

DRAFT

OAK GROVE, KENTUCKY ORDINANCE NO. 2017-04

AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS WITHIN THE CITY OF OAK GROVE FOR THE PROTECTION OF THE PUBLIC AND FOR THE ANIMALS THEREIN AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS SET FORTH.

NOW, THEREFORE, be it ordained by the City Council of the City of Oak Grove, Kentucky as follows:

SECTION 1. DEFINITIONS. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Owner” Every person having a right or property in the animal or fowl and every person who keeps or harbors the animal or fowl or has it in his care, or permits it to remain on premises owned or occupied by him. KRS. 8.12.010;

“Animal” Any living creature;

“Livestock” Horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares or rabbits;

“Poultry” All domesticated fowl and all game birds which are legally kept in captivity;

“Pet Rodents” Hamsters, gerbils, woodchucks, mice or similar rodents which are kept as domesticated or tamed animals and kept caged and indoors at all times;

“Pet Birds” Any tamed or domesticated bird kept caged and indoors at all times;

“Kennel” Any person, partnership or corporation maintaining an establishment where animals of any species are kept for purpose of breeding, buying, selling, showing or boarding such animals or engaged in the training of dogs for any reason, and which establishment is so constructed that the animals cannot stray therefrom;

“Animal Shelter” Any Premises designated and operated by the Fiscal Court of Christian County or the City of Oak Grove for the purpose of impounding and caring for animals held under authority of this ordinance;

“Animal Control Officer” shall mean an employee of the city, designated by the city to administer and enforce the licensing, inspection and enforcement requirements contained within these regulations;

“Veterinarian” a licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Industry, United States Department of Agriculture.

“Veterinary Hospital” Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals or for the boarding of animals;

“Vaccination” the injection by a Veterinarian or other qualified person of vaccine approved by and administered in accordance with the regulations of the Kentucky Board of Health;

“Restraint” An animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person and under that person’s control;

SECTION 2. CRUELTY TO ANIMALS.

- (A) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly.
 - (1) Subjects any animal to or causes cruel or injuries mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit, (including, but not limited to being a spectator or vendor at an event where a four-legged animal is caused to fight for pleasure or profit) mutilation, beating, tutoring, tormenting, failing to provide adequate food, drink, space, adequate shelter from the elements or health care, or by any other means;
 - (2) Subjects any animal in his custody to cruel neglect; or
 - (3) Kills any animal.
- (B) Nothing in this section shall apply to the killing of animals:
 - (1) Pursuant to a license to hunt, fish or trap;
 - (2) Incident to the processing as food or for other commercial purposes;
 - (3) For human purposes;
 - (4) For any other purposes authorized by law.

DOMESTIC ANIMALS

SECTION 3. DOGS AND CATS TO BE VACCINATED AGAINST RABIES.

Every dog or cat owner who resides within the city limits shall have his dog or cat initially vaccinated by the age of four months and revaccinated against rabies at the expiration of the immunization period as certified by the veterinarian. Vaccination requirement, see KRS 258.015

SECTION 4. DOGS AND CATS TO BE LICENSSED.

Every person who owns a dog or cat that is six months old or older and resides within the city limits shall apply to the Police Department for a license for each dog or cat owned or kept by him. KRS 258.135

SECTION 5. LIMITATION ON NUMBER OF DOGS OR CATS.

It shall be unlawful to keep at any one residence within the city limits more than four dogs or cats, or a combination of the same; however, a two-month grace period shall be allowed for the disposition of litters.

- (A) Every female dog in heat shall be confined in a building or secure enclosure in such a manner that the female dog cannot come in contact with a male dog except for a planned breeding.
KRS 258-255

SECTION 6. HUMANE TREATMENT OF ANIMALS.

No owner shall fail to provide his dog or cat, water, food, shelter or veterinary care to prevent suffering and humane care and treatment. Any owner of a dog or cat shall maintain a clean shelter and living area, which shall be kept free of accumulated waste so that the animal shall be free to walk or lie down without coming into contact with waste. If any dog is tethered, it shall be by trolley or swivel system designed to prevent choking or tangling using a collar adjusted to fit the dog. The tether shall not be less than ten (10) feet in length. No animal shall be tethered to a fixed point for longer than 12 hours in a 24 hour period.

- (A) Adequate food means, the provision of foodstuff that is uncontaminated, wholesome, palatable and of sufficient quality and nutritive value to maintain normal condition and weight of the animal. Food shall be provided at suitable intervals or at least once a day, unless restricted by a veterinarian.
- (B) Adequate shade, for dogs, means one or more separate outside areas of shade, large enough to contain all dogs at one time and to protect them from the direct rays of the sun. A doghouse shall not constitute adequate shade. For all other animals that, as determined by species, require shade, adequate shade means one or more outside areas of shade large enough to protect all animals present from the direct rays of the sun.
- (C) Adequate shelter for dogs, means an appropriate, durable, enclosed, permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with a roof, four sides, and a raised floor at least two (2) inches above the ground and constructed in a manner to protect a dog's feet and legs from injury, with dimensions appropriate for breed and size. The shelter shall provide the dog adequate protection and shelter from heat and cold and from the direct effect of wind, rain, snow, and be of proportional size to allow the natural body heat of the dog to be retained in cold weather. The shelter must have an entry-way to allow the dog to easily enter and exit. The shelter shall have a sufficient amount of clean bedding to keep the dog warm and dry. Metal or plastic drums shall not be considered shelter. For all other animals, adequate shelter means an appropriate structure that provides the animal adequate protection and shelter, as determined by the animal's species, from the heat and cold and from the direct effect of wind, rain and snow.
- (D) Adequate water means that a constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, which is provided in a sanitary manner.
- (E) No person shall fail to remove any excrement deposited by any dog, cat or other animal under his or her control on public property or private property of another absent the consent of the owner or occupant of the property.

SECTION 7. ABANDONING DOMESTIC ANIMALS PROHIBITED.

It shall be unlawful for any person to abandon a dog, cat, or other domestic animal upon the streets of the city for the purpose of severing ownership with the animal.

SECTION 8. LEASH OR RESTRAINT REQUIRED.

No owner or keeper of any dog, cat, or other domestic animal shall permit or cause the animal to be off the premises of the owner or keeper unless the animal is on a leash or other physical restraint.

SECTION 9. IMPOUNDEMENT OF UNRESTRAINED ANIMALS.

The Animal Control Officer of the city is empowered and directed to apprehend and impound any dog, cat, or other domestic animal found unrestrained within the city limits; provided, however, the Animal Control Officer shall not enter upon the premises of the owner of any dog, cat, or other domestic animal for the purpose of apprehending and/or impounding such animal.

SECTION 10. DISPOSITION/DESTRUCTION AND RECLAMATION OF IMPOUNDED ANIMAL

Any dog, cat, or other domestic animal picked up and impounded by the City Animal Control Officer shall be turned over to the Christian County Animal Shelter. KRS 258.195 and KRS 258.215.

LIVESTOCK AND FOWL

SECTION 11. LIVESTOCK PROHIBITED IN CITY, EXCEPTIONS.

It shall be unlawful for any person to keep or allow to be kept, cattle, horses, sheep, goats, swine or poultry of any kind in any residentially zoned district within the city limits except as may be permitted by any applicable city zoning law.

(A) Exceptions pertaining to poultry. The keeping of poultry may be permitted subject to the following restrictions, prohibitions, and conditions.

- (1) The keeping of domesticated hens (female chickens) shall be allowed in residentially zoned districts.
- (2) Other types of fowl and poultry, such as ducks, geese, guinea, quail, pigeons or turkeys shall not be considered domesticated hens.
- (3) Roosters shall be prohibited. Breeding of permitted hens shall be prohibited on property premises. On-site slaughtering is prohibited.
- (4) All domesticated hens shall be kept outside of a habitable structure in a fenced chicken enclosure (chicken run), and a portion of the chicken enclosure must include a covered coop structure (henhouse). The chicken coop shall provide at least two (2) square feet per chicken and shall not exceed fifty (50) square feet. The chicken enclosure shall provide at least six (6) square feet per bird, and the enclosure shall also include the coop within the closure, and the entire enclosure shall not exceed a total of four hundred (400) square feet. The maximum height off the coop shall be no more than ten (10) feet at the highest point as measured from the ground directly beneath the highest point of the coop. The enclosure and the coop shall be located in

- the rear of the property ten (10) feet away from any side property line. The lot area for keeping domesticated hens shall be a minimum of twelve thousand (12,000) square feet. The coop shall be covered and enclosed on all sides. The enclosure shall be open to the air above, or the enclosure may be covered by a permeable material approved by the department of building and codes. A maximum of six (6) chickens may be permitted on any parcel or tract of property that meet the guidelines as stated above.
- (5) Any food storage shall be kept in airtight, predator proof and weather proof containers.
 - (6) There shall be a one-time application fee of twenty-five dollars (\$25.00) for any person applying for a chicken permit. As part of the permit process and at the time of the permit application, the applicant shall provide a site drawing showing the location of the proposed chicken enclosure and the chicken coop in relationship to the applicant's real property line boundaries. Final permit approval shall be subject to inspection of the completed structure by the Animal Control Officer or Code Enforcement Officer of the City of Oak Grove.
 - (7) The permit applicant must own and occupy the property for which the permit is applied. The permit cannot be transferred or assigned to any other person. A permit shall expire upon sale or other transfer of the property, or if the permit holder ceases to reside at the property for which the permit was granted.
 - (8) A permanent screening buffer shall be required. The screening buffer shall be located no closer than the minimum front yard setback of the applicant's property. This permanent screening buffer may be a fence, shrubbery or other similar structure or plant.
 - (9) The chicken coop enclosure shall be well maintained and regularly cleaned to control dust, odor and waste, in order to not constitute a nuisance, safety hazard or health problem to surrounding properties. As part of proper maintenance, the permit holder must remove any chicken waste on a regular basis, at least biweekly, and dispose of it in a proper manner. Chicken waste includes excrement, uneaten feed, feathers or other waste items. If the enclosure and coop are not properly maintained and results in the occurrence of a nuisance, the Animal Control Officer or the Code Enforcement Officer may treat the nuisance as any other nuisance pursuant to existing law, regardless if the permit holder has an otherwise valid permit.
 - (10) Any permit may be revoked upon any finding of any violation by any person of any provisions herein.

SECTION 12. RUNNING AT LARGE PROHIBITED.

- (A) It shall be unlawful for any owner or person in charge of livestock to permit or allow such animals to run at large within the city limits.
- (B) It shall be unlawful for any person, firm, or corporation raising or keeping chickens, to allow the fowl to run at large within the city limits, or to keep them in any place not enclosed or where the fowl can trespass on any other property in the possession of any person other than the owner of the fowl.
- (C) No person shall keep within the city limits any animal which by reason of frequent or continual noise or unsanitary conditions, disturbs the peace, comfort or health of neighbors.

SECTION 13. CITATION FOR VIOLATIONS.

The Animal Control Officer of the city, if he has attained the status of a peace officer as defined in KRS 446.010 (24), and any police officer of the city is authorized and empowered to issue citations for violations of this chapter, but this section is not to be construed to empower the Animal Control Officer to make physical arrest or to give him the general arrest power of a peace officer.

- (1) It shall be unlawful for any peace officer or animal control officer to refuse to perform his duties under the provisions of this chapter.
- (2) It shall be unlawful for any person to interfere with any peace officer or animal control officer, or agent in the enforcement of this chapter. KRS 258-225

SECTION 14. PENALTY.

- (A) Any person convicted of a violation of Section 2 shall be guilty of a misdemeanor and shall be punished with a fine not to exceed \$500.00 (five hundred dollars) and/or imprisonment of up to 12 months.
- (B) Violation of Section 3 through 7 shall be deemed a misdemeanor, and any person, firm or corporation violating any of the provisions of Section 3 through 7, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$100.00, plus court costs incurred in the Christian County District Court for a first offense; the second offense for violation of Section 3 through 7 shall be a fine of not less than \$50.00 nor more than \$100.00 plus court costs; and for a third offense and each subsequent offense thereafter shall be fined not less than \$100.00 plus court costs.
- (C) Any person, firm or corporation receiving a citation for violations from the Animal Control Officer, if he has attained the status of a peace officer as defined in KRS 445.010 (24) or any police officer of the city may at the option of the person, firm, or corporation receiving the citation, for the first offense pay a fine of \$10.00, provided the fine is paid within the time specified on the citation; for the second offense the fine shall be \$25.00, and for the third and any subsequent offense, the minimum fine shall be \$25.00. In the event a person, firm or corporation receiving the citation from the Animal Control Officer does not make a payment within the time limit specified on the citation, then the citation shall be prosecuted in the Christian County Court.
- (D) Violation of Section 13 or 14 shall be deemed a misdemeanor, and any person, firm or corporation thereof, shall be fined not less than \$10.00 nor more than \$100.00 for each and every offense, plus court costs incurred in the Christian District Court. Any person receiving a citation for these violations from the Animal Control Officer, if he has attained the statute of peace officer as defined in KRS 445.010 (24), or a police officer of the city, may at the option of the person receiving the citation, pay a fine of \$10.00 at the Police Department, provided, however, that the fine is paid within the time limit specified on the citation.

UNCONSTITUTIONALITY

Any and all existing ordinances inconsistent with this ordinance are hereby repealed. Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.

EFFECTIVE DATE

This Ordinance shall become effective as of its first reading and publication.

APPROVED ON FIRST READING THIS ____ DAY OF _____, 2017.
APPROVED ON SECOND READING THIS ____ DAY OF _____, 2017.

ATTEST:

THERESA JARVIS
Oak Grove City Clerk

BEA BURT
Mayor, City of Oak Grove