

Model Ordinance for Winchester, KY (existing law in bold)

Sec. 4-1. Care and treatment of animals.

(a) Definitions.

- (1) *Adequate food* means the provision of foodstuff that is uncontaminated, wholesome, palatable, and of sufficient quality and nutritive value to maintain the normal condition and weight of the animal. Food shall be provided at suitable intervals or at least once a day, unless restricted by a veterinarian. The diet shall be appropriate for the animal's species, age and condition. Food shall be served in a receptacle, dish or container that is physically clean and absent of agents injurious to the health of the animal.
- (2) *Adequate water* means constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, which is provided in a sanitary manner.
- (3) *Adequate shade* means for dogs one (1) or more separate outside areas of shade, large enough to contain all dogs at one time and to protect them from the direct rays of the sun. A doghouse shall not constitute adequate shade. For all other animals that, as determined by species, require shade, "adequate shade" means one (1) or more outside areas of shade large enough to protect all the animals present from the direct rays of the sun.
- (4) *Adequate shelter* means for dogs an appropriate, durable, enclosed, permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with a roof, four (4) sides, and a floor raised at least two inches above the ground and constructed in a manner to protect a dog's feet and legs from injury, with dimensions appropriate for breed and size. The shelter shall provide the dog adequate protection and shelter from heat and cold and from the direct effect of wind, rain, and snow, and be of proportional size to allow the natural body heat of the dog to be retained in cold weather. The shelter must have an entry-way to allow the dog to easily enter and exit; the entry-way must have a flap that blocks any inclement weather from entering. The shelter shall have a sufficient amount of clean organic bedding material, e.g., straw, hay, or wood shavings, to keep the dog warm and dry. Metal drums shall not be considered shelter. For all other animals, "adequate shelter" means an appropriate structure that provides the animal adequate protection and shelter, as determined by the animal's species, from heat and cold and from the direct effect of wind, rain, and snow.
- (5) *Veterinary care* means an appropriate level of professional medical care and treatment by a licensed veterinarian to maintain the proper health and condition of an animal as determined by its species, breed, and age.

(b) It shall be unlawful:

- (1) For any person within the city to beat, torture, abuse, or otherwise mistreat any animal, whether his own or that of another, or to subject such an animal to any condition that is likely to result in harm to the animal.
- (2) For the owner or harbinger of an animal to fail to provide the animal with adequate food, water, shelter, shade, or veterinary care.
- (3) For a dog's housing area or enclosure to be excessively muddy or contain standing water, due to a lack of groundcover, contain excessive excrement, or be otherwise unsanitary. A

dog's area or enclosure shall be free of objects or contaminants that are likely to cause injury or be detrimental to the health of the dog, including, but not limited to, rusty or jagged metal objects, broken glass, or harmful chemical solvents or agents.

- (4) Any person who violates this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or be imprisoned for a term not to exceed twelve (12) months, or both, for each act, which shall constitute a separate offense.

Sec. 4-29. - Confinement or control. (Existing Winchester law in bold)

The owner, custodian, possessor or harbinger of every dog in the city shall, at all times, keep such dog either confined on his own premises within an enclosure, firmly secured by means of collar ~~or chain and leash or other device~~ so that it cannot stray from the premises on which it is secured or from its owner's custody, or in the immediate control of its owner, custodian or possessor. When any dog is engaged in a hunt, it shall be kept at all times under control of its owner, custodian or possessor.

Minimum standards for confinement of dogs shall be as follows:

- (1) a. It shall be a violation of this section for the owner of any dog to tie, chain, or otherwise tether a dog; provided, however, that a dog may be temporarily tethered, tied or chained if physically accompanied by its owner or any person over the age of fifteen years.
- b. The prohibition of this section does not apply to a temporary restraint during a lawful animal event, veterinary treatment, grooming, or law enforcement activity.
- c. A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. All collars used for the purpose of tethering animals must be made of durable and non-metallic material. Using a chain, choke or pinch collar while tethering is prohibited. A person may not restrain a dog with a chain or tether that weighs more than 1/18 of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.
- d. Where an animal control officer observes a dog being kept on a chain or tether in violation of this section, the officer may notify the owner of the violation in person or by means of a notice placed at the entry to the property. If the owner does not comply with this section within seven days, the dog may be impounded and the owner shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
- e. Any unaltered dog that is impounded for violation of this section shall not be reclaimed by any owner unless the dog is spayed or neutered by or at the direction of Animal Care and Control.
- (2) a. An outdoor enclosure used as the primary living area for a dog or used as an area for a dog to regularly eat, sleep, drink, and eliminate must have at least 150 square feet of space for each dog six months of age or older. Such enclosure shall be constructed of chain link or a similar type of material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping the enclosure.
- b. No person shall confine a dog outside when the outside temperature is equal to or greater than 85 degrees Fahrenheit or equal to or less than 32 degrees Fahrenheit.
- c. Where an animal control officer observes a dog being confined in violation of this section, the officer may notify the owner of the violation in person or by means of a notice placed at the entry to the property. If the owner does not comply with this section within the time limit stipulated by the notice, the dog may be impounded and the owner shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).