

COMMONWEALTH OF KENTUCKY

COUNTY OF BARREN

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO THE REPEAL AND REENACTMENT OF CHAPTER 90 OF
THE BARREN COUNTY CODE OF ORDINANCES REGULATING ANIMALS**

WHEREAS, the Barren County Fiscal Court has determined that it is beneficial to the residents of Barren County to regulate the animal population within the county to ensure that animals are treated humanely, controlled by their owners and custodians, and subject to the authority of Animal Control; and

WHEREAS, the Barren County Fiscal Court having entered into an Interlocal Agreement with the City of Glasgow,

WHEREAS, the Barren County Fiscal Court wishes to repeal and re-enact Chapter 90 of the Barren County Code of Ordinances regulating animals.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BARREN,
COMMONWEALTH OF KENTUCKY AS FOLLOWS:**

§ 90.01 DEFINITIONS.

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

(A) ABANDON OR ABANDONMENT:

- (1) Leaving an animal for a period in excess of 24 hours without the animal's owner, or the owner's designated caretaker, providing adequate food, water, shelter, ventilation or warmth as defined in this chapter section; or**
- (2) any animal left on private property without the owner's consent or deserted or dumped on public property or roadways.**

(B) ADEQUATE means sufficient for a specific need or requirement.

(C) ADEQUATE FOOD means wholesome food suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal, considering its age and condition.

(D) ADEQUATE WATER means a supply of clean, fresh, potable water provided at suitable intervals on a continual basis in a sanitary manner suitable for the condition and age of the animal. The supply shall be in sufficient amounts to maintain good health in the animal and in a suitable container secured to prevent turnover.

- (E) **ADEQUATE VENTILATION** means proper air flow and circulation by mechanical, natural, or other means that provide a constant exchange of air, with fresh, clean, oxygenated air replacing the contaminated, dirty, un-oxygenated air within a confined space.
- (F) **ANIMAL** means Any live, vertebrate, domestic creature, not including domestic or feral cats, and wildlife, and livestock.
- (G) **ANIMAL CONTROL OFFICER** means An employee hired to enforce Animal Control laws and regulations in Glasgow-Barren County.
- (H) **ANIMAL SHELTER** Any premises operated or approved for operation by the Barren County Animal Control Board for the purpose of impounding and caring for animals held under the authority of this chapter.
- (I) **APPROVED RABIES VACCINE.** Any vaccine for protecting an animal from contracting rabies approved as effective by the Kentucky Department for Human Resources and by the National Association of State Public Veterinarians, Inc. (NASPHV) in the most current version of the annual Compendium of Animal Rabies Prevention and Control.
- (J) **ASSISTANCE DOG.** A dog accompanying and providing support for a person who is deemed to be disabled under federal, state, or local law. For purpose of this chapter, the term ASSISTANCE DOG shall include a service dog recognized or defined under federal or state law.
- (K) **ATTACK** means a dog's attempt to bite or successful bite of a human being or another animal owned by another person. 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.
- (L) **CARETAKER** means any person or organization who participates in TNR (Trap Neuter Release) and/or who regularly provides care to a community cat.
- (M) **CAT** means any domestic feline.
- (N) **COMMUNITY CAT** means any cat or kitten that has no apparent owner or identification and is free roaming.
- (O) **CRUELTY.** Failing to provide adequate food and water; failing to detect the need for or withholding veterinary care; creating or allowing unhealthful living conditions; infliction of suffering, injury, or death to an animal by striking, beating, dropping, kicking, dragging, choking, or causing pain/injury/death by the use of an object or weapons; causing pain, injury or death injury/death by means of caustic, flammable, boiling or heated substances; causing suffering, injury or death by suffocation or drowning; failure to provide health-related grooming. For purposes of this chapter the definition of CRUELTY shall not include the acts as described in KRS 525.130(2) and (3).
- (P) **DOG** means a domesticated canid of the genus *canis lupus familiaris*.

(Q) **IMPOUNDMENT.** Taken into custody of the Animal Control of Glasgow-Barren County, Kentucky, including but not limited to, the Barren River Animal Welfare Association.

(R) **LEAD.** A device for restraint of a canine.

(S) **LIVESTOCK.** Horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine.

(T) **POULTRY** means chickens, ducks, turkeys, or other domestic fowl.

(U) **NON-DOMESTIC ANIMAL.** All felines (other than the domestic house cat), wildlife (such as skunk, raccoons, opossums, groundhogs, beaver, deer and squirrels), non-human primates, bears, wolves, coyotes, foxes, venomous reptiles and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this section, the Barren County Fiscal Court may add to or remove from the classification of non-domestic animal any bird, mammal, reptile (aquatic and amphibious forms or other members of the animal's kingdom). Additions to the list may be made only if the Barren County Fiscal Court determines, after public hearing, that such species, because of habit mode of life or natural instinct, is incapable of being domesticated, requires the exercise of art, force or skill to keep them safely in subjection and would create a reasonable likelihood of hazard to the public. Each determination by the legislative body as to additions or deletions shall become effective when filed with the Barren County Judge-Executive.

(V) **OWNER** when applied to the proprietorship of an animal, includes:

(1) Every person having a right of property in the animal; and

(2) ~~Every person who: Any person having a right of property in the animal and every person who keeps or harbors an animal or has the animal in their care, or any person who permits the animal to remain on their premises, including premises they own or occupy.~~

(a) Keeps or harbors the animal;

(b) Has the animal in his or her care;

(c) Permits the animal to remain on or about the premises owned and occupied by him or her; or

(d) Permits the animal to remain on or about the premises leased and occupied by him or her.

(W) **RUNNING AT LARGE** means any animal that is off the property of the owner, custodian, possessor or harbinger and is not restrained. 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 a pack or wanders from actual control or sight of its owner or handler it shall not be deemed to be a violation.

(X) **SHELTER means** A a structure of confinement consisting of three solid sides, a top and a floor, which is dry and constructed of material which provides insulation, or the floor augmented with resting boards, and during inclement weather extremes, said structure shall also include insulating bedding materials.

(Y) **TETHER means** A a rope or chain that is used to restrict an animal, so that it will stay in a particular area. ~~No tether shall weigh more than 1/18th of the animal's weight.~~
<<Outlined portion moved to and addressed in Section 90.11(A)(7).>>

§ 90.02 POWERS OF ANIMAL CONTROL.

- (A) All Animal Control Officers shall have the powers of a peace officer, except for the power of arrest, for the purpose of enforcing state and local animal Control laws, provided they possess the qualifications required under KRS 61.300.
- (B) Animal control officers shall have the authority to issue uniform citations, local citations, or local notices for the enforcement of the provisions KRS Chapter 258, and all animal control ordinances in all jurisdictions within Barren County.
- (C) Whenever an Animal Control Officer must perform any duty or enforce any provision of this chapter or any applicable state statute, that Officer is empowered to enter the property at a reasonable time and inspect the premises. Animal Control Officers shall have such power only if the consent of the owner or occupant of the property is freely given, a search warrant is obtained, or such exigent circumstances exist that a warrantless, non-consensual search is required.
- (D) Any animal observed by a law enforcement officer or Animal Control Officer to be in immediate danger may be removed from such a situation by the quickest and most reasonable means available.
- (E) An Animal Control Officer or law enforcement officer may choose to issue a warning citation in lieu of a uniform citation for any offense in this Chapter. The warning citation shall allow up to seven (7) days to correct the violation, except violations of public nuisance or running at large shall be corrected immediately. If the violation is not corrected in the time stated in the warning or the offender has indicated to the Animal Control Officer that they will not comply with the warning, a uniform citation may be issued.
- (F) Animal control is not authorized to handle nuisance wildlife problems. Animal control will advise complainants to call a nuisance wildlife control professional for nuisance wildlife.

§ 90.03 IMPOUNDMENT OF ANIMALS.

- (A) The Animal Control officers employed by the County or the City of Glasgow are empowered and directed to apprehend any dog or cat that appears to be a stray wandering at large, in need of nourishment, sick or injured, behaving aggressively, damaging property, or constituting a nuisance, as defined in Section 90.01, including excessive barking between 9:00 p.m. and 8:00 a.m., or a hazard to persons or property.
- (B) All canines of any age running at large, as defined in this chapter and found in Barren County, Kentucky, shall be seized by animal control and impounded at Barren River Animal Welfare Association (from now on referred to as "BRAWA"), as they are the Animal Control Board's contracted animal shelter, or any contracted animal shelter thereafter.
- (C) All sick or injured animals found abandoned or running at large shall be seized by animal control and impounded at BRAWA. Treatment procedures shall follow BRAWA's Policy and Procedure Manual.
- (D) If a person has been charged with possessing a vicious animal, inhumane treatment of an animal, cruelty to an animal or a similar charge, Animal Control Officers or Law Enforcement Officers are authorized to impound all animals or livestock related to the charge. The animal(s) shall be held at the animal shelter pending a decision by the District Court unless the animal(s) are voluntarily surrendered to the County. The animals or livestock may then be disposed of in the most appropriate manner.

§ 90.04 DISPOSITION OF IMPOUNDED ANIMAL.

Any adult dog of unknown ownership picked up and impounded by an Animal Control officer or turned in by a citizen shall be kept for a minimum of five days, during which time the animal may be reclaimed by the owner. If the animal is not claimed within that time, the animal shall become the property of BRAWA and may be destroyed in a humane manner or offered for adoption. The five-day holding period shall not apply to the disposition of sick or hurt animals where the owner is not known or cannot be located. Animals may be euthanized at any time to prevent suffering or to protect the health and safety of the other animals at BRAWA. Animals surrendered to BRAWA by the owner may be offered for adoption immediately.

§ 90.05 IMPOUNDMENT FEE AND RECLAIMING OF ANIMALS.

- (A) Any person reclaiming an impounded animal shall provide evidence of ownership. Before animals can be returned to owner, the animal shall be vaccinated against rabies, any veterinary expense incurred in treatment of the animal shall be paid. No veterinary expenses shall be incurred until first trying to locate the owner of the animal and advising the owner of the animal's injury. The owner may elect to decline veterinary care.

(B) Any person claiming or reclaiming an animal according to this section shall pay a reasonable fee for the board, administration, medical attention, and any animal control citations for the animal during impoundment. If an animal has been claimed more than once, the owner shall have the animal microchipped at \$25 payable to BRAWA.

(C) If an animal is seized and is held pending criminal charges, upon a dismissal of the charge or an acquittal at trial, the animal shall be immediately returned to the owner. If the owner does not claim the animal within three days of dismissal or acquittal, the animal may be offered for adoption or may be euthanized at the discretion of Animal Control.

§ 90.06 RABIES CONTROL.

- (A) Every dog and cat owner that resides within the county shall have his or her 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 a veterinarian.
- (B) Animal Control shall secure an animal that has bitten a human being or is suspected of being rabid and report the incident to the local health department in order to collaborate and determine if a quarantine period is needed.
- (C) Physicians shall report persons bitten by dogs, cats and ferrets and other animals to the local health department within 12 hours of treatment in accordance with KRS 258.065. In the event that the health department is closed, physicians must report the incident on the next business day pursuant to KRS 258.065. In the event that a child is bitten and does not receive medical care, the parents or guardians of that child shall report to the local health department pursuant to KRS 258.065.
- (D) In accordance with KRS 258.085, a health officer shall have the authority to quarantine for a period not to exceed:
 - (1) One hundred eighty days for any animal has been bitten by another animal known or suspected to have rabies;
 - (2) Ten days for any dog, cat or ferret that has bitten a human being; or
 - (3) Ten days for any dog, cat or ferret that exhibits symptoms of rabies.
- (E) In lieu of the quarantine, a health officer may order an animal to be destroyed and tested for rabies. If an animal dies or is destroyed because of having been suspected of being rabid, the head shall be sent to a laboratory approved by the secretary for health and family services to be tested for rabies pursuant to KRS 258.085.
- (F) If a wild or exotic animal bites a human being or exhibits symptoms of rabies, that animal shall be destroyed and tested for rabies pursuant to KRS 258.085.
- (G) The owner of any animal quarantined or tested under this section shall be liable for any expenses incurred as a result of the quarantine or testing. Any owner who destroys or disposes of an animal that has bitten a human being shall be liable for any

rabies post-exposure treatment if the destruction or disposal occurs in a manner that does not allow for rabies testing or quarantine pursuant to KRS 258.085.

- (H) Service animals, as defined in KRS 525.010 and service animals in training, that are vaccinated in accordance with KRS 258.015, are under the control of a law enforcement agency, and are acting in the line of duty, shall be exempt from the quarantine period pursuant to KRS 258.085.
- (I) If a local board of health has reason to believe or has been notified by the Cabinet for Health and Family Services that there is a danger that rabies may spread within the county, the local board of health shall publish a notice requiring owners of specified animals of the county to confine the animals for any periods that may be necessary to prevent the spread of rabies pursuant to KRS 258.055.
- (J) Any person who violated KRS 258.015, 258.035, 258.055, 258.065 or 258.085 shall be fined not less than \$10 nor more than \$100. Each day of violation shall constitute a separate offense pursuant to KRS 258.990. All fines collected shall after costs and commissions have been deducted, be paid to the department to be credited to the animal control and care fund pursuant to KRS 258.990.

§ 90.03 DESERTION OF ANIMALS. <<MOVED & COMBINED WITH 90.9 TO FORM A NEW 90.11>>

~~—No person shall abandon any animal, as defined in § 90.01. In the event that an animal is found so abandoned, such animal may be taken by a Glasgow-Barren County Animal Control Officer or peace officer and impounded in a shelter, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in the impoundment section of this chapter. In the event that an animal is so abandoned, the owner or keeper, if any, whom the officer has charged with the animal's care, shall be subject to a citation for abandonment.~~

§ 90.07 OWNER TO EXERCISE CONTROL. ANIMALS RUNNING AT LARGE

(A) No owner of any animal shall permit his or her animal to run at large on 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) ~~(A)~~—No owner of any animal shall fail to exercise proper care and control of his or her animals so as to prevent said animals from damaging property of another or attacking people or other animals which are the property of another.

(C) The owner of an animal who permits it to run at large in violation of this section is liable for all damage caused by the animal upon premises of another.

(D) Any person found to have violated paragraphs (A) and (B) of this Section shall be fined:

(1) For a first offense no more than \$50.00.

(2) For a second offense, no more than \$75.00.

(3) For a third offense no more than \$150.00.

(4) For a fourth or subsequent offense, no more than \$250.00, be imprisoned in the county jail for not less than five (5) days but no more than thirty (30) days or both.

(E) Fines are imposed per animal, per incident.

§ 90.08 LIVESTOCK RUNNING AT LARGE

(A) All livestock, other than poultry, shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property.

(B) Livestock found not restrained by a fence in good repair and which presents a threat to public safety may be removed by Animal Control and the owner charged with a violation of this section.

(C) A stray equine may be impounded and posted by any person or entity if it is found running at large outside of its enclosure or if it can be determined from the circumstances that its owner has abandoned it.

(D) Stray cattle may be taken up and posted by any freeholder by legal or equitable title or by a tenant of an unexpired lease for not less than three (3) years when found on his place of residence.

(E) Stray Equine and stray cattle will be taken up and posted in the manner prescribed in KRS 259.120, 259.130, and 259.140.

(F) Animal Control shall make reasonable efforts to notify the owner as soon as possible. If reasonably possible and feasible, the owner of the livestock shall be notified prior to the actual capture and impoundment of the livestock.

(G) Any person who violates this section shall be fined:

(1) \$100 for the first offense in a twelve (12) month period.

(2) \$200 for a second offense in a twelve (12) month period.

(3) \$300 for a third offense in a twelve (12) month period.

(4) \$400 to \$500 for a fourth and each subsequent offense in a 12-month period.

(H) Each day the violation exists shall constitute a separate offense.

§ 90.09 FEMALE DOGS IN HEAT.

It shall be unlawful to allow a female dog to be exposed during estrus (in season, in heat) so as to attract male dogs. Every female that is in season shall be confined in a building or secure enclosure in such a manner that such female dog cannot come in contact with a male dog except for planned breeding. Females shall not be tethered, {as defined in § 90.01}, and left unattended while in season.

§ 90.10 ANIMALS AS NUISANCE.

(A) No person shall own, keep or harbor any animal that unreasonably annoys humans, endangers the life or health of people or other animals, or substantially interferes with the rights of citizens, other than their owner's, to enjoyment of life or property. Evidence establishing a nuisance includes, but is not limited to the following:

- (1) Allowing animals to threaten, worry, harass, injure, or kill domestic animals or livestock off the owner's property.
- (2) Allowing animals to run at large, chase, jump at or on, bark at or otherwise annoy or threaten passing pedestrians, bicyclists, motorcyclists or operators of motorized vehicles.
- (3) Allowing animals to damage public or private property.
- (4) Allowing animals to disturb the peace and quiet of any person by excessive, continuous, or untimely noises including, but not limited to, barking, howling, yelping, mewing, crowing, cackling, or whining in any neighborhood located in the County.
- (5) Allowing offensive odors or otherwise unclean or unsanitary conditions on property where animals are kept and maintained.
- (6) Maintaining, keeping or harboring any dog, cat or ferret over 4 months old that does not have a current rabies vaccination.
- (7) Keeping any animal known to carry or is susceptible to carrying the rabies virus and which cannot be effectively vaccinated against the rabies virus with any vaccine approved by the Kentucky Cabinet for Health and Family Services.
- (8) Keeping any hybrid animal or any wildlife which has attacked a human or which is apprehended or observed unrestrained.
- (9) Disturbs the peace, comfort or health of persons in any other manner.

(B) The handler shall not be deemed to be in violation of the provisions of this section as a result of the dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

(C) Any person who violates this section will be subject to confinement of up to thirty (30) days in the County Jail and/or a \$250 fine.

§ 90.11 HUMANE TREATMENT OF ANIMALS <<FORMERLY 90.9 AND COMBINED WITH FORMER 90.03>>

~~No owner shall fail to provide food, water, shelter or veterinary care to prevent suffering and humane care and treatment to their dog or cat. Any owner of a dog or cat 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 the waste. If any dog is tethered, the tether shall be designed to prevent choking or tangling. Such tether shall not be less than ten feet in length and shall be on a swivel or a chain run. The tether must be attached to the dog's collar or harness and not directly to the dog's neck, and the tether shall weigh no more than 1/18th of the animal's weight so that the animal is not prevented from moving about freely.~~

(A) It shall be unlawful to abandon any animal or livestock.

- (1) It is no defense that the defendant abandoned the animal or livestock at or near an animal shelter, veterinary clinic or other place of shelter.**
- (2) If an animal is found so abandoned, such animal may be taken by a Glasgow-Barren County Animal Control Officer or peace officer and impounded in a shelter, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in the impoundment section of this chapter. If an animal is so abandoned, the owner or keeper, if any, whom the officer has charged with the animal's care, shall be subject to a citation for abandonment.**
- (3) Notice of seizure of an abandoned animal from private property shall be posted on the premises from which the animal was seized, which notice shall clearly state the address and telephone number for the Animal Shelter.**
- (4) It shall be unlawful for any person to inhumanely treat any animal, including, but not limited to, the deprivation of necessities, beating, mutilating, torturing, killing, overloading, overworking, or otherwise abuse any animal. Nothing herein shall prevent Animal Control from humanely euthanizing any animal.**
- (5) It shall be unlawful for any person to exhibit, display or keep any animal without providing adequate food, water, and shelter from the elements, adequate space, ventilation, shade from the sun, proper sanitation, care and medical attention.**
- (6) It shall be unlawful for any person to keep an animal within the passenger compartment of an automobile without adequate ventilation in the summer or**

adequate warmth in the winter. No person shall enclose any animal in the trunk of an automobile. An Animal Control Officer or Law Enforcement Officer shall rescue any animal confined in such a manner by any reasonable means necessary.

- (7) If any dog is tethered, the tether shall be designed to prevent choking or tangling. Such tether shall not be less than ten feet in length and shall be on a swivel or a chain-run. The tether must be attached to the dog's collar or harness and not directly to the dog's neck, and the tether shall weigh no more than 1/18th of the animal's weight so that the animal is not prevented from moving about freely.
- (8) It shall be unlawful for any person to stage, cause, instigate, permit, observe or attend any dog fight, cockfight, bullfight or other combat between animals or between animals and humans.
- (9) Any person violating any provision of this section shall be fined a sum not to exceed \$500 or sentenced up to twelve (12) months in the county jail, or both. Any person who has been convicted, entered an Alford plea, or pled guilty, shall forfeit ownership of the animals involved to Animal Control. The animals shall be disposed in a manner that is in the best interest of Barren County.

§ 90.12 HARBORING A VICIOUS ANIMAL

(A) A person is guilty of harboring a vicious animal when he:

- (1) Is the owner of a dog;
- (2) that attacks another human being without cause;
- (3) off the premises of the owner.

(B) A criminal complaint under this section may be made to the District Court. Pursuant to KRS 258.235(5)(a), a hearing shall be set for the court to hear evidence and determine whether the owner is in violation of § 90.12(A).

- (1) If found guilty under this section, a person shall, upon conviction, be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100) or be imprisoned in the county jail for not less than five (5) days nor more than sixty (60) days, or both.
- (2) In addition to the penalties outlined in this section, the court shall order the owner to keep the dog securely confined as provided by KRS 258.235(3), or the court may order the dog to be destroyed.

(3) The Animal Control Officer shall act as an officer of the court for the enforcement of any orders of the court in his jurisdiction pertaining to this Section.

(C) It shall be unlawful for the owner of any vicious dog, after receiving an order from the court in the above section, to permit the dog to run at large, or to appear in public except as provided by the Court and shall be punished by a fine of not less than five dollars (\$5) nor more than one hundred dollars (\$100), or by imprisonment in the county jail for not less than five (5) nor more than sixty (60) days, or both.

(D) Nothing in this section shall be construed to restrict the power of the District Judge to punish for contempt of court.

§ 90.13 LICENSE AGREEMENTS WITH LANDOWNERS FOR COURT INSPECTION FOR DISEASED BIRDS, ANIMALS, AND THE LIKE.

(A) The Fiscal Court is hereby authorized to enter into license agreements with landowners authorizing entrance onto his, her, or their property in order to take whatever action is necessary to control the spread of disease carried by birds, animals, rodents, or any living species that may endanger the health, safety, and welfare of the citizens of the community.

(B) Having entered into such agreements, the Fiscal Court may direct the County Judge/Executive or other proper official, agent, or employee to enter upon such lands to take whatever action is necessary to protect the citizens of the county and the commonwealth including, but not limited to, control or eradication methods.

§ 90.14 LICENSE TAGS FOR DOGS. <<REMOVAL APPROVED BY AC BOARD>>

~~—(A) All dogs housed at Barren River Animal Welfare Association (BRAWA) shall be licensed before being released or adopted.~~

~~—(B) It is recommended that every dog six months of age or older be licensed. An owner of a dog six months of age or older may annually purchase a county dog license at the Barren River Animal Welfare Association or by a mail-in application. Mail-in applications will be available at all veterinary offices within the county and at other facilities designated by the Fiscal Court or may be downloaded and printed from BRAWA's website. The cost of the license for an altered (spayed or neutered) dog will be \$5 per year. The cost of a license for any unaltered dog will be \$10 per year. Owners of more than three dogs may elect the purchase of a multi-dog license for \$15 per year if all dogs are altered, or \$30 per year if any dogs are unaltered, with the exception of registered kenneled animals whose owners will pay \$15 for three or more dogs.~~

EXOTIC WILDLIFE, PROTECTED WILDLIFE, AND DANGEROUS SPECIES

§ 90.15 WILDLIFE.

Kentucky is known for its abundance of wildlife. The presence of wildlife in your neighborhood may delight some citizens and may be a nuisance to others. Glasgow-Barren County Animal Control Officers are not authorized to handle nuisance wildlife problems but can evaluate and advise on the situation. If necessary, a nuisance wildlife control professional may be called to assist.

§ 90.16 DEFINITIONS.

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

- (A) DANGEROUS SPECIES.** Those, except bees, which are capable of producing and transmitting poisonous venom through biting or stinging.
- (B) EXOTIC WILDLIFE.** Living terrestrial wildlife species which have never existed in the wild of the commonwealth or been extirpated from the state and could not be reasonable expected to survive in the wild if introduced.
- (C) PROTECTED WILDLIFE.** As defined by KRS 150.010~~(25)~~**(34)**.
- (D) WILDLIFE.** As defined by KRS 150.010~~(41)~~**(50)**.

§ 90.17 PROHIBITIONS GENERALLY.

Except as specified in § 90.28~~19~~**19**, a person shall not import or possess:

- (A) Baya weaver (*Plocius phillipinus*);
- (B) Blackbirds (Genus *Agelaius*), except native species;
- (C) Cape sparrow (*Passer melanurus*);
- (D) Cowbirds (Genus *Molothrus*), except native species;
- (E) Cuckoo (Family *Cuculidae*), except native species;
- (F) Dioch or red-bellied quelea (*Quelea quelea*);
- (G) European blackbird (*Turdus merula*);
- (H) Fieldfare (*Turdus pilar*);

- (I) Flying fox or fruit bat (Genus *Pteropus*);
- (J) Gambian giant pouched rat (*Cricetomys gambianus*);
- (K) Giant or marine toad (*Bufo marinus*);
- (L) Hawaiian lice bird or spotted munia (*Lonchura punctalata nisor*);
- (M) Jack rabbit (Genus *Lepus*);
- (N) Java sparrow (*Padda oryzivora*);
- (O) Madagascar weaver (*Foudia madagascariensis*);
- (P) Mistle thrush (*Turdus viscivorus*);
- (Q) Monk or Quaker parakeet (*Myiopsitta monachus*);
- (R) Multimammate rat (Subgenus *Mastomys*);
- (S) Mute swan (*Cygnus olor*);
- (T) Nutria (*Myocastor coypus*);
- (U) Prairie dog (*Cynomys* spp.);
- (V) Raccoon dog (*Nyctereutes procyonoides*);
- (W) San Juan rabbit (*Nyctereutes procyonoides*);
- (X) Sky lark (*Alauda arvensis*);
- (Y) Song thrush (*Turdus philomelos*); and/or
- (Z) Starlings (Family *Sturnidae*) including pink starlings or rosy pastors (*Sturnus roseus*), except for Indian Hill mynahs (*Gracula refigiosa*):
 - (1) Suricate or slender-tailed meerkat (Genus *Suricata*);
 - (2) Tongueless of African clawed frog (*Aenopus laevis*);
 - (3) Weaver finches (Genus *Passer*), except *Passer domesticus*;
 - (4) White eyes (Genus *Zosterops*);
 - (5) Wild European rabbit (also called the San Juan Rabbit) not distinguishable morphologically from native wild rabbits;
 - (6) Yellowhammer (*Emberiza citrinella*); and/or
 - (7) A member of the following families:
 - (a) *Suidae* (pigs or hogs), except for domestic swine;
 - (b) *Viverridae* (civets, genets, mongooses, and fossas); and/or

(c) Tayassuidae (peccaries and javelinas).

§ 90.18 PROHIBITIONS ON DANGEROUS OR EXOTIC SPECIES.

The possession or importation of the following dangerous exotic species is prohibited:

- (A) African buffalo (*Syncerus caffer*);
- (B) Hippopotamus (*Hippopotamus amphibious*);
- (C) Hyenas (family Hyaenidae), all except species aardwolves (*Proteles cristatus*);
- (D) Old world badger (*Meles meles*);
- (E) Lions, jaguars, leopards, or tigers (genus *Panthera*);
- (F) Clouded leopard (*Neofelis nebulosa*);
- (G) Cheetah (*Acononyx jubatus*);
- (H) Elephants (family Rhinocerotidae);
- (I) Rhinoceroses (family Rhinocerotidae);
- (J) Gorillas (family Pongidae);
- (K) Baboons, drills, or mandrills (genus *Papio*);
- (L) Gelada baboon (*Theropithecus gelada*);
- (M) Gavials (family Gavialidae);
- (N) Crocodiles (family Crocodylidae);
- (O) Alligators or caimans (family Alligatoridae);
- (P) Sea snakes (family Hydrophidae);
- (Q) Cobras or coral snakes (family Elapidae);
- (R) Adders or vipers (family Viperidae);
- (S) Venomous rear-fanged species (family Colubridae);
- (T) Gila monsters or beaded lizards (family Helodermatidae);
- (U) Komodo dragon (*Varanus komodoensis*);
- (V) Wolverine (*Gulo gulo*);
- (W) Bears (family Ursidae);
- (X) Wolf or wolf hybrids; and/or

(Y) Cougar or mountain lion (*Felis noncolor*).

§ 90.19 SCIENTIFIC AND EDUCATIONAL EXCEPTIONS TO PROHIBITIONS.

The Department of Fish and Wildlife Resources Commissioner may allow the importation or possession of the species listed in §§ 90.26~~17~~ and 90.27~~18~~ for legitimate scientific or educational purposes by:

(A) A zoo that is:

- (1) A member of the American Zoo and Aquarium Association; and/or
- (2) Designated as the official zoo of the municipality.

(B) A government agency;

(C) A college, university, or similar educational or research institution; and/or

(D) A circus, which means a traveling public entertainment show consisting of acrobats, clowns, and trained animals, but shall not include a show including wrestling bears or other direct contact between members of the public and inherently dangerous animals.

§ 90.20 INDEMNIFICATION AND BOND.

Animals of the type described in this subchapter may be kept by a licensed veterinary hospital for treatment, federally-licensed educational or medical institution, museum, or any other place where they are kept as live exhibits for study; or a circus, carnival, or other events for entertainment, provided a proper bond or insurance be posted to indemnify those who may be injured or killed by dangerous animals. The type and amount of such bond or insurance shall be determined and approved by the County Judge/Executive.

§ 90.21 SEIZURE AND IMPOUNDMENT; NOTICE.

(A) Upon the written complaint of any person who owns or is keeping or harboring a poisonous reptile or dangerous animal of the type in this subchapter described in the county, the Sheriff shall cause the matter to be investigated, and if after investigation the facts indicate that a poisonous reptile or dangerous animal is in fact being kept in violation of this subchapter, the Sheriff shall deliver written notice to such person requiring that person to safely remove said animal from the county within 72 hours after delivery of notice.

(B) Notice provided by this section shall not be required where such poisonous reptile or dangerous animal has previously caused physical injury to any person, or has escaped and is at large, in which case the animal may be immediately seized and impounded or if in the

course of seizing and impounding, the Sheriff deems it necessary, said reptile or animal may be killed.

(C) The Sheriff shall seize and impound any poisonous reptile or dangerous animal where the person owning, keeping, or harboring such animal failed to comply with the notice described in this section. Upon seizure and impoundment, said poisonous reptile or dangerous animal shall be delivered to a suitable place of confinement. If during the course or seizing and impounding any such poisonous reptile or dangerous animal poses a risk of serious physical harm or death to any person, and if the Sheriff deems it necessary, said reptile or animal may be killed.

(D) Before the Sheriff attempts seizure of any type of dangerous animal, a zoo or rescue/sanctuary shall be contacted so that the chances of the animal being destroyed are reduced.

§ 90.22 COSTS.

Any reasonable costs incurred by the Sheriff in the seizing, impounding, and for confining any poisonous reptile or dangerous animal shall be charged against the owner, keeper, or harbinger of such animal and shall be collected by the County Attorney. Such charge shall be in addition to any fine or penalty provided for violating this subchapter.

§ 90.23 PENALTIES

~~(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.~~

~~(B) Penalties for violations of §§ 90.01 through 90.11 shall be deemed a violation and any person violating §§ 90.01 through 90.11, upon his or her conviction, shall be fined not less than \$50 nor more than \$250 for each offense plus court costs in the County District Court. The Animal Control officers at their option may designate the citation as a payable offense. A payable offense shall be a \$50 fine payable as a designated office in the Glasgow City Building. The proceeds of all fines shall be allocated between city and county government in relation to the place of the occurrence of the offense. Citations shall be paid within the time limit specified on the citation.~~

~~(C)~~ Any person, partnership, or corporation violating any provisions of §§ 90.25¹⁷ through 90.34²¹ shall be fined not less than \$500 and not more than \$1,000 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

