentially dangerous dog is unknown, the dog shall not be released from impoundment except under conditions which comply with § 91.152.

(G) The owner of a dog which has been determined by the Director and declared to be a dangerous dog or a potentially dangerous dog may appeal that determination to the Secretary. The appeal shall be in writing and shall be filed within five days of receipt of notice of the Director's determination. The Secretary's decision on the appeal shall be final for all purposes, and may be appealed to the Jefferson District or Jefferson Circuit Court whichever court has jurisdiction.

(H) The owner of a dog which has been declared a potentially dangerous dog may petition the Director for removal of the classification if a period of 18 months has passed since the Director's determination without a complaint or incident of a violation of this chapter involving the dog. As a condition of reclassification, the Director may require the owner, at the owner's sole expense, to (1) assign the dog to complete an obedience class designated by the Director; (2) have the dog evaluated by an animal behavior specialist approved by the Director; or (3) attend a responsible ownership class.

§ 91.152 REQUIREMENTS FOR OWNERSHIP OF A DANGEROUS DOG OR A POTENTIALLY DANGEROUS DOG.

(A) *Potentially dangerous dog.* In addition to restraints which apply to all dogs as defined in the chapter, a dog classified by the Director as a potentially dangerous dog shall only be kept in an enclosure which the Director finds to be sufficiently secure to

contain the dog taking into consideration the dog's size and behavior and the dog's history. The enclosure shall be sufficiently secure to prevent trespass and to prevent children from coming into contact with the dog. When outside an approved enclosure, the dog must be kept at all times on a leash no more than four feet in length, and under the control of a person physically able to handle the dog. The owner shall file photographs of the dog with the Director, and the dog shall have a microchip implanted at the owner's expense.

(B) *Dangerous dog.* In addition to restraints which apply to all dogs as defined in the chapter, a dog which has been classified by the Director as a dangerous dog shall only be kept in an enclosure which the Director finds to be sufficiently secure to contain the dog taking into consideration the dog's size and behavior and the dog's history. The enclosure shall be sufficiently secure to prevent trespass and to prevent children from coming into contact with the dog. When outside an approved enclosure, the dog must be kept at all times on a leash no more than four feet in length, muzzled, and under the control of a person physically able to handle the dog. The owner shall file photographs of the dog with the Director, and the dog shall have a microchip implanted at the owner's expense.

(C) *Location; transfer of ownership.* The location of any dog which has been classified by the Director as a dangerous dog or potentially dangerous dog shall not be changed for any period in excess of three days without notification to the Director which MAS shall provide by regulation. The owner of any dog which has been classified by the

Director as a dangerous dog or potentially dangerous dog shall not be changed without immediate notification to the Director by means which MAS shall provide by regulation.

(D) *Transportation.* No dog which has been classified by the Director as a dangerous dog or potentially dangerous dog shall be transported in any vehicle unless the dog is contained in a closed and locked cage or crate.

(E) *Additional fees.* The owner of any dog which has been classified by the Director as a potentially dangerous dog shall pay annually to MAS a fee of ~~\$250~~ per Appendix A to cover record keeping and monitoring costs incurred by MAS. The owner of any dog which has been classified by the Director as a dangerous dog shall pay annually to MAS fees prescribed in § 91.009 to cover record keeping and monitoring costs incurred by MAS.

(F) *Violations of requirements.* It shall be unlawful for the owner of any dog which has been classified by the Director as a dangerous dog or a potentially dangerous dog to fail or refuses to carry out and perform all of the requirements of this section. In addition to the penalties under § 91.999, the Director shall immediately impound the dog.

RELEASE OF BALLOONS

§ 91.160 RELEASE OF BALLOONS.

(A) *Purpose.*

(1) The Metro Government finds that the release into the atmosphere of lighter than air latex rubber balloons and plastic mylar balloons has created an ecological problem because such balloons are carried east by prevailing winds and burst over the Atlantic Ocean where they have been eaten by dolphins, sea turtles, seabirds and migratory waterfowl sometimes resulting in the death of such animals by intestinal blockage;

(2) Although the Metro Government recognizes that the aforesaid ecological problem is but a small part of the global issue of responsible water management and ocean protection and reclamation, the prohibition of balloon launches by an inland municipality will constitute one small act of concern and awareness which it is hoped will encourage other municipalities and states to take similar actions on behalf of our planet's oceans and ocean life; and

(3) The festive atmosphere created by large displays of balloons can be achieved without actually releasing the balloons into the atmosphere.

(B) *Prohibition.* No person shall intentionally cause rubber and/or plastic Mylar balloons to be released into the atmosphere.

§ 91.997 REFERENCES TO STATUTES AND OTHER ORDINANCES.

Any Kentucky state statute or administrative regulation, or any ordinance of the Louisville/Jefferson County Metro Government cited, referred to, or incorporated by reference in this chapter shall be deemed to refer to or incorporate by reference any

amendment, revision, or successor to the statute, regulation, or ordinance so cited, referred to, or incorporated by reference.

§ 91.998 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 91.999 PENALTY.

(A) *Criminal penalty.*

(1) Any person violating any of the following provisions: §§ 91.007, 91.021, 91.022, 91.072, 91.090 through 91.095, 91.097 through 91.099, 91.150 or 91.152, or committing a second or subsequent violation of any other provision of this chapter shall be deemed guilty of a Class A misdemeanor and shall be punished by a fine not to exceed \$500 or be imprisoned for a period not to exceed 12 months in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(2) Except as provided in subsection (A)(1) directly above, any person violating any other provision of this chapter shall be deemed guilty of up to a Class B misdemeanor, so long as this is the party's first offense for any violation, and may be punished up to a \$250 fine or imprisoned for a period not to exceed 90 days in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(3) Any person found guilty of owning a dangerous dog, in addition to the penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized if in the opinion of that judge the severe attack warrants such action.

(4) Any person found guilty of owning a potentially dangerous dog or dangerous dog, shall be fined not less than \$250 and shall have the dog spayed, or neutered within seven days of that finding. Proof of the surgery must be provided to MAS within 24 hours of its performance.

(5) Any person found guilty of owning a potentially dangerous dog or dangerous dog, in addition to any other penalties or stipulations imposed, shall within seven days of that finding also have the dog implanted with a microchip identification. Within seven days of that implantation, the owner shall present the animal to MAS for scanning and verification of the microchip and identification number.

(6) In addition to any penalties and/or stipulations imposed, anyone convicted of violations of §§ 91.021, 91.022, or 91.090 through 91.100 shall also be required to relinquish ownership of the animal(s) to the Metro Government immediately upon that conviction.

(7) Any person found guilty of violating the provision of § 91.160 shall be fined not less than \$50 nor more than \$250 for each offense.

(8) Notwithstanding any other provision of subsections (A)(1) through (A)(7), no fine or penalty imposed under this section for a violation of this chapter shall be less

than or greater than that imposed under any provision of the Kentucky Revised Statutes for the same offense.

(B) *Civil penalty.*

(1) Any person who violates any of the provisions of this chapter shall be subject to a civil penalty. Any person cited pursuant to this subsection may pay the minimum civil penalty within seven days from the date of issuance or request a hearing of such penalty by the Code Enforcement Board ("Board") in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation.

(2) Any person who violates any provision of any of the provisions of this chapter shall be subject to a civil penalty of not less than \$150 nor more than \$1,000. Penalties for each subsequent offense shall be cumulated as multiples of the number of previous offenses.

(3) Notwithstanding any other provision of subsection (B) under this chapter, no violation shall constitute a civil offense, if the same conduct regulated by this chapter also constitutes a criminal offense under any provision of the Kentucky Revised Statutes.

(4) The Director may waive or reduce any civil penalty set forth in this Section (B) due to financial hardship or on the basis of income level, as the case may be, and/or (1) if the violator attends and satisfactorily completes an education or training course

established under Section 91.060, and/or (2) if the dog or cat is spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.

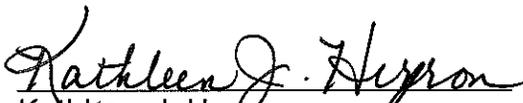
APPENDIX A: METRO ANIMAL SERVICES FEE SCHEDULE

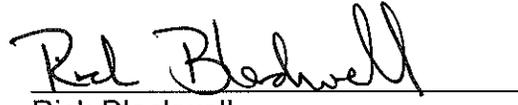
<i>Type of License</i>	Annual Fee
Altered dog, cat or ferret license	\$9.00 (or \$24.00/3yrs, only when matched to triennial rabies vaccine)
Unaltered dog, cat or ferret license	\$35.00 -\$50.00
Unaltered dog permit (issued after the effective date of Chapter 91)	
Transfer of pet license <u>mid-year</u>	\$5.00
Potentially dangerous dog license	\$250.00
Dangerous dog license	\$500.00
Boarding kennel or cattery	0 - 5 runs and/or cages capacity; \$30.00 6 - 25 runs and/or cages capacity; \$60.00 26 - 50 runs and/or cages capacity; \$90.00 51 - 75 runs and/or cages capacity; \$120.00 76 - 100 runs and/or cages capacity; \$150.00 101 + runs and/or cages capacity; \$180.00
Class A kennel or cattery	\$150.00 for 5 animals or less
Class B kennel or cattery	\$100.00 for 5 animals or less
Class C kennel	\$100.00
Multiple pet license	\$28.00 plus \$6.00 per animal over 4 animals
Altered dog, cat or ferret belonging to a senior citizen (owner 65 years or older, two dogs, cats or ferrets per household)	\$4.50 ½ of the normal dog, cat or ferret license fee, as set forth above
Pet shop	\$125.00
Pet shop (selling dogs, cats or ferrets)	\$300.00
Animal dealer (not selling dogs, cats or ferrets)	\$125.00
Animal dealer (selling dogs, cats or ferrets)	\$300.00
Circus	\$125.00

Circus with elephant rides	\$200.00
Theatrical exhibition	\$125.00
Riding or boarding stable	\$125.00
Animal drawn vehicle (one license per company)	\$125.00
Wildlife permit	\$125.00
Swine permit	\$10.00
Animal welfare groups and humane organizations	\$10.00
Miscellaneous	Fee
Late fee when license is more than 30 days overdue	\$15.00 plus 15% of the license fee per month overdue
Small trap deposit	\$50.00
Large trap deposit	\$200.00
Trailer and corral charge	\$50.00 per trailer or corral used
Postage and handling for mail-in applications	\$0.50
Bark collar deposit	\$75.00
Bark collar usage	\$15.00
Microchip	\$25.00
Redemptions and Boarding	Fee*
Licensed-altered d Domestic pets	\$15.00 plus \$10.00 per day
Unlicensed altered domestic pets	\$30.00 plus \$10.00 per day
Licensed unaltered domestic pets	\$40.00 plus \$12.00 per day
Unlicensed unaltered domestic pets	\$60.00 plus \$15.00 per day
Quarantine altered domestic pets	\$40.00 plus \$12.50 per day
Quarantine unaltered domestic pets	\$60.00 plus \$15.00 per day
Quarantine dangerous or potentially dangerous dog	\$100.00 plus \$25.00 per day
Impoundment	\$25.00
Livestock-large animals	\$50.00 plus \$15.00 per day
Livestock-small animals	\$10.00 plus \$5.00 per day
* Incurred surgical, medical, diagnosis and veterinary treatment expenses must be added to redemption and boarding fees as determined by Metro Animal Services	
Surgical, Medical and Veterinary Treatment	

Vaccination (may be a voucher) (DHPP, FVRCP) (Rabies) (Bordetella) Parasitic examination and/or treatment (may be a voucher) Other medical and surgical treatment and/or diagnosis	\$20.00 each \$8.00 \$10.00 \$15.00 Variable
Violation Notice	Fee for Each Violation
First violation notice	\$30.00
Second violation notice	\$60.00
Third violation notice	\$120.00
Fourth and subsequent violation notice	\$250.00
Adoptions	As determined by Metro Animal Services
Spay/neuter voucher	\$100.00 minimum
Spay/neuter rebate certificate	\$35.00

SECTION II. This Ordinance shall take effect upon its passage and approval.


Kathleen J. Herton
Metro Council Clerk


Rick Blackwell
President of the Council


Jerry E. Abramson
Mayor

Approved: 12-21-07
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

**LOUISVILLE METRO COUNCIL
READ AND PASSED
December 20, 2007**

BY: 
Draft 6 12132007 9:35 AM epm Public Safety Committee Version