

Calloway County Fiscal Court – Animal Control Ordinance



COMMONWEALTH OF KENTUCKY

CALLOWAY COUNTY FISCAL COURT

AN ORDINANCE PROVIDING FOR ANIMAL CONTROL CONSISTENT WITH KENTUCKY REVISED STATUTES AND ESTABLISHING A TRAP-NEUTER-VACCINATE-RETURN (TNVR) PROGRAM FOR COMMUNITY CATS.

WHEREAS, the Calloway County Fiscal Court is authorized under KRS 67.083 and KRS Chapter 258 to provide animal control services, employ Animal Control Officers, and establish and maintain an animal shelter; and

WHEREAS, counties may enact local ordinances that supplement, but do not supersede or conflict with Kentucky Revised Statutes; and

WHEREAS, it is the intent of the Calloway County Fiscal Court to ensure public safety, animal welfare, and legally compliant animal control operations by establishing local provisions that supplement, but do not duplicate or conflict with Kentucky law;

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. DEFINITIONS

For purposes of this Ordinance, the following words shall have the meanings set out below unless the context clearly requires otherwise:

Animal means a dog, cat, or other domesticated animal subject to animal control regulation under KRS Chapter 258.

Animal Control Officer (ACO) means an individual employed, appointed, or contracted by Calloway County and authorized to enforce animal control laws and ordinances pursuant to KRS 258.195.

Animal Shelter means a facility operated by or on behalf of Calloway County for the impoundment, care, and disposition of animals in accordance with KRS Chapter 258.

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County-Owned Animal means an animal whose ownership has lawfully transferred to Calloway County through surrender, abandonment, expiration of a statutory holding period, or other means authorized by Kentucky law.

Privately Owned Animal means an animal that remains under the legal ownership of a person and has not lawfully transferred ownership to Calloway County.

Community Cat means a free-roaming cat without a readily identifiable owner, including feral cats, that may be managed through an approved Trap–Neuter–Vaccinate–Return (TNVR) program.

Community Cat Caretaker means a person who provides food, water, shelter, or TNVR-related care to a community cat. Providing such care alone does not constitute ownership or harboring of the cat.

Vicious Dog means a dog that has been declared vicious by a court of competent jurisdiction pursuant to KRS 258.235.

SECTION 2. IMPOUNDMENT AND DISPOSITION

Animals may be seized, impounded, held, reclaimed, transferred, adopted, or otherwise disposed of by Animal Control Officers in accordance with KRS 258.215 and other applicable provisions of Kentucky law.

SECTION 3. EUTHANASIA AUTHORITY

Animal Control Officers and peace officers may humanely destroy an animal when immediate action is authorized by Kentucky law, including when an animal poses an imminent threat to public safety, cannot be safely seized, or is suffering due to injury or condition.

County-owned animals may be humanely euthanized when authorized by Kentucky law, including following statutory holding periods or when necessary, due to animal health, behavior, welfare, population management, or the safe and humane operation of the Animal Shelter. Euthanasia shall be performed only by a licensed veterinarian or a certified animal euthanasia specialist acting within applicable state and federal law.

Nothing in this Ordinance shall be construed to require Calloway County, the Animal Shelter, or any County employee to euthanize a privately owned animal pursuant to a court order. Any court-ordered euthanasia of a privately owned animal shall be carried out by a licensed veterinarian acting under independent legal authority.

SECTION 4. DANGEROUS AND VICIOUS DOGS

When an Animal Control Officer has reasonable cause to believe a dog poses an immediate threat to public safety, the Officer may direct the owner or person in control of the dog to immediately restrain or secure the dog at the time of contact to prevent imminent harm.

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Any ongoing or extended restrictions affecting a dog shall be pursued through court action in accordance with KRS 258.235.

Only a court of competent jurisdiction may declare a dog vicious.

SECTION 5. COMMUNITY CAT MANAGEMENT (TNVR)

Trap–Neuter–Vaccinate–Return (TNVR) is recognized as the preferred method for managing the population of community cats in Calloway County.

Community cats may be humanely trapped, sterilized, vaccinated, ear-tipped for identification, and returned to their original location as part of a TNVR program.

Community cats participating in a TNVR program shall not be treated as stray or at-large animals for enforcement purposes.

A person who provides food, water, shelter, or TNVR-related care to a community cat shall not be deemed the owner or harbinger of the cat solely by providing such care.

Nothing in this section shall prohibit enforcement actions necessary to protect public health or safety or as otherwise required by Kentucky law.

SECTION 6. ENFORCEMENT

This Ordinance shall be enforced through citation or complaint consistent with Kentucky law.

SECTION 7. PENALTIES

Violations shall be enforced as provided by Kentucky Revised Statutes, including KRS Chapter 258, and may be prosecuted through citation or complaint as permitted by law.

SECTION 8. CONSTRUCTION

This Ordinance shall supplement and be interpreted in a manner consistent with Kentucky Revised Statutes Chapter 258, Chapter 321, and applicable administrative regulations. This Ordinance shall not be construed to supersede or conflict with state law, and in the event of any inconsistency, Kentucky law shall control. Nothing in this Ordinance shall be construed to create a local administrative appeal process; judicial review, where available, shall occur only as provided by Kentucky Revised Statutes, and this Ordinance shall not delay or suspend any action authorized by KRS.

SECTION 9. SEVERABILITY AND EFFECTIVE DATE

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If any provision is invalid, the remainder shall remain in effect.

This Ordinance shall become effective upon passage and publication as required by law.

INTRODUCED AND GIVEN FIRST READING on the 22 day of April, 2014.

GIVEN SECOND READING AND ADOPTED on the ____ day of _____, 20__.

Kenneth C. Imes

Calloway County Judge/Executive

MEMBERS OF FISCAL COURT:

Don Cherry

Paul Rister

Larry Crutcher

Ricky Stewart

ATTEST:

County Clerk / Fiscal Court Clerk