

CITY OF BURNSIDE
ORDINANCE 2017-014

**AN ORDINANCE AMENDING ORDINANCE NO. 840.1
RELATING TO DOGS RUNNING AT LARGE WITHIN CITY LIMITS
AND THE PREVENTION OF CERTAIN NUISANCES**

WHEREAS, it is the desire of the City Council of the City of Burnside, Kentucky to make certain amendments to Ordinance No. 840.1, published the 9th day of April, 1982, to reflect changes in the law.

NOW THEREFORE be it ordained by the City Council of the City of Burnside as follows:

SECTION 1. REGISTRATION OF DOGS REQUIRED

- ~~(a) It shall be unlawful for any person or group to keep, harbor, or own any dog within the City of Burnside, Kentucky, without first having paid a yearly license fee of One Dollar and Fifty Cents (\$1.50) thereon.~~
- ~~(b) The license shall cover a period from July 1 to June 30, or any part hereof. This fee is due and payable on the first day of July of each year or on the first day of the month following acquisition of the dog.~~
- (a) It shall be the duty of the keeper, harborer or owner to register the same with the County Dog Warden who shall issue a receipt therefore in the form of a tag or metal or other durable material, having stamped or engraved thereon the registration number the year of registration; and it shall be the duty of the keeper, harborer or owner to attach such tag to a collar and to keep it on the dog at all times.

SECTION 2. PUBLIC NUISANCES PROHIBITED

No person shall keep, harbor or own any dog which shall do any one or more of the following objectionable actions, each of which is hereby declared to be a public nuisance:

- (a) Incessantly barks, howls, yelps, or whines loud enough to be heard beyond the premises of where it is kept or harbored.
- (b) Habitually goes upon any property or premises not owned or occupied by the person who keeps, harbors or owns said dog.
- (c) Habitually turns over or gets into garbage cans or milk containers, or damages shrubbery and items of personal property, located on any premises other than those owned by the person who keeps, harbors, or owns said dog.

- (d) When not on the property of its owner or keeper, habitually runs at, jumps upon, chases, barks at, bites at, or in any way frightens, molests, or scares any child or adult other than the one who keeps, harbors or owns said dog and the members of his immediate family.
- (e) Chases, attacks, or kills any other dog, any livestock or other animal besides those owned by the person who keeps, harbors, or owns said dog.
- (f) Bites any person on sidewalks, streets or any property other than that of its owner or keeper.
- (g) Creates noxious or offensive odors
- (h) Causes or allows a dog to defecate without permission of the property owner upon any public place or upon premises not owned or controlled by the owner **unless promptly removed** by the animal's owner.
- (i) Causes, allows, or creates an unsanitary condition or insect breeding site due to accumulation of excreta or filth.
- (j) DEFINITIONS:
 - a. "Habitually" in this document means three or more times during any one thirty (30) day period.
 - b. "Keep or Harbor" in this document means to habitually allow the dog the remain, or to lodge, or to be fed, within his home, yard, building or enclosure or on his premises.
 - c. "Dog" in this document means any member of the animal species canis familiars, regardless of age.
 - d. "Owner" in this document means each and every person having a right of property in a dog, or who keeps or harbors a dog, or who has a dog in their care, acts as a custodian of a dog, or permits a dog to remain on or about any premises occupied by them.

SECTION 4. RECLAIMING OR BUYING IMPOUNDED DOGS

- (a) Any licensed dog may be reclaimed by its owner upon paying a redemption fee of Two Dollars (\$2.00) for the first redemption and Ten Dollars (\$10.00) for any subsequent redemption of the same dog; a veterinarian fee for anti-rabies vaccination in absence of proof of vaccination for current year; and the costs of boarding and keeping.
- (b) Any unlicensed dog may be claimed by its owner by paying a redemption fee of Two Dollars (\$2.00); a license fee, a veterinarian fee for anti-rabies vaccination in the absence of proof of vaccination for the current year; and the cost of boarding and keeping.

- (a) Any dog not claimed within seven (7) days after pickup may be sold for the accumulated costs detailed in parts "a" and "b" of this section.

SECTION 5. ENTICING DOG FROM OWNER

- (a) It shall be unlawful for a person to entice a dog from the yard or enclosure of its keeper or owner for the purpose of causing it to be impounded, or to remove a muzzle, collar, license tag or chain without the consent of the keeper or owner thereof.
- (b) Any person who shall violate this Section, upon conviction ~~shall~~ may be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense, and this fine ~~shall~~ may be in addition to any court costs.

SECTION 7. PENALTY

Any person, firm or organization violating any of the provisions of this ordinance, excluding Sections Four and Six or receiving a summons (referred to in Section Three), ~~shall may, upon conviction thereof, receive a warning for a first offense, a fine of Twenty Five Dollars (\$25.00) for a second offense, and Fifty Dollars for a third or subsequent offense be fined not less than Five Dollars (\$5.00) Nor more than Fifty Dollars (\$50.00) for each offense, and each individual violation shall be reset/removed after the period of two years this penalty shall be in addition to all court costs and to all costs which may be charged under Section Seven.~~

Effective Date of Ordinance Provisions.

This Ordinance shall take effect immediately after its Passage and Publication as required by law.

Cass M. Jones

[Signature]

Mayor
City of Burnside

Attest
Clerk, City of Burnside

First Reading 11/06/17

Second Reading 12/04/17

Date of Publication 12/13/17

Publication: Commonwealth Journal