

**ORDINANCE NO. 19, 2020 SERIES**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 90 OF THE CITY OF FRANKFORT CODE OF ORDINANCES TO ESTABLISH A PERMANENT PROGRAM TO TRAP, NEUTER AND RELEASE COMMUNITY CATS**

WHEREAS, the Humane Society and the City of Frankfort have had a successful pilot program in place for years to trap, neuter and release community cats in an effort to address the increasing cat population in the City; and

WHEREAS, the City would now like to end the pilot program in favor of a permanent program for the treatment of community cats.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKFORT, that various provisions of Chapter 90 of the City of Frankfort Code of Ordinances are amended as follows:

**§ 90.01 DEFINITIONS.**

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

**ABANDON.** To forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support or an animal by its owner or his or her agent. The abandonment shall constitute the relinquishment of all rights and claims by the owner to the animal. Returning a community cat to its original home location after sterilization, rabies vaccination and ear tipping does not constitute abandonment.

**AT LARGE.** Off the premises of the owner, and not under the control of the owner or his or her agent either by leash, cord, chain or otherwise. Community cats are exempt.

**COMMUNITY CAT.** Any free roaming cat that may be cared for by one or more residents of the immediate area who is/ are known or unknown. A community cat may or may not be feral. Community cats that are ear tipped are sterilized and have received at least one vaccination against rabies. Community cats are exempt from any licensing, as well as stray, abandonment and at-large provisions directed towards owned animals. A community cat may also be defined as a cat 'found' outside that is brought to an animal shelter and not yet sterilized/ ear tipped.

**COMMUNITY CAT CAREGIVER.** A person who provides care, including food, shelter or medical care, to a community cat, while not being considered the owner, custodian, harbinger, controller or keeper of a community cat or to have charge of a community cat. Caregivers must make every effort to minimize the impact on local wildlife, feed the proper quantity of food for the number of cats in appropriate food containers, discard food containers daily and feed only on their property or with the permission of another landowner (city, state or federal public property). Community cat caregivers may redeem community cats from the shelter without proof of ownership and are exempt from any charges and/or fees.

**EAR TIPPING.** The removal of the ¼ inch tip of a community cat's ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated against rabies at least once.

**FARM ANIMAL.** One or more of the following domesticated animals, regardless of age: cattle, oxen, buffalo, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, ratites (ostrich, rhea, emu), and poultry (chickens, ducks, geese, turkeys, or other similar fowl) based on KRS 247.4015.

**FARM, LIVESTOCK.** Property that has one or more farm animals contained on such property.

**OWNER.** Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his or her care or permits it to remain on or about the premises owned or occupied by him or her.

**RETURN TO FIELD.** Sterilizing, ear tipping and vaccinating a cat large enough for spay/neuter that is found outside and returning him/her to the original location as opposed to admitting to a shelter.

**TRAP-NEUTER-RETURN (TNR).** The process of humanely trapping, sterilizing, vaccinating against rabies and ear tipping community cats and returning them to their original location.

**§ 90.02 ANIMALS RUNNING AT LARGE.**

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane or alley, or upon or enclosure without the consent of the owner of the yard, lot or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by the animal upon the premises of another.

(C) This section shall not apply to community cats.

Penalty, see § 90.99

## **§ 90.06 DESTRUCTION OF ABANDONED AND SUFFERING ANIMAL.**

(A) Any peace officer, animal control officer, or any person authorized by the Board may humanely euthanize any animal found abandoned and suffering and not properly cared for or appearing to be injured, diseased or suffering past recovery for any useful purpose.

(B) Before humanely euthanizing the animal, the officer shall obtain the judgment to that effect of a veterinarian, or of two reputable citizens called by him or her to view the animal in his or her presence, or shall obtain consent to the euthanization from the owner of the animal.

(C) (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which shall be unclaimed by its owner or his or her agent for a period of more than five days after written notice by registered or certified mail, return receipt requested, is given the owner or his or her agent at his or her last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society or animal shelter or disposed of as the custodian may deem proper.

(2) The giving of notice to the owner or the agent of the owner of the animal by the licensed veterinarian, shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal. (KRS 257.100)

## **§ 90.20 PET LICENSE REQUIRED.**

(A) All dogs and cats over the age of four months old which are owned within the city shall be licensed and registered with the Humane Society and locally participating veterinarians, with the exception of community cats. Dog and cat licenses shall be issued upon payment of an annual license fee.

(B) The license fee for each animal shall be:

(1) Neutered or spayed dogs and cats: \$10.

(2) Unneutered or unspayed dogs and cats: \$40.

(C) An unneutered or unspayed animal shall be exempt from the higher license fee if the owner/harbinger provides the licensing authority a statement to show that the animal cannot be safely altered due to the age, health condition.

(D) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harbinger to the penalties and fees sections of this subchapter. ('70 Code, § 8.04.010) (Ord. 9-92, 1992, passed 10-12-92; Am. Ord. 14, 2014, passed 8-18-14; Am. Ord. 7, 2015, passed 4-27-15)

## **§ 90.21 PROCEDURE.**

(A) The effective date for the registration and licensing covered shall be one year from the date of issuance and cover a 12- month period.

(B) The registration and licensing period provided for herein shall be one year from the date of issuance. Thereafter all dogs and cats, unless excepted herein, shall be licensed and registered as provided herein annually.

(1) Each person applying for a dog or cat license shall fill out a form provided by the Humane Society and participating veterinarians containing the following information:

(a) Owner name and address;

(b) Name, breed, sex, color of each dog or cat;

(c) Proof, evidenced by a receipt, statement or certificate, from a veterinarian that the animal to be licensed has been spayed or neutered if applicable; and

(d) Proof that each dog and cat to be licensed has been inoculated against rabies.

(2) The license and registration provisions of this section shall not apply to dogs and cats whose owners or keepers are nonresidents temporarily within the city for a period less than 30 days, or to dogs and cats brought into the city for the purpose of exhibition in dog or cat shows.

(3) All dogs and cats over the age of four months which are brought into the city, except as provided in division (B)(2) above, shall be registered and licensed as provided herein within 30 days of arrival.

(4) All dogs and cats in the city must be licensed and registered within 30 days of purchase or acquisition, if they are not licensed and registered when purchased or acquired.

(5) (a) Upon receipt of the properly executed application and payment of the license fee, the Humane Society and participating veterinarian shall issue to the applicant a license certificate and a tag for each dog or cat so licensed.

(b) The tag shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate.

(6) Persons obtaining dog and cat license tags shall see that each licensed dog and cat constantly wear the tag along with the rabies tag, except if the animal is in a show or exhibition or if the animal is in training and the owner is present and has the license in his or her actual possession.

(7) Lost, stolen or destroyed tags may be replaced by the Humane Society upon presentation of the receipt or registration showing that the license fee has been received for the current year, and the payment of \$1 fee for the duplicate tag.

(8) If there is a change of owners of a licensed dog or cat during the current license period, the new owner may have the registration transferred to his or her name upon the payment of a \$1 transfer fee to the Humane Society.

(9) Community cats shall be exempt from the licensing and registration provisions of this section.

(C) Failure to comply with this section constitutes a violation of this subchapter and subjects the owner or harborer to the penalties and fees sections of this subchapter. ('70 Code, § 8.04.020) (Ord. 9-92, 1992, passed 10-12-92)

#### **§ 90.22 PROHIBITION AGAINST DOGS RUNNING AT LARGE.**

(A) It shall be unlawful for any dog to be allowed to run at large within the city, except on land zoned agriculture.

(B) (1) Dogs shall be confined behind a fence or within an enclosed area or otherwise securely restrained at all times while on the owner or harborer's property.

(2) A dog may be unconfined or unrestrained while on the owner or harborer's property where the dog is in the direct company of the owner or harborer and the dog is under the owner's or harborer's direct control and supervision.

(C) A dog shall be permitted off the owner's or harborer's property only if it is restrained by a chain or leash or under the owner's or harborer's direct control and supervision.

(D) Any dog found to be unconfined or unrestrained while off the owner's/harborer's property, unattended by the owner or harborer, shall be presumed to be running at large and may be impounded by the Animal Control Officer of the city with the owner subject to the penalties and fines section of this subchapter. ('70 Code, § 8.04.030) (Ord. 9-92, 1992, passed 10-12-92) Penalty, see § 90.99

#### **§ 90.23 IMPOUNDMENT.**

(A) Any dog found running at large, or any nuisance animal within the city limits whether licensed or unlicensed, may be taken up by the Animal Control Officer and impounded in the shelter designated as the city animal shelter and, there, confined in a humane manner for a period of not less than five days exclusive of the date of seizure unless sooner claimed by the owner, harborer, custodian or person entitled to possession thereof, and may thereafter be euthanized in a humane manner if not otherwise claimed or adopted. However, transport of owner surrenders is not a function of the Animal Control Officer. A reasonable effort shall be made by the animal shelter to contact the animal's owner within impoundment periods before the animal is humanely euthanized. Cats, kittens and puppies under 6 months are not subject to the state stray hold.

(B) (1) Notwithstanding any other provision of Chapter 90 of the city of Frankfort code of ordinances, the city hereby establishes a program to address the issue of the increasing population of community cats within in the city. For such community cats, the Humane Society is hereby authorized to develop and implement a program to trap, neuter and release back into their original location these cats after sterilization, vaccination against the threat of rabies and other diseases as determined to be necessary, and ear tipped for easy identification.

(2) The Humane Society is authorized to humanely euthanize community cats, due to poor health and other reasons as determined by the Humane Society.

('70 Code, § 8.04.040) (Ord. 9-92, 1992, passed 10-12-92; Am. Ord. 7, 2015, passed 4-27-15)§ 90.24 RECLAMATION BY OWNER OR CUSTODIAN.

Any owner, custodian or other person entitled to possession of a dog or cat may reclaim the dog or cat upon payment of a pickup fee of \$30 for altered animals and a pickup fee of \$80 for unaltered animals and a boarding fee, both payable to the city designated animal shelter. Alternatively, sterilization of the pet may be offered for a \$50 copay in lieu of the pickup fee. There must also be proof that the animal has been or is licensed according to ordinance and proof that the dog has been inoculated against rabies. ('70 Code, § 8.04.050) (Ord. 9-92, 1992, passed 10-12-92; Am. Ord. 7, 2015, passed 4-27-15)

#### **§ 90.25 ADOPTION OF DOG OR CAT; TIME LIMIT.**

(A) The manager of the animal shelter may transfer title to any dog held after the legal stray hold period for dogs (five days per Kentucky state statute) provided herein has expired and the animal has not been claimed by its owner, harborer, custodian or other person entitled to possession thereof.

(B) The person to whom title is being transferred must license the dog according to city ordinance and secure and pay for a rabies inoculation for the animal, the applicable pickup fee, boarding fee and any other applicable charges as determined by the Humane Society. ('70 Code, § 8.04.060) (Ord. 9-92, 1992, passed 10-12-92; Am. Ord. 7, 2015, passed 4-27-15)

**§ 90.26 SHELTER.**

The Franklin County Humane Society, Inc, small animal shelter, is hereby designated as the city animal shelter for purposes of this subchapter. ('70 Code § 8.04.070) (Ord. 9-92, 1992, passed 10-12-92)

**§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation violating the provisions of § 90.07 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10 nor more than \$100. ('70 Code, § 8.12.030)

(C) (1) Any owner, custodian, harbinger or possessor of any dog or cat who violates all or part of §§ 90.20 through 90.23, 90.27 and 90.29 through 90.32 as a first offender receiving a citation may be dismissed at the Court's discretion, provided that the owner/harbinger/possessor can show that he or she has complied with the section or sections for which he or she was cited prior to appearing in court.

(2) Failure to establish compliance as provided in Section 99 (C)(1) shall upon conviction result in a fine for the first time offender of not less than \$50 nor more than \$500; not less than \$100 nor more than \$500 for the second offense; and not less than \$150 nor more than \$500 for the third and all subsequent offenses.

(D) Any owner, custodian, harbinger or possessor of any dog who violates all or part of § 90.28, in particular, fails to keep his or her dog confined after being requested to do so by an Animal Control Officer, shall receive a citation and upon conviction as a first offender be fined not less than \$250 and not more than \$500; not less than \$500 and not more than \$1,000 for the second offense. Also, the animal shall be impounded by the Animal Control Officer and humanely euthanized at the owner or harbinger's expense together with same paying the boarding fees during any required quarantine period ordered prior to the animal being humanely euthanized. ('70 Code, § 8.04.140) (Ord. 9-92, 1992, passed 10-12-92; Am. Ord. 19, 2010, passed 12-16-10)

First reading on the 28 day of September, 2020.

Final adoption on the 26 day of October, 2020.

S/William I. May, Jr.  
T/Mayor

Attest:

S/Chermie Maxwell  
T/City Clerk

Summary: This ordinance amends various sections of the City of Frankfort Code of Ordinances related to Animal Control as follows: 1) Section 90.01 is amended to add definitions of Community Cat, Community Cat Caregiver, Ear Tipping, Return to Field and Trap-Neuter-Release (TNR) and to amend the definition of abandonment to exclude community cats properly returned to their original home location; 2) Section 90.02 is amended to exclude community cats from the prohibitions against animals running at large; 3) Section 90.06 is amended to replace the term "destroy or kill" with "humanely euthanize;" 4) Section 90.20 is amended to exclude community cats from licensing and registration requirements; 5) Section 90.22 is amended to exclude community cats from the prohibitions against animals running at large; 6) Section 90.26 is to add "Franklin" to the humane society description. 7) Section 90.23 is amended to clarify a function of the Animal Control Officer; to exclude community cats from the stray hold period required by state law, and to replace the pilot program with a permanent program for TNR of community cats to their original home locations; 8) Section 90.24 is amended to allow the Humane Society to offer individuals reclaiming animals the ability to pay a \$50.00 copay for sterilization rather than the pickup fee of \$80.00; 9) Section 90.25 is amended to exclude community cats from the state stray hold period prior to adoption; and 10) Section 90.99 is amended to replace the term "destroy" with "humanely euthanize."

S/Laura Milam Ross  
T/City Solicitor

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