

ORDINANCE NO. **BG2024 - 18**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 5
(ANIMALS) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES

WHEREAS, the City of Bowling Green regularly reviews the Code of Ordinances to determine if changes need to be made; and,

WHEREAS, the Neighborhood and Community Services Department recommends amendments be made to the Chapter to update definitions, fees and other necessary revisions; and,

WHEREAS, the proposed amendments as recommended by City staff are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 5 (Animals) is hereby amended as follows:

5-1 ANIMAL CONTROL AND PROTECTION.

5-1.01 Definitions.

As used in this Chapter:

“Abandon” shall mean to knowingly or recklessly desert an animal, or any intentional act causing an animal to become deserted, in any place, without making provisions for the animal’s adequate care.

“Adequate Shelter” for dogs means a durable, enclosed, permanent structure, or a structure manufactured and intended to serve primarily as an outdoor shelter for a dog, with a roof, at least three (3) sides, and a solid, moisture-proof floor raised at least two inches from the ground. The shelter shall be constructed and maintained to prevent the accumulation of mud and/or water near the shelter. The dog shall not have to come into contact with standing water within the shelter, and such water shall not prevent the entry or exit of the shelter. The shelter shall be large enough to allow all animals present to

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stand, turn and lie comfortably with a sufficient quantity of suitable bedding to provide insulation and protection against heat, cold and dampness, or other environmental conditions detrimental to the animal, and shall be regularly cleaned of waste and debris. For all other animals, “adequate shelter” means an appropriate structure that provides the animal protection and shelter, as determined by the animal’s species, from heat and cold and from direct effect of wind, rain, and snow.

“Animal” shall mean any warm-blooded living creature, except humans.

“Animal Control Officer” shall mean all persons designated by the City as the primary enforcement officers of ordinances regulating animals and owners of animals, and for the enforcement of Sections of the Kentucky Revised Statutes and shall have the same meaning as a Code Official.

“Attack” shall mean 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.

“Cat” shall mean any domestic feline three (3) months of age or older for which there exists a U.S. Department of Agriculture approved rabies vaccine.

“Code Enforcement and Nuisance Board” shall mean the administrative body created in Chapter 2 (Administration) of this Code of Ordinances.

“Code Official” shall have the same meaning as set forth in Chapter 2 (Administration) of this Code of Ordinances.

“Community Cat” shall mean any cat that is feral, homeless, stray, or at large, is not owned, kept or harbored by a human, or is otherwise free-roaming.

“Confinement” shall mean:

a. All animals, except puppies, ~~and~~ dogs, livestock and non-crowing poultry: confinement shall mean on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead, leash, harness, appropriate animal carrier or other reasonable method and under the control of

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a responsible person.

b. Puppies and dogs: confinement shall mean on the premises of the owner and confined in a secure enclosure 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, or accompanied by a responsible person into an approved off-leash area, and in conformance with all regulations and/or requirements imposed as a condition of utilizing such ["]off-leash["] area.

c. All livestock: confinement shall mean on the premises of the owner and confined by a fence in good repair sufficient to prevent the livestock from leaving the owner's property.

d. All non-crowing poultry: confinement shall mean on the premises of the owner and confined by a fence in good repair, or structure of sufficient height and construction to prevent the poultry from leaving the owner's property. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch.

“Dog” shall mean any domestic canine three (3) months of age or older for which there exists a U.S. Department of Agriculture approved rabies vaccine.

“Domestic animal” shall include dogs, cats, [~~domesticated sheep, horses, cattle, goats, swine,~~] fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

“Exotic or wild animal” shall mean any [~~wildlife~~] animal identified by the Kentucky Department of Fish and Wildlife Resources, the Kentucky Department of Agriculture, the U.S. Department of Agriculture, or Kentucky Revised Statutes as exotic, or inherently dangerous to human health and safety.

“Ferret” shall mean any mustelid three (3) months of age or older for which there exists a U.S. Department of Agriculture approved rabies vaccine.

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"Housing facility" ~~[for the purposes Section 5-1.06]~~ shall mean any premise, shed, barn, building, trailer or other structure or area housing intended to house animals or livestock, and which may consist of an indoor, outdoor or sheltered housing facility, or any combination thereof as follows:

a. "Indoor housing facility" shall mean any structure or building with environmental controls which provides adequate protection against weather extremes, and intended to house animals.

b. "Outdoor housing facility" shall mean any structure, building, ~~[land]~~ or ~~[premise]~~ housing ~~[or]~~ intended to house animals which does not meet the definition of any other type of housing facility provided herein, and in which temperatures cannot be controlled within set limits.

c. "Sheltered housing facility" shall mean a housing facility which provides animals with shelter, protection from the elements and protection from temperature extremes at all times, and may consist of runs or pens totally enclosed in a barn or building, or of connecting outside runs or pens with inside pens in a totally enclosed building.

"Keeping or harboring" shall mean any person who shall allow any animal to habitually remain, lodge or be fed within his/her home, business, yard, enclosure or premises.

~~["Kennel" shall mean any person, partnership, corporation, limited liability company or any other business entity maintaining an establishment where dogs or cats are kept for the purpose of breeding, buying, selling, showing or boarding, or engaged in the training of dogs for guard or sentry purposes. Kennel shall not include licensed veterinary clinics, properly licensed and zoned commercial retail pet shops, state or federally regulated animal research facilities, City's police K-9 unit or the animal shelter operated by the Humane Society.]~~

"Kitten" shall mean any domestic feline younger than three (3) months of age.

"Litter" shall mean the offspring at one birth of any animal herein defined.

"Livestock" shall mean horses, stallions, colts, geldings, mares, fillies, ponies, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and

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swine.

“Microchip” shall mean a passive transponder which can be implanted in an animal which is a component of a radio frequency identification (RFID) system. Such system must be compatible with a scanner used by the [City] Bowling Green-Warren County Humane Society, or Neighborhood and Community Services Department staff.

“Neglect” shall mean failure to provide an animal with clean food and potable water in appropriate amounts, and reasonable health care to prevent suffering, illness or death.

“Notice of Violation” shall mean written or verbal notification to a person violating a specified City ordinance, providing the violator with an opportunity to correct ~~enure~~ the violation.

“Occasional sale” shall mean any sale of a single animal or a single litter of puppies, kittens or otherwise which is on a random, unsystematic basis and does not exceed the sale of one animal or one litter over a 24-month period.

“Owner” shall mean every person having a right of property in the animal and every person who keeps or harbors the animal, or has it in his/her care, or permits it to remain on or about premises owned or occupied by him/her.

“Poultry” shall mean all domesticated fowl ~~[and all game birds]~~ which are legally kept in captivity.

“Primary enclosure” shall mean any structure or device used to restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

“Property Owner” shall mean a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

“Puppy” shall mean any domestic canine younger than three (3) months of age.

“Quarantine” shall mean 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.

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“Shade” shall mean protection from the direct rays of the sun during the months of May through October.

“Vicious or dangerous animal” shall mean any animal that attacks, bites or physically injures human beings, domestic animals or livestock without adequate provocation. Any animal that without provocation has attacked a human being or other animal shall be presumed vicious or dangerous for purposes of this Chapter. This definition shall not apply to dogs used by law enforcement officers in the performance of their duties.

5-1.02 License Required.

It is a violation of this Subchapter for any person to own, keep or harbor any dog or cat within the corporate limits of the City without first having paid a license fee thereon as provided for in this Chapter.

5-1.03 Registration; Tag Required.

It shall be the duty of the owner, keeper or harbinger of any dog or cat to register the same each year with and pay the appropriate license fee imposed hereinbelow to the Bowling Green-Warren County Humane Society, hereinafter referred to as BGWCHS, or representative thereof, 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 year of registration, and such tag shall be attached to a suitable collar and kept on the dog or cat at all times.

5-1.04 Anti-Rabies Vaccination Required.

Every owner of a dog, cat or ferret three (3) months of age or older shall have it vaccinated against rabies. Any owner of a dog, cat or ferret reaching three (3) months of age shall have such dog, cat or ferret vaccinated by the tenth (10th) day after the date the dog, cat or ferret attained such age. The rabies tag supplied with the vaccination shall be affixed by the owner, keeper or harbinger to a collar or harness, or affixed to an enclosure or cage of the dog, cat or ferret. Any person making

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application for a license for a dog or cat shall be required to present to the [~~Bowling Green Warren County Humane Society~~] BGWCHS or representative thereof at the time of making such application a certificate issued by a licensed veterinarian showing that the dog or cat has been vaccinated or inoculated with a recognized anti-rabies vaccine.

5-1.05 License Fee and Penalty.

a. There is hereby levied an annual license fee upon the owner, keeper or harbinger of each dog and cat within the corporate limits of the City. The fee for unspayed female or unneutered male dogs or cats shall be forty (\$40.00) dollars, and the fee for all spayed or neutered dogs or cats shall be ten (\$10.00) dollars, which license fee shall cover a one-year period. In addition to the aforementioned license fees, each owner shall also pay the cost of the appropriate tag. Owners of unspayed female or unneutered male dogs and cats shall also be issued a spay/neuter certificate worth a prescribed amount towards the cost of a spay or neuter surgery at the [~~Bowling Green Warren County Humane Society~~] BGWCHS or participating veterinarians.

b. The license fee shall be due and payable on the first day of July each year or on the first day of the month following the acquisition of the dog or cat, and shall be paid not later than thirty (30) days thereafter. If these license fees are not paid at the time herein provided, a penalty of ten (\$10.00) dollars shall be added.

5-1.06 Multiple Animal Permit [~~Kennels~~]; Requirements; Fees; Regulations.

a. [~~Upon application to the City of Bowling Green Finance Department, a kennel license may be issued;~~] Any property or premises which for profit keeps, breeds, harbors, boards, grooms or kennels more than a total of six (6) cats and/or dogs at any one time shall obtain a Multiple Animal Permit from the Neighborhood and Community Services Department[~~, which shall be in lieu of the separate registration, license or permit of individual dogs or cats~~]. [~~Kennel licenses~~]

1. This Section shall not apply to the BGWCHS, or any licensed veterinary practice in

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performance of their normal operations.

b. Multiple Animal Permits shall be ~~[given]~~ issued only if it is demonstrated to the satisfaction of the Animal Control Officer that the ~~[facility]~~ property where the ~~[dogs or cats]~~ animals are ~~[to be]~~ kept is adequate for such animals. ~~[All kennels must comply with applicable zoning regulations, occupational license fees and requirements, health regulations and the operating standards of this Section.]~~

~~[b. All kennels within the City shall be operated in compliance with]~~ This includes, but is not limited to the following minimum [facilities and operating] standards:

1. Veterinary care shall be provided for all ~~[dogs and cats]~~ animals to maintain good health and general welfare, and required care of animals as defined hereinabove ~~[to prevent suffering].~~

2. All dogs, cats and ferrets owned, boarded, harbored or kept at the property shall ~~[at a minimum]~~ have current rabies vaccinations.

~~[3. Unless otherwise required by a licensed veterinarian, each dog and cat shall have sufficient space to sit, stand, lie and turn in a normal manner without touching the sides or tops of cages or enclosures and otherwise have freedom of movement.]~~

~~[4]~~3. All [dogs and cats] animals shall be provided with [housing] facilities [which meet the] that provide the requirements of adequate shelter as defined hereinabove, and animals kept or boarded for a period of one (1) day or longer shall be provided with housing facilities as defined hereinabove [of this Section and which may consist of an indoor, outdoor or sheltered housing facility, or any combination thereof].

~~[(a) — Housing facilities must be kept in good repair, and they must protect the dogs and cats from injury, contain them securely and restrict other animals from entering.]~~

~~[(b) — The surfaces of housing facilities, including houses, dens and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that~~

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~~allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs and cats must:]~~

~~[(1) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and,]~~

~~[(2) Be free of jagged edges or sharp points that might injure the dogs and cats.]~~

~~[(c) — Indoor housing facilities must provide adequate protection against weather extremes and must comply with the following requirements:]~~

~~[(1) — Surfaces, floors, walls, roofs of structures and runs must be of impervious material. Floors must be metal, fiberglass, concrete or covered throughout with a minimum depth of three (3") inches of gravel;]~~

~~[(2) The ambient temperature must not fall below 45 degrees Fahrenheit, or a generally accepted temperature level for the particular species of animal, for more than four (4) consecutive hours and must not rise above 85 degrees Fahrenheit, or a generally accepted temperature level for the particular species of animal, for more than four (4) consecutive hours when dogs and cats are present;]~~

~~[(3) Be sufficiently ventilated when dogs or cats are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation must be provided by windows, vents, fans, air conditioning or other generally accepted system for the particular species of animal. Auxiliary ventilation, such as fans, blowers or air conditioning must be provided when the ambient temperature is 85 degrees Fahrenheit or higher; and,]~~

~~[(4) Be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs or cats. Dog or cat areas must be provided a regular diurnal lighting cycle of either natural and/or artificial light, and lighting must be uniformly diffused~~

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~~throughout the facility for the well being of the dogs or cats. Lighting by either natural and/or artificial means shall provide a minimum sixty (60) watts of candle power for at least eight (8) hours each day, unless such lighting will adversely affect the health of the dog or cat. Primary enclosures within indoor housing facilities must be placed so as to protect the dogs or cats from excessive light.]~~

~~[(d) — A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting outside runs or pens with inside pens in a totally enclosed building and must comply with the following requirements:]~~

~~[(1) Dogs or cats kept in sheltered housing facilities must be provided with adequate shelter from the elements at all times to protect their health and well being; and,]~~

~~[(2) The following areas in sheltered housing facilities must be impervious to moisture:]~~

~~[(i) Outdoor floor areas in contact with the dogs or cats when the floor areas are not exposed to the direct sun or are made of a hard material such as wire, wood, metal or concrete; and,]~~

~~[(ii) All walls, boxes, houses, dens and other surfaces in contact with the dogs or cats:]~~

~~[(e) — An outdoor housing facility must include one (1) or more shelter structures that are accessible to each dog or cat. In addition, one (1) or more separate outside areas of shade must be provided large enough to contain all the dogs or cats at one time and protect them from the direct rays of the sun. Shelters in outdoor housing facilities must contain a roof, four sides and a floor, and must provide the dogs or cats adequate protection and shelter from the cold and heat, and from the direct effect of wind, rain or snow. Building surfaces which come into contact with dogs or cats in outdoor housing facilities must be impervious to moisture. Metal barrels, cars, refrigerators or freezers and the like are not permitted for use as shelter structures.]~~

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~~[(f) — A primary enclosure must be constructed and maintained to meet the following minimum requirements:]~~

~~[(1) — Be designed and constructed of suitable materials so that they are structurally sound and be maintained in good repair;]~~

~~[(2) — Protect the dogs or cats from injury;]~~

~~[(3) — Contain the dogs or cats securely and keep other animals from entering the enclosure;]~~

~~[(4) — Enable the dogs or cats to remain dry and clean;]~~

~~[(5) — Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs or cats;]~~

~~[(6) — Provide sufficient shade to shelter all the dogs or cats housed in the primary enclosure at one time;]~~

~~[(7) — Provide all the dogs or cats with easy and convenient access to clean food and water;]~~

~~[(8) — Enable all surfaces in contact with the dogs or cats to be readily cleaned and sanitized, or be replaceable when worn or soiled;]~~

~~[(9) — Have floors that are constructed in a manner that protects the dogs' or cats' feet and legs from injury, and if mesh or slatted construction, do not allow the dogs' or cats' feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of wire, a solid resting surface or surfaces that are large enough to hold all the occupants of the primary enclosure at the same time comfortably must be provided;]~~

~~[(10) — Provide each female with nursing litters an additional amount of floor space, based on her breed, species and behavioral characteristics, accordance with generally accepted husbandry practices as determined by a licensed veterinarian; and,]~~

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~~[(11) Dogs or cats that are housed in the same primary enclosure must be compatible as determined by observation with the following restrictions:]~~

~~[(i)] 4. Not more than ten (10) dogs or cats may be housed in the same primary enclosure;~~

~~[(ii)] 5. Females in heat (estrus) may not be housed in the same primary enclosure with sexually mature males, except for breeding purposes;~~

~~[(iii)] 6. Any dog or cat exhibiting or known to have a vicious or overly aggressive disposition must be housed separately;~~

~~[(iv)] 7. Litters may not be housed in the same primary enclosure with dogs or cats, other than their dams or foster dams, except when permanently maintained in breeding colonies;~~

~~[(v)] Such housing must not adversely affect the health or the well-being of the dog or cat in the opinion of a licensed veterinarian; and,~~

~~[(vi) Dogs or cats that have or are suspected of having a contagious disease must be isolated from healthy dogs or cats in the colony. When an entire group or room of dogs or cats is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment and control.]~~

~~[(g) When dogs are kept on tethers, the tether must be attached to the front of the dog's shelter structure or to a post in front of the shelter structure and must be at least three times the length of the dog, as measured from the tip of its nose to the base of its tail. The tether must allow the dog convenient access to the shelter structure and to food and water containers. The tether must be of the type and strength commonly used for the size dog involved and must be attached to the dog by a well-fitted collar or harness that will not cause trauma or injury to the dog. Collars or harnesses made from the following materials are prohibited: metal, wire, flat chains, chains, chains with sharp edges or chains with rusty or non-uniform links. The tether must be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs in the outside housing~~

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~~facility and so the dog can roam to the full range of the tether.]~~

~~[5. Kennel owners and operators must develop, document and follow an appropriate plan to provide dogs or cats with the opportunity to exercise.]~~

~~[6. Feeding and watering:]~~

~~[(a) ——— Dogs and cats must be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the dog or cat. The diet must be appropriate for the individual dog's or cat's age and condition;]~~

~~[(b) ——— Food receptacles must be used for dogs or cats, be readily accessible to all dogs or cats, be located so as to minimize contamination by excreta and pests and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable; and,]~~

~~[(c) If potable water is not continually available to the dogs or cats, it must be offered to the dogs or cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least one (1) hour each time, unless restricted by a licensed veterinarian. Water receptacles must be kept clean and sanitized.]~~

~~[7]~~8. Excreta and food waste must be removed from primary enclosures daily and from under primary enclosures as often as necessary to prevent an accumulation of feces and food waste, to prevent soiling of the ~~[dogs or cats]~~ animals contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

c. ~~[The annual fee for a kennel license shall be seventy-five (\$75.00) dollars and shall cover the costs for inspection and the issuance of dog or cat registration tags from the Humane Society equal to the number of authorized dogs or cats to be kept in the kennel, and]~~ Multiple Animal Permits required under this Section shall cover the period from ~~[July]~~ January 1 through ~~[June 30]~~ December

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31, or part thereof each ~~[fiscal]~~ calendar year. The ~~[license]~~ permit shall be ~~[due and payable to the City of Bowling Green]~~ renewed on or before the first day of ~~[July]~~ January of each year, or obtained by ~~[on]~~ the first day of the month following acquisition of multiple animals. ~~[the kennel, and shall be paid not later than thirty (30) days thereafter. If the license fee is not paid at the time herein provided, a penalty of ten (\$10.00) dollars per month shall be added]~~ There shall be no cost for application or issuance of a Multiple Animal Permit, or for required inspections.

d. ~~[Kennel licenses]~~ Multiple Animal Permits herein authorized may be revoked or suspended by the Code Enforcement and Nuisance Board at the request of Neighborhood and Community Services Department staff for cause at any time after issuance of a citation for violations of this Section ~~[Any person whose kennel license has been revoked may not apply for a kennel license for a period of not less than one (1) year].~~

~~[e. Kennels shall not include the occasional sale of a single dog or cat, or a single litter of puppies or kittens.]~~

~~[f.]~~e. All applicable zoning regulations of the City-County Planning Commission and other state or federal regulations regarding the operation and location of ~~[kennels]~~ premises required to hold a Multiple Animal Permit shall apply.

f. All premises for which a Multiple Animal Permit is on file shall allow inspection by the Animal Control Officer to ensure compliance with all regulations of this Section, and requirements of this Chapter. Failure to allow inspection during reasonable hours and with adequate notice shall result in issuance of a Notice of Violation, or citation and fine as listed in this Chapter.

g. All premises for which a Multiple Animal Permit is required, which fail to apply for or obtain such permit after being notified by Notice of Violation, shall be subject to a citation and fine as listed in this Chapter.

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5-1.07 Poultry Restrictions.

- a. A maximum of five (5) non-crowing poultry is allowed per property.
- b. No roosters or crowing poultry or pea fowl are allowed in the City limits.
- c. It shall be unlawful for the owners of or those having control of poultry in the City to allow such poultry to run at large or off the premises of those owning or controlling same, or fail to confine the poultry as defined hereinabove. [~~Control of all non-crowing poultry shall mean by a fence in good repair or structure of sufficient height and construction to prevent the poultry from leaving the owner's property. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch.~~]

5-1.08 Animal Nuisances Prohibited.

No person shall own, keep or harbor any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owner's, to enjoyment of life or property. The term "animal nuisances" shall include, but is not limited to [~~any animal that~~]:

- a. Barking, Howling, or Excessive Noise [~~Yelping, Whining~~]. Barking, howling, whining or other continuous utterances, or excessive noise from any animal that causes unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. [~~Barks, howls, yelps or whines, in an excessive, continuous, or untimely fashion~~];
- b. Trespassing. Any animal that g[G]oes upon any property or premises not owned or occupied by the person who keeps, harbors or owns the animal without permission;
- c. Damaging Personal Property. Any animal that t[T]urns over, gets into, or otherwise damages [~~or disturbs garbage cans, or~~] any items [~~or~~] of personal property located on any premises other than those owned or occupied by the person who owns, keeps or harbors the animal;
- d. Frightening[~~s~~] or Molesting People. Any animal that r[R]uns at, jumps upon, chases, barks

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at, bites at or in any other way frightens, molests or scares any person ~~[child or adult]~~ other than the one who owns, keeps or harbors the animal and the members of his/her immediate family;

e. Chasing Domesticated Animals. Any animal that c[€]hases any domesticated animal besides those animals who are kept, owned or harbored by the same person;

f. Chasing Vehicles. Any animal that c[€]hases motor vehicles, bicycles or scooters other than those owned or operated by the same person or his/her immediate family who keeps, owns or harbors the animal;

g. Running at Large in Public. When off private property, any animal must be restrained by a lead or leash and under the control of a responsible person, with the exception of the enclosed area at the H.P. Thomas Bark Park;

h. Vacant or Unoccupied Properties. Any animal that is housed in or confined on the premises of any vacant or unoccupied residence.

i. ~~[Offensive Odors and]~~ Sanitary Conditions. ~~[Causes fouling of the air by noxious or offensive odors resulting from]~~ Any property which allows the accumulation of animal excrement ~~[and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to]~~ on the premises where the animal is kept or harbored, ~~[because of]~~ or the failure to keep the animal's pen, yard, lot or other enclosures in a sanitary condition and free from preventable odors; and,

j. ~~[Public]~~ Health and Safety. Any property which is ~~[offensive or]~~ dangerous to ~~[the public]~~ health, safety or welfare by virtue of the number of animals maintained at a single ~~[residence]~~ property, or the inadequacy of the facilities, or the inability to provide proper care for those animals.

5-1.09 Confinement.

a. Any owner, keeper or harbinger of any animal~~[, regardless of its age, licensed or unlicensed,]~~ shall confine such animal as defined hereinabove.

1. When dogs or puppies are kept on tethers, the tether must be attached to the

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front of the dog's shelter structure or to a post in front of the shelter structure.

2. Tethers must be at least [~~three~~] five (5) times the length of the dog, as measured from the tip of its nose to the base of its tail, but no less than ten (10) feet, and have swivels on both ends.

3. The tether must allow the dog convenient access to the shelter structure and to food and water containers.

4. The tether must be of the type and strength used for the size of the dog involved, no chain or tether shall weigh more than 1/8 of the dog or puppy's body weight. It must be attached to the dog by a well fitted collar or harness that will not cause trauma or injury to the dog. Collars made from the following materials are prohibited: metal, wire, flat chains, chains with sharp edges, or chains with rusty or non-uniform links. Choker collars or prong collars shall not be used when the animal is tethered.

5. The tether must be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs.

(a) Any tethering system employed shall not allow the dog or puppy to leave the owner's property or allow the animal to be within 6 feet of an adjoining property line.

b. Any unspayed female animals in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come into contact with another animal except for a planned breeding.

c. Any [~~Peace Officer~~] Animal Control Officer or Peace Officer may seize and impound ~~destroy~~ any unconfined animal. [~~However, a Peace Officer shall be under a duty to make a fair and reasonable effort to determine whether any unconfined animal is dangerous, and whether destroying said animal is necessary for the protection of any person or property. If it is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner~~

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~~or handler, and if the Peace Officer is reasonably sure that the animal is a hound or hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing, worrying or wounding livestock, or wounding, killing poultry or attacking human beings.]~~

5-1.10 Removal of Animal Waste.

It shall be a violation of this Subchapter for any owner, keeper or harborer of any animal to fail to remove any [exereta] waste deposited by the animal within the City on public walks, streets, cemeteries, parks, recreation areas or private property belonging to another.

5-1.11 Biting Prohibited; Reporting Required.

a. No person shall allow [~~own, harbor or keep~~] any animal they own, harbor or keep to [~~who bites~~] bite any person on [~~the~~] any premises owned or occupied by [~~any~~] another person. If any animal should bite any other person besides the person who keeps, harbors or owns the animal, the owner, keeper or harborer shall be deemed to have violated this Section and the animal may be immediately subject to impoundment and/or quarantine.

b. It shall be the duty of any person who owns, keeps or harbors any animal within the corporate limits to immediately report to the Warren County Health Environmentalist the name and address of all humans known to have been bitten in any way by any animal owned, kept or harbored by them, and they shall further report such information as required by the Warren County Health Environmentalist as may be helpful in rabies control.

c. It shall be the duty of every physician practicing medicine within the corporate limits to immediately report to the Warren County Health Environmentalist all names and addresses of all persons treated by him for all bites inflicted by animals, and they shall report all such other information as required by the Warren County Health Environmentalist as may be helpful in rabies control.

5-1.12 Animal Carcasses.

a. It is a violation of this Subchapter for any person to allow the carcass of any dead

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animal, including domestic pets, to remain outdoors upon private property for a period longer than ten (10) hours.

[a]b. It is a violation of this Subchapter for any owner, keeper or harbinger to permit the carcass of any dead animal to remain upon any street, alley, sidewalk, market place or public way of the City for a longer period than ten (10) hours.

[b]c. It is a violation of this Subchapter for any person to bury the carcass of any animal, including livestock, within the corporate limits of the City, either on their own premises or that of another, or permit others to do so.

5-1.13 Impounding of [~~Unlicensed or~~] Nuisance Animals.

a. Any [~~dog or cat kept or harbored within the corporate limits without a proper and current license registration tag, or any~~] animal which is in violation of any of the provisions of this Chapter, or has committed any one (1) or more of the objectionable acts listed hereinabove may be seized and impounded at any time by any person authorized to enforce this Chapter.

b. It shall be the duty of the [~~Bowling Green Warren County Humane Society~~] BGWCHS, or such other persons or organizations as may be designated by the Board of Commissioners to receive or to cause to be received impounded animals. Unless a written hold is placed on an animal by the Animal Control Officer for violations of this Chapter, i[F]mpounded animals may be released to the owner, provided the owner provides proof of vaccination against rabies, pays all applicable license fees,~~[pays a five (\$5.00) dollar per day fee for each twenty four (24) hour period the animal is impounded or the actual cost of keeping the impounded animal, whichever is greater, and pays the additional sum of twenty (\$20.00) dollars for each impoundment of spayed or neutered animals and fifty (\$50.00) dollars for each impoundment of unspayed or unneutered animals. The impoundment fee for unspayed or unneutered animals will be waived for the first offense if the owner agrees to spay or neuter the animal and pays this cost. Spaying or neutering the animal shall be mandatory for the~~

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~~second impoundment.] and pays required BGWCHS fees including, but not limited to:~~

1. Twenty (\$20.00) dollars for each impoundment of spayed or neutered animals, or fifty (\$50.00) dollars for each impoundment of unspayed or unneutered animals. The additional impoundment fee for unspayed or unneutered animals may be waived or reduced for the first offense at the discretion of the BGWCHS if the owner agrees to spay or neuter the animal, and pays this cost. Spaying or neutering the animal shall be mandatory prior to release of the animal for the second or subsequent impoundment(s).

2. A ten (\$10.00) dollar per-day fee for each twenty-four (24) hour period the animal is impounded or the actual cost of keeping the impounded animal, whichever is greater.

[+]c. Animals deemed vicious or dangerous as defined hereinabove and only in violation of this Chapter shall not be released by the [~~Bowling Green Warren County Humane Society~~] BGWCHS until authorized by the Neighborhood and Community Services Department.

5-1.14 Disposal or Adoption of Animals.

The BGWCHS [~~Humane Society~~], or such other persons or organizations as may be designated by the Board of Commissioners, shall cause any animal not [~~redeemed~~] reclaimed after being impounded for five (5) days or more to be disposed of in a humane manner or allowed to be adopted; provided however, that no animal shall be disposed of until a reasonable effort is made to contact its owner.

5-1.15 Vicious or Dangerous Animals.

a. It shall be unlawful for any person to keep, own or harbor, or allow to be kept on his/her property, any vicious or dangerous animal, as defined hereinabove, except as follows:

1. Such person shall keep such animal securely confined indoors or in an enclosure securely fenced so that the animal cannot escape therefrom, and is secured from entry by [~~young~~] children or unintended persons. Any outdoor pen or structure must have minimum dimensions of five

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(5') feet by ten (10') feet and must have secure sides and a secure top. If it has no concrete, cement or asphalt bottom, the sides must be imbedded into the ground no less than two (2') feet. The enclosure must also provide protection from the elements for the animal. A vicious or dangerous animal shall be transported to or from the indoors or to a securely enclosed outdoor pen or shelter only if such animal is muzzled and restrained by a suitable chain, leash or other means of appropriate restraint, which chain or leash is not more than six (6') feet in length and a responsible adult capable of controlling the animal is in physical control of the chain or leash.

b. If a vicious or dangerous animal escapes its enclosure or is found at large, the animal shall be seized and impounded. If during the course of seizure and impoundment the animal poses a physical threat to any person or domestic animal, any enforcement official may render the animal immobile by means of reasonable measures or necessary force, including, but not limited to, the use of tranquilizers or other safe drugs, or if that is not possible under the circumstances, the animal may be killed.

5-1.16 [~~Keeping of~~] Exotic or Wild Animals.

a. It is a violation of this Subchapter for anyone to own, harbor, or keep any exotic or wild animal as defined herein without obtaining a permit from the State Department of Fish and Wildlife where required by statute, and without obtaining [~~a permit~~] written permission from the City of Bowling Green Neighborhood and Community Services Department. [~~Permits~~] Written permission shall only be given [~~only~~] if it is demonstrated to the satisfaction of the Animal Control Officer that the facility where the animal is to be kept is adequate for that animal, the animal is or will be properly restrained, and the animal will not constitute a threat to public health or safety. Any movement of the exotic or wild animal within the City will also require the written permission of the [~~Animal Control Officer~~] City of Bowling Green Neighborhood and Community Services Department.

b. Any exotic or wild animal which is kept in the City in violation of this Chapter shall be

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impounded by the Animal Control Officer~~[, or by such other persons or organizations as may be designated by the Board of Commissioners]~~. The impounded animal shall be kept at the BGWCHS, or by other such persons or organizations as may be designated by the Board of Commissioners ~~[at an appropriate facility]~~ at the expense of the owner for a period not to exceed thirty (30) days. The owner may reclaim the exotic or wild animal by paying the expenses incurred ~~[by the City]~~ for the animal's care if the owner can demonstrate to the Animal Control Officer that the animal will be kept in compliance with this Chapter. If the owner cannot demonstrate that the exotic or wild animal can be kept in compliance with this Chapter, or the animal is not claimed or the expenses paid, the Animal Control Officer or other BGWCHS, or other such persons or organizations as may be designated by the Board of Commissioners may sell, allow to be adopted in compliance with this Chapter, or otherwise dispose of the exotic or wild animal.

5-1.17 Care of Animals.

a. It shall be unlawful for any person in charge of any animal to ~~[fail, refuse or]~~ neglect, or abandon ~~[to provide]~~ such animal ~~[with food, potable water, adequate shelter]~~ as defined hereinabove~~;~~ ~~shade when appropriate, and health care]~~.

b. It shall be unlawful for any person in charge of any animal to fail to provide adequate shelter as defined hereinabove, and shade when appropriate.

5-1.18 Confinement Within Motor Vehicles.

a. No person shall confine any animal in an unattended motor vehicle in such a manner that places it in a life or health threatening situation by exposure to extreme heat or cold, and without proper ventilation or other protection from such heat or cold. Factors considered in determining a life or health threatening situation include, but are not limited to, estimated time the animal has been unattended in the vehicle, ambient temperature inside the vehicle, and physical condition of the animal.

b. An Animal Control Officer, Firefighter, or Peace Officer shall have authority to enter such

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unattended motor vehicles to remove an animal by any reasonable means under the circumstances if there is cause to believe the animal is in imminent danger of physical injury or death, after making a reasonable effort to locate the owner or other person responsible.

5-1.19 Community Cat (Trap-Neuter-Release) Program.

a. It shall be the duty of the BGWCHS, or such other persons or organizations as may be designated by the Board of Commissioners, to administer a Community Cat Program within the city, providing services of trapping, evaluating, vaccinating, spaying or neutering, and returning community cats as defined hereinabove.

b. The Community Cat Program shall be administered at no cost to the city, and will be tasked with educating the public, working with property owners and managers, and developing partnerships with community members to effectively control the community cat population as hereinabove defined, and manage nuisance behavior thereof.

c. Community cats shall not be considered in violation of Section 5-1.08 (Animal Nuisances Prohibited) when effectively managed under the standing policies and procedures of the Community Cat Program.

5-2 LIVESTOCK

5-2.01 Restrictions; Confinement of Livestock.

a. The raising or keeping of swine and the maintenance of pigpens within the City limits is prohibited, and is hereby declared to be a nuisance and a menace to public health.

b. The keeping or harboring of livestock in the City requires an individual tract, lot or parcel of property to be at least two (2) acres or more.

c. No person shall keep more than two (2) head of livestock on any lot within the City, unless the lot or contiguous tract contains at least four (4) acres and is under the same singular or joint ownership. Two (2) head of livestock, other than swine, may be kept thereon for each acre included

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therein up to fifty (50) acres, and the lot or tract is otherwise exempted from this Section. Any lot or tract larger than fifty (50) acres shall be entirely exempted from this Section.

d. No livestock of any kind shall be housed within one hundred (100') feet of a neighboring residence, church or school in the City.

e. All livestock kept in the City shall be confined on the owner's, keeper's or harborer's premises by a fence in good repair sufficient to prevent the animals from leaving the owner's property. No livestock shall be permitted to go upon or over any sidewalk, upon any grass plot or into the yards, or upon the premises of any person within the City without the consent of the owner or occupant of such premises and the livestock is under the direct control of the owner, keeper or harborer. Livestock found not restrained by a fence in good repair and which present a threat to the public safety may be removed or impounded at the expense of the owner, keeper or harborer.

5-2.02 Exemptions.

This Subchapter shall not prohibit the operation of the livestock market, dairy or Western Kentucky University farm, or property operated within the provisions of the health laws and regulations of the Commonwealth of Kentucky. ~~[Areas designated as agricultural by the City-County Planning Commission are also exempted from this Subchapter.]~~

5-2.03 Annexed Territory.

Any person, firm or corporation that is otherwise maintaining, raising or keeping livestock at the time the legislative body acts on an ordinance proposing annexation of the land or property upon which the livestock are maintained, raised or kept shall after the land or property is annexed into the City be permitted to continue its livestock operation, notwithstanding the provisions of this Subchapter.

5-3 ENFORCEMENT.

5-3.01 Designated Enforcement Officials.

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a. This Chapter is enforceable by any City, State or County Police Officer, Sheriff, Deputy Sheriff, Constable and City Animal Control Officer, and by any other duly designated code official of the City pursuant to the provisions of Chapter 2 (Administration) of this Code of Ordinances.

b. Any person enforcing this Chapter may enter upon private premises to apprehend stray animals, vicious or dangerous animals, or exotic or wild animals found in violation of this Chapter, or to enforce any other provision of this Chapter. Any person enforcing this Chapter may seize, impound or dispose of any animal found in violation of this Chapter.

5-3.02 Notice of Violation or Citation.

a. Enforcement proceedings for those provisions of this Chapter designated as civil violations shall be initiated by the issuance of a notice of violation or a citation by the Animal Control Officer or code official pursuant to the provisions of Chapter 2 (Administration) of this Code of Ordinances.

b. Nothing in this Chapter shall prohibit the City from correcting the violation through self-help or taking immediate action to remedy a violation of this Chapter by impoundment or other means. The Animal Control Officer or code official may remove any animal observed to be in immediate danger. The City may file liens on the property to recover the City's costs of labor and material, civil fines and other expenses in enforcing this Chapter.

5-4 PENALTIES.

5-4.01 Civil Penalties, Fine Schedule.

a. Any violation of the provisions of this Chapter, with the exception of those Sections specifically listed hereinabove and below as criminal offenses shall be classified as a nuisance, and any person violating any of the provisions of this Chapter, with the exception of those Sections specifically listed hereinabove and below as criminal offenses, shall be subject to civil fines as set out below. These civil penalties shall be in addition to all license and impoundment fees charged under this Chapter.

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1. If a citation for a violation of this Chapter is not contested by the person charged with the violation, the [maximum] penalties below shall apply. A second offense is an offense that occurs within five (5) years of a prior offense for which a citation is issued against the same property owner at the same property. [All others] A third or greater offense are those that occur within five (5) years of two (2) or more prior offenses for which a citation is issued against the same property owner at the same property.

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd or greater Offense</u>
License Registration	\$75.00	\$150.00	\$300.00
Rabies Vaccination	\$25.00	\$50.00	\$100.00
[Kennels; Dog/Cat Restrictions]	\$100.00	\$200.00	\$400.00]
Multiple Animal Permit	\$200.00	\$400.00	\$800.00
Poultry Restrictions	\$[50]100.00	\$[1]200.00	\$[2]400.00
Animal Nuisances	\$[75]100.00	\$[150]200.00	\$[3]400.00
Confinement	\$75.00	\$150.00	\$300.00
Animal Waste Removal	\$25.00	\$50.00	\$100.00
Animal Carcasses	\$25.00	\$50.00	\$100.00
Exotic or Wild Animals	\$[50]100.00	\$[1]200.00	\$[2]400.00
Livestock	\$50.00	\$100.00	\$200.00
Care of Animals	\$[75]100.00	\$[150]200.00	\$[3]400.00
Vicious or Dangerous Animals	\$100.00	\$200.00	\$400.00

2. If the citation is contested and a hearing before the Code Enforcement and Nuisance Board is required, the [following maximum] penalties listed above may be [imposed] doubled at the discretion of the Board.[:]

<u>[Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense]</u>
[License Registration	\$150.00	\$300.00	\$600.00]
[Rabies Vaccination	\$50.00	\$100.00	\$200.00]
[Kennels; Dog/Cat Restrictions	\$200.00	\$400.00	\$800.00]
[Poultry Restrictions	\$100.00	\$200.00	\$400.00]
[Animal Nuisances	\$150.00	\$300.00	\$600.00]
[Confinement	\$150.00	\$300.00	\$600.00]
[Animal Waste Removal	\$50.00	\$100.00	\$200.00]
[Animal Careasses	\$50.00	\$100.00	\$200.00]
[Exotic or Wild Animals	\$100.00	\$200.00	\$400.00]
[Livestock	\$100.00	\$200.00	\$400.00]
[Care of Animals	\$150.00	\$300.00	\$600.00]
[Vicious or Dangerous Animals	\$200.00	\$400.00	\$800.00]

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2. The provisions of this Ordinance are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on November 19, 2024, and given final reading on December 3, 2024, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: December 3, 2024

APPROVED: 

Mayor, Chairman of Board of Commissioners

ATTEST: 

City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager
Ordinance No. BG2024-18 was postponed at the October 1, 2024 Board of Commissioners meeting.