

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE AMENDING THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 91 TO ENHANCE THE ENFORCEMENT OF ANIMAL LICENSING AND REQUIRE THE MICROCHIPPING OF CATS AND DOGS. (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER DONNA PURVIS

WHEREAS, Louisville Metro Animal Services is tasked with ensuring that all animals in Jefferson County are properly licensed, vaccinated, cared for, and when necessary, reunited with owners;

WHEREAS, the issue of stray animals, specifically dangerous dogs, creates an ongoing danger and nuisance in many communities in Jefferson County which is exacerbated by the inability of Louisville Metro to determine animal ownership;

WHEREAS, many animals required to be licensed within Jefferson County are not, contributing to this ongoing problem is the unregulated breeding of dogs and cats, which leaves Louisville Metro Animal Control with the immense burden of coping with a vast number of unlicensed animals and breeders;

WHEREAS, this amendment will increase and enhance the enforcement tools available to Louisville Metro Animal Services and prioritize the responsibilities inherent with pet ownership and animal breeding.

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

SECTION I: The following section of LMCO Chapter 91 is amended as follows:
§ 91.001 DEFINITIONS.

OWNER. ~~Any person owning or keeping animals in Jefferson County.~~ Pursuant to KRS 258.005 and 258.095, an owner is defined as:

(a) Any person having a right of property in the animal.

(b) Any person who:

1. Keeps or harbors the animal;
2. Has the animal in his or her care;
3. Permits the animal, to remain on or about premises owned, leased and occupied by him or her;
4. Retrieves an impounded animal from the MAS shelter.

RESIDENTIAL BREEDERS. An entity, organization, or person who breeds, sells or transfers more than one dog, cat, or ferret within a 12 month period that was raised on or sold/transferred from property intended for residential use (as defined in the Land Development Code.)

RESIDENTIAL BREEDER PROPERTY. Property intended for residential use (as defined in the Land Development Code) utilized by residential breeders.

SECTION II: The following section of LMCO Chapter 91 is amended as follows:

§ 91.020 DOG, CAT, AND FERRET LICENSES.

~~(A) -Effective upon passage of this chapter and from that day forward, Every owner of an animal who resides or whose animal resides in Jefferson County and who is regulated by this chapter shall apply to MAS or a license facility designated by the Director of MAS Mayor, for any appropriate license required by this chapter. Individual dog, cat, and ferret licenses shall be issued in conjunction with a valid rabies vaccination certificate and shall be valid for the term of the vaccination. License tags and rabies vaccination tags shall be required for each dog or cat four months of age or older. License and vaccination tags shall be firmly attached to a harness or collar worn by the animal.~~

(1) Individual dog, cat, and ferret licenses shall be required. Before issuance, a valid rabies vaccination certificate shall be required. An issued license shall be valid for the term of the vaccination or purchase period of the license as long as the vaccination status at all times remains current. Licensing and rabies vaccinations shall be required for each dog, cat, or ferret four months of age or older. Individual dog, cat, and ferret licenses shall include the name of the current owner, current address of the owner of the animal, date of vaccination, approximate age of animal, a description of the animal including species, gender, breed and color and any other information deemed necessary by MAS for the purposes of this ordinance.

(2) License and vaccination tags shall be issued upon completion of licensing and vaccination and such tags shall be firmly attached to a harness or collar worn by the animal.

(3) Upon valid proof shown animals kept temporarily (not in excess of 30 days unless granted an extension by MAS) for the purpose of fostering or transportation by a permitted and authorized animal welfare group, return of a stray animal, breeding, or showing shall not require an individual dog or cat license provided the owner has proof of a current rabies vaccination.

(4) Owners of animals seeking exemption from vaccination for their animal because of age or a specific medical condition must produce a statement from a licensed veterinarian establishing why such animal should be exempted from vaccination. Such documentation shall be presented along with the required licensing application to MAS before an exemption will be considered.

(5) The cost of an individual unaltered dog, cat, or ferret license registered before the effective date of this chapter shall be as provided in § 91.009. In addition to the individual unaltered dog, cat, or ferret license, the owner shall also be issued a spay/neuter rebate certificate worth a prescribed amount towards the cost of a spay or neuter surgery at participating veterinarians. That prescribed amount shall be as provided in § 91.009.

(B) TRANSFER OF OWNERSHIP

(1) LMAS shall create a Notice of Sale/Transfer form. In every instance in which the ownership of a dog, cat, or ferret is transferred or the animal is sold, and such animal is unlicensed or before such animal reaches four months of age, such form shall be completed, including all required information, and presented to MAS within 30 days of the sale or transfer. This form shall require the provision of the date of sale or transfer, the age of the animal sold, the address of the purchaser or new owner, and a description of the animal sold or transferred. Such form shall be completed by the seller or transferor of the animal.

(2) MAS shall send notice to all unlicensed pet owners of the requirement that all dogs, cats, or ferrets must be licensed pursuant to this Chapter. If, after notice is sent, the animal in question remains un-licensed, MAS may issue a civil penalty citation to the owner. No further notices shall be required after the original notice, and MAS may issue a citation for the same offense every thirty (30) days.

(3) If an owner transfers ownership of an animal covered by this section they must notify the department of the change within thirty (30) days of the date of change in ownership. The new owner must obtain an updated license within thirty (30) days of the ownership transfer, which shall include all information required in LMCO § 91.020(A)(1).

~~(C) The cost of an individual unaltered dog, cat, or ferret license registered before the effective date of this chapter shall be as provided in § 91.009. In addition to the individual~~

~~unaltered dog, cat, or ferret license, the owner shall also be issued a spay/neuter rebate certificate worth a prescribed amount towards the cost of a spay or neuter surgery at participating veterinarians. That prescribed amount shall be as provided in § 91.009.~~

~~(DC) Pursuant to KRS 258.095, the Metro Government hereby designates as license facilities those hospitals or clinics of veterinary medicine located within Jefferson County which agree to abide by the procedures established for the issuance of licenses by MAS. For each individual dog, cat, or ferret license issued, the license facility shall withhold and retain the amount of \$4 5.00 from the license fee collected for altered animals and \$10 for unaltered animals. For three-year licensing, the license facility shall withhold and retain \$15.00. This provision shall become effective the first day of the month following the adoption of this chapter and the amount of the fee paid the licenses facility shall remain in effect until amended by the Metro Council.~~

~~(ED) All offices or clinics of veterinary medicine shall notify clients of the legal licensing and permit requirements that are set forth in this Chapter by presenting to their client, the licensing and registration information required by MAS and notifying such clients of the availability of online licensing/registration and the requirement of pet licensing. MAS shall create signage and informational pamphlets/flyers for the purpose of informing veterinarian clients of the requirements for licensing under this Chapter. All veterinarians or those providing such care must place in a conspicuous place, clearly visible to all clients upon entry of the establishment, the MAS signage concerning licensing/registration and vaccination requirements.~~

~~(FE) MAS shall maintain online licensing pursuant to this Chapter and make the filing of a Notice of Sale/Transfer available to be conducted online. In the instance of licensing through a license facility, MAS shall maintain a system for reimbursement to such facility.~~

SECTION III: The following section of LMCO Chapter 91 is amended as follows:

§ 91.021 RESERVED. MICROCHIPPING REQUIRED

(A)The owner of any dog or cat under the age of eight (8) years must have the animal implanted with a registered microchip within ninety (90) days of the animal attaining four (4) months of age and the owner obtaining ownership or maintaining residence within Jefferson County. A dog or cat is exempt from this requirement if the dog or cat is determined to be medically unsuitable for microchipping by a licensed veterinarian. Such exemption must be made in writing and the owner of the animal must present such proof to MAS upon licensing of the animal. For exempted dogs or cats, licensing shall be required yearly. In the instance of a change in ownership of an un-microchipped dog or cat, the initial owner shall be responsible for notifying the department of the change within thirty (30) days of the date of the change in ownership. The new owner shall be responsible for registering updated information through the obtainment of a new license pursuant to § 91.020.

(B) Owners of cats and dogs shall be required to maintain accurate microchip registration through the following actions:

(1) The owner of a dog or cat shall maintain current contact information with a microchip registration company or Louisville Metro Animal Services.

(2) If there is a change in contact information of an owner of a registered microchipped dog or cat, the owner shall update all contact information, including a new address and/or telephone number, with the microchip registration company or Louisville Metro Animal Services within thirty (30) days of the date of the change in contact information.

(3) If there is a change in ownership of a registered dog or cat, the initial owner shall be responsible for ensuring that the microchip is no longer registered in the initial owner's name within thirty (30) days of the date of change in ownership. The new owner shall be responsible for updating all information to include any new address and telephone number and have the registration information transferred to the new owner's name within thirty (30) days after the change in ownership.

(C) MAS shall send notice to all licensed pet owners of the requirement that all dogs and cats must be microchipped pursuant to this Section. If, after notice is sent, the animal remains un-microchipped, MAS shall issue a citation to the owner. No further notices shall be required after the original notice, and MAS may issue a citation for the same offense every thirty (30) days.

(D) MAS shall implement a financial assistance program so that upon good evidence of financial hardship, individuals who qualify may receive financial assistance for the microchip implant procedure when such funding is available.

SECTION IV: The following section of LMCO Chapter 91 is amended as follows:

§ 91.023 OTHER REQUIRED LICENSES AND PERMITS.

(A) The following entities, organizations, and persons shall be required to obtain licenses or permits, shall be required in the following categories, in addition to those set forth elsewhere in this chapter. Each separate location must be licensed separately, inspected and meet the requirements of this chapter prior to the license or permit being issued. Each separate location must be licensed individually, inspected if requested, and meet the requirements of this chapter prior to any license or permit being issued.

License or permits in these categories shall be effective each July 1 and be valid for one year:

- (1) Class A kennel or cattery.
- (2) Class B kennel or cattery.
- (3) Class C kennel.
- (4) Pet shop.
- (5) Livery, riding, or boarding stable, except for activities conducted at, or by, Churchill Downs.
- (6) Animal welfare group shelter.

- (7) Animal-drawn vehicles (one license per company).
- ~~(8) Theatrical exhibition.~~
- (98) Wildlife permit.
- ~~(109) Animal dealer.~~
- ~~(11) Circus.~~
- (1210) Boarding kennel or cattery.
- ~~(1311) Swine permit.~~
- (1412) Dangerous dog.
- ~~(1513) Potentially dangerous dog.~~
- ~~(1614) Residential Breeders.~~

License or permits in the following categories shall be effective for the authorized duration of the event.

(1) Theatrical exhibition

(2) Circus

However, the licenses required in subsections (B)(1412) and (B)(1513), and ~~(B)(16)~~, above, shall be in lieu of the dog license required by § 91.020, and the fee for any valid license previously issued under § 91.020 shall be credited against those required for dangerous or potentially dangerous dogs at the time of the subsequent license issuance.

~~(B)~~ The application for or the grant of a license set forth under subsection (A) and ~~(B)~~, above, except for dogs licensed under subsections ~~(BA)(1412) and (BA)(1513)~~, and ~~(B)(16)~~, is deemed to permit periodic inspections of the public areas of any such licensed entity during such entity's business hours for the purpose of verifying compliance with the terms and conditions of this chapter. This section, and all other provisions in this chapter authorizing such inspections, shall be reasonably construed and applied by MAS personnel.

~~(DC)~~ *Responsibilities of license and permit holders under this section.*

~~(1) Persons or entities holding a permit or license in accordance with subsection (B) above are prohibited from the sale, exchange, or other transfer of ownership of any animal subject to reporting under § 91.076 to an offender listed on the Animal Abuse Offender Registry or an individual who resides at the same address as an offender on the Animal Abuse Offender Registry.~~

(21) Prior to the sale, exchange, or other transfer of ownership of any animal subject to reporting under § 91.076, any person or entity holding a permit or license in accordance with subsection ~~(BA)~~ above is required to confirm that the potential owner of the animal is not listed on the Animal Abuse Offender Registry and does not reside at an address where an offender on the Animal Abuse Offender Registry also resides.

(2) Persons or entities required to hold a permit or license in accordance with subsection (A) above are prohibited from the sale, exchange, or other transfer of ownership of any animal subject to reporting under § 91.076 to an offender listed on the Animal Abuse Offender Registry or an individual who resides at the same address as an offender on the Animal Abuse Offender Registry.

(3) Any person or entity who sells, exchanges or transfers ownership of any animal in good-faith reliance on registrant information or lack of registrant information on the Animal Abuse Offender Registry shall not be subject to penalty under this section.

(4) This subsection shall not apply to the sale, exchange, or transfer of an assistance dog unless there is an enjoinder order and/or an abuse offense pertaining directly to an assistance dog.

(5) Nothing in this subsection shall prohibit any person or entity from refusing to sell, exchange, or transfer any animal to an offender listed on the Animal Abuse Offender Registry or an individual who resides at the same address as an offender on the Animal Abuse Offender Registry.

(6) Before the sale, exchange, or transfer of any animal, all persons and entities are encouraged to check the Animal Abuse Offender Registry.

SECTION V: The following section of LMCO Chapter 91 is amended:

§ 91.025 VACCINATIONS; FIXATION OF TAGS.

(A) Every owner of a dog, cat, or ferret four months of age or older shall have it vaccinated against rabies. Any owner of a dog, cat or ferret reaching four months of age shall have such animal vaccinated by the tenth business day after the date the animal attained this age. ~~Every owner of a puppy, kitten or ferret that is between three and four months old may have such animal vaccinated against rabies.~~ Such vaccination shall be in accordance with the vaccination requirements prescribed 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." Vaccinations shall be performed by a veterinarian or qualified person.

(D) When a rabies voucher is purchased from MAS at the time of license application, the person purchasing such voucher shall, within ~~seven~~ ten (10) business days, take the dog, cat, or ferret to a veterinarian who will vaccinate the animal, issue a regular vaccination certificate in the manner prescribed herein, and return the voucher to the animal shelter. The animal shelter will present the voucher to the Metro Government from which payment will be made to the veterinarian performing the vaccination. A veterinarian or other qualified person who purchases a dog, cat, or ferret does not have to purchase a rabies voucher from MAS, but must show his or her permit number.

SECTION VI: The following section of LMCO Chapter 91 is amended:

§ 91.124 RESIDENTIAL BREEDERS/ RESIDENTIAL BREEDER PROPERTIES

(A)(1) An owner of Residential Breeder Property shall obtain a permit through MAS pursuant to LMCO § 91.023. It shall be sufficient for the requirements of this section for a Residential Breeder while residing at the property and utilizing the property for Residential Breeding, to possess a Residential Breeder Permit in lieu of the owner of the Residential Breeder Property. Each Residential Breeder shall be responsible for compliance with the requirements of LMCO § 91.020 for each individual dog, cat, or ferret.

(2) All Residential Breeders and owners of Residential Breeder Properties shall, at a minimum, provide housing and care for all applicable animals, including those intended for sale or transfer, in compliance with LMCO § 91.090.

(3) The terms of LMCO § 91.124 shall not apply if any other section of LMCO § 91.120-25 is applicable. When in conflict, the requirements of the Louisville Metro Land Development Code shall supersede the requirements of LMCO § 91.124.

(4) Before a citation is issued to a property owner, a Notice of Violation must be issued pursuant to LMCO § 32.283(B). The property owner shall be given seven days to obtain, or have the Residential Breeder residing at their property obtain, a valid permit pursuant to LMCO § 91.020. If such violation is not remedied within seven days, a citation shall be issued and no further Notices of Violations shall be required at that property for further violations occurring within a 24 month period. Each day that a violation continues to exist shall constitute a separate offense.

(B) A permit may be revoked for a Residential Breeder if, when reasonable notice is given, the owner of Residential Breeder property and/or the Residential Breeder fail to facilitate/allow an inspection of the premises by MAS, Louisville Metro Code Enforcement, or any other law enforcement officer to ensure compliance with this Chapter. Before the issuance of a citation under this subsection, the enforcing body must reasonably attempt to schedule an inspection with the permittee. After revocation of the permit, a citation may thereafter be issued. Each day that a violation continues to exist shall constitute a separate offense.

§ 91.1245 PET SHOPS.

§ 91.1256 RIDING SCHOOLS OR STABLES.

§ 91.1267 ANIMAL WELFARE GROUPS.

§ 91.1278 ANIMAL-DRAWN VEHICLES.

§ 91.1289 SALE OF ANIMALS FROM ANIMAL SHELTER.

§ 91.12930 THEATRICAL EXHIBITIONS

§ 91.1301 ELEPHANT RIDES.

SECTION VII: The following section of LMCO Chapter 91 is added:

APPENDIX A: METRO ANIMAL SERVICES FEE SCHEDULE

<i>Type of License</i>	<i>Annual Fee</i>
Altered dog, cat or ferret license	\$ 10 15.00 (or \$ 27 40.00/3yrs, only when matched to triennial rabies vaccine)
Unaltered dog, cat or ferret license	\$60 (or \$160/3yrs, only when matched to triennial rabies vaccine)
Transfer of pet license mid-year	\$5.00
Potentially dangerous dog license	\$275.00
Dangerous dog license	\$500.00
	0-5 runs and/or cages capacity; \$30.00
	6-25 runs and/or cages capacity; \$60.00
	26-50 runs and/or cages capacity \$90.00
Boarding kennel or cattery	51-75 runs and/or cages capacity \$120.00
	76-100 runs and/or cages capacity \$150.00
	101+ runs and/or cages capacity \$180.00
Class A kennel or cattery	\$150.00 300 for 5 animals or less
Class B kennel or cattery	\$100.00 for 5 animals or less
Class C kennel	\$100.00
<u>Residential Breeder</u>	<u>\$50.00</u>

SECTION VIII: The following section of LMCO Chapter 156 is amended:

§ 156.052 EXTERIOR PROPERTY AREAS.

(A) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls in a clean and sanitary condition.

(B) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Water retention areas and/or reservoirs approved by the Metropolitan Sewer District are exempted.

(C) *Sidewalks, driveways and yards.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. On residentially used lots the use of crushed stone as a hard-durable surface is permitted on lots of less ~~that~~ than five acres the standards as promulgated by regulation by the Code Official for installation and maintenance are continually satisfied in the required front and side yards and rights-of-way.

(D) *Weeds*. All premises shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. Any plant growth exceeding ten inches in height on land of more than three acres that abuts another parcel which contains a dwelling or commercial building thereon other than crops, trees, bushes, flowers or other ornamental plants, shall be at least 50 feet from the property line or 200 feet from an occupied structure, whichever is less.

(E) *Rodent harborage*. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. Information to alleviate and prevent the infestation of insects, mosquitoes, flies, rats and other vermin may be obtained from the Louisville Metro Public Health and Wellness Department.

(F) *Limitation on Animals in Residential Areas*. It shall be a violation of this Chapter for a property to be in violation of LMCO § 91.023, § 91.040, and/or § 91.124. The property owner only shall be considered the alleged violator when cited under LMCO § 156.

(FG) *Exhaust vents*.

(GH) *Accessory structures*.

(HI) *Motor vehicles*

(IJ) *Defacement of property*

(JK) *Donation drop-off bins*.

SECTION IX: Section III, concerning LMCO § 91.021, shall take effect two (2) years after passage and approval. All other sections of this amendment shall take effect three (3) months after passage and approval or otherwise becoming law.

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-469-21 Microchipping PROPOSED ABS 1-26-23 rjh