

ANIMAL ABUSE OFFENDER REGISTRY

§ 91.170 ANIMAL ABUSE OFFENDER REGISTRY.

(A) Louisville Metro Animal Services ("MAS") shall develop and operate an Animal Abuse Offender Registry for offenders.

(B) Upon conviction, an offender shall be required to register with MAS. The period of time for said persons to remain on the Animal Abuse Offender Registry will be two years from the first day of release of confinement, or the beginning date of probation or conditional discharge.

(C) It shall be the duty of MAS to inform any person required to register pursuant to subsection (B) above.

(D) Any person required to register pursuant to subsection (B) above shall be required to pay an annual registration fee of \$100 to MAS. The fee shall be recorded by MAS into the Animal Abuse Offender Registry account. Pursuant to regulations promulgated by the Director, MAS may waive or reduce the annual registration fee for the offender due to financial hardship or on the basis of income level.

(E) A person who establishes residency in Jefferson County and who, in the last two years, was convicted of an animal abuse offense in another Kentucky jurisdiction, or in another state with substantially similar animal abuse offense statutes, on or after the effective date of this subchapter, must, within ten business days of establishing residency in Jefferson County, register with MAS. Said persons will be required to remain on the registry until two years have lapsed since the first day of release of confinement, or the beginning date of probation or conditional discharge.

(F) MAS, with the assistance of the Department of Information Technology Services, shall establish the Animal Abuse Offender Registry website and make it available to the public. The website shall display offender information and shall be updated at least once every 30 days.

(G) MAS shall promulgate administrative regulations to establish and operate the Animal Abuse Offender Registry, including but not limited to policies and procedures:

- (1) For compiling, publishing, and maintaining offender information;
- (2) For how an individual may be removed from the Registry; and
- (3) To ensure compliance with all other local, state and federal laws.

(H) Any employee of MAS who disseminates, or does not disseminate, registrant information in good-faith compliance with the requirements of this subsection shall be immune from criminal and civil liability for the dissemination or lack thereof.

(I) Any person required to register under subsections (B) or (E) must, within ten business days of change of residency, amend his or her registration with MAS.

(J) Any person required to register under subsections (B) or (E) who fails to do so or who knowingly provides false, misleading, or incomplete information shall be subject to a civil penalty under § 91.999(B).

(Lou. Metro Ord. No. 45-2019, approved 4-25-2019, effective 10-22-2019)

§ 91.171 ANIMAL ABUSE OFFENDER REGISTRY PROGRAM.

(A) The Animal Abuse Offender Registry Program is established for purposes of collection of fees and administration of an online registry pursuant to § 91.170(D) and shall be used to develop and operate the Animal Abuse Offender Registry in accordance with § 91.170. MAS shall administer the program.

(B) Any moneys in the program shall not lapse but shall be carried forward to the next fiscal year.

(Lou. Metro Ord. No. 45-2019, approved 4-25-2019, effective 10-22-2019)

§ 91.997 REFERENCES TO STATUTES AND OTHER ORDINANCES.

Any Kentucky state statute or administrative regulation, or any ordinance of the Louisville/Jefferson County Metro Government cited, referred to, or incorporated by reference in this chapter shall be deemed to refer to or incorporate by reference any amendment, revision, or successor to the statute, regulation, or ordinance so cited, referred to, or

incorporated by reference.

(Lou. Metro Ord. No. 233-2006, approved 1-4-2007; Lou. Metro Am. Ord. No. 290-2007, approved 12-20-2007)

§ 91.998 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(1994 Jeff. Code, §10.07) (Jeff. Ord. 36-1994, adopted and effective 12-20-1994; Lou. Metro Am. Ord. No. 233-2006, approved 1-4-2007; Lou. Metro Am. Ord. No. 290-2007, approved 12-20-2007)

§ 91.999 PENALTY.

(A) Criminal penalty.

(1) Any person cited for a criminal offense under § 91.075 may be punished by a fine not less than \$10 nor more than \$100.

(2) Any person cited for a criminal offense under any other provision of this chapter, except for violations of § 91.075 or any offense designated a criminal offense under the Kentucky Revised Statutes, shall be deemed guilty of a Class B misdemeanor and may be punished by a fine not less than \$5 nor more than \$100 or imprisoned for a period not less than five days but not to exceed 60 days in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(3) Any person found guilty of violating §§ 91.150 or 91.152, in addition to any of the penalties imposed in subsection (A)(2), shall be required by a District Court Judge to either have the dog spayed or neutered or have the dog humanely euthanized, if in the opinion of that judge the severe attack warrants such action. The procedure must be performed within seven days of a court order with proof provided to the District Court and MAS.

(4) In addition to any penalties and/or stipulations imposed, anyone convicted of violations of §§ 91.090 through 91.100 shall also be required to relinquish ownership of the animal(s) to the Metro Government immediately upon that conviction.

(5) Notwithstanding any other provision of subsections (A)(1) through (A)(4), no fine or penalty imposed under this section for a violation of this chapter shall be less than or greater than that imposed under any provision of the Kentucky Revised Statutes for the same offense.

(B) Civil penalty.

(1) Any person cited for a civil offense under this chapter may be subject to a civil penalty. Any person cited pursuant to this subsection may pay the minimum civil penalty within seven days from the date of issuance or request a hearing of such penalty by the Code Enforcement Board ("Board") in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing.

(2) Any person cited for a civil offense under this chapter shall be subject to a penalty of not less than \$150 nor more than \$1,000. Penalties for each subsequent offense shall be cumulated as multiples of the number of previous offenses.

(3) Notwithstanding any other provision of subsection (B) under this chapter, no violation shall constitute a civil offense, if the same conduct regulated by this chapter also constitutes a criminal offense under any provision of the Kentucky Revised Statutes.

(4) The Director may waive or reduce any civil penalty set forth in this subsection (B) due to financial hardship or on the basis of income level, as the case may be, and/or (1) if the violator attends and satisfactorily completes an education or training course established under § 91.060, and/or (2) if the dog or cat is spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.

(1994 Jeff. Code, § 91.119) (Jeff. Ord. 17-1990, adopted and effective 12-19-1990; Jeff. Am. Ord. 46-1996, adopted and effective 12-10-1996; Lou. Metro Am. Ord. No. 97-2003, approved 5-16-2003; Lou. Metro Am. Ord. No. 233-2006, approved 1-4-2007; Lou. Metro Am. Ord. No. 290-2007, approved 12-20-2007; Lou. Metro Am. Ord. No. 145-2017, approved 8-23-2017)