

**ORDINANCE NO. 7, 2020**

**AN ORDINANCE OF THE CITY OF PARK HILLS, KENTUCKY, REPEALING AND RE-ENACTING CHAPTER 90 OF THE CODE OF ORDINANCES REGARDING THE REGULATION OF ANIMALS**

**WHEREAS**, the City has determined that it is beneficial to the residents to regulate the animal population and animal establishments within the City to ensure they are treated humanely, controlled by their owners and subject to the authority of Animal Control; and,

**WHEREAS**, the City has entered into an Interlocal Agreement with Kenton County under which Kenton County regulates animals within the City; and,

**WHEREAS**, Kenton County made changes to its Ordinance provisions regulating animals; and,

**WHEREAS**, the City desires to amend its Ordinance regulating animals to be consistent with the changes made to the Kenton County Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:**

**SECTION I**

That the existing Chapter 90 of the Park Hills Code of Ordinance entitled “ANIMALS”, shall be, and is hereby repealed and re-enacted to read, as follows:

**CHAPTER 90 “ANIMALS”**

**GENERAL PROVISIONS**

**SECTION 90.01 DEFINITIONS.**

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

*ABANDON.* Any animal left more than 48 hours without a person checking on the condition of the animal and providing food and potable water or not providing a timed feeder/waterer or, any animal left on private property without the owner’s consent or deserted or dumped on public property, rights-of-way or roadways.

*ADEQUATE FOOD.* Wholesome food suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal, considering its age and condition.

*ADEQUATE SHELTER, DOMESTIC ANIMALS.* Adequate shelter shall be provided to any animal(s), with the exception of livestock, that remain outside more than one continuous hour per day. The shelter must be suitable for the species, age and condition of the animal. The shelter shall:

(1) Be structurally sound, with a solid, level, raised floor, enclosed sides or walls, and must be properly ventilated. The shelter shall be sanitary and weather/waterproof. Suitable drainage must be provided so that water is not standing in or around the structure;

(2) Be small enough to allow the animal's body heat to warm the interior of the structure but be large enough to allow the animal to stand up, turn around and lie down without touching the walls;

(3) Be made from suitable, appropriate, materials to prevent harm or injury to the animal(s). Unsuitable materials include, but are not limited to, lean-tos, metal drums, plastic drums, cardboard or other disposable boxes, vehicles, or the area beneath exposed porches or exposed decks;

(4) Provide access to shade from direct sunlight and regress from exposure to inclement weather conditions, hot or cold, but which does not exacerbate existing weather conditions;

(5) Placed in an area offering the best available protection from inclement weather, hot or cold;

(6) Have floors that are constructed in a manner that protects the animal's feet (paws, hoofs, etc.) and legs from injury, and that, if of mesh or slatted construction, do not allow the animal's feet to pass through the openings of the floor; and,

(7) Cardboard, fiberboard or any other structure that fails to protect an animal from adverse atmospheric conditions shall not be considered proper shelter.

*ADEQUATE SHELTER, LIVESTOCK.* Adequate shelter shall be provided to all livestock. The shelter shall be either natural or constructed, and must provide relief from the elements. Accepted natural shelters are natural windbreak from tree lines or other low areas and natural shade under trees. Accepted constructed shelters are barns, three-sided shelters, lean-tos and widescreens. Constructed shelters should be free of hazards likely to cause injury.

*ADEQUATE VENTILATION.* Proper air flow and circulation by mechanical, natural or other means that provide a constant exchange of air, with fresh, clean, oxygenated air replacing the contaminated, dirty, un-oxygenated air within a confined space.

*ADEQUATE WARMTH.* Sufficient, comfortable degree of temperature of the confined space or containment area that will not lower nor raise the average body temperature as appropriate for the species.

*ADEQUATE WATER.* A supply of clean, fresh, potable water provided at suitable intervals or on a continual basis in a sanitary manner suitable for the species, condition, and age of the animal. The supply shall be in sufficient amounts to maintain good health in the animal, and in a suitable container secured to prevent turnover.

*ANIMAL.* Any live vertebrate creature.

*ANIMAL SERVICES.* The Department of the County which is designated by the Fiscal Court to enforce the provisions of this Chapter and to operate the animal shelter.

*ANIMAL CONTROL OFFICER.* Any person designated by the Director of Animal Services who is qualified to perform the duties under the laws and ordinances of the Commonwealth of Kentucky and the County and all peace officers. An Animal Control Officer shall be a law enforcement officer for the purposes of animal control only.

*ANIMAL SHELTER.* Any premises operated or approved for operation by the Fiscal Court for the purpose of impounding and caring for animals held under the authority of this Chapter.

*AUCTION.* Any place or facility where animals are regularly bought, sold or traded except for those facilities otherwise defined in this Chapter.

*BREEDER.* Any person who intentionally or accidentally causes the breeding of more than one litter per female cat or dog in a 12 month period; makes more than one cat or dog available for breeding purposes in a 12 month period; or, offers for sale, trades, receives any compensation or gives away more than one litter of dogs or cats in a 12 month period, with the exception of a litter of dogs or cats taken to the animal shelter.

*COMMERCIAL ANIMAL ESTABLISHMENT.* Any pet shop, boarding or breeding kennel, grooming facility, auction, petting zoo, zoological park, circus, performing animal exhibit, breeder, or any person engaged in the business of breeding, buying, letting for hire, training for a fee, or selling at retail or wholesale, any species of animal for profit.

*COMMUNITY CAT.* Any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known. A Community Cat may or may not be feral. Community Cats are distinguished from other cats by being sterilized and ear-tipped. Community Cats that have been ear-tipped, sterilized and vaccinated under the Trap-Neuter-Return Program are exempt from licensing, stray and at-large provisions of this Ordinance.

*COUNTY.* As used herein County shall mean Kenton County, Kentucky.

*COURT.* As used herein, Court shall mean the Kenton District Court.

*DAY.* For the purposes of this Chapter, a 24 hour period shall constitute a day.

*DIRECTOR OF ANIMAL SERVICES.* The person appointed by the Judge Executive and approved by the Fiscal Court as the Chief Animal Control Officer.

*DOMESTIC ANIMAL.* Animals that are habituated to live in or about the habitations of human beings, and which are kept, cared for, sheltered, fed or harbored for use as a pet or as a source of food, raw materials or income.

*DWELLING.* A house or other structure in which a human being lives.

*EXOTIC ANIMAL.* Any animal not indigenous to the United States.

*EXTREME WEATHER CONDITIONS.* When weather conditions are such that a heat advisory, excessive heat advisory, severe thunderstorm warning, flash flood warning, blizzard warning, winter storm warning or wind chill advisory is issued by the National Weather Service.

*GROOMING FACILITY.* A commercial establishment where animals are bathed, clipped or otherwise groomed.

*HUMANE SOCIETY.* Any person or organization operating from a fixed site and taking in or accepting stray or unwanted animals.

*IMPOUNDED.* Having been received into the custody of animal services or any authorized representative thereof.

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

*OWNER.* Any person owning, keeping, harboring or sheltering one or more animals.

*OWNED CAT.* Any cat that is a companion to a person and is regularly fed and sheltered in that same person's habitation. All owned cats are required to be in compliance with licensing, stray and at-large provisions of this Ordinance, while Community Cats that have been ear-tipped, sterilized and vaccinated under the Trap-Neuter-Return Program are exempt.

*PARAPHERNALIA, ANIMAL FIGHTING.* Any bite sticks, weighted chains and/or collars, spars, animal tread mills, slat mills, carpet mills, fighting pens, permanent or temporary, injectable or ingestible drugs and supplements used to enhance fighting, spring poles or weight pull harnesses and equipment.

*PERSON.* All natural persons, corporations, partnerships, firms, associations, governmental bodies, agencies and other similar entities.

*PET.* Domesticated animal kept for pleasure rather than utility.

*PET SHOP.* Any person engaged in the business of breeding, buying, selling at retail or wholesale, 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 and shall not be considered pet shops for purposes of this Chapter.

*PUBLIC NUISANCE.* Any animal which:

- (1) Molests passers-by or passing vehicles;
- (2) Attacks people or other animals;
- (3) Damages public or private property;
- (4) Is repeatedly at large;
- (5) Makes noise in an excessive, continuous or untimely manner for more than fifteen (15) minutes without provocation;
- (6) Creates unsanitary conditions;
- (7) Disturbs the peace, comfort or health of persons in any other manner; or,
- (8) A home, residence, building, shed, yard, property or other establishment that contains excessive amounts of feces and/or urine or exudes a foul odor.

*REASONABLE GROOMING.* To maintain an animal's coat to prevent conditions which inhibits normal walking or the elimination of body waste or which is medically harmful to the animal.

*RESTRAINT.* Enclosed in an area by a form of fencing designed to control the movement of the animal or secured by a leash, chain or cable tie-out. An animal shall be deemed to be restrained if it remains on the premises of its owner or if it is accompanied by a responsible person and is under that person's immediate control.

*RUNNING AT LARGE.* Any animal, other than a hunting dog released for the purpose of hunting that is off the property of the owner, custodian, possessor or harbinger and is not restrained. Community Cats that have been ear-tipped, sterilized, and vaccinated under the Trap-Neuter-Return Program shall not be considered to be running at large.

*STRAY.* Any animal, other than a hunting dog released for the purpose of hunting that is running at large. Community Cats that have been ear-tipped, sterilized, and vaccinated under the Trap-Neuter-Return Program shall not be considered stray for purposes of this Ordinance.

*TRAP-NEUTER-RETURN ("TNR").* The method of managing Community Cats by humanely trapping, altering, vaccinating, ear-tipping and returning the Community Cats to the location where it was trapped where the Community Cats will be provided with long-term care by one or more caretakers.

*VETERINARIAN.* Any personal licensed by the Commonwealth of Kentucky to practice Veterinary Medicine.

*VETERINARY HOSPITAL CLINIC.* Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

*VICIOUS ANIMAL.*

(1) Any animal which:

(a) constitutes a physical threat to human beings or domestic animals which, due to a known propensity to endanger life, by an unprovoked assault or bite which has resulted in serious bodily harm; or,

(b) when unprovoked, approaches in a terrorizing manner, any person in an attitude of attack upon streets, sidewalks or any public grounds or places; or,

(c) has a known propensity, tendency or disposition to unprovoked attacks which cause injury or endanger the safety of human beings or domestic animals; or,

(d) bites to the extent of causing severe injury and assaults or otherwise attacks human beings or domestic animals; or,

(e) is owned or harbored primarily or in part for the purpose of fighting with animals.

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

(3) Exceptions. An animal shall not be deemed vicious solely because:

(a) It bites, attacks, or menaces:

1. Any person assaulting its owner;

2. Any person or animal who has tormented or abused it; or,

(b) It is otherwise acting in defense of any attack from a person or other animal upon its owner or another person; or,

(c) It is protecting or defending its young or the young of any other animal; or,

(d) Its breed or assumed/known component of its breed; or,

(e) It is protecting or defending its owners home or property.

*WILD ANIMAL.* Any animal not domesticated or not ordinarily tame and which is by nature an animal that lives apart from human beings.

**SECTION 90.02 REMOVAL OF ANIMAL EXCREMENT.**

(A) Any person or owner of an animal shall remove any excrement deposited by his or her animal upon public walks, streets, rights-of-way, recreation areas, or upon the private property of another absent the consent of the owner or occupant of the property.

(B) Any excrement not removed in violation of division (A) above shall be declared to be a public nuisance.

(C) This Section shall not apply to guide dogs under the control of a blind person.

## **ANIMAL SERVICES**

### **SECTION 90.03 POWERS OF ANIMAL SERVICES.**

(A) The Director, Assistant Director and all Animal Control Officers of Animal Services shall have the powers of a peace officer for the purposes of enforcing Animal Control laws or ordinances in the County if they otherwise qualify as a peace officer under the laws of the Commonwealth of Kentucky.

(B) All Animal Control Officers of Animal Services shall comply with the provisions of KRS 61.300.

(C) Whenever it is necessary for Animal Services to make an inspection in order to perform any duty or enforce any provision of this Chapter or any other applicable state statute, they are hereby empowered to enter property at a reasonable time and inspect the premises. Animal Services shall have the power only if consent of the owner or occupant of the property is freely given, a search warrant is obtained or such exigent circumstances exist that a warrantless, nonconsensual search is required.

(D) All animals of any age running at large, as defined in this Chapter, and found in the County, may be picked up by Animal Services and impounded in the animal shelter. If Animal Services can reasonably return the animal they may do so and may issue a uniform citation to the owner. Community Cats that have been ear-tipped, sterilized and vaccinated under the Trap-Neuter-Return Program may be released back into the community and are not subject to impoundment under this Section.

(E) All animals of any age which have bitten a human being may be picked up by Animal Services and impounded in the animal shelter for any applicable quarantine period. In the event an animal is impounded for a quarantine period, the owner shall be responsible for a reasonable fee for board, administration and medical attention during the impoundment.

(F) Any animal that is off the property of its owner and displays behavior as defined in section 90.01, "Vicious Animal", and an Animal Control Officer or peace officer has reason to believe the animal poses a threat to the safety of the general public, the animal shall be taken into custody by Animal Services and the owner shall be issued a uniform citation for harboring a vicious animal. The animal shall remain in the custody of the County until the accused is given a hearing before the Kenton District Court. Should the Court find probable cause for a charge of harboring a vicious animal, the Court shall order temporary forfeiture of the animal to Kenton County Animal Services pending final disposition of the case.

(G) Any dog, required to be licensed but found unlicensed, may be impounded for a minimum period of five (5) days unless it is earlier claimed by its owner. If the dog is not claimed by its owner within five (5) days of impoundment, the dog may then be offered for adoption or may be euthanized at the discretion of the Director of Animal Services. Any person claiming or reclaiming a dog pursuant to this Section shall pay a reasonable fee for board, administration and medical attention for the dog during impoundment

and obtain proper licensing, if applicable, from Animal Services. Animal Services shall make reasonable efforts to locate and inform the owner of any dog that the dog has been impounded.

(H) Any animal involved in an alleged violation of KRS 525.125, 525.130, 525.135, 525.137, or §90.07 “Humane Treatment of Animals” hereof, may be confiscated by any Animal Control or peace officer and held in a humane manner. Upon taking custody of an animal pursuant to KRS 525.125, 525.130, 525.135, 525.137, or §90.07 “Humane Treatment of Animals” hereof, Animal Services shall give notice of the seized animal by posting a notice at the location where the animal is taken into custody or by delivering notice to a person residing at the property. The animal shall remain in the custody of the County until the accused is provided a hearing before the Kenton District Court. Should the Court find probable cause for a charge under KRS 525.125 , 525.130, 525.135, 525.137, or §90.07 “Humane Treatment of Animals” hereof, the Court shall order temporary forfeiture of the animal to Kenton County Animal Control.

(1) Upon a plea or finding of guilt before the Kenton District Court, the animal shall become the property of the County. The person convicted for violating KRS 525.125, 525.130 , 525.135, 525.137, or §90.07 “Humane Treatment of Animals” hereof, shall pay all reasonable expenses related to the incidents of cruelty, including investigation, disposition, veterinary costs, and all costs of maintaining or disposing of the animal incurred from the date of confiscation up to and including the date of permanent forfeiture.

(2) Upon a dismissal of the charge or a finding of innocence by the Kenton District Court, the animal shall be immediately returned to the owner. If the owner does not reclaim the dog within three (3) days of the dismissal or acquittal, the animal may be offered for adoption or may be euthanized at the discretion of the Director of Animal Services.

(I) When any licensed animal or animal whose owner is known, is impounded in the Animal Shelter, Animal Services shall notify the owner, by certified mail return receipt requested, to the last known address; by personal delivery; or, by leaving the notice at the person’s usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice, within three (3) business days of impoundment.

(J) The registered owner shall reclaim the animal within three (3) days of the receipt of notice of impoundment. Any licensed animal or animal whose owner is known which is not reclaimed by its owner within three days of receipt of the notice of impoundment may then be offered for adoption or may be euthanized at the discretion of the Director of Animal Services. Any person claiming or reclaiming an animal pursuant to this Section, shall pay all associated fees for impound, board, administration and medical attention during the impoundment and any outstanding civil citation fees.

(K) An Animal Control Officer or peace officer may choose to issue a warning citation in lieu of a uniform citation if a violation is minor in nature. Violations eligible for the issuance of a warning citation include, but are not limited to, first contact by any peace officer for: failure to vaccinate a pet against the rabies virus; failure to license a pet;

creating a public nuisance; animal running at large; the lack of reasonable grooming; or, veterinary care were the animal has not suffered harm. The warning citation shall allow up to fourteen (14) days to correct the violation, except violations of public nuisance or running at large shall be corrected immediately. If a violation is serious in nature, a uniform citation may be issued.

(L) An Animal Control Officer or peace officer may choose to issue a Civil Citation in lieu of a uniform citation for violations listed in Subsection (K) of this Section where multiple violations of this Ordinance exist; or, where personal injury occurred, property was damaged or destroyed, or a previous warning has been issued. The Civil Citation shall allow up to fourteen (14) days to correct the violation and pay the associated fee. Violations of public nuisance or running at large shall be corrected immediately. If a violation is serious in nature, a uniform citation may be issued.

(1) The fee for Civil Citations issued under this Section are as follows;

(a) 1<sup>st</sup> citation is \$30, per violation.

(b) 2<sup>nd</sup> citation, in any 12-month period, is \$55, per violation.

(c) 3<sup>rd</sup> citation, in any 12-month period, is \$85, per violation.

(2) 4<sup>th</sup> or subsequent offenses is deemed to be habitual in nature and not eligible for Civil Citation and the Animal Control Officer or peace officer shall issue a uniform citation.

(M) Animal Control Officers are authorized to place, upon request, live-capture animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance domestic animals. It shall be unlawful for any person other than an Animal Control Officer or his or her designee to remove an animal from the trap or to damage, destroy, move or otherwise tamper with the trap. Any person requesting a live-capture trap must own the subject property and shall be responsible for any lost, stolen, damaged, or otherwise altered traps.

(N) All impound, boarding, administration, and medical fees will be set annually by the Director of Animal Services, with approval of the Fiscal Court.

#### **SECTION 90.04 ADOPTION AND MANDATORY SPAY/NEUTER.**

(A) Prior to the adoption of any animal from Animal Services an application must be completed by the person wishing to adopt the animal. The application is designed to determine the prospective owner's ability to care for the animal. Any person wishing to adopt an animal who has been issued a uniform citation for inhumane treatment of animals will not be able to adopt.

(B) Kenton County Animal Services is not obligated to sell or transfer possession of any animal in their custody.

(C) All dogs and cats adopted from the Animal Shelter must be surgically altered to prevent breeding.

(D) The fee for adoption of animals shall be set annually by the Director of Animal Services, with the approval of Fiscal Court.

#### **SECTION 90.05 DOG/CAT LICENSING.**

(A) The owners of all dogs and cats, or those who harbor or maintain dogs and cats in the unincorporated or incorporated areas of the county, shall have each and every dog and cat licensed, or as an option microchipped and registered the Kenton County Animal Services in accordance with the provisions of this chapter and applicable Kentucky Revised Statutes.

(B) The annual license fee for each dog and cat shall be set annually by the Director of Animal Services, with the approval of the Fiscal Court. The current license fee period shall begin on July 1, 2019 and will terminate on January 31, 2021. Licenses must be renewed each year thereafter during the month of February. Failure to license, or to renew a license, will result in a penalty. At the time of licensing and registration, the owner shall provide his or her name, address and telephone number, as well as the name, breed, color and sex of each dog/cat to be licensed. Upon payment of the license fee, the owner shall be issued a certificate of registration and a serial numbered license tag for each dog/cat. The license tag shall be fastened to the dog's or cat's collar and worn by the dog or cat at all times.

(C) All dogs/cats that are microchipped and registered with Kenton County on or before June 30, 2004 shall be exempt from the annual licensing fee for the lifetime of the animal. The microchip shall be county-approved, and coded with a unique identifying number implanted in the neck of the dog or cat. The owner shall provide his or her name, address and phone number, as well as the name, breed, color and sex of each dog/cat microchipped. The information, along with the unique identifying number, will be entered into the computer data base for future reference. Upon payment of the microchip fee, the owner shall be issued a certificate of registration for each dog/cat implanted. Should the ownership of the dog/cat change for any reason whatsoever, the change of ownership shall be made in the data base for a nominal fee to be set by the Fiscal Court.

(D) Failure to register a dog or cat and to obtain the license set forth herein within 30 days of acquiring or possessing the animal, or failure to renew during the month of February each year thereafter, or failure to display the license on the dog, or failure to microchip a dog in place of buying a license shall result in a fine as provided in § 90.99.

(E) Community Cats that have been ear-tipped, sterilized, and vaccinated under the Trap-Neuter-Return Program are exempt from the licensing requirements of this subsection.

#### **SECTION 90.06 RABIES VACCINATION.**

(A) All dogs, cats, and ferrets, four months of age and older, shall be vaccinated for rabies and revaccinated for rabies at the expiration of the immunization period as certified by a veterinarian.

(B) Any dog or cat reclaimed or adopted from the Animal Shelter must have a valid rabies vaccination or purchase a rabies voucher prior to release.

(C) Any dogs or cats found not to have been vaccinated for rabies, whether discovered by a veterinarian or by other means, must be vaccinated within 14 days of the date of discovery.

#### **SECTION 90.07 HUMANE TREATMENT OF ANIMALS.**

(A) It shall be unlawful to abandon any animal.

(1) In the event that an animal is found abandoned, such animal may be taken by an Animal Control Officer or peace officer, and impounded at the Animal Shelter and there be 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 § 90.03 of this chapter, or for any longer period required by law, regulation, or medical necessity. In the event an animal is so abandoned, the owner or person, if any, who he/she has charged with the animal's care, shall be subject to a citation or civil penalties for any violation of this section.

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

(3) Notice of seizure of an abandoned 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 for the Animal Shelter.

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

(C) It shall be unlawful for any person to exhibit, display or keep any animal without providing adequate food, adequate water, adequate shelter or medical attention.

(D) Any dog which is chained, tied or otherwise connected by means other than a leash being held by a person shall be provided no less than ten feet of chain, rope, cable or other similar material, and shall be situated in a manner that prevents injury, strangulation, or entanglement. Dogs that are chained, tied, or otherwise connected by means other than a leash being held by a person shall be properly fitted with and wearing non-choke, buckle-type collar or harness made of leather, nylon, or similar material, and shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal. The tether must be attached to the dog's collar or harness and not directly to the dog's neck, or of such unreasonable weight as to prevent the animal from moving about freely. Dogs shall be not tethered in any unsafe area, and must be at least ten feet from the edge of any public road or sidewalk. Dogs shall not be tethered during extreme weather conditions, or while the dog is sick or injured. Dogs under the age of five (5) months may not be tethered unattended, and multiple dogs should be tethered separately.

(E) It shall be unlawful for any person to keep an animal within the passenger compartment of an automobile without adequate ventilation in the summer or adequate warmth in the winter. No person shall enclose any animal in the trunk of an automobile. An Animal Control or Police Officer shall rescue any animal confined in such a manner. No person shall use any automobile as a temporary or permanent shelter for animal(s).

(F) It shall be unlawful for any person to stage, cause, instigate, permit, observe, or attend any dog-fight, cock-fight, bull-fight, or other combat between animals or between animals and humans. Animals altered for fighting purposes and animals with scarring from previous fighting may be considered evidence of unlawful animal combat.

(G) It shall be unlawful for any person(s) to own, harbor, or be in possession of animal fighting paraphernalia.

(H) It shall be unlawful for any person to set free any hare, rabbit, gerbil, domesticated rat, guinea pig, other pet rodent, snake, lizard, turtle, other pet reptile, or other animal for the purpose of violating any provision of this chapter.

(I) No performing animal exhibition, circus or horse show, shall be permitted, in which the animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering. All equipment used on animals in such shows shall fit properly and be in good working order.

(J) Any person, who as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and render assistance as may be possible and shall immediately report such injury or death to the animal's owner, if known, or to Animal Control or any Police Officer.

(K) No person shall expose any poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by a domestic animal, provided that the substance shall not be unlawful for a person to expose on his or her own property, poisonous substance, or to Animal Control or any Police Officer.

(L) No person shall give away any live animal as a prize or for inducement to enter any contest, game or other competition or as an inducement to enter into any business agreement, whereby the offer was for the purpose of attracting the trade, except that it shall not be unlawful to give away small fish, not to exceed four inches, as a prize.

(M) It shall be unlawful for any person to color, stain, dye or otherwise change the natural color of any live animal or to offer such colored animals for sale in the County, except that the mane and tail of an equine may be changed pursuant to accepted practices in showing the equine.

(N) It shall be unlawful to sell baby chicks, ducks or rabbits under the age of two (2) months in quantities less than six (6).

(O) It shall be unlawful to place an animal in the rear of a truck without securing the animal so that the animal cannot jump out.

(P) It shall be unlawful to possess more than six (6) domestic (cats and/or dogs) or exotic animals or a combination thereof in one's residential dwelling if that said dwelling is within one hundred (100) feet of a neighbor.

(Q) It shall be unlawful to allow dogs, cats or other domestic animals to remain outdoors during extreme weather conditions. Dogs, cats or other domestic animals must be moved indoors or to an area that provides protection from the extreme weather condition.

(R) It shall be unlawful for any person to use a muzzle that causes injury to a dog, interferes with its vision, respiration or ability to drink. It shall be unlawful to muzzle any dog unless doing so is reasonably calculated to prevent injury to people or animals.

#### **SECTION 90.08 ANIMALS TO BE UNDER CONTROL.**

(A) It shall be unlawful for any person to permit any animal owned or harbored by him or her, to run at large. When livestock are running at large, Animal Control or a peace officer shall make reasonable efforts to notify the owner as soon as possible. If reasonably possible and feasible, the owner of the livestock shall be notified prior to the actual capture and impoundment of the livestock.

(B) It shall be unlawful to own or possess a vicious animal.

(C) It shall be unlawful to own or possess an animal that conducts itself in such a manner as to constitute a public nuisance.

(D) It shall be unlawful to allow a female dog to be exposed during estrus (in season, in heat) so as to attract male dogs. Every female that is "in season" shall be confined in a building or secure enclosure in such a manner that such female dog cannot come in contact with a male dog except for planned breeding. Females shall not be restrained by tie out, chain, rope, cable, leash or otherwise restrained and left unattended while "in season".

(E) Community Cats that have been ear-tipped, sterilized and vaccinated under the Trap-Neuter-Return Program shall not be considered to be running at large under this Subsection.

(F) Pursuant to KRS 258.215, a hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, the owner or handler shall not be deemed to be in violation of the provisions of this Section as a result of the dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

## **SECTION 90.09 WILD AND EXOTIC ANIMALS.**

(A) It shall be unlawful to sell, own, harbor or keep as a pet, a wild or exotic animal, not indigenous to the United States, unless the animal has been approved for sale or retention by appropriate state and federal governmental agencies and any required permits have been obtained.

(B) It shall be unlawful to sell, own, harbor or keep as a pet, a wild animal native to the United States, unless the animal has been approved for sale or retention by appropriate state and federal governmental agencies and any required permits have been obtained.

## **SECTION 90.10 MANAGEMENT OF COMMUNITY CAT POPULATION**

(A) A Trap-Neuter-Return Program will be developed by Animal Services to address the issues presented by feral and other Community Cats, recognizing that there are caretakers of Community Cats.

(B) A Trap-Neuter-Return Program will permit Animal Services to engage in the trapping of Community Cats for the purpose of sterilization, vaccination or ear-tipping for easy identification, and providing of other necessary medical care for Community Cats.

(C) A caretaker providing for a Community Cat(s) may offer certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition of food and water and medical care. If medical care is unavailable or too expensive, a caregiver should contact Animal Services for assistance to prevent harm to a Community Cat.

(D) If the requirements of Subsection (C), above, are met, the caretaker is exempt from licensing and other provisions of this Chapter that apply to owned cats.

(E) Anyone providing necessities to Community Cats shall adhere to the management standards listed below to reduce reproduction and prevent the attraction of wildlife, vermin or insects. Failure to adhere to standards shall be deemed a public nuisance.

(1) Food must be presented in a container and not thrown on the ground;

(2) Uneaten food must be picked up after one (1) hour;

(3) Trash must be removed and the area kept clean;

(4) Cats shall be encouraged to stay away from people such as by feeding away from streets and public sidewalks;

(5) If providing shelter, ensure that shelters are insulated, blends in with the surrounding and are free of standing water and moisture; and,

(6) Provide rabies vaccinations and spay/neuter services to prevent reproduction or contact Animal Services regarding the same.

**SECTION 90.11 HUMANE SOCIETIES; STANDARDS AND LICENSING.**

(A) All humane societies in the County shall be governed by the same standards set forth in §§ 90.12 et. seq. of this Chapter, and shall be subject to any ordinance pertaining to commercial animal establishments.

(B) Humane societies shall maintain records on each animal accepted or housed, noting the following:

- (1) Name and address of previous owner or person turning in the animal;
- (2) Date the animal is received;
- (3) Condition of the animal and any medical treatment;
- (4) Date of adoption, redemption or euthanasia; and,
- (4) Name and address of new owner.
- (5)

**COMMERCIAL ANIMAL ESTABLISHMENTS.**

**SECTION 90.12 DEFINITIONS.**

In addition to the Definitions provided in § 90.01 of this Chapter, the following definition shall apply to the provisions of this Subchapter, unless the context clearly indicates or requires a different meaning.

*OWNER* or *OPERATOR*. Any person, group of persons, partnership, corporation or any other legal entity owning or operating a commercial animal establishment. This definition does not apply to veterinarians as long as animals on the premise are there for treatment only.

**SECTION 90.13 LICENSING PROVISIONS.**

(A) *Licensing*. All commercial animal establishments shall obtain and maintain a valid commercial animal establishment license in order to operate a commercial animal establishment within the County.

(B) The commercial animal establishment licenses shall be issued by the Kenton County Fiscal Court through Animal Services. An application to obtain a commercial animal establishment license shall be completed by each commercial animal establishment. A separate application must be completed for each location in the case of commercial animal establishment chains and/or franchises. The premises for which a license is being granted shall be inspected by Animal Services. Animal Services shall issue a commercial animal establishment license to the applicant upon payment of the required fee and passing of the required inspection.

(C) The commercial animal establishment license shall be valid for a period of one (1) year. Licenses issued prior to June 30, 2020 will be extended until January 31, 2021 and thereafter all licenses are due for renewal in the month of February commencing in 2021.

(D) The commercial animal establishment license shall be renewed annually.

(E) The annual fee for a commercial animal establishment license shall be set by the Director of Animal Services and approved by the Kenton County Fiscal Court.

#### **SECTION 90.14 MINIMUM STANDARDS.**

(A) All commercial animal establishments shall provide an adequate environment for each animal which is compatible with the general health and welfare of the animal.

(B) All commercial animal establishments shall provide adequate space for each animal. Each cage or enclosure shall be large enough for the animal to stand, sit, lie and turn around without touching the walls or ceiling of the cage or enclosure, or another animal.

(C) All commercial animal establishments shall provide adequate sanitation. Each cage or enclosure shall be maintained as follows:

##### **(1) Indoor Containment:**

(a) Cages or enclosures containing dogs or cats, of any age, shall be cleaned with hot water, disinfectant and detergent daily (including holidays), or more frequently if conditions require additional cleaning or disinfecting to keep animals out of contact with feces or urine. Litter boxes shall be cleaned daily (including holidays) and the litter changed when needed.

(b) Cages or enclosures containing birds shall contain a perch and shall be cleaned with hot water and disinfectant at least twice weekly or more frequently if conditions require additional cleaning.

(c) Cages or enclosures containing small animals beside a dog or cat shall be cleaned with hot water and disinfectant at least twice weekly or more frequently if conditions require additional cleaning.

(d) Cages or enclosures must be designed and constructed of suitable materials so that they are structurally sound and kept in good repair. Cages or enclosures must be constructed and maintained so that they:

(i) Have no sharp points or edges that could injure the animal(s);

(ii) Are safe for their designed use;

(iii) Contain the animal(s) securely;

(iv) Keep other animals from entering the enclosure;

(v) Enable the animal(s) to remain dry and clean; and,

(vi) Provide animals with easy and convenient access to clean food and water.

(2) Outdoor Containment:

(a) If dogs are contained outdoors, their cage or enclosure must be designed and constructed of suitable materials so that they are structurally sound and kept in good repair. Cages or enclosures must be constructed and maintained so that they:

- (i) Have no sharp points or edges that could injure the animal(s);
- (ii) Are safe for their designed use;
- (iii) Contain the animal(s) securely;
- (iv) Keep other animals from entering the enclosure;
- (v) Enable the animal(s) to remain dry and clean;
- (vi) Provide animals with easy and convenient access to clean food and water;
- (vii) Provide protection and shelter from extreme weather conditions;
- (viii) Provide sufficient shade from direct rays of sun;
- (ix) Have floors that are constructed in a manner that protects animal(s) feet and legs from injury, and that, if of mesh or slatted construction, do not allow the animals feet to pass through any openings in the floors; and,
- (x) All surfaces in contact with animals shall be cleaned and sanitized daily (including holidays).

(3) MINIMUM STANDARDS FOR HOUSING

(a) All commercial animal establishments shall adhere to the following minimum space standards for enclosures housing dogs, based upon the individual dog's height and weight:

Canine category	Size/Length/Weight	Square Footage Required	Housing Size
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			Equivalency
Miniature	0-19" or up to 10 lbs	4 square feet	2 feet x 2 feet
Small	20-29" or up to 20 lbs	8 square feet	2 feet x 4 feet
Small/Medium	30-39" or up to 35 lbs	12 square feet	3 feet x 4 feet
Medium	40-49" or up to 50 lbs	20 square feet	4 feet x 5 feet
Medium/Large	50-59" or up to 75 lbs	30 square feet	5 feet x 6 feet
Large	60"+ up to 76 lbs	36 square feet	6 feet x 6 feet

(b) Violations of the minimum standards for housing of dogs pursuant to this Chapter shall not apply to veterinary establishments where restricting a dog's movements is medically necessary.

(E) All commercial animal establishments shall provide adequate nourishment and water for each animal as follows:

- (1) Each animal shall be given fresh food and water daily, including holidays;
- (2) Soft food shall be available to those animals unable to chew standard dry food;
- (3) Potable water shall be available to each animal at all times; and,
- (4) Food and water containers shall be washed and disinfected daily.

(F) All commercial animal establishments shall provide proper medical treatment from a licensed veterinarian for sick or injured animals.

(G) All commercial animal establishments shall provide an adequate room (cage) temperature for the general health and welfare of the animal, suitable to that species' general health and welfare.

(H) All commercial animal establishments shall provide for general cleanliness of its establishment and shall not permit an insect or rodent infestation.

(I) All commercial animal establishments shall obtain any necessary licenses or permits from an appropriate state or federal agency to offer for sale any exotic or wild animal.

(J) All commercial animal establishments must be sufficiently ventilated at all times when animals are present to provide for animal health and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.

(K) All commercial animal establishments keeping animals indoors must be well lit to permit routine inspection and cleaning of the facility, and observation of animals.

## **SECTION 90.15 INSPECTIONS.**

The Director or Assistant Director of Animal Services or any Animal Control Officer shall be permitted and empowered to make an inspection of any commercial animal establishment within the County, and shall further be permitted to take photographs of commercial animal establishments during the inspection. The inspection shall take place upon the verbal request of the Director or Assistant Director of Animal Services or any Animal Control Officer, during regular business hours of the commercial animal establishment.

## **CARRIAGE HORSE BUSINESS.**

## **SECTION 90.16 DEFINITIONS.**

In addition to the definitions provided in § 90.01 of this Chapter, the following definitions shall apply to the provisions of this Subchapter, unless the context clearly indicates or requires a different meaning.

*CARRIAGE.* Any device designed to be drawn by a horse, in, upon or by which any person may be transported or drawn on public streets or in public or quasi-public places.

*CARRIAGE HORSE BUSINESS.* Any person owning or operating a horse-drawn carriage for compensation.

*COMPENSATION.* Any fare, reward, tip, donation or other thing of value which a driver, owner, or operator of a horse-drawn carriage accepts or receives, or offers to receive, in return for furnishing such a service.

*HORSE.* An animal of genus equis.

*OWNER or OPERATOR.* Any person, group of persons, partnership, corporation or any other legal entity owning or operating carriage horse business.

*PERSON.* Shall include person, firm, partnership, association and corporation.

## **SECTION 90.17 LICENSING PROVISIONS.**

Licensing:

(A) All carriage horse businesses shall obtain and maintain a valid carriage horse business license in order to operate a carriage horse business within the County.

(B) The carriage horse business licenses shall be issued by the Kenton County Fiscal Court through Animal Services. An application to obtain a carriage horse business license shall be completed by each carriage horse business. A separate application must be completed for each carriage horse business location. The premises for which a license is being granted shall be inspected by Animal Services. Animal Services shall issue a carriage horse business license to the applicant upon payment of the required fee and passing of the required inspection.

(C) The carriage horse business license shall be valid for a period of one year. Licenses issued prior to June 30, 2020 will be extended until January 31, 2021. Thereafter, all licenses are due for renewal in the month of February commencing in 2021.

(D) The carriage horse business license shall be renewed annually.

(E) The annual fee for a carriage horse business license shall be set annually by the Director of Animal Services and approved by the Kenton County Fiscal Court.

#### **SECTION 90.18 STANDARDS.**

(A) Any person owning or operating a horse-drawn carriage for compensation shall, in addition to other requirements of this Chapter, comply with the standards of this Section.

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

(C) All horses shall have adequate shelter.

(1) All buildings and sheds used for stabling horses shall be well-lit and ventilated. The building must provide adequate protection from the weather and be kept clean and in good repair at all times. Manure and urine shall be removed daily.

(2) Any enclosures where animals are kept shall be graded and raked 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 horses used in a carriage horse business must weigh at least eight hundred (800) pounds and be considered in generally good health. Any owner or operator who desires to use a horse for this purpose which does not weigh eight hundred (800) pounds must apply in writing to Animal Services for approval.

(F) Any horse working for a carriage horse business must be examined, not less than every four months, by a veterinarian, who shall certify the fitness of the animal to perform such work. Horses exhibiting any of the following shall be deemed unfit for work:

(1) Sores or abrasions caused or likely to be aggravated by the bearing of services, girth, harness, or bridles, unless padding could be utilized to protect the area.

(2) Serious injury or illness.

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

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

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

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

(J) Horses shall not be worked for more than two (2) hours without being given a total of thirty (30) minutes of rest. The maximum working period for any one animal is ten (10) hours out of every twenty four (24) hours.

(K) No horse shall be overridden or driven to result in overheating or exhaustion.

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

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

(N) Horses 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, cleaned, and in good repair.

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

(Q) Animal Services may order 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 contagious or transmittable disease, as diagnosed by a veterinarian.

(R) Owners and operators of a carriage horse business shall not permit unsanitary conditions to be present on any road in the County, 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.

(S) No horse 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.

(T) No horse may pull a carriage carrying more people than it is designed to carry by the manufacturer, nor shall a carriage be pulled by fewer animals than provided for by design.

## **SECTION 90.19 HABITUAL VIOLATOR.**

Any person who receives four (4) or more warning citations and/or civil citations in any twelve (12) month period shall be in violation of being a habitual violator and subject to penalties.

### **SECTION 90.99 PENALTY.**

(A) Any person failing to comply with the following Sections shall, upon conviction, be deemed guilty of a violation of this Ordinance and, in addition to proof of compliance, where applicable, on a first offense shall be fined not less than \$25 nor more than \$100; and on a second or subsequent offense shall be fined not less than \$50 nor more than \$250. Each day shall constitute a new and separate violation.

- (1) 90.02 Failing to comply with the removal of animal excrement.
- (2) 90.03(M) Tampering with Animal Services traps.
- (3) 90.04 Failing to comply with mandatory spay/neuter requirements.
- (4) 90.05 Failing to license or renew a license for a dog or cat.
- (5) 90.06 Failing to vaccinate against the rabies virus.
- (6) 90.08 (A) Animal running at large.
- (7) 90.08 (A) Livestock running at large. Owner must reimburse the County for all reasonable fees incurred in capturing, impounding, boarding, and necessary medical services.
- (8) 90.08 (C) Owning an animal which is a public nuisance.
- (9) 90.08 (D) Failing to confine a female dog in heat.
- (10) 90.09 Failing to have permits for wild or exotic animals.
- (11) 90.10 (E) Caregiver failing to adhere to standards for Community Cats.
- (12) 90.11 Humane society failing to obtain license, meet standards or keep records.
- (13) 90.13 Commercial animal establishment failing to obtain license.
- (14) 90.14 Commercial animal establishment failing to meet standards.
- (15) 90.17 Carriage horse business failing to obtain license.
- (16) 90.18 Carriage horse business failing to meet standards.

(B) Any person violating the following Sections of this Ordinance shall, upon conviction, be deemed guilty of a Class B Misdemeanor and be fined not more than \$250, and sentenced up to ninety (90) days in the County jail, or both. Each day shall constitute a new and separate violation.

- (1) 90.07 First offense of violations related to the humane treatment of animals.
- (2) 90.08 First offense of owning or possessing a vicious animal. In addition to any penalties imposed, the Court shall Order one of the following:
  - (a) That as a condition of retaining the animal it must be microchipped, spayed/neutered and registered as a vicious animal with Animal Services. It must be confined in a secure, locked enclosure, designed to prevent digging out or escape and prohibits the entry of small children. The enclosure must have a sign warning of a “vicious animal” which is visible from the roadway or any public access. The enclosure must be inspected and approved by Animal Services. The animal may only leave

the enclosure for veterinary care at which time it must be muzzled, on a leash no longer than three (3) feet and under the direct control of the owner. The owner must notify Animal Services in the event the animal is loose, unconfined, has attacked an animal or humane being or is deceased.; or,

(b) The Court may Order the animal euthanized.

(3) 90.19 Being a habitual violator. Any humane society, commercial animal establishment or carriage horse business found guilty of being a habitual violator shall have its license revoked.

(C) Any person violating the following Sections of this Ordinance shall, upon conviction, be deemed guilty of a Class A Misdemeanor and be fined not more than \$500, or sentenced up to twelve (12) months in the County jail, or both. Each day shall constitute a new and separate violation.

(1) 90.07 Second or subsequent offense relating to the humane treatment of animals.

(2) 90.08 Second or subsequent offense relating to owning or possessing a vicious animal. If the violation involves the same animal, the Court shall Order the animal immediately euthanized.

## **SECTION II**

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

## **SECTION III**

If any part of this Ordinance or its application is deemed invalid by a Court of competent jurisdiction, such invalidity will not affect the effectiveness of the remaining provisions or applications hereof, and, to this end, the provisions of this Ordinance are thus severable.

## **SECTION IV**

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, be published, in full, and shall be effective upon publication.

PASSED: First reading: November 9, 2020

PASSED: Second reading: December 14, 2020

CITY OF PARK HILLS, KENTUCKY

By: \_\_\_\_\_

Kathy Zembrodt, Mayor

ATTEST:

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Julie Alig, City Clerk

PUBLISHED Online on the City website, [www.parkhillsky.net/city-ordfinances](http://www.parkhillsky.net/city-ordfinances) with URL, reference published the Kentucky Enquirer the 11<sup>th</sup> of January, 2021 as allowable under KRS 424.145.