

City of Stanton, Kentucky
ORDINANCE No. 22-001

A COMPREHENSIVE ORDINANCE OF THE
CITY OF STANTON ADDRESSING ANIMAL
REGULATIONS IN THE CITY OF STANTON

WHEREAS, the City of Stanton desires to enact a comprehensive ordinance which encompasses a variety of regulations by the City relative to animals inside the city limits of Stanton; and

NOW BE IT ORDAINED BY THE CITY OF STANTON, KENTUCKY AS FOLLOWS:

Section 1. Definitions.

1. Abandoned. Any animal or animals left more than 24 hours without a person checking on the condition of the animal(s) and providing food and water. Any animal left on private property without the owner's consent or deserted or dumped on public properties or roadways.
2. Animal Control. The department of Powell County which is designated by the Powell Fiscal Court to enforce the provisions of county ordinance and state statutes relating to animals and animal control and to operate the Powell County Animal Shelter.
3. Animal Control Officer. Any person designated by the Powell County Fiscal Court, or otherwise who is qualified to perform duties under the laws and ordinances of the Commonwealth of Kentucky, the County and the City of Stanton. An Animal Control Officer shall be an enforcement officer for the purpose of Animal Control only.
4. City - All public and private areas within the jurisdiction of the City of Stanton.
5. Exotic Animal. A normally undomesticated animal, which is usually found in the wild, is particularly and potentially dangerous to persons and property, or which does not generally live in or about the habitation of humans, including but not limited to, lions, monkeys, deer, coyotes, alligators, crocodiles, apes, giraffes, bears, tigers and wolves or any hybrid thereof.
6. Farm - Any privately owned or leased enclosed, unified tract of property zoned as agricultural per the City of Stanton's zoning ordinance shall be considered a "Farm" for all purposes under this ordinance.

7. Livestock - Cattle, sheep, swine, goats, emus, ostriches, horses or any other animals of the bovine, ovine, porcine, caprine, ratite or equine species.

8. Owner. Any person or legal entity owning, keeping, possessing, harboring or sheltering one or more animals.

9. Public Nuisance - Any animal(s) which:

- (1) Harasses passers-by or passing vehicles;.
- (2) Attacks people or other animals;
- (3) Damages public or private property;
- (4) Is repeatedly at large;
- (5) Makes noise in an excessive, continuous or untimely manner;
- (6) Creates unsanitary conditions; or
- (7) Disturbs the peace, comfort or health of persons in any other manner.

10. Restraint. Enclosed in an area by a form of fencing designed to control the movement of the animal and/or secured by a leash or chain. An animal shall be deemed to be RESTRAINED if it remains on the premises of its owner or if it is accompanied by a responsible person and is under that person's control.

11. Stray. Any animal running at large.

12. Vicious Animal -

- (1) Any animal which constitutes a physical threat to human beings or domestic animals due to a known propensity to endanger life by an unprovoked assault or bite which results in serious bodily harm.
- (2) Any animal which when unprovoked, approaches in a terrorizing manner, any person in an attitude of attack upon streets, sidewalks or any public grounds or places.
- (3) The following are deemed as vicious animals: Pit Bull, Wolf-Hybrid and mixed breed thereof.
- (4) Any animal with a known propensity, tendency or disposition to unprovoked attacks which cause injury or endanger the safety of human beings or domestic animals.
- (5) Any animal owned or harbored primarily or in part for the purpose of fighting with animals.
- (6) It shall be prima facie evidence that an animal is vicious if the animal bites a human being or domestic animal more than once in the same attack.
- (7) An animal shall not be deemed VICIOUS solely because:
 - (a) It bites, attacks or menaces any person assaulting its owner unless by a duly sworn officer in the line of duty; or any person or animal who has tormented or abused it;
 - (b) It is otherwise acting in defense of any attack from a person or other animal upon its owner or another person unless the attack

is justified and by a duly sworn officer in the line of duty; or
(c) It is protecting or defending its young or the young of any other animal.

13. Wild Animal. Any animal not domesticated, not ordinarily tame or which is by nature an animal that lives apart from human beings.

Section 2. Powers of Animal Control

(A) The Powell County Animal Control Officer and any duly authorized and trained representatives of said office, (if, and only if, they otherwise qualify as a peace officer under the laws of the Commonwealth of Kentucky), shall have the powers of a peace officer for the purpose of enforcing animal control laws or ordinances in the city limits of Stanton if they otherwise qualify as a peace officer under the laws of the Commonwealth.

(B) Whenever it is necessary for the Animal Control Officer to make an inspection in order to perform any duty or to enforce any provision of this ordinance or any other applicable state statutes or county ordinance, they are hereby empowered to enter property at a reasonable time and inspect the premises. The Animal Control Officer shall have the power only if the consent of the owner or occupant of the property is freely given, a search warrant is obtained.

(C) All animals of any age which are abandoned or running at large, and found in the city, may be picked up by Animal Control and impounded in the Animal Shelter. Furthermore, animals which are inhumanely treated, as provided for in this ordinance, may be taken into custody by Animal Control and impounded in the animal shelter - pending the filing of criminal charges, the resolution of criminal charges or a criminal investigation..

(D) In the event that any law enforcement officer or Animal Control Officer

witnesses a vicious animal, as defined herein, the animal may be impounded and the owner cited for violation of this ordinance or state statute. If the owner is cited and the animal impounded, the animal shall remain in the custody of the Animal Shelter pending the decision by Powell District Court, (or such other court of competent jurisdiction), unless ownership is voluntarily relinquished to Animal Control.

(E) Any animal observed by a law enforcement officer or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available, in order to protect the safety of the animal.

(F) It shall be unlawful for any person or owner to interfere with, hinder, harass or abuse any officer or individual authorized to enforce the provisions of this ordinance.

Section 3. Humane Treatment of Animals.

(A) It shall be unlawful to abandon any animal.

(B) It shall be unlawful for any person to inhumanely treat any animal, including, but not limited to, the deprivation of necessities, beating, mutilating, torturing, killing, overworking or otherwise abusing any animal. Nothing herein shall prevent Animal Control from humanely euthanizing any animal.

(C) It is unlawful for any person to exhibit, possess, own, display or keep any animal without providing adequate food, water, shelter and protection from the elements, adequate space, reasonable grooming, appropriate ventilation, shade from the sun, proper sanitation, proper care and reasonable medical attention.

(D) Any animal, which is chained, tied or otherwise restrained, shall have no less than ten feet of chain, rope or similar material, with a swivel attached to prevent entanglement. No owner shall allow any animal to be maintained on a rope or chain

that is such that the animal can become entangled in same so as to significantly restrict the free movement of the animal. Any animal restrained in such a manner that the animal's chain, rope or the like allows the animal to leave its owner or keeper's property shall be deemed running at large; provided however, that regardless of any other provision in this ordinance to the contrary, a vicious animal, as defined in this ordinance shall not be permitted to be kept in the manner provided in this section, and shall only be allowed to be kept in accordance with Section 4 below.

(E) It shall be unlawful for any person to keep an animal in an automobile without adequate ventilation in the summer or adequate warmth in the winter. No person shall enclose any animal in the trunk of an automobile. An Animal Control Officer or law enforcement officer shall rescue any animal confined in such a manner.

(F) No person or persons shall expose any poisonous substance, whether mixed with food or not, so that the same shall likely be eaten by an animal - provided that it shall not be unlawful for a person to expose on his or her property, (in a place not ordinarily or easily accessible by other animals such as dogs and cats, common rat poison, mixed only with vegetable substances for the explicit purpose of killing rats or mice on the property of the owner.

(G) No person(s) shall give away any live animal as a prize or for inducement to enter any contest, game or competition, except it shall not be unlawful to give away small fish, not to exceed four inches, as a prize.

(H) It shall be unlawful for any person to crop a dog's ears or tail, except a licensed veterinarian.

(I) It shall be unlawful for the owner, resident, tenant, occupant, or persons

having control or management of any public or private land within the city to permit a public nuisance, health hazard or source of filth to develop thereon, or to permit such to contribute to the material devaluation of surrounding real property. A public nuisance shall include, but is not limited to, the hoarding of pet animals. The "hoarding of pet animals" shall include, but not be limited to the keeping of more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners or others and without constituting a nuisance to the occupants or neighboring properties, characterized by failure to provide proper food, water, shelter, veterinary care and sanitation to the animals and resulting in squalid living conditions for the animals or the keeper and by complaints from neighbors including, but not limited to, mistreated or neglected animals, stench from the property and rodent and insect infestations.

Section 4. Animals to be under Control.

(A) It shall be unlawful for any person to permit any animal owned, possessed or harbored by him or her to run at large. When livestock are running at large, Animal Control or a law enforcement officer shall make reasonable efforts to notify the owner as soon as possible. If reasonable possibly and feasible, the owner of any livestock shall be notified prior to the actual capture and impoundment of the livestock.

(B) The owner of a vicious dog shall:

(1) When a vicious dog is indoors, secure all means of egress so that the dog may not exit;

(2) No person shall permit a vicious dog to go outside of its kennel, pen

or the owner's residence unless such animal is securely restrained with a leash or harness no longer than six feet in length and the leash or lead is physically controlled by a person 18 years of age or older who is in physical control of the leash or harness. Such animals may not be leashed or tethered to inanimate objects such as trees, posts, buildings and the like.

(3) All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed, as provided above. Such pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced in yard by itself is insufficient to meet this standard, unless approved, in writing, by the Animal Control Officer. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground, unless approved, in writing, by the Animal Control Officer. All structures erected to house such animals must comply with all zoning and building regulations, and all such structures must be adequately lighted, ventilated and be of appropriate size to allow the animal confined therein to move around, and must be kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure. When being transported, the animal must be restrained or caged at all times.

(4) All owners of vicious dogs shall allow Animal Control Officers and enforcement agents the freedom to inspect the area as necessary to assure that the health and safety needs of the animals and public are being met.

Section 5. Livestock in City Limits

(A) Swine prohibited within corporate limits. It shall be unlawful to keep swine within the corporate limits of the city at any time during the year.

(B) Poultry, chickens, etc prohibited within corporate limits. Except in districts zoned as "agricultural" by the City of Stanton's Zoning map, it shall be unlawful to keep poultry, chickens, geese, turkeys, ducks, cornish hens, game birds, ostriches, emus, within the corporate limits of the city at any time during the year. No domesticated or undomesticated birds shall be kept in a cage or similar container outdoors in the City limits of Stanton..

(C) Livestock prohibited within corporate limits. Except in districts zoned as "agricultural" per the City of Stanton's zoning ordinance, it shall be unlawful to keep livestock of any kind, including, but not limited to lamas, alpacas, bison, horses, goats, sheep and cattle, within the corporate limits of the city at any time during the year. This section shall not apply to livestock participating in a scheduled parade so long as the livestock is not kept in the city beyond the time span established for the parade or other event.

(D) Rabbits limited within corporate limits. Except in agriculturally zoning districts or properties defined as a farm under this ordinance, it shall be unlawful:

(1) To keep undomesticated rabbits or hares within the corporate city limits at any time during any year;

(2) To keep more than three domesticated rabbits or hares that have not been spayed or neutered as a pet within the corporate city limits at any time during any year; or

(3) To keep domesticated rabbits or hares for sale or consumption within the corporate city limits at any time during any year. Domesticated rabbits or hares maintained as pets must be maintained in such a manner as to eliminate any foul odor being emitted upon property located within the corporate city limits at any time during any year.

(E) Livestock running at large prohibited. It shall be unlawful for any person to suffer or permit any cow, calf, horse, mare, colt, mule, sheep, goat or other such stock owned by such person, or under his or her control, to run at large within the city limits.

Section 6. Exotic Animals. No person shall maintain, possess, harbor or keep an exotic animal or hybrids of exotic animals within the city limits of Stanton.

Section 7. Violation of this Ordinance - Criminal Penalties. Any person convicted of a violation of this Ordinance shall be subject to a fine in an amount not to exceed \$250.00. Each day of violation shall be deemed to be a separate violation.

Section 8. Violation of this Ordinance - Civil Penalties. In addition to the criminal penalties set forth in Section 7, the City may institute a civil action for injunctive relief in the Powell Circuit Court or otherwise. In such an action, it shall be sufficient to allege and prove that a violation of this ordinance has occurred, and it shall not be necessary to allege or prove that any person has been damaged or sustained any loss as a result of any such violation. When the provisions of this ordinance are enforced through civil procedures, the City shall be entitled to its costs, filing fees, service fees

and attorney fees incurred in connection with the institution and maintenance of such a proceeding. The City of Stanton shall likewise be entitled to civil penalties for up to \$100.00 per day, (beginning at such time that written notification is provided to the individual or entity by the City notifying of the violation and instructing the individual or entity to correct said violation), for each day for violation of the terms of this ordinance.

Section 9. Severability. The provision of this ordinance are severable. If any provision , section, paragraph, sentence or part thereof, or the application thereof, shall be found to be invalid, illegal unconstitutional or otherwise unenforceable, such decision shall not affect or impair the remaining provisions of this Ordinance or the enforcement of same.

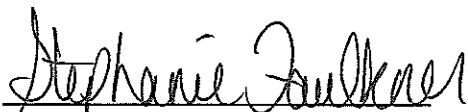
Section 10. Effective Date. This Ordinance shall become effective upon being duly passed by the City Council of the City of Stanton , signed by the Mayor and advertised according to law.

Enacted this the 12th day of May, 2022.



Dale Allen, Mayor
City of Stanton

Attest:



Stephanie Faulkner, City Clerk
City of Stanton

First Reading: 3/10/22
Second Reading: 5/12/22
Signed by Mayor: 5/12/22
Published: _____

