

## CHAPTER 90: ANIMALS

### Section

#### *General Provisions*

- 90.01 Definitions
- 90.02 Animals running at large
- 90.03 Cruelty to animals in the second degree
- 90.04 Dyeing or selling dyed chicks or rabbits
- 90.05 Abandoning domestic animals prohibited
- 90.06 Destruction of abandoned and suffering animal
- 90.07 Stockyards

#### *Dogs and Cats*

- 90.20 Pet license required
- 90.21 Procedure
- 90.22 Prohibition against dogs and cats running at large
- 90.23 Impoundment
- 90.24 Reclamation by owner or custodian
- 90.25 Adoption of dog or cat; time limit
- 90.26 Shelter
- 90.27 Public nuisance animal
- 90.28 Vicious dogs
- 90.29 Kennel; licenses, permits and standards
- 90.30 Responsibility of owner to remove animal dung
- 90.31 Cruelty to animals unlawful
- 90.32 Enforcement
- 90.33 Fees
- 90.34 Reporting

- 90.99 Penalty

#### *Cross-reference:*

*Circuses, see § 111.33*

*Removal of dead animals, see § 92.07*

**GENERAL PROVISIONS****§ 90.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDON.** To forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner or his or her agent. The abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100(4))

**AT LARGE.** Off the premises of the owner, and not under the control of the owner or his or her agent either by leash, cord, chain or otherwise.

**OWNER.** Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his or her care or permits it to remain on or about the premises owned or occupied by him or her.

**§ 90.02 ANIMALS RUNNING AT LARGE.**

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane or alley, or upon or enclosure without the consent of the owner of the yard, lot or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by the animal upon the premises of another.  
Penalty, see § 90.99

**§ 90.03 CRUELTY TO ANIMALS IN THE SECOND DEGREE.**

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

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in § 90.03 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, torturing, tormenting any animal other than a dog or cat, failing to provide adequate food, drink, space, health care or by any other means;

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

(3) Kills any animal other than a domestic animal killed by poisoning. This section 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.

(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 humane purposes;

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

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

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

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

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

(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99

*Statutory reference:*

*Cruelty to animals in the first degree, a class D felony, see KRS 525.125*

**§ 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.**

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.99

**§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.**

No owner of a domestic animal shall abandon the animal.  
Penalty, see § 90.99

**§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.**

(A) Any peace officer, animal control officer or any officer of the accredited Humane Society or Society for the Prevention of Cruelty to animals, may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for or appearing to be injured, diseased or suffering past recovery for any useful purpose.

(B) Before destroying the animal, the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him or her to view the animal in his or her presence, or shall obtain consent to the destruction from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which shall be unclaimed by its owner or his or her agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his or her agent at his or her last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner or the agent of the owner of the animal by the licensed veterinarian, shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.  
(KRS 257.100)

**§ 90.07 STOCKYARDS.**

(A) It is unlawful for any person, firm or corporation to operate or maintain a stockyard, barn or enclosure for the purpose of buying or selling livestock, such as horses, mules, cattle, hogs or sheep, at public or private sale, within the limits of the city without the permission of the Board of Commissioners granted at a regular meeting thereof, upon written application therefor filed in the Office of the City Clerk at least ten days prior to the granting thereof. ('70 Code, § 8.12.010)

(B) The Board of Commissioners shall not grant permission to any person, firm or corporation to operate or maintain within the limits of the city a stockyard, barn or enclosure for the purpose of selling or buying livestock, as aforesaid, unless it shall appear to the satisfaction of the Board of Commissioners that:

(1) The stockyard, barn or enclosure be located at least 300 feet from all residences and buildings occupied as either a residence or place of business adjoining thereto; and

(2) The stockyard, barn or enclosure be equipped with a concrete floor with proper drains into enclosed city sewer and appropriate water facilities to enable a thorough washing away of all offal or other refuse at least once each day.

('70 Code, § 8.12.020) Penalty, see § 90.99

*DOGS AND CATS*

**§ 90.20 PET LICENSE REQUIRED.**

(A) All dogs and cats over the age of six months old which are kept, harbored or owned within the city shall be licensed and registered with the Humane Society and locally participating veterinarians. Dog and cat licenses shall be issued upon payment of an annual license fee.



(B) The license fee for each animal shall be:

- (1) Neutered or spayed dogs and cats: \$5.
- (2) Unneutered or unspayed dogs and cats: \$10.

(C) An unneutered or unspayed animal shall be exempt from the higher license fee if the owner/harbinger provides the licensing authority a statement to show that the animal cannot be safely altered due to the age, health condition.

(D) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harbinger to the penalties and fees sections of this subchapter.  
(‘70 Code, § 8.04.010) (Ord. 9-92, 1992, passed 10-12-92)

**§ 90.21 PROCEDURE.**

(A) The effective date for the registration and licensing covered shall be July 1 and cover a 12-month period.

(B) The registration and licensing period provided for herein shall be July 1 through June 30 of the following year. Thereafter all dogs and cats shall be licensed and registered as provided herein on or before July 1 of each year.

(1) Each person applying for a dog or cat license shall fill out a form provided by the Humane Society and participating veterinarians containing the following information:

- (a) Owner name and address;
- (b) Name, breed, sex, color of each dog or cat;
- (c) Proof, evidenced by a receipt, statement or certificate, from a veterinarian that the animal to be licensed has been spayed or neutered if applicable; and
- (d) Proof that each dog and cat to be licensed has been inoculated against rabies.

(2) The license and registration provisions of this section shall not apply to dogs and cats whose owners or keepers are nonresidents temporarily within the city for a period less than 30 days, or to dogs and cats brought into the city for the purpose of exhibition in dog or cat shows.

(3) All dogs and cats over the age of six months which are brought into the city, except as provided in division (B)(2) above, shall be registered and licensed as provided herein within 30 days of arrival.

**Frankfort - General Regulations**

(4) All dogs and cats in the city must be licensed and registered within 30 days of purchase or acquisition, if they are not licensed and registered when purchased or acquired.

(5) (a) Upon receipt of the properly executed application and payment of the license fee, the Humane Society and participating veterinarian shall issue to the applicant a license certificate and a tag for each dog or cat so licensed.

(b) The tag shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate.

(6) Persons obtaining dog and cat license tags shall see that each licensed dog and cat constantly wear the tag along with the rabies tag, except if the animal is in a show or exhibition or if the animal is in training and the owner is present and has the license in his or her actual possession.

(7) Lost, stolen or destroyed tags may be replaced by the Humane Society upon presentation of the receipt or registration showing that the license fee has been received for the current year, and the payment of \$1 fee for the duplicate tag.

(8) If there is a change of owners of a licensed dog or cat during the current license period, the new owner may have the registration transferred to his or her name upon the payment of a \$1 transfer fee to the Humane Society.

(C) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harbinger to the penalties and fees sections of this subchapter.

('70 Code, § 8.04.020) (Ord. 9-92, 1992, passed 10-12-92)

**§ 90.22 PROHIBITION AGAINST DOGS AND CATS RUNNING AT LARGE.**

(A) It shall be unlawful for any dog or cat to be allowed to run at large within the city, except on land zoned agriculture.

(B) A cat is defined as running at large if it is off the owner's or harbinger's property and is not under the owner's or harbinger's direct control and supervision.

(C) (1) Dogs shall be confined behind a fence or within an enclosed area or otherwise securely restrained at all times while on the owner or harbinger's property.

(2) A dog may be unconfined or unrestrained while on the owner or harbinger's property where the dog is in the direct company of the owner or harbinger and the dog is under the owner's or harbinger's direct control and supervision.

(D) A dog shall be permitted off the owner's or harbinger's property only if it is restrained by a chain or leash or under the owner's or harbinger's direct control and supervision.



(E) Any dog found to be unconfined or unrestrained while off the owner's/harbinger's property, unattended by the owner or harbinger, shall be presumed to be running at large and may be impounded by the Animal Control Officer of the city with the owner subject to the penalties and fines section of this subchapter.

('70 Code, § 8.04.030) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see § 90.99

### **§ 90.23 IMPOUNDMENT.**

Any dog or cat found running at large, or any nuisance animal within the city limits whether licensed or unlicensed, may be taken up by the Animal Control Officer and impounded in the shelter designated as the city animal shelter and, there, confined in a humane manner for a period of not less than seven days exclusive of the date of seizure unless sooner claimed by the owner, harbinger, custodian or person entitled to possession thereof, and may thereafter be destroyed in a humane manner if not otherwise claimed or adopted. Cats will be held for seven days and may be destroyed in a humane manner, if not otherwise claimed or sold thereafter, unless they are wild, based upon Humane Society guidelines of what constitutes "feral," and cannot be handled then they may be euthanized humanely as soon as possible. A reasonable effort shall be made by the animal shelter to contact the animal's owner within impoundment periods before the animal is destroyed.

('70 Code, § 8.04.040) (Ord. 9-92, 1992, passed 10-12-92)

### **§ 90.24 RECLAMATION BY OWNER OR CUSTODIAN.**

Any owner, custodian or other person entitled to possession of a dog or cat may reclaim the dog or cat upon payment of a \$10 pickup fee and a boarding fee, both payable to the city designated animal shelter. There must also be proof that the animal has been or is licensed according to ordinance and proof that the dog has been inoculated against rabies.

('70 Code, § 8.04.050) (Ord. 9-92, 1992, passed 10-12-92)

### **§ 90.25 ADOPTION OF DOG OR CAT; TIME LIMIT.**

(A) The manager of the animal shelter may transfer title to any dog or cat held after the legal detention period provided herein has expired and the animal has not been claimed by its owner, harbinger, custodian or other person entitled to possession thereof.

(B) The person to whom title is being transferred must license the dog or cat according to city ordinance and secure and pay for a rabies inoculation for the animal, a \$10 pickup fee, boarding fee and any other applicable charges.

('70 Code, § 8.04.060) (Ord. 9-92, 1992, passed 10-12-92)

**§ 90.26 SHELTER.**

The County Humane Society, Inc., small animal shelter, is hereby designated as the city animal shelter for purposes of this subchapter.

('70 Code, § 8.04.070) (Ord. 9-92, 1992, passed 10-12-92)

**§ 90.27 PUBLIC NUISANCE ANIMAL.**

(A) It shall be unlawful for any person to own or harbor within the city a dog or cat that unreasonably annoys humans, endangers the life or health of other animals or persons or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***PUBLIC NUISANCE ANIMAL.*** Any animal that:

- (a) Is a dog or cat found at large;
- (b) Damages the property of anyone other than its owner;
- (c) Molests or intimidates pedestrians or passers-by;
- (d) Excessively makes disturbing noises, including, but not limited to continued and repeated, defined as "behavior which generates two or more complaints after initial warning by the Animal Control Officer," howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (e) Caused fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (f) Cause unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (g) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; and/or
- (h) Attacks other domestic animals.

(C) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harbored to the penalties and fees sections of this chapter.  
(‘70 Code, § 8.04.080) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see § 90.99

### § 90.28 VICIOUS DOGS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

#### *VICIOUS ANIMAL.*

(a) Any dog with a tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;

(b) Any dog which chases or approaches a person upon the streets, sidewalks or any public place in a menacing fashion or apparent attitude of attack;

(c) Any dog owned or harbored primarily or in part for purposes of fighting or dog trained for fighting; and

(d) Any dog which attacks a human being or domestic animal without provocation.

(B) It shall be unlawful for any person to own or harbor within the city a vicious dog unless:

(1) While off the owner’s or harbored’s property, it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the supervision and control of an adult; and

(2) While on the owner’s or harbored’s property it is securely confined indoors or in a securely enclosed and locked outdoor pen or shelter suitable to prevent the entry of young children and designed to prevent the animal from escaping.

(3) The pen or structure must have minimum secure sides of five feet by ten feet and must have secure sides and a secure top. If it has no concrete, cement or asphalt bottom, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.

(C) When any dog is required by this section to be confined, it shall also be required that a conspicuous notice be posted at the place of confinement of a nature as to warn the public of the nature of the dog therein confined.

(D) No person under the age of 18 years shall be permitted to own, harbor or handle a vicious dog.

(E) (1) Any person who shall be convicted of not keeping the animal confined after having been requested to do so by the Animal Control Officer shall be fined for each offense pursuant to the penalty section of this subchapter.

(2) Nothing in this section shall apply to any case wherein a person provoking the dog to bite or attack shall have broken or entered without permission any enclosure and shall have been pursued therefrom by the dog.

(F) The Animal Control Officer, in impounding an at large vicious animal, may destroy the dog without prior notice to the owner if the impoundment cannot be made with safety. ('70 Code, § 8.04.090) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see § 90.99

### **§ 90.29 KENNEL; LICENSES, PERMITS AND STANDARDS.**

(A) Any person who keeps or operates a kennel may, in lieu of the license for each dog or cat as required by KRS 258.135 or this subchapter, apply to the Animal Control Officer for a kennel license entitling him or her to keep or operate a kennel. The one-time fee shall be \$100 for the license. In addition to complying with the zoning ordinance, each person who keeps or operates a kennel shall obtain from the Animal Control Officer, at no charge, a kennel permit, signifying that the kennel meets the following standards:

(1) Enclosures must be provided which allow adequate protection against weather extremes. Floors of buildings and runs shall be of an impervious material or covered throughout with a minimum of three inches of gravel. Walls must be impervious material. Runs must be cleaned daily with a disinfectant, cleanser or chlorine bleach. Cleaning materials must be present at the time of any inspection in an amount sufficient to clean the entire facility.

(2) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(3) Each dog or cat shall have sufficient space to stand up, lie down and turn around in a natural position without touching the sides or tops of cages.

(4) Cages are to be of a material and construction that permit cleaning and sanitizing.

(5) Cage floors must be of concrete, unless radiantly heated, and shall have resting board or some type of bedding.

(6) Runs shall provide an adequate exercise area and protection from the weather.

(7) All dog and cat quarters and runs are to be kept clean, dry and in a sanitary condition.

(8) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutrition value to meet the normal daily requirements for the condition and size of the dog or cat.

(9) All dogs and cats shall have fresh water available at all times. Water vessels shall be mounted or secure in a manner that prevents tipping and be of the removable type.

(B) (1) Application for a kennel permit shall be made to the Animal Control Officer and a validly issued permit will be in effect from July 1 to June 30 of each year. Prior to initial issuance and each year prior to permit renewal, the Animal Control Officer shall inspect the premises for compliance with the above standards and no permit shall be issued without compliance.

(2) A permit may be revoked for repeated noncompliance. The basis for the revocation shall be verified by reinspections and stated in writing, dated and delivered or mailed to the kennel owner.

(C) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harbinger to the penalties and fees sections of this subchapter.  
(‘70 Code, § 8.04.100) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see § 90.99

**§ 90.30 RESPONSIBILITY OF OWNER TO REMOVE ANIMAL DUNG.**

The owner/harbinger of every animal shall remove any dung deposited by his or her animal(s) on any property not belonging to him or her within the corporate limits of the city.  
(‘70 Code, § 8.04.110) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see § 90.99

**§ 90.31 CRUELTY TO ANIMALS UNLAWFUL.**

(A) It shall be unlawful for any person within the corporate limits of the city to beat, cruelly ill treat, abuse or torture any animal whether his or her own or that of another.

(B) Other forms of cruelty declared unlawful include:

(1) No person shall fail to provide his or her animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter, space and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment.

(2) No owner of an animal shall abandon the animal.

(3) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render the assistance as may be possible and shall immediately report the injury or death to the animal’s owner. In the event the owner cannot be ascertained or located, the operator shall, at once, report the accident to the Animal Control Officer.

**Frankfort - General Regulations**

(4) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall be lawful for a person to expose on his or her own property common rat poison.

('70 Code, § 8.04.120) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see § 90.99

**§ 90.32 ENFORCEMENT.**

(A) The provisions of this chapter shall be enforced by the Animal Control Officer of the city regardless of title, sworn law enforcement officers or any animal control officer of the County Humane Society or the county when requested to do so by the Chief of Police through cooperative, reciprocal and written agreement.

(B) It shall be a violation of this subchapter to interfere with any of the aforementioned officers when they are acting in the performance of their duties.

('70 Code, § 8.04.130) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see § 90.99

**§ 90.33 FEES.**

(A) All fees collected from the sale of city dog and cat licenses shall go to the Humane Society, except that portion of the State Department of Agriculture license fee (\$.75 per license) encompassed in the city license fee and the amount due (\$.25 per license) to any participating veterinarian for the service of selling licenses on behalf of the city and Humane Society.

(B) This delegation of fee retention is based upon the Society serving as the city's agent in rendering a public service that the city would be authorized to perform in its own right.

('70 Code, § 8.04.150) (Ord. 9-92, 1992, passed 10-12-92)

**§ 90.34 REPORTING.**

The Humane Society shall provide a monthly report to the city to include an accounting of all funds received and expended, incoming and outgoing inventory of animals processed. It shall also provide the city with a copy of its annual audit and minutes of Board meetings.

('70 Code, § 8.04.160) (Ord. 9-92, 1992, passed 10-12-92)

**§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation violating the provisions of § 90.07 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10 nor more than \$100. ('70 Code, § 8.12.030)

(C) (1) Any owner, custodian, harbinger or possessor of any dog or cat who violates all or part of §§ 90.20 through 90.23, 90.27 and 90.29 through 90.32 as a first offender receiving a citation may be dismissed at the Court's discretion, provided that the owner/harbinger can show that he or she has complied with the section or sections for which he or she was cited prior to appearing in court.

(2) Failure to do so shall upon conviction result in a fine for the first time offender of not less than \$5 nor more than \$25; not less than \$15 nor more than \$50 for the second offense; and not less than \$25 nor more than \$100 for the third and all subsequent offenses.

(D) Any owner, custodian, harbinger or possessor of any dog who violates all or part of § 90.28, in particular, fails to keep his or her dog confined after being requested to do so by an Animal Control Officer, shall receive a citation and upon conviction as a first offender be fined not less than \$250 and not more than \$500; not less than \$500 and not more than \$1,000 for the second offense. Also, the animal shall be impounded by the Animal Control Officer and destroyed at the owner or harbinger's expense together with same paying the boarding fees during any required quarantine period ordered prior to the animal being destroyed.

('70 Code, § 8.04.140) (Ord. 9-92, 1992, passed 10-12-92)