

**CHAPTER 179****(HB 358)**

AN ACT relating to animal control.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 258.095 is amended to read as follows:

As used in KRS 258.095 to 258.365 and KRS 258.990(3) and (4), unless the context requires otherwise:

- (1) "Department" means the Department of Agriculture;
- (2) "Commissioner" means the Commissioner of Agriculture;
- (3) "Committee" means the advisory committee created by KRS 258.115;
- (4) "Dog" means any member of the canine family, six (6) months of age or over;
- (5) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;
- (6) "Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits;
- (7) "Poultry" includes all domesticated fowl and all game birds which are legally kept in captivity;
- (8) "Kennel" means any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom;
- (9) "Livestock fund" means the fund created by KRS 258.125 for the purpose of administering its provisions;
- (10) "Attack" means a dog's attempt to bite or successful bite of a human being. This definition shall not apply to a dog's attack of a person who has illegally entered or is trespassing on the dog owner's property in violation of KRS 511.060, 511.070, 511.080, or 511.090;
- (11) "Vicious dog" means any individual dog declared by a court to be a vicious dog;~~and~~
- (12) "Animal control officer" means an individual employed by a city, county, urban-county government, or charter county government who enforces the provisions of this chapter and local dog control ordinances; *and*
- (13) ***"Designated license facility" means any person, facility, or business designated by resolution of the fiscal court to collect license fees under Section 3 of this Act.***

Section 2. KRS 258.119 is amended to read as follows:

- (1) The "Animal Control and Care Fund" is hereby created as a special fund in the State Treasury. The fund may also receive gifts, grants from public and private sources, *state appropriations*, and federal funds. Any unallotted or unencumbered balances in this fund shall be invested as provided for in KRS 42.500(9). Income earned from the investments shall be credited to the fund. Any fund balance at the close of the fiscal year shall not lapse

but shall be carried forward to the next fiscal year, and moneys in this fund shall be continuously appropriated only for the purposes specified in this section.

- (2) Moneys *from the fund* shall be ~~allocated for distribution from the fund as follows:~~
- (a) ~~Fifty percent (50%) of the fund balance shall be allocated annually for distribution to eligible counties. Each eligible county shall receive an equal allotment from the fund. To be eligible for an annual allotment, a county shall have an established animal control and care program meeting the requirements provided in subsection (3) of this section, or an approved plan to establish an animal control and care program as provided in subsection (4) of this section; and~~
  - (b) ~~Fifty percent (50%) of the fund balance shall be transferred annually to the Department of Agriculture. This money shall be~~ used by the Animal Control Advisory Board for board expenses, for the creation and support of statewide programs related to animal control and care, and for training dog wardens and animal control officers. "Statewide programs" includes, but is not limited to, the reimbursement of costs for preexposure rabies vaccinations for all animal control and care workers. ***When determining the distribution of the moneys relating to training, the need of the applicant shall be one of the criteria considered by the board.*** Based on recommendations of the Animal Control Advisory Board, any moneys not expended under this ~~subsection~~ ~~paragraph~~ may be distributed annually as grants to counties with an established animal control and care program meeting the requirements of subsection (3) of this section or approved plan to establish an animal control and care program under subsection (4) of this section.
- (3) As used in this section, "animal control and care program" means a program in which the county:
- (a) Employs a dog warden or an animal control officer as required by KRS 258.195, who is a high school graduate and has completed the training requirements set forth by the Animal Control Advisory Board; and
  - (b) Maintains a dog pound or animal shelter, or contracts with an adjoining county, to provide services that:
    1. Segregate male and female animals in runs and holding areas;
    2. Provide separate runs or holding areas for ill or injured animals;
    3. Provide quarantine for dogs and cats presented to the shelter when quarantine by the owner is not feasible or desirable, the cost of quarantine to be borne by the animal owner at the shelter's regular housing costs and fees. Quarantined dogs and cats shall be held in isolation for observation of symptoms of rabies for a period of ten (10) days from the date the dog or cat bit or scratched a person. If the dog or cat dies or is euthanized while in quarantine, it shall be submitted to the local health department for testing for the presence of the rabies virus. The cost of the testing shall be borne by the animal owner or the local health department may bear the cost at its discretion;
    4. Provide holding areas with protection from the weather, including heated quarters during cold weather;

5. Provide runs and cages built of materials which can be readily cleaned and disinfected, including floors made of an impervious material or a minimum of three (3) inches of gravel;
  6. Provide access to the public for no less than twenty-four (24) hours in one (1) week, with the hours that the facility is open to the public posted in a visible location;
  7. Employ euthanasia methods recommended by the American Veterinary Medical Association; and
  8. Provide other minimum standards as developed by the Animal Control Advisory Board and approved by the commissioner.
- (4) ~~{To be eligible for moneys distributed under paragraph (a) of subsection (2) of this section, counties shall submit documentation to the Animal Control Advisory Board, on a form prescribed by the Department of Agriculture, of an established animal control and care program or an approved plan to establish an animal control and care program. }~~Counties submitting plans proposing to establish an animal control and care program for approval by the Animal Control Advisory Board shall comply with the requirements of:
- (a) Paragraph (a) of subsection (3) of this section within twelve (12) months of the date the documentation is submitted; and
  - (b) Paragraph (b) of subsection (3) of this section within twenty-four (24) months of the date the documentation is submitted.
- (5) To be eligible for any moneys distributed as grants to counties under ~~{ paragraph (b) of }~~ subsection (2) of this section, counties shall submit an application to the commissioner, on a form prescribed by the Department of Agriculture, by July 15 of each year. Moneys shall be used for construction, equipment, educational supplies, and other uses or programs approved by the advisory board, but shall not be used to increase wages of dog wardens or other personnel. Counties receiving money from the Department of Agriculture shall comply with the terms of the plan or program. If the terms of the plan or program are not complied with, the county shall refund the money to the Department of Agriculture.
- (6) The commissioner shall promulgate administrative regulations that relate to the animal control and care fund provisions of this section. Section 3. KRS 258.135 is amended to read as follows:
- (1) On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six (6) months old or over shall apply to the dog warden *or designated license facility* of the county in which he resides for a license for each dog owned or kept by him. The application shall be accompanied by a license fee of one dollar and fifty cents (\$1.50) for each dog, except as provided in KRS 258.500. Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955. Dog wardens *and designated license facilities* shall be agents of the Commonwealth in the collection of the license fees ~~{ provided for herein }~~, unless the department determines, with the approval of the Governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the fee, dog wardens *or designated license facilities* shall be allowed to retain the sum of twenty-five cents (\$0.25) for each license. The balance of the license fee collected shall be

paid to the department ~~quarterly~~~~on or before the fifteenth day of each next succeeding month~~ and shall be credited to the livestock fund. If the committee

finds it to be in the interest of maximum enforcement of this chapter to permit certain other portions of the license fee to be retained by the respective counties for use in enforcement, the department may allow these portions of the license fee to be so retained by the counties.

- (2) Any county may choose to issue additional licenses in conjunction with effective dates of a valid rabies vaccination, provided the dog shall be licensed each fiscal year.

Section 4. KRS 258.185 is amended to read as follows:

Each dog warden shall keep a record of all dog and kennel licenses issued, ***including licenses issued by designated license facilities***, and shall report to the department ~~quarterly~~ ~~those~~ ~~monthly~~ ~~his~~ license sales on a form prescribed and supplied by the department. ***Designated license facilities shall make quarterly reports to the dog warden in order for the warden to report to the department.*** The record maintained shall be a public record.

Section 5. KRS 258.215 is amended to read as follows:

- (1) Peace officers, dog wardens, or animal control officers shall seize and impound any dog which does not bear a proper license tag or other legible identification which is found running at large, but if an officer, dog warden, or animal control officer, after diligent effort to do so, should fail to seize ~~the~~ ~~such a~~ dog, it shall then become his duty to destroy the dog by any reasonable and humane means. Any ~~such~~ dog which an officer, dog warden, or animal control officer seizes shall be impounded for ***a period of five (5) or seven (7) days, to be determined by the local animal shelter.*** ~~and~~ If ~~the dog is~~ not claimed by the owner or sold in accordance with other provisions of this chapter, then ~~the~~ ~~such~~ dog may be destroyed in some humane manner. ***Any animal shelter, public or private, which takes in stray dogs and does not have regular hours for public access, shall post semimonthly either in a local newspaper or the newspaper with the highest circulation in the county, the shelter location, hours of operation, the period that impounded dogs shall be held, and a contact number.***
- (2) A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if ~~a~~ ~~such~~ hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, ~~the~~ ~~such~~ owner or handler shall not be deemed to be in violation of the provisions of this section as a result of ~~the~~ ~~such~~ dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

Section 6. The following KRS section is repealed:

258.121 Animal shelter trust fund -- Allocation of moneys.

Section 7. Any moneys remaining in the Animal Shelter Trust Fund on the effective date of this Act shall be transferred to the Animal Control and Care Fund created by Section 2 of this Act.

**Approved March 28, 2000**