

COUNTY OF ADAIR
ORDINANCE NO _____

AN ORDINANCE ESTABLISHING STANDARDS FOR THE PURCHASE
OF DOG AND KENNEL LICENSES AND TO THE CONTROL OF DOGS AND
CATS.

WHEREAS, numerous citizens in Adair County, Kentucky have complained to the Adair County Fiscal Court about citizens acquiring and housing an overabundance of dogs and cats in all areas of the county and creating a nuisance.

WHEREAS, the Adair County Fiscal Court recognizes the rights of citizens to possess and to keep dogs and cats, it further recognizes the rights of citizens to enjoy the peace and quietude of their property, free from any nuisance created by a large number dogs and cats.

WHEREAS, the Adair County Fiscal Court has determined that there is a legitimate and necessary need to limit the number of dogs and/or cats a resident may own, maintain, keep or possess without a kennel license to ten (10) dogs per household and ten (10) cats per household or a combination of dogs and cats to ten (10) per household.

WHEREAS, the Adair County Fiscal Court finds that is appropriate and necessary to establish standards for dog kennels and cat kennels a/k/a a cattery in Adair County, Kentucky.

NOW THEREFORE,

DEFINITIONS:

For the purpose of this ordinance, the following definitions shall apply unless the Context clearly indicates or requires a different meaning.

AGRICULTURAL PROPERTY. Any tract of land, including all income-producing improvements of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products, and/or the growing of tobacco and/or other crops including timber.

ANIMAL CONTROL OFFICER. Person(s) employed by the Adair County Fiscal Court to enforce the provisions of KRS Chapter 258, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, and the provisions of this chapter.

ANIMAL SHELTER. Any premises designated or operated by the Fiscal Court of Adair County for the purpose of impounding and caring for dogs held under the authority of this chapter and to provide quarantine for dogs and cats presented to the shelter when quarantine by the owner is not feasible.

BOARDING KENNEL or CATTERY. Any establishment where dogs, cats, puppies, or kittens are kept for the purpose of boarding for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for treatment, diagnostic, or recuperative purposes, or for grooming.

CAT. Any feline four months of age or older.

COMMERCIAL KENNEL. Any establishment where dogs, and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying, selling or boarding of the animals.

DOG. Any domestic member of the canine family four months of age or older.

DOG KENNEL. An establishment, being a building, pen, or similar construction, made out of metal, wood, concrete, chain link, or similar construction from which a dog cannot escape or stray, the floor being constructed of an impervious nature as to facilitate the washing and removal from same of waste or other debris created by the animal(s) or its care; the kennel shall provide at least twenty-five (25) square feet of surface for each dog, kept or to be kept in the same.

KITTEN. Any feline younger than four months of age.

LICENSE FACILITY. The Adair County Judge Executive's Office located in the Adair County Annex Building at 424 Public Square, Suite 1, Columbia, Kentucky

OWNED CAT. Any cat this is a companion to a person, is regularly fed and sheltered in or on that same person's property.

OWNED DOG. Any dog this is a companion to a person, is regularly fed and sheltered in or on that same person's property.

OWNER. When applied to the proprietorship of a dog/puppy or cat/kitten, includes every person having a right of property in the dog or cat and every person who keeps or harbors a dog or cat or has it in his or her care, or permits it to remain on or about premises owned or occupied by him.

PUPPY. Any domestic canine younger than four months of age.

QUALIFIED PERSON. A person granted a permit by the Secretary for Health Services to vaccinate his or her own dog against rabies.

VETERINARIAN. A licensed practitioner of veterinary medicine.

**BE IT ORDAINED BY THE FISCAL COURT OF ADAIR COUNTY,
COMMONWEALTH OF KENTUCKY:**

Standards for Kennels in Adair County, KY.

All Kennels within Adair County shall be operated in compliance with the following minimum facilities and operating standards:

- (a) Veterinary care shall be provided for all dogs and cats to maintain good health and general welfare and to prevent suffering.
- (b) All dogs and cats shall, at a minimum, have current rabies vaccinations.
- (c) Unless otherwise required by a licensed veterinarian, each dog and/or 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.
- (d) Housing facility - means any premises, shed, barn, building, trailer, or other structure or area housing or

intended to house dogs or cats. All dogs and/or 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.

1. Housing facilities must be kept in good repair, and they must protect the dogs and/or cats from injury, contain them securely, and restrict other animals from entering.

2. The surfaces of housing facilities, including houses, dens, and other furniture-type fixtures and objects within the facility, must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs and/or cats must:

- (A) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and
- (B) Be free of jagged edges or sharp points that might injure the dogs and/or cats.

3. Indoor housing facility- means any structure or building with environmental controls housing or intended to house dogs and/or cats. Indoor housing facilities must provide adequate protection against weather extremes and must comply with the following requirements:

(A) Floors, walls and roofs of structures and runs must be of impervious material. Floors must be metal, fiberglass, concrete or covered throughout with a minimum depth of three (3) inches of gravel.

(B) Be sufficiently ventilated when dogs and/or cats are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is eighty-five degrees Fahrenheit (85°F) or higher.

(C) Be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and/or cats.

4. Sheltered housing facility means a housing facility which provides the dogs and/or cats with shelter, protection from the elements and protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building or of connecting outside runs or pens with inside pens in a totally enclosed building.

(A) Dogs and/or cats kept in sheltered housing facilities must be provided with adequate shelter from the elements at all times to protect their health and well-being.

(B) The following areas in sheltered housing facilities must be impervious to moisture:

(i) Outdoor floor areas in contact with the dogs and/or cats, when the floor areas are not exposed to the direct sun or are made of a hard material such as wire, wood, metal, or concrete; and

(ii) All walls, boxes, houses, dens, and other surfaces in contact with the dogs and/or cats.

5. Outdoor housing facility means any structure, building, land, or premise, housing or intended to house dogs and/or cats, which does not meet the definition of any other type of housing facility provided in this section, and in which temperatures cannot be controlled within set limits.

(A) Outdoor housing facilities must include one (1) or more shelter structures that are accessible to each dog and/or cat. In addition, one or more separate outside areas of shade must be provided, large enough to contain all the dogs and/or cats at one time and protect them from the direct rays of the sun. Shelters in outdoor housing facilities must meet the definition in section 4-2 for adequate shelter.

(B) Building surfaces which come into contact with dogs and/or cats in outdoor housing facilities must be impervious to moisture. Metal barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures.

6. Primary enclosure means any structure or device used to restrict a dog and/or cat to a limited amount of space, such as a room, pen, run, cage, compartment or hutch. Primary enclosures must be constructed and maintained to meet the following minimum requirements:

(A) Be designed and constructed of suitable materials so that they are structurally sound and be maintained in good repair;

(B) Protect the dogs and/or cats from injury;

(C) Contain the dogs and/or cats securely and keep other animals from entering the enclosure;

(D) Enable the dogs and/or cats to remain dry and clean;

(E) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs and/or cats;

(F) Provide sufficient shade to shelter all the dogs and/or cats housed in the primary enclosure at one time;

(G) Provide all the dogs and/or cats with easy and convenient access to clean food and water;

(H) Enable all surfaces in contact with the dogs and/or cats to be readily cleaned and sanitized or be replaceable when worn or soiled;

(I) Have floors that are constructed in a manner that protects the dogs' and/or cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and/or cats' feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of wire, a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably must be provided;

(J) Provide each female with nursing puppies or kittens with an additional amount of floor space, based on her breed and behavioral characteristic, and in accordance with generally accepted husbandry practices as determined by a licensed veterinarian; and

(K) Dogs that are housed in the same primary enclosure must be compatible, as determined by observation, with the following restrictions:

(i) Not more than ten (10) adult dogs and/or cats maybe housed in the same primary enclosure;

(ii) Females in heat (estrus) may not be housed in the same primary enclosure with sexually mature males, except for breeding purposes.

(iii) Any dog and/or cat exhibiting or known to have a vicious or overly aggressive disposition must be housed separately;

(iv) Puppies and/or kittens four (4) months of age or less may not be housed in the same primary enclosure with adult dogs and/or cats, other than their dams or foster dams, except when permanently maintained in breeding colonies;

(v) Such housing must not adversely affect the health or the well-being of the dog and/or cat, in the opinion of a licensed veterinarian; and

(vi) Dogs and/or cats that have or are suspected of having a contagious disease must be isolated from healthy dogs and/or cats in the colony. When an entire group or room of dogs and/or cats is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

7. When begin housed at a kennel, any dog and/or cat that 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 twelve (12) feet in length. The tether must allow the dog and/or cat 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 and/or cat involved and must be attached to the dog and/or cat by a well-fitted collar or harness that will not cause trauma or injury to the dog and/or cat. 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. The tether must be attached so that the dog and/or cat cannot become entangled with other objects or come into physical contact with other dogs and/or cats in the outside housing facility and so the dog and/or cat can roam to the full range of the tether.

(e) Kennel owners and operators must develop, document, and follow an appropriate plan to provide dogs and/or cats with the opportunity to exercise. The plan must be made available to any animal control officer or the designated license facility on request.

(f) Feeding and watering- Adequate food and water shall be provided in accordance with the definitions set forth for those terms in section 4-2. Food and water receptacles shall be readily accessible to all dogs and/or cats, and shall be located so as to minimize contamination by excreta or pests, and be protected from rain and snow.

(g) Excreta and food waste must be removed from primary enclosures daily and from under primary enclosures as often as necessary to prevent an accumulation of feces and food waste, to prevent soiling of the dogs and/or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

8. It shall be unlawful to establish, operate, or cause to be operated a Kennel in Adair County unless said Kennel is at least:

(a) A 1,000 feet from any parcel occupied by another Kennel, that is licensed by the Adair County Board of Adjustments;

(b) For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the nearest property line of the parcel upon which the Kennel is situated to the nearest property line of the use(s) identified in subsections 8(a) - 8(c) above.

9. All kennel license applicants shall submit to the Adair County Fiscal Court, a diagram and a written plan for the structures that the applicant intends to use or build to house all dogs and/or cats on the real property. All applicants shall provide a written statement to the Adair County Fiscal Court detailing the number of dogs and/or cats it plans to maintain and the number of dogs and/or cats that will be housed in any structure or structures on the real property.

10. The Adair County Fiscal Court shall be permitted to limit the number of dogs and/or cats a kennel license holder may possess or maintain on their real property.

11. The Adair County Fiscal Court shall possess all other powers provided to it under KRS 100, in making its decision on whether to issue a kennel license and a conditional use permit to all kennel license applicants.

12. The Adair County Fiscal Court shall limit the number of kennel licenses per household to one (1).

13. Once approved and issued by the Adair County Fiscal Court said kennel license shall be renewed annually. Every year, on or before July 1) every kennel owner is required to submit updated diagram and a written plan for the structures that the applicant currently uses and any additional buildings the owner plans to build to house all dogs and/or cats on the real property. All applicants shall provide a written statement to the Adair County Fiscal Court detailing the number of dogs and/or cats it plans to maintain and the number of dogs and/or cats that will be housed in any structure or structures on the real property for the upcoming year.

14. Kennel owners understand that by applying and being approved for a kennel license the owner is authorizing and granting permission for the animal control officer and/or parties authorized by the Adair County Fiscal Court access to said kennel for inspection.

EXEMPTIONS

Agricultural Property is excluded from this Ordinance.

COMPLAINT PROCEDURES

(A) It shall be the duty of the Adair County Fiscal Court or Nuisance Committee Members of the Adair County Fiscal Court or other responsible person designated by the Adair County Judge Executive after a complaint is filed with the Adair County Judge's Office to serve or cause to be served a notice by two (2) certified mail attempts or by Sheriff upon the owner or occupant of any premises on which there is kept or maintained a number of dogs and/or cats that are in violation of the provisions of this ordinance and to require the owner of the dogs and/or cats to apply for a kennel license with the Adair County Fiscal Court within fourteen (14) days. If the whereabouts of the person or persons is unknown and cannot be located, a copy of the notice shall be posted in a conspicuous place on the premises affected by the notice and it shall be recorded in the office of the County Clerk.

(B) Notice shall be served upon persons by First Class US mail by two separate attempts by certified mail, or in

person by the Sheriff, at their last known address on file in the County Property Valuation Administration Office to which the most recent tax bill was mailed. If the owner does not reside upon the property, a copy of the notice shall be mailed to the owner by First Class US Mail by two separate attempts by certified mail to the owner's last known address. Should the certified mail be returned and not served the Adair County Fiscal court shall cause the advertisement on two consecutive weeks in the local newspaper the violation which the property owner has created and post said violation on the property for a period of seven (7) days.

(C) If the owner or occupant against whom the complaint was made wishes to dispute ownership of animals, the owner shall provide a written statement to the Adair County Fiscal Court stating the reasons for their disputing said claims. Nuisance Committee Members of the Adair County Fiscal Court or other responsible person designated by the Adair County Judge Executive shall visit the property in dispute and to inspect the property in question to verify that the complaint was warranted and that the owner has no kennel license.

(D) If the person so served does not apply for a kennel license within the prescribed amount of time, or additional time as allotted by the Nuisance Committee Member of the Adair County Fiscal Court, the county shall file a complaint noting the violation. Citation authority for the provisions of this ordinance is hereby granted to the Adair County Fiscal Court Nuisance Committee member, and any sworn police officer to enforce the provisions of this ordinance. Citations may also be issued by any sworn police officer for the enforcement of the provisions of this ordinance or by a criminal complaint.

PENALTY

(a) Any person who violates this ordinance shall be fined not less than \$10 nor more than \$100. Each day of violation shall constitute a separate offense.

(b) Any person violating or failing or refusing to comply with this ordinance shall, upon conviction, be fined not less than \$5 nor more than \$100, or be imprisoned in the county jail for not less than 5 nor more than 60 days, or both.

(c) Any person violating any other provision of this chapter shall be deemed guilty of a Class B misdemeanor and shall upon conviction, be punished by a fine not to exceed \$250, or be imprisoned in the county jail for a period not to exceed 90 days, or both. Each day a violation continues shall constitute a separate offense.

EFFECTIVE DATE

Any ordinance or law in conflict with this ordinance is hereby repealed and of no effect.

This Ordinance shall become effective _____,

ADOPTED BY THE FISCAL COURT OF ADAIR COUNTY, KENTUCKY, AT ITS REGULAR MONTHLY MEETING, THE _____ DAY OF _____, 2021.

GALE COWAN, ADAIR COUNTY
JUDGE EXECUTIVE

ATTEST: _____

CLERK, _____

Date of First Reading: _____

Date of Second Reading: _____

Publication Date: _____