

ORDINANCE NO. 7-2000

2000 SERIES

AN ORDINANCE RELATING TO THE POSSESSION/KEEPING OF EXOTIC WILDLIFE, PROTECTED WILDLIFE, AND DANGEROUS SPECIES IN FRANKLIN COUNTY, KENTUCKY

WHEREAS, KRS 67.083 and other applicable laws provide that the Fiscal Court may enact ordinances and issue regulations relating to animal control; and

WHEREAS, The Franklin County Fiscal Court, recognizes that the possession and keeping of exotic wildlife, protected wildlife, and dangerous species with the potential to transmit venom or damage native ecosystems constitutes a nuisance detrimental to the health, safety and welfare of its inhabitants; and

WHEREAS, certain species of wildlife and exotic species are not capable of being domesticated and may not be capable of being domesticated and may not be suitable as pets or always safe to the community in that they may represent a danger to the community; and

WHEREAS, The Franklin County Fiscal Court declares it the policy to prohibit the keeping of exotic wildlife, protected wildlife, and dangerous species within Franklin County and to enforce such prohibition and penalties;

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

Section 1: Definitions

“Exotic Wildlife” means living terrestrial wildlife species which have never existed in the wild of Kentucky or been extirpated from the state and could not be reasonably expected to survive in the wild if introduced.

“Protected Wildlife” is defined by KRS 150.010(25).

“Wildlife” is defined by KRS 150.010(41).

“Dangerous species” means those, except bees, which are capable of producing and transmitting poisonous venom through biting or stinging.

Section 2. Except as specified in Section 4, a person shall not import or possess:

1. Suricate or slender-tailed meerkat (Genus *Suricata*);
2. Flying fox or fruit bat (Genus *Pteropus*);
3. Wild European rabbit (also called the San Juan Rabbit);
4. Mulimammate rat (Subgenus *Mastomys*);
5. Nutria (*Myocastor coypus*);
6. Monk or Quaker parakeet (*Myiopsitta monachus*);
7. Cuckoo (Family *Cuculidae*), except native species;
8. Sky lark (*Alauda arvensis*);
9. European blackbird (*Turdus merula*);
10. Mistle thrush (*Turdus viscivorus*);
11. Fieldfare (*Turdus pilaris*);
12. Song thrush (*Turdus philomelos*);
13. White eyes (Genus *Zosterops*);
14. Cape sparrow (*Plocius philippines*);
15. Baya weaver (*Plocius baya*);
16. Madagascar weaver (*Foudia madagascariensis*);
17. Weaver finches (Genus *Passer*), except *Passer domesticus*;
18. Dioch or red-bellied quelea (*Quelea quelea*);
19. Cowbirds (Genus *Molothrus*), except native species;
20. Blackbirds (Genus *Agelaius*), except native species;
21. Yellowhammer (*Emberiza citrinella*);
22. Java sparrow (*Padda oryzivora*);
23. Hawaiian rice bird or spotted munia (*Lonchura punctalata nisoria*);
24. Starlings (Family *Sturnidae*) except *Sturnus vulgaris* and hill mynahs (*Gracula Religiosa*);
25. Pink starling or rosy pastor (*Sturnus roseus*);
26. Mute swan (*Cygnus olor*);
27. Giant or marine toad (*Bufo marinus*);
28. Tongueless or African clawed frog (*Aenopus laevis*);
29. A member of the following families:
 - A. *Suidae* (pigs or hogs), except for domestic swine;
 - B. *Viverridae* (civits, genets, lingsangs, mongooses and fossas);
 - C. *Tayassuidae* (Peccaries and javelinas).

Section 3. The possession or importation of the following dangerous exotic species is prohibited:

1. African buffalo (*Syncerus caffer*);
2. Hippopotamus (*Hippopotamus amphibius*);
3. Hyenas (family *Hyaenidae*), all species except aardwolves (*Proteles Cristatus*);
4. Honey badger or ratel (*Mellivora campensis*);
5. Old world badger (*Meles meles*);
6. Lions, jaguars, leopards or tigers (Genus *Panthera*);

7. Clouded leopard (*Neofelis nebulosa*);
8. Cheetah (*Acinonyx jubatus*);
9. Elephants (family Elephantidae);
10. Rhinoceroses (family Rhinocerotidae);
11. Gibbons or siamangs (family Hylobatidae);
12. Orangutans, chimpanzees, or gorillas (Family Pongidae);
13. Baboons, drills or mandrills (Genus *Papio*);
14. Macaques (Genus *Macaca*);
15. Gelada baboon (*Theropithecus gelada*);
16. Gavials (Family Gavialidae);
17. Crocodiles (Family Crocodylidae);
18. Alligators or caimans (Family Alligatoridae);
19. Sea snakes (Family Hydrophidae);
20. Cobras or coral snakes (Family Elapidae);
21. Adders or vipers (Family Viperæ);
22. Venomous rear-fanged species (Family Colubridae);
23. Gila monsters or beaded lizards (Family Helodermatidae);
24. Komodo dragon (*Varanus komodoensis*);
25. Bears (Family Ursidae);
26. Wolf or wolf hybrids of over twenty-five (25) percent wolf; or
27. Cougar or mountain lion (*Felis concolor*).

Section 4. The Department of Fish & Wildlife Resources Commissioner may allow the importation or possession of the species listed in Section 1 of this Ordinance for legitimate scientific or educational purposes by:

- (a) A zoo that is:
 1. A member of the American Zoo and Aquarium Association; or
 2. Designated as the official zoo of a municipality.
- (b) A government agency;
- (c) A college or university; or
- (d) A similar educational or research institution.

Section 5. Indemnification and Bond

Animals of the type described herein may be kept by a licensed veterinary hospital for treatment, federally licensed educational or medical institution, museum, or any other place where they are kept as live exhibits for study; circus, carnival, or other events for entertainment, provided a proper bond or insurance be posted to indemnify those who may be injured or killed by dangerous animals. They type and amount of such bond or insurance shall be determined and approved by the County Judge/Executive. The temporary authority shall be granted not to exceed 14 days.

Section 6. Seizure and impoundment

Upon the written complaint of any person that another owns or is keeping or harboring a poisonous reptile or dangerous animal of the type herein described in Franklin County, Kentucky, the Sheriff shall cause the matter to be investigated, and if after investigation, the facts indicate that a poisonous reptile or dangerous animal is in fact being kept in violation of this Ordinance, the Sheriff shall deliver written notice to such person requiring that person to safely remove said animal from Franklin County, Kentucky within seventy-two (72) hours after delivery of the notice.

Notice as herein provided shall not be required where such poisonous reptile or dangerous animal has previously caused physical injury to any person, or has escaped and is at large, in which case the animal may be immediately seized and impounded or if in the course of seizing and impounding the Sheriff deems it necessary, said reptile or animal may be killed.

The Sheriff shall seize and impound any poisonous reptile or dangerous animal where the person owning, keeping, or harboring such animal has failed to comply with the notice herein described. Upon seizure and impoundment, said poisonous reptile or dangerous animal shall be delivered to a suitable place of confinement. If during the course of seizing and impounding any such poisonous reptile or dangerous animal the poisonous reptile or dangerous animal poses a risk of serious physical harm or death to any person and if the Sheriff deems it necessary, said reptile or animal may be killed.

Section 7. Costs

Any reasonable costs incurred by the Sheriff in the seizing, impounding, and for confining any poisonous reptile or dangerous animal shall be charged against the owner, keeper, or harbinger of such animal and shall be collected by the County Attorney. Such charge shall be in addition to any fine or penalty provided for violating this Ordinance.

Section 8. Fines

Any person, partnership, or corporation violating any provisions of this Ordinance shall be fined not less than Two Hundred (\$200) and not more than Five Hundred (\$500) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 9. Severability

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

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 27th day of April 2000.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the record in Fiscal Court of Franklin County, Kentucky, held on the 29th day of June 2000, and of record in Fiscal Court Order Book 18, Page 279.



Teresa A. Barton

ATTESTED TO:



Berry Hammermeister
Fiscal Court Clerk

