

## ORDINANCE NO 2003-18

AN ORDINANCE ESTABLISHING ANIMAL CONTROL IN THE CITY OF BULL SHOALS, ARKANSAS, REPEALING ORDINANCES 91, 91A, 91B, 1991-10 (EXCEPT FOR SECTION 2); 1998-13; REQUIRING LICENSING OF ALL DOGS AND CATS; PRESCRIBING PENALTIES FOR VIOLATIONS; AND FOR OTHER RELATED PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BULL SHOALS, ARKANSAS:

### **Section 1** Definitions

For the purpose of this Ordinance, the following words and phrases shall have the following meaning:

Animal. Domestic — Animals born or raised in captivity, including for purpose of this Ordinance:

Category 1 - domestic dogs (excluding hybrids with wild species such as wolves, coyotes, jackals)

Category 2 - domestic cats (excluding hybrids with wild species such as ocelots, margays)

Category 3 — hoofed animals such as horses, asses/donkeys, cattle, sheep, goats, swine

Category 4 — farm type birds, such as poultry, ducks, geese, guinea hens

Category 5 — any other animals not included in this definition, which are born or raised in captivity, and not normally found in the wild.

Animal. Vicious — Any animal that commits a vicious act; attacking, biting, injuring, or otherwise

jeopardizing the well-being of human beings or domestic animals without adequate provocation.

However, the fact that an animal has bitten or attempted to bite someone or something that was provoking the animal shall not constitute a vicious animal.

Animal. Wild — Any living animal normally found in the wild.

Animal control authority — City officer(s) and/or employee(s) involved in animal control within the City, as required by this Ordinance and any other state and/or federal regulations.

Animal control officer — City employee designated for this purpose, by resolution of the City Council.

Animal establishment — Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

Animal Shelter — Any premises designated by the City for the purpose of impounding and caring for animals under the authority of this Ordinance.

At Large — Any animal is at large when he is off the premises of the owner and not under the control of a responsible person.

Control — Any animal shall be considered under control if it is confined to the premises of its owner, is secured by a leash or lead of sufficient strength to prevent it from escaping, is confined in an automobile when away from the premises of the owner or is a certified Police K9 in the performance of his duties.

Cruelty to animals — A person commits the offense of cruelty to animals as defined by Arkansas Criminal Statute 5-62-101

Enclosure — A fence or structure suitable to confine an animal and prevent it from escaping.

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Exposed to rabies — An animal has been exposed to rabies if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

Health Officer — The designated official of the State Department of Health or any local health official whose duties may involve conditions or investigations relevant to animal control.

Humane. manner — Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feed habits of the animal's size, species and breed.

Kennel— Any lot or premises on which domestic animals are kept for commercial purposes.

Kennel. Private — Any residential zoned lot or premises on which are kept more than three of any one type of domestic animal over three (3) months of age.

License — A metal tag and certificate issued by the City showing that the animal has been registered with the City, a licensing fee paid, proof of rabies vaccination shown, and (if applicable) proof of neutering. The certificate will state the name, address and telephone number of the owner(s), the name, breed, color, age and sex of the animal, and date of issue and expiration.

Licensing authority — Any agency or department of the City, or any designated representative thereof, including licensed veterinarians, charged with administering the issuance and/or revocation of certificates and licenses under the provisions of this Ordinance.

Neutered — An animal incapable of sexual reproduction.

Nuisance — An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's, or public walks and recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noisemaking; molests or interferes with persons in the public right-of-way; chases vehicles.

Owner — Any person having a right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person, or premises over which that person has substantial control. Any person who intentionally provides food, water or shelter to any dog or cat.

Person — Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit.

Pet Shop — Any person engaged in the business of buying or selling two (2) or more species of live animals with the intent that they are kept as pets.

Restraint — An animal is under restraint if it is controlled by a leash or within a vehicle being driven or parked on a street or confined on the property of its owner or keeper.

Veterinary clinic or hospital — A clinic or hospital operated by a licensed veterinarian.

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### Section 2. Keeping of animals

- a) Domestic animals allowed to be kept within City limits in a non-commercial capacity shall be limited to those defined as domestic animals in Section 1, Categories 1, 2 and 5.
- b) Domestic animals allowed to be kept within City limits in a commercial capacity are defined by the City Planning and Zoning Ordinance. Any business involving animals and documented as active before the approval of this Ordinance (i.e., has a current City of Bull Shoals Occupational License), is hereby grandfathered. Nothing herein shall be construed in conflict with Section 2 of Ordinance 1991-10, which remains in full force and effect.
- c) It shall be unlawful to keep, or permit to be kept, a domestic animal as defined in Section 1, Category 3 and 4, within the City limits.
- d) It shall be unlawful to keep, or permit to be kept, a wild or vicious animal within City limits.
- e) It shall be unlawful for any person to have a private kennel within City limits, which limits the number of each kind of animal kept to three (3) over three (3) months of age. Any animal owner keeping more than three (3) of each kind of animal over three (3) months of age and documented as such within sixty days after the approval of this Ordinance, is hereby granted grandfather status for those specific animals.
- f) Special or conditional keeping of any animal(s) within City limits may be allowed as long as it will not potentially be a nuisance, with approval by the City Council upon recommendation from the Planning Commission. Application will follow the procedure outlined in the Planning and Zoning Ordinance for Conditional Uses.

### Section 3. Rabies Vaccination; Rabid Animals

- a) All dogs and cats over three (3) months of age within the City shall be vaccinated against rabies by a one or a three-year shot, said records will be provided to the city. Shots will be administered by a licensed veterinarian and wear the durable rabies tag issued at the time of vaccination. Rabies tags must be attached to the collar or harness of the dog or cat and be worn at all times. Rabies tags are not transferable from one dog or cat to another dog or cat. (As stated in: §20-19-302(6))
- b) Any person having knowledge that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knowledge that an animal has been bitten by a rabid animal, shall promptly report such information, to the extent known, to the county health officer or the City animal control authority.
- c) It shall be the duty of the owner, the health department, or the person or agency gaining information that any domestic animal or person has been bitten or is probably infected with rabies, to incarcerate or impound the animal in the institution of some competent veterinarian within this City or county, or in the animal shelter, where the animal shall be held for observation for such period of time, as directed by the County Health Department, to determine whether the animal is infected with rabies.

### Section 4. Licensing

- a) No person shall own, keep or harbor any dog or cat within the City unless such dog or cat is licensed and vaccinated as herein provided.
- b) The licensing authority shall maintain a record of all licenses issued, certification of rabies vaccination, certification of neutering if applicable, and make such records available to the animal control authority.
- c) All dogs and cats over three (3) months of age shall be licensed as provided herein. Application for a dog or cat license shall be made to the licensing authority and shall state the name, address and telephone number of the owner(s); the name, breed, color, age and sex of the dog or cat; and a copy of a current certificate of rabies vaccination issued by a licensed veterinarian or person authorized to give rabies vaccinations. Applicants shall pay license fees as set out in Section 12. Fees and Penalties.

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- d) Application for a license must be made within thirty (30) days of obtaining a dog or cat over three (3) months of age, or within thirty (30) days of establishing residence in the City This requirement will not apply to a nonresident keeping a dog or cat within the City for no longer than sixty (60) days. Failing to apply for a license within the allotted time, the owner may be cited for violating this Ordinance and, upon conviction, shall be deemed guilty of a misdemeanor and shall be punishable by a fine as set out in Section 12 of this Ordinance.
- e) The licensing period will be until the animal passes away, or the owner forfeits ownership. After a thirty (30) day grace period from this date, the cost of the license will double. After sixty (60) days from this date, the owner must pay the doubled license fee, plus may be cited for violating this Ordinance and, upon conviction, shall be deemed guilty of a misdemeanor and shall be punishable by a fine as set out in Section 12 of this Ordinance.
- f) The licensing authority may include licensed veterinarians holding an occupational license with the City If the licensed veterinarian arranges the details of collection in agreement with the City Recorder -Treasurer, they are hereby empowered to collect the license fee, issue a dog or cat license and a durable metal license tag at the time a dog or cat is vaccinated for rabies. The City recorder - treasurer or his/her representative shall collect dog or cat license receipts from such veterinarians on at least a quarterly basis.
- g) For registered dogs serving the blind or deaf, or government owned dogs for use in law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.
- h) License tags must be attached to the collar or harness of the dog or cat and be worn at all times. License tags are not transferable from one dog or cat to another.

### **Section 5.** Maintenance of premises and disturbing noises

An owner of an animal shall maintain his premises in such a manner as not to constitute either a, private nuisance to adjoining property owners or a nuisance to the public generally Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and animal(s) shall be restrained in such a fashion that noise emanating there from shall not be disturbing to such persons.

### **Section 6.** Confinement

- a) It shall be the duty of any owner, or keeper, of any animal to keep such animal under such control so as to:
  - 1) Prevent such animal from becoming a danger to persons, animals or property
  - 2) Prevent such animal from becoming a nuisance.
- b) An owner of a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence or enclosure, or within a house or other building, or shall confine such dog by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large.
- c) The dog shall be under control of his or her handler by verbal or hand commands. Failure to maintain control of the dog will constitute "dog at large." If walking a dog, it will be the responsibility of the handler to pick up feces from their dog off of private property and public property.
- d) In the prosecution of an owner or keeper of any animal for committing a vicious or threatening act, the City Court of Bull Shoals may, upon conviction entered, order that such animal be humanely destroyed.
- e) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat, except for intentional breeding purposes.

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- f) It shall be unlawful for any owner to allow his/her dog or cat to enter any food store or place where food is exhibited for sale, except for registered dogs serving the blind or deaf or government owned dogs used in law enforcement.

### **Section 7** Impoundment; Adoption

- a) Any animal at large or otherwise in violation of this Ordinance may be impounded in the City animal shelter in a humane manner for a period of not less than five (5) business days; and if within such time, an animal so impounded has not been reclaimed by its owner in accordance with this Ordinance, such animal shall become the absolute property of the animal control authority, which may convey ownership of such animal to any responsible person, on such conditions as the animal control authority may prescribe, or the animal control authority may humanely destroy such animal.
- b) The animal control authority shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter that the animal has been impounded, of the manner by which the animal may be reclaimed and that the animal may be destroyed or become the property of the animal control authority as provided herein.
- c) Prior to the destruction of a dog at large which carries its owner's address, and which is impounded in the animal shelter, the animal control authority shall give the owner (5) days' notice of the proposed destruction by certified letter, return receipt requested.
- d) Notwithstanding any provision of this Ordinance to the contrary, the animal control authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time period as the animal control authority may determine.
- e) Notwithstanding any provision of this Ordinance to the contrary, the animal control authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that destruction of the animal is necessary to prevent disease or injury to other animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, or any other condition.
- f) Notwithstanding any provision of this Ordinance to the contrary, the animal control authority may humanely destroy any animal impounded in the animal shelter when the animal control authority reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering, or death.
- g) Impoundment aspect of this Ordinance will be in force only when a properly functional Animal Shelter is in place, which will be based on the availability of funds.

### **Section 8.** Reclaiming Impounded Animals

- a) The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this Ordinance, and upon payment of fees and charges as hereinafter provided, credited to the account of the animal control authority, and shall not be in lieu of any fine or penalty otherwise provided by law
- b) Fees for reclaiming impounded animals are as set out in Section 12. Fees and Penalties.
- c) The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.
- a) Adoption — The animal control authority may convey ownership (permit adoption) of any animal which has become the property of the animal control authority to a responsible person subject to such condition as may be prescribed by the animal control authority, including, without limitation, the following:
  - 1. Payment of an adoption fee as set out in Section 12. Fees and Penalties, and any vaccination, licensing or veterinary costs; and

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2. Evidence satisfactory to the animal control authority that the animal has, or will be, examined by a veterinarian and vaccinations against rabies and other disease administered.
3. Evidence satisfactory to the animal control authority that the animal has, or will, be neutered.

### Section 9. Enforcement; Penalties

- a) Enforcement responsibility — The provisions of this' Ordinance shall be enforced by the animal control authority of the City of Bull Shoals, Arkansas.
- b) Interference — No person shall interfere with, hinder or molest the animal control authority in the performance of its duty or seek to release any 'animal in the custody of the animal control authority, except as herein provided.
- c) Citations — The officers of the Bull Shoals Police Department are hereby authorized to issue a citation to any person for violation of any provision of this Ordinance. The citation shall be in a form approved by the City Court of Bull Shoals, shall designate the offense charged and shall require the person so charged to appear before the City Court of Bull Shoals on a date certain to answer the charges therein contained.
- d) Penalties for violations are as set out in Section 12. Fees and Penalties.

### Section 10. Equipment

The animal control officer is authorized to employ any equipment it deems necessary to enforce the provisions of this Ordinance, including, without limitation, humane wire box traps; and the animal control authority may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

### Section 11 Records

It shall be the duty of the animal control authority to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody.

### Section 12. Fees and Penalties

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| a) City license tag fee, dog or cat, for lifetime of the animal | \$5.00   |
| 1) Replacement city license tag                                 | \$10.00  |
| b) Fees for Reclaiming Impounded Animals —                      |          |
| 1) Licensed and vaccinated dog or cat:                          |          |
| First offense   | \$15.00  |
| Second offense  | \$25.00  |
| Third offense   | \$50.00  |
| Subsequent offense.   | \$75.00  |
| 2) Unlicensed or unvaccinated dog or cat:                       |          |
| First offense.  | \$25.00  |
| Second offense.   | \$50.00  |
| Third offense   | \$150.00 |
| Subsequent offense.   | \$150.00 |
| 3) Other animals, each offense.                                 | \$25.00  |

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- 4) Animals impounded for rabies quarantine or for use as evidence in a criminal prosecution, per day \$10.00
- 5) In addition to the foregoing fees, the per day board for each day the animal is impounded in the shelter \$5.00
- c) Adoption Fee (after proof of mandatory licensing, neutering & rabies shot) FREE.
- d) Penalties for violations —
  - 1) Any person who commits the -offense of cruelty to animals shall be deemed guilty of a Class -A misdemeanor and shall be subject to fines and penalties as prescribed in the Arkansas Code Annotated Section 5-4-201 and Section 5-4-401
  - 2) It shall be unlawful for any person to knowingly release any animal within the corporate limits of the City of Bull Shoals. Violation of this section will be punishable by a fine of not less than one hundred dollars (\$100.00) plus court costs, nor more than five hundred dollars (\$500.00) plus court costs per animal.
  - 3) Any person violating any other provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not less than fifty dollars (\$50.00) plus court costs, nor more than five hundred dollars (\$500.00) plus court costs, and if such violation be continued, each day's violation shall be a separate offense.

**Section 13.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. Ordinances 91, 91A, 91B, 1991-10 (except for Section 2), and 1998-13 are hereby repealed.

**Section 14.** If any part of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other part of this Ordinance.

**Section 15.** This ordinance shall be in full force and effect thirty (30) days from and after its passage.