

ORDINANCE NO. 2283

**AN ORDINANCE OF THE CITY OF ERLANGER, IN
KENTON COUNTY, KENTUCKY, IN REGARD TO
VICIOUS DOGS, WOLF-HYBRID DOGS AND WILD
ANIMALS**

WHEREAS, the Erlanger City Council has reviewed the ordinances thereof in regard to pit bull dogs and other animals; and decided that they are in need of revision;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

Section 1.0 – Definitions

As used herein, the following words and phrases have the meanings indicated therefor:

1.1 Anybody

The word “anybody” means any human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

1.2 Control

The word “control” means to exercise restraint or direction over.

1.4 Everybody

The word “everybody” means every human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

1.5 Exotic Animal

The words “exotic animal” mean any of the following described animals: all animals, including snakes and spiders, whose bite or venom is poisonous or deadly to humans, apes, including chimpanzees, gibbons, gorillas, and orangutans; baboons, bears, cheetahs; crocodilians and alligators; constrictor snakes; coyotes, elephants; gamecocks and other fighting birds; hyenas, jaguars, leopards, lions; lynxes; ostriches; pumas, also known as mountain lions and panthers; wolves; raccoons, skunks; and tigers.

1.6 Financially Responsible Owner

The words “financially responsible owner” mean an owner of a registered dog who has filed with the Erlanger Police Department a certificate of insurance from an insurance company authorized to conduct business in Kentucky, that the owner of the registered dog is insured thereby against liability for all injuries and damages caused by the registered dog, with single occurrence limits of no less than \$100,000.00, which will continue until the City is notified of the termination or expiration thereof.

1.7 Nobody The word “nobody” means no human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

1.8 Pit Bull Dog

The words “pit bull dog” mean any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terrier, or Staffordshire Bull Terriers, or substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers, including any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.

1.9 Registered Vicious Dog

The words “registered vicious dog” mean a dog for which an identification tag or collar has been issued by the Erlanger Police Department after there has been delivered to the Erlanger Police Department a registration therefore, on a form designed by the City, which shall be signed by the owner(s) of the dog which is the subject thereof, under the penalties of perjury, and which shall include:

(a) The name, address, age and social security number and telephone number of each possessor and owner of the vicious dog that is the subject thereof; and

(b) The address of the property where the vicious dog that is the subject thereof is harbored. and

(c) A complete identification of the vicious dog that is the subject of the registration, including, without limitation, genus and species, name, gender, color, breed and any distinguishing physical characteristics thereof, along with two (2) color photographs of the vicious dog.

(d) Documentary evidence of:

- (i) all vaccinations required by law;
- (ii) the removal of reproductive organs by spaying, neutering or otherwise;

(iii) microchip identification.

(e) A certificate of insurance from an insurance company authorized to conduct business in Kentucky, that the owner of the registered dog is insured thereby against liability for all injuries and damages caused by the registered dog, with single occurrence limits of no less than \$100,000.00, which will continue until the City is notified of the termination or expiration thereof.

1.10 Restrained Vicious Dog

The words “restrained vicious dog” mean a vicious dog which is always either:

(a) Securely confined and restricted to private property in which either the owner or custodian thereof has some legal ownership or occupancy interest, by either:

(i) A building inhabited by either the owner or custodian of the vicious dog; or

(ii) A visible fence which conforms to all of the other requirements of all other City ordinances, and which is constructed of materials of sufficient height and strength to prevent the vicious dog from penetrating or going over or under the fence, and in which each entrance and exit is controlled by a gate that automatically closes, latches and locks; or

(iii) A vicious dog cage; or

(b) Muzzled to prevent biting, and leashed to an adult with a chain of no more than five (5) feet in length, and a minimum tensile strength of 300 pounds.

1.11 Vicious Dog

The words “vicious dog” mean any pit bull dog, wolf-hybrid or any other dog that:

(a) Without provocation, bites or attacks any human being, or a domestic animal on either public or private property; or

(b) Has a known propensity, tendency or disposition to:

(i) Unprovoked attacks on human beings or domestic animals; or

(ii) Cause injury to or otherwise endanger the safety of human beings or domestic animals; or

(c) Has been trained to or has engaged in any dog fighting Exhibition.

A dog is not a “vicious” dog within this meaning of this definition by merely barking at a human being or a domestic animal, without some other behavior indicative of an impending attack by the barking dog on the human being or domestic animal.

Excluded from this definition of a “vicious dog” are those dogs that are actively involved in the course and scope of service to any military or police department of any city, county, state or federal government.

1.12 Vicious Dog Cage

The words “vicious dog cage” means an openwork enclosure, from which a vicious dog cannot escape, with the following minimum requirements:

- (a) A minimum floor area of fifty (50) square feet; and
- (b) Continuous secure walls on every side of the floor area, which are at least seven feet in height above the ground, and secured to other walls at both ends; and
- (c) A top which is securely connected to each wall on every side; and
- (d) A floor securely attached to each wall on every side, unless the walls are continuously imbedded no less than two (2) feet into the ground; and,
- (e) Each means of ingress and egress is controlled by a door or gate that automatically closes, latches and locks.
- (f) Signage on the outside of each wall identifying by words and other graphics at least three (3) inches in height that the dog enclosed therein is a vicious dog that is dangerous.

1.13 Wild Animal

The words “wild animal” mean any animal that is not a domesticated companion animal, or any crossbreeds of these animals with domestic animals, or any descendant of any crossbreed. Such animals include, but are not limited to, any venomous snake, python or constrictor snakes, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynx, bobcats, badgers, fox, coyote, wolves, wolverines, squirrels, bears, deer, chipmunks, moose, elk, opossum, beavers, ground hogs, moles, gophers, prairie dogs, bats, sugar gliders (petaurus breviceps), kangaroos, and wallabies. An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including

dogs, cats, rabbits, mice, hamsters, gerbils, domesticated rats, guinea pigs, ferrets, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches, and tropical fish, will not be considered “wild animals” for purposes of this chapter.

1.14 Wolf-Hybrid

The words “wolf-hybrid” mean any domesticated dog that has in its known genetic history and/or formal pedigree crossbreeding with the wolf species to include, but not be limited to animals referred to as Wolf-hybrids or wolf-mix breeds or the breed known as Tundra Shepherd.

Section 2.0 – Prohibitions

Nobody shall cause, permit, promote, suffer, allow, aid, assist, encourage or engage in either:

- 2.1 Any ownership or control in the City of Erlanger of either: (a) any vicious dog which isn't always both a registered vicious dog and a restrained vicious dog, with a financially responsible owner, or (b) any exotic animal, or (c) any wild animal; or
- 2.2 Any breeding of vicious dogs.

Section 3.0 Requirements

Every owner or custodian of a registered vicious dog in the City shall always cause the dog to bear the tag or collar issued therefore by the Erlanger Police Department; and immediately report to the Erlanger Police Department the occurrence of each of the following events:

- (a) The death or removal of the vicious dog from the City.
- (b) The birth of each offspring of the vicious dog.
- (c) The relocation of the vicious animal to a new address in the City
- (d) The details of each occasion when the vicious dog is not a restrained vicious dog.

Section 3.0 - Civil Penalties

Each separate violation of this ordinance is hereby classified as a civil offense, for which:

3.1 The maximum civil fine required by K.R.S. 65.8808(2)(b) that may be imposed for each separate violation of this ordinance, is hereby established as \$500.00; and

3.2 The specific civil fine required by K.R.S. 65.8808(2)(c) that will be imposed for each separate offense and violation of this ordinance if the person who

has committed the violation and offense does not contest a citation therefore, is hereby established as \$100.00;

3.3 An enforcement officer may, in lieu of immediately issuing a civil citation therefore, give notice that the violation of this ordinance shall be remedied within a specific period of time.

Section 4.0 – Criminal Penalties

Each violation of this ordinance shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.050 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in K.R.S. 532.090 (1), or both.

Section 5.0 – Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 6.0 – Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 7.0 – Effective Date

This ordinance shall be effective as soon as possible according to law.

Section 10.0 - Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060(9).

THOMAS L. ROUSE, MAYOR

Erlanger 2007 Ordinances: 2-20-07 @ 5:00 p.m.
Copy of Vicious dog Ord. (fw)