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CLERK OF COURTS

COMMONWEALTH OF KENTUCKY  
COUNTY OF TRIMBLE  
ORDINANCE NO. 840.2  
AN ORDINANCE RELATING TO AMENDMENTS TO ORDINANCE NO. 840.1  
RE: ANIMAL CONTROL OFFICER

WHEREAS, the Trimble County Fiscal Court enacted an ordinance relating to an Animal Control Officer 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

WHEREAS, KRS 258.195 requires the fiscal court of each county to employ an Animal Control Officer and permits each fiscal court to adopt and enforce regulations relative to animal shelter standards, the naming of persons who shall serve as Animal Control Officer, providing for the fixing of salaries of Animal Control officers and such other matters that may be incidental to efficient and proper operation of the animal shelter 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) Animal Control Officer for the enforcement of requirements under the Kentucky Revised Statutes for the licensing and control of dogs in Trimble County.
- 2.) The Trimble County Animal Control Officer 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 Animal Control Officer for a license for each dog owned or kept by him.
- 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 Trimble County Fiscal Court. The said license shall be void on December 31 following the date it is issued and a new application must

be filed and a new license must be obtained by January 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 Trimble County Fiscal Court 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 Trimble County Fiscal Court. 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. The cost of a tag and license is \$5.00 and is subject to change without notice, with Fiscal Court approval.

5.) In accordance with KRS 258.215; the Trimble County Animal Control Officer 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 Animal Control Officer 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 Animal Control Officer, finds that the dog complained of does not bear a proper tag, the Animal Control Officer shall have no discretion and shall seize and impound the dog if at all possible. If the Animal Control Officer knows who the owner of the dog is, and it is reasonably convenient for the Animal Control Officer to contact the owner of the dog, the Animal Control Officer shall contact the owner and allow the owner an opportunity to catch the dog prior to picking up 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 Animal Control Officer shall pick up the dog by any reasonable and humane means. In an effort to assist the Animal Control Officer in his efforts to seize dogs under this Paragraph the Fiscal Court shall supply the Animal Control Officer with a tranquilizing gun, darts and tranquilizer and the Animal Control Officer 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 proper control of the handler. The Trimble County Animal Control Officer 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 Animal Control Officer or any peace officer finds a dog running at large between the hours of sunset and sunrise, that officer may pick up the dog if it is not accompanied by an owner or handler and under their reasonable control. However the Trimble County Animal Control Officer 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 Animal Control Officer 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 Animal Control Officer or peace officer is able to confirm that the dog complained of is the dog running at large and the Animal Control Officer 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 it all possible the Animal Control Officer 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 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 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 Animal Control Officer 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 Animal Control Officer 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 Animal Control Officer 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 Animal Control Officer 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 shelter maintained in that other County or City.

11.) The authority and responsibilities granted to the Trimble County Animal Control Officer 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.) "Animal Control Officer" shall mean only the Trimble County-Henry County Animal Control Officer.
- ( 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.) In accordance with KRS 258.215 the Trimble County Animal Control Officer 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 of 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.

14.) 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 May 16, 2016 when David Scott moved approval and Nolan Hamilton 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:

Dow McCarty  
David Scott  
Nolan Hamilton

and the following members voted against:

None  
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The second reading of this Ordinance was made at the meeting of the Trimble County Fiscal Court held on June 20, 2016 when David Scott moved approval and Nolan Hamilton 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:

David Scott  
Kenny Green  
Dow McCarty  
Nolan Hamilton

and the following members against:

None  
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This ordinance shall become effective on June 20, 2016.

PASSED AND APPROVED this 20 day of June, 2016.

Jerry L. Powell  
Jerry L. Powell, Trimble County Judge Executive

Attest: Susan Barnes  
Susan Barnes, Trimble County Fiscal Court Clerk