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**City of Mt.
Washington**

Fax

To: Angela Buckley **From:** Christi Franklin, City Clerk

Fax: (502) 374-2126 **Pages:** 15 pages (including cover sheet)

Company: **Date:** 9/30/2005

Re: Ordinance regarding animals

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CHAPTER 90. ANIMALS

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Statutory reference:

Authority to regulate keeping of animals, see KRS 85.180

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"ABANDON." To forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent. Abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal. (KRS 257.100 (4))

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"ANIMAL." Any living creature, whether domestic or wild, excluding livestock, poultry, pet rodents, pet birds, and vermin.

"ANIMAL DEALER." Any person, partnership, or corporation engaged in the business of buying for the purpose of resale to pet shops, research facilities, or to another animal dealer, any animal or animals.

"ANIMAL POUND." Any premises designated and operated by the County Fiscal Court for the purpose of impounding and caring for animals held under authority of this chapter.

"AT LARGE." Off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain, or otherwise.

"CIRCUS." A nonresident variety show which features animal acts.

"DOG." Any member of the canine family, six months of age or over, male or female.

"DOG WARDEN." The official designated by the County Fiscal Court to be in charge of the animal compound, and the primary enforcement officer for the county of this chapter and the state laws regulating animals and owners of animals.

"HUMANE OFFICER." Any person designated by a humane society as a law enforcement officer and who qualifies to perform such duties under the laws of the state.

"HUMANE SOCIETY." Any organization existing for the purpose of the prevention of cruelty to animals incorporated under the laws of the state.

"KENNEL." Any person, partnership, or corporation maintaining an establishment where animals of any species are kept for the purpose of breeding, buying, selling, showing, or boarding such animals or engaged in the training of dogs for guard or sentry purposes, and which establishment is so constructed that the animals cannot stray therefrom; this definition shall however exclude noncommercial kennels as defined in KRS 100.365.

"LIVESTOCK." Horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

"OWNER." Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his care, or permits it to remain on or about the premises owned or occupied by him.

"PET BIRDS." Any tamed or domesticated birds kept caged or within doors.

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"PET RODENTS." Hamsters, gerbils, woodchucks, mice, or similar rodents which are kept as domesticated or tamed animals and which are kept caged or within doors at all times.

"PET SHOP." Any person, partnership, or corporation engaged in the business of breeding, selling at retail, or boarding animals of any species for profit-making purposes.

"POULTRY." All domesticated fowl and all game birds which are legally kept in captivity.

"QUALIFIED PERSON." A person granted a permit by the State Board of Health to vaccinate animals against rabies; and may include owners or operators of licensed kennels.

"RESTRAINT." An animal shall be deemed to be under "RESTRAINT" if on the premises of its owner and in a pen, cage, or on a leash, or if accompanied by a responsible person and under that person's control.

"THEATRICAL EXHIBIT." Any exhibition or act featuring performing animals.

"VACCINATION." The injection by a veterinarian or other qualified person of a vaccine approved by and administered in accordance with the regulations of the State Board of Health.

"VETERINARIAN." A licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Industry of the United States Department of Agriculture.

"VETERINARY HOSPITAL." Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals or for the boarding of animals.

"ZOOLOGICAL GARDEN." Any park or zoo operated by a person, partnership, private corporation, or governmental agency.
(Ord. 79-4, passed 1-22-79)

CONTROL OF ANIMALS

§ 90.15 ANIMALS RUNNING AT LARGE; RESTRAINT REQUIRED.

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another.

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(C) All animals shall be kept under restraint at all times. If any animal is restrained by a chain, leash, or similar restraint, the chain or restraint shall not be less than ten feet in length and either on a swivel designed to prevent the animal from choking or strangling itself or on a chain run.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.16 CONFINEMENT OF ANIMALS IN HEAT.

Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that the female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

Statutory reference:

Confinement and control of female dog when in heat, see KRS 258.255

§ 90.17 OWNER TO PREVENT NUISANCES.

No owner shall fail to exercise proper care and control of his animals so as to prevent the following actions by them: excessive, continuous, or untimely barking or howling; molesting of passersby; chasing of vehicles; attacking other domestic animals; trespassing upon school grounds, trespassing upon private property; or damaging of property of any nature.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

HUMANE TREATMENT OF ANIMALS§ 90.30 CRUELTY TO ANIMALS IN THE SECOND DEGREE.

(A) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

(1) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in § 90.03 in causing it to fight for pleasure or profit, (including, but not limited to being a spectator or vendor at an event where a four legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

(2) Subjects any animal in his custody to cruel neglect; or

(3) Kills any animal other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(B) Nothing in this section shall apply to the killing of animals:

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- (1) Pursuant to a license to hunt, fish, or trap;
- (2) Incident to the processing as food or for other commercial purposes;
- (3) For humane purposes;
- (4) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;
- (5) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;
- (6) For bona fide animal research activities of institutions of higher education; or a business entity registered with U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;
- (7) In defense of self or another person against an aggressive or diseased animal;
- (8) In defense of a domestic animal against an aggressive or diseased animal;

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(9) For animal or pest control; or

(10) For any other purpose authorized by law.

(KRS 525.130) Penalty, see § 90.99

Statutory reference:

Cruelty to animals in the first degree, a class D felony, see
KRS 525.125

§ 90.31 DYEING OR SELLING DYED CHICKS OR RABBITS.

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two months of age in any quantity less than six, except that any rabbit weighing three pounds or more may be sold at an age of six weeks.

(KRS 436.600) Penalty, see § 90.99

§ 90.32 ABANDONING DOMESTIC ANIMALS PROHIBITED.

No owner shall abandon an animal, abandonment consisting of leaving an animal for a period in excess of 24 hours without providing for someone to feed, water and check on the animal's condition. In the event that an animal is found so abandoned, the animal may be taken by the Dog Warden, police, or humane officer and impounded in the animal pound or an animal shelter maintained by a humane society and there confined in a humane manner. The animal, if taken from private property, shall be kept for not less than ten days with the same procedure otherwise to be followed as in § 90.65. In the event that an animal is so abandoned, the owner rather than the person, if any, whom he has charged with the animal's care, shall be liable for citation for violation of this section.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.33 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.

(A) Any peace officer, animal control officer, or any officer of the accredited Human Society or Society for the Prevention of Cruelty to Animals may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.

(B) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten days after written notice by registered or certified mail, return receipt requested, is given the owner or his agent at his last known address,

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shall be deemed to be abandoned and may be turned over to the nearest humane society, or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner of the animal by the licensed veterinarian shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal.
(KRS 257.100)

§ 90.34 OWNER TO PROVIDE PROPER CARE.

(A) No owner shall fail to provide his animals with good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(B) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise chase any animal, or cause or permit any dog-fight, cockfight, or other combat between animals.

(C) No person shall crop a dog's ears except a licensed veterinarian.

(D) No person shall place any poisonous substance which may be harmful to any animal, as described herein, in any location where it may be readily found and eaten by any animal.
(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.35 STANDARDS FOR KENNELS.

All kennels, as defined in § 90.01, shall in addition to the other requirements of this chapter comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license and the issuance of a citation subjecting the owner to the penalties herein. Facilities shall be subject to inspection by the Dog Warden upon his request during normal business hours.

(A) Enclosures must be provided which allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

(B) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(C) Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or top of cages.

(D) Cages are to be of material and construction that permit cleaning and sanitizing.

(E) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

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(F) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

(G) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

(H) Food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(I) All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.36 STANDARDS FOR GUARD AND SENTRY DOGS.

Any kennel shall, in addition to the other requirements of this chapter, comply with the standards of this section whenever any dog is trained as a guard or sentry dog. Failure to meet these standards shall be grounds for denial of or revocation of a kennel license and the issuance of a citation subjecting the owner to the penalties herein.

(A) Runs must have at least six-foot high fences completely surrounding them to which are to be added anticlimbers or the top must be completely covered.

(B) All gates and entrances to the runs, kennel, and training area must be kept locked when not in use.

(C) A perimeter fence at least eight feet high must be installed to encircle the training and kennel area to which are to be added anticlimbers. Fences must be maintained escapeproof.

(D) A dog in training as a guard or sentry must be confined at all times to its kennel, run, or training area unless it is under control of its handler.

(E) Any individual involved in training of guard or sentry dogs must have completed a recognized course to qualify for giving the training or be able to demonstrate equivalent experience in giving the training.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.37 STANDARDS FOR PET SHOPS.

All pet shops, as defined in § 90.01, including pet shops run in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of or revocation of a license and the issuance of a citation subjecting the owner to the penalties herein. Facilities shall be subject to inspection by the Dog Warden upon his request

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(A) There shall be available hot water at a minimum temperature of 160°F. for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be mounted so the animal cannot turn them over and be removable for cleaning.

(B) Room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

(C) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size so that the animal will have room to stand, turn, and lie down in the natural position.

(D) All animals under three months of age are to be fed at least three times per 24 hours. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over and be of the removable type.

(E) Each bird must have sufficient room to sit down on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.

(F) The water temperature for fish shall be maintained at a constant temperature that is healthful.

(G) There shall be sufficient clean, dry bedding to meet the needs of each individual animal.

(H) All animals must be fed, watered, and cages cleaned every day, including Sundays and holidays.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.38 STANDARDS FOR RIDING SCHOOLS AND STABLES.

All riding schools or stables, as defined in § 90.01, shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license and the issuance of a citation subjecting the owner to the penalties herein. Facilities shall be subject to inspection by the Dog Warden upon his request during normal business hours.

(A) All animals shall be provided with daily food and water, which shall be free from contamination. The food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(B) All equipment used for riding must fit properly for each individual animal.

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(C) All buildings and sheds used for stabling animals shall be well lighted, ventilated, and provide protection from the weather. All buildings and sheds used for stabling animals shall be kept clean and in good repair at all times and manure shall be removed therefrom daily. Any enclosure where animals are kept shall be graded and drained so as to keep the surface reasonably dry.

(D) Flies must be controlled through general sanitation and necessary means.

(E) Animals let for riding purposes must be in good physical condition.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.39 EXHIBITIONS OF WILD OR VICIOUS ANIMALS PROHIBITED.

No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoological garden, theatrical exhibit, or circus as defined in § 90.01, except that no theatrical exhibit or act shall be held in which animals are encouraged to perform through the use of chemical, electrical, or mechanical devices.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

LICENSES, VACCINATIONS, QUARANTINE§ 90.50 LICENSE REQUIRED; FEES.

(A) All dogs, cats, and other animals shall be licensed. On or before July 1 of each year, every owner of a dog, cat, or other animal four months old or over, shall apply to the Dog Warden for a license for each dog, cat, or other animal kept by him. The application shall be accompanied by a license fee of \$2 for each animal.

(B) License fees shall be charged as provided in this division for the following businesses or facilities.

<u>Business or Facility</u>	<u>License Fee</u>
Abattoir, stockyards, hatchery, livestock auction, or other place where livestock or poultry are regularly bred, kept, offered for sale, or slaughtered for commercial purposes, covering all animals kept during the year.	\$100
Animal dealer	50
Commercial zoo, animal act, circus, or similar act of exhibition of animals, covering all animals kept	50

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<u>Business Or Facility</u>	<u>License Fee</u>
Kennel or pet shop having between five to ten animals in its possession during year	\$ 10
Kennel or pet shop having over ten animals in its possession during year	15
Livery or riding stable, covering all horses kept	50

(C) No license shall be issued for any kennel unless the kennel shall have been inspected by the Dog Warden and found to meet the standards for kennels in § 90.35.

(D) No license fee shall be required of any humane society, veterinary hospital, municipal animal control facility, or zoological garden operated by a governmental agency.
(Ord. 79-4, passed 1-22-79; Am. Ord. 81-6, passed 10-28-81)
Penalty, see § 90.99

Statutory reference:

Authority to license, regulate dogs, see KRS 258.365

§ 90.51 RABIES VACCINATION REQUIRED; TAGS.

(A) On or before July 1 of each year, every owner of an animal four months old or over shall have it vaccinated against rabies. It is further provided that the owner of an animal becoming four months of age shall have the animal vaccinated by the fourteenth day after the date the animal attains this age or by July 1, whichever comes first. The vaccination shall be in accordance with the vaccination requirements prescribed by the State Board of Health in all respects except the requirement that vaccination be at six months of age. Vaccination each year is not necessary if a vaccine approved by the State Board of Health for longer periods is utilized. All vaccinations shall be performed by a licensed veterinarian or other qualified person.

(B) The veterinarian or other qualified person that vaccinates the animal shall issue to the owner thereof a vaccination certificate on a form prescribed by the State Board of Health. The vaccination certificate shall be prepared and issued in triplicate, one copy to be given to the owner of the animal vaccinated and one copy to be forwarded by the veterinarian or other qualified person to the County Board of Health. Each certificate shall bear the name and address of the person who issued it, a serial number, and a brief description of the animal vaccinated. The veterinarian or other qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the person issuing it.

(C) Where a rabies voucher is purchased from the Dog Warden at the time of applying for a license, the person purchasing the voucher shall, within 14 days, take the animal or animals to a licensed veterinarian or other qualified person who will vaccinate

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the animal, issuing a regular vaccination certificate in the manner prescribed above. The person will return the voucher to the animal pound which will present the voucher to the County Fiscal Court from which payment will be made to the person performing the vaccination.

(D) The tag furnished by the veterinarian or other qualified person for dogs shall be affixed by the owner to a collar or harness furnished by the owner and shall be worn by the dog for which the certificate was issued. No one, except the owner or his duly authorized agent, shall remove the collar with the attached tag from any dog except as provided in KRS 258.165.

(E) The tag furnished by the veterinarian or other qualified person for cats shall be given to the owner who shall retain the tag to be produced whenever called upon to verify that any cat in his possession or owned by him has had the required vaccination. The certificate of vaccination may be produced if the tag has been lost. (Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

Statutory reference:

Authority to regulate rabies control program, see KRS 258.087
Physicians to report persons bitten by dogs or other animals,
see KRS 258.065

§ 90.52 PROVISIONS NOT APPLICABLE TO NONRESIDENTS.

The sections of this subchapter requiring a license shall not apply to nonresidents of the city who are keeping only domestic pets, provided that animals of nonresident owners shall not be kept in the city longer than 30 days and that the animals are kept under restraint. No nonresident shall, however, keep any pet in this county over the age of four months that has not been vaccinated. (Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.53 SKUNKS TO BE QUARANTINED.

Skunks sold at pet shops are to be quarantined six months prior to sale, unless it can be shown that the mother of the animal has been held in captivity and quarantined six months prior to the birth of the animal being sold and that the animal being sold has been in possession of the pet shop since birth. (Ord. 79-4, passed 1-22-79)

ENFORCEMENT§ 90.65 IMPOUNDMENT.

(A) Unrestrained animals may be taken by the Dog Warden, police, or humane officer and impounded in the animal pound or an animal shelter maintained by a humane society, and there confined in a humane manner. Impounded animals shall be kept for not less than seven days unless reclaimed by their owners. If by a license tag or other means, the owner can be identified, the agency impounding the dog shall immediately notify the owner by telephone or mail of the

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impoundment of the animal. Animals not claimed by their owners within seven days of their impoundment, or placed in suitable new homes, shall be humanely euthanized by the agency.

(B) Any owner reclaiming an impounded animal shall pay a fee plus a maintenance fee per day, per animal, as follows:

Daily maintenance fee	All animals	\$ 3.00
First reclaiming	Male or spayed dog, male or spayed cat, or other animal	12.50
First reclaiming	Unspayed female dog or cat	22.50
Second and subsequent reclaimings	All animals	35.00
Reclaiming after quarantine	All animals	40.00

(C) Proof of vaccination for rabies and a current license shall be required before any animal is released. If no proof of vaccination is shown, a rabie voucher must be purchased before the animal is released. If a license is not produced, a license must also be purchased before release.

(D) The owner shall, upon reclaiming the animal, be issued a citation for any violation of this chapter.
(Ord. 79-4, passed 1-22-79; Am. Ord. 81-6, passed 10-28-81)
Penalty, see § 90.99

§ 90.66 ISSUANCE OF CITATIONS.

In addition to, or in lieu of, impounding of an animal found at large, any enforcement officer so authorized may issue to the owner of the animal a notice of violation, specifying the section or sections of this chapter violated and indicating the specific nature of the violation. The notice shall impose upon the owner the obligation of either payment of the minimum fine imposed under this chapter of \$15 within 72 hours to the District Court or appearance to answer the charges specified in the citation at the District Court at the time and place indicated on the citation. In the event that the fine is not paid and the owner is convicted of the violations specified, the owner shall be punished as provided in § 90.99

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

§ 90.67 INTERFERENCE WITH ENFORCEMENT PROHIBITED.

No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual authorized to enforce the provisions of this chapter.

(Ord. 79-4, passed 1-22-79) Penalty, see § 90.99

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§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter, except §§ 90.30, 90.31, 90.34(D), and 90.52, shall be deemed guilty of a violation and shall, upon conviction, be punished by a fine of not less than \$15 nor more than \$250. Any person violating § 90.34(D) or § 90.52 of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$500, or be imprisoned for not less than ten days nor more than six months, or both so fined and imprisoned. If any violation continues, each day's violation shall be deemed a separate violation.

(Ord. 79-4, passed 1-22-79)

(B) Any person who violates § 90.30 shall be guilty of a misdemeanor and shall be fined not more than \$500, imprisoned for not more than 12 months, or both for each offense.

(KRS 525.130)

(C) Any person who violates § 90.31 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

(KRS 436.600)

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