

ORDINANCE 2004-10

AN ORDINANCE AMENDING ORDINANCE 79-12, "AN ORDINANCE PROVIDING FOR THE CONTROL OF DOGS WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS SET FORTH" BY CREATING A NEW SECTION ENTITLED "PUBLIC EVENTS" AND PROHIBITING ALL DOGS FROM BEING BROUGHT TO PUBLIC EVENTS; PROVIDING EXCEPTIONS THERETO, ALONG WITH A PENALTY CLAUSE, SEVERABILITY CLAUSE, REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 21, 1979, the Board of Council enacted Ordinance 79-12, "AN ORDINANCE PROVIDING FOR THE CONTROL OF DOGS WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS SET FORTH", and

WHEREAS, many large public events take place in the City of Russellville ("City) throughout the year; and

WHEREAS, the City regulates the location, time, and permitted activities of these events through the issuance of a permit to protect the public health, safety and welfare; and

WHEREAS, said public events draw large numbers of people, including small children; and

WHEREAS, food and beverages are frequently prepared, served, and consumed at these public events by multiple vendors; and

WHEREAS, the City of Russellville and event organizers consistently receive complaints about the presence of dogs, both leashed and unleashed, at these public events; and

WHEREAS, said complaints include the intimidation of adults and small children by both leashed and unleashed dogs, the presence of dogs and dog waste near locations where food and beverages are prepared, served and consumed, and the fighting of multiple dogs in close proximity to adults and small children; and

WHEREAS, the unregulated presence of dogs at public events creates a threat to the public peace, health and safety because dogs may harass, intimidate, threaten or injure the general public and may create a serious health hazard in relation to the preparation, service and consumption of food and beverages.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY, AS FOLLOWS:

Section One: Ordinance 79-12 is hereby amended to create a new section to read:

DOGS PROHIBITED AT PUBLIC EVENTS

a. It shall be unlawful for any person to bring any dog, leashed or unleashed, to any public event held in the City of Russellville, Kentucky. "Public event" shall include, but shall not be limited to, Tobacco and Heritage Festival; Flying Fish Festival; August 8th Celebration, or any other large gathering of people brought together to celebrate a public event which requires a permit from the City of Russellville, Kentucky.

b. Exceptions: this Ordinance shall not apply to dogs trained and being used to assist the blind; police dogs on duty for law enforcement authorities; dogs officially entered into an event, or taking part in an event; provided, however, that a dog shall only be allowed an event one (1) hour prior to the event, and once a dog is no longer participating in an event, it shall be removed so as to comply with this Ordinance.

c. Penalty: any person found to be violating this section of this Ordinance shall be subject to a fine of not less than \$25 nor more than \$100, and law enforcement shall have the authority to remove the dog from the public area; if the owner cannot be found, the dog shall be taken to the Humane Society, and may be retrieved by the owner at the owner's expense.

SECTION TWO: SEVERABILITY.

If any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Ordinance shall continue in full force and effect.

SECTION THREE: REPEALER CLAUSE

Any and all parts of Ordinances now in effect which conflict with Ordinance are hereby repealed.

SECTION FOUR: EFFECTIVE DATE.

This Ordinance shall become effective upon publication.

FIRST READING conducted the 7th day of September, 2004.

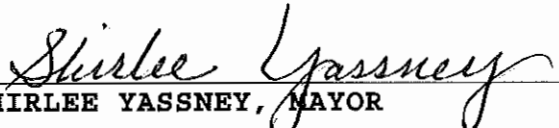
SECOND READING and passage by roll call vote this the 21st day of September, 2004.

Ayes: Barrett, Ken; Bell, Patricia; Hankins, Jean; Jones, Russell; Sweatt, Marie; Wren, Howard.

Nays: none

Abstaining: none

Absent: none


SHIRLEE YASSNEY, MAYOR

ATTEST:


BOB RIGGS, CITY CLERK