

**HART COUNTY FISCAL COURT
ORDINANCE NO. 840.3**

AN ORDINANCE ESTABLISHING AND RELATING TO THE DUTIES OF THE HART COUNTY ANIMAL CONTROL OFFICER AND HART COUNTY ANIMAL SHELTER

WHEREAS, the Hart Fiscal Court desires to employ an Animal Control Officer and establish an Animal Shelter in accordance with Kentucky Revised Statute (KRS) Chapter 258 and establish an Advisory Board for the overseeing of said shelter;

WHEREAS, the Fiscal Court of Hart County hereby finds, determines and declares that this Ordinance is necessary for the preservation of the public welfare, health and safety.

NOW, THEREFORE, Be it ordained by the Fiscal Court of Hart County, Kentucky:

**Section 1
DEFINITIONS**

The following definitions in addition to those set forth in KRS 258.095 shall apply:

(1) ANIMAL CONTROL OFFICER. ("ACO"). Animal control officer means an individual appointed by the Judge/Executive with the approval of the Fiscal Court to maintain and operate the Hart County Animal Shelter and enforce Kentucky Law regarding animal control and protection and county animal ordinances. The ACO shall have a high school degree and complete the training requirements set forth in 302 Kentucky Administrative Regulation 101:010.

(2) ANIMAL SHELTER. Any premises designated or operated by the Hart Fiscal Court for the purpose of impounding and caring for dogs seized in Hart County and held under authority of this Ordinance, as well as any governmental body, incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization;

(3) ANIMAL CONTROL ADVISORY BOARD. The Animal Control Advisory Board is established for the purposes of providing guidance to the ACO and the Hart County Animal Shelter.

**Section 2
CONFINEMENT OF ANIMALS**

(1) Peace officers or the animal control officer shall seize and impound any dog which does not bear a valid rabies tag or other legible identification which is found running at large in Hart County or subject to seizure as set forth in the Kentucky Revised Statutes. Any dog which an officer or animal control officer seizes shall be impounded in the designated animal shelter of the county and confined in a humane manner. If, after a reasonable effort, the seizure of an unrestrained dog cannot be made, or the dog presents a hazard to public safety or property or has an injury or physical condition which causes the dog to suffer, the animal control officer or peace officer may immediately destroy the dog by the most reasonable and humane means then available.

(2) (a) Impounded dogs shall be kept at the animal shelter for not less than five (5) days, unless reclaimed by their owners. Dogs not reclaimed and those not placed in suitable new homes may be humanely euthanized after the five (5) day holding period, unless the dog has an injury or physical condition which causes it to suffer, in which case the dog may be immediately euthanized, and if a human being has been

bitten by the dog, the dog shall be tested for rabies. (b) If an owner is identified, the ACO shall notify immediately the owner of the impoundment by the most expedient means available. (c) Any animal shelter, public or private, which takes in stray dogs and does not have regular hours for public access, shall post semimonthly either in the local newspaper the shelter location, hours of operation, the period that impounded dogs shall be held, and a contact number.

(3) Upon reclaiming an impounded dog, the owner shall show proof of a valid rabies vaccination. If proof of the vaccination cannot be provided, the owner shall purchase a vaccination voucher from the animal shelter. The voucher shall be valid for ten (10) days from the date of issuance and shall be used in the prescribed time period. The animal shelter shall reimburse the veterinarian for the amount of the voucher upon presentation to the shelter by the administering veterinarian.

(4) The owner of an impounded dog is responsible for all fees, including veterinary, associated with the impoundment of the animal, which shall be paid by the owner before the dog is returned. If the owner can be identified, the fees are due even if the owner does not reclaim the animal.

(5) Dogs which have attacked a person shall be maintained in quarantine by the owner for ten (10) days from the date of the attack. Owners who fail to properly quarantine their animals shall be subject to a citation for violation of this subsection and the dog shall be removed to the animal shelter for the remainder of the quarantine period. The owner shall be responsible for all associated fees of the quarantine and impoundment.

(6) A hound or hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner while engaged in or returning from hunting, and, if a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner, the owner shall not be deemed to be in violation of this ordinance as a result of the dog's having become temporarily lost or having wandered from immediate control or sight of the owner.

Section 3 HART COUNTY ANIMAL SHELTER

The Hart County Animal Shelter shall provide access to the public for no less than twenty-four (24) hours in one (1) week, with the hours that the facility is open to the public posted in a visible location; shall provide humane treatment for dogs in the facility, including but not limited to those requirements set forth in KRS 258.119(3)(b), such as enclosures to provide adequate protection against weather extremes; building temperature and ventilation must be maintained at a comfortable level; food shall be free from contamination, wholesome and of sufficient quantity and nutrition to meet the normal daily requirements for the condition and size of each dog; fresh water must be available at all times; and areas housing dogs shall be free of accumulated waste and shall be maintained to promote proper health.

(1) RECORDS must be kept on each dog to include name and address of owner or person surrendering the dogs or location dog was found if picked up as a stray; date received; animal description, condition and medical information; date reclaimed, adopted, or euthanized; name and address of new owner or reclaimer; date animal was neutered or spayed and name of veterinarian.

(2) ADOPTION. Any person desiring to adopt a dog from the Hart County Animal Shelter shall complete a questionnaire to determine the person's ability to care for the animal. Adopter is required to comply with all conditions set forth in the Adoption Agreement and pay the applicable fees. Failure to comply may result in the issuance of a citation, penalty, or forfeiture of the animal. The Animal Shelter is not obligated to adopt a dog if it is deemed that a placement would not be in the animal's best interest.

(3) SPAYING AND NEUTERING. All dogs adopted from the Hart County Animal Shelter must be spayed or neutered within 60 days of adoption. Proof of this procedure shall be provided within ninety (90) days of adoption.

**Section 4
DUTIES OF ANIMAL CONTROL OFFICER**

The Hart County ACO shall have those duties set forth in KRS Chapter 258, as well as such other duties related to the operation of the Hart County Animal Shelter not prohibited by KRS Chapter 258 assigned by the Judge/Executive and the guidance of the Animal Control Advisory Board (Section 5), including but not limited to the following:

(1) ANIMAL SHELTER. The ACO will operate the Hart County Animal Shelter at standards required by State law and this ordinance, including but not limited to KRS 258.119(3)(b). Only dogs seized in Hart County or surrendered by Hart County residents shall be accepted.

(2) REPORTS AND MONEY COLLECTIONS. The ACO shall keep an account of each dog entering the shelter in accordance with KRS 258.119(3)(b)(9). Files shall include Surrender/Stray Animal Reports, Lost & Found Reports, Abused Animal Reports, Bite Incident Reports, Adoption Application and Contract forms. All records shall be kept on file at the shelter for two (2) years and all fees collected shall be accounted for. A monthly report is to be prepared for fiscal court with all money turned into the Hart County Treasurer's office.

(3) RESPONSE TO CALLS. The ACO will respond to calls regarding dogs subject to this ordinance in a timely manner and shall keep a log of all calls or requests made, said log to include the date of the call and the identity of the caller. The ACO will pick up stray dogs in Hart County ONLY. Cats will NOT be picked up. The ACO will work with law enforcement to investigate reports of cruelty, abuse or neglect of dogs and obtain assistance from a licensed veterinarian as needed.

(4) LOCATE OWNERS. If an owner is identified, the ACO shall notify immediately the owner of the impoundment by the most expedient means available.

(5) LICENSING AND REGISTRATION OF DOGS - KENNELS. The ACO shall facilitate enforcement of Hart County Ordinance KOC 840.1 regarding the licensing and registration of dogs.

(6) EUTHANASIA. Employ only euthanasia methods recommended by the American Veterinary Medical Association (lethal injection) by a qualified person, subject to the requirements provided by KRS 258.505 prohibiting the use of gunshot as the routine method of euthanasia.

(7) ENFORCEMENT. The ACO will issue uniform citations to any individuals, partnerships or corporations found in violation of this ordinance and the Kentucky Revised Statutes relating to dogs.

(8) ANIMAL SHELTER STAFF SUPERVISION. The ACO will supervise anyshelter staff in the daily operations of the animal shelter. Staff may include inmates from the Hart County Jail and volunteers.

Section 5
ANIMAL CONTROL ADVISORY BOARD

The Animal Control Advisory Board is hereby established for the purposes of providing guidance to the ACO and the Hart County Animal Shelter. The advisory board shall consist of five (5) members appointed by the Judge/Executive and approved by the Fiscal Court. Members shall serve for a term of four (4) years. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term. The advisory board shall elect one (1) of its members to serve as chair for a term of two (2) years. The advisory board shall meet quarterly or upon the call of the chair.

Section 6
PENALTIES

Any person who violates any of the provisions of this ordinance or other applicable state laws may be subject to the penalties set forth in Kentucky Revised Statute (KRS) 258.990 and 258.991, as well as the penalties set forth in KRS 525.125 through KRS 525.137, and upon conviction thereof shall be subject to the fines and penalties set forth therein. In the event that none of the statutes cited above provide a penalty for the violation of any of the provisions of this ordinance, then such violation shall be punishable by a fine of not less than \$25.00 and not more than \$250.00. Each day a violation continues shall constitute a separate offense.

Section 7
ANIMAL CONTROL FEES

In addition to the licensing and registration fees for dogs sets forth in Hart County Ordinance 840.1, the following are the fees/prices relating to animal control in Hart County:

Shelter Adoption Fee - \$95 per dog

Reclaiming Fee - \$20 per dog plus boarding fee per day for 1st offense. \$50 per dog plus boarding fee per day for 2nd and subsequent offenses

Boarding Fee - \$5 per dog, per day (for strays and quarantines only). \$10 per dog, per day, for court cases involving vicious dogs

Section 8

This ordinance shall become effective upon passage and publication.

First Reading: May 6, 2021 VOTE: 6/0

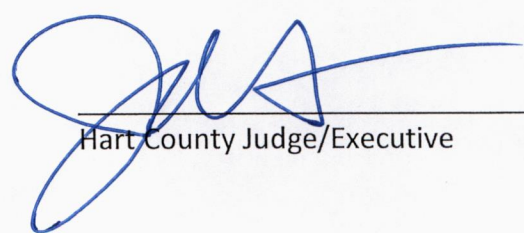
Second Reading: May 20, 2021 VOTE: 6/0

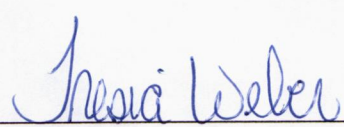
ENACTED AND APPROVED THIS 20TH DAY OF MAY 2021, with the following vote of the members of the Hart County Fiscal Court.

AYES

Gary Gardner
Ricky Alvey
Ronald Riordan
Doug Wells
Lee Miles

NAYES


Hart County Judge/Executive


Fiscal Court Clerk