

**OAK GROVE, KENTUCKY
ORDINANCE NO. 2020-05**

A **SUMMARY** OF AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS, FOR THE PROTECTION OF THE PUBLIC AND THE ANIMALS 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. Provides definitions for the ordinance.

SECTION 2. CRUELTY TO ANIMALS IN THE SECOND DEGREE -- EXEMPTIONS -- OFFENSE INVOLVING EQUINES. KRS 525.130

(1) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

(a) Subjects any animal to or causes cruel or injurious 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 (4) legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means; adequate food, drink, space, or health care, or by any other means;

(b) Subjects any animal in his custody to cruel neglect; or

(c) Kills any animal other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(2) Nothing in this section shall apply to the killing of animals:

(a) Pursuant to a license to hunt, fish, or trap;

(b) Incident to the processing as food or for other commercial purposes;

(c) For humane purposes;

(d) For veterinary, agricultural, or spaying or neutering or cosmetic purposes;

(e) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races or organized horse shows; or other animal shows;

(f) For bona fide animal research activities of institutions of higher education; or a business entity registered with the United States Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;

(g) In defense of self or another person against an aggressive or diseased animal;

(h) In defense of a domestic animal against an aggressive or diseased animal;

(i) For animal or pest control; or

(j) For any other purpose authorized by law.

(3) Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife shall not constitute a violation of this section.

(4) Cruelty to animals in the second degree is a Class A misdemeanor.

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 vaccinated against rabies.

SECTION 4. DOGS AND CATS TO BE LICENSED.

Every person who owns a dog or cat that is four months old or older and resides within the city limits shall apply to City Hall for a license for each dog or cat owned or kept by him, City tags are renewable annually and have a fee of \$5. Owners of dogs and cats must keep a collar with the tag on the animal. City tags may also be purchased at the animal shelter.

SECTION 5. FEMALES IN HEAT AND FOSTERING OF STRAYS

Every female dog in heat shall be confined in a building so that the female dog cannot come in contact with a male dog except for a planned breeding. Fostering of a stray dog or cat found in the city limits is allowed if the stray has been reported to and logged by the Animal Control Officer All efforts must be made to find the owner.

SECTION 6. HUMANE TREATMENT OF ANIMALS.

No owner shall fail to provide for any animal owned by him or her water, food, shelter or veterinary care. Adequate shade for dogs requires shade large enough to contain all dogs at one time. Adequate shelter for dogs means an appropriate structure manufactured to serve primarily as an outdoor dog shelter. For all other animals, adequate shelter means an appropriate structure that provides the animal adequate shelter, as determined by the animal's species. Adequate water means constant access to a supply of clean, water.

If any animal is tethered, it shall be by trolley or swivel system designed to prevent choking or tangling using a collar adjusted to fit the animal and shall not be less than 10 feet in length. There shall be no tethering in weather under 32 degrees or above 90 degrees, to include the heat index, or during tornado warning or other extreme conditions. There shall be no tethering from 10 p.m. to 6 a.m. except for 15-minute intervals for a bathroom break. No animal shall be tethered by a prong collar or logging chain, nor should the chain weigh more than 1/8 of the animal's body weight. Puppies under the age of 6 months should not be tethered.

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. RUNNING AT LARGE PROHIBITED.

No owner of a dog shall allow the animal to be off his or her premises unless it is on a leash. No owner of livestock, fowl or domesticated animals to permit or allow such animals to run at large. This does not apply to cats.

SECTION 9. IMPOUNDMENT OF UNRESTRAINED ANIMALS.

The Animal Control Officer may impound any dog, cat, or other domestic animal found unrestrained within the city limits. Any animal picked up by the officer will be turned over to the Christian County Animal Shelter. There is a \$10 fee per animal shall for the transportation of any animal to the Christian County Animal Shelter that has been released by the owner. There is a \$25 fee for 3 or more animals released by the owner. There is a \$15 kennel fee for animals housed in the city kennel. Animals transported as a stray to the Christian County Animal Shelter has a fee of \$10. The owner is responsible for all fees, even if the animal is not reclaimed.

Peace officers or animal control officers may seize any dog which does not wear a valid tag which is found running at large. Any dog seized shall be impounded in the animal shelter. If the seizure of an unrestrained dog cannot be made, or the dog presents a hazard to public safety or property or has an injury which causes the dog to suffer, the animal control officer or peace officer may immediately destroy the dog by the most reasonable and humane means then available.

SECTION 10. QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES.

Health officers have the authority to quarantine animals suspected of having rabies. A health officer may order an animal to be destroyed and tested for rabies.

SECTION 11: NUISANCE.

No person shall keep within the city limits any animal which disturbs the peace, comfort or health of neighbors.

SECTION 12: VICIOUS ANIMALS.

Any dog which attacks or bites or has attacked or bitten a human or domesticated animal shall be seized by the Oak Grove Animal Control Officer or Oak Grove Police Officer and housed at the Christian County Animal Shelter.

SECTION 13. LIVESTOCK PROHIBITED IN CITY, EXCEPTIONS.

No person may keep any livestock within the city unless the animal is kept within an enclosure of not less than 1 acre per animal, or to maintain or keep any stall or enclosure for the animals within 200 feet of any dwelling house, except the dwelling house of the owner of the animals. All pens and stables must be sanitary and may be inspected by the county's health officer.

Domesticated hens are allowed provided that the chicken coop meets the requirements of this ordinance, with sufficient size for the number of animals kept. A one-time application fee of five dollars for a chicken permit is required. 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. The permit cannot be transferred.

SECTION 14. CITATION FOR VIOLATIONS.

Animal control officers and police are authorized to issue citations for violations of this ordinance.

SECTION 15. PENALTY.

- (A) Any person convicted of a violation of section two (2) shall be guilty of a misdemeanor and shall be punished with a fine not to exceed (five hundred dollars) \$500.00 and/or imprisonment of up to twelve (12) months.
- (B) Violation of section three (3) through fourteen (14) shall be deemed a violation, and any person, firm or corporation violating any of the provisions of section three (3) through twelve (12), upon conviction thereof, shall be subject to a fine. A first offense under this chapter shall result in a fine of not greater than \$50 plus court costs incurred in the Christian County District Court. A second offense shall result in a fine of not greater than \$100 plus court costs. All other offenses shall result in a fine of not greater than \$200 plus court costs. Each day's continued violation shall constitute a separate offense.
- (C) Any person, firm or corporation receiving a citation for violations of sections three (3) through fourteen (14) from the Animal Control Officer, 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 twenty five dollars (\$25.00), provided the fine is paid within the time specified on the citation; for the second offense the fine shall be fifty dollars (\$50.00), and for the third and any subsequent offense, the minimum fine shall be one hundred dollars (\$100.00). 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 District Court.

Approved on first reading this 5 day of May, 2020.

Approved on second reading this 19 day of May, 2020.

APPROVED:

Theresa Jarvis, Mayor
City of Oak Grove

ATTEST:

Angela Comperry, City Clerk
City of Oak Grove

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PREPARED BY:

Mark A. Gilbert

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