

Chapter 6 ANIMALS¹

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. DOGS

DIVISION 1. GENERALLY

Sec. 6-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dogs means and includes animals of all ages, both female and male, which are members of the canine or dog family.

Owner means every person owning, keeping or harboring a dog within the corporate limits of the city.
(Code 1973, § 4-34; Ord. No. 80-16, § 1, 7-28-1980)

Secs. 6-20—6-41. Reserved.

DIVISION 2. RUNNING AT LARGE²

Sec. 6-42. Prohibited; penalty for violation.

It shall be unlawful for the owner of any dog living within the corporate limits of the city to permit such dog to run at large within the city. It shall be the duty of the owner of every dog to keep the dog safely and securely restrained at all times. Whenever a dog is found running at large within the city limits, the owner of the dog is deemed to be in violation of the duty to keep the dog safely and securely restrained.

(Code 1973, § 4-26; Ord. No. 1, 11-11-1958; Ord. No. 83-6, § 1, 3-28-1983)

Sec. 6-43. Impoundment; redemption; fee.

Dogs found running at large within the city limits shall be impounded in the city pound for a period of 72 hours. ~~State law reference(s)—Animals in cities generally, A.C.A. §§ 14-54-103, 14-54-101 et seq., 20-19-101 et seq.; a pound fee for animals, A.C.A. §§ 9-62-101, 14-54-103(7); authority of city to define, prevent and abate nuisances, A.C.A. § 14-54-104(4); livestock, A.C.A. § 2-32-101 et seq.~~ ¹State law reference(s)—Authority of city to prevent the running at large of dogs, A.C.A. § 14-54-1102.

part of a day that the dog is impounded. The reclamation of two or more animals by the same owner or household shall constitute separate charges.

(Code 1973, § 4-27; Ord. No. 1, 11-11-1958; Ord. No. 1027, § 1, 1-10-1977; Ord. No. 88-24, § 1, 8-22-1988)

Sec. 6-44. Notice to owner of impounded dog.

If the owner of a dog impounded pursuant to this division is known or can be determined, the animal control officer shall give notice to the owner, by mail, of the impounding of the dog.

(Code 1973, § 4-28; Ord. No. 1, 11-11-1958)

Sec. 6-45. Destruction of unclaimed dogs.

All impounded dogs which are unclaimed within 72 hours from the time of impounding or the time that the notice required by this division is given, whichever is later, shall be destroyed.

(Code 1973, § 4-29; Ord. No. 1, 11-11-1958)

Secs. 6-46—6-63. Reserved.

DIVISION 3. PENS AND KENNELS

Sec. 6-64. Barking and howling.

It shall hereafter be unlawful for any person to keep on his premises, or under his control and within the city, any dog which by loud and frequent barking and howling shall unreasonably disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept.

(Code 1973, § 4-35; Ord. No. 80-16, § 2, 7-28-1980)

Sec. 6-65. Condition of pen and premises.

It shall be unlawful for any person keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the premises; and it shall be unlawful to allow premises where dogs are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

(Code 1973, § 4-36; Ord. No. 80-16, § 3, 7-28-1980)

Sec. 6-66. Unlawful to deposit filth from kennels upon property of another.

No person owning, keeping, maintaining or harboring dogs shall discharge or deposit or permit to be discharged or deposited any dirt or filth of any description associated with dog kennels in or upon the property of another or upon any public passageway, street or alley.

(Code 1973, § 4-37; Ord. No. 80-16, § 4, 7-28-1980)

Sec. 6-67. Responsibility of animal control officer.

The supervision of all dog pens and kennels to determine compliance with this division shall be the responsibility of the animal control officer.

(Code 1973, § 4-38; Ord. No. 80-16, § 5, 7-28-1980)

Secs. 6-68—6-92. Reserved.

ARTICLE III. LIVESTOCK AND POULTRY³

Sec. 6-93. Livestock and poultry generally prohibited in city limits.

It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city any cows, horses, goats, hogs, sheep, rabbits or poultry, except as hereinafter provided.

(Code 1973, § 4-41; Ord. No. 79-35, § 1, 9-24-1979)

Sec. 6-94. Permitted in agriculture zones.

The keeping and maintaining of any cows, horses, goats, hogs, sheep, rabbits or poultry is allowed in all areas zoned agriculture.

(Code 1973, § 4-42; Ord. No. 79-35, § 2, 9-24-1979)

Sec. 6-95. Permit required for areas other than agriculture.

In all areas zoned other than agriculture, the keeping and maintaining of rabbits, poultry, cows and horses may be allowed by the obtaining of a permit from the chief of police at a cost of \$5.00. The permit shall be required only once, but will be revoked if said livestock or poultry are allowed to create a nuisance to adjoining property owners.

(Code 1973, § 4-43; Ord. No. 79-35, § 3, 9-24-1979)

Sec. 6-96. Enforcement by chief of police; notice of unsanitary, obnoxious, etc., conditions; warrant for failure to correct.

The keeping of cows, horses, goats, hogs, sheep, poultry, fowl or rabbits in enclosures as herein provided within the city limits shall be under the supervision and control of the chief of police. Should any of the enclosures become harbors for breeding of flies, mosquitoes and rats or should they become unsanitary, obnoxious, unhealthy and/or discomforting to any of the citizens of the city because of the conditions created by keeping said animals, the chief of police, upon verifying such conditions to exist, shall serve written notice on the owners or keepers of said premises as to the conditions thereof by delivering a copy of the notice to the owner or the keeper, or by posting the same in a conspicuous place on the premises. If, within five days after service of the notice, said owner or keeper has not corrected the condition, the chief of police shall make application for the warrant of arrest for the owner or keeper of said animals.

~~(State law reference) - Livestock, S.C.A. § 4-38711 et seq.~~

Secs. 6-97—6-120. Reserved.

ARTICLE IV. DANGEROUS ANIMALS

Sec. 6-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous animal means:

- (1) Any mammal, amphibian, fish, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics, would constitute a danger to human life, physical well-being, or property, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys, foxes, elephants, alligators, crocodiles, and snakes which are venomous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup including, but not limited to, boa constrictors, Madagascar ground boas, green and yellow anacondas, Cuban boas, Indian pythons, reticulated pythons and all members of the family pythonidae that exceed six feet in length.
- (2) Any dog or cat having a disposition or propensity to attack or bite any person or animal without provocation is hereby defined as a "dangerous animal." For the purposes of this article, where the official records of the chief animal control officer or city clerk indicate a dog or cat has bitten any person, it shall be prima facie evidence that said dog or cat is a dangerous animal.
- (3) Any pit bull dog. The term "pit bull dog" is defined to mean any and all of the following dogs:
 - a. The Staffordshire Bull Terrier breed of dogs;
 - b. The American Staffordshire Terrier breed of dogs;
 - c. The American Pit Bull Terrier breed of dogs;
 - d. Dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.
- (4) 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 shall constitute prima facie evidence that the animal is prohibited by this section. For the purposes of this section all references to animals described herein shall be to wolf-hybrids.

Owner means every person owning, keeping or harboring a dangerous animal as defined herein within the geographical limits of the city.

(Code 1973, § 4-40.1; Ord. No. 07-25, § 1, 12-27-2007)

Sec. 6-122. Prohibition and destruction of dangerous animals in certain cases.

It shall hereinafter be unlawful for any person to keep within the corporate limits of the city any dangerous animal as defined herein unless the animal is securely confined indoors or confined within a pen upon the premises of the owner. It shall be a violation of this article to permit the dangerous animal to run at large and

thereby constitute a danger to other persons or animals. Any person shall have the right to kill any such dangerous animal which attacks or attempts to attack that person or any other person or domesticated animal without in any way being liable to the owner of such dangerous animal.

(Code 1973, § 4-40.2; Ord. No. 07-25, § 2, 12-27-2007)

Sec. 6-123. Regulations for keeping dangerous animals.

- (a) *Leashes and ropes.* No person owning, harboring or having the care of a dangerous animal shall allow or permit such dangerous animal to go unconfined on the premises of such person, nor shall the person allow or permit such dangerous animal to be loose unless it is securely leashed with a leash no longer than four feet in length with said person being in control of said dangerous animal at all times. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless that person is in physical control of said leash. A dangerous animal may not be leashed to an inanimate object such as trees, posts, buildings, etc. In addition, all dangerous animals on a leash outside their kennel or pen must be muzzled by a muzzling device sufficient to prevent such dangerous animal from biting persons or other animals. No dangerous animals shall be outside of its pen or kennel unless under the control of a person who is at least 18 years of age.
- (b) *Pens and kennels.*
 - (1) All dangerous animals shall be securely confined indoors or in a securely enclosed locked pen or kennel, except when leashed and muzzled as provided in subsection (a) of this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine said animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house said animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated to keep it in a clean and sanitary condition.
 - (2) Ordinance violation. If the dog owner is convicted of allowing animals to run at large or the owner is convicted of a violation of this article, the dog must be confined in a pen with cement footing and lid.
- (c) *Porch and patios.* No dangerous animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in house or structure where the windows are open or where screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

(Code 1973, § 4-40.3; Ord. No. 07-25, § 3, 12-27-2007)

Sec. 6-124. Notice of keeping dangerous animals.

- (a) *Signs.* All owners, keepers or harborers of dangerous animals within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (b) Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal in violation of this article in the city, the chief animal control officer or his authorized deputy shall forthwith cause the matter to be investigated; and if after investigation the facts indicate that such person named in the complaint is in fact the owner or is keeping or harboring any such dangerous animal in the city, he shall forthwith send written notice to such person requiring such person to safely remove said animal from the city within five days of the date of said notice. Notice as herein provided shall not be required where such dangerous animal has previously caused serious physical harm or death to any person or has escaped and is

at large, in which case the chief animal control officer shall cause said animal to be immediately seized and impounded, according to section 6-125, or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

(Code 1973, § 4-40.4; Ord. No. 07-25, § 4, 12-27-2007)

Sec. 6-125. Seizure and impounding of dangerous animals.

- (a) The chief animal control officer or his authorized deputy shall forthwith cause to be seized and impounded any dangerous animal, where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to section 6-124. Upon a seizure and impoundment, said animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.
- (b) If during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person authorized by the chief animal control officer may render said animal immobile by means of tranquilizers or other safe drugs; or, if that is not safely possible, then said animal may be killed.

(Code 1973, § 4-40.5; Ord. No. 07-25, § 5, 12-27-2007)

Sec. 6-126. Insurance.

All owners, keepers or harborers of Pit Bulls or wolf-hybrids must immediately and all owners, keepers or harborers of any animal that has been found guilty of this article, must, within ten days of the conviction, acquire public liability insurance in a single incident minimum amount of \$100,000.00 for bodily injury to or death of any person for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. The owner, keeper or harbinger of such animal must be prepared to show proof of said insurance of said Pit Bulls or wolf-hybrids at all times. Failure to maintain insurance as set out herein shall be a violation of this article.

(Code 1973, § 4-40.6; Ord. No. 07-25, § 6, 12-27-2007)

Sec. 6-127. Penalty.

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of no less than \$250.00 nor more than \$500.00 for the first occurrence, no less than \$500.00 nor more than \$750.00 for the second occurrence and \$1,000.00 for the third or subsequent occurrence.

(Code 1973, § 4-40.7; Ord. No. 07-25, § 7, 12-27-2007)

Sec. 6-128. Citations.

The animal control officers and the city police department, as well as any other certified law enforcement officer with appropriate jurisdiction, may issue citations for the violation of this article.

(Code 1973, § 4-40.8; Ord. No. 07-25, § 8, 12-27-2007)