

CHAPTER 90: ANIMALS

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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 agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.
(KRS 257.100 (4))

General Regulations

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

"HEALTH DEPARTMENT." The health department of the city, and any officer or employee thereof.

"HONEY BEES." Bees of the type customarily raised for honey; such bees are also known as apis mellifera.

"POLICE DEPARTMENT." The police department of the city, and any police officers.

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

§ 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 unenclosed land, or permit it to go on any private yard, lot, 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 such 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 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, failing to provide adequate food, drink, space, or health care, or by any other means; or

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

(3) Kills any animal.

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

- (1) Pursuant to a license to hunt, fish, or trap;
 - (2) Incident to the processing as food or for other commercial purposes;
 - (3) For humane purposes;
 - (4) 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 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 to view the animal in his 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 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 agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, dog pound, or animal shelter or disposed of as such custodian may deem proper.

General Regulations

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

DOGS**§ 90.15 DEFINITION.**

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

"DOG." Any member of the canine family, six months of age or over, male or female.

§ 90.16 DOGS RUNNING AT LARGE; EXEMPTION.

(A) It shall be unlawful for the owner or keeper of any dog, regardless of the age of the dog, to allow the dog to be at large and unattended or to run in any street, park, lawn, garden, schoolyard, playground, or on any other public or private property.

(B) All dogs off the property of their owners must be under the immediate voice or leash control of the person responsible for the animal and all dogs not so restrained may be taken by the City Dog Warden and impounded in an animal shelter and there confined in a humane manner.

(C) Hunting dogs or hounds under reasonable control of their owners are exempt from this section while hunting.
(Ord. 840.2, passed 5-17-82) Penalty, see § 90.99

§ 90.17 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet, and good order of one or more of the inhabitants of two or more separate residences. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, yard, or enclosure which he occupies or owns shall be considered as harboring the dog.
Penalty, see § 90.99

§ 90.18 DOG WARDEN; IMPOUNDMENT.

(A) The position of City Dog Warden is hereby created.

(B) The warden shall have the duty to apprehend any dog found running at large contrary to this subchapter and to impound the dog in a suitable place. All impounded dogs shall be kept for not less than seven days unless reclaimed by the owners. If by tag the owner can be identified the City Dog Warden shall immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal.

(C) Any dog not claimed must be humanely destroyed.

(D) The City Dog Warden shall make every diligent effort to take or seize animals running at large in violation of this subchapter and shall kill an animal only if the animal is dangerous or vicious or infected with rabies or other infectious disease or if seizure is impossible after diligent efforts have been made.
(Ord. 840.2, passed 5-17-82)

§ 90.19 RECLAIMING IMPOUNDED DOG.

An owner reclaiming an impounded animal shall pay a fee of \$5 to the City Dog Warden plus a fine for violation of this subchapter.
(Ord. 840.2, passed 5-17-82)

§ 90.20 DOGS TO BE LICENSED AND IMMUNIZED IN ACCORDANCE WITH STATE LAW.

All dogs are to be licensed and immunized according to Kentucky state laws.
(Ord. 840.2, passed 5-17-82)

STINGING INSECTS

§ 90.30 KEEPING OF BEES.

It shall be unlawful and is declared to be a nuisance for any person to establish or maintain any hive, stand or box where bees are kept, or keep any bees in or upon any premises within the corporate limits of the city unless the bees are kept in accordance with § 90.31.
(Ord. 1010.3, passed 9-3-91)

§ 90.31 DUTIES OF BEEKEEPERS.

No person shall maintain any colony of honey bees anywhere in the city without complying with the following requirements:

(A) It shall be the duty of any person keeping honey bees on his property to maintain each colony so as not to create a public nuisance.

(B) Honey bee colonies shall, in addition, be maintained in the following conditions:

General Regulations

(1) All honey bee hives shall be registered with the state Department of Agriculture as required by state law.

(2) Colonies shall be maintained in movable-frame hives.

(3) Adequate techniques, such as requeening, in handling bees, and adequate space in the hive shall be maintained to prevent unprovoked stinging 75 feet or more from the hive.

(4) Lots having less than 10,000 square feet shall not have more than four hives.

(5) Hives shall not be located within 75 feet of any property line, public street, sidewalk, or alley except when situated behind a solid fence or hedge six feet in height parallel to the property line; such fence shall be within 25 feet of the hive and shall extend at least 20 feet beyond the hive in both directions, or shall completely enclose the hives.

Ord. 1010.3, passed 9-3-91)

§ 90.32 CONTROL OF OTHER STINGING INSECTS.

Any other nest or colony of stinging insects, such as yellow jackets, hornets, other varieties of bees, and wasps, including Vespidae, in trees, buildings, underground, or in any other space, diseased colony of honey bees, or any colony of honey bees not maintained in compliance with this subchapter, constitutes a public nuisance. The existence of a nest of wild bees of any type, not cultivated by any person and whose honey is not harvested by any person, shall not constitute a violation of this subchapter, unless such nest is in such location as to present a threat of stinging to any person on any public street, sidewalk, mall, park, or other public place, or to any person in any parking lot, sidewalk or other place open to the public in a shopping center or other privately owned property open to the public, or to any person on adjacent private property.

(Ord. 1010.3, passed 9-3-91)

§ 90.33 ENFORCEMENT AND ENTRY.

(A) The health department and the police department shall enforce this subchapter.

(B) Proper officers of the health department and police officers are authorized and empowered, during reasonable business hours, to enter premises to inspect hives or colonies for the purpose of ascertaining the variety of insects occupying the hives, conditions of health, and management of crowding. Entry may be pursuant to warrant or pursuant to the consent of the owner or occupier of the premises.

(C) Those provisions regarding an abatement of the nuisance by others as set forth in § 92.04, the creation of a nuisance by others as set forth in § 92.05, and the suspension of a license as set forth in § 92.06 shall also be applicable to this subchapter.
(Ord. 1010.3, passed 9-3-91)

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not already otherwise provided shall be guilty of a violation and shall be fined not less than \$10 nor more than \$100 for each offense. Each day the violation exists shall constitute a separate offense. (Ord. 840.2, passed 5-17-82)

(B) Any person who violates § 90.03 shall be guilty of a misdemeanor and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense. (KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.
(KRS 436.600)

(D) Any person, firm or corporation violating any provision of §§ 90.30 to 90.33 shall be guilty of a misdemeanor and shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1010.3, passed 9-3-91)