

ORDINANCE NO. **BG2021 - 14**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 5  
(ANIMALS) OF THE CITY OF BOWLING  
GREEN CODE OF ORDINANCES

WHEREAS, the City of Bowling Green regularly reviews the Code of Ordinances to determine if changes need to be made; and,

WHEREAS, the Neighborhood and Community Services Department recommends revisions be made to the Chapter to update the current regulations regarding the keeping and care of animals in the City limits; and,

WHEREAS, the proposed amendments as recommended by City staff are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 5 (Animals) is hereby amended as follows:

5-1.01 Definitions.

As used in this Chapter:

“Animal” shall mean any warm-blooded living creature, except humans.

“Animal Control Officer” shall mean all persons designated by the City as the primary enforcement officers of ordinances regulating animals and owners of animals, and for the enforcement of Sections of the Kentucky Revised Statutes and shall have the same meaning as a Code Official or Code Enforcement Officer.

“Attack” shall mean an unprovoked attack in an aggressive manner on a human that causes a scratch, abrasion, or bruising, or on a domestic animal that causes death or injury that requires veterinary treatment.

“Cat” shall mean any domestic feline three (3) months of age or older for which there exists a

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U.S. Department of Agriculture approved rabies vaccine.

“Code Enforcement and Nuisance Board” shall mean the administrative body created in Chapter 2 of this Code of Ordinances.

“Code Official” shall have the same meaning as a Code Enforcement Officer as set forth in Chapter 2 of this Code of Ordinances.

“Confinement” shall mean:

a. All animals, except puppies and dogs: confinement shall mean on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead, leash, harness, appropriate animal carrier or other reasonable method and under the control of a responsible person.

b. Puppies and dogs: confinement shall mean on the premises of the owner and confined in a secure enclosure or accompanied by the owner on the owner's property and under his direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person, or accompanied by a responsible person into an approved off-leash area and in conformance with all regulations and/or requirements imposed as a condition of utilizing such "off-leash" area.

~~[1. It is prohibited to exclusively restrain a dog or puppy by a fixed point chain or tether. A fixed point restraint may be used temporarily, but not to exceed one (1) hour in a twenty-four (24) hour period.]~~

~~[2. A dog may be exclusively restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level.]~~

~~[3. Any tethering system employed shall not allow the dog or puppy to leave the owner's property.]~~

~~[4. No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.]~~

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~~[5. Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.]~~

~~[6. Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.]~~

c. All livestock: confinement shall mean by a fence in good repair sufficient to prevent the livestock from leaving the owner's property.

d. All ~~[erowing and]~~ non-crowing poultry: confinement shall mean by a fence in good repair, or structure of sufficient height and construction to prevent the poultry from leaving the owner's property. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch.

~~["Cruelty" shall mean: (1) failing to provide adequate food and water; (2) failing to detect the need for or withholding veterinary care; (3) creating or allowing unhealthful living conditions; (4) infliction of pain, injury or death to an animal by striking, beating, dropping, kicking, dragging, choking or by the use of an object or weapon; (5) causing pain, injury or death by means of caustic, flammable, boiling or heated substances; (6) causing suffering, injury or death by suffocation or drowning; and (7) failure to provide health-related grooming.]~~

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#### 5-1.02 License Required.

It is a violation of this Subchapter for any person to own, keep or harbor any dog or cat within the corporate limits of the City without first having paid a license fee thereon as provided for in this Chapter.

#### 5-1.03 Registration; Tag Required.

It shall be the duty of the owner, keeper or harbinger of any dog or cat to register the same each year with and pay the appropriate license fee imposed hereinbelow to the Bowling Green-Warren

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County Humane Society or representative thereof, who shall issue a receipt in the form of a tag of metal or other durable material, having stamped or engraved thereon the registration number and year of registration, and such tag shall be attached to a suitable collar and kept on the dog or cat at all times.

5-1.04 Anti-Rabies Vaccination Required.

Every owner of a dog, cat or ferret three (3) months of age or older shall have it vaccinated against rabies. Any owner of a dog, cat or ferret reaching three (3) months of age shall have such dog, cat or ferret vaccinated by the tenth (10<sup>th</sup>) day after the date the dog, cat or ferret attained such age. The rabies tag supplied with the vaccination shall be affixed by the owner, keeper or harbinger to a collar or harness, or affixed to an enclosure or cage of the dog, cat or ferret. Any person making application for a license for a dog or cat shall be required to present to the Bowling Green-Warren County Humane Society or representative thereof at the time of making such application a certificate issued by a licensed veterinarian showing that the dog or cat has been vaccinated or inoculated with a recognized anti-rabies vaccine.

5-1.05 License Fee and Penalty.

a. There is hereby levied an annual license fee upon the owner, keeper or harbinger of each dog and cat within the corporate limits of the City. The fee for unspayed female or unneutered male dogs or cats shall be forty (\$40.00) dollars, and the fee for all spayed or neutered dogs or cats shall be ten (\$10.00) dollars, which license fee shall cover a one-year period. In addition to the aforementioned license fees, each owner shall also pay the cost of the appropriate tag. Owners of unspayed female or unneutered male dogs and cats shall also be issued a spay/neuter certificate worth a prescribed amount towards the cost of a spay or neuter surgery at the Bowling Green-Warren County Humane Society or participating veterinarians.

b. The license fee shall be due and payable on the first day of July each year or on the first day of the month following the acquisition of the dog or cat, and shall be paid not later than thirty (30)

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days thereafter. If these license fees are not paid at the time herein provided, a penalty of ten (\$10.00) dollars shall be added.

5-1.06 Kennels; Requirements; Fees; Regulations.

a. Upon application to the City of Bowling Green Finance Department, a kennel license may be issued, which shall be in lieu of the separate registration, license or permit of individual dogs or cats. Kennel licenses shall be given only if it is demonstrated to the satisfaction of the Animal Control Officer that the facility where the dogs or cats are to be kept is adequate for such animals. All kennels must comply with applicable zoning regulations, occupational license fees and requirements, health regulations and the operating standards of this Section.

b. All kennels within the City shall be operated in compliance with the following minimum facilities and operating standards:

1. Veterinary care shall be provided for all dogs and cats to maintain good health and general welfare and to prevent suffering.

2. All dogs, cats and ferrets shall at a minimum have current rabies vaccinations.

3. Unless otherwise required by a licensed veterinarian, each dog and cat shall have sufficient space to sit, stand, lie and turn in a normal manner without touching the sides or tops of cages or enclosures and otherwise have freedom of movement.

4. All dogs and cats shall be provided with housing facilities which meet the requirements of this Section and which may consist of an indoor, outdoor or sheltered housing facility, or any combination thereof.

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(g) When dogs are kept on tethers, the tether must be attached to the front of the dog's shelter structure or to a post in front of the shelter structure and must be at least three times the length of the dog, as measured from the tip of its nose to the base of its tail. The tether must allow the

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dog convenient access to the shelter structure and to food and water containers. The tether must be of the type and strength commonly used for the size dog involved and must be attached to the dog by a well-fitted collar or harness that will not cause trauma or injury to the dog. [~~Collars or harnesses made of materials such as wire, flat chains, chains with sharp edges, or chains with rusty or non-uniform links are prohibited.~~] Collars or harnesses made from the following materials are prohibited; metal, wire, flat chains, chains with sharp edges or chains with rusty or non-uniform links. The tether must be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs in the outside housing facility and so the dog can roam to the full range of the tether.

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#### 5-1.07 Poultry Restrictions.

It shall be unlawful for the owners of or those having control of poultry in the City to allow such poultry to run at large or off the premises of those owning or controlling same. Control of all non-crowing poultry shall mean by a fence in good repair or structure of sufficient height and construction to prevent the poultry from leaving the owner's property. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch.

1. No roosters or crowing poultry or pea fowl are allowed in the City limits.
2. A maximum of five (5) non-crowing poultry is allowed per property.

#### 5-1.08 Animal Nuisances Prohibited.

No person shall own, keep or harbor any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owner's, to enjoyment of life or property. The term "animal nuisances" shall include, but is not limited to any animal that:

- a. Barking, [~~Crowing,~~] Howling, Yelping, Whining. Barks, [~~erows,~~] howls, yelps or whines [~~loud enough to be heard beyond the premises of where it is kept or harbored~~], in an excessive,

continuous, or untimely fashion;

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5-1.09 Confinement.

a. Any owner, keeper or harbinger of any animal, regardless of its age, licensed or unlicensed, shall confine such animal as defined hereinabove.

1. When dogs or puppies are kept on tethers, the tether must be attached to the front of the dog's shelter structure or to a post in front of the shelter structure.

2. Tethers must be at least three times the length of the dog, as measured from the tip of its nose to the base of its tail, and have swivels on both ends.

3. The tether must allow the dog convenient access to the shelter structure and to food and water containers.

4. The tether must be of the type and strength used for the size of the dog involved, no chain or tether shall weigh more than 1/8 of the dog or puppy's body weight. It must be attached to the dog by a well fitted collar or harness that will not cause trauma or injury to the dog. Collars made from the following materials are prohibited: metal, wire, flat chains, chains with sharp edges, or chains with rusty or non-uniform links. Choker collars or prong collars shall not be used when the animal is tethered.

5. The tether must be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs.

(a) Any tethering system employed shall not allow the dog or puppy to leave the owner's property or allow the animal to be within 6 feet of an adjoining property line.

b. Any unsprayed female animals in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come into contact with another animal except for a planned breeding.

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c. Any Peace Officer may destroy any unconfined animal. However, a Peace Officer shall be under a duty to make a fair and reasonable effort to determine whether any unconfined animal is dangerous, and whether destroying said animal is necessary for the protection of any person or property. If it is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner or handler, and if the Peace Officer is reasonably sure that the animal is a hound or hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing, worrying or wounding livestock, or wounding, killing poultry or attacking human beings.

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~~[5-1.17 Cruelty to Animals.\*]~~

~~[a. — It shall be unlawful for any person to willingly or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act of omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, except as otherwise provided in this Chapter, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or dangerous animals or trespassing animals.]~~

~~[b. — It shall be unlawful for any person in charge of any animal to fail, refuse or neglect to provide such animal with food, potable water, shade and shelter.]~~

~~[e. — It shall be unlawful for any person intentionally or wantonly to subject any animal to cruel or injurious mistreatment through abandonment, through causing it to train to fight, or to fight for pleasure or profit, through training methods, through mutilation, beating or torturing, through failure to provide adequate food, drink, space or health care, or through any other means.]~~

5-1.17 Care of Animals.

a. It shall be unlawful for any person in charge of any animal to fail, refuse or neglect to provide such animal with food, potable water, shelter or shade, when appropriate.



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5-2 LIVESTOCK

5-2.01 Restrictions; Confinement of Livestock.

a. The raising or keeping of swine and the maintenance of pigpens within the City limits is prohibited, and is hereby declared to be a nuisance and a menace to public health.

b. The keeping or harboring of livestock in the City requires an individual tract, lot or parcel of property to be at least two (2) acres or more.

c. No person shall keep more than two (2) head of livestock on any lot within the City, unless the lot or contiguous tract contains at least four (4) acres and is under the same singular or joint ownership. Two (2) head of livestock, other than swine, may be kept thereon for each acre included therein up to fifty (50) acres, and the lot or tract is otherwise exempted from this Section. Any lot or tract larger than fifty (50) acres shall be entirely exempted from this Section.

d. No livestock of any kind shall be [~~kept~~] housed within one hundred (100') feet of a neighboring residence, church or school in the City.

e. All livestock kept in the City shall be confined on the owner's, keeper's or harborer's premises by a fence in good repair sufficient to prevent the animals from leaving the owner's property. No livestock shall be permitted to go upon or over any sidewalk, upon any grass plot or into the yards, or upon the premises of any person within the City without the consent of the owner or occupant of such premises and the livestock is under the direct control of the owner, keeper or harborer. Livestock found not restrained by a fence in good repair and which present a threat to the public safety may be removed or impounded at the expense of the owner, keeper or harborer.

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5-4 PENALTIES.

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5-4.02 Criminal Penalties.

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a. Dangerous or Vicious Animals: Any person, firm or corporation violating the Section regarding dangerous or vicious animals shall upon conviction thereof be guilty of a misdemeanor and shall be fined not less than fifty (\$50.00) dollars, and not more than two hundred (\$200.00) dollars, or be imprisoned for not less than ten (10) days, and not more than sixty (60) days, or both. Any person found guilty of violating that Section shall in addition to any other penalties, within seven (7) days of that finding also have the dog implanted with a microchip identification, and the person found guilty shall present the animal to the Humane Society for scanning and verification of the microchip and identification number.

b. Biting and Reporting: Any person, firm or corporation violating the Section regarding animal biting and reporting requirements shall be guilty of a misdemeanor and upon conviction thereof be fined not less than ten (\$10.00) dollars, and not more than one hundred (\$100.00) dollars, or be imprisoned for not less than five (5) days, nor more than sixty (60) days, or both. This penalty shall be in addition to all license and impoundment fees charged under this Chapter.

~~[c. Cruelty to Animals: Any person, firm or corporation violating the Section regarding cruelty to animals shall be guilty of a misdemeanor and upon conviction thereof be fined in any sum not exceeding five hundred (\$500.00) dollars or imprisoned for up to one (1) year, or both. This penalty shall be in addition to all license and impoundment fees charged under this Chapter. In addition to any penalties imposed, anyone found guilty of violating that Section shall also be required to relinquish ownership of the animal or animals to the City immediately upon conviction.]~~

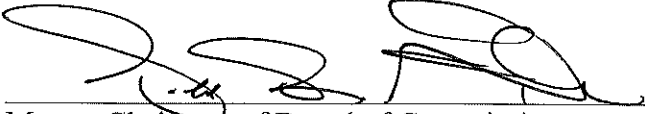
2. The provisions of this Ordinance are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

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4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on April 20, 2021, and given final reading on May 4, 2021, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: May 4, 2021

APPROVED:   
Mayor, Chairman of Board of Commissioners

ATTEST:   
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager