

COMMONWEALTH OF KENTUCKY  
COUNTY OF TRIMBLE  
ORDINANCE NO. \_\_\_\_\_

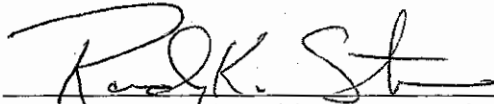
AN ORDINANCE RELATING TO AMENDMENTS TO ORDINANCE NO. 840.1  
RE: DOG WARDEN

WHEREAS, the Trimble County Fiscal Court enacted an ordinance relating to a dog warden on February 15, 1999, and

WHEREAS, it is in the best interests of the citizens of Trimble County that the said ordinance be amended, and

NOW THEREFORE, BE IT ORDAINED BY THE TRIMBLE COUNTY FISCAL COURT, that the County Dog Warden and/or any other person, corporation or entity acting under contract with Trimble County who takes a dog into custody pursuant to Kentucky Revised Statutes or Trimble County Ordinance Number 840.1 shall hold the dog for a period not less than five (5) days with those days to be calculated beginning at midnight immediately following the time the dog is seized and continuing for the next five (5) consecutive days including Saturdays, Sundays and all holidays.

After second reading on MARCH 24, 2003 the foregoing Ordinance was approved to be published and on the same occasion was signed in open Court by the County Judge/Executive, Honorable Randy Stevens as evidence of his approval, attested under the seal of the Trimble County Fiscal Court Clerk.

  
Randy Stevens, Trimble County Judge/Executive

Attest: Susan Barnes  
Trimble County Fiscal Court Clerk

Approved as to form and content by Trimble County Attorney:

  
Perry R. Arnold, Trimble County Attorney

Published: \_\_\_\_\_

**COMMONWEALTH OF KENTUCKY**  
**COUNTY OF TRIMBLE**  
**ORDINANCE NO. 840.1**  
**RE: DOG WARDEN**

**WHEREAS**, KRS 258.195 requires the fiscal court of each county to employ a dog warden and permits each fiscal court to adopt and enforce regulations relative to dog pound standards, the naming of persons who shall serve as dog wardens, providing for the fixing of salaries of dog wardens and such other matters that may be incidental to efficient and proper operation of the dog pound plan, and

**WHEREAS**, the Trimble County Fiscal Court now finds it necessary and desirable to enact a county plan for the adoption and enforcement of regulations and for the implementation of efficient and proper operation of a county wide plan for control of dogs in Trimble County,

**NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:**

- 1.) Trimble County shall employ one (1) dog warden for the enforcement of requirements under the Kentucky Revised Statutes for the licensing and control of dogs in Trimble County.
- 2.) The Trimble County Dog Warden shall be responsible for making certain that all dogs six (6) months old or older in Trimble County are properly licensed, tagged and under proper control.
- 3.) In accordance with KRS 258.153, on or before July 1 of each year the owner of any dog six (6) months old or over shall apply to the Trimble County Dog Warden for a license for each dog owned or kept by him. The application shall be accompanied by a license fee of \$1.50 for each dog.
- 4.) In accordance with KRS 258.145, a dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed by the Kentucky Department for Health Services. The said license shall be void on July 1 following the date it is issued and a new application must be filed and a new license must be obtained by July 1 of each year for each dog. Upon issuance of the license, the owner shall be furnished with a tag prescribed and supplied by the Department for Health Services and bearing a serial number corresponding with the serial number of the license. If a license or tag is lost a duplicate shall be issued at a charge determined by the Department for Health Services. The tag shall be affixed to a

substantial collar furnished by the owner which shall be kept on the dog at all times and only the owner or his authorized agent shall remove the collar with the attached tag from any dog. No license tag shall be transferable from one dog to another.

5.) In accordance with KRS 258.215, the Trimble County Dog Warden and all other Peace Officers shall seize and impound any dog which does not bear a proper license tag or other legible identification which is found running at large. The Dog Warden shall use his discretion in seizing and impounding dogs unless a complaint has been made by a citizen of a dog running at large. In the event that a citizen has made a complaint of a dog running at large, and the dog warden finds that the dog complained of does not bear a proper tag, the Dog Warden shall have no discretion and shall seize and impound the dog if at all possible. If the Dog Warden or any other Peace Officer, after all diligent effort to do so, should not be able to seize the dog, it shall then become his duty to destroy the dog by any reasonable and humane means. If the Dog Warden knows who the owner of the dog is, and it is reasonably convenient for the Dog Warden to contact the owner of the dog, the Dog Warden shall contact the owner and allow the owner an opportunity to catch the dog prior to destroying the dog. But if the owner of the dog is not known or cannot be located or if the owner of the dog does not avail himself or herself of the opportunity to catch the dog, or having attempted to catch the dog, fails to catch the dog, then the Dog Warden shall destroy the dog by any reasonable and humane means. In an effort to assist the Dog Warden in his efforts to seize dogs under this Paragraph the Fiscal Court shall supply the Dog Warden with a tranquilizing gun, darts and tranquilizer and the Dog Warden shall use the tranquilizer gun to disable a dog whenever possible to avoid destroying the dog.

6.) In accordance with KRS 258.255, the owner or keeper of any female dog shall not permit such female dog to go beyond the premises of such owner or keeper at any time she is in heat, unless the dog is on a leash and under the proper control of the handler. The Trimble County Dog Warden shall seize any female dog in heat which is off the premises of the owner unless the dog is on a leash and under the proper control of the handler.

7.) In accordance with KRS 258.265. the owner or keeper of every dog, including dogs which

are properly licensed and tagged, shall at all times between the hours of sunset and sunrise keep such dog confined within an enclosure from which it cannot escape, or firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured unless such dog is under the reasonable control of some person or when engaged in hunting is accompanied by an owner or handler. If the Trimble County Dog Warden or any peace officer finds a dog running at large between the hours of sunset and sunrise, that officer may destroy the dog if it is not accompanied by an owner or handler and under their reasonable control. However the Trimble County Dog Warden and all peace officers shall be under a duty to make a fair and reasonable effort to determine whether a dog running at large between sunset and sunrise is a hound or other hunting dog and if he is reasonably sure that the dog is a hunting dog, he shall not destroy the dog unless it is found to be pursuing, worrying, attacking or wounding livestock or poultry or attacking human beings. The Trimble County Dog Warden and all peace officers shall have discretion in the destruction of dogs running at large between the hours of sunset and sunrise unless a complaint has been made by a citizen and the Dog Warden or peace officer is able to confirm that the dog complained of is the dog found running at large and the Dog Warden or peace officer also determines that there is or may be a danger to livestock, poultry or human beings if the dog is allowed to continue to run at large. If at all possible the Dog Warden shall seize the dog if reasonably possible, including the use of tranquilizers before destroying the dog.

8.) Nothing in this Ordinance is intended to and shall not abrogate or in any way limit any other statutory or other legal rights of peace officers or private citizens to control dogs. Nothing in this Ordinance is intended to and shall not abrogate or in any way limit the rights of any person to recover any legal damages which they may suffer as the result of dogs. Where this Ordinance is more restrictive or permits greater discretion than state statutes in effect at the time of adoption of this ordinance, this ordinance shall have precedence. Where provisions are consistent with state statute it shall be presumed that this ordinance was written to be consistent with state statutes in existence at the time it is adopted. In the event that any provisions of state statute are repealed or held by Courts of law to be unconstitutional that shall have no effect on the validity and

enforcement of this Ordinance and this Ordinance shall remain in full force and effect unless modified, amended or rescinded by act of the Trimble County Fiscal Court.

9.) This Ordinance is not intended to and shall not convey any rights or privileges to any person in addition to those rights and privileges which that person would have had by statutory or common law prior to enactment of this Ordinance, save and except the specific rights, privileges and responsibilities which are granted hereunder to the Trimble County Dog Warden and all peace officers. The Trimble County Fiscal Court, nor any individual member of the Trimble County Fiscal Court, shall have any responsibility or liability for any loss to any person as a result of acts committed by any person to effectuate the terms of this Ordinance. The Trimble County Fiscal Court shall include within their general liability insurance coverage to protect and indemnify the Trimble County Dog Warden against any losses or claims of loss by any person. The fact that the Trimble County Fiscal Court has secured liability insurance and shall include the Dog Warden within the coverage of that insurance does not in any way abrogate or reduce the statutory and common law immunity of the Trimble County Fiscal Court, its individual members or its representatives and agents from claims of damage or loss by any person.

10.) As a means of providing for the proper care and control of any dog seized by the Trimble County Dog Warden or peace officer, the Fiscal Court may from time to time enter into an agreement with another County or City to allow dogs seized in Trimble County to be taken to a dog pound maintained in that other County or City.

11.) The authority and responsibilities granted to the Trimble County Dog Warden and to peace officers under this Ordinance shall be throughout the entire geographic area of Trimble County and shall include the Cities of Bedford and Milton.

12.) The following Definitions shall apply to this Ordinance:

- (a.) **“Dog Warden”** shall mean only the Trimble County Dog Warden.
- (b.) **“Peace Officer”** shall mean any Sheriff, Deputy Sheriff, Constable, City Police Officer, County Police Officer and Kentucky State Police Officer.
- (c.) **“Dog”** means any member of the canine family six (6) months old or older unless the

plain meaning of a clause of this ordinance includes members of the canine family younger than six (6) months of age.

(d.) **“Owner”** means every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him.

(e.) **“Handler”** means every person who has actual control of a dog or who has responsibility to have control of a dog whether or not that person is the owner.

(f.) **“Livestock”** includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, llamas, confined and domesticated hares and rabbits and any and all other animals which have been domesticated and are legally kept as pets or are raised as work animals or for sale at market.

(g.) **“Poultry”** includes all domesticated fowl, all game birds which are legally held in captivity, ostriches, rheas and all other types of birds which are legally kept as pets or are raised for sale at market.

13.) This Ordinance shall be effective immediately upon passage by reading and approval and two Fiscal Court meetings and publication as required by the Kentucky Revised Statutes. The Ordinance shall then be filed in the Ordinance Index maintained by the Trimble County Clerk.

The first reading of this Ordinance was made at the meeting of the Trimble County Fiscal Court held on January 18, 1999 when Michael Dunaway moved approval and Richard Webster seconded the Motion. The question of approval of this Ordinance was called for a vote by the County Judge-Executive and the following members voted in favor of:

Michael Dunaway  
Richard Webster  
Norvel Barnes  
Steven Stark

and the following members voted against: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The second reading of this Ordinance was made at the meeting of the Trimble County Fiscal Court held on February 15, 1999 when Richard Webster moved approval and Norvel Barnes seconded the Motion. The question of approval of this Ordinance was called for a vote by the County Judge-Executive and the following members voted in favor of:

Richard Webster  
Norvel Barnes  
Michael Dunaway  
Steven Stark

and the following members voted against: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This ordinance shall become effective on \_\_\_\_\_, 1999.

PASSED AND APPROVED this 15th day of February, 1999.

Ray Clem  
Ray Clem, Trimble County Judge Executive

Attest: Jerry Powell  
Jerry Powell, Clerk of Fiscal Court

Approved as to form and legality:  
Perry R. Arnold  
Perry R. Arnold, Trimble County Attorney