

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE AMENDING CHAPTER 91 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO THE PROTECTION OF ANIMALS.

SPONSORED BY: COUNCIL MEMBERS MARKUS WINLKER AND AMY HOLTON STEWART

WHEREAS, it is an obligation and responsibility of all animal owners to ensure the safety and wellbeing of animals under their care; and

WHEREAS, this amendment will clarify the basic requirements necessary for the adequate care of animals in our local community; and

WHEREAS, from 2016 through 2020, there were an average of 280 calls per year in Jefferson County concerning animals in hot cars, which can create a life-threatening situation in a matter of minutes, depending on the temperature; and

WHEREAS, this amendment will better enable first responders to address these situations so as to ensure the safety and well-being of animals in Jefferson County; and

WHEREAS, these changes will help ensure that animals in Jefferson County will not endure unnecessary suffering and improve understanding of the responsibilities of animal ownership in this community.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: LMCO Section 91.001 is amended as follows:

§ 91.001 DEFINITIONS.

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

ABANDON or **ABANDONMENT**. **ABANDONMENT** consists of leaving an animal for a period in excess of 24 hours, without the animal's owner or the owners' designated caretaker providing all provisions of necessity as defined in this chapter and checking on the animal's condition.

AGRICULTURAL USE. A tract of at least five contiguous acres for the production of agricultural or horticultural crops, as defined in KRS 100.111.

ALTERED ANIMAL. Any animal that has been spayed or neutered.

ANIMAL. Any non-human living creature, domestic or wild, excluding fish, insects, and eggs.

ANIMAL ABUSE OFFENDER REGISTRY. The registry for animal abuse established under § 91.170 of this chapter for registering any person residing in Jefferson County convicted of an animal abuse offense or any person convicted of an animal abuse offense in Jefferson County.

ANIMAL ABUSE OFFENSE. A violation of any of the offenses found in KRS 525.125, 525.130, 525.135, 525.200, or 525.205.

ANIMAL CONTROL or **ANIMAL CONTROL AND PROTECTION** or **DIVISION OF ANIMAL CONTROL AND PROTECTION** or **DIVISION.** See "Metro Animal Services."

ANIMAL CONTROL OFFICER (ACO). Persons designated by the Metro Government as the primary enforcement officers of ordinances and state and federal laws pertaining to, and regulating animals and owners of animals, and for the enforcement of sections of the Kentucky Revised Statutes pertaining to the cruelty to animals.

ANIMAL DEALER. Any person engaging in the business of buying and/or selling any animal or animals, including fish, for the purpose of resale to pet shops, research facilities, another animal dealer or to another person, including the sale of any animal from any roadside stand, booth, flea market or other temporary site. (Persons buying or selling animals fit and destined for human consumption and agricultural uses as defined in this chapter are not included in this definition. Agricultural uses as defined in this chapter are not included in this definition.) **ANIMAL DEALERS** are also subject to the provisions of §§ 91.090 through 91.101 and § 91.123 of this chapter.

ANIMAL-DRAWN VEHICLE. Vehicles with four or more wheels drawn by an animal.

ANIMAL SHELTER. Any premises designated and/or operated by the Metro Government for the purpose of impounding and caring for animals held under authority of this chapter.

ANIMAL WELFARE GROUP. Any organization existing for the purpose of the prevention of cruelty to animals, and providing shelter for abandoned and lost animals and are incorporated under the laws of the Commonwealth of Kentucky.

APPROVED RABIES VACCINE. Any vaccine for protecting an animal from contracting rabies approved as effective by the Kentucky Department for Human Resources and by the National Association of State Public Health Veterinarians, Inc.

(NASPHV) in the most current version of the annual Compendium of Animal Rabies Prevention and Control.

ASSISTANCE DOG. A dog accompanying and providing support for a person who is deemed to be disabled under federal, state, or local law. For purposes of this chapter, the term **ASSISTANCE DOG** shall include a service dog recognized or defined under federal or state law.

AT-RISK DOG. An at-risk dog is one which either when off its owner's premises or off those on which its presence had explicitly been allowed, and unprovoked:

- (1) Menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person;
 - (2) Causes physical injury to any domestic pet or livestock while not under restraint;
- or
- (3) Is found not under restraint, excluding those dogs engaged in hunting activities or training, therefore.

ATTACK. An unprovoked attack in an aggressive manner on a human that causes a scratch, abrasion, or bruising, or on a domestic pet or livestock that causes death or injury.

BOARDING KENNEL or CATTERY. Any establishment where dogs, cats, puppies, or kittens are kept for the purpose of boarding for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for treatment, diagnostic, or recuperative purposes, or for grooming.

BOARDING STABLE including **RIDING SCHOOL** or **STABLE.** Any facility for boarding, livery, training or riding school or any facility which maintains horses or ponies, mules, donkeys or burros for the purpose of housing, feeding, riding, training, driving or riding lessons, for a fee and/or which advertises these services by the use of a sign, billboard or by placing an advertisement in newspapers, on bulletin boards or in any other publication excluding licensed pari-mutuel facilities.

CARETAKER. Any person or organization who participates in TNR and/or who regularly provides care to a community cat.

CAT. ~~Any feline four months of age or older.~~ Of the species Felis Catus. A domestic cat four months of age or older.

CIRCUS. A traveling public entertainment show consisting of acrobats, clowns, and trained animals, but shall not include a show including wrestling bears or other direct contact between members of the public and inherently-dangerous animals.

CLASS A KENNEL OR CATTERY. Any establishment where dogs and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying, or selling such animals and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The Class A Kennel or Cattery license shall apply to up

to five dogs or cats and shall require an additional Class A Kennel or Cattery license for each increment of up to five dogs or cats.

CLASS B KENNEL OR CATTERY. Any establishment where dogs, puppies, cats, or kittens are kept for the primary purpose of showing (including but not limited to field trial competition, hunting trial competition, herding, conformation, and obedience competition) and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The primary purpose shall be determined by verifying the participation of one or more of the housed animals in a sanctioned competition in the preceding 12 months. The license shall apply to up to five dogs and cats. Animals in excess of five shall be licensed individually.

CLASS C KENNEL OR CATTERY. Any establishment where dogs or puppies are kept for the primary purpose of training for guard, sentry, field, obedience, whether gratuitously or for a fee. A Class C Kennel may also offer boarding services if the boarding occurs at the same location with no additional boarding kennel license required, except that an additional boarding kennel license shall be required when the facility reaches a maximum of 25 dogs and cats.

COMMUNITY CAT. Any cat or kitten that has no apparent owner or identification and is free-roaming.

CRUELTY. Failing to provide adequate food and water; failing to detect the need for or withholding veterinary care; creating or allowing unhealthful living conditions, infliction of suffering, injury, or death to an animal by striking, beating, dropping, kicking, dragging, choking, or by the use of an object or weapon; causing pain, injury, or death by means of caustic, flammable, boiling, or heated substances; causing suffering, injury, or death by suffocation or drowning; failure to provide health-related grooming. For purposes of this chapter, the definition of **CRUELTY** shall not include the acts as described in KRS 525.130(2) and (3).

DANGEROUS DOG. Except as exempted in § 91.150(B) a dangerous dog is:

- (1) Any dog, including an at-risk dog, which when unprovoked, in an aggressive manner commits a severe attack on any person or inflicts death or serious injury to any person;
- (2) Any dog which maims or kills domestic pets or livestock when not under restraint;
- (3) Any dog which is used in the commission of a crime as provided in the Kentucky Penal Code including, but not limited to dogfighting, threatening or menacing, or guarding the conduct of unlawful activity;
- (4) Any dog which is declared by the Director to be a dangerous dog under the procedures set forth in this chapter; or
- (5) Any dog owned or harbored primarily for the purpose of fighting or harming other animals, excluding any dog used for hunting or training for hunting purposes.

DIRECTOR. The Director of Louisville/ Jefferson County Metro Animal Services and/or his or her designee.

DOG. Any domestic canine four months of age or older.

DOMESTIC ANIMALS. Any of the following owned animals: dog, cat, rabbit, mouse, rat, reptile, guinea pig, chinchilla, hamster, gerbil, ferret.

DWELLING UNIT. Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy by one or more persons, and which at a minimum contains sleeping, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term includes hotel or motel rooms, extended stay lodging facilities, nursing home rooms and assisted living units.

ELEPHANT RIDE. Allowing individuals to ride on the backs of Asian elephants, as regulated under § 91.130.

ENCLOSURES.

(1) **ENCLOSURES FOR DOGS AND PUPPIES.**

(a) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign prescribed by MAS, posted next to the driveway or entry to the property. The enclosure must contain proper shelter from the weather. This type of enclosure is not acceptable for a female in heat, for dangerous dogs, or potentially dangerous dogs. However, a dog that is found unrestrained outside this type of enclosure twice within a one-year period shall be issued a violation notice and corollary penalty assessed by MAS. Nevertheless, in lieu of paying the penalty as set forth in the violation notice for the first offense only, the owner can elect to have his or her dog attend and satisfactorily complete an education or training course established under § 91.060. The owner must notify MAS within seven days of receiving the violation notice that he or she plans on having the animal undergo training, and must provide written proof to MAS within seven days after completion of the training course that the dog successfully completed the training. Failure to attend or successfully complete the training course, including complying with the notification requirements as set forth immediately above, will result in the penalty from the violation notice being assessed. Finally, a dog found unrestrained outside an enclosure as described in this subsection (b) a third time within a one-year period shall not only subject the dog's owner to a penalty issued by MAS, but the dog shall no longer be permitted to be kept in this type of enclosure.

(2) **ENCLOSURES FOR POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS.** Enclosures for potentially dangerous dogs and dangerous dogs shall be an uncovered fence or structure at least six feet in height, installed beneath

ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient in size to allow the dog to stand, sit, and turn around in a natural position, to defecate away from food and water, and which allows for an adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather. A “DANGEROUS DOG” sign prescribed by MAS must be posted at the entry to the property.

EXOTIC SPECIES. Any animal born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

FERRET. A weasel-like, usually albino mammal (*Mustela putorius furo*) related to the polecat and often trained to hunt rats or rabbits.

FIRST RESPONDER. Any Animal Control, Law Enforcement, Fire Services, and Emergency Medical Services, either on or off duty that has jurisdiction in Jefferson County.

KITTEN. ~~Any feline younger than four months of age.~~ Of the species *Felis Catus*. A domestic cat younger than four months of age.

LICENSE FACILITY. Any facility and/or business operation or person designated by the Metro Government pursuant to § 91.020 of this chapter to issue licenses required by this chapter and/or provide applications thereto.

LIVESTOCK. Cattle, sheep, goats, horses, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, lagomorph, caprine, or equine species, deer and elk, whose regulatory requirements are under KRS Chapters 150 and 246, as well as poultry, ratites, and cervine, that are privately owned and raised in a confined area for breeding stock, food, fiber, and other products.

METRO ANIMAL SERVICES or **MAS.** Louisville/Jefferson County Metro Government Department of Animal Services.

METRO COUNCIL. Legislative Council of the Metro Government.

METRO GOVERNMENT. Louisville/Jefferson County Metro Government.

MICROCHIP. A passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system. Such system must be compatible with a scanner used by MAS.

MULTIPLE PET LICENSE. A license available for purchase to a party who owns, maintains, or possesses four or more altered pets that are kept for the primary purpose

of companionship. This license may be purchased in lieu of required individual dog, cat, or ferret licenses.

NUISANCE.

(1) Any act of an animal or its owner that irritates, perturbs or damages rights and privileges common to the public or enjoyment of private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions on the following acts or actions by an animal or by its owner or possessor shall hereby being declared a nuisance:

(a) Allowing or permitting an animal to habitually bark, whine, howl, mew, crow or cackle in an excessive or continual fashion or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(b) Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including but not limited to getting into or turning garbage containers or damaging gardens, flowers, plants or other real or personal property or leaving fecal material on the property of another person.

(c) Allowing or permitting an animal to molest, chase, snap at, attack or attempt to attack passers-by, vehicles, domestic pets or livestock.

(d) Allowing or permitting an animal to habitually or continually roam or be found on property of other than its owners or caretakers, trespassing school grounds, parks or the property of any person.

(e) Allowing or permitting an animal to be housed or restrained at a distance, that, in the discretion of the animal control officer, poses a threat to the general safety, health and welfare of the general public.

(f) Allowing or permitting an animal to be maintained in an unsanitary condition.

(g) Allowing or permitting an animal to habitually charge in an aggressive manner a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal.

(2) Subject to the restrictions set forth in KRS 413.072(7), an agricultural operation, as defined under KRS 413.072(3), shall be exempt from any enforcement under this chapter which arises out of a nuisance violation as defined herein.

OFFENDER. Any person who has been convicted of or entered a guilty plea to an animal abuse offense.

OFFENDER INFORMATION. The offender's name, age, address, current photograph, a description of the crime or crimes committed, and other identifying information determined necessary by Louisville Metro Animal Services.

OWNED CAT. Any cat that is a companion to a person, is regularly fed and sheltered in that same person's habitation. All owned cats are required to be in compliance with § 91.020.

OWNER. Any person owning or keeping animals in Jefferson County.

PERSON. An individual, partnership, association, company, firm, business or corporation.

PET BIRDS. Any tamed or domesticated bird kept caged or within doors.

PET SHOP. Any person engaged in the business of breeding, buying, selling at retail or as a broker of animals, including fish, of any species for profit-making purposes, except farming operations that breed, buy, or sell at retail pursuant to and in conjunction with their agricultural use shall not be considered pet shops for purposes of this chapter.

POTENTIALLY DANGEROUS DOG. Except as exempted in § 91.150(B) a potentially dangerous dog is:

(1) Any dog, including an at-risk dog, as defined herein, which, when unprovoked, in an aggressive manner bites, scratches, or bruises any person.

(2) Any unrestrained dog which, when unprovoked, bites, injures, or kills another domestic pet or livestock while that animal is restrained in compliance with this chapter.

(3) Any dog which is declared by the Director to be a potentially dangerous dog under the procedures set forth in this chapter.

POULTRY. Chickens, ducks, turkeys, or other domestic fowl.

PUPPY. Any domestic canine younger than four months of age.

QUALIFIED PERSON. Any veterinarian, or other person granted a permit by the State Secretary of Health and Family Services to vaccinate their own dogs or cats against rabies.

QUARANTINE. Humane confinement of an animal in a building in a manner which prevents the animal coming into unplanned contact with any other animal or human being.

REASONABLE HOURS. The normal business hours of any establishment or business regulated by this chapter.

RESTRAINT.

(1) For all domestic animals except puppies and dogs, **RESTRAINT** shall mean on the premises of the owner or on premises which the animals' presence has been explicitly allowed, or, if off the premises of the owner where permission has not been granted, under restraint by means of a lead or leash or in a cage or carrier and under the control of a responsible person. Community Cats are exempt from restraint requirements.

(2) For puppies and dogs, **RESTRAINT** shall mean on the premises of the owner or on premises which the animals' presence has been explicitly allowed, and confined in a secure enclosure, or accompanied by the owner and under his/her direct control. If off the premises of the owner where permission has not been granted, the animal must be restrained by a lead or leash and under the control of a responsible person physically able to control the dog, or except for dangerous dogs, and potentially dangerous dogs, accompanied by a responsible person into an enclosed "off-leash" area designated by

the Kentucky Department of Parks or the Metro Department of Parks and in conformance with all regulations and/or requirements imposed as a condition of utilizing such “off-leash” area by such Departments of Parks, or their designees.

(3) In addition to the requirements of subsection (2), above, under this definition, **RESTRAINT** for dangerous dogs and potentially dangerous dogs shall mean as follows:

(a) That dangerous dogs and potentially dangerous dogs are at all times securely muzzled when off the premises of the owner. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or other animal;

(b) That owners of dangerous dogs and potentially dangerous dogs shall not allow the dog to be outside an enclosure as defined in this chapter unless the dog is confined to a secure cage, or is chained, leashed, and is under the control of a person physically able to restrain the dog.

(c) That a lead or leash for a potentially dangerous or dangerous dog shall not exceed four feet in length.

(4) Other standards and requirements for restraining dogs shall be as set forth in § 91.091.

(5) All livestock weighing more than 40 pounds, except horses, stallions, colts, geldings, mares, fillies, ponies, miniature horses, mules, jacks, jennies, goats, kids, sheep, and porcine species, must be kept on tracts or lots of at least .5 acres or more.

(6) Horses, stallions, colts, geldings, mares, fillies, mules, jacks and jennies must be kept on an individual tract, lot, or parcel (as defined in the Land Development Code) of at least one acre or more; except that the properties and facilities of Louisville Zoo, the Louisville/Jefferson County Metro Police Department, Churchill Downs, and the Kentucky Derby Museum shall be exempt from this requirement.

(7) All livestock other than poultry as set forth in subsection (8), below shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner’s property. Livestock found not restrained by a fence in good repair and which present a threat to public safety may be removed and the owner charged with a violation of this section.

(8) All crowing and non-crowing poultry must be kept on tracts or lots of at least .5 acres or more, unless a tract or lot is on less than .5 acres and only houses five or less non-crowing poultry, and no more than one crowing poultry in accordance with the remainder of this subsection. All crowing and non-crowing poultry shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner’s property. The fence or structure must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch. Poultry associated with an agricultural use shall not be subject to the restraint requirement as set forth herein.

(9) All porcine must weigh less than 200 pounds and measure to a height of no more than 22 inches. If upon sight inspection MAS determines a porcine may exceed the specified weight and/or height requirements, the owner of the porcine in question will be responsible for supplying MAS with certification from an approved establishment verifying the weight and/or height. All porcine species must be kept on tracts or lots of at least .5 acres or more, unless a tract or lot is on less than .5 acres and only houses three or less

porcine. No more than seven porcine may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, (as defined in the Land Development Code), which is more than .5 acres but less than two acres and has on such property any building or structure containing a residential use. All porcine shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. The fence or structure must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch. Porcine associated with an agricultural use shall not be subject to the restraint requirement as set forth herein. All porcine registered with MAS by January 28, 2019 shall be grandfathered in for purposes of their current height and weight and number owned per tract or lot of land.

(10) For purposes of this chapter, the term "lawful hunting activities" contained in KRS 258.265(3) shall be deemed to include the training of hunting dogs, including field trials.

SECRETARY. The Secretary of the Louisville/Jefferson County Metro Government Cabinet for Public Works and Services.

SEVERE ATTACK. An unprovoked attack in an aggressive manner upon a human in which the victim suffered a bite(s) or was shaken violently, and which caused serious physical trauma or death.

SHELTER. For definition of shelter see § 91.090(C).

THEATRICAL EXHIBITION. Any exhibition or act featuring performing animals. The inclusion of any prohibited wild animal, as defined in this chapter, shall not be allowed without the express written permission of the Director, which shall be notated on the issued permit. Such permission shall be given only if it is demonstrated to his/her satisfaction that the animal(s) will not constitute a threat to public health or safety. **THEATRICAL EXHIBITIONS** shall not include resident or non-resident dog and cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association or any affiliate thereof, nor shall it include any primary horse show.

TRAP-NEUTER-RETURN ("TNR"). The method of managing community cats by humanely trapping, altering, vaccinating, ear-tipping, returning the community cat to the location where they were trapped where the community cats will be provided with long-term care by a caretaker.

UNALTERED DOG, CAT OR FERRET. Any dog, cat or ferret which has been neither spayed nor neutered.

UNFIT FOR PURCHASE OR ADOPTION. Any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this chapter, veterinary findings of internal and external parasites shall not

be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition. An animal shall not be found unfit for purchase on account of injury sustained or illness contracted subsequent to the consumer's taking possession thereof.

VACCINATIONS. The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Secretary of the Cabinet for Health and Family Services.

VETERINARIAN. A licensed practitioner of veterinary medicine accredited by the Kentucky Board of Veterinary Examiners.

VETERINARY HOSPITAL OR CLINIC. Any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

WILD ANIMAL. Shall include the following:

- (1) Any animal that generally is not domesticated, except community cats, and living among humans, nor those defined as domestic animals herein; and
- (2) Any animal classified by the Kentucky Department of Fish and Wildlife in its statutes or regulations as either:
 - (a) Inherently dangerous wildlife;
 - (b) Exotic wildlife; or
 - (c) Wildlife whose importation or possession is prohibited by any federal or state law or regulation; and
- (3) A hybrid of any animal herein classified as a **WILD ANIMAL**.

ZOOLOGICAL GARDEN. Any park or zoo operated by a person or private corporation but excluding any governmental agency or foundation.

SECTION II: The Louisville Metro Code of Ordinances ("LMCO") Section 91.090

is hereby repealed in its entirety and replaced as follows:

§ 91.090 PROVISION OF NECESSITIES

A. This section shall not apply to Community Cats as defined in §91.001.

B. No owner shall fail to provide his/her animal with humane care and treatment including but not limited to providing such animal with good wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering.

C. Shelter:

1. Any owner of an animal shall maintain an uncrowded, clean, dry, and healthful shelter and living area for such animal, which area shall be free of accumulated

waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris.

2. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health and sanitary conditions for the animals being kept.

3. In addition, all outdoor shelters for animals, other than livestock, shall meet the following requirements:

a. Constructed to protect the animal from precipitation and made of a material which provides insulation from temperature extremes.

b. Include moisture proof and windproof structure with four walls and a roof and floor.

c. Of sound construction so as to prevent the sagging or collapsing of any floor, wall, or roof.

d. Constructed and maintained to promote drainage of rainwater to prevent the accumulation of mud and/or water near the shelter. The animal shall not have to come into contact with standing water within the shelter and such water shall not prevent the entry or exit of the shelter.

e. Floored with a moisture proof material or augmented with resting boards raised at least two inches from the ground. The floor of the structure shall not be the ground nor made of wire.

f. Ensure availability of sustained access to clean, fresh water by either preventing freezing or frequent replacement.

g. Of a sufficient size to allow the animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, turn around and lie down with its limbs outstretched.

h. In addition to the shelter, provide a shaded area for protection from the direct rays of the sun by trees, awnings, a tarp, or other structure.

D. Special Provisions for Inclement Weather:

In addition to ordinary shelter requirements, during inclement weather (prolonged severe heat, cold or other weather conditions), every dog or cat owner shall, considering the specific dog's or cat's size, age, physical condition, and thickness of the dog's or cat's hair or fur, to protect the dog or cat from hypothermia, hyperthermia, frostbite, any other injury, suffering, or death, take the following measures:

1. Augment outdoor shelter as follows:

a. During severe cold:

i. If not creating an obstacle to usage, provide outside shelter with a windbreak at the entrance.

ii. Provide shelter with sufficient insulating bedding materials of a type, such as straw or hay, that does not retain moisture and of a depth ensuring retention of the dog's or cat's body heat.

b. During severe heat:

i. Free flowing or circulating fresh air must be available in the living space of the animal.

2. When weather conditions are so extreme so as no objectively reasonable person would consider it safe for a dog or cat to be outdoors, section (1) shall not apply and any owner or person responsible for the dog or cat shall be required to place the dog

or cat into a temperature-controlled facility, which maintains a reasonable temperature inside the building, such as a home or garage, when such shelter is available.

E. A law enforcement or animal control officer may take custody of an animal if that law enforcement or animal control officer has probable cause to believe that the owner has failed to provide the standards of a proper outdoor shelter set forth by this Chapter and when there is an objectively reasonable belief that an emergency exists in that an animal is in imminent danger of physical injury or death.

F. Upon taking custody of the animal under this subsection, the law enforcement or animal control officer shall attempt to contact the owner of the animal and the animal shall be taken by the law enforcement or animal control officer to Louisville Metro Animal Services, or whatever animal hospital is currently contracted with Louisville Metro Government to provide veterinary services.

G. Notice of seizure of an animal from private property shall be posted on the premises from which the animal was seized which notice shall clearly state the address and telephone number of the MAS facility to which the animal was taken.

H. Upon a finding of any violation of this section, any animal(s) seized pursuant to the provisions of this section that have not been voluntarily surrendered by the owner or custodian or forfeited pursuant to court order may be returned to the owner or custodian only upon the agreement of Louisville Metro Animal Services that the safety of the animal is assured and proof that appropriate shelter as required by this section is being provided.

I. The Director of Louisville Metro Animal Services may promulgate regulations implementing this section which are not inconsistent with any of the provisions of this chapter.

SECTION III: LMCO Section 91.102 is added as follows:

§ 91.102 CONFINEMENT IN A MOTOR VEHICLE

A. A person shall not leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

B. A first responder is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, breaking into the motor vehicle, if the following conditions are met:

1. A reasonable effort is first made to locate the owner or other person responsible for the vehicle or animal.

2. Under all of the facts and circumstances there is probable cause to believe that the animal is in imminent danger of physical injury or death if such animal is not

immediately removed from the vehicle. The following factors may be considered in making a determination of probable cause:

- a. Present weather conditions, including heat, cold, and humidity.
- b. Estimated length of time in which the animal has been in the vehicle.
- c. Whether such vehicle is in direct sunlight or shaded.
- d. Ambient temperature inside the vehicle if determinable.
- e. Whether there is open, free flowing air on all sides
- f. Present condition of the animal including the following factors:

i. During hot weather factors may include but are not limited to:

1. Excessive panting and short of breath
2. Excessive drooling or frothing at the mouth
3. Changes in gum color or tongue (bright or dark red)
4. Appears lethargic, drowsy, or disoriented
5. Elevated body temperature
6. Increased pulse and heartrate
7. Vomiting or diarrhea
8. Collapse or unresponsive

ii. During cold weather factors may include but are not limited to:

1. Tiredness
2. Shivering
3. Paleness of the skin
4. Changes in gum color, paleness
5. Muscle stiffness
6. Low blood pressure
7. Shallow breathing
8. Fixed dilated pupils
9. Collapse or unresponsive

3. A first responder remains with the vehicle until the owner arrives or after all reasonable efforts to locate the owner have failed.

4. In the event that an emergency situation exists requiring immediate care to avoid the suffering, injury, disability, or death of the animal, the first responder shall not be required to remain with the vehicle and may transport the animal immediately if the following conditions are met:

a. Gives to the owner or places on the vehicle a written notice containing the first responder's contact information, the reason entry into the vehicle was made, and the animal's location.

b. Immediately requests additional first responder(s) provide security for the vehicle.

5. The animal shall be taken by the first responder to Metro Animal Services, or an animal hospital contracted with Louisville Metro Government to provide veterinary services. The first responder shall notify Louisville Metro Animal Services of the animal's location.

C. The first responder is to maintain control of the animal until either taken to Louisville Metro Animal Services or the animal hospital contracted with Louisville Metro Government to provide veterinary services.

SECTION IV: This Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____
O-180-21 Animal Protection rh (4.7.21)