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After a first reading, motion was made by Keith Metcalfe, second by Sam Hutchins, by unanimous vote of the Court, IT IS HEREBY ORDERED that legal notice advertising the second reading and possible adoption of the proposed ordinance be published in The Kentucky Standard in accordance with KRS 424.

HRA CONTRACT RENEWAL

On motion of Bernard Ice, second of Sam Hutchins, and on affirmative vote of Court members Watts, Ice, Hutchins, Lear and Hahn, IT IS HEREBY ORDERED to approve renewal of the HRS (Health Reimbursement Arrangement) contract with BMS, LLC; terms are same as in the past. Magistrate Metcalfe voted against the motion.

FIRE DEPARTMENT

Details regarding a request from the local Fire Department will be looked at for possible future action. Meantime, Fire Chief Marlin Howard expressed gratitude to all agencies who have been involved with helping the departments move forward with their training facility and substation.

ORDINANCE AMENDING ANIMAL CONTROL ORDINANCE (SECOND READING)

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ANIMAL CONTROL, ORDINANCE A-1-94 NELSON COUNTY, KENTUCKY

WHEREAS, the Court held a first reading on May 6, 2014, and after due advertisement held a second reading and adoption on May 21, 2014, and after due consideration,

UPON MOTION OF Bernard Ice, SECONDED BY Jeff Lear,

AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED,

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY:

An Ordinance providing for control of dogs/cats on premises, within county wide, incorporated cities, subdivisions, and areas of high population density for the protection of the public; penalties for violation.

SECTION 1: DEFINITIONS.

ALTER – Surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

ANIMAL – any live vertebrate creature.

ANIMAL CONTROL OFFICER – The officer(s) employed, appointed, and authorized by the County Fiscal Court to primarily enforce the dog, animal and livestock laws of the

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Commonwealth and this Ordinance. An Animal Control Officer shall be designated a peace officer by Nelson County Fiscal Court for the purposes of animal control only.

ANIMAL SHELTER – Any premises designated and operated by the Nelson County Animal Services under the authority of Nelson County Fiscal Court for the purpose of impounding and caring for dogs and cats held under the provisions of this ordinance.

BREED RESCUE AND PLACEMENT ORGANIZATION – A non-profit organization, incorporated in Kentucky or another state, for the purpose of rescue and re-homing of homeless companion animals, including those housed in animal shelters and humane societies.

COMMERCIAL ANIMAL ESTABLISHMENT – Any pet shop, boarding, breeding or grooming facility, auction, petting zoo, performing animal exhibit, training facilities, veterinary clinics or any person engaged in the business of breeding, buying or selling at retail or wholesale, any species of animal for profit;

DANGEROUS DOG – Any dog which, when unprovoked, (1) commits a severe attack upon a human causing serious physical trauma; (2) bites, injures or kills another domestic animal while that animal is restrained in compliance with this Ordinance; (3) approaches in a terrorizing manner, any person in an attitude of attack upon streets, sidewalks, or any public grounds or places or while upon private property not owned by the dog's owner, or (4) has a known propensity, tendency or disposition to unprovoked attacks which endanger the safety of humans or domestic animals.

DOG/CAT – A domestic canine or feline, aged three (3) months or older.

EUTHANASIA – the act of putting an animal to death in a humane manner by methods specified as acceptable for the species by the most recent report of the American Veterinary Medical Association Panel of Euthanasia, subject to the requirement provided by KRS 258.505.

EXOTIC SPECIES – Any animal whose natural habitat is outside of the continental United States, excluding non-venomous reptiles and fish.

FERAL CATS – Wild, untamed, unsocialized cats, unaccustomed to human contact.

HUMANE – Marked by compassion, sympathy, or consideration for animals.

HUMANE SOCIETY – Any organization operating from a fixed site, existing for the purpose of preventing cruelty and inhumane treatment of animals, taking in or accepting strays or unwanted animals.

IMPOUND – The taking into custody of any animal by any Animal Control Officer, law enforcement officer, or any authorized agent thereof.

MULTIPET LICENSE – A single license certificate that authorizes ownership of four or more dogs and/or cats all of which have been sterilized.

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OWNER – Any person, partnership, or corporation or other individual or entity that owns, keeps, harbors a dog/cat referred to herein or anyone who feeds and/or cares for such dog/cat for fifteen (15) consecutive days.

POISON – A substance that through its chemical action can kill, injure, or impair an animal.

QUARANTINE – Humane confinement of an animal for the observation of symptoms of rabies in a secure enclosure which prevents the animal from coming into contact with any other animal or unauthorized human, for a period of ten days from the date the dog/cat bit a person.

RESTRAINED – A dog/cat shall be deemed to be restrained if kept upon the premises of its owner or if accompanied by a responsible person off of the owners premises and kept under that person's control.

UNCLAIMED DOG/CAT – Any dog/cat that is abandoned and/or confined at the Animal Shelter for five (5) days and unclaimed by owner or owner cannot be identified or located.

WILDLIFE – Any animal that by nature lives apart from human beings, is not domesticated or ordinarily tame, or for which there is no USDA-approved rabies vaccine.

SECTION 2: LICENSES

A. ANNUAL LICENSING. Every person possessing or owning a dog/cat in Nelson County shall purchase a license from Nelson County Fiscal Court, or a facility designated by Nelson County Fiscal Court to sell licenses. The cost of a license for an altered (sterilized) pet shall be \$5.00 per year per animal. The cost to license an unaltered cat or dog shall be \$20.00 per year per animal. Owners of 4 or more cats and/or dogs may elect to purchase a multipet license of \$15.00 per year if all animals have been spayed/neutered. A license shall be purchased within 30 days of acquiring a dog or cat 3 months of age or older, or within 30 days of becoming a resident of Nelson County. Annual licenses must be renewed every year before January 31.

B. LIFETIME LICENSE. Effective January 1, 2006, an owner may elect to purchase a lifetime license for his/her pet for a one-time fee of \$30.00. A lifetime license is available only for dogs/cats that have a county-approved microchip implanted. When purchasing a lifetime license, the owner will provide the unique identifying number and the brand of chip so that this information can be entered into the licensing database. Should the ownership of the pet change, or when the animal dies, the licensing office shall be notified.

SECTION 3: INVESTIGATIONS AND CITATIONS.

A. Whenever it is necessary for Animal Control to make an inspection in order to perform any duty or enforce any provision of this ordinance or any other applicable state statute, they are hereby empowered to enter property at a reasonable time and inspect the premises. Animal Control shall have the power only if consent of the owner or occupant of the property is

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freely given, a search warrant is obtained, or such exigent circumstances exist that a warrantless, non-consensual search is required.

B. Nelson County Animal Control Officers shall be authorized to issue uniform citations for any violation of this ordinance. In lieu of a uniform citation, an Animal Control Officer may issue a violation notice, either as a warning or with a stipulated fee. The violation notice will note a compliance date, as well as a waiver of rights to protest such violation in a court hearing. Failure to comply, pay the stipulated fee, or sign the waiver will result in issuance of a uniform citation.

SECTION 4: IMPOUNDMENTS

A. Every dog/cat kept in Nelson County, shall be restrained. Any un-restrained dog/cat found within Nelson County may be taken by an Animal Control Officer or any law enforcement officer to the Animal Shelter.

B. Any animal observed by law enforcement or an Animal Control Officer to be in immediate danger of death or serious injury may be removed from such situation by the quickest and most reasonable means available.

C. Animals found in cruel, abusive, or neglected situations as defined in this Ordinance or animals that have been abandoned may be promptly impounded if no immediate contact with a responsible person can be made, provided, however, that the Animal Control Officer shall leave written notice stating the location of the animal and the reason for impoundment.

D. Any dog/cat so taken shall be confined in a humane manner not less than five (5) days, unless claimed by the owner. If the owner can be identified and/or located, an Animal Control Officer shall immediately make a reasonable effort to notify such owner to reclaim the impounded dog or cat. If said dog/cat is not claimed by the owner within five (5) days, it may be euthanized or placed for adoption through the Humane Society of Nelson County or transferred to any qualified rescue and placement organization authorized to accept such dogs/cats by the Nelson County Judge-Executive or his/her designee. All dogs/cats adopted from the Animal Shelter shall be surgically altered to prevent breeding.

E. If an impounded dog/cat has an injury, illness, or condition causing severe pain or distress, to the extent that the usual holding period would be inhumane, the dog/cat may be immediately euthanized. Feral cats, because of the psychological stress of confinement, may fall into this category.

F. Notwithstanding the holding periods set out above, quarantined animals must be held ten days from the date the bite occurred. If the animal has an injury or physical condition which causes it to suffer, it may be immediately euthanized pursuant to KRS 258.215. If the animal

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dies or is euthanized while in quarantine, it shall be tested for rabies.

G. For the first impoundment, an owner reclaiming a dog or cat shall pay a fee of \$25.00; if the dog or cat has been surgically altered, the fee shall be waived. If the same animal is impounded a second time the fee will be \$50.00. To reclaim an animal that has been impounded three or more times, the fee is \$200 each time. The owner may also be required to pay \$10 per day board fees for each day the dog/cat is impounded. Purchase of a current license shall be required before any impounded dog/cat is released to an owner who resides in Nelson County.

H. In accordance with KRS 258.215, upon reclaiming an impounded cat, dog, or ferret, the owner shall show proof of a valid rabies vaccination. If proof of the vaccination cannot be provided, the owner shall provide proof of rabies vaccination within ten (10) days to avoid a violation notice and penalty.

I. The duration of the usual 5-day impoundment period may be extended for thirty (30) days at a time in situations where a court proceeding involving the impounded dog(s)/cat(s) is pending and the owner refuses to voluntarily relinquish ownership. In such situations, the owner must post cash to the Nelson Circuit Court Clerk in an amount to be determined by the Court, but no less than \$25 for the initial impoundment and an additional \$10 per day for each day of confinement, plus an amount sufficient to reimburse the County for reasonable expenses, including any necessary veterinary care. If the owner chooses, he may follow this same process each thirty (30) day period until the case has been adjudicated. Upon a plea or finding of guilt to any charges involving the animals, the cash shall be paid to Nelson County Fiscal Court, and the animal(s) shall become the property of the Nelson County Animal Shelter. Upon a finding of innocence, the cash posted shall be returned to the owner upon order of the Court. The owner shall post the cash within 24 hours of a hearing before a District Court Judge, in which that Judge finds probable cause for the charge.

SECTION 5: CONFINEMENT OF DOGS/CATS WHEN IN HEAT

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

SECTION 6: NUISANCE.

Each owner shall exercise proper care and control of his dog or cat so as to prevent the following actions by them: excessive, continuous, or untimely barking or howling; molesting of passersby; attacking other domestic animals; trespassing upon school grounds; trespassing upon private property; or damaging of property of any nature.

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SECTION 7: WILD AND EXOTIC ANIMALS

It shall be unlawful to sell, own, harbor, or keep as a pet any wildlife or exotic animals, unless appropriate state and federal permits have been obtained.

SECTION 8: HUMANE TREATMENT OF DOGS/CATS

A. No owner shall fail to provide his dog/cat with good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering. All owners shall maintain a clean and healthful living area free of accumulated waste and debris so that the dog/cat shall be able to walk or lie down without coming into contact with such waste. If any dog/cat is restrained by a chain, leash, or similar restraint, such restraint shall be no less than 10 feet long and be designed to prevent the animal from entangling, choking or strangling itself. Commercial animal establishments, breeding facilities, and humane societies and animal rescues and placement organizations are considered "owners," and shall meet the same requirements for humane treatment.

B. No person shall crop a dog or cat's ears or tail unless such person is a licensed veterinarian.

C. No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise chase any dog/cat or cause or permit any dog/cat fight or other combat between animals and dogs/cats.

D. No owner or person charged with a dog/cat's care shall abandon a dog/cat, abandonment consisting of:

1) leaving a dog/cat for a period in excess of 48 hours without providing for someone to feed, water and check on the dog's/cat's condition. In the event that a dog/cat is found so abandoned, such dog/cat may be taken by an Animal Control Officer, (or Law Enforcement Officer) and impounded in the Nelson County Animal Shelter. Such dog/cat if taken from private property, shall be kept for not less than five (5) days with the same procedure otherwise to be followed as in Section 4 (Impounding).

2) leaving a dog/cat by a roadside or other public area.

3) leaving a dog/cat on either public or private property without the property owner's consent.

E. No person shall place any poisonous substance which may be harmful to a dog/cat as described herein in any location where it may be readily found and consumed by any such dog/cat.

SECTION 9: DANGEROUS DOGS.

A. The owner of any dog determined to be a dangerous dog by the Animal Control Officer, shall be required to purchase a permit of \$100.00 from Nelson County Fiscal Court.

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Dangerous dogs shall be contained in an enclosed fence with a height of at least 8 feet or in a secure kennel with attached roof.

B. No owner of (a) dangerous dog(s) may transfer ownership or the location where the animal is contained, without notifying Animal Control. Permits to keep dangerous dogs are not transferable.

C. The owner of a dangerous dog shall have a micro chip for permanent identification placed in the dog at the owner's expense.

SECTION 10: PENALTIES.

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall upon conviction, be punished by a fine of not less than \$10.00 nor more than \$200.00 or be imprisoned for not less than five (5) days nor more than sixty (60) days, or both so fined and imprisoned. If any violation is continuous, each day's violation shall be deemed a separate violation. In lieu of the penalties provided herein, when a violation notice is issued, the Animal Control Officer may assess a civil penalty not less than \$10.00 nor more than \$200.00. All civil penalties shall be paid to the Nelson County Fiscal Court.

SECTION 11: CONFLICT.

All Ordinances in conflict herewith are repealed to the extent of such a conflict.

In the event, any part of this Ordinance is construed to be in conflict, abate or abridge any Kentucky Revised Statute, then the more restrictive construction shall be applicable.

SECTION 12: EFFECTIVE.

This Ordinance shall become effective immediately after its passage and publication as required by law.

Adopted this 21 day of May, 2013, by 5 ayes and 0 nays.

NELSON FISCAL COURT

County Judge/Executive

ATTEST:

Nelson County Court Clerk

DEPARTMENT REPORTS

**ROAD DEPARTMENT

On motion of Jeff Lear, second of Keith Metcalfe, by unanimous vote of the Court, IT IS HEREBY ORDERED to award contract for Hibbs Ln. culvert replacement to low bidder, Hornback Construction Co., Inc. Bid report follows: