

ORDINANCE NO. 14-014

AN ORDINANCE AMENDING CHAPTER THREE OF THE GEORGETOWN CODE OF ORDINANCES RELATED TO ANIMALS.

**SUMMARY**

**Section 1** – Amends Section 3-24 of the Code of Ordinances to repeal the provisions for licensing of dogs and cats.

**Section 2** – Amends Section 3-27 of the Code of Ordinances to change the procedures and requirements for impoundment of animals and livestock pursuant to the Chapter. Removes the authority to issue civil penalties.

**Section 3** – Amends Section 3-33 of the Code of Ordinances to specify the officers authorized to enforce the provisions of the Chapter. Removes the authority to issue civil penalties.

**Section 4** – Amends Section 3-34 of the Code of Ordinances to remove the authority to issue civil penalties. Modifies the criminal penalties provisions.

**Section 5** – Provides that if any portion of this Ordinance is for any reason held invalid or unlawful such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 6** – Provides that this Ordinance shall become effective upon adoption and publication.

The full text of Ordinance 14-014 is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at [www.georgetownky.gov](http://www.georgetownky.gov).

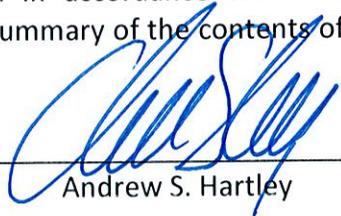
INTRODUCED AND PUBLICLY READ FIRST TIME: June 16, 2014

PUBLICLY READ SECOND TIME AND PASSED: June 23, 2014

APPROVED:   
Everette Varney, Mayor

ATTEST: \_\_\_\_\_  
Tracie Hoffman, City Clerk

I, Andrew S. Hartley, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 14-014 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.

  
\_\_\_\_\_  
Andrew S. Hartley

ORDINANCE NO. 14-014

AN ORDINANCE AMENDING CHAPTER THREE OF THE GEORGETOWN CODE OF ORDINANCES RELATED TO ANIMALS.

Sponsor: Council Member Connie Tackett

NOW THEREFORE, be it ordained by the City of Georgetown:

**Section 1** – That Section 3-24 of the Code of Ordinances, entitled Licensing of dogs and cats, is repealed in its entirety.

**Section 2** – That Section 3-27 of the Code of Ordinances, entitled Impoundment of animals and violation notice, is amended to read as follows:

(a) ~~Unconfined and uncontrolled dogs and nuisance animals shall~~ Animals running at large or constituting a public nuisance may be taken by the city or its designated enforcement officers and impounded in an animal shelter in a humane manner.

(b) Owners found to be keeping livestock in violation of Section 3-22(c) shall be notified of the ~~violation prohibition~~ in writing. The notice shall include citation to the code section(s) prohibiting the keeping of livestock within city limits and shall state that the owner must remove the livestock from the property within 10 days of the notice. If an owner fails to remove the livestock within 10 days, the city or its designee shall impound the livestock in an animal shelter in a humane manner and the owner shall be guilty of a violation. ~~The notice shall also inform the owner of the penalty of twenty dollars (\$20.00) for the violation. The penalty shall be payable to the city within seventy-two (72) hours of delivery of the notice.~~

(c) Animals, other than livestock, taken under this section shall be kept for at least five (5) working days.

(d) If, by a license tag or other means, the owner of an impounded animal can be identified, the city shall, immediately upon impoundment, notify the owner by telephone or notice posted at the home of the owner.

(e) An owner reclaiming an impounded cat shall pay a fee of ten dollars (\$10.00) plus two dollars (\$2.00) for each day the animal was impounded. Subsequent impoundments occurring within twelve (12) months shall incur double impoundment fees.

(f) An owner reclaiming an impounded dog shall pay a fee of ten dollars (\$10.00) plus two dollars (\$2.00) for each day the animal had been impounded. If the animal is not licensed, the owner shall obtain a license and pay a license fee for the animal.

Subsequent impounds occurring within twelve (12) months shall incur double impoundment fees.

(g) Any animal, other than livestock, not reclaimed by its owner within five (5) working days shall become the property of the city and shall be placed for adoption in a suitable home. If the animal is not suitable for adoption, the animal may be humanely euthanized by sodium pentobarbital. Livestock taken under this section shall become property of the city and may be sold to any person intending to use the livestock for farming purposes. The city may, in its sole discretion, require proof that the purchaser owns, operates, or has a working relationship with a farm operation. If no purchaser can be found within ten (10) working days of impoundment, the livestock may be humanely euthanized by sodium pentobarbital.

~~(h) In addition to, or in lieu of, impounding an animal found at large, the animal control officer, humane officer, or police officer may issue to the owner of the animal, if known, a notice of article violation. The notice shall inform the owner of the penalty of twenty dollars (\$20.00) for permitting the animal to be at large. The penalty shall be payable to the city within seventy two (72) hours of delivery of the notice. Payment of the penalty shall not be in satisfaction of fees related to impoundment. In the event that such penalty is not timely paid, the city may have a criminal summons issued out of the district court.~~

(ih) The city or its designee shall keep records of the care, feeding, veterinary treatment and disposition of all animals impounded at the shelter.

(ji) In the event that the city finds an animal to be subjected to inhumane conditions resulting in the animal's suffering, the animal may be removed and cared for at the owner's expense. If the animal's condition precludes reasonable relief of its suffering, the city may euthanize it. In this event, the city need not wait the five (5) days required above. Where practicable, the city shall notify the owner prior to euthanasia. The animal shall be returned to the owner only if abuse is not charged and all expenses incurred by the city have been reimbursed. If abuse is charged, the animal will be returned only on order of the court and reimbursement of all expenses incurred.

(kj) No action of the city or its designee, including euthanasia of the animal, shall relieve the owner of liability for violations and accrued charges.

**Section 3** – That Section 3-33 of the Code of Ordinances, entitled Enforcement, is amended to read as follows:

This ~~article~~ Chapter shall be enforced by city police officers, code enforcement officers, and those persons or agencies designated by the city or applicable law. No ~~one person~~ shall interfere with or impede the city or its agents' enforcement of this ~~article~~ Chapter.

At the designated officer's discretion, ~~either civil citations or a~~ criminal summons may be issued for violations of this ~~article~~ Chapter.

**Section 4** – That Section 3-34 of the Code of Ordinances, entitled Penalties for violation, is amended to read as follows:

~~(a) Civil penalties:~~

~~(1) First offense. For the first offense, a fine of fifty dollars (\$50.00);~~

~~(2) Second offense. For the second offense within twelve (12) months, a fine of one hundred dollars (\$100.00);~~

~~(3) Third and subsequent offenses. For the third and subsequent offenses within twelve (12) months, a fine of two hundred dollars (\$200.00).~~

~~(4) Payment of civil penalties; penalty for nonpayment. Within seven (7) days from the date of the issuance of a civil citation pursuant to this article, the person cited shall:~~

~~a. Pay to the city the civil penalty prescribed at the designated boxes provided at 100 Court Street or the police department at 550 Bourbon Street; or~~

~~b. Request a hearing regarding such citation and/or penalty before the administrative appeals board.~~

~~c. Failure to pay the citation or request a hearing within the required seven (7) days shall result in the administrative appeals board's entry of a final order determining:~~

~~i. The person cited to have waived his or her right to a hearing;~~

~~ii. The citation and fine to be proper under this article; and~~

~~iii. The assessment of an administrative fee in an amount equal to the original citation fine.~~

~~(5) Person issued a criminal summons shall answer the summons according to applicable law.~~

~~(b) Criminal penalties for serious or repeat offenders, for whom the enforcement officer determines (pursuant to section 3-33 above) that criminal penalties are appropriate:~~

~~(a) Penalties~~

~~(1) Any person violating any provision of this ~~article~~ Chapter shall be deemed guilty of a misdemeanor violation and shall be punished by a fine of not less than twenty-five dollars (\$25.00), but no more than ~~five hundred dollars (\$500.00)~~ two hundred fifty dollars (\$250.00). For a second and subsequent offenses, a fine of not less than twenty-five dollars (\$25.00), but no more than five hundred dollars (\$500) and/or confinement in the local detention center for not more than 90 days shall be imposed. If there are impoundment fees and/or other expenses connected with the violation of any provision of this Chapter then these shall be payable in addition to the penalties set forth herein in the manner of restitution. If a violation continues for more than one (1) day, each day during which the violation continues shall be deemed a separate violation. ~~Any civil penalty levied prior to issuance of criminal charges in district court for the same underlying act or occurrence as that for which the earlier civil penalty was imposed, shall be due and payable by the person upon conviction. This civil penalty shall be payable in the manner of restitution.~~~~

(2) The city may revoke all licenses or permits issued to any person, whether an individual or a person engaged in a commercial animal establishment convicted of cruelty to an animal. A person whose license is revoked under this provision shall not be eligible for reissuance of any license under this article for two (2) years, unless a longer period is ordered by the court. In addition to the required period of ineligibility, every person whose license or permit is revoked for a conviction of cruelty to an animal shall successfully complete an approved animal care program prior to issuance of a permit or license under this article.

(~~b~~) Upon revocation of a permit, the city shall remove the previously permitted animals(s) and dispose of it consistent with section 3-27.

(~~c~~) Upon conviction in Scott District Court of criminal animal abuse, the court shall determine whether the person convicted will be ineligible for reissuance of a permit or license under this article for not less than two (2) years or more than five (5) years.

~~(e) Penalties pursuant to civil citations shall be satisfied as follows: Payment of fines; penalty for nonpayment: Within seven (7) days from the date of the issuance of a civil citation pursuant to this article, the person cited shall:~~

~~(1) Pay to the city the civil penalty prescribed at the designated boxes provided at 100 Court Street or the Police Department at 550 Bourbon Street; or~~

~~(2) Request a hearing regarding such citation and/or penalty before the administrative appeals board.~~

~~(3) Failure to pay the citation or request a hearing within the required seven (7) days shall result in the administrative appeals board's entry of a final order determining:~~

~~a. The person cited to have waived his or her right to a hearing;~~

~~b. The citation and fine to be proper under this article; and~~

~~c. The assessment of an administrative fee in an amount equal to the original citation fine.~~

**Section 5** – If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 6** – That this Ordinance shall become effective on adoption and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 16, 2014

PUBLICLY READ SECOND TIME AND PASSED: June 23, 2014

APPROVED:

  
Everette L. Varney, Mayor

ATTEST:

  
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