

AN ORDINANCE AMENDING SECTIONS 4-14 AND 4-21 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO INCREASE THE BOARDING FEE FOR DOGS, CATS, LIVESTOCK, OR FOWL HELD BY THE LEXINGTON-FAYETTE COUNTY ANIMAL CONTROL OFFICER OR THE LEXINGTON-FAYETTE COUNTY ANIMAL SHELTER FROM \$8.00 PER DAY TO \$10.00 PER DAY.

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

Section 1 – That subsections 4-14(b) and (c) of the Code of Ordinance of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

**Sec. 4-14. – Vicious dogs.**

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(b) Any Lexington-Fayette 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 Lexington-Fayette 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.

Section 2 – That subsection 4-21(c) of the Code of Ordinance of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

**Sec. 4-21. - Care and treatment of animals.**

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(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.

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 11, 2017

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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MOTION TO WALK ON

I move to place on the docket an ordinance amending Sections 4-14 and 4-21 of the Lexington-Fayette Urban County Code of Ordinances to increase the boarding fee for dogs, cats, livestock, or fowl held by the Lexington-Fayette County Animal Control Officer or the Lexington-Fayette County Animal Shelter from \$8.00 per day to \$10.00 per day.

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Council Member

Motion to be made at the July 6, 2016, Council meeting.