

LYON COUNTY KENTUCKY

DOMESTIC ANIMALS

ORDINANCE NO. 15-05

AN ORDINANCE IMPOSING REQUIREMENTS FOR THE PROVISION OF BASIC NECESSITIES FOR DOMESTIC DOGS, CATS AND HORSES AND SETTING FORTH IMPOUNDMENT PROCEDURES FOR ANIMALS FOUND IN VIOLATION THEREOF.

WHEREAS, Lyon County, Kentucky recognizes the importance of providing guidelines for the provision of necessities for domestic animals by their owners;

WHEREAS, Lyon County, Kentucky desires to provide additional requirements for the ownership of domestic animals not contained within Kentucky Revised Statutes;

WHEREAS, Lyon County, Kentucky desires to provide authority to the county's Animal Control Officer to seize and impound domestic animals found in violation of these provisions; and

WHEREAS, Lyon County, Kentucky desires to establish policy for the treatment of animals impounded by the Animal Control Officer.

NOW THEREFORE BE IT ORDAINED BY THE LYON COUNTY FISCAL COURT:

SECTION I – DEFINITIONS AND APPLICABILITY

1. DEFINITIONS

- a. As used in this Ordinance, unless the context requires otherwise, definitions as set forth in KRS §258.005, KRS §258.095 and KRS §446.010 shall apply.

2. APPLICABILITY

- a. The conditions, requirements and penalties set forth herein shall apply only to domestic dogs, cats and horses.

SECTION II – HUMANE TREATMENT OF ANIMALS

1. PROVISION OF NECESSITIES.

- a. No owner shall fail to provide his/her animal with 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 unreasonable accumulation of such waste or debris.

2. 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 Ordinance and checking on the animal's condition. No person 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.
- b. In the event that an animal is found so abandoned, such animal may be taken by an Animal Control Officer or peace officer and impounded. Such animal, if taken from private property, shall be kept for not less than seven days, 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 for any violation of this Ordinance.
- 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 Animal Control Officer.

Section III – IMPOUNDMENT AND RECLAIMING

1. IMPOUNDMENT AUTHORIZED; EUTHANASIA OF UNCLAIMED ANIMALS.

- a. Animals existing or kept in violation of this Ordinance shall be taken by the Animal Control Officer or peace officer, impounded in the animal shelter and there confined in a humane manner. However, if after a reasonable effort the seizure of any such unrestrained animal cannot be made and the animal presents a hazard to public safety or property or has an injury or physical condition which causes the animal to suffer, the Animal Control Officer or peace officer may immediately destroy the animal by the most reasonable and humane means then available.
- b. Impounded dogs or owned cats shall be kept for not less than seven days (or any state-mandated holding period), unless reclaimed by their owners. If the owner can be identified by means of a license tag or otherwise, the Animal Control Officer shall immediately notify the owner by the most expedient means available of the impoundment of the animal. Animals not reclaimed by their owners within the established time periods and those not placed in suitable new homes after such time, may be humanely euthanized. However, if an impounded animal has an injury or physical condition which causes the animal to suffer, the Animal Control Officer may immediately cause the animal to be humanely euthanized.

2. RECLAIMING IMPOUNDED ANIMAL.

- a. Every owner reclaiming an impounded animal which is subject to the terms of this chapter shall pay all redemption fees, including, but not limited to, fees incurred by Lyon County for the impoundment, treatment and care of the animal.
- b. Any dog, cat or horse impounded under this chapter shall not be reclaimed unless the Animal Control Officer approves the reclamation following abatement by the animal owner of the condition causing the animal's impoundment.

SECTION IV – INTERFERENCE WITH ENFORCEMENT PROHIBITED.

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

SECTION V – ISSUANCE OF CITATIONS; VIOLATION NOTICES.

- 1. In addition to, or in lieu of impounding an animal for any violation of this chapter, the Animal Control Officer or peace officers may issue a citation to the owner of such animal specifying the section or sections of this Ordinance so violated and identifying the specific nature of the violation. Such citation shall impose upon the owner the obligation of appearance to answer the charges specified in the citation in the Lyon County District Court at the time and place indicated on the citation.
- 2. Where violations of this chapter are observed, any Animal Control Officer or peace officer may issue a violation notice in lieu of a uniform citation. The violation notice will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the violation notice is issued waives all rights to protest such violation and waives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to Lyon County Fiscal Court. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of a uniform citation.

SECTION VI --PENALTY.

- 1. Any person violating any of the provisions of this ordinance shall be deemed guilty of Violation punishable by a fine not to exceed \$250. Each day a violation continues shall constitute a separate offense.
- 2. In addition to any penalties and/or stipulations imposed, anyone convicted of violations of this Ordinance shall also be required to relinquish ownership of the animal(s) to the Animal Control Officer immediately upon that conviction.
- 3. Notwithstanding any other provision of this Ordinance, 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.

SECTION VII – 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.

SO ORDAINED BY THE LYON FISCAL COURT THIS 13 DAY OF Aug., 2015

Date of First Reading: 8/13/15

Motion by: Wade White

Seconded by: Bobby Cummins

Vote:

<u>yes</u>	Wade White	✓
<u>yes</u>	Steve Cruce	✓
<u>yes</u>	Bobby Cummins	✓
<u>yes</u>	Danny Walker	✓

Date of First Publication:

Date of Second Reading and Passage: 9/10/15

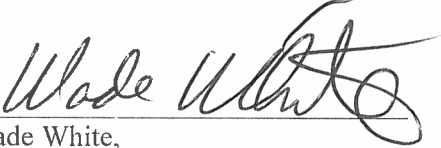
Motion by: Wade White

Seconded by: Danny Walker

Vote:

<u>yes</u>	Wade White	✓
<u>yes</u>	Steve Cruce	✓
<u>Absent</u>	Bobby Cummins	✓
<u>yes</u>	Danny Walker	✓

Date of Second and Final Publication: 9/10/15



Wade White,
Lyon County Judge/Executive

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