

## CHAPTER 90: ANIMALS

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#### GENERAL PROVISIONS

##### § 90.01 DEFINITIONS.

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

"ABANDON." Shall constitute the relinquishment of all rights and claims by the owner to the animal.

(KRS 257.100 (4))

"AT LARGE." Off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain, or otherwise.

"DANGEROUS ANIMAL." Any species of animal capable of inflicting serious physical harm or death to human beings because of its nature or physical makeup, including any pet wildlife or any hybrid animal which has attacked a human or which is apprehended or observed unrestrained.

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

"EXOTIC ANIMAL." Any species of animal not normally domesticated by man, including, but not limited to, all bears, lions, tigers,

cougars, leopards, wolves, wolverines and poisonous reptiles.  
"KEEP." Possession, controlling exercising, or allowing to run at large.

"OWNER." Any person, firm, corporation, organization or department possessing, or harboring or having custody of a dog or animal under this chapter.

"UNCONFINED." A vicious dog not securely confined indoors or confined in a securely enclosed and located pen or a dog run area upon the premises of the person described in subsection. Such pen or dog run area must also have either sides six feet high or a secure top.

"VICIOUS DOG."

(1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or other domestic animals; or

(2) Any dog which because of its size, physical nature, and vicious propensity is capable of inflicting serious physical harm or death to humans and which could constitute danger to human life or property if it were not kept in the manner required by this subchapter; or

(3) Any dog, without provocation, attacks, bites, or has attacked or bitten, a human being or domestic animal; or

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or

(5) Any Pit Bull Terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed or dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(6) Any Rottweiler or Bull Mastiff breeds as defined by the American Kennel Club and/or any mixed breed of dog which contains an element of its breeding the breed of Rottweiler or Bull Mastiff as to be identifiable as partially of the breed of Rottweiler or Bull Mastiff breeds.

(Ord. 1997-30, passed 11-3-97; Am. Ord. 2004-19, passed 9-21-04)  
Cross-reference:

For other definitions relevant to this chapter, see § 10.02

#### § 90.02 ANIMALS RUNNING AT LARGE.

(A) No person who is the owner of any animal shall permit it to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any

private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another.

(Ord. 2004-19, passed 9-21-04) Penalty, see § 90.99 (A)

#### § 90.03 CRUELTY TO ANIMALS.

(A) A person is guilty of cruelty to animals when except as authorized by law he intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, causing it to fight for pleasure or profit, mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

(2) Subjects any animal in his custody to cruel neglect; or

(3) Kills any animal other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(B) Nothing in this section shall apply to the killing of animals:

(1) Pursuant to a license to hunt, fish, or trap;

(2) Incident to the processing as food or for other commercial purposes;

(3) For humane purposes;

(4) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

(5) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;

(6) For bona fide animal research activities of institutions of higher education; or a business entity registered with U.S. Department

of Agriculture under the Animal Welfare Act or subject to other federal

laws governing animal research;

(7) In defense of self or another person against an aggressive or diseased animal;

(8) In defense of a domestic animal against an aggressive or diseased animal;

(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99(B)

#### § 90.04 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.  
(KRS 436.600) Penalty, see § 90.99 (C)

§ 90.05 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner of a domestic animal shall abandon the animal.  
Penalty, see § 90.99 (A)

§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

(A) Any peace officer, animal control officer, or any person authorized by the Board of Agriculture may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.

(KRS 257.100)

§ 90.07 WILD, EXOTIC OR DANGEROUS ANIMALS.

The keeping of wild, exotic or dangerous animals within any area of the city or corporate limits is hereby prohibited and declared to be unlawful. This section shall not apply to any zoological garden accredited by the American Association of Zoological Parks and Aquariums, appropriately licensed

theatrical exhibits, carnivals or circuses, any authorized wildlife rehabilitator or licensed veterinary hospital for purposes of treating injured animals, or any federally-licensed research institution and domesticated animals used in petting zoos and/or farm settings properly zoned through the city.  
(Ord. 2004-19, passed 9-21-04)

§ 90.08 POOPER SCOOPER LAW.

(A) No person shall allow a dog or cat under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device or the removal and containment of such dog's or cat's excrement; nor shall any person fail to remove any excrement deposited by any dog or cat under his control on public property or private property of another absent the consent of the owner or occupant of said property.

(B) This section shall not apply to guide dogs under the control of a blind person.

(Ord. 2004-19, passed 9-21-04)

§ 90.09 PUBLIC NUISANCE PROHIBITED.

No person shall own, keep or harbor any animals which shall do any one (1) or more of the following objectionable actions, each of which is hereby declared to be a public nuisance within this city;

(A) Barking, howling, yelping, whining. Barks, howls, yelps or whines loud enough to be heard beyond the premises of where it is kept or harbored, excepting commonly accepted farm animals.

(B) Trespassing. Goes upon school property or upon any property or premises not owned or occupied by the person who keeps, harbors or owns the animal.

(C) Damaging personal property. Turns over, gets into, or otherwise damages or disturbs garbage cans, milk containers or any items or personal property located on any premises other than those owned or occupied by the person who owns, keeps or harbors the animal.

(D) Frightening, molesting people. Runs at, jumps upon, chases, barks at, bites at, or in any other way frightens, molests, or scares any child or adult other than the one who owns, keeps or harbors the animal and the members of his immediate family.

(E) Attacking, chasing other animals. Attacks or chases any other animal besides those animals who are kept, owned or harbored by the same person.

(F) Chasing vehicles. Chases motor vehicles, bicycles or scooters other than those owned or operated by the same person or his immediate family, who keeps, owns or harbors the animal.

(G) Female animals in heat at large. Female animals at large while being in heat. Any unspayed female animals in heat shall be considered as running at large if she is not securely leashed, penned, fastened or tied or otherwise physically restrained.

(H) Running at large in the public parks. Goes upon city parks and playgrounds, except under restraint.

(I) Control by owner outside premises. It shall be unlawful for any owner of any dog, regardless of the dog's age, licensed or unlicensed, to permit such dog, at any time, to leave or be beyond the premises upon which such dog is usually kept, except when accompanied and controlled by such owner or some responsible person acting for such owner; and when so accompanied, such animal must be secured by means of a collar or harness, with chain or leash attached thereto, and held by said owner or person acting for such owner.

(J) Running at large prohibited.

(1) Every owner, harborer or person having the custody, control or possession of any dog shall keep such dog confined to the premises and property of said owner, harborer or custodian, except as hereinafter provided;

(2) No owner, harborer or person having the custody, control or possession of any dog shall permit, allow or suffer such dog;

(a) To run or be at large has hereinbefore defined;

(b) To go about or on the premises of property of any other person within the City without the permission of such person,

(K) Offensive odors and sanitary conditions. The failure to keep an animal's pen, yard, lot or other enclosures in a sanitary condition and free from preventable odors, and the maintenance of any stable, barn or yard in such a condition as to become offensive to the neighborhood.

(Ord. 2004-19, passed 9-21-04)

#### § 90.10 BITING PROHIBITED.

No person shall own, harbor or keep any animal who bites any person on the premises owned or occupied by any other person; therefore, if any animal should bite any other person besides the person who keeps, harbors or owns the animal, he shall be deemed to have violated this section and the animal shall be immediately subject to impoundment under § 90.20.

(Ord. 2004-19, passed 9-21-04)

#### DOGS

#### § 90.15 REGISTRATION.

(A) All persons keeping or harboring any dog within the city limits shall cause such dog to be registered with the

Clerk/Treasurer within 15 days after the dog is first brought within the city and annually not later than July 1 of each year.

(B) At the time of registration the owner or custodian of such dog shall furnish to the Clerk/Treasurer a description of such dog, including:

- (1) Its breed;
- (2) Age;
- (3) Sex;
- (4) Descriptive or distinguishing markings; and
- (5) Kentucky dog license number.

(Ord. 157, passed 10-7-74) Penalty, see § 90.99 (D)

#### § 90.16 DOGS RUNNING AT LARGE.

(A) All dogs running loose on the streets, public ways, and public alleys which have not been duly licensed as required by KRS 258.135 or registered with the City Clerk/Treasurer, shall be taken into custody by the Grant County Dog Warden or by any peace officer and confined in the Grant County Dog Pound and if not claimed by the owner within ten days shall be disposed of by the Grant County Dog Warden as he may see fit.

(B) No owner, keeper or harbinger of any dog shall permit such dog

to go beyond the premises of such owner, keeper or harbinger unless such

dog is properly on leash, or under the control of the owner, keeper or harbinger.

(C) For the purpose of this section "control" shall mean that the dog is within sight and hearing, and will respond instantly to call or order; or that the dog is in a conveyance for travel; such as an automobile or train, or is confined to a travel crate or carrying case.

(D) It shall be prima facie evidence that a dog is not under the required control if the dog chases, injures or kills any person or domestic animal or damages or commits any nuisance upon property other than that of its owner, keeper or harbinger.

(Ord. 157, passed 10-7-74; Am. Ord. 1997-30, passed 11-3-97) Penalty, see § 90.99

#### § 90.17 COUNTY DOG WARDEN.

The Grant County Dog Warden shall be entitled to a fee of \$10 for his services in releasing any nonregistered dog taken into custody, to its owner.

(Ord. 157, passed 10-7-74)

#### § 90.18 RESPONSIBILITY FOR HARBORING.

(A) Nothing contained herein shall be construed to relieve any

person from any civil or criminal responsibility for keeping or harboring a dog under any ordinance of this city or any law of the Commonwealth of Kentucky and all persons keeping or harboring a dog within this city shall be responsible for all damage to public or private property or injuries to persons caused by any dog kept or harbored by such person.

(B) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(C) No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed or otherwise securely restrained.

(D) Subsections (B) and (C) above are necessary controls on the unrestrained activity of vicious animals which threaten the safety and pleasantness of streets, parks, sidewalks, yards and all areas of the city; and lack of knowledge or lack of intent is not a defense to a violation thereof.

(Ord. 157, passed 10-7-74; Am. Ord. 1997-30, passed 11-3-97)  
Penalty, see § 90.99 (D)

#### § 90.19 NOISE DISTURBANCE.

(A) Any dog which barks or howls for a period in excess of 15 minutes is declared to be a public nuisance and any person owning, keeping or harboring such animal shall be fined on conviction of maintaining, harboring or keeping such an animal.

(B) No person shall harbor or keep any animal of the dog kind which by loud and frequent or habitual barking or yelling shall cause serious annoyance or disturbance to the neighborhood.

(Ord. 157, passed 10-7-74; Am. Ord. 1997-30, passed 11-3-97)  
Penalty, see § 90.99 (D)

#### § 90.20 IMPOUNDMENT.

Any animal kept in violation of the provisions of this subchapter shall be seized and impounded by the County Dog Warden and shall be confined by the County Dog Warden and/or County Animal Shelter for disposition under its regulations and jurisdiction.

(Ord. 1997-30, passed 11-3-97; Am. Ord. 2004-19, 9-21-04)  
Penalty, see § 90.99 (D)

#### § 90.21 OWNING, KEEPING AND MAINTAINING CERTAIN DOGS PROHIBITED.

(A) It shall henceforth be unlawful for any citizen of the city to own, maintain and keep dogs of the type and species commonly referred to as Pit Bulls, Rottweiler(s), or Bull Mastiff breeds on their property and anywhere within the corporate city limits of the city.



(B) (1) It shall henceforth be unlawful for any citizen of the city to own, maintain and keep any other type of vicious dog or dogs which is obviously vicious in nature within the corporate city limits of the city as defined under this section.

(2) Any citizen of this community may complain to the city's police department that a dog may be, or is, obviously vicious in nature. Upon receiving a complaint about a dog which is owned, maintained, and kept by a citizen of this community within the corporate city limits of this city, it shall be the responsibility of the police department to investigate and determine whether the dog complaint about is obviously vicious in nature. If the police department, after conducting the required investigation, determines that the dog complained about is obviously vicious in nature, then the chief of police shall notify the owner of the dog to immediately remove the dog from the city. The owner shall then have not less than twenty-four (24) hours, nor more than seven (7) days, in which to make arrangements to see that the dog is removed from the city. If the vicious dog is not removed from the city within the specified times, the police department shall be authorized to issue a criminal or civil citation to the owner of the dog subjecting the owner to the penalties set forth herein.

(Ord. 2004-19, passed 9-21-04)

#### § 90.22 DOG FIGHTING PROHIBITED.

No person, firm, corporation, organization or department shall possess or harbor or maintain care, or custody or any dog, for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(Ord. 2004-19, passed 9-21-04)

#### § 90.99 PENALTY.

(A) Any person who violates any provision of §§ 90.02 or 90.05 shall be fined not more than twenty dollars (\$20) for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates § 90.03 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500), imprisoned for not more than twelve (12) months, or both for each offense. (KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) not more than five hundred dollars (\$500).

(Ord. 157, passed 10-7-74) (KRS 436.600)

(D) Each violation and every other failure to comply with the provisions of §§ 90.15 through 90.20 shall be a misdemeanor; and each day the violation continues shall be a separate and distinct offense for which;

(1) A person convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of five hundred dollars (\$500.00) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in K.R.S. 532.090 (1), or both and in addition to the reasonable costs in seizing, impounding and confining the animal.

(2) The offender shall be subject to a civil penalty of one hundred dollars (\$100.00) of each offense, which shall be recovered by the city in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of §§ 90.15 through 90.20.

(E) Each violation and every other failure to comply with the provisions of §§ 90.07 through 90.10, 90.21 or 90.22 shall be a misdemeanor; and each day of the continuation thereof shall be a separate and distinct offense for which:

(1) A person convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine, not to exceed the maximum amount of five hundred dollars (\$500), or a term of imprisonment, not to exceed the maximum period of twelve (12) months, as set forth in KRS 532.090(1), or both and in addition to the reasonable costs in seizing, impounding, and confining, the animal.

(2) The offender shall be subject to a civil penalty of one hundred (\$100.00) dollars for each offense which shall be recovered by the city in a civil action if the nature of the debt is not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of §§ 90.07 through 90.10, 90.21 or 90.22.

(Ord. 157, passed 10-7-74; Am. Ord. 1997-30, passed 11-3-97; Am. Ord. 2004-19, passed 9-21-04)