

**COMMISSIONERS ORDINANCE NO. 0-26-20**

AN ORDINANCE AMENDING SECTIONS 90.01, 90.55, 90.56 and 90.99 OF THE COVINGTON CODE OF ORDINANCES TO ADOPT COMMUNITY CAT MANAGEMENT REGULATIONS AND ASSOCIATED PENALTIES AND ADOPT OTHER REVISED PENALTIES.

\* \* \* \*

WHEREAS, the Covington Code of Ordinances regulates animals in Chapter 90; and

WHEREAS, in 2011, Covington joined other cities within the county, pursuant to O/R-280-11, via an interlocal agreement with Kenton County to provide animal control services in the City of Covington;

WHEREAS, Kenton County recently adopted a revised Animal Control Ordinance providing for, among other revisions, better management of community cats; and

WHEREAS, Kenton County asked the cities that utilize its animal control services to consider adopting the Kenton County ordinance to improve consistent enforcement actions; and

WHEREAS, staff has reviewed the Kenton County ordinance in comparison with Chapter 90 of the Covington Code of Ordinances and recommends revising Chapter 90 to incorporate those portions of the Kenton County ordinance relating to community cat management.

NOW THEREFORE,  
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY  
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section 90.01 of the Covington Code of Ordinances is amended to read 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.

**ANIMAL.** Any living creature, domesticated and wild, male and female, except humans.

**ANIMAL CONTROL OFFICER.** Any city official designated as animal control officer, as well as the animal control officers employed by Kenton County.

**ANIMAL SHELTER.** The Kenton County Animal Shelter or a facility authorized by an animal control officer for confinement, maintenance, safekeeping, and control of animals that come into custody of the animal control officer or enforcement agent in the performance of his or her official duties.

**AT LARGE.** On or off the premises of the owner and not under the immediate effective control of the owner or custodian, either by leash, cord, chain, or other restraint, or effectively confined within a fenced area on the owner's premises. It shall be presumed that a dog is at large if it is not licensed or not registered under this subchapter.

**BIRD OF PREY.** Any variety of predatory bird, including eagles, hawks, falcons, owls, and vultures.

**CARETAKER.** *A person who is not employed by the City or Kenton County Animal Control who participates in the Community Cat Management/Trap-Neuter-Return program. Any person who is not employed by a government agency who participates as a caretaker of community cats must follow all applicable laws and regulations and sufficiently identify himself/herself when engaging in community cat management activities. Such identification methods include but are not limited to wearing a photo id or badge on a lanyard.*

**CAT.** Any member of the feline species, male or female, of any age.

**CITY.** The City of Covington, Kentucky, a municipal corporation of the second class, and including any departments, divisions, boards, or agencies thereof.

**COLLAR.** Any band, chain, harness, or suitable device worn around the neck of a dog to which a license may be affixed.

**COMMUNITY CAT.** *Any free roaming cat that may be cared for by one of more residents of the immediate area who is/are known. A community cat may or may not be feral. Community cats are distinguished from other cats by being sterilized and ear-tipped. Community cats that have been ear-tipped, sterilized, and vaccinated under the Trap-Neuter-Return Program are exempt from any licensing, stray, or at-large provisions of this Ordinance.*

**COUNTY.** The County of Kenton, Kentucky, or used interchangeably as Kenton County or county, including any departments, divisions, boards, or agencies thereof.

**COUNTY LICENSE.** The license or tag required by Kenton County, Kentucky.

**DOG.** Any member of the canine species, male or female, of any age.

**ENFORCEMENT AGENT.** Any person designated by the city or Kenton County to enforce the provisions of this chapter, including but not limited to Kenton County or Covington animal control officers, city police officers, and county police officers.

**EXOTIC ANIMALS.** 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.

**FALCONRY.** The art of training raptors for the pursuit of game and the sport of hunting with raptors.

**FOWL.** Any and all fowl, domesticated and wild, male and female, including chickens, ducks, turkeys, pigeons, and geese.

**KEEP.** Possessing, controlling, exercising, or allowing to run at large.

**LEASH or LEAD.** Any chain, rope, or device used to restrain an animal.

**LICENSE.** The license issued by Kenton County or its designated agent by appropriate legislation, and required to be worn on the applicable animal as hereinafter stated.

**MICROCHIP.** A tiny, passive electronic device implanted under an animal's skin that serves as a permanent identification marker.

**OWN.** To own, have a property right in, keep, care for, or harbor a dog, cat or other animal, or permit a dog, cat or other animal to remain on or about premises owned or occupied by him or her, whether or not the person has an actual ownership interest in the dog or animal.

**OWNER.** Any person who owns, has a property right in, keeps, cares for, or harbors a dog, cat or other animal, or permits such dog, cat or other animal to remain on or about premises owned or occupied by him or her, whether or not the person has an actual ownership interest in the dog, cat, or other animal. If a dog is owned by a family, all adult members of the family, individually and jointly, shall be deemed owners for the purposes of this subchapter.

**PERSON.** Any individual, firm, corporation, limited liability company, association, or partnership.

**PIT BULL DOG.** 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.

**PUBLIC NUISANCE.** Any dog, cat, or other animal or animals, which: (1) chases passersby or passing vehicles; (2) attacks other animals; (3) is at large three or more times within a year's time; (4) damages private or public property; (5) barks, howls, cries, or makes other loud noises, or runs at large, so as to disrupt the peace of the neighborhood; or (6) is kept, housed, or harbored in such a manner so as to present unsanitary conditions, or causes offensive, obnoxious, or foul odors which impair the reasonable use and enjoyment of surrounding properties.

**STATE.** The Commonwealth of Kentucky, and its departments, divisions, boards, and agencies thereof.

**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 it was trapped where the Community Cat will be provided with long-term care by one or more caretakers.*

**VACCINATION.** An anti-rabies vaccination using a type of vaccine approved and administered by a veterinarian.

**VETERINARIAN.** Any veterinarian licensed by the state to practice veterinary medicine or employed by a governmental agency.

**VICIOUS DOG.** The following are considered vicious dogs under this subchapter: (1) a pit bull dog; (2) a wolf-hybrid; (3) any dog that has caused death or serious injury to a person engaged in a lawful activity or has attacked or bitten without provocation a person engaged in a lawful activity; or which has killed or seriously injured another animal after an animal control officer or enforcement agent has issued, based upon the vicious or predatory nature of the dog, a written or verbal notice to the owner or custodian of such dog to keep it confined or muzzled and leashed in accordance with this subchapter; or which has been declared to be vicious by the attending physician of the victim of an attack or an animal control officer or enforcement agent, taking into consideration the nature and severity of the incident and whether the dog has displayed dangerously aggressive behavior and is likely to inflict injury on another person or animal. A vicious dog does not include a dog that bites or attacks a person or other animal that provokes, torments, tortures, or treats an animal cruelly.

**VICIOUS DOG TAG.** A tag issued by Kenton County upon registration of vicious dogs.

**WILD ANIMAL.** 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.

**WOLF-HYBRID.** 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

Section 90.55 of the Covington Code of Ordinances is amended to read as follows:

#### **§ 90.55 STRAY DOGS AND CATS.**

Anyone who picks up a stray dog or cat ***not ear-tipped pursuant to § 90.56*** shall immediately notify and turn the dog or cat over to the animal shelter or animal control officer. No person shall harbor or hold for reward or procure a license for a dog which has strayed upon his premises or which has been picked up on a public street, highway, or other public place unaccompanied by its owner or other person, or which has been stolen from its owner.

### Section 3

Section 90.56 of the Covington Code of Ordinances is amended to read as follows:

#### **§ 90.56 ~~[[RESERVED]].~~ MANAGEMENT OF COMMUNITY CAT POPULATION**

***(A) A Trap-Neuter-Return Program has been developed by Kenton County Animal Services to address the issues presented by feral and other community cats, recognizing that there are caretakers of community cats.***

***(B) The Trap-Neuter-Return Program permits Kenton County Animal Services to engage in the trapping of community cats for the purpose of sterilization, vaccination, ear-tipping for easy identification, and providing of other necessary medical care for community cats.***

***(C) A caretaker providing for a community cat may offer certain necessities on a regular/ongoing basis, including, but not limited to: proper nutrition of food and water, and medical care. If medical care is unavailable or too expensive, a caregiver should contact Kenton County Animal Services for assistance to prevent harm to a community cat.***



- (1) For the purposes of this section, a caretaker shall follow all applicable laws, ordinances, rules and regulations while carrying out any caretaking actions, included but not limited to those laws regarding trespass, littering, and nuisances. Failure to follow all applicable laws, ordinances, rules and regulations may lead to a caretaker's removal from participation in the Trap-Neuter-Return program.
- (2) A caretaker shall not enter private property, including abandoned or vacant property that is being maintained by a government organization pursuant to applicable nuisance laws and regulations, without prior written approval from the legal owner or occupant of such property.
- (3) A caretaker shall not utilize government owned or public property in conjunction with the Trap-Neuter-Return program without obtaining a proper permit or other written consent or permission.

(D) If the requirements of subsection (C), above, are met, the caretaker is exempt from licensing and other provisions of this chapter that apply to owned cats.

(E) Anyone providing necessities to community cats shall adhere to the management standards listed below to reduce reproduction and prevent attraction of wildlife, vermin, or insects. Failure to adhere to standards shall be deemed a public nuisance.

- (1) Food must be presented in a container and not thrown on the ground.
- (2) Uneaten food must be picked up after one (1) hour.
- (3) Trash must be removed and the area kept clean.
- (4) Cats must be encouraged to stay away from people such as by feeding away from streets and public sidewalks.
- (5) Shelter, if provided, must be insulated, blended with the surroundings, and free of standing water and moisture
- (6) Rabies vaccinations and spay/neuter services must be provided by the caretaker or by contacting Kenton County Animal Services to prevent reproduction.

Section 4

Section 90.56 of the Covington Code of Ordinances is amended to read as follows:

**§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which another penalty is not provided, shall be deemed guilty of a misdemeanor and be fined not more than \$500 or imprisoned for not more than six months, or both.

(B) Any person violating the provisions of § 90.10 shall be deemed guilty of a Class B Misdemeanor and shall be fined not more than \$250 or imprisoned for not more than 90 days, or both, for the first violation, and shall be deemed guilty of a Class A Misdemeanor and fined not more than \$500 or imprisoned for not more than one year or both, for each subsequent violation. Each day of violation shall constitute a separate offense. Likewise, each vicious dog for which the violation exists shall be considered a separate violation.

(C) Any person violating the provisions of § 90.14 shall be deemed guilty of a misdemeanor and shall be fined not less than \$250 nor more than \$500. Each day of violation shall constitute a separate offense.

(D) An animal control officer may impound a dog, cat or other animal pursuant to § 90.30 ~~[and may issue an administrative citation to the owner of a dog or animal found to be in violation of this subchapter, or both. In the event a citation is issued, the citation shall bear a civil penalty of \$50, and if the citation is not paid to the animal shelter or designated county office within five days, excluding Sundays and holidays after its issuance, the civil penalties shall double, and an animal control officer may cause to be issued a criminal complaint in the Kenton District Court for a violation of this chapter. Any person violating the provisions of § 90.30 shall be deemed guilty of a violation and shall be fined not less than \$100 nor more than \$250 for the first violation, and not less than \$250 nor more than \$500 for each subsequent violation. Each day of violation shall constitute a separate offense.]~~ **or any other applicable Kentucky law. If an animal is lawfully impounded, appropriate fees may be recovered pursuant to applicable local ordinances and state law.**

(E) Any person violating the provisions of § 90.51 shall be deemed guilty of a misdemeanor and shall be fined not less than \$50, nor more than \$100 for the first violation, and not less than \$100 nor more than \$500 for each subsequent violation hereof. Each day of violation shall constitute a separate offense.

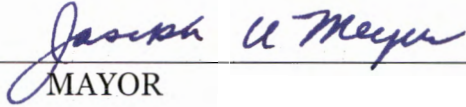
**(F) Any person violating the provisions of § 90.56 shall be deemed guilty of a misdemeanor and shall be fined not less than \$25, nor more than \$100 for the first violation, and not less than \$50 nor more than \$250 for each**

**subsequent violation hereof. Each day of violation shall constitute a separate offense.**

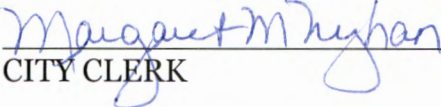
[(F)](G) Whoever violates § 90.60 shall be deemed guilty of a violation and shall be fined \$50.

Section 5

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

  
MAYOR

ATTEST:

  
CITY CLERK

Passed: 12-1-20 (Second Reading)

11-17-20 (First Reading)