

CITY OF FORT MITCHELL
KENTON COUNTY, KENTUCKY
ORDINANCE 2023-04

AN ORDINANCE AMENDING A PROVISION OF CHAPTER 90 OF THE FORT MITCHELL CODE OF ORDINANCES RELATING TO VICIOUS ANIMALS

WHEREAS, the Fort Mitchell City Council has heretofore adopted an official ordinance related to penalties for the possession of vicious animals within the city via Ordinance 1999-13;

WHEREAS, certain incidents involving vicious animals occurring since the adoption of the original ordinance have led the City to seek additional penalties for possessing the same,

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FORT MITCHELL, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I

The following section of Chapter 90 of the Fort Mitchell Code of Ordinances is amended to read as follows:

§ 90.99 PENALTIES.

(A) Any person violating the provisions of this chapter, other than the provisions of § 90.03, shall be fined not less than \$10 and not more than \$500.

(B) (1) Any person violating the provisions of § 90.03 shall be guilty of a Class A misdemeanor and shall be fined not more than \$500, imprisoned for not more than 12 months, or both, for each offense.

(2) (a) If a person is convicted of or pleads guilty to an offense under § 90.03(A) of this section arising from the person's treatment of an equine, the court may impose one or both of the following penalties against the person, in addition to fines and imprisonment:

1. An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or

by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or

2. An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.

(b) If a person's ownership interest in an equine is terminated by a judicial order under division 2. of this division, the court may order the sale, conveyance, or other disposition of the equine that was the subject of the offense resulting in conviction.

(KRS 525.130)

(C) Any person violating § 90.09 shall be fined not less than \$10 and not more than \$500. (Ord. 1995-9, passed 8-7-95)

(D) Each day that the violation of this chapter continues shall be a separate and distinct offense and punishable as such. (Ord. 1995-16, passed 12-4-95)

(E) Any violation of this chapter is hereby classified as a civil offense, pursuant to Chapter 41 and KRS 65.8808, and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with the applicable code sections, and nothing contained herein or in Chapter 41 shall prohibit the enforcement of this chapter by any other means authorized by law.

(F) If a citation for a violation of any provision of this chapter, except for those offenses included in §90.07, is not contested by the person charged with the violation, the civil fine to be imposed for each offense shall be \$50 for the first offense, \$90 for the second offense, and \$210 for the third, and thereafter, offense.

(G) If a citation for any provision of this chapter, except for those offenses included in §90.07, is contested and a hearing before the Code Enforcement Board is required, the maximum civil fine which may be imposed at the discretion of the Board shall be from \$20 to \$200 for the first offense, from \$60 to \$600 for the second offense, and from \$180 to \$1,800 for the third, and thereafter, offense.

(H) If a citation for a violation of §90.07 is not contested by the person charged with the violation, the civil fine to be imposed for each offense shall be \$200.

(I) If a citation for a violation of §90.07 is contested and a hearing before the Code Enforcement Board is required, the maximum civil fine which may be imposed at the discretion of the Board shall be from \$40 to \$400 for the first offense, from \$80 to \$800 for the second offense, and from \$200 to \$2,000 for the third, and thereafter, offense.

(HJ) Each section of the ordinance violated shall be considered a separate fineable offense. If two or more sections of the ordinance are violated, the fines shall be cumulative and be enforced

under the same citation. Each day a violation exists shall be considered a separate offense upon issuance of a separate citation.

(K) Any violation of §§ 90.06 through §90.08 shall result in written notification to the residential property owner to be sent via U.S. Mail to the mailing address listed with the Kenton County Clerk.

SECTION II

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

SECTION III

The Provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION IV

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

Jude Hehman
Mayor

ATTEST:

Amy Guenther
City Clerk

FIRST READING:

SECOND READING:

PUBLISHED: _____