

AN ORDINANCE AMENDING CHAPTER 4 AND SECTIONS 4-2, 4-9, 4-12.4, 4-12.5, 4-14, and 4-21 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES TO DEFINE UNSAFE WEATHER CONDITIONS, SET STANDARDS FOR TETHERING AND CONFINEMENT OF DOMESTIC ANIMALS, IMPLEMENT A STATUTORY SCHEME FOR THE IMPOUNDING AND CUSTODY OF VICTIMIZED ANIMALS, AND ADOPT URBAN COUNTY ANIMAL CONTROL OFFICER AS THE UNIFORM IDENTIFICATION WITHIN THIS CHAPTER, FOR OFFICERS OF LEXINGTON FAYETTE ANIMAL CARE AND CONTROL, ALL EFFECTIVE FOLLOWING PASSAGE OF COUNCIL.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 4-2 of Chapter 4 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby are amended to read as follows:

Sec. 4-2. - Care and treatment of animals.

(a) *Definitions.*

(1) *Adequate food* means the provision of foodstuff that is uncontaminated, wholesome, palatable, and of sufficient quality and nutritive value to maintain the normal condition and weight of the animal. Food shall be provided at suitable intervals or at least once a day, unless restricted by a veterinarian. The diet shall be appropriate for the animal's species, age and condition. Food shall be served in a receptacle, dish or container that is physically clean and absent of agents injurious to the health of the animal.

(2) *Adequate shade* means for dogs one (1) or more separate outside areas of shade, large enough to contain all dogs at one (1) time and to protect them from the direct rays of the sun. A doghouse shall not constitute adequate shade. For all other animals that, as determined by species, require shade, "adequate shade" means one (1) or more outside areas of shade large enough to protect all the animals present from the direct rays of the sun.

(3) *Adequate shelter* means for dogs an appropriate, durable, enclosed, permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with a roof, four (4) sides and a floor constructed in a manner to protect a dog's feet and legs from injury and with dimensions appropriate for breed and size. The shelter shall provide the dog adequate protection and shelter from heat and cold and from the direct effect of wind, rain and snow. The shelter shall have a sufficient amount of clean organic bedding material, e.g., straw, hay or wood shavings, to keep the dog warm and dry. For all other animals, "adequate shelter" means an appropriate structure that provides the animal adequate protection and shelter, as determined by the animal's species, from heat and cold and from the direct effect of wind, rain and snow.

(4) *Adequate water* means constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, which is provided in a sanitary manner.

(5) Veterinary care means an appropriate level of professional medical care and treatment by a licensed veterinarian to maintain the proper health and condition of an animal as determined by its species, breed and age.

(6) Unsafe Weather Conditions means any extreme hot or cold temperature, and/or any weather event that creates extreme conditions that compromise animal safety. During unsafe conditions, Fayette County will typically be under a warning, advisory or other special weather statement including but not limited to during activation of Fayette County, Kentucky Emergency Operations Plan or LFUCG Office of Homelessness Prevention and Intervention Plan.

(b) It shall be unlawful:

(1) For any person within the urban county to unnecessarily or cruelly beat, torture, abuse or otherwise mistreat any horse or other animal, whether his own or that of another, or to subject such an animal to any condition that is likely to result in harm to the animal.

(2) For the owner or harbinger of an animal to fail to provide the animal with adequate food, water, shelter, shade or veterinary care.

(3) For any animal's housing area or enclosure to be excessively muddy or contain standing water, due to a lack of groundcover, or be otherwise unsanitary. Any animal's area or enclosure shall be free of objects or contaminants which are likely to cause injury or be detrimental to the health of the animal, including, but not limited to, rusty or jagged metal objects, broken glass, or harmful chemical solvents or agents.

(4) For any person to permit the accumulation of animal excrement on property he or she owns or leases so as to cause unsightly litter or fouling of the air by odor, thereby creating an unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

(5) For the owner or harbinger of an animal to use a collar, halter, or harness unless it is properly fitted and manufactured primarily for animal use as a collar, halter, or harness. If attached to a tether, the collar, halter, or harness shall not primarily be metal or choke-type. The tether attached to a collar, halter, or harness shall be of a weight and material appropriate for the breed and size of the animal; and have swivels at both ends. A person shall not wrap a tether directly around an animal's neck. An area where an animal is tethered shall be free of objects which could become tangled in the tether. The tether shall be secured to a fixed immobile point that allows freedom of movement while withstanding the force necessary to restrain the animal. For dogs; a tether cannot weigh more than five (5) pounds total weight; be no less than twelve (12) feet in length;

(6) It shall be unlawful for any person to confine and leave unattended, any domestic animal (excludes cattle, equine, and fowl) in unsafe weather conditions.

(c) Any person who violates this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or be imprisoned for a term not to exceed twelve (12) months, or both, for each act, which shall constitute a separate offense.

Section 2 - That Section 4-9 of Chapter 4 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby are amended to read as follows:

Sec. 4-9. - Same—Impound and Custody of Victimized Animals

(a) It shall be the duty of police officers of the urban county government to aid any urban county animal control officer in the arrest of any persons who may be in the act of violating any of the provisions of sections 4-2 through 4-12.1 or of the statutes of the state relating to cruelty, mistreatment, sexual assault, or torture of animals.

(b) Any law enforcement officer or urban county animal control officer may impound any animal whose owner is found in violation of any law or ordinance outlined in section (a). Any animal which is removed from its owner under section (a), shall not be destroyed except for humane reasons determined by a licensed veterinarian.

(c) In addition to any penalty under any law or ordinance outlined in section (a), any person whose animal is impounded may be liable for reasonable cost of care for their animal which includes but is not limited to; impoundment fees, veterinary care, boarding, and transport of the animal.

(d) The urban county animal control officer shall serve notice of the animal impoundment to the animal owner, in person or by affixing the notice in a conspicuous place where the animal was removed. The owner's presence is not required for the impoundment to take place. The notice shall include:

- (1) Advise of the impoundment of the animal;
- (2) A description of the impounded animal;
- (3) The reason for the impoundment, including the date, time, and location;
- (4) A statement that the owner may be responsible for the reasonable cost of caring for the impounded animal during the pendency of the criminal case or until the animal is relinquished, forfeited, or returned, whichever occurs first; and
- (5) A declaration of ownership form, which shall:
 - i. Include the contact information of the urban county animal control officer;
 - ii. Provide for an affirmation of intent to reclaim the animal or affirmation of intent to voluntarily relinquish ownership of the animal to the urban county animal control officer;
 - iii. Collect the contact information of the owner, including name, address, email address, and phone number;
 - iv. Include a statement that the owner may be responsible for the reasonable cost of caring for the seized impounded animal during the pendency of the criminal case or until the animal is relinquished, forfeited, or returned, whichever occurs first;

(e) If the urban county animal control officer wishes to withhold custody of the impounded animal during the pendency of the criminal case, the urban county animal control officer shall request a county attorney to file a motion for a hearing. At the hearing, the county attorney has the burden of establishing the probable cause for the impound under the violation of ordinance or law outlined in section (a).

(1) If the judge finds that this burden has not been met, the judge shall order the animal returned to the defendant or owner, and the owner shall not be required to pay for the animal's cost of care for the period of time the animal was in the custody of the urban county animal control officer or its designee. The owner will have five (5) days to reclaim the animal(s) and if they fail to do so, the animal will be forfeited to the urban county animal control officer.

(2) If the judge finds that this burden has been met, the judge shall order that the animal remain in custody of the urban county animal control officer until final

disposition of the criminal proceeding or until the owner voluntarily relinquishes ownership of the animal. The judge shall further order the owner to pay directly to the urban county animal control officer, the reasonable costs incurred for the care of the animal through the date of the hearing and, thereafter, in successive thirty (30) day increments until final disposition of the criminal proceedings. In determining the owner's obligation to pay such costs, the court shall not consider the defendant's financial inability to pay for the costs of care.

(f) If the defendant fails to appear at any scheduled court appearance or fails to pay the ordered cost of care, the animal being withheld shall be forfeited to the urban county animal control officer and the person's ownership interest in the animal is terminated.

(g) If the defendant is convicted of, or pleads guilty to, an offense outlined in Section (a), the judge shall determine whether the animal should be returned to the owner or whether the person's ownership interest in the animal shall be terminated. If the judge does determine that the ownership interest in the animal shall be terminated, the judge shall order the animal permanently forfeited to the urban county animal control officer. Additionally, a judge may impose restrictions on other animals in the custody or place of residence of the defendant for a period of time not to exceed the period of probation.

Section 3 - That Section 4-12.4 of Chapter 4 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby are amended to read as follows:

Sec. 4-12.4. - Kennel license.

(a) A "*kennel*," for purposes of this section shall mean any establishment where eight (8) or more dogs are kept. Puppies in two (2) nursing litters shall not be included in the number of dogs used to define a kennel.

(b) Any owner or operator of a kennel within the urban county shall apply to the designated license facility for a kennel license. A kennel license shall not be required for a licensed veterinary clinic, a state or federally regulated animal research facility, the urban county government division of police canine unit facility or the urban county animal shelter.

(c) Any license issued by the designated license facility under this section shall be subject to all applicable provisions of the zoning ordinance, department of health regulations, chapter 12 of this Code, and the minimum facilities and operating standards established by section 4-12.5 of the Code. Licenses shall be effective upon issuance and remain in effect for a period of twelve (12) months and shall expire the following year on the last day of the calendar month in which the license was issued, unless suspended or revoked pursuant to subsection (g). The designated license facility may refuse to issue a license to any person that fails to meet the requirements of this section or section 4-12.5 of the Code.

(d) The license fee for each kennel is one hundred and thirty-five dollars (\$135.00). All license fees collected by the designated license facility shall be paid into the general services fund of the urban county government.

(e) Any dog kept in violation of the provisions of this section or section 4-12.5 of the Code may be seized and impounded by any urban county animal control officer and may be confined at the animal shelter until all violations are corrected and all fines paid. The animal shelter may transfer title to any animal impounded for a period greater than thirty (30) days.

(f) Any person owning or operating a kennel without the license required by this section or in violation of the minimum standards established by section 4-12.5 of the

Code shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day's continuance of any such violation shall be a separate offense.

(g) The designated license facility may suspend the license of any person convicted under this section or section 4-12.5 of the Code for up to ninety (90) days, and may revoke the license of any person convicted of two (2) or more such violations within any twelve-month period. The designated license facility may revoke the license of any person convicted of violating any state or local law that criminalizes the mistreatment of animals, including without limitation KRS 525.125, 525.130, 525.135, or Section 4-2 of the Lexington-Fayette County Code of Ordinances. Any person whose license has been revoked may not apply for a new kennel license for a period of five (5) years.

Section 4 - That Section 4-12.5 of Chapter 4 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby are amended to read as follows:

Sec. 4-12.5. - Standards for kennels.

All kennels within the urban county shall be operated in compliance with the following minimum facilities and operating standards:

- (a) Veterinary care shall be provided for all dogs to maintain good health and general welfare and to prevent suffering.
- (b) All dogs shall, at a minimum, have current rabies vaccinations a local dog license.
- (c) Unless otherwise required by a licensed veterinarian, each dog 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.
- (d) *Housing facility* means any premises, shed, barn, building, trailer, or other structure or area housing or intended to house dogs. All dogs shall be provided with housing facilities which meet the requirements of this section and which may consist of an indoor, outdoor or sheltered housing facility, or any combination thereof.

(1) Housing facilities must be kept in good repair, and they must protect the dogs from injury, contain them securely, and restrict other animals from entering.

(2) 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 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 must:

- (A) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and
- (B) Be free of jagged edges or sharp points that might injure the dogs.

(3) *Indoor housing facility* means any structure or building with environmental controls housing or intended to house dogs. Indoor housing facilities must provide adequate protection against weather extremes and must comply with the following requirements:

- (A) Floors, walls and 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.
- (B) The ambient temperature must not fall below forty-five degrees Fahrenheit (45°F) for more than four consecutive hours and must not rise

above eighty-five degrees Fahrenheit (85°F) for more than four (4) consecutive hours when dogs are present.

(C) Be sufficiently ventilated when dogs 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, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is eighty-five degrees Fahrenheit (85°F) or higher.

(D) Be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs. Dog areas must be provided a regular diurnal lighting cycle of either natural and/or artificial light and lighting must be uniformly diffused throughout the facility for the well-being of the dogs. 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. Primary enclosures within indoor housing facilities must be placed so as to protect the dogs from excessive light.

(4) *Sheltered housing facility* means a housing facility which provides the dogs with shelter, protection from the elements and protection from temperature extremes at all times. 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.

(A) Dogs kept in sheltered housing facilities must be provided with adequate shelter from the elements at all times to protect their health and well-being.

(B) The following areas in sheltered housing facilities must be impervious to moisture:

(i) Outdoor floor areas in contact with the dogs, 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.

(5) *Outdoor housing facility* means any structure, building, land, or premise, housing or intended to house dogs, which does not meet the definition of any other type of housing facility provided in this section, and in which temperatures cannot be controlled within set limits.

(A) Outdoor housing facilities must include one (1) or more shelter structures that are accessible to each dog. In addition, one or more separate outside areas of shade must be provided, large enough to contain all the dogs at one time and protect them from the direct rays of the sun. Shelters in outdoor housing facilities must meet the definition in section 4-2 for adequate shelter.

(B) Building surfaces which come into contact with dogs in outdoor housing facilities must be impervious to moisture. Metal barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures.

(6) *Primary enclosure* means any structure or device used to restrict a dog to a limited amount of space, such as a room, pen, run, cage, compartment or hutch. Primary

enclosures must be constructed and maintained to meet the following minimum requirements:

- (A) Be designed and constructed of suitable materials so that they are structurally sound and be maintained in good repair;
- (B) Protect the dogs from injury;
- (C) Contain the dogs securely and keep other animals from entering the enclosure;
- (D) Enable the dogs to remain dry and clean;
- (E) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs;
- (F) Provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;
- (G) Provide all the dogs with easy and convenient access to clean food and water;
- (H) Enable all surfaces in contact with the dogs to be readily cleaned and sanitized or be replaceable when worn or soiled;
- (I) Have floors that are constructed in a manner that protects the dogs' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' 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, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably must be provided;
- (J) Provide each female with nursing puppies with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by a licensed veterinarian; and
- (K) Dogs that are housed in the same primary enclosure must be compatible, as determined by observation, with the following restrictions:
 - (i) Not more than ten (10) adult dogs may be housed in the same primary enclosure;
 - (ii) Females in heat (estrus) may not be housed in the same primary enclosure with sexually mature males, except for breeding purposes.
 - (iii) Any dog exhibiting or known to have a vicious or overly aggressive disposition must be housed separately;
 - (iv) Puppies four (4) months of age or less may not be housed in the same primary enclosure with adult dogs, 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, in the opinion of a licensed veterinarian; and
 - (vi) Dogs that have or are suspected of having a contagious disease must be isolated from healthy dogs in the colony. When an

entire group or room of dogs 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.

(7) 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 twelve (12) feet in length. 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 of materials such as wire, flat chains, chains with sharp edges, or chains with rusty or nonuniform links are prohibited. 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 facility and so the dog can roam to the full range of the tether.

(e) Kennel owners and operators must develop, document, and follow an appropriate plan to provide dogs with the opportunity to exercise. The plan must be made available to any urban county animal control officer or the designated license facility on request.

(f) *Feeding and watering.* Adequate food and water shall be provided in accordance with the definitions set forth for those terms in section 4-2. Food and water receptacles shall be readily accessible to all dogs and shall be located so as to minimize contamination by excreta or pests, and be protected from rain and snow.

(g) 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 contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

Section 5 - That Section 4-14 of Chapter 4 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby are amended to read as follows:

Sec. 4-14. - Vicious dogs.

(a) A "vicious" dog is defined to include:

- (1) Any dog owned or harbored primarily or in part for purposes of fighting, or any dog trained for fighting;
- (2) Any dog that has bitten a human being or animal, excluding wildlife, without provocation; or
- (3) Any dog declared by a court to be a vicious dog.

(b) Any urban county animal control officer may immediately take temporary possession of any dog that he or she has probable cause to believe has bitten a human being or domestic animal without provocation, and may cause the dog to be held at the Lexington-Fayette County animal shelter for no longer than ten (10) days, after which time the dog shall be returned to its owner if no civil or criminal complaint seeking to have the dog declared vicious has been filed in a court of competent jurisdiction. If a civil or criminal complaint seeking to have the dog declared vicious has been filed in a court of competent jurisdiction, the urban county animal control officer may retain temporary possession of the dog until the court enters a final determination that the dog is or is not vicious under KRS 258.235 or LFUCG Code of Ordinances Section 4-14, or

until the court otherwise orders the dog released to its owner. The owner of any dog held under this section shall be liable to the urban county animal control officer for a boarding charge of ten dollars (\$10.00) per day, including the first and last day of impoundment. The urban county animal control officer may withhold release of the dog until all boarding charges incurred by the dog's impoundment hereunder have been paid in full. Any owner of a dog held hereunder that fails to take possession of the dog within five (5) days of being notified that the owner may reclaim possession shall forfeit ownership of the dog to the urban county animal control officer, who may dispose of the dog in any humane manner permitted by law.

(c) Vicious dog kenneling requirements.

(1) It shall be unlawful for any person to keep or harbor within Lexington-Fayette County a dog declared vicious by a court of competent jurisdiction unless it is at all times kept on the owner's or harborer's property securely confined indoors or in a securely enclosed and locked outdoor pen or shelter suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet, must have secure sides and must be at least seven (7) feet high and have 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 satisfy the care and treatment standards of Section 4-2 of the LFUCG Code of Ordinances. A vicious dog shall be transported to or from the indoors and the securely enclosed and locked outdoor pen or shelter only if such dog is muzzled and restrained by a suitable chain or leash not exceeding six (6) feet in length and under the control of a responsible adult. The muzzle must be made in a manner that it will not cause injury to the dog or interfere with its vision or respiration but will prevent the dog from biting any person or animal.

(2) Any urban county animal control officer that witnesses a vicious dog being housed or harbored in violation of the kenneling requirements for vicious dogs contained herein and in KRS 258.235 may immediately take temporary possession of the dog and may cause the dog to be held at the Lexington-Fayette County animal shelter. Before taking temporary possession of the dog hereunder, or as soon thereafter as reasonably possible, the urban county animal control officer shall issue a citation to, or cause charges to be filed against, the dog's owner or harborer for violation of state or local kenneling requirements for vicious dogs. The urban county animal control officer may hold the dog until the complaint against the owner or harborer has been resolved by the court. The owner or harborer of any dog held under this subsection shall be liable to the urban county animal control officer for a boarding charge of ten dollars (\$10.00) per day, including the first and last day of impoundment. The urban county animal control officer may withhold release of the dog until all boarding charges incurred by the dog's impoundment hereunder have been paid in full. Any owner or harborer of a dog held hereunder that fails to take possession of the dog within five (5) days of being notified that the owner may reclaim possession shall forfeit ownership of the dog to the urban county animal control officer, who may dispose of the dog in any humane manner permitted by law.

(d) Vicious dogs shall be permitted off the owner's or harborer's property only if such dogs are muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible adult and only for the purposes authorized by KRS 258.235. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent the dog from biting any person or animal.

(e) When any dog is required by this section to be confined, it shall also be required that a conspicuous notice be posted at the place of confinement of such a nature as to warn the public of the nature of the dog therein confined.

(f) No person under the age of eighteen (18) years shall be permitted to own, harbor or handle a vicious dog.

(g) The urban county animal control officer shall maintain a photographic registry of all dogs in Lexington-Fayette County that have been declared vicious by a court of competent jurisdiction, which registry shall contain the following information for each dog:

- (1) The legal name, date of birth, and permanent address of the dog's owner;
- (2) The address for each location at which the dog is regularly kept;
- (3) A list of all vaccinations the dog has received;
- (4) The dog's microchip identification information;

(h) The owner of any dog declared vicious by a court of competent jurisdiction shall thereafter have thirty (30) days to comply with the following provisions:

- (1) The owner shall ensure that the dog is spayed or neutered;
- (2) The owner shall present the dog to the urban county animal control officer so that it may be tagged with a microchip identifier if not already tagged and added to the photographic registry of vicious dogs in Lexington-Fayette County established in subsection (h) of this section;
- (3) Should any of the information provided to the urban county animal control officer for the photographic registry of vicious dogs in Lexington Fayette County become inaccurate in any way, the owner shall contact the urban county animal control officer within ten (10) days thereof to provide updated information. The urban county animal control officer may require owners to provide reasonable verification of all information to be included in the photographic registry of vicious dogs in Lexington-Fayette County.

- (i) The urban county animal control officer may charge a reasonable fee for spaying or neutering a vicious dog and for tagging a vicious dog with a microchip identifier as required in subsection (h) of this section.

(j) Any person violating any of the provisions of this section shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for each offense.

Section 6 - That Section 4-21 of Chapter 4 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby are amended to read as follows:

Sec. 4-21. - Impoundment.

(a) Any dog, fowl or head of livestock found running at large within the urban county, unless accompanied by the owner, custodian, possessor or harborer, and under his immediate control and not confined on the premises of the owner, custodian, possessor or harborer, shall be taken up by an urban county animal control officer and held in the animal shelter designated as the urban county animal shelter. Each dog, head of livestock or fowl shall be there confined in a humane manner for a period of not less than five (5) days and each cat shall be there confined in a humane manner for a period of not less than three (3) days, unless sooner claimed by their owners, custodians or

persons entitled to possession thereof, and may be disposed of in a humane manner if not otherwise claimed, sold or adopted. Equine and bovine livestock shall be confined for the period required by state law.

(b) The urban county animal control officer may transfer title to all animals held after the legal detention period in subsection (a) hereof has expired and the animal has not been claimed by its owner, custodian or other person entitled to possession thereof, provided the person to whom title is being transferred licenses said animal and pays for rabies inoculation for said dog or cat, together with the boarding and adoption charges levied by the urban county animal shelter, and in addition thereto pays the pickup fee payable to the animal shelter provided in subsection (c) hereof.

(c) Any owner, custodian or other person entitled to the possession of a dog, cat, head of livestock, or fowl impounded under subsection (a) hereof may claim the animal upon proof that said dog or cat has been inoculated against rabies or purchase of a vaccination voucher from the animal shelter; payment of boarding charges at the rate of ten dollars (\$10.00) per day, including the first and last day of impoundment, levied by the urban county animal shelter; payment to the urban county of any fine due under section 4-19(e) hereof; compliance with the redemption requirements for dogs and cats under subsection (d); and payment of a pickup fee of twenty-five dollars (\$25.00) for each fowl or head of livestock impounded, which pickup fee shall be paid into the general services fund of the urban county government. The agency designated by the urban county government responsible for enforcement of this ordinance may waive all impoundment and boarding fees if the impoundment of an animal resulted from an emergency situation, such as fire or natural disaster.

(d) In addition to the requirements in subsection (c) above, any owner, custodian or other person entitled to the possession of an impounded dog or cat may redeem the animal by paying a redemption fee. For the first impound within a twelve-month period, the fee is twenty-five dollars (\$25.00) for an altered dog or cat and seventy-five dollars (\$75.00) for an unaltered dog or cat. For the second and each subsequent impound within a twelve-month period, the fee shall be doubled. Twenty-five dollars (\$25.00) of the redemption fee shall be paid into the general fund, and the balance shall be retained by the agency designated by the department of public safety and used solely to fund the spay and neuter grant program established by section 4-21.1 of this Code. In lieu of paying the redemption fee for an unaltered animal, the owner may elect to have the animal spayed or neutered by a licensed veterinarian provided by the Lexington Humane Society, at a cost not exceeding the sum of fifty dollars (\$50.00).

Section 7 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK, URBAN COUNTY COUNCIL

PUBLISHED:

0545-26:RSJ:4911-3168-4277, v. 1