

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

AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS WITHIN THE CITY OF OAK GROVE FOR THE PROTECTION OF THE PUBLIC AND 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:

“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.

“Attack” means a dog’s attempt to bite, or successful bite, of a human being. This definition shall not apply to a dog’s attack of a person who has illegally entered or is trespassing on the dog owner’s property in violation of KRS 511.060, 511.070, 511.080 or 511.090.

“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.

“Cat means any domestic feline three (3) months of age or older.

“Dog” means any domestic canine, six (6) months of age or older.

“Designated license facility” means any person, facility, or business of the governing body of the city or county to collect license fees under KRS 258.135.

“Euthanasia” means the act of putting an animal to death in a humane manner by methods specified as acceptable for that species by the most recent report of the American Veterinary Medical Association Panel on Euthanasia, subject to the requirements provided by KRS 258.505.

“Fostering.” To provide temporary care and shelter for dogs and cats who need to live in a home environment prior to adoption.

“Health Officer” shall mean an employee of the Christian County Health Department charged with the enforcement of health and sanitation laws.

“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;

“Livestock.” Horses, stallions, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, pigs, hogs of any kind, kids and swine;

“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.

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

“Property” means anything of value, including real estate, tangible and intangible personal property, contract rights, documents, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink.

“Quarantine” means the confinement of an animal for observation of clinical signs of illness indicating rabies infection, and the prevention of escape or contact with any person or other animal.

“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 physical control;

“Service Animal,” defined by Title II and Title III of the ADA under federal civil rights laws, means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

“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;

“Vicious dog” means any individual dog that has attacked or bitten a human or domesticated animal or has been declared by a court to be a vicious dog.”

**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.

(5) If a person is convicted of or pleads guilty to an offense under subsection (1) of this section arising from the person's treatment of an equine, the court may impose one (1) or both of the following penalties against the person, in addition to fines and imprisonment:

(a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or

(b) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.

If a person's ownership interest in an equine is terminated by a judicial order under paragraph (b) of this subsection, the court may order the sale, conveyance, or other disposition of the equine that was the subject of the offense resulting in conviction.

## **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. KRS 258.015

### **SECTION 4. DOGS AND CATS TO BE LICENSED.**

(1) 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, see KRS 258.135. City tags are renewable annually from July 1<sup>st</sup> to June 30<sup>th</sup> upon payment of a license fee of \$5.

(2) Every dog or cat owner shall be required to provide each dog and cat with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn on the dog and cat.

(3) A tag shall not be transferable from one dog or cat to another.

(4) If there is a change of owners of a dog or cat, the new dog or cat owner must purchase a new license.

(5) It is against KRS 258.212 to tamper with or remove the animal's identification.

(6) City tags may also be purchased at Oak Grove City Hall or the Christian County Animal Shelter. The proceeds from city tags purchased at the Christian County Animal Shelter will be donated to the Christian County Animal Shelter.

Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense.

## **SECTION 5. FEMALES IN HEAT AND FOSTERING OF STRAYS**

- (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. See KRS 258.255
- (B) Fostering of a stray dog or cat found in the city limits shall be allowed if the stray has been reported to and logged by the Animal Control Officer and may be licensed after 30 days. All efforts must be made to find the owner regardless of the condition of the animal. If the owner is found, a welfare check may be requested.

Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense.

## **SECTION 6. HUMANE TREATMENT OF ANIMALS.**

No owner shall fail to provide for any animal referenced in this ordinance owned by him or her, water, food, shelter or veterinary care to prevent suffering and humane care and treatment. Any such owner 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.

- (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 kept outside of a primary residence, 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 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.
- (F) Tethering. 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 ten (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.

Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense.

## **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.

Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense.

## **SECTION 8. RUNNING AT LARGE PROHIBITED.**

No owner or keeper of any dog 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. Cats shall not be subject to the leash requirement but it shall be mandatory for all indoor/outdoor cats to be spayed or neutered.

(A) It shall be unlawful for any owner or person in charge of livestock or domesticated animals to permit or allow such animals to run at large within the city limits. This provision shall not apply to cats.

(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.

Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense

## **SECTION 9. IMPOUNDMENT 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.

- (A) 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; KRS 258.215). At the discretion of the animal control officer, dogs and cats may be temporarily housed at the Oak Grove Kennels. Impounded animals may be released by the Animal Control Officer if the owner is found and ownership is established.
- (B) A ten dollar (\$10) fee per animal shall be paid to the City of Oak Grove for the transportation of any animal to the Christian County Animal Shelter that has been released by the owner. A transportation fee of twenty-five dollars (\$25) shall be paid for 3 or more animals released by the owner.
- (C) A fifteen dollar (\$15) kennel fee shall be paid to the city for any animal temporarily housed in the city kennel.
- (D) Peace officers or animal control officers shall seize and impound any dog which does not wear a valid rabies tag or other legible identification which is found running at large. Any dog which an officer or animal control officer seizes shall be impounded in the designated animal shelter of the county and confined in a humane manner. If, after a reasonable effort, the seizure of an unrestrained dog cannot be made, or the dog presents a hazard to public safety or property or has an injury or physical condition 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.
- (E) The owner of an impounded animal is responsible for all fees associated with the impoundment of the animal. If the owner can be identified, the fees are due even if the owner does not reclaim the animal.
- (F) If an animal is transported as a stray to the Christian County Animal Shelter, a transportation fee of \$10 shall be paid to the City of Oak Grove.

## **SECTION 10. QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES. KRS 258.085**

- (A) A health officer or his agent shall have the authority to quarantine for a period not to exceed:
  - (1) One hundred eighty (180) days any animal bitten by another animal known or suspected to have rabies;
  - (2) Ten (10) days any dog or cat which has bitten a human being; or
  - (3) Ten (10) days any dog or cat which exhibits symptoms of rabies.

- (B) In lieu of the quarantine provided in Paragraph (A) of this subsection, a health officer or his agent may order an animal to be destroyed and tested for rabies.
- (C) If a wild or exotic animal bites a human being or exhibits symptoms of rabies, that animal shall be destroyed and tested for rabies.
- (D) Service animals, as defined in KRS 258.010, and service animals in training, that are vaccinated in accordance with KRS 258.015, and are under the control of a law enforcement agency, and are acting in the line of duty, shall be exempt from the quarantine described in paragraph (A) (2) of this subsection.

Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense.

### **SECTION 11: NUISANCE.**

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. At the discretion of the Oak Grove Animal Control Officer, dogs and cats may be temporarily housed at the Oak Grove kennels.

Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense.

### **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.

Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense.

## **LIVESTOCK AND FOWL**

### **SECTION 13. LIVESTOCK PROHIBITED IN CITY, EXCEPTIONS.**

It shall be unlawful for any person to keep or maintain any horse, cow, goat, sheep, pig, poultry or other livestock within the city unless the animal is kept within an enclosure of not less than one (1) acre per animal, or to maintain or keep any stall or enclosure for the animals within two-hundred (200) feet of any dwelling house, except the dwelling house of the owner of the animals. All pens, stables and enclosures permitted to be kept in the city shall be kept in a clean and sanitary condition and shall be open to inspection by the county's health officer.

(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 animals.

(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. The chicken enclosure shall provide at least six (6) square feet per bird, and the enclosure shall also include the coop within the closure. The enclosure and the coop shall be located in the rear of the property ten (10) feet away from any side residence. 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.

(5) Any food storage shall be kept in airtight, predator proof and weatherproof containers.

(6) There shall be a one-time application fee of ~~twenty-five dollars (\$25.00)~~ five dollars (\$5.00) 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 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.



Penalty: A first offense under this chapter shall result in a fine of not greater than \$50. A second offense shall result in a fine of not greater than \$100. All other offenses shall result in a fine of not greater than \$200. Each day's continued violation shall constitute a separate offense.

#### **SECTION 14. CITATION FOR VIOLATIONS.**

The Animal Control Officer of the city, and any Police Officer of the city is authorized and empowered to issue citations for violations of this ordinance, 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 Police Officer.

- (A) It shall be unlawful for any police officer or animal control officer to refuse to perform his duties under the provisions of this chapter.
- (B) It shall be unlawful for any person to interfere with any Police Officer or Animal Control officer, or agent in the enforcement of this chapter.

#### **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 fourteen (14), 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. The provisions of this chapter may be enforced by the Oak Grove Code and Nuisance Board or in the alternative, the Christian District Court, as a misdemeanor and/or a violation. The decision on whether the ordinance shall be enforced shall be at the city's discretion. An appeal from the final order of the Oak Grove Code and Nuisance Board finding a violation of this ordinance may be made to the Christian District Court within 30 calendar days of the day the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order and in the same manner as civil action under the Kentucky Rules of Civil Procedure. If no appeal from

the final order of the Code Enforcement and Nuisance Board is filed within 30 days time period, the Code Enforcement and Nuisance Board order shall be deemed final for all purposes.

**SECTION 16. 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.

**SECTION 17. EFFECTIVE DATE**

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

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

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

APPROVED:

\_\_\_\_s/\_\_\_\_\_  
Theresa Jarvis, Mayor  
City of Oak Grove

ATTEST:

\_\_\_\_s/\_\_\_\_\_  
Angela Comperry, City Clerk  
City of Oak Grove

*Published in the Kentucky New Era the 17 day of June, 2020.*