

## CHAPTER 51: ANIMALS

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### ARTICLE I. GENERAL PROVISIONS

#### § 51.100 DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"*ANIMAL UNIT*." Any one of the following: two (2) horses, two (2) mares, two (2) mares and suckling colts, two (2) mules, two (2) cows, two (2) cows and suckling calves, two (2) bulls, two (2) steers, two (2) heifers, two (2) hogs, two (2) pigs, four (4) ponies, four (4) ponies with their suckling colts, five (5) sheep, five (5) goats, twenty-five (25) chickens, twenty-five (25) ducks, twenty-five (25) geese, twenty-five (25) turkeys.

"*FEED LOT*." Any area of land on which there is maintained an animal unit or units, in excess of that allowed to be maintained on a pasture area.

"*HABITUALLY*." Three (3) or more times during any one (1) thirty-day period.

"*KEEP OR HARBOR*." To habitually allow the dog to remain, or to lodge, or to be fed, within his home, yard, building or enclosure, or on his premises.

"*NUISANCE*." A condition that endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs reasonable and comfortable use of property.

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"*PASTURE AREA*." Any area of land on which there is maintained no more than one (1) animal unit per acre of land. For the purposes of this section, the acre of land must be completely accessible to the said animal unit.

"*PONY*." A horse that weighs six hundred and fifty (650) pounds or less.  
(Ord. No. 6.73, § I, 3-20-73)

### § 51.101 *PROXIMITY TO RESIDENCES*

(A) *Pastures*. It shall be unlawful for any person to keep, harbor or maintain any animal unit or units upon pasture land, within seventy-five (75) feet of any residence not owned or occupied by the owner of the animal unit or units.

(B) *Feed lots*. It shall be unlawful for any person to keep, harbor or maintain any animal unit or units upon a feed lot, within three hundred and fifty (350) feet of any residence not owned or occupied by the owner of the animal unit or units.  
(Ord. No. 6.73, § III, 3-20-73)

### § 51.102 *NUISANCES PROHIBITED*

The provisions of this article notwithstanding, it shall be unlawful for any person to keep, harbor or maintain any animals or livestock within the city in a manner which creates a nuisance.  
(Ord. No. 6.73, § IV, 3-20-73)

### § 51.103 *FOWL AT LARGE PROHIBITED*

It shall be unlawful and is hereby forbidden for any person or persons to allow fowls of any kind to run at large within the corporate limits of the city. Any person owning or having charge of the fowl shall keep them under fence within their own property.  
(Ord. No. 25, 4-16-18)

### § 51.199 *PENALTY*

Any person who violates any of the provisions of this article shall be guilty of a violation and on conviction, shall be fined not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars, for each offense. Each and every day that a violation continues shall constitute a separate offense.  
(Ord. No. 6.73, § VI, 3-20-73)

Cross reference:

For civil penalty, see § 22.606

## ARTICLE II. DOGS

### § 51.200 *REGISTRATION OF DOGS REQUIRED*

(A) It shall be unlawful for any person or group to keep, harbor, or own any dog within the city without first having paid a yearly license fee thereon.

(B) The license fee shall be two (\$2.00) dollars and it shall cover a period from July 1st to June 30th, or any part thereof. This fee is due and payable on the first day of the month following acquisition of the dog.

(C) It shall be the duty of the keeper, harborer or owner of a dog to register the dog with the dog warden who shall issue a receipt in the form of a tag of metal or other durable material, having stamped or engraved thereon the registration number and the year of registration; and it shall be the duty of the keeper, harborer or owner to attach the tag to a collar and to keep it on the dog at all times.

(D) A second license tag to replace the original lost from a dog may be obtained for one (\$1.00) dollar upon verification of purchase of an original license for the same dog that year. (Ord. No. 24.76, § 1, 12-7-76)

§ 51.201 *ANTIRABIES VACCINATION REQUIRED*

(A) The provisions of the Kentucky Revised Statutes 258.025 to 258.085, inclusive, listed herein by title, shall be enforced:

(1) Dogs are to be vaccinated against rabies; certificates and metal tags bearing certificate numbers are to be issued.

(2) Under certain conditions, dogs of an entire county may be exempt from vaccination by the state board of health.

(3) A dog vaccinated in another state need not be revaccinated within a year of its vaccination date.

(4) Vaccinations are to be made by approved veterinarians; fees are paid to the state treasury.

(5) Quarantine of all dogs may be ordered in case of rabies epidemic; dogs may be ordered to be revaccinated.

(6) Persons bitten by dogs or other animals are to be reported to the local health department within twelve (12) hours after the incident.

(7) Any dog having bitten a person or another dog or animal, and being suspected of rabies is to be quarantined; the head of the dog is to be sent to an approved laboratory at the dog owner's expense.

(8) The state board of health is to administer the rabies law.

(9) Violators of any part of this section are to be fined; owners of rabid dogs are liable.

(B) Violators of any part of this section shall be deemed guilty of a violation, and shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars each day of offense

constituting a separate offense, and this fine shall be in addition to any court costs.  
(Ord. No. 24.76, § 2, 12-7-76)

§ 51.202      *KENNEL PROHIBITED*

Dog kennels and kennel licenses shall be prohibited within the corporate limits of cities in Madison County.  
(Ord. No. 24.76, § 3, 12-7-76)

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Cross reference:

Penalty for violation, see § 51.299

§ 51.203      *PUBLIC NUISANCES PROHIBITED*

No person shall keep, harbor or own any dog which shall do any one or more of the following objectionable actions, each of which is hereby declared to be a public nuisance:

(A) Incessantly barks, howls, yelps, or whines loud enough to be heard beyond the premises of where it is kept or harbored.

(B) Habitually goes upon any property or premises not owned or occupied by the person who keeps, harbors or owns said dog.

(C) Habitually turns over or gets into garbage cans or milk containers, or damages shrubbery and items of personal property, located on any premises other than those owned by the person who keeps, harbors, or owns said dog.

(D) When not on the property of its owner or keeper, habitually runs at, jumps upon, chases, barks at, bites at or in any way frightens, molests or scares any child or adult other than the one who keeps, harbors or owns said dog and the members of his immediate family.

(E) Chases, attacks or kills any other dog, any livestock or other animal besides those owned by the person who keeps, harbors or owns said dog.

(F) Bites any person on sidewalks, streets, or any property other than that of its owner or keeper.  
(Ord. No. 24.75, § 4, 12-7-76)

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Cross reference:

Penalty for violation, see § 51.299

§ 51.204      *DESTRUCTION OF LIVESTOCK, POULTRY*

(A) The provisions of Kentucky Revised Statutes 258.095 through 258.125, 258.275 through 258.355 and 258.990, inclusive, and listed herein by title, shall be enforced:

- (1) Dog owner is liable to livestock or poultry owners for damages done by dog.
- (2) Licensed dogs killed without justification may be compensated for.
- (3) Dogs guilty of destruction of livestock or poultry may be ordered confined or be destroyed; owner of the dog forfeits compensation for loss.
- (4) Dogs guilty of excessive damage to livestock or poultry may be ordered quarantined.
- (5) Livestock fund is controlled by commissioner of finance; commissioner of agriculture is to enforce provisions in this section; advisory committee is appointed by the governor.
- (6) Claims for losses are payable by the state only to the extent of that monies are available in the livestock fund.

(B) Violators of any part of this section shall, upon conviction, be deemed guilty of a violation and shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars or be imprisoned for not more than sixty (60) days, or both, for each offense. Each day of violation shall constitute a separate offense. The fine shall be in addition to any court costs.  
(Ord. No. 24.76, § 5, 12-7-76)

*§ 51.205 IMPOUNDING OF UNLICENSED OR PUBLIC NUISANCE DOGS*

(A) Any dog without a proper and current registration tag, or any dog which has committed any one or more of the public nuisances mentioned in § 51.203, may be taken up at any time by those persons officially appointed to serve as dog wardens by the Madison County Fiscal Court.

(B) For the purpose of discharging the duties imposed by this article and to enforce its provisions, any dog warden when accompanied by a peace officer, is empowered to enter upon the premises upon which the dog is kept or harbored and to request the exhibition of the dog and the license for the dog.

(C) It shall be the duty of all peace officers within the county and its urban areas to support and aid the dog wardens in their duties if called upon, and this shall include the issuing a summons to the keeper, harborer or owner of any dog whether licensed or unlicensed, which has been permitted to be a public nuisance as defined in § 51.203.

(D) Impoundment shall be at the Madison County Animal Shelter, or any other place officially designated by the Madison County Fiscal Court.

(E) Dogs shall be confined in a humane manner under the supervision of the Madison County Humane Society.

(F) Unlicensed dogs suffering from injury, infectious disease or serve illness shall be disposed of immediately by the dog warden in a humane manner. All other dogs, licensed or unlicensed, which are healthy may be kept for not less than seven (7) days after pickup, and then, if

unclaimed, may be disposed of by the dog warden in a humane manner.

(G) Immediately upon impounding of dogs, the dog warden shall make every possible effort to notify the owners of the dogs so impounded and inform the owners of the conditions whereby they may regain custody of the animals.

(H) Carcasses of dogs destroyed by the Madison County Animal Shelter shall be disposed of according to law.

(Ord. No. 24.76, § 6, 12-7-76)

*§ 51.206 RECLAIMING OR BUYING IMPOUNDED DOGS*

(A) Any licensed dog may be reclaimed by its owner upon paying a redemption fee of two (\$2.00) dollars for the first redemption and ten (\$10.00) dollars for any subsequent redemption of the same dog; a veterinarian fee for antirabies vaccination in absence of proof of vaccination for current year; and the costs of boarding and keeping.

(B) Any unlicensed dog may be claimed by its owner by paying a redemption fee of two (\$2.00) dollars; a license fee of two (\$2.00) dollars; a veterinarian fee for antirabies vaccination in the absence of proof of vaccination for the current year; and the cost of boarding and keeping.

(C) Any dog not claimed seven (7) days after pickup may be sold for the accumulated costs detailed in parts (A) and (B) of this section.

(Ord. No. 24.76, § 7, 12-7-76)

*§ 51.207 ENTICING DOG FROM OWNER*

(A) It shall be unlawful for a person to entice a dog from the yard or enclosure of its keeper or owner for the purpose of causing it to be impounded, or to remove a muzzle, collar, license tag or chain without the consent of the keeper or owner.

(B) Any person who shall violate this section shall, upon conviction, be deemed guilty of a violation and shall be fined not less than ten (\$10.00) dollars nor more than two hundred fifty (\$250.00) dollars for each offense. This fine shall be in addition to any court costs.

(Ord. No. 24.76, § 8, 12-7-76)

*§ 51.208 ANIMAL SHELTERS; WARDENS*

(A) The animal shelter provided by the Madison County Fiscal Court is hereby designated as the official animal shelter for both rural and urban areas of Madison County.

(B) The animal shelter and all permanent equipment used in the shelter, and all equipment used by the dog wardens in the performance of their duties shall be provided by Madison County Fiscal Court.

(C) The dog warden shall be appointed by the Madison County Fiscal Court. Assistant dog

wardens may be recommended by the Richmond City Commission and/or Berea City Council to the Madison County Fiscal Court, and the fiscal court shall appoint the assistant dog wardens.

(D) The dog warden and assistant dog wardens shall work in cooperation with each other, giving each other aid when needed, and covering all urban and rural areas of Madison County.

(E) The daily cost of operation of the shelter and the collection of dogs by the dog wardens shall be shared on a percentage basis as follows: sixty-five (65%) percent by Madison County Fiscal Court, twenty-five (25%) percent by Madison County Fiscal Court, twenty-five (25%) percent by Richmond City Commission, ten (10%) percent by Berea City Council, of all expenses not covered by monies received from fees, licensing, redemptions, costs and sales, and by donations through Madison County Humane Society.

(F) The city expressly reserves the right to withdraw from the agreement to share a percentage of the excess costs of the animal shelter and collection of dogs in that this joint venture is entered into on a trial basis only.

(Ord. No. 24.76, § 9, 12-7-76)

§ 51.209 *RECORDS*

It shall be the duty of the dog warden to keep or cause to be kept:

(A) Accurate and detailed records of the licensing of dogs. These records shall include breed, sex, coloration, size and name of owner.

(B) Complete records of all dogs collected, impounded, reclaimed, sold, or disposed of, including dates persons involved and identification of dogs as in (A) above.

(C) Accurate and detailed records of bite cases, and of the investigation and disposition in each case.

(D) Accurate and detailed records of all monies received, and all costs of operation of the animal shelter and of those expenses incurred by the dog wardens in the performance of their duties.

(E) All records shall be open to inspection by members of the county-city canine board, and any other person directly involved with the information in the records.

(Ord. No. 24.76, § 10, 12-7-76)

§ 51.210 *COUNTY-CITY CANINE BOARD ESTABLISHED; MEMBERSHIP; FUNCTIONS*

(A) A county-city canine board shall be formed as follows: Two (2) members shall be appointed by each of the county fiscal courts, the city commission of Richmond and the common council of Berea; and, one shall be appointed by the Madison County Humane Society, totalling seven (7) members.

(B) The chairman and any other officers shall be elected from the membership by said board.

(C) The functions of said board shall be to see that the provisions of this article are implemented and properly executed; to examine, advise and approve regarding the functions of the animal shelter and of the dog wardens; to report annually, and at other times as directed by the county or a city government, with respect to daily records and fiscal matters; to consider complaints and interpret this chapter for the general public.

(D) The caretaker of the shelter and the dog wardens shall be responsible to said board; and the board shall be responsible to the Madison County Fiscal Court.  
(Ord. No. 24.76, § 11, 12-7-76)

§ 51.211 CONTAINMENT

(A) Definitions. For purpose of this section, the following definitions shall apply unless the context indicates or clearly requires a different meaning.

(1) "At Large." Any dog that is unleashed and on property open to the public, or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained in writing;

(2) "Harbor." To provide food or shelter to any dog or to have possession, charge, care, custody, or control of any dog;

(3) "Impoundment." or "to impound." To be in the control and custody of the Madison County Animal Shelter. The "impound period" shall be consistent with the period by the Madison County Animal Shelter.

(4) "Owner." Any person who has temporary or permanent custody of, or who harbors or keeps, or has any property rights in, or exercises any control over, any dog. If any dog found in violation of this ordinance is owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person or the head of the household in which said person resides;

(5) "Seizure." Capturing or taking a dog into custody, either by a police officer, other peace officer, or dog control officer.

(B) Restrictions. It shall be unlawful for any owner or person having possession, charge, care, custody, or control of any dog to fail to keep such dog exclusively upon the premises of said owner or person having possession, or on the private premises of another with prior written consent provided, however, that a dog may leave such premises only if:

(1) A dog is under restraint by virtue of being in the custody of a person able to restrain and control the dog and held by a leash, chain, or other device of sufficient strength to maintain control of the dog by that person; or

(2) A dog is under direct control by virtue of being held within a secure enclosure; or

(3) A dog is a police work dog in use for police work or seeing eye dog.

(C) Licensing and Vaccination; Proof required. It shall be unlawful for any owner or person having possession, charge, care, custody, or control of any dog to fail to license and register the dog; to provide and keep current vaccination shots for rabies and other communicable diseases; and to attach to the dog proof of registration, vaccination, with name of owner, address, phone number, if any, and name of dog.

(D) Enforcement.

(1) Any dog found in violation of sub-section (B) or (C) of this section, or § 51.203 of this Code, shall be subject to seizure and impoundment. Seizure may take place upon the property of the owner or person having possession of the dog if probable cause exists that the animal has violated this ordinance within the past thirty (30) days. This section shall be enforced by any dog control officer, peace officer when acting pursuant to his or her special duties, or police officer in the employ of the city.

(2) Every dog impounded shall be properly cared for, sheltered, fed, and watered for the redemption period set forth herein;

(3) Impounded dogs may be redeemed by paying the fines and any impound fee set by the animal shelter and producing proof of compliance with the licensing and vaccination provisions of sub-section (C).

(4) If the owner of any unredeemed dog is known, such owner shall be required to pay the impound fee whether or not such owner chooses to redeem his or her dog.

(5) Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the policies of the Madison County Fiscal Court.

(6) If after the redemption period has expired, a dog has not been claimed by the owner, the dog control officer has the authority to offer the dog for adoption for the adoption fee to be set by the animal shelter, plus any required licensing fee.

(E) Complaint. Any person who observes a dog in violation of any provisions of §§ 51.100-51.211 may file a written complaint under oath with the Madison County Attorney, specifying the nature of the violation, the date thereof, a description of the dog, and the name of the residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this section.

(F) Civil Liability. The owner of any dog which violates any provisions of §§ 51.100-51.211 of this Code and causes damage to injury to any person or property thereby, shall be civilly liable to such person injured or damaged for such damages or injury.

(G) Penalty. Any person convicted of a violation of this section shall be deemed to have committed a violation and shall be subject to a maximum fine for the first offense of two hundred-fifty dollars (\$250.00) and a maximum fine of five hundred dollars (\$500.00) for any subsequent offense.

Violations by individual dogs shall constitute separate violations.  
(Ord. No. 8-99, 6-1-99)

§ 51.299 *PENALTY*

Any person, firm or organization violating any of the provisions of this article, excluding §§ 51.201, 51.204 and 51.206 and 51.211 shall, upon conviction, be deemed guilty of a violation and shall be fined not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each offense with each day's violation being consider a separate offense. This penalty shall be in addition to all court costs and to all costs which may be charged under § 51.205.  
(Ord. No. 24.76, § 12, 12-7-76)