

**BOURBON COUNTY FISCAL COURT
ORDINANCE NO. 2012-_____**

**AN ORDINANCE ESTABLISHING STANDARDS
FOR DOG KENNELS IN BOURBON COUNTY, KY**

WHEREAS, numerous citizens in Bourbon County, Kentucky have complained to the Bourbon County Fiscal Court about dogs running at large causing disturbances, not being under control of the owners or persons maintaining custody and control of dogs and maintaining large numbers of dogs without a kennel license in all areas of the county.

WHEREAS, the Bourbon County Fiscal Court recognizes the rights of citizens to possess and to keep dogs, it further recognizes the rights of citizens to enjoy the peace and quietude of their property and the public thoroughfares which they travel, free from any nuisance created by dogs running at large.

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

WHEREAS, the Bourbon County Fiscal Court finds that is appropriate and necessary to establish standards for dog kennels (“Kennel(s)”) in Bourbon County, Kentucky.

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

Standards for Kennels in Bourbon County, KY.

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

(a)

Veterinary care shall be provided for all dogs to maintain good health and general welfare and to prevent suffering.

(b)

All dogs shall, at a minimum, have current rabies vaccinations a local dog license.

(c)

Unless otherwise required by a licensed veterinarian, each dog 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. All dogs 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 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 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.

3.

Indoor housing facility- means any structure or building with environmental controls housing or intended to house dogs. 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)

The ambient temperature must not fall below forty-five degrees Fahrenheit (45°F) for more than four consecutive hours and must not rise above eighty-five degrees Fahrenheit (85°F) for more than four (4) consecutive hours when dogs are present.

(C)

Be sufficiently ventilated when dogs 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.

(D)

Be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs. Dog areas must be provided a regular diurnal lighting cycle of either natural and/or artificial light and lighting must be uniformly diffused throughout the facility for the well-being of the dogs. Lighting by either natural and/or artificial means shall provide a minimum sixty (60) watts of candle power for at least eight (8) hours each day unless such lighting will adversely affect the health of the dog. Primary enclosures within indoor housing facilities must be placed so as to protect the dogs from excessive light.

4.

Sheltered housing facility means a housing facility which provides the dogs 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 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, 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.

5.

Outdoor housing facility means any structure, building, land, or premise, housing or intended to house dogs, 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. In addition, one or more separate outside areas of shade must be provided, large enough to contain all the dogs 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 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 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 from injury;

(C)

Contain the dogs securely and keep other animals from entering the enclosure;

(D)

Enable the dogs 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;

(F)

Provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(G)

Provide all the dogs with easy and convenient access to clean food and water;

(H)

Enable all surfaces in contact with the dogs 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' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' 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 with an additional amount of floor space, based on her breed and behavioral characteristics, 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 may be 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 exhibiting or known to have a vicious or overly aggressive disposition must be housed separately;

(iv)

Puppies four (4) months of age or less may not be housed in the same primary enclosure with adult dogs, 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, in the opinion of a licensed veterinarian; and

(vi)

Dogs that have or are suspected of having a contagious disease must be isolated from healthy dogs in the colony. When an entire group or room of dogs 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 dogs 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 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 involved and must be attached to the dog by a well-fitted collar or harness that will not cause trauma or injury to the dog. Collars or harnesses made of materials such as wire, flat chains, chains with sharp edges, or chains with rusty or nonuniform links are prohibited. The tether must be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs in the outside housing facility and so the dog 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 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 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 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 Bourbon County unless said Kennel is at least:

(a)

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

(b)

A 1,000 feet from any parcel occupied by a house of worship, daycare center, public or private elementary or secondary school; or

(c)

A 1,000 feet from any parcel occupied by any structure used as a residence.

(d)

Provided that any Kennel in existence and legally operating on the effective date of this Ordinance shall not be subject to the locational requirements of this section.

(e)

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 BOA, a diagram and a written plan for the structures that the applicant intends to use or build to house all dogs on the real property. All applicants shall provide a written statement to the BOA detailing the number of dogs it plans to maintain and the number of dogs that will be housed in any structure or structures on the real property.

10.

The BOA shall be permitted to limit the number of dogs a kennel license holder may possess or maintain on their real property.

11.

The BOA 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.

EFFECTIVE DATE

This ordinance shall be effective immediately, upon the passage and adoption of this ordinance at second reading. Introduced on _____, 2012, for first reading upon Motion made by Magistrate _____, seconded by Magistrate _____ and passed by _____ vote of the Bourbon County Fiscal Court and finally adopted upon second reading on _____, 2012, upon Motion made by Magistrate _____, seconded by Magistrate _____, and passed by _____ vote of the Bourbon County Fiscal Court in duly session assembled.

This ____ day of _____, 2012.

DONNIE R. FOLEY
BOURBON COUNTY JUDGE/EXECUTIVE

ATTEST:

RICHARD STIPP EADS
BOURBON COUNTY CLERK

PREPARED BY:

Bourbon County Attorney's Office

Bourbon County Courthouse

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By: _____

G. DAVIS WILSON

BOURBON COUNTY ATTORNEY