

COMMONWEALTH OF KENTUCKY
HENRY COUNTY FISCAL COURT
ORDINANCE NO. # _____

AN ORDINANCE AMENDMENT REPEALING AND REPLACING ORDINANCE NO. 94-8-1
AND ESTABLISHING A COMPREHENSIVE COUNTY DOG LICENSING AND ANIMAL
CONTROL ORDINANCE.

WHEREAS, Henry County Fiscal Court enacted Ordinance No. 94-8-1 in August of 1994 and only having one (1) amendment to said Ordinance in July 2012; and

WHEREAS, Henry County Animal Control Committee having met and purposed to amend and update Ordinance No. 94-8-1 to establish a more comprehensive ordinance addressing animal control, licenses, confinement, treatment and penalties thereof.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY
OF HENRY, COMMONWEALTH OF KENTUCKY, THAT:

SECTION I - DEFINITIONS

As used in this ordinance, the following terms shall mean:

- (a) **ANIMAL:** Any living domesticated, vertebrate creature, including livestock, poultry, pet rodents, pet birds, and pet reptiles.
- (b) **ANIMAL DEALER:** Any person, partnership, or corporation engaging in the business of buying and/or selling any animal or animals for the purpose of resale to pet shops, research facilities, another animal dealer, or individuals, including the sale of any animal from a roadside stand, booth, flea market, or other temporary site.
- (c) **ANIMAL CONTROL OFFICER:** The official designated by the Judge-Executive to be in charge of the Animal Shelter and the primary enforcement officer for Henry County of the sections of this ordinance and the state laws regulating animals and owners of animals. As used in this ordinance, the term also includes the agents and employees of the Animal Control Officer, hereinafter designated as ACO.
- (d) **ANIMAL SHELTER:** Any premises designated and operated by the Fiscal Court of the County for the purpose of impounding and caring for animals held under authority of this ordinance.
- (e) **APPROVED RABIES VACCINE:** Any vaccine approved by the American Veterinary Association of Kentucky Department of Health and Human Resources and found effective in protecting an animal from contracting rabies.
- (f) **AT LARGE:** An animal shall be deemed to be at large if the animal is not on the property of its owner nor under the immediate control of a responsible adult.
- (g) **CARETAKER:** Any person or organization who participates in TNR and/or who regularly provides care to a community cat.
- (h) **CAT:** Any feline four months of age or older.

- (i) **COMMUNITY CAT:** Any cat or kitten that has no apparent owner or identification and is free-roaming.
- (j) **DOG:** Any domestic canine four months of age or older.
- (k) **DOMESTIC:** Any owned animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild and any animal which may be vaccinated against rabies with an approved rabies vaccine and any animal which has an established rabies quarantine observation period.
- (l) **EAR TIPPING:** The removal of the 1/4 inch tip of a community cat's ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated against rabies at least once. Caregivers must make every effort to booster the rabies vaccination as per the manufacturer's instructions.
- (m) **EXOTIC SPECIES:** Any animal not indigenous to the United States and not ordinarily tame and which is by nature an animal that lives apart from human beings.
- (n) **FERAL:** Any domesticated species which has reverted to living in a wild state.
- (o) **HARBORER:** Any person who assumes responsibility for the feeding and care of an animal.
- (p) **HOARDER:** Any person who keeps excessive numbers of animals in unsanitary or inhumane conditions and cannot provide adequate care for said animals because of their excessive situation.
- (q) **HUMANE SOCIETY:** Any organization existing for the purpose of the prevention of cruelty to animals incorporated under the laws of the Commonwealth of Kentucky.
- (r) **KENNELS:**
 1. **Commercial Kennel:** Any person, partnership, or corporation located in an area that is zoned commercial or industrial, maintaining an establishment where dogs, cats, or other domestic pets are kept for the purpose of breeding, buying, selling, showing, boarding such animals, or engaged in the training of dogs for sentry or guard purposes, and which establishment is so constructed that the animals cannot stray, and must comply with the Planning and Development zoning regulations. Any person, partnership, or corporation owning or keeping eleven (11) or more dogs, each of which is four (4) months of age or older is considered a Commercial Kennel.
 2. **Non-Commercial Kennel:** Any person, partnership, or corporation maintaining an establishment where dogs are kept for the purpose of showing, fostering, or as a hobby, and which establishment is so constructed that the animals cannot stray and which maintains no more than ten (10) animals. Non-Commercial Kennels are not allowed on properties where they have been restricted by existing Certain Covenants & Conditions (CCRS's).
- (s) **KITTEN:** Any feline younger than four months of age.
- (t) **LIVESTOCK:** Any member of the Equine, Bovine, Ovine, Caprine, Porcine, including but not limited to bison, llamas, alpacas, vicunas, ostriches, emus, rheas, domesticated rabbits, and poultry. Any domesticated species raised for breeding, food, fiber, or other products.
- (u) **MICROCHIP:** A passive transponder which can be implanted in an animal and which is a component of a radio frequency identification system (RDIF). Such system must be compatible with a scanner used by Henry County Animal Control.
- (v) **OWNED CAT:** Any cat that is a companion to a person, is regularly fed and sheltered in that same person's habitation.
- (w) **OWNER:** Any person, partnership, company, or corporation owning, keeping, or harboring animals.
- (x) **PERSON:** An individual, partnership, company or corporation.

- (y) **PET:** Any domesticated animal kept for pleasure rather than utility.
- (z) **PET BIRDS:** Any tamed or domesticated bird kept caged or within doors.
- (aa) **PET RODENTS:** Any tamed or domesticated hamsters, gerbils, mice, or similar rodents which are kept as domesticated or tamed animals and kept caged or within doors at all times.
- (bb) **PET SHOP:** Any person, partnership, or corporation engaged in the business of breeding, buying, selling at retail or boarding of animals of any species not prohibited by law for profit making purposes.
- (cc) **POULTRY:** All domesticated fowl and all game birds which are legally kept in captivity.
- (dd) **PUBLIC AREA:** Any area in which the public may freely travel, either on foot, vehicle or otherwise. Public areas of homes are the front of the property which contains the driveway, front porch and walkways for mail delivery and ingress-egress. Homes with no public ingress-egress must be fenced and posted, and mail received at a remote mailbox.
- (ee) **PUBLIC NUISANCE:** Any animal(s), which engages in, but not limited to. The following activity:
 - (1) Molests passers-by or chases vehicles;
 - (2) Damages public or private property in any manner;
 - (3) Attacks people or other animals;
 - (4) Is excessively at large;
 - (5) Trespasses upon private property;
 - (6) Trespasses upon public or school grounds;
 - (7) Makes noise in an excessive, continuous, or untimely manner;
 - (8) Creates unsanitary conditions; or
 - (9) Disturbs the peace, comfort, or health of persons in any other manner.
- (ff) **PUPPY:** Any domestic canine younger than four months of age.
- (gg) **QUALIFIED PERSON:** Person granted a permit by the Secretary of Human Resources to vaccinate his own dog against rabies.
- (hh) **QUARANTINE:** Consists of the animal being kept humanely confined in a secure enclosure which will not allow it to come in contact with any other animal or person.
- (ii) **REASONABLE HOURS:** The normal business hours of any establishment or business regulated by this ordinance.
- (jj) **RESTRAINT:** An animal shall be deemed to be under restraint if it is on the premises of its owner and not acting uncontrollably, or if accompanied by a responsible person and under that person's immediate control. Canines off property must be leashed. Community Cats are exempt from restraint requirements.
- (kk) **SERVICE ANIMAL:** Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual who is deemed to be disabled under federal, state, or local law including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; and any trained animal used by a governmental agency in police and rescue work.
- (ll) **THEATRICAL EXHIBIT:** Any exhibition or act featuring performing animals.
- (mm) **TRAP-NEUTER-RETURN ("TNR"):** The method of managing community cats by humanely trapping, altering, vaccinating, ear tipping, returning the community cat to the location where they were trapped where the community cats will be provided with long-term care by a caretaker.
- (nn) **VACCINATION:** The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Kentucky Board of Health.
- (oo) **VETERINARIAN:** A licensed practitioner of veterinary medicine, accredited by the United States Department of Agriculture.

- (pp) **VETERINARY HOSPITAL:** Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injury to animals or for the boarding of animals in conjunction with a veterinary practice.
- qq) **VICIOUS ANIMAL:** Any animal which when unprovoked, approaches in a terrorizing manner, any person in an attitude of attack upon streets, sidewalks, or any public grounds or places; or Any animal which constitutes a physical threat to human beings or domestic animals due to an unprovoked attack or bite which results in serious bodily harm; or Any animal which bites multiple times or to the extent of causing severe injury, and assaults or otherwise attacks human beings or domestic animals; or Any animal owned or harbored primarily or in part for the purpose of fighting with animals. It shall be prima facie evidence that an animal is vicious if the animal bites a human being or domestic animal more than once in the same attack or the attack results in the death of its victim. Any declared vicious animal from another jurisdiction will automatically be considered a vicious animal in Henry County.
- Exceptions. An animal shall not be deemed vicious solely because;
- (A) It bites, attacks, or menaces;
- i. Any person assaulting its owner
- ii. Any person or animal who has tormented or abused it; or
- iii. It is otherwise acting in defense of any attack from a person or other animal upon its owner or another person; or
- iv. It is protecting or defending its nursing young or livestock or the young of livestock in the field.
- (rr) **WILDLIFE:** Any animal which occurs naturally in a wild state. This includes any animal which is part wildlife, such as a wolf-dog hybrid. This is not to include emus, ostrich, rheas (or other Ratites) llamas, and alpacas, or domesticated bison, or any animal raised for agricultural purposes.
- (ss) **ZOOLOGICAL GARDEN:** Any park or zoo operated by a person, partnership, private corporation, governmental agency or foundation.

SECTION II - RESTRAINT REQUIRED

It shall be unlawful for any person to own or harbor an animal, excluding Community Cats that are not under restraint at all times or is permitted to run at large. All dogs off their owner's property must be leashed with visible dog license tag and rabies vaccination tag. Except that a hound or other hunting dog which has been released from restraint for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if the hunting dog becomes temporarily lost from the pack or wanders from actual control or sight of its owner or handler it shall not be deemed to be a violation.

SECTION III - DOGS TO BE LICENSED AND VACCINATED AGAINST RABIES

- (a) **LICENSE FEE:** Effective upon passage of this ordinance and annually thereafter, every owner of animals regulated by this section shall apply to the ACO or other authorized licensing agents for the appropriate license. Proof of a valid rabies vaccination must be provided when applying for a dog license. Dog license and rabies tags shall be firmly attached to a harness or collar worn by the dog. Dog licenses are required at four (4) months of age. The application shall be accompanied by a license fee

per the Fines & Fees Schedule of Henry County Animal Control. The categories for dog licenses shall be:

1. Unaltered dogs over four (4) months
2. Altered dogs over four (4) months
3. Proof of sterilization must be by verification from a licensed veterinarian.
4. Kennel License. Either a commercial or non-commercial kennel license which specifies and includes all dogs currently on the specified license.
5. Dogs that cannot be vaccinated because of age or medical condition must produce a statement from a veterinarian, verifying that they are exempt.
6. Verified working service dog and police dogs are exempt.
7. A fee is charged for sterilized (spay or neutered) and intact dogs.
8. No license shall be required for any veterinarian hospital, municipal animal control facility or zoological garden operated by a government agency.

(b) **LICENSE REVOCATION:** All licenses required under this section shall be renewed on or before July 1st of each year. The ACO may revoke any license issued hereunder. Grounds for such revocation include, but are not limited to, conviction pursuant to any violation of this Ordinance or any related State or Federal law. Failure to adhere to the standards set forth in this Ordinance and failure to permit the ACO to inspect any establishment or business regulated by this Ordinance during reasonable hours shall be grounds for revocation of any said license. License revocations shall be in writing and shall state the grounds therefore. Any person whose license is revoked under this Section may appeal such revocation to the Henry County Fiscal Court, within then (10) days following the date of such revocation. Said appeal shall be in writing and shall state the grounds therefore, and shall be signed by either the person bringing the appeal or his authorized representative.

(c) **VACCINATION:** Beginning at four (4) months of age, animals must receive their first rabies shot. Young animals must be vaccinated annually. Mature animals that have already received their first annual rabies shot, and can now receive a three-year rabies vaccine, must be currently vaccinated against rabies by a licensed veterinarian or qualified person. All rabies susceptible animals; dogs, cats, and ferrets, must be currently vaccinated and proof of valid vaccination in the form of a certificate must be maintained by the owner of any animal. The vaccinating veterinarian, the Board of Health, and the owner of the animal must keep verifiable proof in the form of said certificate that animals are currently protected by rabies vaccination. Each certificate will state the name and address of the issuing party, serial number and brief description of the animal vaccinated. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and year of vaccination. The tag may also bear the name of the issuer. "Qualified Person" permits are granted only to kennel or cattery operators. Rabies vaccinations may only be given to those animals which are owned by that kennel or cattery. Any animal which is sold, traded, or otherwise removed from the kennel or cattery must be vaccinated against rabies by a licensed veterinarian and must be re-licensed by ACO or its agent.

The rabies tag that is furnished to the dog owner by the veterinarian or other qualified person shall be affixed by the owner to the collar or harness furnished by the owner, and shall be worn by the dog for which the certificate was issued. The dog owner or his duly authorized agent shall not remove the collar with attached tags from the dog, except as provided in KRS §258.165.

The rabies tag that is furnished by the veterinarian or qualified person for ferrets or cats, shall be given to the owner. The owner shall retain the same to be produced whenever called upon to verify that any cat or ferret in their possession or owned by them has received the required vaccinations. The certificate of vaccination may be substituted if said tag has been lost.

SECTION IV - LICENSING OF KENNELS AND PET SHOPS

- a) **LICENSING:** Each location must be inspected and meet the requirements of this ordinance prior to being issued a license. Each location must be licensed separately. Commercial or Non-Commercial Kennels shall pay a license fee per the Fines & Fees Schedule of Henry County Animal Control:

- (1) For any kennel having eight (8) animals or less on its premises;
- (2) For any kennel having an excess of eight (8) animals on its premises;
- (3) For any pet shop, animal shelter, circus, or theatrical exhibit;
- (4) For any humane society;
- (5) No license shall be required for any veterinary hospital, municipal animal control facility, or zoological garden operated by a governmental agency.

- b) **LICENSE REVOCATION:** All licenses required under this section shall be renewed annually. The ACO may revoke any license issued hereunder. Grounds for such revocation include, but are not limited to, conviction pursuant to any violation of this ordinance or any related state or federal Law. Failure to adhere to the standards set forth in this ordinance and failure to permit the ACO to inspect any establishment or business regulated by this ordinance during reasonable hours, shall be grounds for revocation of any said license. License revocations shall be in writing and shall state the grounds therefore.

SECTION V - VETERINARIANS AUTHORIZED TO ISSUE LICENSES

It shall be authorized for the Henry County Fiscal Court to enter into an agreement with any veterinarian to permit that veterinarian to issue dog licenses and to permit that veterinarian to retain \$1.00 for each license issued.

SECTION VI - VETERINARIANS REQUIRED TO REPORT ALL DOGS WITHOUT REQUIRED LICENSES

It shall be the duty of all veterinarians to report to the Animal Control Officer all dogs seen or treated by them that are not licensed.

SECTION VII - ISSUANCE OF CITATION

The Animal Control Officer (ACO) and his/her agents may issue criminal citation(s) to the owner of any dog observed by the ACO or the agent to be in violation of any section of this Ordinance. Citations shall specify the section(s) of this Ordinance that is violated. The citation shall impose an obligation on the owner to answer the specified charges before Henry District Court at the time and place indicated. In lieu of a criminal citation, the ACO or his/her agent may issue a warning citation. The warning citation shall state the specified charge(s) and respective penalty/fine, if any.

SECTION VIII - CONFINEMENT OF ANIMAL WHEN IN ESTRUS (HEAT)

Every female dog in estrus (heat) shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another dog except for planned breeding.

SECTION IX - NUISANCE

It shall be unlawful to own or possess any animal that conducts itself in such a manner as to constitute a public nuisance as defined in Section I (ff) -Definitions of this Ordinance. No owner shall fail to expertise proper care and control of his/her dog so as to prevent the following actions: excessive, continuous or untimely barking or howling; molesting of passersby; chasing of vehicles; attacking of domestic animals; trespassing upon school grounds; trespassing upon private property; or damaging of property of any nature. It shall be prima facia evidence of public nuisance for an owner to fail to remove sold waste from their dogs on public or private grounds.

SECTION X - HUMANE TREATMENT OF DOGS

- (a) **GENERAL:** No owner shall fail to provide his dog with appropriate food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. Any owner or keeper of dogs shall maintain a clean and healthful shelter and living area for any dog being kept, which area shall be free of accumulated waste and debris so that the dog shall be free to walk or lie down without coining in contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the dogs being kept. If any dog is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten (10) feet in length and either on a swivel designed to prevent the dog from choking or strangling itself or else on a chain run. No owner shall abandon any dog, abandonment consisting of leaving such dog for a period in excess of twenty-four (24) hours, without providing for someone to feed, water and check on the dog's condition, or by leaving an dog by a roadside or other area and leaving the dog on a public or private property, without the property owner's consent. In the event that a dog is found so abandoned, such dog may be taken by the ACO, police or humane officer and impounded in the Animal Shelter or other facility maintained by a humane society and there confined in a humane manner. Such dog, if taken from private property, shall be kept for not less than seven (7) days. However, if the animal is seriously ill or injured or has a contagious disease, it may be immediately destroyed to relieve suffering. Additionally, if the owner retrieves said animal from the shelter, said owner shall be liable to pay as a fee per day, set by the Fines and Fees Schedule of the Henry County Animal Control, for each day the animal is kept at the shelter. In the event that a dog is so abandoned, the owner, or the person, if any, whom he has charged with the dog's care, shall be liable for citation for violation of this section.
- (b) No person shall neglect, beat, cruelly ill treat, or torment any dog or cause or permit any dog fight. For the purposes of this paragraph, neglect, cruel ill treatment and torment of a dog shall be defined as a failure by a person to adhere to the requirements and provisions of subparagraph (a) above. In the event there is reasonable cause to suspect that a dog is being beaten, cruelly ill treated, neglected, or tormented or involved in a dog fight, custody of such dog may be taken by the ACO, police or humane officer and impounded in the Animal Shelter or other facility maintained by a humane society. Said dog shall be held as evidence and confined in such facility in a humane manner. Upon a finding by the court that the dog

has been neglected, beaten, cruelly ill treated or tormented or involved in a dog fight, the dog shall become the property of Henry County. Any dog observed by a police or animal control officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available. No person shall own, possess, keep or train any dog, with the intent that such dog shall be engaged in an exhibition of fighting. In the event that a person shall own, possess, keep or train any dog, with the intent that such dog shall be engaged in an exhibition of fighting, he shall be liable for citation for violation of this section and subject to the penalties contained herein.

- (c) Any animal(s) found involved in a violation of any portion of this section may be confiscated by a peace officer or ACO and held in a humane manner. Upon conviction of this charge, all dogs so confiscated shall become the property of Henry County and the owner of the animal(s) shall pay to Henry County all veterinary fees associated with medical treatment provided the dog while it was in custody.
- (d) **POISONS:** No person shall place any poisonous substance which may be harmful to domestic dogs in any location where it may be readily found and eaten by such animals.

SECTION XI - ACTIONS PROHIBITED

No person, firm, organization or group shall raise or kill a dog or cat for food or the skin or fur. No person, firm, organization or group shall mutilate any animal whether dead or alive except during a post mortem by qualified person. No person, firm, organization or group shall engage or cause or allow any other person to engage in a sexual act with any animal.

SECTION XII - STANDARDS FOR COMMERCIAL KENNELS

All commercial kennels shall, in addition to the other requirements of this ordinance, comply with the following minimum standards:

- (a) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of impervious material. Runs must be cleaned daily with disinfectant, cleaner, or chlorine bleach. Cleaning materials must be present at the time of inspection in amount sufficient enough to clean the entire facility. Animal waste must be disposed of in an acceptable manner, either by bagging and placing in the trash, or by flushing it down a toilet.
- (b) Building temperatures shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (c) Cages are to be of a material and construction that permit cleaning and sanitizing.
- (d) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
- (e) Runs shall provide an adequate exercise area and protection from weather. Run floors shall be an impervious surface for proper sanitation.
- (f) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.
- (g) Food shall be free of contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

- (h) All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevent tipping and spillage. Water vessels shall be removed for daily cleaning.
- (i) Records shall be kept on clients and animals, and shall be readily available upon request of the inspecting ACO.

Failure to meet these standards shall be grounds for denial or revocation of a license and the issuance of a citation subjecting the owner to the penalties herein. Facilities shall be subject to inspection upon request by the ACO during reasonable hours. Commercial kennels must be additionally approved by Henry County Planning and Development.

SECTION XIII - STANDARDS FOR NON-COMMERCIAL KENNELS

Non-commercial kennels cannot violate nuisance ordinances. All non-commercial kennels shall, in addition to the other requirements of this ordinance, comply with the following minimum standards:

- (a) All enclosures housing animals must provide adequate protection against weather extremes.
- (b) All food shall be free of contamination, wholesome, palatable, and of sufficient quantity and value to meet normal daily requirements for the condition and size of the animal.
- (c) All animals shall have fresh water available at all times. All areas housing animals shall be free of accumulated waste and debris, and shall be maintained to support proper health. All animal waste shall be properly disposed of by bagging and placing in the trash or flushing down a toilet.
- (d) All areas housing animals shall be free of standing water.
- (e) All animals housed shall have all records documenting proper veterinary care and vaccination records.

Failure to meet these standards shall be grounds for denial or revocation of a license and the issuance of a citation subjecting the owner to the penalties herein. Facilities shall be subject to inspection upon request by the ACO during reasonable hours. Depending on location, a business license may be required in addition to the noncommercial kennel license.

SECTION XIV - STANDARDS FOR PET SHOPS

All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall, in addition to the other requirements of this ordinance, comply with the following minimum standards:

- (a) All animals shall be kept in a clean and sanitary manner appropriate for that species. All food and water containers shall be removable for daily cleaning, and secured within the enclosure in a secure manner to prevent spillage.
- (b) Temperature of the shop shall be maintained at a level that is healthful for every species of animal in the shop. Proper ventilation shall be maintained to keep the atmosphere free of unreasonable odors.

- (c) All cages and enclosures are to be of a non-porous material for easy cleaning and disinfecting. Each cage must be of sufficient size for that occupying animal to have room to stand, turn, stretch, and lie down in a natural position.
- (d) All animals under three (3) months of age are to be fed at least three (3) times per twenty-four (24) hours. Food for all animals shall be appropriate for the age, species, and condition of that animal.
- (e) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and disinfected when birds are sold or otherwise transferred. Parrots and other large birds shall show their point of origin as required by the United States Department of Agriculture and/or the United States Fish and Wildlife Service.
- (f) Birds of differing sizes and species are to be kept separately caged.
- (g) All animals must be fed, watered, and all cages cleaned daily, including Sundays, holidays, and any other day the pet shop is not open.
- (h) Records shall be kept showing each animal's point of origin and no animals may be housed or sold that are inherently dangerous under KRS §65.877. Records must be kept showing sale or placement of each animal.

Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties herein. Facilities shall be subject to inspection upon request by the ACO during reasonable hours.

SECTION XV - ADOPTION OF ANIMALS FROM THE HENRY COUNTY ANIMAL CONTROL SHELTER

All animals over the age of six (6) months of age which are obtained from Henry County's Animal Shelter must, within two (2) weeks of obtainment, be surgically altered to prevent reproduction. Animals under the age of six months when adopted, must be surgically altered within seven (7) days of becoming six (6) months old, or altered at an appropriate age as determined by a veterinarian. No animals shall be sold donated or traded for experimental use.

Prior to the adoption of any animal from the shelter, a prospective owner shall complete an Animal Placement Questionnaire. The questionnaire is designed to determine the prospective owner's ability to properly care for the animals. Past experience or knowledge of the prospective owners, as well as previous violations of this ordinance by the prospective owner may be grounds to refuse the adoption. When more than one prospective owner wishes to adopt the same animal, the ACO shall choose the most qualified owner. Additional grounds for refusing adoptions may include whether the prospective owner is able to provide an enclosure where the animal is to be kept that is adequate to keep the animal restrained, whether the animal is being adopted for resale, whether the prospective owner has adopted previously from the shelter in the past twelve (12), whether the prospective owner has owned a pet which has died without veterinary care, or whether the prospective owner has been charged with any violations of the Ordinance or any other violations. No dogs shall be adopted by any potential owner solely for guard or protective purposes.

SECTION XVI - THEATRICAL EXHIBIT

All theatrical exhibits as defined herein shall, in addition to the other requirements of this Ordinance, comply with the minimum standards of this section. Facilities shall be subject to inspection upon request by the ACO during reasonable hours.

- (a) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the side or top of the enclosure, or any other animal or its waste.
- (b) Each enclosure shall maintain a comfortable and healthful temperature and adequate ventilation level.
- (c) No enclosure, or performance, or exhibit shall be located in such a manner that allows the public to come in direct contact with the animal.
- (d) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must not be used so as to cause injury to the animal.
- (e) No animal shall be caused to fight, wrestle, or be physically matched against any other animal or person.
- (f) No animal shall perform or be displayed in any dangerous situation.
- (g) The Henry County ACO must be notified of all displays or performances including date, time, and exact location at least forty-eight (48) hours in advance of a display or performance.

SECTION XVII - EXHIBITIONS OF WILD OR VICIOUS ANIMALS PROHIBITED

It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal for display, exhibition, or for any purposes whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoological garden, theatrical exhibit, or circus as defined in Section I of this ordinance, or to Conservation Officers, licensed nuisance trappers, or wildlife rehabilitators who are permitted by the United States Department of Agriculture or the Kentucky Department of Fish and Wildlife Resources.

SECTION XVII - NON-APPLICABILITY TO NON-RESIDENTS

The sections of this Ordinance requiring a license shall not apply to non-residents of the County who are keeping only domestic dogs, provided that dogs of such owners shall not be kept in the County longer than thirty (30) days and that the dogs shall be kept under restraint. No non-resident shall, however, keep any dog in this County over the age of four (4) months that has not been vaccinated against rabies. New residents of Henry County have thirty (30) days to license any and all dogs upon moving to Henry County.

**SECTION XIX - 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 Ordinance.

SECTION XX - SALE OF RABIES VACCINE

It shall be unlawful for any person, firm, or corporation to sell, give away, permit to be sold or given away any rabies vaccine (live or killed) to anyone but a licensed veterinarian or other qualified person.

SECTION XXI - SALE OF EXOTIC SPECIES

Any pet shop, any dealer, or other person who transfers, or permits to be transferred, the ownership of an exotic species, as herein defined, shall keep records of the ownership transfer for a period of at least three (3) years. These records shall include:

- (a) Point of Origin of the animal
- (b) Medical History of said animal, including but limited to vaccinations, diseases and treatment.
- (c) The dates the pet shop, animal dealer, or animal shelter or other person came into possession of the animal.
- (d) The date of transfer and the transferee's name and address. This shall be made available to the ACO or other authorized agent upon request.

Failure to keep such records and/or failure to release such records to authorized personnel shall be grounds for the issuance of a citation subjecting the owner to the penalties contained in this ordinance, and/or the revocation of any license issued pursuant to the Ordinance. It shall also be unlawful for any person to keep big cats, venomous reptiles, wolf hybrids, or any other inherently dangerous species as defined under KDFWR state law §65.877.

SECTION XXII - REPEAL OF OTHER REGULATIONS

Any other regulations and ordinances of Henry County in conflict with the provisions of this Ordinance are hereby repealed.

SECTION XXII - SEVERABILITY

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION XXIV - PENALTIES

Any person violating any provision of this Ordinance shall be deemed guilty of a Class A Misdemeanor and shall upon citation to court and subsequent conviction, be punished by a fine not less than Twenty Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or be imprisonment for a period not to exceed twelve (12) months, or both. Each day a violation continues shall constitute a separate offense.

Upon conviction under this Ordinance relating to the ownership or possession of a vicious animal, the penalty shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment up to twelve (12) months in the county jail, or both.

In addition, the court shall order one of the following.

- 1) That the following regulations be followed as a condition of the owner retaining ownership of the animal:
 - i. The vicious animal shall be spayed/neutered; microchip implanted for identification purposes and registered with Animal Control.
 - ii. The vicious animal shall be confined in an enclosure constructed in a manner that satisfies Animal Control as to the impossibility of the animal escaping. The enclosure must have a secure and permanent roof and floors, as well as sides, will be constructed of chain link or heavier gauge metal. All such enclosures shall be designed to prevent the entry of small children and shall be suitable to confine the vicious animal. Such enclosures shall be securely closed and locked, and shall be designed to prevent the animal from digging out or otherwise escaping from the enclosure.
 - iii. The enclosure shall display a sign warning of the vicious animal and shall be visible from the public roadway or public access if applicable.
 - iv. The vicious animal shall not be permitted outside of the dwelling of its owner, or outside of the enclosure unless it is necessary to obtain veterinary care or under the direction of Animal Control. If the vicious animal must be allowed outside the permitted areas, it shall be under the direct control and supervision of its owner or keeper and shall be muzzled and restrained with a lead or leash not to exceed three feet in length, or placed in a secure animal carrier; and
 - v. The owner or keeper of a vicious animal shall immediately notify Animal Control if the animal is loose, unconfined, has attacked an animal or human being, or is deceased.
- 2) In the alternative to subsection 1) above, the court may order that the animal be immediately surrendered to Animal Control to be euthanized.

Upon conviction of a second or subsequent offense of this Ordinance relating to the ownership or possession of a vicious animal, the penalty shall be a fine of not less Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment up to one (1) year in the county jail, or both; and if the violation involves the same animal, the court shall order the animal immediately surrendered to Animal Control to be humanely euthanized.

840-03-24-21

Any person who has been convicted of, entered an Alford Plea to, or pleaded guilty to cruelty to animals in any degree (First or Second) shall forfeit ownership of the animal or animals and shall be prohibited from owning or possessing any animals for a period of two (2) years from the date of the conviction.

THIS ORDINANCE shall become effective upon its passage and advertisement according to law.

Dated this 19th day of March, 2024.

UPON Motion of Magistrate: Esg. Fisher, seconded by Magistrate:

Esg. Frederick, passed and approved by a vote of 5 YES, and 0 NO

by the Fiscal Court of Henry County, Kentucky, this 19th day of March, 2024.



HON. SCOTT BATES
HENRY COUNTY JUDGE/EXECUTIVE

ATTEST:



TRAVIS BUCHANAN
DEPUTY JUDGE/EXECUTIVE