SCOTT COUNTY FISCAL COURT
ORDINANCE NO. 21-03

AN ORDINANCE RELATING TO
HARBORING A VICIOUS/DANGEROUS ANIMAL
ALLOWING DOGS TO RUN AT LARGE AND
ALLOWING DOGS TO ENGAGE IN DETRIMENTAL BEHAVIOR

WITNESSETH:

WHEREAS, there presently exists no ordinance prohibiting dogs from running at large in the county; and

WHEREAS, there presently exists no ordinance prohibiting persons from allowing their dogs to engage in detrimental behavior on other people's property; and

WHEREAS, the current ordinance pertaining to harboring a vicious/dangerous animal is inadequate; and

WHEREAS, the Scott County Fiscal Court desires to address these matters in a comprehensive ordinance,

NOW THEREFORE, be it ordained by the Scott County Fiscal Court as follows:

SECTION 1. Definitions. As used in this ordinance, the following words shall be defined as set out herein.

1. "Dog" shall mean any canine three (3) months of age or older.
2. "Owner or Keeper" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
3. "Vicious/Dangerous Animal" shall mean any animal that attacks, bites, or injures human beings, livestock, or domesticated animals without adequate provocation or which, because of temperament, conditioning or training, has a propensity to attack, bite, or injure human beings, livestock, or domesticated

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animals. It is not necessary that an animal bite, attack or injure a human being or domesticated animal on a prior occasion (prior to the incident being prosecuted under this ordinance) in order to be considered a vicious/dangerous animal under this definition.

4. "Quarantine" shall mean humane confinement of an animal in a secure enclosure from which it cannot escape, and which enclosure prevents the animal coming in unplanned contact with any other animals or human beings.
5. "Excessive Noise" shall mean noise which is unreasonably annoying, disturbing, offensive or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. Factors that the Department may use to determine whether the barking is excessive may include, but are not limited to, the following: (i) the nature, frequency and volume of the noise; (ii) the tone and repetitiveness; (iii) the time of day or night; (iv) the distance from the complaining or affected party or parties; (v) the number of neighbors affected by or complaining about the noise; (vi) any other relevant evidence demonstrating that the barking is unduly disruptive; and (viii) whether the dog is being provoked. The provision of this section shall not apply to any commercial animal establishment or hunting dog establishment permitted by zoning law.
6. "Running at large" shall mean when the animal is not located on the property of the owner or handler.

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SECTION 2.

1. It shall be unlawful for any owner or keeper of any dog to permit such dog to run at large in the county unless accompanied by the owner or keeper and on a leash. Any dog not accompanied by the owner or keeper and not on a leash may be impounded.
2. It shall be unlawful for any owner or keeper to keep or harbor any dog that barks or yelps thereby making such excessive noise as to disturb the peace and quiet of the neighborhood.
3. Dogs being used as herding dogs or hunting dogs are exempted from the provision of this section during such time as the dog is actively being used as a herding dog or hunting dog.
4. Any complaint lodged with the Animal Control Office concerning a violation of this ordinance shall be investigated by the Animal Control Officer.
5. Not later than three (3) days after the impounding of any dog, Animal Control will take steps calculated to notify the potential owner that the dog has been impounded. The owner or keeper may reclaim the dog upon proof that the dog has a rabies inoculation and payment of all costs and charges incurred by the county for impounding and maintenance of the dog. Any dog not reclaimed within five (5) days beginning after the final day of the notice period, shall be eligible for adoption or other disposition.

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6. The following charges shall be paid to the county for the impounding of any dog, $10.00; cost of impounding or pick up, $10.00, cost of maintenance, $5.00 per day and reimbursement for veterinary care and medical expenses.
7. An owner or keeper that violates this section of this ordinance shall be given a written warning for a first offense. Any owner or keeper who has a second or greater violation of this ordinance within a twelve (12) month period may in addition to any costs of impounding, etc., be guilty of a violation and upon conviction be subject to a fine of not less than $25 nor more than $250.
8. The Animal Control Officer and the County Sheriff's Office shall be empowered to enforce this ordinance.

SECTION 3.

1. It shall be unlawful for any owner or keeper of a dog to permit said dog to run at large anywhere in the county while engaged in any of the following:

   A. Damaging or disturbing any items of personal property located on any premises other than those owned or occupied by the owner or keeper of the animal;

   B. Running after, jumping upon, chasing, barking at, biting at or in any way frightening, molesting or scaring any person other than the owner or keeper of the animal or members of the owner or keeper's immediate family;

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C. Biting, chasing, barking at, attacking, jumping upon, frightening, molesting or scaring any domesticated animal or livestock.

2. Any owner or keeper in violation of this subsection of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than $100.00 nor more than $500.00 or, be imprisoned for not less than one (1) day nor more than seven (7) days, or both.

SECTION 4.

1. Any animal (excluding wildlife) which has bitten or scratched someone, shall be quarantined for ten (10) days from the time the bite or scratch occurs. Any owner who fails to properly quarantine his/her animal is subject to summons/citation for violations, and the animal shall be impounded by the Scott County Animal Control Shelter for the remainder of the quarantine period. The owner/keeper shall be responsible for all quarantine fees. An animal whose owner/keeper is unavailable or incapable of quarantining the animal, may be taken to the Scott County Animal Shelter, and quarantined there for the prescribed period.

2. Confinement of Vicious Animal: It shall be unlawful for any person to keep or harbor within the county a dangerous and/or vicious animal unless it is at all times kept securely chained or within an enclosure in a manner that it cannot escape from the owner's premises. If such animal is taken off the property of the owner/keeper, it must be muzzled and, on a leash, or in a secure cage from which it cannot escape. Owner/keeper must post visible warning signs at all entries to premises.

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3. Any owner/keeper in violation of this subsection of this ordinance shall be guilty of a misdemeanor and upon conviction be subject to a fine of not less than $25 nor more than $500 or be imprisoned for not less than 1 day nor more than 30 days or both so fined and imprisoned.

SECTION 5. The following sections of the Scott County Code of Ordinances are hereby repealed.

1. Ordinance No. 92-070 in its entirety;
2. Ordinance No. 97-02 in its entirety; and
3. Section Eight (a), (b) and (c) of the Scott County Code Enforcement Board Ordinance 16-10.

Introduced at first reading on May 14.

Adopted at second reading on May 27, 2021

SCOTT COUNTY FISCAL COURT

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DATE

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JOE PAT COVINGTON
SCOTT COUNTY JUDGE EXECUTIVE

ATTESTED:

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STACY HAMILTON
SCOTT COUNTY FISCAL COURT CLERK

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