

AN ORDINANCE PROVIDING FOR THE CONTROL OF DOGS WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE PROVISIONS SET FORTH

79-12

BE IT ORDAINED BY THE BOARD OF COUNCIL OF THE CITY OF RUSSELLVILLE THAT:

1. It shall be unlawful for any person to keep or harbor within the city a dog that shall bite or fiercely attack any person while outside of its owner's yard or enclosure.

a. This section shall not apply where a person shall break into or enter, without permission, the premises or enclosure of such dog and be pursued therefrom and attacked or bitten by the dog.

2. It shall be unlawful for any person to keep or harbor within the city a dangerous or vicious dog (a dog that has on more than one occasion attacked or bitten persons and/or animals in a vicious manner), unless it is at all times kept securely chained or enclosed in such manner that it cannot escape from the owner's premises.

3. It shall be unlawful for any person to keep or harbor within the city any dog that barks or yelps or otherwise makes such noise as to disturb the peace and quiet of the people in the neighborhood where the same is kept.

4. It shall be unlawful to entice a dog from a yard or enclosure of its owner or keeper, or to bring any dog into the city for the purpose of impounding or disposing of the same or to remove a muzzle or license tag from any dog without the consent of the owner, keeper or custodian thereof.

5. No owner, custodian, possessor or harborer shall permit any dog to run at large other than on his own premises at any time, unless accompanied by the owner, custodian, possessor or harborer and under his immediate control.

6. The owner, custodian, possessor, or harborer of every dog shall, at all times, keep such dog either (1) confined on his own premises within an enclosure from which it cannot escape, or (2) firmly secured by means of collar or chain or other device so that it cannot stray from the premises on which it is secured, or (3) under the immediate control of such person. The term "under immediate control"

is defined as the power to manage and direct said dog and is not limited to physical control of said dog.

7. Any dog found running at large within the city limits, unless accompanied by the owner, custodian, possessor or harborer, shall be taken up by the County Dog Warden and/or other proper authority, and impounded in the shelter designated as the County Animal Shelter and there confined in a humane manner for a period of not less than seven (7) days or as otherwise provided by law unless sooner claimed by their owners, custodians or person entitled.

a. The dog warden may humanely destroy or transfer title of all animals held after the legal detention period in paragraph #7 hereof has expired and the animal has not been claimed by its owner, custodian or other person entitled to the possession thereof; provided the person to whom title is being transferred licenses said dog according to the laws of the state and supplies proof of a rabies inoculation for said dog together with the boarding charges levied by the animal shelter, and in addition thereto the pick-up fee provided for in subsection (b) hereof.

b. Any owner, custodian or other person entitled to the possession of a dog impounded under subsection (a) hereof may claim such dog upon proof that said dog has been or is licensed, according to the laws of the state; proof that said dog has been inoculated against rabies; payment of boarding charges levied by the animal shelter, and payment of any fine due and in addition thereto, a pick-up fee payable to the city, or governmental authority picking up the dog, of ten dollars (\$10.00).

8. Any owner, custodian, possessor, harbinger, persons, firms or corporations which violates this Ordinance shall be fined not less than \$10.00 nor more than \$100.00 for each offense, plus court costs.

9. Any prior Ordinance or regulation in conflict with this Ordinance is repealed to the extent of that conflict only and in the event a part or parts of this Ordinance is/are declared unenforceable or unconstitutional, said unenforceability or unconstitutionality shall not affect the remainder of this Ordinance.

10. This Ordinance shall become effective upon its passage and publication.

ADOPTED AND APPROVED this 21 day of August, 1979.

MAYOR, CITY OF RUSSELLVILLE

ATTEST:

PEGGY S. JENKINS, CITY CLERK