

ORDINANCE NO. 6 -2018 SERIES

**AN ORDINANCE AMENDING ORDINANCE NO. 2-1984 SERIES
RELATING TO THE DOG ORDINANCE**

**AN ORDINANCE REGULATING DOG OWNER'S DUTIES TO MAINTAINING AND
KEEPING THEIR ANIMALS UNDER CONTROL.**

WHEREAS, numerous citizens in Franklin County, Kentucky, have complained to the Franklin County Fiscal Court about dogs running at large causing disturbances and not being under control of the owners in all areas in the county, but outside the corporate limits of the City of Frankfort, Kentucky.

WHEREAS, the Franklin County Fiscal Court recognizes the rights of citizens to possess and to keep dogs, it further recognizes the rights of citizens to enjoy the peace and quietude of their property and the public thoroughfares which they travel from any nuisance created by the dogs running at large.

WHEREAS, the Franklin County Fiscal Court has determined that there is a legitimate need to require dogs owners to keep their dogs under their control at all times.

**BE IT ORDAINED BY THE FISCAL COURT OF FRANKLIN COUNTY,
COMMONWEALTH OF KENTUCKY:**

SECTION I—DEFINITIONS

For the purpose of this ordinance, the following terms shall be deemed to have the meaning indicated below:

AT LARGE – Shall mean off the premises of the owner or keeper and not under the control of the owner or keeper or members of the owner or keeper's immediate family or an agent of the owner or keeper. "At Large" shall not include a hunting dog which, while not on a restraint is subject to the master's command.

CONTROL- Power to manage and direct said dog and is not limited to the physical control of said dog.

COUNTY RESIDENTIAL PROPERTY OWNER – A county residential property owner is any person owning, renting or leasing real estate in Franklin County, Kentucky, outside the corporate limits of the City of Frankfort, Kentucky.

DANGEROUS WEATHER CONDITIONS – those weather conditions, which by excessive heat, cold, precipitation or otherwise, would endanger the life or health of a dog.

DOG – A member of the canine family, and refers to the domestic dog, a member of the species *Canis Lupus Familiaris* or *Canis Familiaris*.

DOG POUND – Any premise designated and operated by the Franklin County Humane Society, Inc.; a small animal shelter.

DOG WARDEN – The Officer employed, appointed and authorized by the Franklin County Fiscal Court to primarily enforce the dog, animal and livestock laws of the Commonwealth and this ordinance.

HARBOR – A dog shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

OWNER – Any person, partnership, or corporation that owns, keeps or harbors a dog referred to herein

PROPER SHELTER - An artificial shelter with sufficient bedding and a minimum of 3 sides, and a waterproof roof, appropriate to the local and existing climatic conditions for the species and breed of the dog as necessary to protect the dog from inclement and or dangerous weather

RESTRAINT – A dog shall be deemed to be restrained if kept upon the premises of its owner or is accompanied by a responsible person off the owner's premises and kept under that persons' control.

~~**CONTROL** – Power to manage and direct said dog and is not limited to the physical control of said dog.~~

~~**AT LARGE** – Shall mean off the premises of the owner or keeper and not under the control of the owner or keeper or members of the owner or keeper's immediate family or an agent of the owner or keeper. "At Large" shall not include a hunting dog which, while not on a restraint is subject to the master's command.~~

~~**HARBOR** – A dog shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.~~

~~**COUNTY RESIDENTIAL PROPERTY OWNER** – A county residential property owner is any person owning, renting or leasing real estate in Franklin County, Kentucky, outside the corporate limits of the City of Frankfort, Kentucky.~~

SECTION II

Every dog kept on the owner's premises and control within the county, outside the corporate limits of Frankfort, Kentucky, shall be restrained.

Un-restrained dogs may be taken by the Dog Warden or any other Peace Officer of this County to the Franklin County Humane Society, Inc., Small Animal Shelter, and there confined

in a humane manner not less than seven (7) days, exclusive of the date of seizure, unless sooner claimed by their owners, custodian, or person entitled to the possession thereof.

If said dog is not claimed within seven (7) days, the dog shall become the property of the Franklin County Humane Society, Inc., for appropriate disposition.

Before any impounded dog is released by the Franklin County Humane Society, Inc., Small Animal Shelter, any owner, custodian or other person entitled to the possession of a dog taken up under this ordinance may claim such animal upon proof that it has been or is licensed in accordance with State Law; and proof that the dog has been inoculated against rabies. In order to claim such animal, a boarding charge is levied by the Franklin County Society, Inc., Small Animal Shelter, and a pick up fee of \$10.00 for each impoundment to be paid to the Franklin County Humane Society, Inc., Small Animal Shelter and payment for rabies inoculation and dog license fee unless proof is shown otherwise.

Any Dog Warden may sell and transfer title to any dog held after the legal detention period provided in the preceding section hereof above has expired.

Such owner, may upon reclaiming the impounded dog, be issued a citation for any violation of this ordinance.

SECTION III

The Dog Warden or any Peace Officer of Franklin County, Kentucky, shall issue to the owner of any dog found off its owner's premises, a citation or criminal complaint giving notice of the charge and violation of this ordinance.

SECTION IV

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

SECTION V

Nuisance: No owner shall fail to exercise proper care and control of a dog he keeps or harbors, so as to prevent the following action by them: Chasing of vehicles; excessive, continuous or untimely barking, howling or helping, so that the emitted sounds are unreasonably loud and disturbing and which are of such a character and testing duration as to disturb the peace and quiet of the neighborhood or to be detrimental to the life and health of any individual; molesting of passers-by; attacking other domestic animals; trespassing upon school grounds; trespassing upon private property; or damaging of property of any nature.

SECTION VI

Vicious dog: It shall be unlawful for any owner to harbor or keep any dog with vicious propensity. It shall be prima facie evidence of viciousness for any dog to bite or attack any person while outside the owner's premises. If the Franklin County Humane Society, Inc., detains or keeps in isolation a dog to determine if said dog has rabies, the owner of said dog shall be liable to the Franklin County Humane Society for boarding fees.

SECTION VII

Humane treatment of dogs: No owner shall fail to provide his dog with good and wholesome food and water; property shelter and protection from ~~the dangerous~~ weather, veterinarian care when needed to prevent suffering, and humane care and treatment.

If any dog is restrained by chain, leash or similar restraint, such chain or restraint shall be designed to prevent the animal from choking, or strangling itself.

No person shall beat, cruelly mistreat or torments, overload, overwork or otherwise chase any dog or cause or permit any dog fight or other combat between animals and dogs.

No owner shall abandon a dog; abandonment consisting of leaving a dog for a period in excess of twenty-four (24) hours without providing for someone to feed, water, and to check on the dog's condition. In the event a dog is found to be abandoned, such dog may be taken by the Dog Warden or other Peace Officer and impounded at the Franklin County Humane Society, Inc., Small Animal Shelter. Such dog if taken from private property, shall be kept for not less than seven (7) days with the same procedure otherwise to be followed as in Section II. In the event a dog is so abandoned, the owner, rather than the person, if any, who is charged with the animal's care, shall be liable for a citation or criminal complaint for violation of this section.

No person shall crop a dog's ears, except by a licensed veterinarian.

SECTION VIII

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

SECTION IX

It shall be unlawful for any person to abandon any dog or cat upon any public place, including the right of way of a public highway or upon the property of another without provision of the care and sustenance of such animal.

PENALTIES

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall upon conviction, be punished by fine of not less than ~~\$25.00~~ 100.00 nor

more than \$~~100.00~~ 250.00, or to be imprisoned for not less than ~~five(5)~~ seven (7) days nor more than ~~sixty (60)~~ ninety (90) days, or both so fined and imprisoned.

If any violation be continuing, each day's violation shall be deemed a separate violation.

CONFLICT WITH EXISTING LAW

In the event any section of this ordinance conflicts with existing State Law, the conflicting section of this ordinance shall be inapplicable to the extent with the conflict. The provisions of this ordinance shall be in addition to any existing State or Local Laws.

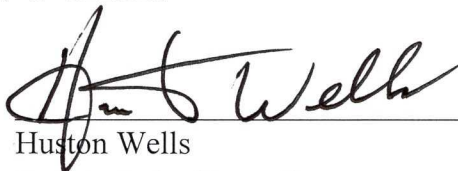
All other ordinances that are in conflict of this ordinance are hereby repealed to the extent of such conflict.

VALIDITY

If any provision of the dog ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this dog ordinance.

INTRODUCED, AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 2 day of February, 2018.

GIVEN SECOND READING AND ADOPTION at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 22 day of February 2018, and of record in Fiscal Court Order Book 28, page 283.



Huston Wells
County Judge/Executive

Attested To:



Pamela Harwood
Fiscal Court Clerk