

New # 85-4-1

ORDINANCE NO. 40185

AN ORDINANCE PROHIBITING THE KEEPING OF WILD ANIMALS; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs, Arkansas, that the keeping of wild animals within the city limits of the City of Elm Springs creates dangers, disturbances and offensive conditions to the City of Elm Springs and it is the opinion of the City Council that same should be prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS THAT:

SECTION 1. Prohibition. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the city any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

SECTION 2. Classification. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the city any of the following animals:

- 1) All poisonous animals including rear-fang snakes.
- 2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
- 3) Baboons (Papoi, Mandrillus).
- 4) Bears (Ursidae).
- 5) Cheetahs (Acinonyx jubatus).
- 6) Crocodilians (Crocodilia), thirty (30) inches in length or more.
- 7) Constrictor snakes, six (6) feet in length or more.
- 8) Coyotes (Canis latrans).
- 9) Elephants (Elephas and Loxodonta).
- 10) Hippopotami (Hippopotamidae).
- 11) Hyenas (Hyaenidae).
- 12) Jaguars (Panthera onca).
- 13) Leopards (Panthera pardus).
- 14) Lions (Panthera leo).
- 15) Lynxes (Lynx).
- 16) Monkeys, old world (Cercopithecidae).
- 17) Piranha fish (Characidae).
- 18) Pumas (Felis concolor); also known as cougars, mountain lions, and panthers.
- 19) Rhinoceroses (Rhinocerotidae).
- 20) Tigers (Panthera tigris).
- 21) Wolves (Canis lupus).

SECTION 3. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars nor more than five hundred dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists and that this Ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Elm Springs, Arkansas, become effective immediately upon its passage, approval and publication.

PASSED AND APPROVED this 1 day of April, 1985.

J. L. Hellstern
J. L. HELLSTERN, MAYOR

ATTEST:

Betty Lewis

ORDINANCE NO. 98-09

AN ORDINANCE REGULATING OWNERSHIP OF DANGEROUS AND VICIOUS DOGS WITHIN THE CITY; PROVIDING FEES; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE

Whereas, certain dogs present a threat to the safety, health, and peace of the citizens of the City of Elm Springs, Now

Therefore:

Be It Enacted, by the City Council of the City of Elm Springs, as follows:

Section One:

I. Definitions

As used in this ordinance:

- A) *A.C.O.* means the City's Animal Control Officer, who shall be the Mayor of Elm Springs or his designee.
- B) *Dangerous dog* means any dog which displays or has a tendency, disposition or propensity to:
 - (1) bare its teeth or approach in a menacing manner a person or domestic animal which is not provoking the dog, or to
 - (2) attack, chase, charge, or bite a person or domestic animal in a menacing manner, or to attempt to do so.
- C) *Vicious dog* means any dog which on public or private property has:
 - (1) caused a life-threatening injury, or broken bone or multiple sutures, to a person, or has
 - (2) killed a domestic animal without provocation while off the owner's property.
- D) *Owner* means any person having title to, or possession of, a dog.

II. Initiation of Official Action

(A) First Complaint of Class I Behavior

Upon receipt of first allegations that a specific animal is a dangerous dog, the A.C.O. shall provide to the owner written notice of the general content of the allegations and of the content of this ordinance.

(B) Other Complaints

(1) Upon receipt of:

- a) any subsequent allegations that the same dog has exhibited further behavior characteristic of a dangerous dog, or of
- b) first allegations that a dog is a vicious dog,

the A.C.O. shall provide the Owner with notice of the general content of the allegations, and shall determine whether the animal is a dangerous or vicious dog.

(2) In making the determination, the A.C.O. shall provide the owner with opportunity to respond to the allegations, and may:

- a) interview any person with knowledge of the dog,
- b) inspect the dog as permitted by law or by the owner, and
- c) undertake any other reasonable inquiry, including without limitation obtaining the opinion of a veterinarian.

(3) Upon a determination by the A.C.O. that there is cause to believe that an animal is a dangerous or vicious dog, which determination may be based on hearsay by any credible witness, the owner shall have the burden of establishing by the preponderance of the evidence received by the A.C.O. that the dog is not a dangerous or vicious dog.

(4) The A.C.O. may require temporary confinement of the dog pending the determination here required. If the owner does not comply immediately with the temporary confinement requirements, the dog shall be impounded as provided in Section IV. C.

III. Mandatory Restraint

No person shall own, possess, or cause to be in the City any animal which the A.C.O. has determined to be a dangerous or vicious dog, unless it is restrained, confined, or muzzled so that

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it cannot charge, attack, bite, or cause injury to any person or domestic animal, and unless it is maintained at all times in compliance with any order of compliance issued hereunder.

IV. Order of Compliance

(A) Time to Comply

Upon determination that an animal is a dangerous or vicious dog, the A.C.O. shall issue an Order of Compliance requiring the owner immediately to confine, muzzle, and restrain the animal sufficiently to protect all persons and domestic animals, and to otherwise fully comply with the terms of this ordinance.

(B) Conditions of Restraint

The Order of Compliance may, in the reasonable discretion of the A.C.O., require that:

- (1) When outside of the walls of the owner's home, the dog shall be confined in a kennel surrounded on all sides and top by chain-link fencing of at least #9 gauge, maximum 2.5 inch mesh, with concrete or similar flooring or with side fencing buried tip to 18 inches into the ground, and with gate(s) padlocked except when entering or exiting;
- (2) When outside of the walls of the owner's home and of the kennel, the dog shall be muzzled and shall be restrained by chain leash not exceeding 6 feet in length sufficient to control the dog, and shall be under the immediate control of a person who shall prevent the animal from harming any domestic animal or disturbing the peace of any person;
- (3) The owner's home and kennel shall be posted with signs warning the public that the dog is dangerous or vicious.
- (4) The dog shall be temporarily muzzled, restrained, and confined by the owner according to conditions determined by the A.C.O., until the Order of Compliance has been obeyed.

(C) Failure to Comply

If the owner fails to fully meet the A.C.O.'s requirements for temporary confinement and restraint, including any schedule of construction of kennel or restraints, or fails to maintain full compliance with full compliance with the Order of Compliance, the A.C.O. may seize and impound the dog, and may after 3 days humanely destroy it, unless the owner has demonstrated full obedience to the requirements for temporary confinement and the Order of Compliance, in which case the animal may be returned after payment of all impoundment costs and fees.

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(D) Identification of Dog

Immediately upon a determination that a dog:

- (1) is a dangerous dog, the owner shall present the dog for photographing by the A.C.O. sufficient to identify the dog from City records.
- (2) is a vicious dog, the owner shall present the dog for photographing by the A.C.O. sufficient to identify the dog from City records, and shall have the dog tattooed by a licensed veterinarian who shall permanently mark the posterior belly of the dog with the number assigned by the A.C.O. to identify the dog from City records.

(E) Consent to Inspection

By continuing to be an owner of a dog within the City which has been determined to be a dangerous or vicious dog, the owner gives implied consent to reasonable inspections by the A.C.O. of the dog and the premises where it is kept.

(F) Duration of Order

A determination that a dog is dangerous or vicious shall stand until the A.C.O determines otherwise by written finding.

(G) Noncompliance with Order

Notwithstanding section four of this ordinance, each instance of Failure to Comply with an Order to Comply shall be punishable by a fine of not less than \$25.00 and not more than \$500.00.

V. Vicious Dog At Large

All other provisions of this ordinance notwithstanding, any vicious dog for which an Order of Compliance has been issued, but which is thereafter found outside the walls of the owner's home and kennel, shall be humanely destroyed.

VI. Special License Fees

No person shall be an owner of, or cause to be in the City,

- (A) any animal determined to be a dangerous dog by the A.C.O., unless an annual special license fee of \$100 shall have been paid to the City; or

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- (B) any dog determined to be vicious by the A.C.O., unless an annual special license fee of \$250.00 shall have been paid to the City.

VII. Change of Owner

An owner of a dangerous or vicious dog who transfers possession of the dog shall at least 3 days prior to the transfer:

- (A) inform the A.C.O. in writing of the name, address and telephone number of the new custodian, and
- (B) inform the new custodian of the terms and conditions of maintenance of the dog within the City, by a writing copied to the A.C.O.

VIII. Owner Liable for City's Expenses

The owner of any animal determined to be a dangerous or vicious dog shall reimburse the City for any expenses incurred under the terms of this ordinance.

IX. Notice

Any notice required hereunder shall be deemed delivered:

- (A) 5 days after being mailed, 1st-class postage prepaid, to the residential or business address of the owner, or
- (B) 24 hours after being posted at the location where the dog is held, unless it is impounded by the City, or
- (C) upon hand delivery to the owner.

X. Defenses

It shall be an affirmative defense to prosecution under this ordinance that the dog:

- (A) is a police dog under command of its handler,
- (B) directed its behavior at a person who was committing a willful trespass or other

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tort upon the property of the owner, or

(C) at the time of its behavior was in custody of a veterinarian or animal shelter.

Section Two: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict, specifically Ordinance No. 96-93 is replaced in full.

Section Three: This ordinance shall become effective immediately upon its passage, authentication, and publication as required by law.

Section Four: Any violation of this ordinance shall be punishable by a fine of not less than \$25.00 and not more than \$250.00.

Section Five: This ordinance shall be enforceable by the A.C.O. and any member of the Elm Springs Police Department.

Duly passed upon third reading on the 21st day of Dec, 1998.

APPROVED:

Ed Thiesse
Ed Thiesse, MAYOR

ATTEST:

Barbara Dillard
Barbara Dillard, City Clerk

ORDINANCE NO. 99-006

**AN ORDINANCE REQUIRING LICENSES FOR
ANIMALS WITHIN THE CITY; REQUIRING RABIES
VACCINATIONS FOR CERTAIN ANIMALS; REQUIRING
PERMITS FOR ANIMAL HOLDING FACILITIES;
PROVIDING FEES.**

Whereas, it is in the best interest of the health and welfare of the citizens of Elm Springs that animals in the City be held under humane conditions, that certain animals be vaccinated against rabies, that animal holding facilities be sanitary and humane, that costs of administration be fairly allocated, and that animal –control precautions be enacted, now,

Therefore:

Be It Enacted, by the City Council of the City of Elm Springs, as follows:

ANIMAL CONTROL

I. Definitions

As used in this ordinance, the following terms mean:

Animal: any description of a vertebrate creature, domestic or wild, excluding Homo Sapiens.

Animal Control Authority: (A.C.A.) the City of Elm Springs, by its Mayor or his designee.

Animal Shelter: any facility operated by a humane society of the City, for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Disabled: a person unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment, which is of indefinite duration.

Kennel Class A: any premises wherein any person engages in commercial business, open to the public, of boarding or possessing any dog, cat, pet or animal (except livestock), or breeding, grooming, cleaning, buying, training, or selling dogs or cats.

Kennel Class B: any premises wherein any person keeps, harbors, or knowingly permits to remain, more than four (4) dogs or four (4) cats over three (3) months of age, but excluding kennels, veterinary clinics, and animal shelters.

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Livestock: farm animals kept or raised for agriculture purposes. Livestock includes, but is not limited to, the following:

1. domestic horses,
2. asses/donkeys,
3. cattle,
4. sheep,
5. goats,
6. swine,
7. poultry,
8. rabbits and,
9. All captive-bred ducks, doves and pigeons.

Licensing Authority: the City by its Mayor or his designees; including without limitation, members of the Elm Springs Police Department or licensed veterinarians charged with administering certificates and licenses under the provisions of this Code.

Neutered: incapable of sexual reproduction.

Nuisance: any animal which damages, soils, defiles, or defecates on private property (other than the owner's) or on public walks and recreation areas; or causes unsanitary, dangerous, or offensive conditions; or causes sound or odor which disturb a reasonable person in their residence, or at their workplace on a separate lot; or molests, attacks, or interferes with persons on public grounds or in the public right-of-way; or chases vehicles or attacks domestic animals; or trespasses on school grounds; or is at large; or which is a nuisance under the common law.

Owner: any person having a right of property in, or custody of, an animal, or who keeps or harbors an animal, or who knowingly permits an animal to remain on any premises owned or leased by that person.

Pen(s): any area regardless of size, confining or intended to confine or shelter any animal. Pens shall include, but are not limited to fenced pastures and fields, corrals, paddocks, yards, cages, coops, hatches, stables, stalls, chicken houses, barns, sheds, and similar facilities or areas where animals are kept.

Person: any individual, corporations, partnership, association, organization or institution.

Pet: any animal kept for the pleasure and not for commercial utility.

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Spayed: rendered incapable of sexual reproduction; neutered.

Veterinary Clinic: any establishment maintained and operated by a licensed veterinarian for surgery or diagnosis and treatment of diseases and injuries, of animals.

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Wild animal: animals except the following:

1. domestic dogs,
2. domestic cats,
3. livestock,
4. ostrich and emmu,
5. golden hamsters
6. domesticated rate or mice(white or albino, trained, laboratory reared),
7. all captive-bred parrots, parakeets or canaries,
8. domesticated goldfish and common aquarium fish,
9. all nonpoisonous snakes, and
10. all species of the class Insecta.

II. General Provisions

(A) Maintenance of Premises

(1) Every owner of an animal shall maintain its pen and premises as not to constitute either a 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 from offensive odors which disturb a reasonable person in their residence, or at their workplace on a separate lot; and the animals shall be restrained in such a fashion that sound therefrom shall not be disturbing to such persons.

(2) The owner of every animal shall remove and lawfully dispose of excreta deposited on public walks, recreation areas, or private property.

(B) Rabies Reports

(1) Every licensed veterinarian shall immediately report to the City Administrator his diagnosis of any animal observed by him as a rabies suspect. He shall also keep a record of all rabies vaccinations, by date and identity of the animal, for a period of 7 years.

III. Licenses, Vaccinations Required

(A) Scope of Application

(1) No person shall own, keep, harbor or have custody of; any animal over three months of age within the City unless the animal is licensed as herein provided. This provision shall not apply to keeping of small cage birds or aquatic and amphibian animals solely as pets, or to kennels having proper city permits.

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(2) Application for a license must be made within thirty (30) days after obtaining a dog or cat over three (3) months of age, except that this requirement will not apply to a nonresident owner who keeps a dog or cat within the municipality for no longer than sixty (60) days.

(3) No person shall own, harbor or maintain any skunk, raccoon, cat, dog, or other mammalian animal as a pet unless within the previous 12 months the animals has received a vaccination against rabies administered by a veterinarian.

(4) Animals held under kennel or private kennel permit of the City shall be licensed upon retail sale.

(C) License Procedures

(1) Written application for licenses shall be made to the Licensing Authority. Application shall include the name and address of applicant, a description of the animal, the appropriate fee, the rabies certificate issued by a licensed veterinarian or anti-rabies clinic, other proof of rabies vaccination, a spay or neuter certificate signed by a veterinarian, and such other information as the A.C.A. may reasonably require to effectuate the purposes of this chapter.

(2) The Licensing Authority shall include licensed veterinarians or humane organizations who upon designation by the City Administrator may collect the license fee and issue a dog or cat license and a durable metal tag provided by the City, at the time a dog or cat is vaccinated for rabies. Dog or cat license receipt shall be provided by such veterinarians to the A.C.A. on a monthly basis.

(3) License fees shall be paid as follows:

- | | | |
|----|----------------------------|-------|
| a. | For each intact male dog | 10.00 |
| b. | For each intact male cat | 10.00 |
| c. | For each intact female dog | 10.00 |
| d. | For each intact female cat | 10.00 |
| e. | For each neutered male dog | 5.00 |
| f. | For each neutered male cat | 5.00 |
| g. | For each spayed female dog | 5.00 |
| h. | For each spayed female cat | 5.00 |

(4) Upon acceptance of the license application and fee, the Licensing Authority shall issue a durable identification tag, stamped with an identifying number and the year of issuance, and a license which may be printed on the fee receipt. Identification tags shall be fastened or riveted by the owner to the animal's collar or harness.

(5) All dogs and cats must wear identification tags at all times when off the premises of the owners. In cases where, for medical purposes, the animal cannot wear a collar, the owner shall have and provide the tags wherever the animal may be.

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(6) If not revoked, licenses for dogs and cats shall be valid for only a period of up to one year, and shall be concurrent with the rabies vaccination period.

(7) No person shall transfer an identification tag from any animal to another.

(8) No person shall counterfeit or forge any certificate, permit, or identification tag, or make any misrepresentation to obtain same.

(9) No person shall remove an identification tag from an animal for the purpose of destroying or concealing the owner's or pet's identification.

(10) Persons 62 years old, terminally ill, or disabled, may be the owner of two licensed animals without any fee provided the following criteria are met:

- a. Proof the animal has been previously spayed or neutered.
- b. Proof the animal has a current rabies vaccination; and
- c. Proof of owner's age, illness, or disability.

License fees shall be waived only for neutered animals. No individual may apply for, be issued or possess more than two (2) waived-fee licenses at any given time, and no more than two (2) waived-fee licenses per household.

(11) The waived-fee license shall automatically expire upon any change in the ownership of the animal.

(12) For registered dogs serving the blind or deaf, government-owned dogs used for law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.

(13) The Licensing Authority shall maintain a record of all certificates and licenses issued, and provide such records monthly to the animal control authority.

(14) The Licensing Authority shall maintain a record of the identifying number, animal description, and owner for all tags issued.

(15) A duplicate replacement identification tag may be obtained upon payment of a \$5.00 replacement fee.

(C) Renewal Process

Licenses may be renewed upon completion of a Renewal Application, proof of vaccination against rabies and payment of a renewal fee equal to one-half (1/2) of the required license fee. An identification tag is required but a new identification tag need not be issued.

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(D) Violation

A violation of this section shall be punishable by a \$50.00 fine.

IV. Kennel Permits, General Provisions

(A) Permit Required

(1.) No person shall operate a kennel Class A or kennel Class B, or animal shelter, except in compliance with this code, and after obtaining an annual permit from the animal control authority as here required. The permit period shall begin on October 1st of each year and shall run through September 30th of the following year. Renewal applications for permits shall be made within 30 days prior to the start of the permit year, except that application for a permit to establish a new kennel may be made at any time. Fees for renewal permits shall be 50% of the regular permit fee.

(2) Upon receipt of a completed permit application , and at reasonable intervals thereafter, the animal control authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of this Code. It is a condition of the issuance of any permit or license that the animal control authority shall be permitted to inspect all animals and the premises where animals are kept at any reasonable time and, if permission for such inspection is refused, the permit or license of the reusing owner may be revoked.

(3) Upon a showing by an applicant of capability to comply with the regulations as outlined herein, a permit shall be issued upon payment of the applicable fee. If a permit is not granted, the animal control authority shall notify the applicant in writing of the reason for denial.

(4) Every business or premises regulated by this chapter shall be considered a separate enterprise requiring a separate permit.

(5) Any person who has a change in the category under which a permit was issued shall be subject to reclassification, and proportionate adjustment of the permit fee shall be made.

(6) If the applicant has withheld or falsified any material information on the application , the City Administrator shall not issue, or shall revoke, the permit or license.

(7) No person who has been convicted of cruelty to animals shall be issued a permit to operate a kennel , or animal shelter.

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(8) Any person denied a license or permit may be reapply for a period of ninety (90) days. Each reapplication shall be accompanied by an additional fee.

(B) Permit Revocation

(1) Upon receiving a complaint concerning a kennel, the animal control authority may make an inspection of the facility to ensure that the facility is in compliance with all provisions of this Code.

(2) The animal control authority may by reasonable process revoke any permit or license if the person holding the permit refuses or fails to comply with this Code, or with any other law or regulation governing the protection and keeping of animals, or refuses to allow inspection of the animal and its living conditions, including its premises or pen.

(3) Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept or harbored by such person and no part of the permit or license fee shall be refunded.

(4) Whenever a permit or license is revoked for cause, or pending any revocation proceeding based upon reasonable suspicion of the Code Violation, the animal control authority may impound the animals.

1. Kennels Class A

(a) Permit Fee:

(1) Annual permits for Kennels Class A shall be issued upon payment of a fee of \$50.00, and upon the City Administrator's determination that the kennel complies with this code.

(2) If there is a change in ownership of a kennel, the new owner may have the current permit transferred upon payment of a \$20.00 transfer fee.

(3) Persons operating kennels for the breeding of dogs or cats which handle less than ten (10) animals may elect to license such animal individually.

(4) The permit fee for any veterinary hospital, animal shelter, or government zoological park shall be waived.

(b) Standards:

All kennels Class A shall, in addition to the other requirements of this Code, comply with the minimum standards of this section. Failure to meet these standards shall be the grounds for denial of a permit or revocation of the kennel permit. Standards for kennels Class A are as follows:

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- (1) Pens or enclosures must provide adequate protection against weather extremes. Floors and walls of buildings, runs, and pens shall be of an impervious material to permit proper cleaning and disinfecting where reasonably determined by the animal control authority to be necessary to the health of the animal or to public health.
- (2) Building temperature shall be maintained at comfortable level. Adequate ventilation shall be maintained.
- (3) Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or top of cages.
- (4) Cages are to be of a material and construction that permit cleaning and sanitizing.
- (5) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
- (6) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
- (7) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.
- (8) Each animal's food shall be free from contamination, and shall be wholesome, palatable, and of quantity and nutritive value sufficient to meet the normal daily requirements for the condition and size of the animal.
- (9) All animals shall have fresh water available at all times. Containers are to be cleaned and disinfected each day. There shall be available hot water at a minimum temperature of one hundred sixty (160) degrees for washing cages and disinfecting.

2. Kennels Class B

(a) Permit Fee

- (1) Annual permits shall be issued upon payment of a fee of \$40.00, and upon the City's Administrator's determination that the kennel complies with this code.

(b) Standards

All kennels Class B shall, in addition to the other requirements of this Code, comply with the minimum standards of this section. Standards for each kennel Class B are as follows:

- (1) All animals shall have adequate space and proper shelter against weather extremes and for proper exercise.

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- (2) Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animals shall be provided.
- (3) Fresh water shall be available at all times.

V. Restraints

- (A) Any person owning, possessing, or keeping an animal within the corporate limits of the City shall confine the animal within an adequate pen or enclosure or within a house, automobile, garage or building, or shall confine such animal by a chain or leash affixed to the animal's collar.
- (B) It shall be unlawful for any person owning or having control of any animal within the City to permit it to run at large upon public or private property, except upon the authorization of the owner of the property.
- (D) It shall be unlawful for a person to abandon any animal within the corporate limits of the City.
- (E) No person shall allow unspayed female dogs to be away from confinement on the premises of the owner when such dog is in season.
- (F) No person shall keep or harbor any animal which by loud, frequent, or habitual barking, howling, yelping, or other noise or action disturbs any person at their residence or upon public property or public right-of-way within the corporate limits of the city.
- (G) Should a muzzle be required, it shall not be made from any material or maintained on the animal in any manner so as to cut or injure the animal.

VI. Impoundment

- (A) Unrestrained or nuisance animals shall be taken into custody by the animal control authority or police and impounded, and if quarantined under this chapter shall be individually confined.
- (B) The animal control authority may seize and impound any animal running at large, or any animal that has bitten any person or another animal, or any animal reasonably suspected of having a disease transmittable to human beings. All such animals may be taken into custody without the necessity of a filed complaint.
- (C) The City Administrator shall keep accurate and detailed records of the licensing, impoundment, and disposition of all animal coming into City custody.

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(D) Disposition of impounded animals will be as follows:

1. Licensed Animals:

(a) Unless released to the owner, impounded licensed animals shall be kept for no less than three (3) days from the date of impoundment. If by the license tag the owner can be determined, the animal control authority shall attempt to notify the owner by telephone number in the license application, or by first class US Mail, indicating the day of impoundment and scheduled date of ultimate disposal. The owner must claim the impounded animal and pay all costs and fees by noon of the disposal date.

(b) The owner of any impounded animal may reclaim such animal prior to the expiration of a three (3) day impoundment period only by (1) having the animal vaccinated in accordance with this Code; (2) presenting to the animal control authority reasonable evidence of compliance with all provisions of this Code, and by (3) paying all fees and costs assessed by the Animal Shelter, which shall be in addition to any fine or penalty otherwise provided by this Code or other law.

(c) If not properly claimed by noon on the third (3rd) day of impoundment, the animal shall be made available for adoption or humanely euthanized in a manner to prevent undue or prolonged suffering.

2. Unlicensed Animals

(a) The owner of any impounded unlicensed animal may reclaim such animal prior to the expiration of a three (3) day impoundment period only (1) having such animal vaccinated and licensed in accordance with this Code ; (2) presenting to the animal control authority reasonable evidence of compliance with all provisions of this Code, and (3) paying all fees and costs assessed by the Animal Shelter, which shall be in addition to any fine or penalty otherwise provided by this Code or other law.

(b) If not properly claimed by noon on the third (3rd) day of impoundment, the animal shall be made available for adoption or humanely euthanized in a manner to prevent undue or prolonged suffering.

(E) Fees for Impoundment of animals are as follows:

(1) Licensed and vaccinated dogs and cats: as assessed by the Animal Shelter, plus \$15.00 capture and transportation costs.

(2) Unlicensed or unvaccinated dogs and cats: as assessed by the Animal Shelter, plus \$25.00 capture and transportation costs.

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- (3) Rabbits, poultry, and birds: as assessed by the Animal Shelter, plus \$15.00 capture and transportation costs.
- (4) Other Animals: as assessed by the Animal Shelter, plus \$25.00 capture and transportation costs.
- (5) Animals impounded or rabies quarantine, or for use as evidence in a judicial proceeding, \$10.00 per day, plus \$50.00 capture and transportation costs.
- (F) 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.
- (G) Any Animal not properly reclaimed by its owner shall become the property of the City after the impoundment period, and shall be placed for adoption in a suitable home or humanely euthanized. Any adoption owner residing within the corporate limits of the City shall comply with licensing procedures, and shall pay boarding costs unless waived by the Animal Control Authority.
- (H) The animal control authority may refuse to release any animal reasonably impounded for rabies or contagious disease quarantine, or for use as evidence in a criminal prosecution.
- (I) The animal control authority shall not release to the owner, and shall humanely destroy, any impounded animal 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, or due to overcrowding in the animal shelter, or due to the presence or reasonable suspicion of contagious disease, or due to reasonable suspicion of any other public health and safety threats.
- (J) The animal control authority may humanely destroy any impounded animal upon reasonable evidence that the animal has sustained an injury or disease which will likely result in maiming or prolonged and severe suffering, or death.
- (K) The animal control authority may convey ownership, or permit adoption, of any unclaimed animal which is eligible for destruction, subject to the following:
 - (1) Unless waived by the City Administrator, the adopter shall pay a ten dollar (\$10.00) adoption fee and any vaccination, licensing, or veterinary costs; and
 - (2) The animal shall be vaccinated as required by this Code, and shall be spayed or neutered.
 - (3) The adopting owner shall be an adult capable of caring for the animal.

ORDINANCE NO. 99-006 (cont.)

VII. Revocation and Non-renewal of License or Permit

The City Administrator shall revoke for two (2) years the licenses and permits of owners against whom three (3) or more violations of this chapter have been assessed in the preceding 36 months.

VIII. Quarantine for Rabies Control

(A) Upon the request of any person who has been bitten by an animal within the corporate limits, or as requested by the City Administrator or any veterinarian or physician, the animal control authority shall take such animal into custody and confine it in quarantine, until a licensed veterinarian shall certify that, after the observation period required by law, the animal appears to be free of contagious infection and free of rabies (hydrophobia).

(B) Any animal having rabies or symptoms thereof, or reasonably suspected of having rabies, or which has been exposed to rabies, shall be immediately delivered by the owner or custodian of such animal to the animal control authority, and the animal control authority shall confine such animal in quarantine.

(C) When the licensed veterinarian supervising the quarantine of any animal shall certify as provided in subsection (A) the owner may retake custody upon payment of reasonable fees and charges for board and lodging, observation, and testing.

(D) If any animal is not reclaimed by its owner, the animal control authority shall treat the animal as one found running at large.

(E) The licensed veterinarian supervising the quarantine of any dog or animal shall promptly report to the City Administrator the place of initial confinement, any change in the place of confinement, and the disposition of the animal at the termination of the confinement.

IX. Humane Treatment of Animals

(A) No owner shall fail to provide the animals with sufficient food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(B) No person shall beat, ill treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(C) No owner of an animal shall abandon the animal.

(D) No person shall knowingly expose any known poisonous substance, whether mixed with food or not, so that the same be liable to be eaten by any animal; provided that it shall not be unlawful for a person to exterminate rats or mice on his own property with common rat/mice poison.

(E) The animal control authority may seize any animal kept in violation of this code, and may impound the animal.

(F) No person shall refuse to deliver any animal to the animal control authority or police officer upon demand for impounding as authorized by this code.

X. Animal Exhibitions

(A) No person shall induce or encourage any animal to perform through the use of chemical, mechanical, electrical, or manual devices in any manner which will cause or is likely to cause physical injury or suffering.

(B) All equipment used on an animal shall fit properly and be in good working condition.

XII. Enforcement

(A) The animal control authority or any police officer of the city is authorized to issue a citation to any person who does not comply with the terms of this ordinance.

(B) The animal control authority or any police officer is authorized to capture and impound any animal found at large. If an animal found at large reasonably appears to present a danger to the public, and its capture cannot be effected promptly and safely, the officer is authorized to destroy the animal.

(C) No person shall forcibly interfere, or attempt to forcibly interfere, with the animal control authority in order to hinder performance of its duties.

(D) The A.C.A. is authorized to employ an equipment it deems necessary to enforce the provisions of this Code, including, without limitation, crossbow, shotgun, rifle, tranquilizer gun, and humane wire box traps; and the animal control authority may, subject to conditions determined by the A.C.A., lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

(E) The A.C.A. or any police officer may reasonably enter upon any enclosed lot or lands for the purpose of taking up and impounding any animal found thereon in violation of the provisions of this ordinance.

(F) The A.C.A. may seek injunctive relief; or any other judicial remedy, civil or criminal, to enforce the provisions of this ordinance.

ORDINANCE NO. 99-006 (cont.)

XIII. Penalties

(A) Unless otherwise provided, any violation of this ordinance shall be punishable by a fine of not less than \$25.00 nor more than \$500.00. Upon conviction of plea of nolo contendere, but prior to sentencing, the Court can allow representatives of humane organizations to be heard regarding sentence. The court may revoke any person's permit or license to own, keep, harbor or have custody of animal. No new permit shall be issued upon the City Administrator's finding that the person lacks reasonable facilities or capability for keeping the animal in compliance with this ordinance, or has violated the ordinance (3) times within the preceding thirty-six (36) months.

XIV. Disposal Fees

Dog and cat carcasses service fees, transportation and disposal fees:

Within City Limits

Pickup, cold storage and transportation- \$2.00

Carcass Disposal- \$5.00

LIVESTOCK, ANIMALS GENERALLY

XV. Barn Near Street

No person shall construct any stock barn or stable within the city within fifty (50) feet of any public street.

XVI. Running at Large

No owner shall permit any cattle, horses, mules, asses, swine, sheep, goats, or other animals to run at large or range off the premises of the owner within the City boundaries.

XVII. Swine

No person shall keep or raise swine in the corporate limits of the City unless the same are confined in an area having a concrete floor not less than (4) inches thick in which a drain attached to city sewer system has been installed, and unless the premises are maintained in a clean and sanitary condition at all times.

ORDINANCE NO. 99-006 (cont.)

VIII. Livestock, Poultry

(A) No person shall keep within the corporate limits of the City any poultry or livestock except in compliance with the Zoning Code.

(B) All newly installed pens or enclosures where livestock are kept shall be built not less than 100 feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business of the livestock's owner.

(C) Pens and enclosures for livestock shall meet the following minimum requirements:

(1) Horses, cows, swine, and other large livestock:

(a) One acre (43,560 square feet) per each two horses, cows, swine or other large livestock or combination thereof; minimum of one acre for the first such animal.

(b) A minimum five foot high fence when the livestock are horses, mules, asses or donkeys; a minimum three foot, six inch high fence for all other livestock. The fence shall be of a design and material reasonably suitable for the proper constraint of the type of livestock kept; height shall be measured from the ground or floor level.

(c) Every owner shall provide adequate shelter from weather elements so that the animal has adequate space to stand, turn, and stretch comfortably; provided, however, that cows need not be sheltered.

(2) Sheep, goats, and other small hoofed livestock:

(a) One-half acre (21,780 square feet) per each two sheep, goats or other small hoofed livestock or combination thereof; minimum of one-half acre for first such animal.

(b) Adequate shelter from weather elements which provide the animals adequate space to stand, turn, and stretch comfortably.

(c) Pen or enclosure of design and material reasonable for the proper constraint of the small-hoofed livestock.

(2) Small livestock and poultry:

(a) Keeping small livestock and poultry such as rabbits, chickens, guineas, and turkeys is permitted within the corporate limits of the City, subject to the provisions of this Code.

(b) Small livestock and poultry shall be confined within an area containing adequate housing and meeting the minimum floor space requirements:

ORDINANCE NO. 99-006 (cont.)

- (1) Rabbits: Six (6) square feet per each animal over four (4) months of age.
- (2) Turkeys: Eight (8) square feet per each bird over four (4) months of age.
- (3) Chickens and similar fowl: Four (4) square feet per each bird over four (4) months of age.

(4) Conditions of pens and enclosures:

All animal pens and enclosures shall be maintained and kept in such condition as not to become unsanitary, offensive, or a nuisance; nor shall they be so maintained or kept to permit the breeding of flies or to in any manner cause injury to the health or comfort of the public, or to the health of any person working or residing in the immediate vicinity of said pen or enclosure. Manure or refuse shall be promptly removed and disposed of; in accordance with all applicable rules, regulations and laws.

- (5) Livestock and poultry shall be subject to other provisions of this Code, except licensing and permitting requirements.

Done and Enacted this 12th day of Feb, 1999

Approved:


Ed Thiesse, Mayor


Barbara Dillard, City Clerk