

ORDINANCE NO. 13-013

AN ORDINANCE REGULATING THE KEEPING OF LIVESTOCK WITHIN CITY LIMITS.

Sponsor: Council Member Connie Tackett

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

Section 1 – That Section 3-21 of the Code of Ordinances is amended as follows:

Sec. 3-21. Definitions.

As used in this article, the following terms are defined below:

Abandonment: Abandonment consists of, but is not limited to, leaving an animal at any location for a period in excess of twenty-four (24) hours, without adequate provision for food, water and general condition.

Animal: Any living nonhuman creature, domestic and wild, including livestock, poultry, pet rodents, pet birds and vermin. However, unless the context otherwise requires, for the purpose of this article, animal generally means dogs, cats, and other animals customarily kept as pets.

Animal at-large: Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

Animal shelter: The facility operated or utilized by the city for the purpose of impounding animals under the authority of this article or state law.

Auction: Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this article. This section does not apply to individual sales of animals by owners.

Circus: A commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment: Any pet shop, grooming shop, guard dog, auction, riding school or stable, zoological park, circus, performing animal exhibition or boarding or breeding kennel.

Cruelty to animals: Intentionally or wantonly subjecting an animal to unjustifiable physical pain, suffering, or death. By way of example, but not in limitation, cruelty to animals includes mistreatment through abandonment, mutilation, beating, torture,

tormenting, failing to provide adequate food, drink, space, or health care, or by any other means.

Grooming shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard dog: Any dog that will detect and warn its handler that an intruder is present in/or near an area that is being secured.

Humane officer or animal control officer: Any person designated by the State of Kentucky, a municipal government or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of the state.

Immediate control: ability to manage and direct the dog. This ability is not limited to direct physical control of the dog.

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Livestock: Farm animals, including horses, ponies, cows, swine, sheep, chickens and other animals customarily kept as part of a farming operation.

Owner: Any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Performing animal exhibition: Any spectacle, display, act or event, other than circuses, in which performing animals are used.

Person: Any individual, business or combination inferred from the context of this article.

Pet or companion animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter. However, in no event shall the terms *pet* or *companion animal* include livestock.

Pet shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells or boards any species of animal.

Public nuisance: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) Is found at-large three (3) or more times within a twelve-month period;
- (2) Damages or intimidates pedestrians or passersby;
- (3) Chases vehicles;
- (4) Makes excessive noise such as would constitute a violation of the noise article in chapter 9;
- (5) Due to owner's or keeper's violation of this article, causes unreasonable odor, creating unreasonable annoyance or discomfort to owners and occupants of properties adjacent to the premises where the animals are kept;
- (6) Due to owner's or keeper's violation of this article, causes unsanitary conditions within or surrounding the animal's enclosure;
- (7) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained or the manner in which they are kept; or
- (8) Attacks other domestic animals.

Restraint: Any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

Unfit for purchase: An animal is unfit for purchase, which suffers or dies of a disease or parasitic infection and is certified by a veterinarian within thirty (30) days of the purchase date as having had the disease or condition on the date of purchase. A puppy, dog, kitten or cat is unfit for purchase, which suffers from a congenital or hereditary condition and is certified by a veterinarian as having that condition within one (1) year of the date of purchase.

Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

Vicious animal: Any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or domesticated animals.

Wild animal: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Zoological park: Any facility operated by a person, partnership, corporation or government agency, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animals.

Section 2

That Section 3-22 of the Code of Ordinances is amended as follows:

Sec. 3-22. General requirements.

(a) *Rabies vaccination* (Pursuant to KRS 258.015): All dogs and cats, four (4) months of age or older, shall be vaccinated for rabies and revaccinated for rabies at the expiration of the immunization period as certified by a veterinarian. Any other animal kept pursuant to these regulations shall also be vaccinated for rabies at all appropriate intervals as determined by a veterinarian or by the game warden.

(b) *Killing, injuring or pursuing squirrels, rabbits, or birds*: It shall be unlawful for any person, at any time within the city, to kill, injure, pursue, molest or attempt to injure any squirrels or rabbits running at large in the city, or any birds other than birds of a predatory nature.

(c) *Livestock and poultry prohibited*: The keeping of livestock or poultry in the city is prohibited, except as part of a commercial animal establishment permitted pursuant to this article or as part of a farming operation conducted on property zoned for agricultural use under the city's zoning ordinance. No person shall permit or negligently allow livestock to run at large in the city.

(d) *Public nuisances prohibited*: It shall be unlawful for any person to keep or to have within the city an animal that habitually or repeatedly gets into garbage cans or bags, or damages flowers, gardens, shrubs or otherwise creates a public nuisance. This shall include, but not be limited to, the following actions: molests passers-by or passing vehicles; attacks people or other animals; is repeatedly at large; damages public or private property; repeatedly barks, whines, or howls.

(e) *Sale of animals prohibited, except by licensed business*: It shall be unlawful to sell, exchange, trade, barter, or display any horses, cattle or other livestock, dogs, cats, sheep, goats, chickens, or other poultry or fowl, except pursuant to a duly licensed pet store, stockyard, or breeding establishment conducting such sales or exchanges at its regular place of business and which business is duly licensed by the City of Georgetown, and that such sales shall be subject to the provisions of the Kentucky Revised Statutes governing the sale of livestock and animals.

This subsection shall not apply to individual owners of animals or livestock, who may sell animals on an occasional basis with such sales being conducted on property owned or leased by them. An example of an exempt private sale by an individual is the occasional sale of a litter of puppies.

(f) Prohibition against offering animals as prizes/awards:

(1) 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.

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

(g) Regulations concerning location of animal sales by individual or business: No person shall offer to sell, offer for adoption or otherwise give away animals from any location, except individuals not otherwise doing business or as part of a recurring practice of selling or persons engaged in a business at a specific location licensed by the City of Georgetown government for such purpose.

Section 3

That Section 3-27 of the Code of Ordinances is amended as follows:

Sec. 3-27. Impoundment of animals and violation notice.

(a) Unconfined and uncontrolled dogs and nuisance animals shall be taken by the city 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 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 shall impound the livestock in an animal shelter in a humane manner. 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.

~~(b)~~ (c) Animals taken under this section shall be kept for at least five (5) working days.

~~(e)~~ (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)~~ (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.

(ef) 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.

(fg) 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.

(gh) 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.

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

(ij) 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.

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

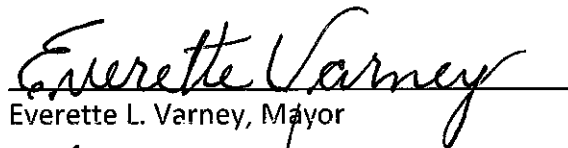
Section 12 – If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 13 – That this Ordinance shall become effective on adoption and publication.

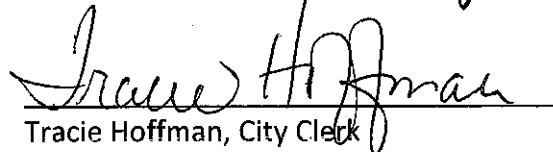
PUBLICLY INTRODUCED AND READ FIRST TIME: June 10, 2013

PUBLICLY READ SECOND TIME AND PASSED: June 24, 2013

APPROVED:


Everette L. Varney, Mayor

ATTEST:


Tracie Hoffman, City Clerk