

**Louisville Kentucky proposed animal control revision, 8TH
DRAFT - JULY 27, 2006**

Ordinance No. _____, Series 2006

AN ORDINANCE AMENDING AND REENACTING CHAPTER 91 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] PERTAINING TO ANIMAL CONTROL AND WELFARE [COMMITTEE SUBSTITUTE].

Sponsored By: _____

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS FOLLOWS:

SECTION I. LMCO Chapter 91 is hereby amended and reenacted to read as follows:

§ 91.001 DEFINITIONS.

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

ANIMAL. Any non-human living creature, domestic or wild, including livestock, poultry, pet rodents, pet birds and vermin.

ANIMAL CONTROL. See METRO ANIMAL SERVICES

ANIMAL CONTROL OFFICER. Persons designated by the Metro Government as the primary enforcement officers of ordinances regulating animals and owners of animals, and for the enforcement of sections of the Kentucky Revised Statutes pertaining to the cruelty to animals.

ANIMAL DEALER. Any person engaging in the business of buying and/or selling any animal or animals for the purpose of resale to pet shops, research facilities, another animal dealer, including the sale of any animal from any roadside stand, booth, flea market or other temporary site. (Persons buying or selling animals fit and destined for human consumption and person involved in the sale of an occasional litter or animal on a random basis are not included in this definition). Animal dealers are also subject to the provisions of §§ 91.050 through 91.062 and 91.078 of this chapter.

ALTERED ANIMAL. Any animal that has been spayed or neutered.

ANIMAL-DRAWN VEHICLE. Vehicles with four or more wheels.

ANIMAL SHELTER. Any premises designated and/or operated by the Metro Government for the purpose of impounding and caring for animals held under authority of this chapter.

HUMANE SOCIETY ANIMAL WELFARE GROUP Any organization existing for the purpose of the prevention of cruelty to animals and incorporated under the laws of the Commonwealth of Kentucky

APPROVED RABIES VACCINE. Any vaccine approved as effective by the Kentucky Department for Human Resources for protecting an animal from contracting rabies.

AT-RISK DOG. An at-risk dog is one which:

(1) menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person; or

(2) causes physical injury to any domestic animal while not under restraint; or

(3) is found not under restraint.

ATTACK. An unprovoked attack in an aggressive manner on a human that causes a scratch, abrasion, or bruising, or on a domestic animal that causes death or injury that requires veterinary treatment.

BOARDING KENNEL or CATTERY. Any establishment where dogs, cats, puppies, or kittens are kept for the purpose of boarding for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for treatment, diagnostic, or recuperative purposes, or for grooming.

BOARDING STABLE. Any facility for boarding, livery, training or riding school or any facility which maintains horses or ponies, mules, donkeys or burros for the purpose of housing, feeding, riding, training, driving or riding lessons, whether gratuitously or for a fee and/or which advertises these services by the use of a sign, billboard or by placing an advertisement in newspapers, on bulletin boards or in any other publication excluding licensed pari-mutuel facilities.

BONA FIDE FARMING OPERATION. The operation and maintenance of a farm, situated on ten contiguous acres or more of land used for the production of livestock, poultry, poultry products, dairy, dairy products, or horticulture products or for the growing of crops such as, but not limited to, tobacco, corn, soybeans and wheat.

CAT. Any domestic feline four months of age or older.

CIRCUS. A resident or non-resident variety show which features animal acts. A circus shall not include resident or non-resident dog and cat shows sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the American Cat Fanciers Association, the Cat Fanciers Association or any affiliate thereof, nor shall it include any primary horse show.

CLASS A KENNEL or CATTERY. Any establishment where dogs and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying, or selling such animals and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The Class A Kennel or Cattery license shall apply to up to ten dogs or cats and shall require an additional Class A Kennel or Cattery license for each increment of up to ten dogs or cats.

CLASS B KENNEL or CATTERY. Any establishment where dogs, puppies, cats, or kittens are kept for the primary purpose of showing (including

but not limited to field trial competition, hunting trial competition, herding, conformation, and obedience competition) and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The primary purpose shall be determined by verifying the participation of one or more of the housed animals in a sanctioned competition in the preceding 12 months. The license shall apply to up to ten animals. Animals in excess of ten shall be licensed individually.

CLASS C KENNEL or CATTERY. Any establishment where dogs or puppies are kept for the primary purpose of training for guard, sentry, field, obedience, whether gratuitously or for a fee. A Class C Kennel may also offer boarding services if the boarding occurs at the same location with no additional boarding kennel license required.

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 pain, injury, or death to an animal by striking, beating, dropping, kicking, dragging, choking, or by the use of an object or weapon; causing pain, injury, or 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.

DANGEROUS ANIMAL. Any warm-blooded mammal which is known to carry or be susceptible to the rabies virus and which cannot be effectively vaccinated against that virus with any vaccine approved by the Kentucky Department of Human Resources. A dangerous animal includes any hybrid animal or any pet wildlife which has attacked a human or which is apprehended or observed unrestrained.

DANGEROUS DOG. Except as exempted in § 91.110(B) a dangerous dog is:

(1) Any an at-risk dog, which when unprovoked, in an aggressive manner commits a severe attack on any person or inflicts death or serious injury to any person; or

(2) Any dog which maims or kills domestic animals when not under restraint; or

(3) Any dog which is used in the commission of a crime including, but not limited to dogfighting, threatening or menacing, or guarding the conduct of unlawful activity; or

(4) Any dog which is declared by the director to be a dangerous dog under the procedures set forth in this Chapter, or

(5) Any dog owned or harbored primarily for the purpose of fighting or harming other animals.

DIRECTOR . The Director of Louisville/Jefferson County Metro Animal Services

DOG. Any domestic canine four months of age or older.

DOMESTIC. Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, and any animal which may be vaccinated against rabies with an approved rabies

vaccine, and any animal which has an established rabies quarantine observation period.

DWELLING UNIT. Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy by one or more persons, and which at a minimum contains sleeping, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term includes hotel or motel rooms, extended stay lodging facilities, nursing home rooms and assisted living units.

ENCLOSURES.

(1) ENCLOSURES FOR DOGS AND PUPPIES.

(a) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign prescribed by the Division MAS, posted next to the driveway or entry to the property. The enclosure must contain proper shelter from the weather. This type of enclosure is not acceptable for a female in heat, for unaltered pit bull dogs, dangerous dogs, or potentially dangerous dogs. An unrestrained dog(s) that attacks a dog restrained by this method may not be charged with being a **POTENTIALLY DANGEROUS DOG** as defined in this chapter.

(2) ENCLOSURES FOR POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS. Enclosures for potentially dangerous dogs and dangerous dogs shall be an uncovered fence or structure at least seven feet in height, installed beneath ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient in size to allow the dog to stand, sit, and turn around in a natural position, to defecate away from food and water, and which allows for an adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather. A "DANGEROUS DOG" sign prescribed by the Division MAS must be posted at the entry to the property.

EXOTIC SPECIES. Any animal born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

KITTEN. Any domestic feline younger than four months of age.

LICENSE FACILITY. Any facility and/or business operation or person designated by the Metro Government pursuant to § 91.020 of this chapter to issue licenses required by this chapter and/or provide applications thereto.

LIVESTOCK. Horses, stallions, colts, geldings, mares, fillies, ponies, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits.

METRO ANIMAL SERVICES or MAS. Louisville/Jefferson County Metro Government Department of Animal Services.

METRO COUNCIL. Legislative Council of the Metro Government.

METRO GOVERNMENT. Louisville/Jefferson County Metro Government.

MICROCHIP. A passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system. Such system must be compatible with a scanner used by the Division MAS.

NUISANCE. Any act of an animal or its owner that irritates, perturbs or damages rights and privileges common to the public or enjoyment of private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions on the following acts or actions by an animal or by its owner or possessor shall hereby being declared a nuisance:

(1) Allowing or permitting an animal to habitually bark, whine, howl, mew, crow or cackle in an excessive or continual fashion or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(2) Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including to but not limited to getting into or turning garbage containers or damaging gardens, flowers, plants or other real or personal property or leaving fecal material on the property of another person.

(3) Allowing or permitting an animal to molest, chase, snap at, attack or attempt to attack passers-by, vehicles, other domestic animals or livestock.

(4) Allowing or permitting an animal to habitually or continually roam or be found on property of other than its owners or caretakers, trespassing school grounds, parks or the property of any person.

(5) Allowing or permitting an animal to be housed or restrained less than fifteen (15) feet from a public street, road, sidewalk or access and, in the discretion of the animal control officer, poses a threat to the general safety, health and welfare of the general public.

(6) Allowing or permitting an animal to be maintained in an unsanitary condition so as to be offensive to sight or smell.

(7) Allowing or permitting an animal to habitually charge in an aggressive manner a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal.

OWNER. Any person owning, keeping or harboring animals in Jefferson County.

PERSON. An individual, partnership, association, company, firm, business or corporation.

PET BIRDS. Any tamed or domesticated bird kept caged or within doors.

PET RODENTS. Hamsters, gerbils, wood- chucks, mice or similar rodents which are kept as domesticated or tamed animals and which are kept caged or within doors at all times.

PET SHOP. Any person engaged in the business of breeding, buying, selling at retail or as a broker of animals of any species for profit-making purposes.

PIT BULL DOG. Means and includes any of the following dogs of any age:

- (1) The Staffordshire Bull Terrier breed of dogs; and
- (2) The American Staffordshire Terrier breed of dogs; and
- (3) The American Pit Bull Terrier breed of dogs; and
- (4) The Dogo Argentino breed of dogs; and
- (5) The Dogue de Bordeaux breed of dogs; and
- (6) The Presa Canario breed of dogs; and
- (7) The Cane Corso breed of dogs; and
- (8) Dogs that have the appearance and characteristics of being

predominantly of the breeds of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier, Dogo Argentino, Dogue de Bordeaux, Presa Canario, and Cane Corso, and that conform to the standards established by the American Kennel Club for Staffordshire Bull Terriers, American Staffordshire Terriers, American Pit Bull Terriers, and for breeds known as Dogo Argentino Dogue de Bordeaux, Presa Canario, and Cane Corso.

POTENTIALLY DANGEROUS DOG. Except as exempted in § 91.110(B) a potentially dangerous dog is:

- (1) Any An At-Risk dog, as defined herein, which, when unprovoked, in an aggressive manner bites, scratches, or bruises any person.
- (2) Any unrestrained dog which, when unprovoked, bites, injures, or kills another domestic animal while that animal is restrained in compliance with this chapter.
- (3) Except as exempted in § 91.110(B) Any dog which is declared by the Director to be a potentially dangerous dog under the procedures set forth in this Chapter..

POULTRY. All domesticated fowl and all game birds which are legally kept in captivity.

PUPPY. Any domestic canine younger than four months of age.

QUALIFIED PERSON. Any veterinarian or other person granted a permit by the Division MAS to vaccinate their own dogs or cats against rabies.

QUARANTINE. Humane confinement of an animal in a secure enclosure which enclosure prevents the animal coming into unplanned contact with any other animal or human being.

REASONABLE HOURS. The normal business hours of any establishment or business regulated by this chapter.

RESTRAINT. (1) For all animals except puppies and dogs, RESTRAINT shall mean on the premises of the owner or, if off the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.

(2) For puppies and dogs, RESTRAINT shall mean on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner on the owner's property and under his/her direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person physically able to control the dog or except for unaltered pit bull dogs, dangerous dogs, and potentially dangerous dogs, accompanied by a responsible person into an enclosed "off-leash" area designated by the Kentucky Department of Parks and in conformance with all regulations and/or requirements imposed as a condition of utilizing such "off-leash" area by such Department of Parks, or its designee.

(a) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether. A fixed-point restraint may be used temporarily but not to exceed one (1) hour in a twenty-four (24) hour period.

(b) A dog may be exclusively restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level.

(c) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(d) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(e) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.

(f) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(3) In addition to the requirements of Section 2, above, under this definition, RESTRAINT for unaltered pit bull dogs, dangerous dogs, and potentially dangerous dogs shall mean:

(i) that such dogs are at all times securely muzzled when off the premises of the owner. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or other animal; and

(ii) that owners of such dogs shall not allow the dog to be outside an enclosure as defined in this chapter unless the dog is confined to a secure cage, or is chained, leashed, and is muzzled, and is under the control of a person physically able to restrain the dog.

(iii) that a lead or leash for an unaltered pit bull dog shall not exceed four feet in length.

(4) Other standards and requirements for restraining dogs shall be as set forth in § 91.051.

(3) (5) All livestock weighing more than 40 pounds, except horses, stallions, colts, geldings, mares, fillies, ponies, miniature horses, mules, jacks, jennies, goats, kids and sheep, must be kept on tracts or lots of at least .5 acres or more.

(4) (6) Horses, stallions, colts, geldings, mares, fillies, mules, jacks and jennies must be kept on an individual tract, lot, or parcel (as defined in the Land Development Code) of at least one acre or more; except that the Louisville Zoo, the Louisville/Jefferson County Metro Police Department and the Kentucky Derby Museum shall be exempt from this requirement.

(5) (7) All livestock shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property. Livestock found not restrained by a fence in good repair and which present a threat to public safety may be removed and the owner charged with a violation of this section.

(6) (8) All crowing and non-crowing poultry must be kept on tracts or lots of at least .5 acres or more, unless a tract or lot is on less than .5 acres and only houses five or less non-crowing poultry, and no more than one crowing poultry in accordance with the remainder of this subsection. All crowing and non-crowing poultry shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. The fence or structure must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch.

SECRETARY. The Secretary of the Louisville/Jefferson County Metro Government Cabinet for Public Works and Services.

SEVERE ATTACK. An unprovoked attack in an aggressive manner upon a human in which the victim suffered a bite(s) or was shaken violently, and which caused serious physical trauma or death.

THEATRICAL EXHIBITION. Any exhibition or act featuring performing animals. Such exhibitions shall not include resident or non-resident dog and cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association or any affiliate thereof nor shall it include any primary horse show.

UNALTERED ELEPHANT. Any elephant that has not been spayed or neutered

UNFIT FOR PURCHASE. Any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this chapter, veterinary findings of internal and external parasites shall not be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition. An animal shall not be found unfit for purchase on account of injury sustained or illness contracted subsequent to the consumer's taking possession thereof.

VACCINATIONS. The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Kentucky State Board of Health.

VETERINARIAN. A licensed practitioner of veterinary medicine, accredited by the Kentucky Board of Veterinary Examiners.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

WILDLIFE. Any animal which occurs naturally in a wild state. This includes any animal which is part wildlife.

ZOOLOGICAL GARDEN. Any park or zoo operated by a person or private corporation, but excluding any governmental agency or foundation..

§ 91.002 RESTRAINT REQUIRED.

All animals shall be kept under restraint at all times, as defined in this chapter, except as otherwise provided herein, and any deviation or violation thereof is strictly prohibited.

§ 91.003 CONFINEMENT OF ANIMAL IN HEAT.

Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for a planned breeding.

§ 91.004 OWNER TO CONTROL ANIMALS; NUISANCES PROHIBITED.

No owner shall fail to exercise proper care and control of his or her animals so as to prevent the following actions: excessive or continuous barking, crowing, or howling, molesting of passersby, chasing of vehicles, attacking domestic animals, trespassing upon school grounds or private property, or damaging property of any nature animal from constituting a nuisance as defined in this Chapter.

§ 91.005 EXHIBITION OF WILD OR VICIOUS ANIMALS.

No person or private corporation shall keep, or permit to be kept, on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This chapter shall not be construed so as to apply to a zoological garden, theatrical exhibition, or circus, as defined in § 91.001 of this chapter.

§ 91.006 NON-APPLICABILITY TO NON-RESIDENTS.

Sections 91.001 through 91.097 requiring a license shall not apply to non-residents of Jefferson County who are keeping or harboring only domestic pets, provided that animals of such owners shall not be kept in Jefferson County longer than 30 days and that the animals shall be kept under restraint. No non-resident shall, however, keep any pet in Jefferson County over the age of four months that has not been vaccinated against rabies with an approved rabies vaccine.

§ 91.007 INTERFERENCE WITH ENFORCEMENT PROHIBITED.

No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual authorized to enforce the provisions of this chapter.

§ 91.008 KEEPING OF WILDLIFE.

(A) No person may possess:

(1) Any nonhuman primate.

(2) Any venomous or poisonous reptile, amphibian, or insect. Venomous reptiles which were in private possession prior to March 10, 1988 may be retained by the owner but may not be transferred. The owner shall be responsible to provide proof that the specimens were in the owner's possession at the time of passage. Each venomous reptile must be registered with the Division MAS. Each owner must apply for, and receive, a permit from the Division MAS allowing retention of the specimens. Each animal must be provided adequate space and diet, and a clean and healthful environment. Each permit shall include all specimens kept and must be renewed each July 1.

(B) Any person possessing wildlife of the orders listed in subsection (C), in addition to all other requirements of this chapter must comply with the following regulations:

(1) Obtain a permit from the State Department of Fish and Wildlife Resources where required by state statute.

(2) Apply to and receive from the Division MAS a permit for each animal. Each permit must be renewed every July 1 and is not transferable.

(3) Each permit application must be accompanied by a health certificate from a veterinarian stating that the animal is free of symptoms of infectious disease or is under treatment. A new health certificate must be provided each time the permit is renewed. If there is an approved rabies vaccine available for the species being kept, proof of a valid vaccination must be presented annually with the health certificate.

(4) Before the permit can be issued, the facility where the animal is to be kept must be inspected by the Division MAS. Each enclosure must provide adequate exercise area and sleeping quarters. Proper temperature control and ventilation for the particular species must be provided in both areas. Each enclosure must be kept locked and designed so that no one can enter or place appendages in the enclosure. Each enclosure must be constructed so as to prevent the animal from escaping. Each enclosure must be kept in good repair to prevent both escape and injury to the animal. Each enclosure must have a water container which is secured so as to prevent its being overturned. Each enclosure must be disinfected daily. Surfaces must be of an impervious material to allow for disinfecting. Owners keeping wildlife as pets inside their residence are not required to provide for the requirements of subsection (B)(4), except that there must be separate sleeping quarters. The animals must remain in the owner's home or in the prescribed enclosure, if outdoors. If transported to the veterinarian, it must be kept in an escape-proof cage.

(5) Each animal must be provided with continuous clean water and must be fed a minimum of twice per day a diet approved by a veterinarian.

(6) Any animal which has bitten or scratched someone must be immediately surrendered to the Division MAS for euthanasia and testing by the Department of Health. A live test approved by the Department of Health may be substituted for euthanasia.

(7) Any person who sells or trades these animals must, in addition to the above regulations, obtain an animal dealers license.

(C) Orders regulated by this section (examples provided in parentheses). For the purposes of this chapter, animals included in these regulations promulgated by the Division MAS shall include the European Polecat (ferret) or any hybrid animal which is part wildlife:

- (1) Marsupials (Opossums, kangaroos, etc.);
- (2) Chiroptera (bats);
- (3) Endentata (anteaters, armadillos);
- (4) Rodentia (porcupines, squirrels); and
- (5) Carnivora (wolves, lions, bears, skunks, raccoons,

ferrets).

(D) This chapter does not apply to domestic dogs, puppies, cats, kittens or gerbils, hamsters, or guinea pigs or domestic rats or mice.

(E) No owner or person shall show or display in public, whether gratuitously or for a fee, any reptile, amphibian, or any order of wildlife regulated by this chapter unless the owner or person has obtained the appropriate license.

(F) The standards set forth in this chapter also do not apply to:

- (1) Any zoological garden accredited by the American Association of Zoological Parks and Aquariums;
- (2) Appropriately licensed theatrical exhibitions or circuses;
- (3) Federally licensed research institutions;
- (4) Any government agency or its employees who use the animals for an agency related education, propagation or behavior program; or
- (5) Anyone holding a valid rehabilitation permit from the State Department of Fish and Wildlife Resources, but only for animals that are in rehabilitation and scheduled to be released to the wild.

(G) Any owner of any type of swine which is kept as a pet and is not part of an agriculture livestock production operation shall have the animal(s) implanted with a microchip identification. The owner shall also register that identification information with the Division MAS and obtain a Swine Permit.

§ 91.009 KEEPING OF DANGEROUS ANIMALS PROHIBITED.

No dangerous animal as defined in this chapter shall be kept within Jefferson County.

§ 91.010 FEE SCHEDULE.

(A) Effective dates. The fee schedule set forth in this section is the amended initial schedule of fees which shall be effective on the first day of the month following the month in which §§ 91.001 through 91.097 are adopted effective date of the ordinance amending and re-enacting this Chapter 91. Proposed amendments to this schedule may be submitted at any time by the Director of the Department of Public Protection, or the Director of any Cabinet, Department, Division or other unit of Metro Government to which the Division of Animal Control and Protection has been assigned. The fee schedule, in whole or in part, may be amended by the Director with the approval of the Metro Council. Any new or revised fees will become effective on the first day of the month following the month in which the an amended fee schedule is adopted approved by the Metro Council.

(B) Exemption. No license or permit shall be required for Metro Animal Services facilities and its satellites, any veterinary hospital which does not advertise boarding services, municipal animal control facility, university-operated medical research facility, or governmental-operated zoological garden the Louisville Zoo. No license or fee is required of any certified physical assistance dog altered pet; documentation of the certificate shall be supplied upon request with each pet license application as defined in this chapter.

(C) Animal Control Services Building Fund and Animal Care Fund. Pursuant to KRS 68.125, there is hereby established Louisville Metro Department of Finance shall establish a separate building fund to be known as the "Animal Control Services Building Fund" for the future building needs of Metro Government Animal Control and Protection Services (MAS) Department and an Animal Care Fund to provide for pet sterilizations. The Department of Finance shall create a separate accounts for said funds. into which shall be deposited \$1 Twenty percent of all fees collected by Animal Control MAS or other license facility for the issuance of each license and \$5 from each violation and control notice fee collected by the Division MAS shall be deposited into the account for the Building Fund, and five percent of all such fees so collected shall be deposited into the account for the Animal Care Fund. Any donations or bequests received from the public for the future building or animal-care needs of Animal Control MAS shall also be deposited in this account. This fund, if not already effective, shall become effective the first day of the month following the adoption of this chapter. The amount of said fees contributed to the fund shall remain in effect until amended by the Metro Council.

(D) Animal control and protection Metro Animal Services fee schedule, shall be as set forth in Appendix A to this chapter.

TYPE OF LICENSE	FEE
Altered dog or cat license	\$7.00
Unaltered dog or cat license	\$35.00
Boarding kennel or cattery	\$80.00
Class A kennel or cattery	\$200.00
Class B kennel or cattery	\$75.00
Class C kennel	\$75.00

Senior citizen unaltered dog or cat (owner 65 years or older; one pet per Household)	\$3.50
Pet shop	\$100.00
Pet shop (selling puppies, dogs, cats, kittens)	\$200.00
Animal dealer	\$100.00
Animal dealer (selling puppies, dogs, cats, kittens)	\$200.00
Circus	\$100.00
Theatrical exhibition	\$100.00
TYPE OF LICENSE FEE	
Riding or boarding stable	\$7.00
Animal-drawn vehicle (One license per company)	\$100.00
Wildlife permit	\$100.00
Swine permit	\$10.00
Humane Society	No fee
Late fee, when license more than ten days overdue	\$10.00
Violation notice, inclusive of \$10 late fee	\$30.00
Control notice (each animal)	\$30.00
Small trap deposit	\$40.00
Large trap deposit	\$200.00
Postage and handling for mail-in applications	\$0.50

REDEMPTIONS FEE

Dogs and cats under eight months	\$6.00, plus \$3.00 per day
Altered dogs and cats	\$15.00, plus \$5.00 per day
Unaltered dogs and cats	\$30.00, plus \$5.00 per day
Quarantined dogs and cats	\$40.00, plus \$5.00 per day
Livestock - large animals	\$40.00, plus \$8.00 per day
Livestock - small animals	\$6.00, plus \$1.00 per day
Trailer charge	\$40.00 per trailer used
Vaccination vouchers (DHKPP, FVRCP) (Rabies)	
Parasitic examination voucher	
\$15.00 each	
\$8.00	
\$5.00	

ADOPTIONS FEE

Kitten (under four months)	\$20.00
Puppies (under four months)	\$20.00
Dogs/cats (over four months)	\$20.00
Spay/neuter fee	
Male cat and dog	
Female cat	
Female dog	

\$50.00

\$75.00

\$75.00

Rabies voucher \$8.00

(E) All fees established in Appendix A shall be reviewed at least every two years, at which time, they may be increased, based upon a comparison with the most recently-published Consumer Price Index. Such fee increases shall be instituted only when the amount equals or exceeds \$.25, and in increments of \$.25. If costs require greater rate increases, these may be implemented upon Metro Council approval.

§ 91.011 SANITARY DISPOSAL OF ANIMAL FECES REQUIRED.

(A) It shall be unlawful for any owner or person in charge of a dog, cat, or other four-footed mammal, poultry or other fowl to permit such animal to be on school grounds, metro parks or other public property, or on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalks, highways, or rights-of-way of the Metro Government other than duly designated bridle paths, without the owner or person in charge of such animals to have in his or her possession, a suitable device for the picking up, collection and proper sanitary disposal of the animal feces or manure. Equine animals being used for recreational purposes are exempt.

(B) It shall be unlawful for the owner or person in charge of a dog or cat, or other four-footed mammal, poultry or other fowl to permit or allow such animal to excrete manure or feces on school grounds, metro parks or other public property, or on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalk, highways, or rights-of-way of the Metro Government other than duly designated bridle paths, unless the owner or person in control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner. Equine animals being used for recreational purposes are exempt.

(C) This section shall not apply to blind or visually impaired persons accompanied by a "seeing eye" dog used for their assistance.

LICENSES, PERMITS AND VACCINATIONS

§ 91.020 DOG AND CAT LICENSES.

(A) Effective upon passage of this chapter and from that day forward, every owner of an animal who resides or whose animal resides in Jefferson County and who is regulated by this chapter shall apply to the Division MAS or a license facility designated by the Mayor, for the appropriate license. Individual dog and cat licenses shall be issued in conjunction with a valid rabies vaccination certificate. and shall be valid for one year from the date of that vaccination and must be renewed annually during that same month. Licenses

and rabies vaccinations shall be required for each dog or cat four months of age or older. License tags and rabies vaccination tags issued under this section shall be firmly attached to a harness or collar worn by the animal at all times when the animal is off the premises of the owner, unless participating in a sanctioned animal exhibit or show.

(B) The owner of a dog or cat at its birth shall be required to obtain a puppy or kitten license for which MAS may charge a fee of \$1.00. This license shall expire when the dog or cat attains the age of four months and is required to be licensed under subsection (A), above.

(B) (C) Except for unaltered pit bull dogs, animals kept temporarily (not in excess of 30 days unless granted an extension by the Division MAS) for the purpose of breeding or showing shall not require an individual dog or cat license provided the owner has proof of a current rabies vaccination.

(B) (D) The cost of an individual Unaltered Dog or Cat License shall be \$35 unless amended by the Metro Council as provided in § 91.010. In addition to the individual Unaltered Dog or Cat License, the owner shall also be issued a Spay/Neuter Rebate Certificate worth a prescribed amount towards the cost of a spay or neuter surgery at participating veterinarians. That prescribed amount shall be \$25 unless amended by the Metro Council as provided in § 91.010.

(E) Owners of unaltered pit bull dogs shall file with any application for a license under this § 91.020 an appropriate certificate from a veterinarian certifying that the dog has been spayed or neutered. Otherwise, the dog must be licensed under § 91.0201.

(C) (F) Pursuant to KRS 258.095, the Metro Government hereby designates as license facilities those offices or clinics of veterinary medicine located within Jefferson County which agree to abide by the procedures established for the issuance of licenses by the Division MAS. For each individual dog or cat license issued, the license facility shall be paid \$1.00. This provision shall become effective the first day of the month following the adoption of this chapter and the amount of the fee paid the licenses facility shall remain in effect until amended by the Metro Council.

(G) All offices or clinics of veterinary medicine shall notify clients of the legal licensing requirements that are set forth in this Ordinance.

§ 91.0201. REGISTRATION AND SPECIAL LICENSING OF UNALTERED PIT BULL DOGS

(A) No person shall own or possess, or buy, sell, or trade, or otherwise transfer ownership or possession of an unaltered pit bull dog which has not been spayed or neutered, or which has not been registered or licensed pursuant to this section.

(B) The owner, or any person in possession of every unaltered pit bull dog born or brought into Jefferson County shall register that dog with MAS on a form provided by MAS. No unaltered pit bull dog shall be licensed pursuant to LMCO 91.0201(A) until that dog has been properly registered with MAS. As a condition of initial registration, as well as each annual renewal, MAS shall require the owner of the unaltered pit bull dog to furnish the following:

(1) The name and address of the owner; or person in possession; and

(2) The location[s] where the unaltered pit bull dog will be kenneled or housed; and

(3) A certificate or other appropriate document from a veterinarian certifying that the unaltered pit bull dog has had a microchip inserted either by MAS or by a veterinarian in accordance with standards and specifications promulgated by the Director. If a microchip is inserted by MAS, the owner shall pay a fee as specified under § 91.10 of this chapter.

(4) A certificate of insurance with an insurance company licensed to do business within the Commonwealth of Kentucky; which provides:

(a) third party liability coverage protecting the public from death or injury by the dog with a limit of liability no less than \$100,000; and

(b) an endorsement which requires the insurer to notify MAS in the event that the policy should lapse or be cancelled.

(C) Within thirty (30) days of the issuance of a license under this section, the owner[s] of an unaltered pit bull shall file with the Director a certificate, or other written evidence satisfactory to the Director, that the owner[s] has/have satisfactorily completed a course of instruction, approved by the Director, concerning the welfare, control, and socialization of unaltered pit bull dogs.

(D) Registration required under this section shall be renewed annually, either electronically or by mail, as the Director shall provide by regulation. All requirements for initial registration shall also apply to annual renewals.

(E) The registered location[s] of any unaltered pit bull dog shall not be changed for any period in excess of three (3) days without notification to MAS by means which the Director shall provide by regulation. The owner or person in possession of any unaltered pit bull which is stolen, or which escapes from or strays from its enclosure, shall immediately upon such occurrence notify MAS.

(F) The owner or person in possession of any unaltered pit bull dog shall not be changed without immediate notification to MAS by means which the Director shall provide by regulation.

(G) MAS shall charge a fee of \$100 for the annual registration of unaltered pit bull dogs.

(H) Law enforcement agencies and officers shall be exempt from the registration and licensing requirements of this § 91.0201.

(I) Owners of unaltered pit bull dogs shall have ninety (90) days from the effective date of this ordinance to comply with this § 91.0201.

§ 91.0202. UNALTERED PIT BULL DOGS TO BE ENCLOSED OR UNDER RESTRAINT.

- (A) Unaltered pit bull dogs shall at all times be kept and maintained:
- (1) In a proper enclosure as defined in this chapter; and as approved by the Director in writing; or
 - (2) Under restraint as defined in this chapter.
- (B) Law enforcement agencies and officers shall be exempt from the requirements of this § 91.0202.

§ 91.0203. UNALTERED PIT BULL DOGS AS DEFINED DANGEROUS DOGS OR POTENTIALLY DANGEROUS DOGS

Unaltered pit bull dogs are, in addition to the requirements of §§ 91.0201 and 91.0202, subject to all the provisions of § 91.110 through § 91.112 of this chapter relating to dangerous dogs and potentially dangerous dogs.

§ 91.0204. TRAINING OF PIT BULL DOGS FOR FIGHTING PROHIBITED

No person, including an owner, shall possess, harbor, or maintain in his/her/its care, custody, or control, a pit bull dog for the purpose of fighting, nor train, torment, badger, bait, or use any pit bull dog to attack human beings or other animals.

§ 91.0205. ADDITIONAL REQUIREMENTS PERTAINING TO UNALTERED PIT BULL DOGS

A. In addition to the requirements of § 91.001 which defines ENCLOSURE and RESTRAINT, unaltered pit bull dogs may not be kept on any porch or patio or in any part of a house or structure which would allow any such dog to exit an enclosure on its own volition. In addition, unaltered pit bull dogs shall not be kept in a house or structure where window screens or door screens are the only barrier to any such dog exiting an enclosure on its own volition.

B. In addition to the requirements of Section 91.001 which defines ENCLOSURE, fences and structures designed to confine unaltered pit bull dogs shall be securely closed and locked, and shall be designed to prevent the entry of children.

C. No more than two of any of the following may be kept within any one premises:

1. an unaltered pit bull dog; or
- 2: An dog which has been declared to be a dangerous dog or a potentially dangerous dog under this Chapter.

§ 91.0206 DETERMINATION OF BREED BY METRO ANIMAL SERVICES

A. In the event that any owner or person in possession of a dog which another person or an Animal Control Officer has identified as an unaltered pit bull dog contests such identification, the determination of the dog's breed for purposes of this ordinance shall be made by the Director upon application by the aggrieved owner. Such a determination shall constitute a rebuttable presumption that the dog is an unaltered pit bull dog.

B. An appeal of the Director's determination may be made to the Secretary within three days after the Director's determination in accordance with procedures promulgated by the Secretary. The Secretary's decision on appeal shall be final for all purposes under this ordinance.

C. At the time the Director makes a determination under this section, he/she shall advise the applicant, in writing, of the applicant's rights to appeal and the procedures for taking an appeal.

§ 91.021 OTHER REQUIRED LICENSES AND PERMITS.

(A) Licenses or permits shall be required in the following categories. Each separate location must be licensed separately, inspected and meet the requirements of this chapter prior to the license or permit being issued.

(B) License or permits in these categories shall be effective each July 1 and be valid for one year:

- (1) Class A kennel or cattery.
- (2) Class B kennel or cattery.
- (3) Class C kennel.
- (4) Pet shop.
- (5) Livery, riding, or boarding stable.
- (6) Humane Society Animal Welfare Group Shelter.
- (7) Animal-drawn vehicles (one license per company).
- (8) Theatrical exhibition.
- (9) Wildlife permit.
- (10) Animal Dealer.
- (11) Circus.
- (12) Boarding kennel or cattery.
- (13) Swine permit.
- (14) Unaltered pit bull dog
- (15) Pit Bull breeder
 - (16) Dangerous Dog
 - (17) Potentially dangerous dog
 - (18) Puppy and Kitten

§ 91.022 LICENSE RENEWAL; REVOCATION; APPEALS.

(A) Renewal. All licenses required under § 91.021 shall be renewed on or before July 1 of each year.

(B) Revocation.

(1) The Director of the Division of Animal Control and Protection may revoke or deny any license issued hereunder.

(2) Grounds for such revocation or denial include, but are not limited to, conviction pursuant to any violation of this chapter Chapter or conviction pursuant to any related state or federal law.

(3) License revocation or denial notices shall be in writing and shall state the grounds therefor.

(C) Appeals.

(1) Any person who receives such license revocation or denial notice issued pursuant to this chapter may appeal such notice to the Director of the Cabinet of Public Works and Services or its counterpart Secretary within ten days following the receipt of such notice unless such period is extended by the Director of the Cabinet of Public Works and Services Secretary.

(2) Any appeal from such notice shall be in writing, shall state the grounds therefor and shall be signed by the person bringing the appeal or their authorized representative.

(3) Failure to file a timely appeal to a license revocation or denial notice shall result in license revocation or denial.

(4) If requested by the appellant, a hearing shall be held on the issues raised by the appeal.

(5) The hearing shall be held within a reasonable period of time before the Director of the Cabinet of Public Works and Services or its counterpart who shall be the sole arbiter of the appeal Secretary or his/her designee. The decision of the Secretary shall be final.

(6) The decision of the Director shall be appealable to the court solely on the issue raised and the record presented at the hearing.

§ 91.023 VACCINATIONS; FIXATION OF TAGS.

(A) Every owner of a dog or cat four months of age or older shall have it vaccinated against rabies. Any owner of a dog or cat reaching four months of age shall have such animal vaccinated by the tenth day after the date the dog or cat attained this age. Every owner of a puppy or kitten that is between three and four months old may have such animal vaccinated against rabies. Such vaccination shall be in accordance with the vaccination requirements prescribed by the Kentucky State Board of Health National Association of State Public Health Veterinarians, Inc. (NASPHV) in the most current version of the annual "Compendium of Animal Rabies Prevention and Control." Vaccinations shall be performed by a veterinarian or qualified person.

(B) The veterinarian or qualified person administering the vaccination shall issue to the dog or cat owner a vaccination certificate on a form prescribed by the Kentucky State Board Department of Public Health. The vaccination certificate shall be prepared and issued in triplicate. One copy shall be forwarded by the veterinarian or qualified person to the Louisville/Jefferson County Board of Health, or its designee, no later than seven days after the end of the preceding month, one copy shall be given to the owner of the dog or cat, and one copy shall be retained by the veterinarian or qualified person. Each vaccination certificate shall bear the name and address of the issuing party and a serial number and a brief description of the animal vaccinated. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the name of the person issuing it.

(C) "Qualified person" permits are granted only to Class A or Class B kennel or cattery operators, and rabies vaccinations may only be

given to those animals which are owned by the kennel or cattery. Any animal which is sold, traded or otherwise removed from the kennel or cattery must be re-vaccinated against rabies by a veterinarian and must be re-licensed by the Division MAS.

(D) When a rabies voucher is purchased from the Division MAS at the time of license application, the person purchasing such voucher shall, within seven days, take the dog or cat to a veterinarian who will vaccinate the dog or cat, issue a regular vaccination certificate in the manner prescribed herein, and return the voucher to the Animal Shelter. The Animal Shelter will present the voucher to the Metro Government from which payment will be made to the veterinarian performing the vaccination. A veterinarian or other qualified person who purchases a dog or cat does not have to purchase a rabies voucher from the Division MAS but must show his or her permit number.

(E) The rabies tag described herein and furnished by the veterinarian or other qualified person for dogs or cats shall be affixed by the owner to a collar or harness or affixed to an enclosure or cage furnished by him and shall be worn by the dog or cat for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from any dog or cat except during a recognized breed show, such as the American Kennel Club or as provided in KRS 258.165.

(F) During a recognized breed show the owner of the dog or cat shall retain the rabies tag and shall produce the same whenever called upon to verify that any cat or dog in his possession or owned by him had the required vaccination. The certificate of vaccination may be produced if the tag has been lost.

(G) Every owner of a dog or cat shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between revaccinations shall conform to manufacturer's written instructions (currently every 12 months for annual vaccines, or 36 months for triennial vaccines), and requirements prescribed by the NASPHV in the current version of the annual "Compendium of Animal Rabies Prevention and Control."

(H) An animal owner who is visiting Louisville Metro for less than thirty (30) days shall have proof of current vaccination for any such animal, and have its rabies tag attached to its collar or harness.

§ 91.024 SALE OF RABIES VACCINE.

It shall be unlawful for any person to sell, give away, permit to be sold or given away any rabies vaccine live or killed to anyone but a veterinarian or other qualified person.

§ 91.025 CERTAIN SALES OF ANIMALS PROHIBITED

A. It shall be unlawful for any person required to be licensed under § 91.021, but who has not obtained such a license, to sell, offer to sell, or to advertise the sale of an animal. Any electronic or print offer to sell, including a paid advertisement, shall include the license number of the licensed person making the offer.

B. It shall be unlawful for any person to sell, offer to sell, or to advertise the sale of an animal which is required to be licensed and vaccinated under §§ 91.021 and 91.023, but which has not been licensed and vaccinated. Any electronic or print offer to sell, including a paid advertisement, shall include the license number of the animal offered for sale.

C. It shall be unlawful for any person to purchase an animal which has been offered for sale, or sold, in violation of this §91.025.

D. It shall be unlawful for any person to sell, offer to sell, or to advertise the sale of an animal , or for any person to purchase a dog which has been classified by the Director as a dangerous dog or a potentially dangerous dog without the written permission of the Director.

E. In addition to a citation issued to the owner, any animal sold or offered for sale in violation of this § 91.025 shall be impounded by MAS. The animal shall be released to the owner[s] only upon the obtaining of all required licenses or vaccinations, and the payment of all other redemption fees and costs provided under § 91.036.

LIMITATION ON DOGS IN RESIDENTIAL AREAS

§ 91.030 NUMBER OF DOGS ON RESIDENTIALLY USED PROPERTY

(A) No more than three (3) dogs, excluding puppies, may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, (as defined in the Land Development Code), which is .5 acres or less and has on such property any building or structure containing a residential use.

(B) No more than seven (7) dogs, excluding puppies, may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, (as defined in the Land Development Code), which is more than .5 acres but less than 2 acres and has on such property any building or structure containing a residential use.

(C) This subsection (g) shall not apply to an individual tract, lot or parcel (as defined in the Land Development Code), which has on such property a building or structure containing a residential use, if such location has a current Class A, Class B, or Class C kennel license and continues to maintain such license, as provided by § 91.021.

AMNESTY

§ 91.031 DIRECTOR MAY DECLARE AMNESTY

(A) The Director, with the approval of the Secretary, may suspend the civil and criminal penalties under §§ 91.020 and 91.021 of this Chapter for a period not to exceed ninety (90) days in any one calendar year upon condition that owners comply with the requirements of those sections during the amnesty period. At the expiration of a declared amnesty period, all civil and criminal penalties under this Chapter shall be fully in effect.

(B) A declared amnesty shall not apply to any provision of this Chapter other than §§ 91.020 and 91.021.

EDUCATION, TRAINING, AND SOCIALIZATION PROGRAMS

§ 91.032 PUBLIC FUNDS AUTHORIZED FOR EDUCATION, TRAINING, AND SOCIALIZATION PROGRAMS

(A) The Council finds it to be in the public interest, and the Director is hereby authorized to enter into joint agreements with Animal Control and Animal Welfare Organizations for the purpose of planning, promoting, and conducting education and training programs for the purpose of:

(1) educating the public as to responsible and lawful animal ownership and management; and
(2) raising the level of compliance with the provisions of this Chapter.

(B) The Director is authorized to expend public funds for this purpose, provided that all such expenditures shall be made in accordance with all Metro ordinances, policies, and procedures relating to contracts and expenditures.

(C) The Director may, with or without in lieu of seeking the approval of the District Court, reduce or abate any fine or civil penalty which could otherwise be imposed under §§ 91.998 and 91.999 upon condition(s) that

(a) the violator[s] attend and satisfactorily complete an education or training course established under this Section, and/or

(b) that the dog will be spayed or neutered, or both at the expense of the owner, as prescribed by the Director of Metro Animal Services.

IMPOUNDMENT

§ 91.035 IMPOUNDMENT AUTHORIZED; EUTHANASIA OF UNCLAIMED ANIMALS.

(A) Unrestrained animals shall be taken by the Animal Control Officer, police or humane animal welfare group peace officer, or may be turned in by any citizen, impounded in the Animal Shelter and there confined in a humane manner. However, if after a reasonable effort the seizure of any such unrestrained animal cannot be made or should the animal present a hazard to public safety or property or have an injury or physical condition which causes the animal to suffer, the Animal Control Officer or police peace officer may immediately destroy the animal by the most reasonable and humane means then available.

(B) Impounded dogs shall be kept for not less than five days (or any state-mandated holding period), unless reclaimed by their owners. Impounded cats shall be kept for not less than five days, unless reclaimed by their owners. All other domestic animals or owned wildlife shall be held for not

less than three days unless reclaimed by their owner. If the owner can be identified by means of a license tag or otherwise, the impounding agency shall immediately notify the owner by the most expedient means available of the impoundment of the animal. Animals not reclaimed by their owners within the established time periods and those not placed in suitable new homes after such time, may be humanely euthanized by the Division MAS. However, if an impounded animal has an injury or physical condition which causes the animal to suffer, the Division MAS may immediately humanely euthanize the animal.

(C) Any dog which has been declared to be a dangerous dog, or a potentially dangerous dog by the Director and whose owner has not complied with all of the requirements of this Chapter for owning or maintaining such a dog, shall be impounded. A dog so impounded shall not be released except upon terms and conditions imposed by the Director in the interest of public safety and welfare.

(D) Any animal deliberately used to facilitate an act that is illegal under federal, state, or Metro law shall be impounded.

(E) Any animal impounded under subsections (C) and/or (D) shall not be released, except upon terms and conditions imposed by the Director that are in the interest of public safety and welfare.

§ 91.036 RECLAIMING IMPOUNDED ANIMAL.

(A) Every owner reclaiming an impounded animal which is subject to the terms of this chapter shall pay all redemption fees. Said fees shall be paid to the Division MAS.

(B) Any dog or cat which is impounded under this chapter shall not be reclaimed unless the animal has a microchip inserted either by MAS or by a veterinarian in accordance with standards and specifications promulgated by the Director. If a microchip is inserted by the MAS the owner shall pay a fee as specified under § 91.010 of this chapter.

(B) (C) Proof of vaccination against rabies and distemper, hepatitis, leptospirosis, parainfluenza, parvovirus (DHLPP) for dogs or against rabies and rhinotracheitis, calici, panleukopenia, chlamydia psittaci (FVR C-P-C) (FVRCP) for cats, or sufficient antibody titers for these diseases and an annual parasitic examination for internal parasites in the past 12 months, and a current license shall be required before any dog or cat is released. If no proof of vaccinations, parasite exam, or current license is shown, a rabies vaccination and/or parasite exam voucher(s) and/or license must be purchased before the animal is released. All vaccination/parasite exams must be administered to the animal within the prescribed time printed on the voucher(s). The administration of vaccinations may be deferred by the veterinarian at his or her discretion based upon his or her assessment of need or the health of the animal.

(C) (D) Any dog or cat which is impounded a second time for violation of restraint requirements within a 12-month period, the owner shall have the animal spayed or neutered within seven days of the redemption. Verification

from the veterinarian performing the surgery shall be provided to the Division MAS in writing within seven days of the surgery.

(D) (E) Dogs and cats impounded for violation of the restraint requirements which are wearing a valid Kentucky Dog License or Metro Government Cat License and which have been spayed or neutered may be redeemed for one-half the redemption and daily board fees. This does not include animals impounded for humane treatment, an unaltered pit bull dog, a potentially dangerous dog, or a dangerous dog.

(E) (F) Any owner or person responsible for any animal(s) impounded under this chapter and charged with a violation thereof, upon conviction, shall pay, in addition to the regular redemption and board fees, all veterinary fees and any associated charges incidental to maintaining the animal(s) up to the date of conviction. These fees shall be payable even if the animal(s) is not redeemed or if custody is awarded to the Metro Government.

(G) Any owner or person responsible for any animal(s) impounded under this chapter and charged with a violation thereof shall, upon a second conviction within a five-year period, be prohibited from owning, maintaining, or keeping any animal for a period of two (2) years from the date of the second conviction.

(H) The Director may, prior to release of an impounded animal, require that

(a) the animal's owner attend and satisfactorily complete an education or training course established under this Section, and/or

(b) that the dog will be spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.

§ 91.037 QUARANTINE OF ANIMALS.

(A) Any animal (excluding wildlife) which has bitten or scratched someone a human being shall be quarantined for ten days from the time the bite or scratch occurs. Any owner who fails to properly quarantine his/her animal is subject to citation for violation of this section, and the animal shall be moved to the animal shelter impounded by MAS for the remainder of its quarantine period. The owner will shall be responsible for all quarantine fees during the quarantine period and any stay at MAS facilities in connection with a quarantine.

(B) An animal whose owner is unavailable or incapable of quarantining the animal, may shall be taken impounded by the Division of Animal Control and Protection MAS and quarantined at the Animal Shelter MAS facilities for the prescribed period.

(C) Any animal quarantined at any location, at MAS facilities which does not have a microchip implanted, shall have a microchip implanted by MAS at the expense of the animal's owner.

§ 91.038 ISSUANCE OF CITATIONS; VIOLATION NOTICES.

(A) In addition to, or in lieu of impounding an unrestrained animal or for any violation of this chapter, any Animal Control Officer, police peace officer or authorized agent may issue a citation to the owner of such

animal specifying the section or sections of this chapter so violated and identifying the specific nature of the violation. Such citation shall impose upon the owner the obligation of appearance to answer the charges specified in the citation in the Jefferson County District Court at the time and place indicated on the citation.

(B) Where violations of the licensing and/or vaccination requirements of this chapter are observed, any Animal Control Officer may issue a violation notice in lieu of a uniform citation. The violation notice will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the violation notice is issued waives all rights to protest such violation and waives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to the Division MAS. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of a uniform citation.

(C) Where first offense violations of restraint requirements are observed, any Animal Control Officer may issue a control notice in lieu of a uniform citation. The control notice will stipulate the violation observed, associated fees, and a compliance date, as well as a waiver provision providing that the person to whom the control notice is issued waives all rights to protest such notice and waives all rights to a hearing on the issue relating to that notice. All associated fees shall be paid to the Division MAS. Failure to pay the associated fees by the compliance date or failure to waive rights by the compliance date may result in the issuance of a uniform citation.

(D) Where an Animal Control Officer observes a violation of the humane treatment provisions of this chapter which pertain to veterinary care or grooming or license or vaccination requirements on newly acquired animals, the officer may issue a warning citation in lieu of a uniform citation, stipulating a time by which veterinary treatment, grooming, vaccination, or licensing must be administered. If the owner does not comply with the terms of the warning citation by the specified time, a uniform citation may be issued.

(E) Where an Animal Control Officer observes a dog being kept on a chain or tether, in potential violation of the restraint definition in this chapter, the officer may notify the owner of the violation in person or by means of a notice placed at the entry to the property. If the owner does not correct the situation or notify the Division MAS within one hour of the placement of such notice that the dog has been removed from the chain or tether, the dog may be removed and the owner issued a control notice or uniform citation for violation of the restraint requirement.

(F) Any owner of a dog or cat who is cited and convicted or pleads guilty to a restraint violation of this chapter on two occasions within a 12-month period or whose animal is impounded twice within a 12-month period for a restraint violation of this chapter, or a combination of two separate incidents of citation and impoundment within a 12-month period, shall have the animal spayed or neutered within seven days of the conviction or plea. Verification from the veterinarian performing the surgery shall be provided to the Division MAS in writing within seven days of the surgery.

(G) Where an Animal Control Officer or any other peace officer has not witnessed a violation of this Chapter, and upon the request of a complainant who has witnessed a violation, the Officer shall take a sworn written statement from the complainant as to the circumstances of the violation, and shall file the complaint with the District Court in accordance with the rules and procedures of that Court.

(H) The Director shall work with the County Attorney and the Commonwealth's Attorney to facilitate joint prosecutions in the Circuit Court pursuant to KRS 24A.110 in cases involving death or serious injury arising from concurrent violations of both this Chapter and the Kentucky Penal Code.

§ 91.039 CIVIL PENALTIES FOR VIOLATIONS AUTHORIZED

(A) Citation to owner or to person or persons responsible. Except as otherwise provided in subsection (C) hereof, whenever an Animal Control Officer, based upon personal observation of investigation, has reasonable cause to believe that a person has committed a violation of this Chapter, the Animal Control Officer is authorized to issue a citation to the offender in accordance with § 32.283.

(B) Form of citation. The citation shall contain the information as set forth in § 32.283(D).

(C) Notice to owner or to person or persons responsible. Whenever the Animal Control Officer determines that there has been a violation of this code or has grounds to believe that a violation has occurred, in lieu of issuing a citation as set forth in § 91.038 or in subsection (A) hereof, notice may be given to the owner or person or persons responsible therefore in the manner prescribed in subsections (D) and (E) hereof. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified in such notice, then the Animal Control Officer is authorized to issue a citation in accordance with subsection (A) hereof.

(D) Form. Such notice prescribed in subsection (C) shall be in accordance with all of the following:

- (1) Be in writing;
- (2) Include a statement of the violation or violations and why the notice is being issued;
- (3) Inform the offender of the right to appeal;
- (4) Include a statement that a determination of violation shall be final unless appealed in accordance with this chapter; and
- (5) Include a statement of penalties provided for the violation(s).

(E) Service. Such citation or notice prescribed in subsection (A) or (C), respectively, shall be properly served on the owner or his or her agent or an occupant when responsible for the violation, as the case may require. When an occupant is served, the owner, if known, will be notified. A citation or notice is properly served if it is served personally, or if a copy is sent by certified mail or first-class mail to the last known address as recorded by the Jefferson County Property Valuation Administration, or if service is perfected in

any other manner authorized under the laws of this Commonwealth. However, if the whereabouts of such person is unknown and cannot be ascertained by the Animal Control Officer or the officer's authorized representative in the exercise of reasonable diligence, the citation or notice is properly served if copies of the citation or notice are posted in a conspicuous place on the premises affected.

(F) Violation penalties. Penalties for noncompliance with citations, orders and notices shall be as set forth in § 91.998.

(G) Appeals. Penalties may be appealed within ten days of service under subsection (E), above, to the Code Enforcement Board under §§ 32.275 to 32.291.

§ 91.040. REPORTING OF ANIMAL BITES REQUIRED

(A) In addition to physicians, every veterinarian, peace officer, animal control officer, court officials, animal welfare group, clinic, hospital, or any establishment providing health care services, shall be subject to the reporting requirements of KRS 258.065.

(B) The Health Department shall make periodic reports to MAS, and these reports shall not relieve the parties named in subsection (A) from those reporting requirements.

HUMANE TREATMENT OF ANIMALS

§ 91.050 PROVISION OF NECESSITIES.

A. No owner shall fail to provide his his/her animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept. All living areas shall be constructed and maintained to promote drainage of rain water to prevent the accumulation of mud and/or water. Shelters shall be constructed to protect the animal from precipitation and of a material which provides insulation from temperature extremes. In addition to the shelter a shaded area shall also be provided by means of other structures, trees, or awning(s). The shelter shall have a floor which is dry and constructed of a material which provides insulation or the floor augmented with resting boards. Insulating bedding materials shall be provided during inclement weather extremes.

B. The Director, with the approval of the Secretary, may promulgate regulations implementing this § 91.050 which are not inconsistent with any of the provisions of this Chapter 91.

§ 91.051 RESTRAINT BY LEASH, OR CHAIN, OR COLLAR; SPECIFICATIONS.

A. If any animal is restrained by a chain, leash, or similar restraint, it shall be designed and placed as defined under RESTRAINT in this chapter. Minimum standards for restraint of animals shall be as follows:

(1) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether between the hours of 8:00am and 6:00pm.

(2) A dog may be restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level.

(3) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(4) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(5) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.

(6) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(7) All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather, or other durable and non-metallic material. Using a chain, choke, or pinch collar as a primary collar is prohibited.

(8) All collars shall fit an animal so as to avoid causing injury to the animal or becoming imbedded in the animal's neck.

B. The Director, with the approval of the Secretary, may promulgate regulations implementing this § 91.051 which are not inconsistent with any of the provisions of this Chapter 91.

§ 91.052 ABANDONMENT.

(A) No person shall abandon any animal. Abandonment consisting consists of leaving such an animal for a period in excess of 24 hours, without the animal's owner or the owners' designated caretaker providing for someone to feed, water, all provisions of necessity as defined in this chapter and checking on the animal's condition. No owner shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found so abandoned, such animal may be taken by an Animal Control Officer, police or humane animal welfare group officer and impounded in the Animal Shelter, MAS facilities 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 impounding section 91.035 of this chapter, or for any longer period required by law, regulation, or medical necessity. In the event that an animal is so abandoned, the owner or the person, if any, whom he/she has charged with the animal's care, shall be subject to a citation or civil penalties for any violation of this section.

(B) Any animal found not under restraint without a license or vaccination tag, or any animal found in a condition which requires immediate veterinary care, shall be presumed to be abandoned, and shall be seized.

(C) Notice of seizure of an 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 of the MAS facility to which the animal was taken.

§ 91.053 CROPPING OF EARS OR TAIL.

No person shall crop a dog's ears or tail, except a veterinarian.

§ 91.054 CRUELTY; EXHIBITION FIGHTING PROHIBITED.

(A) No person shall neglect, beat, cruelly ill-treat or torment any animal or cause or permit any dogfight, cock fight or other combat between animals. For the purpose of this section, neglect, cruel, ill-treatment and torment of an animal shall be defined as a failure by a person to adhere to the requirements and provisions of § 91.050. In the event there is a reasonable cause to suspect that an animal is being beaten, cruelly ill-treated, neglected or tormented or involved in a dogfight, cockfight or other combat, custody of such animal may be taken by an Animal Control Officer, police, or humane animal welfare group officer and impounded in the Animal Shelter. The animal shall be held as evidence and confined in such facility in a humane manner. Upon finding by a court that the animal has been neglected, beaten, cruelly ill-treated or tormented or involved in a dogfight, cockfight or other combat between animals, the animal shall become the property of the Metro Government.

(B) No person shall own, possess, keep, or train any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting. In the event that a person shall own, possess, keep, or train any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting, he shall be liable for citation for violation of this chapter and be subject to the penalties provided in § 91.999.

(C) No person shall be present at any dogfight, cockfight or combat between animals. In the event that a person is present at a dogfight, cockfight, or combat between animals, he shall be liable for citation for violation of this chapter and be subject to the penalties provided in § 91.999.

(D) Any person who is found present at a dogfight, cockfight, or combat between animals, and who is charged with being a spectator in violation of this chapter, and who is in possession of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with intent to engage in an exhibition of fighting in violation of this chapter. The animal shall be confiscated if found on the premises or in the immediate area of the dogfight, cockfight, or combat between animals.

§ 91.055 SALE OF FOWL OR RABBITS.

(A) No person shall sell, trade or display any chicks, ducks, rabbits or other fowl, unless:

- more such animals; or
- (1) Such person sells, trades or displays six or more such animals; or
 - (2) Each animal is two months old or older; or
 - (3) Each rabbit weighs three pounds or more.
- (B) No chick, duck, rabbit or other fowl may be dyed or colored in any way and the owner of such chick, duck, rabbit or other fowl must provide proof of the age of the animals.

§ 91.056 POISONS.

No person shall place any poisonous substance which maybe harmful to any domesticated animal, as described herein, in any location where it may be readily found and eaten by such animal.

§ 91.057 OFFERING ANIMAL AS PRIZE OR AWARD.

(A) No person shall offer any live animal as a prize or award in connection with any raffle, protest, demonstration, promotion, or as an incentive to participate in any game, promotion, or otherwise.

(B) No person shall sell, adopt or otherwise give away, or offer to sell, adopt or give away animals from any location other than their personal residence or business or any location licensed by the Metro Government for such purpose.

(C) The provisions of this section shall not apply to any raffle or promotion conducted by a private, non-profit, livestock related organization engaged in such activity at a show or exhibition sanctioned by the Kentucky Department of Agriculture.

§ 91.058 KILLING DOGS, CATS FOR FOOD OR FUR PROHIBITED.

No person shall raise or kill a dog or cat for food or the skin or fur; nor shall any person or business possess any items made from or containing dog, puppy, cat or kitten fur; or any food item containing dog, puppy, cat or kitten. All items made from or containing any type of fur must be labeled with the name of the species whose fur is used.

§ 91.059 MUTILATION OF ANIMALS.

No person shall mutilate any animal whether dead or alive. This provision does not apply to accepted livestock practices concerning humane slaughter at licensed stockyards, slaughterhouses and meat packing establishments or on the premises of bona fide farming operations. Further, this section shall not apply to the processing of fish or wildlife taken through legal hunting and fishing methods.

§ 91.060 SEXUAL ACTS WITH ANIMALS.

No person shall engage or cause or allow any other person to engage in a sexual act with any animal.

§ 91.061 REMOVAL OF ANIMAL IN IMMEDIATE DANGER.

Any animal observed by a police or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

§ 91.062 CONFISCATION OF VICTIMIZED ANIMAL.

(A) Any animal found involved in a violation of any portion of this chapter may be confiscated by any Animal Control Officer or any police peace officer and held in a humane manner.

(B) Upon a hearing before a district court judge, and that judge finding probable cause for the charge, the court shall order immediate forfeiture of the animal to the Metro Government unless the owner, within 24 hours of such finding, posts a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding and veterinary fees in the amount of \$150 (\$5 per day) for each animal, for the first 30 days of its impoundment. If after 30 days, the case has not been adjudicated, the owner must post another full cash bond on the 30th day in the same amount of the original bond or equal to the cost and care of each animal for the first 30 days, whichever is greater. This same process shall be followed each 30-day period until the case has been adjudicated.

(1) Upon a plea or finding of guilt the cash bond(s) shall be immediately paid to the Division of Animal Control and Protection MAS. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s). Any portion of the posted bond that has not been encumbered by daily costs at the time of the pleas or finding of guilt shall be returned to the owner. Upon conviction, all animals not forfeited pursuant to subsection (B) herein above shall become the property of the Metro Government.

(2) Upon a finding of innocence, any cash bond(s) posted shall be immediately returned to the owner.

(C) The Division shall be allowed reasonable access to inspect the property of anyone found guilty of violation of any of the provisions under §§ 91.050 through 91.061 of this chapter.

STANDARDS

§ 91.075 BOARDING KENNELS AND CATTERIES.

(A) All boarding kennels or catteries shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through § 91.023 and the issuance of a citation subjecting the owner to the penalties provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) Indoor enclosures (cages, kennels, or runs) shall be provided for each animal housed. These enclosures shall be constructed of an impervious material. Floors shall be metal, fiberglass, concrete, or covered throughout with a minimum of three inches of gravel. Enclosures must be cleaned daily with a disinfectant, cleanser, or chlorine bleach. Cleaning materials must be present at the time of any inspection in amounts sufficient to clean the entire facility. Animals must be removed from enclosures during cleaning.

(C) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained by means of windows, doors, vents, and fans.

(D) Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure. If additional space is not provided, either indoor or outdoor, then this enclosure must provide an adequate exercise area.

(E) Beds or resting benches shall be constructed of an impervious material.

(F) Outdoor runs or enclosures may be provided in addition to the indoor enclosures. These outdoor enclosures may be separated or attached to the indoor enclosures. They shall be constructed of an impervious material with floors as in subsection (A) of this section.

(G) All enclosures shall be kept clean and dry.

(H) All enclosures shall provide protection from the weather.

(I) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(J) All animals shall have fresh water available at all times, except as part of a veterinary treatment regimen. Water vessels shall be mounted or secure in a manner that prevents tipping and be of the removable type, except in areas where animals are kept for medical recuperative purposes.

(K) Veterinary care shall be provided to maintain good health and general welfare and to prevent suffering. All costs for such care will be paid for by the boarding kennel or cattery and reimbursed by the owner of the puppy, dog, cat, or kitten unless such care is the result of negligent action or inaction of the owner of the boarding kennel or cattery.

(L) Animals over the age of four months which are boarded must have proof of a valid Metro Government pet license and rabies vaccination.

(M) Owners of boarded animals which do not have proof of a valid dog or cat license shall be presented with a license application by the boarding kennel or cattery. Such application shall be supplied by the Division MAS. The owner shall be advised by the boarding kennel or cattery of the licensing requirement.

(N) The provisions of this section shall not apply to any office of veterinary medicine that does not advertise boarding services. Further, nothing herein shall be construed as granting authority to the Division MAS to

inspect, license or regulate any aspect of veterinary medicine. The provisions of this section shall apply solely to the inspection, licensing and regulation of boarding services offered or advertised by offices of veterinary medicine unrelated to the medical diagnosis or treatment of an animal.

(O) The Director, with the approval of the Secretary, may promulgate regulations implementing this § 91.075 which are not inconsistent with any of the provisions of this Chapter 91.

§ 91.076 CLASS C KENNELS.

(A) Any Class C kennel shall, in addition to the other requirements of this chapter, comply with the standards of this section whenever any dog is trained for guard, sentry, or obedience purposes. Failure to meet these standards shall be grounds for denial of or revocation of a kennel license, and the issuance of a citation subjecting the owner to the penalties provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) Class C kennels shall comply with the standards set forth in § 91.075 in addition to the following standards.

(C) The area used for training shall be clean, free of accumulated waste and debris, and well-drained.

(D) Outdoor areas where animals are trained for guard or sentry work must be completely enclosed or surrounded by a fence at least eight feet in height, installed at or below ground level, with anti-climbers at the top.

(E) Enclosures and the training area must be locked at all times to prevent unauthorized entry or escape of the animals.

(F) No training shall employ the use of chemicals, or electrical or mechanical devices which may cause pain, injury, or death.

§ 91.077 CLASS B KENNELS OR CATTERIES.

(A) All Class B kennels or catteries shall, in addition to the other requirements of this chapter comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through § 91.023 of this chapter and the issuance of a citation subjecting the owner to the penalties provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) INDOORS: Animals which are kept primarily indoors shall be provided with wholesome food and clean water, a clean living environment free of accumulated waste and debris, comfortable temperature and ventilation, and provided veterinary care when needed. If allowed access to outdoors on a temporary basis, the outdoor area shall be kept free of waste and debris and well-drained. Such outdoor area shall comply with all restraint requirements contained in this chapter.

(C) OUTDOORS: Animals which are kept primarily outdoors shall be provided with proper shelter, a clean living environment free of accumulated waste and debris, supplemental protection from weather extremes,

and well-drained. Such outdoor area shall comply with all restraint requirements contained in this chapter.

(D) Each Class B kennel or cattery license shall apply to no more than ten dogs and/or cats, four months of age or older. Any additional dogs or cats four months of age or older must be licensed individually.

(E) Each purchaser of a dog, cat, puppy, or kitten shall be provided with a copy of § 91.096 by the kennel or cattery, along with a Metro Government Dog/Cat License application.

§ 91.078 CLASS A KENNELS OR CATTERIES.

(A) All Class A kennels or catteries shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.023 of this chapter and the issuance of a citation subjecting the owner to the penalties provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon request during reasonable hours.

(B) Each Class A kennel or cattery shall comply with the standards set forth in § 91.075 in addition to the following standards.

(C) Each dog or cat, four months of age or older, must have proof of a valid vaccination against rabies.

(D) Each purchaser of a dog, cat, puppy, or kitten shall be provided with a copy of § 91.096 by the kennel or cattery, along with a Metro Government Dog/Cat License application.

(E) Each Class A kennel or cattery license shall apply to up to ten dogs or cats and shall require an additional Class A kennel or cattery license for each increment of up to ten dogs or cats.

§ 91.079 PET SHOPS.

(A) All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) There shall be available hot water at a minimum temperature of 140° F., for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be mounted so the animal cannot turn them over and be of the type that are removable for cleaning.

(C) Room temperature of the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.

(D) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size

that the animal will have room to stand, turn, and lie down in the natural position. Each cage must be cleaned and disinfected each day.

(E) All animals under three months of age are to be fed at least three times per 24 hours. All animals from three months to nine months of age are to be fed at least two times per 24 hours. All other animals must be fed at least one time per 24-hour period. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning.

(F) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned everyday, and cages must be disinfected when birds are sold or as otherwise transferred. Parrots and other large birds shall have separate cages from smaller birds.

(G) There shall be sufficient clean, dry bedding to meet needs of each individual animal.

(H) All animals must be fed and watered, and all cages cleaned every day, including Sundays and holidays.

(I) Each purchase of a dog, cat, puppy, or kitten shall be provided with a copy of § 91.096 by the pet shop, along with a Metro Government Dog/Cat License application.

§ 91.080 RIDING SCHOOLS OR STABLES.

(A) All riding schools or stables as defined herein shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) All animals shall be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(C) All equipment used for riding must properly fit each individual animal.

(D) Shelter.

(1) All buildings and sheds used for stabling animals shall be:

(a) Well lit and ventilated and provide adequate protection from the weather; and

(b) Kept clean and in good repair at all times and manure and urine shall be removed therefrom daily.

(2) Acceptable bedding material must be provided.

(3) Any enclosure where animals are kept shall be graded and raked to keep the surface reasonably dry.

(E) Flies and other insects must be controlled through general sanitation and necessary means.

(F) Animals let for riding purposes must be in good physical condition.

(G) Riding stables which rent or lend horses to the general public and pony rides shall, in addition to the above requirements, also adhere to the following standards:

(1) Animals exhibiting the following shall be deemed unfit for work:

(a) Sores or abrasions caused or likely to be irritated by the bearing of services, girth, harness, or bridles, unless packing could be utilized.

(b) Serious injury or illness.

(c) Obvious signs of emaciation, malnutrition, lameness or exhaustion.

(2) Animals requiring veterinary care shall not be moved, ridden, or driven, except for the purpose of humane keeping, pasturing, or obtaining medical care.

(3) Animals shall be properly shod and the hooves shall be kept trimmed.

(4) Animals shall be kept clean, particularly in the areas in contact with harness or other tack.

(5) Animals shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one animal shall be ten hours out of every 24 hours.

(6) Animals shall not be worked when the temperature at the workplace reaches or exceeds 95° F. Animals which are on heat stress treatment which has been prescribed by a veterinarian may be worked while under such treatment, as long as a veterinarian is on the premises of the workplace.

(7) No animal shall be over-ridden or driven to result in overheating or exhaustion.

(8) All harnesses and bridles shall be kept cleaned and in good repair.

(9) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

(10) The Division of Animal Control and Protection MAS may order a quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

(a) Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.

(b) General malnutrition as diagnosed by veterinarian.

(c) Presence or suspicion of transmissible disease as diagnosed by a qualified veterinarian.

(H) All stalls, barns, paddocks, fields or any enclosures where horses or ponies are kept, shall be secured by gates and fencing that is in good repair and sufficient to prevent the animal from leaving such enclosure.

§ 91.081 HUMANE SOCIETIES ANIMAL WELFARE GROUPS.

(A) All humane societies animal welfare groups shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.023 and the issuance of a citation subjecting the owner to the penalties provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

(C) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(D) Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or tops of cages.

(E) Cages are to be of material and construction that permit cleaning and sanitizing.

(F) Cage floors of concrete, unless radiantly heated, shall have a resting board of some type of bedding.

(G) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

(H) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

(I) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(J) All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

(K) All animals over the age of four months when sold or adopted must have a Metro Government license and a valid rabies vaccination. If not, the new owner must be provided with, or sold, the Metro Government license and/or a voucher which may be redeemed at a licensed veterinarian for a valid rabies vaccination. All cats four months or older, and all dogs five months or older prior to being sold or adopted, must be spayed or neutered, have a Metro Government license, and a valid rabies vaccination. A voucher only may be used when the pet is under the age of four months for a cat, or five months for

a dog. The animal then must be spayed or neutered within thirty (30) days. Vouchers must be submitted to MAS.

(L) All animals over the age of six months which are purchased or otherwise obtained from a humane societies an animal welfare group society shelter must, within 60 days of purchase or obtainment prior to adoption, be surgically altered to prevent breeding. Animals under the age of six months when purchased or otherwise obtained must be surgically altered within 60 days of becoming six months of age. This provision shall not apply to any animal reclaimed by its owner.

(M) Animals accepted which have no known owner must be held for no less than five days for dogs and puppies and five working days for cats, kittens, and three days for other animals. A photograph of the animal(s) shall be posted at the Division of Animal Control and Protection MAS at the designated location for the entire holding periods. Such photograph shall have printed on it the animal(s) identification number and the date through which it shall be held. Business hours must be sufficient to permit the owner to reclaim the animal. Redemption fees or all fees associated with redemption for such animals cannot exceed those established by this chapter and charged by the Division of Animal Control and Protection MAS.

(N) A record must be kept on each animal accepted or housed, noting the following:

- (1) Name and address of previous owner or person turning in the animal.
- (2) Date received.
- (3) Condition and medical treatment.
- (4) Date sold, adopted, or destroyed.
- (5) Name and address of new owner.
- (6) Date animal was surgically altered, and name of veterinarian.

(O) Failure to keep such records and/or failure to release said records to authorized personnel of the Division MAS shall be grounds for issuance of a citation to the person and/or revocation of any license issued pursuant to this chapter.

§ 91.082 ANIMAL-DRAWN VEHICLES.

(A) All operators and owners of animal-drawn vehicles shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) All animals shall be provided daily with food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(C) Shelter.

- animals shall be:
- (1) All buildings and sheds used for stabling
 - (a) Well-lit and ventilated and provide adequate protection from the weather; and
 - (b) Kept clean and in good repair at all times, and manure and urine shall be removed therefrom daily.
 - (2) Any enclosures where animals are kept shall be graded and raked so as to keep the surface reasonably dry.
 - (3) Clean bedding must be provided.
- (D) Flies and other insects must be controlled through general sanitation and necessary means.
- (E) All animals used for carriage horse tours must weigh at least 800 pounds and be considered in generally good health. Any owner or operator of an animal-drawn vehicle who desires to use an animal for this purpose which does not weigh 800 pounds must apply to the the Division of Animal Control and Protection MAS. for approval in writing prior to such use.
- (F) Animals exhibiting the following shall be deemed unfit for work:
- (1) Sores or abrasions caused or likely to be irritated by the bearing of services, girth, harnesses, or bridles, unless padding could be utilized.
 - (2) Serious injury or illness.
 - (3) Obvious signs of emaciation, malnutrition, lameness, or exhaustion.
- (G) Animals requiring veterinary care shall not be moved, ridden, or driven, except for the purpose of humane keeping, pasturing, or obtaining medical care.
- (H) Animals shall be properly shod, and the hooves shall be kept trimmed.
- (I) Animals shall be kept clean, particularly in the areas in contact with harness or other tack.
- (J) Animals shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one animal shall be ten hours out of every 24 hours.
- (K) Animals shall not be worked when the temperature at the work place reaches or exceeds 95° F. Animals which are on heat stress-preventive treatment which has been prescribed by a veterinarian may be worked while under such treatment on contracts entered into prior to the beginning of such treatment.
- (L) The speed at which any animal is driven shall not exceed a slow trot.
- (M) No animal shall be overridden or driven to result in overheating or exhaustion.
- (N) Animals shall be provided water at the loading site and on routes at all times they are working.

(O) All harnesses and bridles shall be kept oiled and cleaned and in good repair.

(P) Carriages must be kept properly lubricated, and wheels must spin freely.

(Q) The Division MAS may order a quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

(1) Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.

(2) General malnutrition, as diagnosed by a veterinarian.

(3) Presence of suspicion of contagious or transmittable disease, as diagnosed by a veterinarian.

(4) Owners and operators of animal-drawn vehicles shall not permit unsanitary conditions to be present on any town route, animal rest area, or any area where the animals are kept. All such areas shall be kept clean and free of conditions which might harbor or be conducive to the breeding of insects or rodents.

(R) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

§ 91.083 SALE OF ANIMALS FROM ANIMAL SHELTER.

(A) All dogs and cats purchased or obtained from the Division MAS must be surgically altered to prevent breeding within 30 days of obtaining the dog or cat prior to the purchase. For purposes of this chapter, "obtained" does not include reclaimed.

(B) Prior to the sale or adoption of any animal from the Animal Shelter, the Division MAS will require the prospective buyer to complete an animal placement questionnaire. The questionnaire is designed to determine the prospective owner's ability to properly care for the animal. Past experience and knowledge of Division MAS personnel of the prospective owners, as well as previous violations of this chapter by the prospective owners, may be grounds to refuse the sale or adoption. Additional grounds may be whether the prospective owner is able to provide an enclosure where the animal is to be kept which is adequate to keep the animal restrained, whether the animal is being purchased for resale, whether the prospective owner has obtained another animal from the Animal Shelter in the past 12 months, whether the prospective owner has owned a pet which has died without appropriate veterinary care, and whether the prospective owner is purchasing the animal solely for guard or attack purposes. The Animal Shelter is not obligated to sell any animal in its custody.

(C) Any person adopting an animal is required to comply with all stipulations and conditions set forth in the adoption agreement. Failure to do so may result in the issuance of a uniform citation for violation of this section and forfeiture of the animal.

§ 91.084 THEATRICAL EXHIBITIONS.

(A) All theatrical exhibitions as defined herein shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Facilities shall be subject to inspection by an Animal Control Officer upon his request during reasonable hours.

(B) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the sides or top or any other animal or waste.

(C) Each enclosure shall maintain a comfortable and healthful temperature level as well as adequate ventilation.

(D) The enclosure, performance, or exhibit area shall include a barrier located in such a manner as to prevent the public from coming in contact with the animal. Exempted from this subsection (D) are pony rides, elephant rides at a circus that has a license as required by § 91.021, and has been granted authorization by Louisville Metro Animal Services ("Animal Services"), in accordance with subsection (I), petting zoos containing only domestic animals, and exhibitions sanctioned by the Kentucky Department of Agriculture.

(E) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

(F) No animal shall be caused to fight, wrestle, or be physically matched against any other animal or person.

(G) No animal shall perform or be displayed in any dangerous situation, such situation presenting the danger of physical injury to the animal or person.

(H) The Division MAS must be notified of all displays or performances, including date, time, and exact location at least 48 hours in advance of a display or performance.

(I) Elephant ride regulations.

(1) No person, firm, or corporation shall use elephants for rides in a circus without first obtaining special authorization from Animal Services. Such authorization shall be affixed to the authorized entity's license or permit issued under § 91.021

(2) Qualifications for elephant ride authorization.

(a) Safety record. Applicants for elephant ride authorization shall include in their initial application or application renewal for a permit, or license issued pursuant to §91.021, information that will identify, by drawings and/or photographs, the animal(s) that will be used in the rides. The application, or application renewal for a permit or license, shall also include a certified statement on the complete safety record of the animal(s). No elephant that has caused a serious injury or death to a handler, trainer, member of the public, or other person within five years prior to application for a permit or license shall be used for rides. Safety incidents that occurred prior to the five-year period

shall be reviewed by Animal Services for possible exclusion of the elephant for rides, in accordance with the following factors, but not limited to:

1. The circumstances surrounding the injuries caused by the elephant.
2. The seriousness or extent of injuries, or number of individuals affected.
3. The number of safety incidents in which the elephant was involved.

Animal Services shall have final approval authority regarding the use of elephants authorized for rides following consideration of the above factors. In addition, if an elephant(s) is involved in a safety incident subsequent to the approval of the application for a permit or license, but prior to entering, or while performing in, Louisville Metro, Officers of Animal Services may direct the animal to be removed from all exhibition activities until the conclusion of the investigation or prosecution.

(b) Safeguards. Applicants for a permit or license, as provided in §§ 91.021, who seek to offer elephant rides to the general public shall provide documentation of safeguards to insure public safety. This documentation shall include:

1. An emergency plan for protecting the public that specifies what to do in case of elephant incidents; where tranquilizing equipment and/or firearms are kept; who is to use tranquilizing equipment, and when they shall be used to capture, control, or destroy escaped or out-of-control animals.
2. Such equipment, and an employee trained in the use of such equipment, shall be on the premises at all times that such elephant is in a public contact situation.
3. An emergency plan to evacuate the elephant riders in a safe manner in case of animal safety incidents or non collaboration of the elephant.

(c) Experienced supervision. All elephant rides shall be supervised by a minimum of one qualified handler and one assistant at all times. Applicants shall provide documentation that the handler has had not less than one year of experience in elephant handling, and no safety incidents with the elephants that he or she handled. Such handler and assistant shall be in the immediate presence of the elephant at all times when the elephant is in a position to be in direct contact with the public and when being led to the rides exhibition, or back to its post. Applicants shall include the names of handlers and the experience documentation in their initial application for a permit or license, and in their renewal applications thereafter.

(d) Barriers. Two protective physical barriers shall be present between the elephant and the public at all elephant ride sites. Such barriers shall have a space between each barrier to prevent bystanders from touching the animal and animal from touching bystanders. Applicants shall include in their application package photos or drawings of barriers they intend to use and a description of materials used to construct such barriers.

(e) Insurance. Applicants must submit when applying for a permit or license proof of a certificate of insurance with an insurance company licensed to do business within the Commonwealth of Kentucky that provides:

1. Third-party liability coverage protecting the public from death or injury by the elephants used in the rides with a limit of liability no less than \$500,000; and

2. An endorsement that requires the insurer to notify Animal Services in the event that the policy should lapse or be cancelled.

(f) No unaltered elephant male, female in heat or with a calf of six months or younger shall be used for elephant rides.

(g) Only Asian elephants shall be used for elephant rides.

(h) Final approval. Animal Services shall not grant authorization for elephant rides at a circus if any of the requirements in this subsection (l) are not satisfied. However, Animal Services still may issue a permit or license to a circus, in accordance with § 91.021, to allow it to perform its other acts, minus elephant rides.

SALE OF ANIMALS

§ 91.095 EXOTIC SPECIES; KEEPING OF RECORDS.

(A) Exotic species. Any pet shop, animal dealer, or other person who transfers or permits to be transferred the ownership of an exotic species, as herein defined, shall keep records of the ownership transfer for a period of at least three years. These records shall include:

(1) Point of origin of the animal.

(2) The medical history of said animal, including but not limited to vaccinations, diseases, and treatment.

(3) The date the pet shop, animal dealer, or other person came into possession of the animal.

(4) The date of transfer and the transferee's name and address.

(B) Records available. These records shall be kept by the transferor and shall be made available to the Division MAS or other authorized agent upon request.

(C) Grounds for citation. Failure to keep such records and/or to release such records to authorized personnel shall be grounds for the issuance of a citation subjecting the owner or person transferring such animals to the penalties contained, pursuant to § 91.999 and/or the revocation of any license issued pursuant to this chapter.

§ 91.096 PUPPIES, DOGS, KITTENS, CATS; CERTIFICATION AS UNFIT FOR PURCHASE.

(A) No pet shop, animal dealer, or other person shall sell any puppy, dog, kitten or cat which is unfit for purchase. The purchaser of a

puppy, dog, kitten, or cat from a pet shop, animal dealer, or other person which suffers or dies of a disease or parasitic infection must have these conditions or death certified by a veterinarian within 30 days of the purchase date as evidence that the animal was unfit for purchase. Any puppy, dog, kitten or cat which suffers from any congenital or hereditary condition must be certified as unfit for purchase by a veterinarian within one year of the date of purchase.

(B) In the event that a puppy, dog, kitten or cat is certified as unfit for purchase and such certification is presented in writing to the pet shop, animal dealer, or other person, within 72 hours of the veterinary certification, the owner or purchaser may choose one of the following options and the pet shop, animal dealer or other person shall be obligated to fulfill the conditions of the chosen option.

(1) The owner or purchaser may return the puppy, dog, kitten or cat for a full refund of the purchase price plus tax. Additionally, the owner or purchaser shall be entitled, up to a total amount not to exceed the full purchase price of the puppy, dog, kitten or cat, to any veterinary fees incurred relating to the disease, defect, or infection; veterinary fees directly related to the veterinarian's examination and certification that the puppy, dog, kitten or cat is unfit for purchase pursuant to this § 91.096; and for veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease, defect, or infection.

(2) The owner or purchaser may return the puppy, dog, kitten or cat for an exchange equal to the full purchase price plus tax. Additionally, the owner or purchaser shall be entitled, up to a total amount not to exceed the full purchase price of the puppy, dog, kitten or cat, to any veterinary fees incurred relating to the disease, defect or infection; veterinary fees directly related to the veterinarian's examination and certification that the puppy, dog, kitten or cat is unfit for purchase pursuant to this § 91.096; and for veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease, defect or infection.

(3) The owner or purchaser may retain the puppy, dog, kitten or cat and attempt to cure the disease, defect, infection, or to ameliorate the condition caused by the disease, defect, or infection. The pet shop, animal dealer, or other person shall be responsible for the cost of veterinary fees incurred related to the disease, defect, or infection for which the puppy, dog, kitten or cat was certified as unfit, up to the full purchase price of the puppy, dog, kitten or cat plus tax.

(4) The owner or purchaser of a puppy, dog, kitten or cat which dies from the disease, defect, infection or condition for which it is certified as unfit for purchase may receive a full refund of the purchase price of the puppy, dog, kitten or cat plus tax in addition to any veterinary fees incurred relating to the disease, defect or infection up to the full purchase price of the puppy, dog, kitten, or cat plus tax.

(5) The pet shop, animal dealer, or other person may contest a demand for veterinary expenses, refund, or exchange made by a purchaser or owner if done so in writing within two days of the owner or

purchaser's presentment of a certificate of unfitness. In the event that the pet shop, animal dealer, or other person wishes to contest a demand for veterinary expenses, refund, or exchange made by the purchaser or owner pursuant to this § 91.096, the pet shop, animal dealer or other person shall have the right to require the consumer to produce the puppy, dog, kitten or cat for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement which constitutes one of the options set forth in subsections (B)(1) through (4) within ten business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain such reimbursement of veterinary expenses, refund or exchange.

§ 91.097 WAIVER.

(A) A purchaser may sign a waiver knowingly relinquishing all of the above rights specified in § 91.096(B). The waiver must include the following language:

"These are your rights under Chapter 91 of the Metro Government Code of Ordinances. If you purchase any puppy, dog, kitten or cat and

(1) Within thirty (30) days after such purchase, the animal is certified by a veterinarian as having been unfit for purchase because it suffers from, or dies as a result of, a disease or parasitic condition, or

(2) Within one (1) year of the date of purchase, the animal is certified by a veterinarian as suffering any congenital or hereditary condition; Then you have the right to return the animal to the seller within seventy-two (72) hours of the veterinary certification and receive a full refund or exchange of equal value, or you may keep the animal and attempt to cure the condition. You may also recover certain qualified veterinary fees up to the purchase price of the animal. If you sign this waiver, you will lose these rights."

(B) The waiver must be in bold print and signed by the buyer. If such a waiver is signed by the buyer, the pet shop, dealer, or other person may offer his or her own warranty, or sell the puppy, dog, kitten, or cat "as is."

(C) In addition to the other requirements of this section, the owner of each dog, puppy, cat or kitten which is placed for sale, adoption or placement shall maintain a record which documents the origin of the animal. This record shall contain the name, address, and telephone number of the kennel/cattery and its owner, or the individual which produced the animal. In the case of adoption from a licensed humane animal welfare group or government-operated shelter, the record must indicate if the animal was a stray, where it was picked up, and by whom, and if previously owned, the name and address. This record shall be available to the Division MAS.

(D) The document shall also contain, other than if being adopted from a shelter, if the animal originates from:

(1) JEFFERSON COUNTY, the animal dealer, pet shop, kennel or cattery license number, or the individual dog/cat license number of the female dog/cat that produced the litter or individual animal.

(2) KENTUCKY (outside Jefferson County), the state kennel license or individual dog license number(s), and the United States Department of Agriculture (USDA) animal dealer license number (if applicable) of the owner that produced the litter or individual animal.

(3) OUTSIDE KENTUCKY, the USDA animal dealer license number (if applicable) of the owner that produced the litter or individual animal.

(E) All advertisements for the sale, adoption, or placement of these animals within Jefferson County must contain the owners, animal dealer, pet shop, kennel or cattery license number, and/or their individual dog/cat or multiple cat household license number.

§ 91.098 DANGEROUS ANIMALS.

No dangerous animal as defined in this chapter shall be kept within Jefferson County.

DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS

§ 91.110 DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.

(A) Prohibition. No dog shall commit an attack or severe attack, as previously defined. In the event that a police peace officer or Animal Control Officer witnesses either type of attack or witnesses the wounds or injuries caused by the attack, and the offending animal(s) can be identified by credible evidence, including, but not limited to, witness identification, forensic evidence, or other physical evidence, the dog(s) may be impounded and the owner cited for violation of this section. If the owner is cited and the animal(s) impounded, the animal(s) shall remain impounded subject to the conditions set forth in § 91.035, pending a decision by District Court, unless ownership is voluntarily relinquished and the dog(s) turned over to the Division MAS. Upon a plea or finding of guilt, the dog(s) may be redeemed by the owner after inspection and verification of a proper enclosure as previously defined, unless ordered euthanized by the court. There the dog(s) shall remain, securely confined, and may not be removed except to be treated by a veterinarian or to be turned in to or inspected by the Division MAS. While being transported to the veterinarian or animal control shelter, it must be muzzled and restrained by a leash no longer than three feet in length. No owner of a dangerous dog(s) or potentially dangerous dog(s) may transfer ownership or the location where the animal(s) is contained. The owner shall be responsible for all veterinary, euthanasia, redemption, and/or boarding fees.

(B) Exemptions. An animal shall not be deemed to be a potentially dangerous dog or dangerous dog solely because it bites or attacks:

- (1) Anyone assaulting its owner. This shall not include any police officer attempting to subdue or effect the arrest of a suspect.
- (2) Any person who is in the act of tormenting or abusing it.
- (3) Any unrestrained animal which attacks it or its young while it is restrained in compliance with this chapter.
- (4) Anyone entering the owner's property to commit robbery, burglary, assault, or other crime. Simple trespass by a person onto private property shall not be considered provocation for any attack.
- (5) While performing work by a governmental law enforcement agency.

§ 91.111 ALTERNATIVE PROCEDURES FOR CONTROLLING DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.

As an alternative to the procedures set forth under § 91.010(A), the Director, or his/her designee, shall have the authority to do all of the following procedures. If at any time during the process under this § 91.111, the Director determines that a dog is an immediate threat to public safety and welfare, the Director shall impound the dog and proceed under § 91.110.

(A) Upon observation of an at-risk dog by an Animal Control Officer, or upon receipt of a complaint of an at-risk dog, the identity of the owner shall be determined. If the identity of the dog's owner cannot be determined, the dog shall be immediately impounded.

(B) If the dog's owner can be identified, the Animal Control Officer shall investigate the circumstances of the complaint. If the Animal Control Officer finds probable cause to believe that the dog is a dangerous dog as defined in this Chapter, the dog shall be immediately impounded pending a final determination by the Director. If the Animal Control Officer finds probable cause to believe that the dog is a potentially dangerous dog as defined in this Chapter, the dog may be returned to the owner provided that (1) the dog is not an immediate threat to public safety and welfare; and (2) the owner signs an acknowledgment on a form provided by MAS that he/she is the dog's owner, and that the owner will confine the dog to the owner's property pending a final determination by the Director. If the owner[s] fail or refuse to sign such an acknowledgment, the dog shall be immediately impounded pending a final determination by the Director.

(B) The Director shall forthwith determine if the dog under investigation is a dangerous dog or a potentially dangerous dog as defined in this Chapter.

(C) If an at-risk dog under investigation has previously been classified as a potentially dangerous dog and exhibits escalating aggressive behaviors which threaten public safety or welfare, that circumstance alone may

be grounds for an Animal Control Officer to impound the dog, and for the Director to determine that the dog is a dangerous dog.

(D) If the Director determines that a dog under investigation is a dangerous dog or a potentially dangerous dog as defined in this Chapter, the Director shall notify the owner of the dog in writing, by certified mail and a return receipt which shows the date and place delivered. The notice shall advise the owner of (1) the provisions of this Chapter relating to the requirements for ownership of a dangerous dog or a potentially dangerous dog; and (2) the owner's right to appeal the Director's determination together with the process for filing an appeal.

(E) If the owner of a dog which the Director has declared to be a dangerous dog or a potentially dangerous dog is unknown, the dog shall not be released from impoundment except under conditions which comply with § 91.112.

(F) The owner of a dog which has been determined by the Director and declared to be a dangerous dog or a potentially dangerous dog may appeal that determination to the Secretary. The appeal shall be in writing and shall be filed within five days of receipt of notice of the Director's determination. The Secretary's decision on the appeal shall be final for all purposes.

(G) The owner of a dog which has been declared a potentially dangerous dog may petition the Board Director for removal of the classification if a period of 18 months has passed since the Director's determination without a complaint or incident of a violation of this Chapter involving the dog. As a condition of reclassification, the Director may require the owner, at the owner's sole expense, to (1) assign the dog to complete an obedience class designated by the Director; (2) have the dog evaluated by an animal behavior specialist approved by the Director; or (3) attend a responsible ownership class.

§ 91.112 REQUIREMENTS FOR OWNERSHIP OF A DANGEROUS DOG OR A POTENTIALLY DANGEROUS DOG

(A) Potentially Dangerous Dog. In addition to restraints which apply to all dogs as defined in the Chapter, a dog classified by the Director as a potentially dangerous dog shall only be kept in an enclosure which the Director finds to be sufficiently secure to contain the dog taking into consideration the dog's size and behavior and the dog's history. The enclosure shall be sufficiently secure to prevent trespass and to prevent children from coming into contact with the dog. When outside an approved enclosure, the dog must be kept at all times on a leash no more than four feet in length, and under the control of a person physically able to handle the dog. The owner shall file photographs of the dog with the Director, and the dog shall have a microchip implanted at the owner's expense.

(B) Dangerous Dog. In addition to restraints which apply to all dogs as defined in the Chapter, a dog which has been classified by the Director as a dangerous dog shall only be kept in an enclosure which the Director finds to

be sufficiently secure to contain the dog taking into consideration the dog's size and behavior and the dog's history. The enclosure shall be sufficiently secure to prevent trespass and to prevent children from coming into contact with the dog. When outside an approved enclosure, the dog must be kept at all times on a leash no more than four feet in length, muzzled, and under the control of a person physically able to handle the dog. The owner shall file photographs of the dog with the Director, and the dog shall have a microchip implanted at the owner's expense.

(C) Insurance. The owner of a dog which has been classified by the Director as a dangerous dog or a potentially dangerous dog shall maintain, and shall file with the Director a certificate of insurance with an insurance company licensed to do business within the Commonwealth of Kentucky; which provides:

(1) third party liability coverage protecting the public from death or injury by the dog with a limit of liability no less than \$100,000; and

(2) an endorsement which requires the insurer to notify MAS in the event that the policy should lapse or be cancelled.

(D) Location; Transfer of Ownership The location] of any dog which has been classified by the Director as a dangerous dog or potentially dangerous dog shall not be changed for any period in excess of three (3) days without notification to the Director which MAS shall provide by regulation. The owner of any dog which has been classified by the Director as a dangerous dog or potentially dangerous dog shall not be changed without immediate notification to the Director by means which MAS shall provide by regulation.

(E) Transportation. No dog which has been classified by the Director as a dangerous dog or potentially dangerous dog shall be transported in any vehicle unless the dog is contained in a closed and locked cage or crate.

(F) Additional Fees. The owner of any dog which has been classified by the Director as a potentially dangerous dog shall pay annually to MAS a fee of \$250 to cover record keeping and monitoring costs incurred by MAS. The owner of any dog which has been classified by the Director as a dangerous dog shall pay annually to MAS a fee of \$500 to cover record keeping and monitoring costs incurred by MAS.

(G) Violations of requirements. It shall be unlawful for the owner of any dog which has been classified by the Director as a dangerous dog or a potentially dangerous dog to fail or refuses to carry out and perform all of the requirements of this § 91.112. In addition to the penalties under § 91.999, the Director shall immediately impound the dog.

RELEASE OF BALLOONS

§ 91.120 RELEASE OF BALLOONS.

(A) Purpose.

(1) The Metro Government finds that the release into the atmosphere of lighter than air latex rubber balloons and plastic mylar balloons has created an ecological problem because such balloons are carried east by prevailing winds and burst over the Atlantic Ocean where they have been eaten by dolphins, sea turtles, seabirds and migratory waterfowl sometimes resulting in the death of such animals by intestinal blockage; and

(2) Although the Metro Government recognizes that the aforesaid ecological problem is but a small part of the global issue of responsible water management and ocean protection and reclamation, the prohibition of balloon launches by an inland municipality will constitute one small act of concern and awareness which it is hoped will encourage other municipalities and states to take similar actions on behalf of our planet's oceans and ocean life; and

(3) The festive atmosphere created by large displays of balloons can be achieved without actually releasing the balloons into the atmosphere.

(B) Prohibition. No person shall intentionally cause rubber and/or plastic Mylar balloons to be released into the atmosphere.

§ 91.998 § 91.997 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 91.998 CIVIL PENALTY

(A) Any person who violates any of the provisions of this ordinance shall be subject to a civil penalty. Any person cited pursuant to this subsection may pay the minimum civil penalty within seven days from the date of issuance or request a hearing of such penalty by the Code Enforcement Board ("Board") in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation.

(B) Any person who violates any provision of any of the provisions of this ordinance shall be subject to a civil penalty of not less than \$150 nor more than \$1000. Penalties for each subsequent offense shall be cumulated as multiples of the number of previous offenses.

§ 91.999 PENALTY.

(A) Any person violating any of the following provisions: §§ 91.007, 91.009, 91.0201, 91.0202, 91.0204, 91.0205, 91.037, 91.050 through 91.054, 91.056, 91.058 through 91.060, 91.098, or 91.110 or 91.112, or

committing a second or subsequent violation of any other provision of this Chapter shall be deemed guilty of a Class A misdemeanor and shall be punished by a fine not to exceed \$500 or be imprisoned for a period not to exceed 12 months in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(B) Except as provided in subsection (A) directly above, any person violating any other provision of this chapter shall be deemed guilty of up to a Class B misdemeanor, so long as this is the party's first offense for any violation, and may be punished up to a \$250 fine or imprisoned for a period not to exceed 90 days in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(C) Any person found guilty of owning a dangerous dog, in addition to the penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized if in the opinion of that judge the severe attack warrants such action.

(D) Any person found guilty of owning a potentially dangerous dog or dangerous dog, shall be fined not less than \$250 and shall have the dog spayed, or neutered within seven days of that finding. Proof of the surgery must be provided to the Division MAS within 24 hours of its performance.

(E) Any person found guilty of owning a potentially dangerous dog or dangerous dog, in addition to any other penalties or stipulations imposed, shall within seven days of that finding also have the dog implanted with a microchip identification. Within seven days of that implantation, the owner shall present the animal to the Division MAS for scanning and verification of the microchip and identification number.

(F) In addition to any penalties and/or stipulations imposed, anyone convicted of violations of §§ 91.0201, 91.0202, 91.0204, 91.0205, 91.050 through 91.061 and 91.098 shall also be required to relinquish ownership of the animal(s) to the Metro Government immediately upon that conviction.

(G) Any person found guilty of violating the provision of § 91.120 shall be fined not less than \$50 nor more than \$250 for each offense.

APPENDIX A

METRO ANIMAL SERVICES FEE SCHEDULE

Type of License	Annual Fee
Temporary domestic pet license	\$1.00, valid only for a maximum of three (3) months for pets under four months
Altered domestic pet license	\$9.00 (or \$24.00/3yrs, only when matched to triennial rabies vaccine)
Unaltered domestic pet license	\$45.00
Breeding domestic pet license	\$63.00 per pet; no more than three pets
Unaltered Pit Bull license	\$100.00

Transfer of pet license	\$5.00
Potentially Dangerous Dog license	\$250.00
Dangerous Dog license	\$500.00
Boarding kennel or cattery 0 - 5 runs and/or cages capacity;	\$30.00
6 - 25 runs and/or cages capacity;	\$60.00
26 - 50 runs and/or cages capacity;	\$90.00
51 - 75 runs and/or cages capacity;	\$120.00
76 -100 runs and/or cages capacity;	\$150.00
101 + runs and/or cages capacity;	\$180.00
Class A kennel or cattery animals or less	\$150.00 for 5
Class B kennel or cattery animals or less	\$100.00 for 5
Class C kennel	\$100.00
Multiple Pets License	\$35.00 plus \$6.00 per animal over 5 animals
Altered domestic pet belonging to a senior citizen(Owner 65 years or older, two domestic pets per household)	\$4.50
Pet shop	\$125.00
Pet shop (selling domestic pets)	\$300.00
Animal dealer (not selling domestic pets)	\$125.00
Animal dealer (selling domestic pets)	\$300.00
Circus	\$125.00
Circus with elephant rides	\$200.00
Theatrical exhibition	\$125.00
Riding or boarding stable	\$125.000
Animal drawn vehicle (One license per company)	\$125.00
Wildlife permit	\$125.00
Swine permit	\$10.00
Animal Welfare Groups and Humane Organizations	\$10.00
Miscellaneous Fee	
Late fee when license is more than 30 days overdue the license fee per month overdue	\$15.00 plus 15% of
Small trap deposit	\$50.00
Large trap deposit	\$200.00
Trailer and corral charge corral used	\$50.00 per trailer or
Postage and handling for mail-in applications	\$0.50
Bark Collar deposit	\$75.00
Bark Collar usage	\$15.00
Microchip	\$25.00

Redemptions and Boarding Fee *

Licensed Altered domestic pets	\$15.00 plus \$10.00 per day
Unlicensed Altered domestic pets	\$30.00 plus \$10.00 per day
Licensed unaltered domestic pets	\$40.00 plus \$12.00 per day
Unlicensed unaltered domestic pets	\$60.00 plus \$15.00 per day
Quarantine altered domestic pets	\$40.00 plus \$12.00 per day
Quarantine unaltered domestic pets	\$60.00 plus \$15.00 per day
Quarantine Dangerous Dog	\$100.00 plus \$25.00 per day
Impoundment	\$25.00
Livestock-large animals	\$50.00 plus \$15.00 per day
Livestock-small animals	\$10.00 plus \$5.00 per day

* Incurred surgical, medical, diagnosis and veterinary treatment expenses must be added to redemption and boarding fees as determined by Metro Animal Services

Surgical, Medical and Veterinary Treatment

Vaccination(may be a voucher)

DHPP, FVRCP)

(Rabies)

(Bordetella)

Parasitic examination and/or treatment (may be a voucher)

Other medical and surgical treatment and/or diagnosis

\$20.00 each

\$8.00

\$10.00

\$15.00

Variable

Violation Notice Fee for each violation

First Violation Notice \$30.00

Second Violation Notice \$60.00

Third Violation Notice \$120.00

Fourth and subsequent Violation Notice \$250.00

Adoptions As determined by Metro Animal Services

Spay/neuter voucher \$100.00 minimum

Spay/neuter rebate certificate \$35.00

SECTION II. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron

Metro Council Clerk
Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

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