

CHAPTER 91: ANIMALS

Section

- 91.01 Definitions
- 91.02 Leashes
- 91.03 Loud or noisy dogs
- 91.04 Harboring dogs and cats
- 91.05 Yearly vaccinations
- 91.06 Exceptions
- 91.07 Dogs and cats on the premises of another
- 91.08 Feces control
- 91.09 Livestock or fowl
- 91.10 Vicious animals and vicious dogs
- 91.11 Pit Bull Terriers
- 91.12 Possession or sale of wild or potentially dangerous animals

- 91.99 Penalty

§ 91.01 DEFINITIONS.

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

CAT. Any cat of either sex over three months of age.

DANGEROUS ANIMAL. Any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known or displayed propensity to endanger by pursuing, hounding, or attacking any other domestic animal or human being, whether or not the animal bears any license tag required by state law.

DOG. Any dog of either sex over three months of age.

HARBORING. Permitting any dog or cat to remain, be lodged, and be fed within the home, yard, place of business, or enclosure of any person.

PERSON. Any natural person, corporation, partnership, joint venture, unincorporated association, or any combination thereof.

PIT BULL TERRIER. Any dog which either:

- (1) Is registered with the American Kennel Club as either an American Staffordshire Terrier or a Staffordshire Bull Terrier;
- (2) Is registered with the United Kennel Club as an American Pit Bull Terrier;
- (3) Conforms to any of the standards of the American Kennel Club for the American Staffordshire Terrier or the Staffordshire Bull Terrier or to any of the standards of the United Kennel Club for the American Pit Bull Terrier; or
- (4) Has physical characteristics, in whole or in part, which are those of either the American Staffordshire Terrier or the Staffordshire Bull Terrier indicated in the standards of the American Kennel Club or the American Pit Bull Terrier of the United Kennel Club.

VETERINARIAN. Any person licensed to practice the profession of veterinary medicine in this state, or any other state in which the standards and requirements are equal to those of this state.

VICIOUS ANIMAL.

- (1) Any animal which has inflicted severe injury on a human being without provocation on public or private property;
- (2) Any animal which has killed a domestic animal without provocation while off the owner's property; or
- (3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

VICIOUS DOG.

- (1) Any dog which without provocation attacks or bites or has attacked or bitten a human being or domestic animal; or
 - (2) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- (1993 Code, § 50.01) (Ord. 07-05, passed 9-5-2007)

§ 91.02 LEASHES.

It shall be unlawful for any owner or keeper of any dog, cat, or any domestic animal, licensed or unlicensed, to permit the dog, cat, or domestic animal, at any time, to leave or be beyond the premises upon which the animal is usually kept, except when accompanied by or controlled by the owner, keeper, or some responsible person acting for the owner or keeper. When so accompanied, the animal must be

secured by means of a collar or harness with a chain or leash attached thereto of a maximum length of six feet and must be held by the owner, keeper, or person acting for the owner or keeper at all times. (1993 Code, § 50.02) (Ord. 08-01, passed 2-6-2008) Penalty, see § 91.99

§ 91.03 LOUD OR NOISY DOGS.

It shall be unlawful for any person to harbor or keep any dog which may be loud or which, by loud, frequent, or habitual barking, howling, or yelping, causes a serious annoyance and disturbance in the neighborhood.

(1993 Code, § 50.03) Penalty, see § 91.99

§ 91.04 HARBORING DOGS AND CATS.

(A) Any person who allows any dog or cat to remain, be lodged, and be fed within his or her home, store, enclosure, or elsewhere on his or her premises shall be considered to be harboring the animal within the terms and meaning of this chapter.

(B) No owner, harbinger, or person having the custody, control, or possession of any animal permitted in this chapter shall permit that animal to disturb the peace and quiet of the neighborhood by reason of their howling, barking, mewing, whining, or any other such animal noise; the stench they cause; unsanitary conditions in which they are kept; or to create any other disturbance of people in the reasonable use and enjoyment of property, where any of these factors cause annoyance, discomfort, or injury to the health and welfare of persons.

(1993 Code, § 50.04) (Ord. 08-01, passed 2-6-2008) Penalty, see § 91.99

§ 91.05 YEARLY VACCINATIONS.

It shall be the legal duty of every person who owns or harbors a dog, cat, or domestic animal within the city to have the dog or cat inoculated with an anti-rabies vaccine by a veterinarian at least once each year, and to ensure that the animal is current on all necessary vaccinations.

(1993 Code, § 50.05) (Ord. 08-01, passed 2-6-2008) Penalty, see § 91.99

§ 91.06 EXCEPTIONS.

This chapter shall not apply to dogs or cats kept by regularly chartered medical colleges or other educational or scientific institutions which use the dogs or cats for scientific purposes or to dogs or cats brought to the city temporarily for exhibition or show purposes.

(1993 Code, § 50.06)

§ 91.07 DOGS AND CATS ON THE PREMISES OF ANOTHER.

All dogs and cats are prohibited from being upon the private property of others, except in cases where the presence of the dog or cat is with the express consent of the owner of the premises or the parties in control of the premises.

(1993 Code, § 50.07) Penalty, see § 91.99

§ 91.08 FECES CONTROL.

Any person owning or having charge, control, care, or custody of any dog or cat shall clean up any feces of the animal immediately and dispose of it in a sanitary manner in accordance with §§ 302.1 and 305.1 of the International Property Maintenance Code, as adopted by the city.

(1993 Code, § 50.08) (Ord. 08-06, passed 5-21-2008) Penalty, see § 91.99

§ 91.09 LIVESTOCK OR FOWL.

Livestock or fowl cannot be kept within the city.

(1993 Code, § 50.09) Penalty, see § 91.99

§ 91.10 VICIOUS ANIMALS AND VICIOUS DOGS.

(A) It shall be unlawful for any resident or citizen of the city to own, possess, keep, harbor, or house, within the corporate limits of the city, a vicious animal or a vicious dog, as defined in § 91.01. Excepted from the prohibitions of this section are animals used by law enforcement authorities acting within the scope of their authority.

(B) Any city official or agent, as designated by the city to enforce the provisions of this chapter, shall have the authority to enter upon private property and seize any vicious animal or vicious dog, as defined in § 91.01, for the purpose of enforcing this chapter.

(C) Upon violation of this section, the vicious animal or vicious dog shall be seized or impounded in a kennel at the owner's expense. The owner shall be served with a citation to District Court. If the District Court declares the animal or dog not a vicious animal or not a vicious dog, it shall be released to its owner. If it is declared to be a vicious animal or a vicious dog, it shall be humanely destroyed, and the cost charged to the owner or party in possession of the animal or dog. No animal may be destroyed under the provisions of this section while any appeal is pending pertaining to the declaration that the animal or dog is a vicious animal or a vicious dog.

(1993 Code, § 50.10) (Ord. 07-05, passed 9-5-2007) Penalty, see § 91.99

§ 91.11 PIT BULL TERRIERS.

(A) It is hereby determined that Pit Bull Terriers have inherently vicious and dangerous propensities, and are potentially hazardous and unreasonably dangerous to the health, safety, and welfare of the citizens, residents, and inhabitants of the city. Pit Bull Terriers, or any dog possessing any combination of the characteristics of a Pit Bull Terrier, as defined herein, are declared to be vicious animals, and are subject to the provisions for removal set forth in § 91.10. Therefore, the ownership, location, maintenance, keeping, harboring, or use of Pit Bull Terriers in the city is hereby declared to be a public nuisance.

(B) No person shall cause, permit, promote, aid, assist, encourage, or engage in the ownership, location, maintenance, keeping, harboring, or use in the city of Pit Bull Terriers as defined above unless the person is a veterinarian licensed by the state and engaged in the business thereof at the address indicated in the occupational license issued therefore by the city.

(1993 Code, § 50.11) (Ord. 07-05, passed 9-5-2007) Penalty, see § 91.99

§ 91.12 POSSESSION OR SALE OF WILD OR POTENTIALLY DANGEROUS ANIMALS.

(A) No person shall keep, own, harbor, have charge of, maintain, or have control of within the city a wild or potentially dangerous animal, nor shall any person, firm, or entity display any reptile except as permitted herein.

(B) No person, firm, or entity shall possess with intent to sell, sell or offer for sale, or buy or attempt to buy within the city a wild or potentially dangerous animal.

(C) No person, firm, or entity shall possess any constrictor-type snakes in the city unless written notice of the possession is given to the City Clerk at 122 Electric Avenue, Southgate, Kentucky, within seven days of the possession.

(D) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

WILD OR POTENTIALLY DANGEROUS ANIMAL is defined as an animal which is wild by nature and not customarily domesticated in the city and which because of its size, disposition, or other characteristics inherently constitutes a danger to human life or property.

(a) A **WILD AND POTENTIALLY DANGEROUS ANIMAL** shall include, but not be limited to:

1. Alligators, crocodiles, and caimans;
2. Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo), and Siamangs (Symphalangus);

Southgate - General Regulations

3. Baboons (*Papio* and *Mandrillus*);
4. Bears (*Ursidae*);
5. Cheetahs (*Acinonyx jubatus*);
6. Coyotes (*Canis latrans*) and coyote-dog hybrids;
7. Elephants (*Elephas* and *Loxodonta*);
8. Hyenas (*Hyaenidae*);
9. Jaguars (*Panthera onca*);
10. Leopards (*Panthera pardus*);
11. Lions (*Panthera leo*);
12. Lynxes (*Lynx*);
13. The Nile monitor is now banned which is the *Varanus niloticus*;
14. The Water monitor is now banned which is the *Varanus salvator*;
15. The Rock monitor is now banned which is the *Varanus albigularis*;
16. Cougars (*Puma concolor*), also known as pumas, mountain lions, and panthers;
17. Reptiles over eight feet in length and reptiles which are poisonous;
18. Tigers (*Panthera tigris*);
19. Wolves (*Canis lupus*) and wolf-dog hybrids;
20. Wildcats (jungle cat, ocelot, margay, serval, caracal, and leopard cat) and wildcat/domestic cat hybrids; and
21. Tegu lizards which is the *Tupinambis* Sp.

(b) ***WILD OR POTENTIALLY DANGEROUS ANIMAL*** does not include an animal that is in the possession or control of any of the following agencies, organizations, and its employees or agents:

1. The Division of Wildlife;

2. The State Department of Agriculture;
3. An incorporated humane society;
4. A veterinarian holding a valid license who has custody of the animal for purpose of providing medical treatment of the animal;
5. An agency or official of the United States government acting in its official capacity;
6. A common carrier with possession of the animal for the purposes of transportation;
7. Any person who is not currently dwelling in the city, who is traveling through the city with a **WILD OR POTENTIALLY DANGEROUS ANIMAL** and who is in the city for no more than 24 hours and the **WILD OR POTENTIALLY DANGEROUS ANIMAL** is maintained in quarters so constructed which are humane and will prevent escape; and
8. Any circus or professional entertainer and/or educator present within the city for the purpose of entertainment and/or education of the general public, provided the **WILD OR POTENTIALLY DANGEROUS ANIMAL** is maintained in quarters so constructed which are humane and will prevent escape.

(E) This section shall become effective and be in force from and after its passage and publication according to law.

(Ord. 94-18, passed 11-16-1994) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person, firm, corporation, or other entity violating §§ 91.02, 91.03, 91.05, 91.07, 91.08, or 91.09 shall be fined in an amount of not less than \$50, nor more than \$100. Each day the violation continues shall constitute a separate offense, subject to separate penalty. In addition, if it is determined that an animal running at large in violation of this chapter has not been spayed or neutered, an additional fine of \$50 shall be imposed. The additional fine shall be reimbursed to the animal owner if the owner submits written documentation, certified by a licensed veterinarian, to the city or its designated agent within 30 days of the date of the citation, confirming that the animal has been spayed, if female, or neutered, if male. The written documentation shall provide the identification and descriptive detail of the animal to allow the city or its designated agent to confirm that the animal in question has been spayed or neutered.

(B) Any person, firm, or corporation violating §§ 91.10 or 91.11 shall be fined in an amount of not more than \$500, imprisoned not more than 60 days, or both fined and imprisoned. Each day of violation shall constitute a separate offense.

(C) Any person, firm, corporation, or other entity who violates any provisions of § 91.12 shall be fined in an amount not less than \$500 and/or imprisoned up to six months or both fined and imprisoned. Each day of violation shall constitute a separate offense.

(1993 Code, § 50.99) (Ord. 08-01, passed 2-6-2008)