

**CITY OF RUSSELLVILLE, KENTUCKY  
ORDINANCE NO. 2006-01**

AN ORDINANCE CREATING AN ANIMAL CONTROL ORDINANCE FOR THE CITY OF RUSSELLVILLE, KENTUCKY, PROVIDING FOR DEFINITIONS; RULES AND REGULATIONS; ENFORCEMENT AND PENALTIES; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE, AND AN EFFECTIVE DATE

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WHEREAS, the City of Russellville has previously enacted Ordinance 79-12, "AN ORDINANCE PROVIDING FOR THE CONTROL OF DOGS WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY AND PROVIDING FOR PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS SET FORTH"; and

WHEREAS, the City of Russellville has previously enacted Ordinance 88-7, "AN ORDINANCE REGULATING THE OWNERSHIP OF VICIOUS DOGS AND REQUIRING CONFINEMENT, SIGNS AND INSURANCE AND RESTRICTING FIGHTING OF SUCH ANIMALS; PROVIDING FOR PENALTIES FOR THE VIOLATION; AND CONTAINING SEVERABILITY AND REPEALER CLAUSES WITH AN EFFECTIVE DATE"; and

WHEREAS, it is the intention of the City Council of the City of Russellville to repeal both of the aforementioned Ordinances, and to enact a more comprehensive Ordinance to better serve the health, safety and welfare of the citizens of the City of Russellville;

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

**SECTION I: DEFINITIONS**

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

**ANIMAL.** Any live creature, domestic or wild, male or female, except humans.

**ANIMAL CONTROL OFFICER.** The City official(s) designated as animal control officer(s), including the Code Enforcement officer, as well as the dog warden of Logan County, Kentucky.

**ANIMAL SHELTER.** The Logan County Humane Society or a facility authorized by an animal control officer for confinement, maintenance, safekeeping, and control of animals that come into custody of the animal control officer or enforcement agent in the performance of his or her official duties.

**AT LARGE.** On or off the premises of the owner and not under the immediate effective control of the owner or custodian, either by leash, cord, chain, or other restraint, or effectively confined within a fenced area on the owner's premises. It shall be presumed that a dog is at large if it is not licensed or not registered under this Ordinance.

**BIRD OF PREY.** Any variety of predatory bird, including eagles, hawks, falcons, owls, and vultures.

**CAT.** Any member of the feline species, male or female, of any age.

**CITY.** The City of Russellville, Kentucky, a municipal corporation of the fourth class, and including any departments, divisions, boards, or agencies thereof.

**CITY LICENSE.** The license issued by the City or its designated agent and required to be in the possession of the license holder.

**DOG.** Any member of the canine species, male or female, of any age.

**ENFORCEMENT AGENT.** Any person designated by the City to enforce the provisions of this subchapter, including but not limited to animal control officers, Code Enforcement officials, and City police officers and the Logan County Sheriff or his deputies.

**EXOTIC ANIMALS.** Any of the following described animals: all animals, including snakes and spiders, whose bite or venom is poisonous or deadly to humans; apes, including chimpanzees, gibbons, gorillas, and orangutans; baboons; bears; cheetahs; crocodilians and alligators; constrictor snakes; coyotes; elephants; gamecocks and other fighting birds; hyenas; jaguars; leopards; lions; lynxes; ostriches; pumas, also known as mountain lions and panthers; wolves; raccoons; skunks; and tigers.

**FALCONRY.** The art of training raptors for the pursuit of game and the sport of hunting with raptors.

**FOWL.** Any and all fowl, domestic or wild, male or female, including chickens, ducks, turkeys, pigeons, and geese.

**KEEP.** Possessing, controlling, exercising, or allowing to run at large.

**LEASH or LEAD.** Any chain, rope, or device used to restrain an animal.

**OWN.** To own, have a property right in, keep, care for, or harbor a dog or other animal, or permit a dog or animal to remain on or about premises owned or occupied by him or her, whether or not the person has an actual ownership interest in the dog or animal.

**OWNER.** Any person who owns, has a property right in, keeps, cares for, or harbors a dog or other animal, or permits such dog or animal to remain on or about premises owned or occupied by him or her, whether or not the person has an actual ownership interest in the dog or animal. If a dog is owned by a family, all adult members of the family, individually and jointly, shall be deemed owners for the purposes of this Ordinance.

**PERSON.** Any individual, firm, corporation, limited liability company, association, or partnership.

**PIT BULL DOG.** Any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terrier, or Staffordshire Bull Terriers, or substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers, including any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.

**PUBLIC NUISANCE.** Any dog, cat, or other animal or animals that: (1) chases passersby or passing vehicles; (2) attacks other animals; (3) is at large three or more times within a year's time; (4) damages private or public property; (5) barks, howls, cries, or makes other loud noises, or runs at large, so as to disrupt the peace of the neighborhood; or (6) is kept, housed, or harbored in such a manner so as to present unsanitary conditions, or causes offensive, obnoxious, or foul odors which impair the reasonable use and enjoyment of surrounding properties.

**RUNNING AT LARGE.** Any dog, cat, or other animal that is free of restraint off of the premises of the owner. Dogs, cats, and other animals that are not securely held on a leash or lead and are on any street, alley, or sidewalk, or at any other public place, or on private property without the consent of the property owner are considered to be running at large.

**STATE.** The Commonwealth of Kentucky, and its departments, divisions, boards, and agencies thereof.

**VACCINATION.** An anti-rabies vaccination using a type of vaccine approved and administered by a veterinarian.

**VETERINARIAN.** Any veterinarian licensed by the state to practice veterinary medicine or employed by a governmental agency.

**VICIOUS DOG.** Any dog such as a Pit Bull breed that has a known or natural propensity, tendency or disposition to attack unprovoked or which has caused death or serious injury to a person engaged in a lawful activity or has attacked or bitten without

provocation a person engaged in a lawful activity; or which has killed or seriously injured another animal after an animal control officer or enforcement agent has issued, based upon the vicious or predatory nature of the dog, a written notice to the owner or custodian of such dog to keep it confined or muzzled and leashed in accordance with this subchapter; or which has been declared to be vicious by the attending physician of the victim of an attack or an animal control officer or enforcement agent, taking into consideration the nature and severity of the incident and whether the dog has displayed dangerously aggressive behavior and is likely to inflict injury on another person or animal. A vicious dog does not include a dog that bites or attacks a person or other animal that provokes, torments, tortures, or treats an animal cruelly.

**VICIOUS DOG LICENSE.** A License issued by the City upon registration of vicious dogs.

**WILD ANIMAL.** Any animal that is not a domesticated companion animal, or any crossbreeds of these animals with domestic animals, or any descendant of any crossbreed. Such animals include, but are not limited to, any venomous snake, python or constrictor snakes, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynx, bobcats, badgers, fox, coyote, wolves, wolverines, squirrels, bears, deer, chipmunks, moose, elk, rabbits, opossum, beavers, ground hogs, moles, gophers, prairie dogs, rats, mice, rodents, and bats.

**WOLF-HYBRID.** Any domesticated dog that has in its known genetic history and/or formal pedigree crossbreeding with the wolf species to include, but not be limited to, animals referred to as wolf-hybrids or wolf-mix breeds or the breed known as Tundra Shepherd.

## **SECTION II: ENFORCEMENT**

(A) Enforcement. It shall be the duty of animal control officers and enforcement agents to enforce this subchapter. Upon the receipt of a complaint from any person that an animal is present within the City in violation of this Ordinance, an animal control officer or enforcement agent shall forthwith investigate the complaint and shall require the person in possession of such animal to comply with the provisions of this Ordinance or to safely remove such animal from the City. Upon failure of the person in possession of the animal to comply with such order, an animal control officer or enforcement agent shall forthwith cause the animal to be seized and impounded. If such animal constitutes a serious threat of harm to humans, property or other animals, it may be rendered immobile by reasonable means or by the use of tranquilizers or other drugs, or if that is not safely possible, then such animal may be destroyed.

(B) Consultation. An animal control officer or enforcement agent, in investigating any person registering under this section or in the enforcement of this Ordinance, is authorized to consult with and seek the advice of any individual, agency, organization,

or society that may be able to provide information and advice concerning animals regulated hereby.

### **SECTION III: APPLICABILITY OF STATE LAW**

No person owning any animal shall violate any laws, rules, or regulations of the state applicable thereto. These state laws, rules, and regulations are included herein by reference. Where the provisions of the state regulations are less restrictive than the provisions of this Ordinance, the latter shall govern.

### **SECTION IV: RULES AND REGULATIONS**

#### **(A) REGISTRATION OF VICIOUS DOGS**

(1) Registration, photographs, and proof of vaccination required. Every owner of a vicious dog (which includes pit bull dogs) in the City shall annually register the animal with the Code Enforcement Officer of the City of Russellville. This registration shall state the name, address, and telephone number of the person possessing the animal, the address where the animal is harbored, if different from the possessor's address, completely identify the animal, including genus and species, his or her common name, gender, color, and other distinguishing physical characteristics, including size and weight. An owner of a vicious dog shall also submit two color photographs showing the color and approximate size of the animal with the registration and obtain from the City a vicious dog License. In the case of dogs or other animals required by law to be vaccinated for rabies, proof of rabies vaccination shall also be provided. Registration shall be completed for all animals that are located or kept within the territorial limits of the City for a period exceeding 24 hours. The registration period shall be for one year, and shall be renewable annually on the anniversary date of registration.

(2) At the time the dog is registered, a tag shall be issued to the owner of the vicious dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a vicious dog.

(3) Proof dog or animal has been spayed or neutered. Every owner of a vicious dog in the City shall submit with its initial registration written proof from a veterinarian that the animal has been spayed or neutered, or a written statement from the veterinarian why the animal cannot or should not be spayed or neutered.

(4) Insurance. An owner of a vicious dog must produce evidence that he or she has the ability to respond in damages up to and including the amount of \$300,000 for bodily injury to or death of any person or persons or for damage to property that may result from the ownership, keeping, or maintenance of such

animal. Proof of financial responsibility may be in the form of a certificate of insurance, or in the form of a surety bond conditioned upon the payment of such damages. If such insurance or surety bond is changed, altered, or terminated after registration of the vicious dog, the owner of such animal shall provide evidence to the City of insurance or surety bond complying with the terms of this provision.

(5) Reporting requirements. Every owner of a vicious dog in the City is required to report the following information in writing to an animal control officer:

- (a) The removal from the City or death of the animal; or
- (b) The birth of offspring of the animal; or
- (c) The new address of the animal if it is relocated within the corporate City limits; or
- (d) When the animal is running at large, has been stolen, or has attacked a person or another animal.

(6) Failure to comply. It shall be unlawful for any owner of a vicious dog in the City to fail to comply with the requirements and conditions set forth in this Ordinance. A vicious dog found to be in violation of this Ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply with this Ordinance will result in the automatic revocation of the license of such animal.

## (B) KEEPING AND MAINTAINING ANIMALS AND VICIOUS DOGS WITHIN THE CITY

- (1) Manner of keeping dogs and animals. No person shall keep or maintain any dog or other animal in the City in such a manner so as to become a public nuisance or to disturb the peace, comfort, or health of any person residing within the City. The keeping of all animals within the City shall be subject to all pertinent regulations of the state and Logan County Health Department.
- (2) Vicious dogs to be properly confined or leashed. The owner of a vicious dog shall:
  - (a) When a vicious dog is indoors, secure all means of egress so that the dog may not exit;
  - (b) Leash and Muzzle. No person shall permit a vicious dog to go outside of its kennel, pen, or the owner's property unless such animal is securely restrained with a leash or lead no longer than

three (3) feet in length and the leash or lead is physically controlled by a person 18 years of age or older who is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all such animals on a leash or lead outside of the animal's kennel, pen, or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

- (c) Chains and tethers. It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether without adequate food and water.
- (d) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled, as provided in Section IV(B)(2) above. Such pen, kennel, or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such animals must comply with all zoning and building regulations, and all such structures must be adequately lighted, ventilated, and be of appropriate size to allow the animal confined therein to move around, and must be kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure. When being transported, the animal must be muzzled or caged.
  - (i) Signs: All owners of vicious dogs shall display on the kennel or pen and also in a prominent place on the premises a sign easily read by the public from adjoining public roads or streets using a sign stating the presence of a vicious dog by both symbol and words.
  - (ii) Inspection: All owners of vicious dogs shall allow animal control officers and enforcement agents the freedom to inspect the area as necessary to assure that the health and safety needs of the animals and the public are being met.

(C) CONDITIONS PRECEDENT TO VICIOUS DOGS BEING PERMITTED TO REMAIN WITHIN THE CITY'S TERRITORIAL LIMITS. Vicious dogs shall not be permitted to remain within the City's territorial limits unless all of the following conditions are met:

- (1) The animal is properly registered in the City;
- (2) The animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or personal property;
- (3) Adequate safeguards are made to prevent unauthorized access to such animal;
- (4) The health or well being of the animal is not in any way endangered by the manner of keeping or confinement;
- (5) Keeping of such animal does not constitute a public nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;
- (6) Keeping of such animal will not create or cause offensive odors or constitute a danger to public health;
- (7) The quarters in which such animal is kept or confined is adequately lighted and ventilated and are so constructed that it may be kept in a clean and sanitary condition;

(D) POLICE DOG EXCLUSION. It is not the intent of this Ordinance to prohibit the City of Russellville Police Department, Logan County Sheriff, or other law enforcement agency from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined at all times in accordance with the policy of such law enforcement agency policy.

(E) MISCELLANEOUS EXCLUSIONS. The provisions of this section shall not apply to the keeping of vicious dogs in the following cases:

- (1) Keeping of such animals in zoos, bona fide educational or medical institutions, museums, or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction, study, or medicinal uses;
- (2) Keeping of such animals for exhibition to the public of such animals by a circus, carnival, or other exhibit or show;



- (3) Keeping of such animals in a bona fide licensed veterinary hospital for treatment or study.

#### **SECTION V: HARBORING FOWL**

- (A) Subject to the City's zoning regulations, no person shall own in the City any chicken, duck, guinea, goose, pigeon, or dove, or any species of fowl of the avian or aquatic family for commercial purposes, within 100 feet of any residence therein.
- (B) No person shall permit any such chicken, duck, guinea, goose, dove, pigeon, or any fowl of the avian or aquatic family to run or be at large within the City. However, the provisions of this section shall not apply to any fowl confined in coops at market places or stores where the fowl is sold for food, except that any fowl kept for sale shall not be permitted to run at large at the place where the fowl is kept for sale, or the owning of pigeons and birds of prey for the purposes of falconry.

#### **SECTION VI: SANITARY CONDITIONS REQUIRED**

- (A) Unless a local zoning Ordinance is to the contrary, no person shall be permitted in an area zoned residential to raise poultry or animals for commercial purposes. All persons raising poultry or animals within the City, whether for commercial purposes or otherwise, shall be required to keep them at all times in a clean and sanitary condition and free from obnoxious odors.
- (B) The premises upon which fowl, rodents, cattle, horses, sheep, or goats are kept shall always be sanitary and subject to inspection and regulation by the animal control officer.

#### **SECTION VII: WILD ANIMALS AND EXOTIC ANIMALS PROHIBITED**

No person shall own wild animal(s) and/or exotic animal(s) within the jurisdictional boundaries of the City. This prohibition does not apply to zoological parks, properly licensed transient animal exhibits, circuses, licensed veterinarians or licensed caregivers to wild animals, or persons owning birds of prey in compliance with all state and federal regulations.

#### **SECTION VIII: BREEDING VICIOUS DOGS, EXOTIC AND WILD ANIMALS**

The breeding of vicious dogs, exotic animals, and wild animals within the boundaries of the City is strictly prohibited and enforcement agents may impound such animals when they are pregnant or impound any litter these animals may produce. This prohibition

shall not apply to person(s) owning and/or breeding birds of prey for the purpose of falconry in compliance with all state and federal regulations.

#### **SECTION IX: ANIMAL CARCASSES**

- (A) The body or part of any animal to be used for human food shall not be transported through any streets, unless it is covered so as to protect it from insects, animals, dust, and dirt.
- (B) No person shall permit any dead horse, cow, sheep, or other animal carcass to remain within the City longer than a reasonable time for removing or burying the animal carcass.
- (C) When a dead animal is found in the City, the owner shall promptly and properly bury the animal when notified to do so by an animal control officer or enforcement agent. Where the owner is unknown or neglects or refuses, an animal control officer or enforcement agent, or their designee, shall bury the animal.

#### **SECTION X: INJURING OR POISONING ANIMALS**

- (A) Any person who accidentally or otherwise strikes an animal with an auto and injures it shall contact the Police Department or animal control officer regarding the injured animal.
- (B) No person shall willfully or negligently poison any animal.

#### **SECTION XI: DISEASED ANIMALS**

- (A) Every person owning or having any animal under his or her charge within the City which he or she knows or suspects has been affected by any communicable or infectious disease, including but not limited to glanders or anthrax, shall isolate the animal from other animals and shall immediately report the existence or suspected existence of the disease to an animal control officer or enforcement agent.
- (B) The animal control officer or enforcement agent is authorized, on the evidence of a veterinary surgeon or three disinterested witnesses, that any animal is incurably injured or diseased, to kill, or order the animal to be killed at once.

#### **SECTION XII: FASTENING ANIMALS TO TREES; IMPOUNDMENT**

- (A) No person shall at any time fasten any horse or other animal to or around any hydrant, pole, shade tree, or other inanimate object on any street or public

ground. Any enforcement agent may impound the animal so fastened until any penalty as may be provided and any expenses reasonably incurred in keeping and caring for the animal are paid. If the fine and charges are not paid within seven days, the animal shall be deemed a stray and treated as provided for in Section XXI. This section shall not apply to horses participating in the annual Tobacco and Heritage Festival, or other similar city-sanctioned events.

- (B) Any person who finds an animal on his or her property to his or her injury or annoyance may:
  - (1) Defend or protect himself against trespassing animals; or
  - (2) Remove the animal to the Logan County Humane Society; or
  - (3) Retain possession of the animal and, as soon as possible, notify the Logan County Humane Society or the City animal control officer of this custody, giving a description of the animal and the owner's name, if known.

### **SECTION XIII: DEPOSITING ANIMAL REFUSE IN PUBLIC PLACES**

No person shall deposit any dead animal matter, offal, or any solid refuse animal matter in any sewer, watercourse, vacant lot, or pond in the City. The depositing of the refuse animal matter in any such place is declared a public nuisance.

### **SECTION XIV: MINIMUM AREA LIMITATIONS**

- (A) No animal shall be kept on any lot or parcel of land within the City consisting of less than 10,000 square feet in area.
- (B) The provisions of division (A) above shall not apply to the keeping of:
  - (1) Small household pets, including but not be limited, to dogs and cats; or
  - (2) Animals for commercial purposes, where such use is lawful under the City zoning code.

### **SECTION XV: ANIMALS AT LARGE; IMPOUNDING**

- (A) RUNNING AT LARGE.
  - (1) The owner of any dog or animal shall keep the dog or animal confined to the premises and property of the owner and shall not allow the dog or animal to run at large, except as provided in this Ordinance.

- (2) No owner of a dog or other animal shall permit or allow the dog to run or be at large, as defined in Section I, or to go about or on the premises or property of any other person within the City without the permission of the other person.
- (3) No owner of any cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens, or any other animal shall allow these animals to run at large within the City. Herding any such animals or tying it for grazing in any street or other public place shall be deemed running at large within the meaning of this section. To permit any running at large is declared to be a public nuisance and dangerous to the public health and safety.
- (4) No operator or owner of a meat packing plant or slaughter house or any other facility that receives animals for butchering shall permit these animals the opportunity to escape from the facility. Any owner or operator of such a facility shall cause to be constructed at the facility adequate fences and enclosures and shall supervise the loading or unloading of animals from vehicles to assure that no animals escape from the facility.
- (5) Any animal led or permitted to run at large in violation of this section shall be impounded at the owner's expense until the penalty for the violation, any impoundment charges, and any other charges required by this Ordinance are paid.
- (6) Any animal control officer, enforcement agent, or other officer designated by the City is authorized to capture and impound any animal found at large in accordance with this Ordinance.

#### **SECTION XVI: PLACE OF IMPOUNDMENT**

- (A) Any dog or animal seized or captured pursuant to this subchapter may be impounded at the Logan County Humane Society.
- (B) The City may by resolution enter into a contract with any other Humane Society in the City, county or state, or other similar association, not organized for pecuniary profit as pound keeper, for the collection, keeping for redemption, and destruction of all animals found in the City and impounded in accordance with the provisions of this Ordinance.
- (C) The animal control officer or enforcement agent may seize and take into custody and impound, or cause to be taken into custody and impounded the following:
  - (1) Any dog or animal off the premises of the owner which official or his agent have reason to believe is a stray dog;

- (2) Any female dog in heat off the premises of the owner;
- (3) Any dog or animal that is permitted to run at large within the City contrary to Section XV(A); and
- (4) Any vicious dog found to be in violation Sections IV(A) or (B).

### **SECTION XVII: DISPOSITION OF UNREDEEMED ANIMALS**

When a dog or animal has been impounded and has not been redeemed by his or her owner, the Logan County Humane Society, or any person authorized under Section XVI to do so, may cause the dog or animal to be sold or destroyed in a humane manner.

### **SECTION XVIII: INTERFERENCE WITH IMPOUNDING OF ANIMALS**

No person shall willfully prevent or obstruct the impounding of any animal violating any of the provisions of this Ordinance, or shall take any animal out of the Logan County Humane Society without the consent of the person in charge of the facility, or shall knowingly impound or attempt to impound any animal not legally liable to impoundment.

### **SECTION XIX: VICIOUS DOG REGISTRATION AND REGULATIONS**

- (A) All vicious dogs, six (6) months of age or older, owned, kept, harbored, or maintained in the City shall be licensed and registered with the City.
- (B) Licenses shall be issued by the City Code Enforcement Officer upon submittal of application, Proof of Insurance as provided in Section IV(A)(3).
- (C) The owner shall state at the time the application is made for the license, upon forms provided for such purpose by the City Code Enforcement Officer, the owner's name and address and the name, breed, color, and sex of each vicious dog owned or kept by him or her and provide proof of rabies vaccination.
- (D) Upon receipt of the properly executed application(s), Proof of Insurance and payment of the license fee, the City shall issue to the owner a license certificate for each vicious dog so licensed.
- (E) A vicious dog license shall not be transferable from one dog to another and no refunds shall be made on any license fee because of death of the vicious dog or the owner leaving the City before the expiration of the license period.

- (F) If there is a change of owners of a vicious dog during the license period, the new owner may have the current registration transferred to his or her name upon payment of a transfer fee of \$1 and Proof of Insurance.
- (G) The registration and license period provided for herein shall be on an annual basis with each license to be renewed on anniversary date of issue.
- (H) The provisions of this Ordinance shall not apply to dogs brought into the City for the purpose of participating in any bona fide dog show, or to "seeing eye" dogs properly trained to assist blind persons when the dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.
- (I) All vicious dogs that are brought into the City, except as provided in (H) above, shall be registered and licensed as herein provided if said animals remain in the City for more than 24 hours.
- (J) The licensing and registration herein required shall be in addition to all licenses, registrations, and vaccination requirements of the state or county by law or regulation.
- (K) Any vicious dog whose owner does not possess a vicious dog license as herein required shall prima facie evidence that the dog is unlicensed and unregistered, and in any proceeding under this Ordinance, the burden of proof of the fact that a dog has been licensed and registered shall be on the owner of the dog.

**SECTION XX: ANIMAL CONTROL OFFICER OR ENFORCEMENT AGENT TO TAKE POSSESSION; ENTRY ON PRIVATE PROPERTY**

- (A) Any vicious dog found at large within the City and whose owner is not readily ascertainable, or any dog or animal found in violation of the provisions of this Ordinance may be taken into custody by an animal control officer or enforcement agent.
- (B) An animal control officer or enforcement agent shall have specific authority to enter upon private property for the purpose of inspecting or checking vicious dogs to determine if they are properly licensed by the City, or for taking into custody any unlicensed vicious dog found at large within the City, or any vicious dog found upon the property of another, other than the owner of the vicious dog.
- (C) An animal control officer or enforcement agent may use any reasonable means and force necessary to take control and possession of vicious dogs and animals violating this Ordinance, including, but not limited to, using tranquilizer guns or devices. An animal control officer or enforcement agent shall not be liable, either civilly or criminally, for dogs or animals that are unintentionally injured or

killed in the process of taking control or possession of the animals as provided herein.

## **SECTION XXI: IMPOUNDING**

- (A) All vicious dogs and animals taken into custody by an animal control officer or enforcement agent, as provided in Section XX, shall be impounded at the Logan County Humane Society, except as provided in division (B) below.
- (B) If the vicious dog is found on the premises of its owner, but is unlicensed by the City or state or at large, the Code Enforcement Officer, animal control officer or enforcement agent may, in his or her discretion, not impound the dog, but in lieu thereof, issue a Notice of Violation and/or a Citation on a form provided by the Code Enforcement Board of the City of Russellville to the owner for owning an unlicensed vicious dog or animal and/or permitting the dog or animal to be at-large.
- (C) All dogs and animals impounded shall be handled or disposed of by state law, as provided by KRS Chapter 258 and Section XVII herein.
- (D) No dog or animal impounded by an animal control officer or enforcement agent shall be released to its owner without authority from the City of Russellville Code Enforcement Officer, or the Mayor.
- (E) If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer, or enforcement agent shall immediately, upon impoundment, notify the owner by telephone or mail. An owner reclaiming an impounded dog or animal shall pay the required fee imposed by the Logan County Humane Society or other impounding authority and shall comply with any other requirements of the Logan County Humane Society or this Ordinance before the dog or animal can be released, including but not limited to, the spaying and neutering of a vicious dog.
- (F) Any dog or animal seized by an animal control officer or enforcement agent shall be impounded for a minimum five days, and if not claimed by the owner by such time, shall become the property of the Logan County Humane Society. Such animal may be placed for adoption in a suitable home or humanely euthanized.

## **SECTION XXII: INTERFERENCE WITH ANIMAL CONTROL OFFICER OR ENFORCEMENT AGENT**

It shall be unlawful for any person to interfere with, molest, hinder, or prevent an animal control officer or enforcement agent of this City in the discharge of his or her duties as prescribed in this subchapter.

### **SECTION XXIII: STRAY DOGS**

Any person who picks up a stray dog shall immediately notify and turn the dog over to the Logan County Humane Society or animal control officer. No person shall harbor or hold for reward or procure a license for a dog which has strayed upon his or her premises or which has been picked up on a public street, highway, or other public place unaccompanied by its owner or other person, or which has been stolen from its owner.

### **SECTION XXIV: FEMALE DOGS IN HEAT**

Female dogs in heat found running at large shall be seized and impounded, and shall not be released except on approval of an animal control officer and payment of the required fees to the Logan County Humane Society.

### **SECTION XXV: DOGS AND ANIMALS THAT HAVE ATTACKED OR BITTEN**

- (A) An animal control officer, or enforcement agent may serve notice upon the owner or person in charge of a dog or other animal which has attacked or bitten a person, to confine the animal at the expense of the owner or person in charge of it upon the premises of the owner or person in charge or at some other place designated in the notice, for at least ten days after the animal has attacked or bitten the person.
- (B) The owner or person in charge of an animal which has attacked or bitten a person shall permit the animal control officer or enforcement agent to examine the animal at any reasonable time, and daily if desired, within a period of ten days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.
- (C) Whenever a dog or other animal is affected by rabies or suspected of being affected by rabies, or has been bitten by an animal known or suspected to be affected with rabies, the owner or person in charge of the dog or animal or any person having knowledge thereof, shall immediately notify either an animal control officer, or the City police.
- (D) Every physician shall immediately after his or her first professional attendance upon any person bitten by a dog or other animal, report to an animal control officer, or the City police, the name, age, sex, race, and precise location of the person so bitten. When a physician is not in attendance of a person bitten by an animal, then any person in charge of or in control of or responsible for the person bitten shall report the incident to the police, an animal control officer and provide the same information as set out herein.



- (E) An animal control officer, or the City police shall serve a notice, in writing, upon the owner of a dog or other animal known or suspected to have been bitten by an animal known or suspected of being affected by rabies, requiring the owner or person in charge of the animal to confine it for a period of not less than six months.
- (F) Whenever the police or an animal control officer has reason to believe that a danger exists that rabies may spread within the City, the officials shall serve a notice in writing upon all persons owning or having charge of any animal requiring the person to confine the animal or, the authorities, in lieu of serving a notice in writing, may cause a notice to be published in the official newspaper of the City. Other animals may be included in the order whenever, in the opinion of the officials, this is necessary.
- (G) Whenever the state or local health department has knowledge that any case of rabies exists among dogs or other domestic animals within the state, and in its judgment the disease is liable to spread, the state or local health department may issue an order requiring either the police, the Animal Shelter, or an animal control officer to order animals confined as provided in this section, and to cause the enforcement of these provisions by appropriate proceedings either in law or equity.
- (H) An animal confined under the order of either the police or an animal control officer shall not be released until a certificate of release has been issued by the official who ordered the confinement.

## **SECTION XXVI: POWERS OF ENFORCEMENT AGENTS OR ANIMAL CONTROL OFFICER**

Nothing in this Ordinance shall be construed to conflict with any of the powers or authority of enforcement agents, including police officers, or animal control officers conferred by the provisions of state law.

## **SECTION XXVII: REMOVAL OF DOG EXCREMENT**

No person shall allow a dog under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device for the removal and containment of the dog's excrement; nor shall any person fail to remove any excrement deposited by any dog under his or her control on public or private property. This section shall not apply to guide dogs under the control of a blind person.

## **SECTION XXVIII: PENALTIES**

- (A) Any person violating any provision of this chapter, for which another penalty is not provided, shall be deemed guilty of a misdemeanor and be fined not more than \$500 or imprisoned for not more than six months, or both.
- (B) Any person violating the provisions of Section VII (Wild and Exotic Animals) shall be deemed guilty of a misdemeanor and shall be fined not less than \$250 nor more than \$500.
- (C) Any person violating the provisions of Section XV(A) (Running at Large) shall be deemed guilty of a violation and shall be fined not less than \$50 nor more than \$100.
- (D) Any person violating the provisions of Section XIX (Vicious Dog Registration and Regulations) shall be deemed guilty of a misdemeanor and shall be fined not less than \$50, nor more than \$100 for the first violation, and not less than \$100 nor more than \$500 for each subsequent violation hereof.
- (E) Whoever violates Section XXVII (Removal of Dog Excrement) shall be deemed guilty of a violation and shall be fined \$50.
- (F) Any person violating Section IV(B) (Keeping and Maintaining Animals and Vicious Dogs within the City) shall be deemed guilty of a Class B Misdemeanor and shall be fined not more than \$250 or imprisoned for not more than 90 days, or both, for the first violation, and shall be deemed guilty of a Class A Misdemeanor and fined not more than \$500 or imprisoned for not more than one year or both, for each subsequent violation. Each day of violation shall constitute a separate offense.
- (G) Civil penalties: Violation of this Ordinance is a civil offense. The maximum civil penalty that may be imposed is \$250.00 for each offense, and each day the Ordinance is violated may be considered a separate offense. If one who violates this Ordinance does not contest a citation, then the penalty for such violation shall be \$50.00, and each day the Ordinance is violated may be considered a separate offense.
- (H) The Code Enforcement Board of Russellville, Kentucky is granted concurrent jurisdiction to decide all cases based on a Citation issued by the Code Enforcement Officer for violation of this Ordinance.
- (I) In order to assist in enforcement of this Ordinance, the Code Enforcement Board may authorize the City Attorney of Russellville to file a legal action to collect fines, foreclose on Judgment Liens, and to seek injunctive relief against a violator

who fails to comply with the terms of this Ordinance.

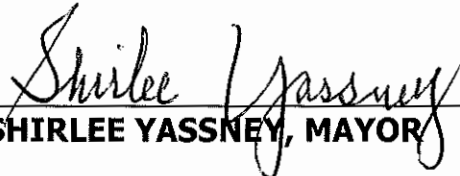
**SECTION XXIX: SEVERABILITY.** The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application there of to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and in act each other.

**SECTION XXX: REPEAL OF EXISTING ORDINANCES.** All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed. Ordinance 79-12, "AN ORDINANCE PROVIDING FOR THE CONTROL OF DOGS WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY AND PROVIDING FOR PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS SET FORTH"; and Ordinance 88-7, "AN ORDINANCE REGULATING THE OWNERSHIP OF VICIOUS DOGS AND REQUIRING CONFINEMENT, SIGNS AND INSURANCE AND RESTRICTING FIGHTING OF SUCH ANIMALS; PROVIDING FOR PENALTIES FOR THE VIOLATION; AND CONTAINING SEVERABILITY AND REPEALER CLAUSES WITH AN EFFECTIVE DATE" are specifically repealed and are no longer Ordinances of the City of Russellville upon the effective date of this Ordinance.

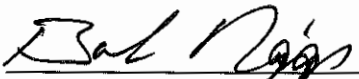
**SECTION XXXI. EFFECTIVE DATE.** This ordinance shall become effective after passage and publication taking place as required by law.

**FIRST READING** on the 21<sup>st</sup> day of February, 2006.

**SECOND READING AND PASSAGE** on the 4<sup>th</sup> day of April, 2006.

  
SHIRLEE YASSNEY, MAYOR

ATTEST:

  
BOB RIGGS, CITY CLERK

**Ayes:** Jones, Russell; McPherson, Lanny; Phillips, Chuck; Stratton, Mark; Whipple, Jack.

**Nays:** none

**Absent:** Zick, Eugene

**Abstaining:** none