

TITLE 6

ANIMALS AND FOWL

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CHAPTER 6.04

DOGS

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6.04.01 Definitions As used in this chapter:

Owner means any person owning, keeping or harboring a dog or dogs.

Kennel means any person engaged in the commercial business of breeding, buying, selling or boarding dogs.

Animal Shelter means any premises designated by the city for impounding and caring for all dogs whose owners are found to be in violation of this chapter.

Animal Warden means the person or persons employed by the city as its officer or officers to enforce this chapter.

Administrator means the person appointed by the city to supervise the enforcement of this chapter.

Exposed to Rabies denotes an animal which has been bitten by, or exposed to, any other animal known to have been infected with rabies.

Nuisance means the allowing by any owner of dog, cat, or other domestic animal to run at large which results in the owner recklessly or purposely allowing its domestic animal to destroy, damage, or otherwise interfere with property of another thereby causing substantial inconvenience to the property owner or other person.

No owner of a dog, cat, or other domestic animal shall allow that animal or animals to run at large which results in that animal creating a nuisance.

Each violation of this subsection shall be a separate and non-continuing offense subject to punishment as follows and each such offense shall result in a fine of Fifty Dollars (\$50.00) per violation. (Ord. No. 95-7)

6.04.02 Enforcement The provisions of this chapter shall be enforced by the animal warden under the supervision of the Administrator.

6.04.03 Confinement of certain dogs The owner of a fierce, dangerous or vicious dog shall confine such dog within a building or secure enclosure; and such dog should not be taken out of such building or secure enclosure unless securely muzzled.

Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such dog cannot come into contact with any male dog except for intentional breeding purposes.

6.04.04 Rabies control

- A. No person shall own, keep or harbor any dog, six (6) months of age or older, within the corporate limits of the city unless such dog is effectively immunized against rabies by vaccination with a canine rabies vaccine. To assure compliance with this provision requiring effective immunization against rabies, every owner of a dog six (6) months of age or older shall, in 1978 and each year thereafter,

cause such dog to be vaccinated with an approved canine anti-rabies vaccine during the period January 1 to March 31, inclusive.

- B. Every owner is required to secure a metallic vaccination tag at the time his dog is vaccinated, and to securely fasten such tag to a collar which must be worn by the dog at all times unless the dog, accompanied by the owner thereof or by someone using the dog with such owner's permission, is engaged in hunting or other sport where a collar would constitute a threat to the dog's safety.
- C. To implement the enforcement of the anti-rabies requirement of this chapter, the City Council of the city shall have the power and authority to require every owner of a dog of any age to confine his dog within a building, enclosure or vehicle, or to control his dog by a leash, during such period of time as said City Council may prescribe; provided, however, that said City Council shall cause written notice of any such confinement period to be posted at two (2) conspicuous public places within the corporate limits of the city for a period of at least ten (10) consecutive days prior to the commencement of the confinement period; provided, further, that no such confinement period shall exceed fifteen (15) consecutive days, and no more than two (2) confinement periods shall occur during any one calendar year.
- D. Every animal which bites a person shall be promptly reported to the animal warden, shall thereupon be securely quarantined by him for a period of ten (10) days, and shall not be released from quarantine except by written permission of the administrator. At the discretion of the administrator, such quarantine may be on the premises of the owner, at the animal shelter, or (at the owner's option and expense) in a veterinary hospital of the owner's choice. In the case of stray animals or in the case of animals whose ownerships are not known, such quarantine shall be at the animal shelter.
- E. Upon demand by the animal warden the owner shall forthwith surrender, for supervised quarantine at the owner's expense, any animal which has bitten a human or which is suspected to have been exposed to rabies. Such animal may be reclaimed by the owner if it is adjudged free of rabies; provided, however, that if such animal is a dog the owner may reclaim it only upon payment of the fees set forth in Section 6 of this chapter.
- F. When rabies has been diagnosed in an animal under quarantine or when rabies is suspected by a licensed veterinarian, if the animal dies while under such observation the administrator shall immediately send the head of such animal to the State Department of Public Health for pathological examination, and also shall notify the proper public health officer of reports of human contacts and of the

diagnosis. If a positive diagnosis of rabies is made, the administrator shall impose a city-wide quarantine for a period of sixty (60) days, and during such period of quarantine every pet animal within the city must be kept within a building, enclosure or vehicle, or be controlled by a leash. During such quarantine, no animal may be taken or shipped from the city without written permission of the administrator.

- G. Any animal bitten by a known rabid animal shall be immediately destroyed; provided that if the owner is unwilling to destroy the animal or have it destroyed, the administrator shall allow the owner to strictly isolate such animal in a kennel for six (6) months.
- H. In the event one or more additional cases of rabies occur during the period of quarantine the administrator may extend the period of quarantine for an additional period not to exceed six (6) months.
- I. No person shall, without written permission from the administrator, kill, cause to be killed, or remove from the corporate limits of the city, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human.
- J. No person shall fail or refuse to surrender any animal for quarantine or destruction, as required herein, when demand is made therefore by the administrator and he shall direct the disposition of any animal found to be infected with rabies.

6.04.05 Impoundment

- A. Any dog described in Section 6.04.03 which is not confined as required, any dog constituting a public nuisance, any dog not wearing a collar to which is attached a metallic tag evidencing the currently effective vaccination against rabies, and any dog which is not confined or controlled by leash during the periods specifically set out in Section 6.04.04 (c) above, shall be taken up by the Animal Warden impounded in the animal shelter, and there confined in a humane manner for a period of not less than thirty (30) days, and may be disposed of in a humane manner if not claimed by his owner. Any dog not claimed may be disposed of by the Animal Warden.
- B. Immediately upon impounding any dog, the Animal Warden shall make a reasonable effort to ascertain and to notify the owner of such dog, and inform this owner of the conditions whereby he may regain custody of his dog. Prior to

destroying a dog which carries its owner's address, the municipality shall give the dog's owner at least five (5) days' notice by certified letter of the date of the proposed destruction of the dog.

6.04.06 Redemption and other disposition of impounded dogs

- A. The owner of an impounded dog shall be entitled to resume possession of his impounded dog upon payment of an impoundment fee of Five Dollars (\$5.00) to the city through the animal warden; provided that the impoundment fee shall be Ten Dollars (\$10.00) if a dog has been impounded more than one time. Prior to or at the time of redemption the owner must submit proof of his ownership.
- B. Any dog impounded under the provisions of this chapter and not reclaimed by its owner within fifteen (15) days may be placed by the Animal Warden in the custody of any person applying therefore, and who is deemed by the Animal Warden to be a responsible and suitable person to become the new owner of the dog; provided, however, that before becoming the new owner of the dog, such person must agree to comply with all the other provisions of this chapter, and must pay an impoundment fee of Five Dollars (\$5.00) to the city through the Animal Warden.
- C. Any dog impounded under the provisions of this chapter and not reclaimed by its owner within fifteen (15) days and not placed in the custody of some other person under the provisions of subsection "b" next above, may be humanely destroyed or otherwise disposed of by the Animal Warden after such dog has been impounded for thirty (30) days.

6.04.07 Investigation For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal warden or the marshal is empowered to enter upon any premises upon which a dog is kept or harbored and to demand and secure the owner's exhibition of such dog. The animal warden is further empowered to enter the premises where any dog is reportedly kept in a cruel or inhumane manner, to examine such dog, and to take possession when in his opinion the dog required humane treatment.

6.04.08 Interference No person shall interfere with, hinder or molest the animal warden in the performance of any duties undertaken by him pursuant to this chapter, or seek to release any dog in the custody of the animal warden except as herein provided.

6.04.09 Records It shall be the duty of the animal warden to keep, or cause to be kept, accurate and detailed records of (a) the impoundment and disposition of all dogs coming into his custody, (b) all bite cases reported to him and his investigation of same, and (c) all moneys

belonging to the city. These records shall be kept open for inspection at reasonable times by those persons responsible for similar records of the city and shall be audited by the city at the

same time and in the same manner as other city records are audited.

6.04.10 Penalty Any person violating any provision of this chapter shall be, upon conviction, fined not more than Two Hundred Dollars (\$200.00) and each day's violation shall be deemed a separate offense.

6.04.11 Leash law As of the effective date of this ordinance, it shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to run at large within the corporate city limits of the city of Pottsville, Arkansas, at any time. (Ord. No. 06-4, Sec. 1.)

6.04.12 Definition

At large shall be construed to mean not under control of the owner or authorized representative of the owner, either by leash, cord, chain, fence or other physical control, provided, an animal shall not be considered to be "at large" when on the premises of the owner or keeper thereof and accompanied by said owner or keeper. (Ord. No. 06-4, Sec. 2.)

6.04.13 Vaccination No person shall own, keep or harbor any dog or cat six (6) months of age or older within the corporate limits of the city unless such dog or cat is effectively immunized against rabies by vaccination. Every owner is required to secure a metallic vaccination tag at the time his dog or cat is vaccinated and to securely fasten such tag to a collar which must be worn by the dog or cat at all times while inside the corporate limits of the city. There shall also be affixed to the animal a tag showing the name, address and phone number of the owner. (Ord. No. 06-4, Sec. 3.)

6.04.14 Penalty Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fine of not more than One Hundred Dollars (\$100.00). (Ord. No. 06-4, Sec. 4.)

6.04.15 Impoundment fee In the event a pet owner's pet is impounded, the owner will be responsible for paying a Thirty-Five Dollar (\$35.00) fee to obtain the animal back. This is an administrative fee that the city of Pottsville is charged per animal by the city of Atkins, Arkansas, who currently houses the pets. In the event the entity currently housing the pets increases the cost to the city of Pottsville, the city of Pottsville can also increase the Thirty-Five Dollar (\$35.00) fee commensurate with what the city of Pottsville is being charged without the necessity of amending this ordinance. (Ord. No. 06-4, Sec. 5.)

6.04.16 Violent behavior in pets Any pet that is being held because of an attack or violent behavior is not subject to 6.04.15 and can be held per other state law and/or city ordinances. (Ord. No. 06-4, Sec. 6.)

OTHER ANIMALS AND FOWL

Sections:

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| 6.08.02 | Hogs, goats and sheep |
| 6.08.03 | Diseased animals |
| 6.08.04 | Releasing animals |
| 6.08.05 | Fowl |
| 6.08.06 | Cruelty to animals |
| 6.08.07 | Penalty |

6.08.01 Horses and cows

- A. 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 and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.
- B. The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.
- C. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigation and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises and if within five (5) days after service of notice, said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

6.08.02 Hogs, goats and sheep It shall be unlawful for any person to permit any hogs, goats or sheep to run at large within the city.

6.08.03 Diseased animals No person shall be allowed to transport into this city any

animal affected with a contagious disease.

6.08.04 Releasing animals It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city.

6.08.05 Fowl It shall be unlawful for any person owning or having control of any chickens, turkeys or other fowl to allow the same to run at large within the city.

6.08.06 Cruelty to animals If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

6.08.07 Penalty Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction, fined not more than Two Hundred Dollars (\$200.00). Each day that such violation exists shall be deemed a separate offense. (Ord. No. 88-1, Sec. 1)

CHAPTER 6.12

VICIOUS ANIMALS

Sections:

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Animal - any animal as set out in Article 1, Definitions.

Vicious or uncontrolled animal - any animal that harms physically or inflicts unprovoked bites or attacks human beings, livestock, or poultry, or any animal approaching an individual in such a way as to place that individual in reasonable fear of unprovoked injury or attack whether it occurs upon streets, roads, sidewalks, and public grounds or private property.

Law enforcement officer - any person employed by the city of Pottsville, Arkansas, or State Police, county deputies or any other law enforcement personnel with authority to act in that capacity within the city limits of Pottsville, whose duty is to preserve peace, make arrests or to enforce the law.

Police work dog - a dog trained to aid law enforcement officers and actually used for police work purposes, for the protection of the public, including the investigation of crime and the apprehension of law violators.

Proper enclosures – securely confined indoors or in a locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio or any part of a house, garage or other structure that would allow the animal to exist of its own will. (Ord. No. 06-5, Art. 1.)

6.12.02 Animals at large; impoundment and restraint

- A. No animal owner or possessor of any animal covered by this ordinance may at any time permit the same to "go at large" to be in a situation, condition, or place where it can inflict or cause to be inflicted or to be a threat of danger to any human being or other animal.
- B. Any such animal known to have harmed physically or inflicted a biting injury of sufficient severity to require medical treatment shall be impounded and observed at the owner's expense consistent with Section 3 of the Rabies control Act. (A.C.A. 70-19-301 – 312)
- C. The owner of such animal known to have inflicted a biting injury upon one or more animals with injury of sufficient severity to require medical treatment or to cause the death of animals, shall reimburse the owner of the animals the medical treatment and/or the fair market value of the dead animals.
- D. A proper enclosure must exist for vicious or potentially dangerous animals or for female animals that are in the estrous cycle (in heat) and could be the cause of male animals becoming vicious while being with her.

- E. Any law enforcement officer who has reasonable grounds to believe that an animal

is vicious, uncontrolled or a threat to the safety of humans or other animals shall notify such animal's owner to properly enclose and/or restrain such animal. If the animal's owner cannot be located the officer can have such animal impounded at the owner's expense or kill the animal if capture poses too great a danger to the capturing officer. The owner shall have ten (10) days to pick up said animal and pay the fees accrued therein, or said animal shall become the property of the impounding facility. Furthermore, upon release the owner shall be required to restrain and properly enclose it in any other manner consistent with Article 3. (Ord. No. 06-5, Art. 2.)

6.12.03 Investigation and restraint Upon a complaint that any animal covered under this ordinance is being harbored, a law enforcement officer shall investigate such and may require the keeper or owner of such animal to restrain or dispose of such animal in a reasonable manner, consistent with this ordinance. Reasonable manner may include chaining, posting of warning signs, enclosures, protective barriers, muzzling and destruction or other measure necessary to abate nuisances, unhealthful or inhumane conditions. Failure to comply with said measures shall be deemed a violation of this ordinance, unless a court of law finds such measures were unreasonable. (Ord. No. 06-5, Art. 3.)

6.12.04 Duty of individual to use protective measures Any individual who keep any animal covered by this ordinance shall exercise the highest degree of care to protect children, the general public, and other animals from attack.

Appropriate chaining practices, posting of signs, or maintenance of animals within proper enclosures shall meet the standard of care, if such practices reasonably preclude the possibility of inadvertent contact and probable injury in all instances where a child or unsuspecting person or other animal might be put into unintentional contact with the animal. (Ord. No. 06-5, Art. 4.)

6.12.05 Penalty and enforcement Any violation of this ordinance is deemed a Class A misdemeanor. A Class A misdemeanor is punishable by imprisonment of 0-1 year and/or a fine from 0 - \$1,000.00. Each day that the violation exists shall be considered a separate offense. Furthermore, any individual may institute a civil action to compel compliance with this ordinance and seek relief damages, or other civil sanctions including the awarding of attorneys fees and costs accrued by the city of Pottsville. (Ord. No. 06-5, Art. 5.)

6.12.06 Investigation; impoundment A law enforcement officer may order an owner to keep any animal covered by this ordinance restrained or impounded pending investigation that such animal has attacked, wounded or killed any human being, livestock or poultry. (Ord. No. 06-5, Art. 6.)

6.12.07 Complaints, investigation, corrective measures If any person or groups of

persons has knowledge or reasonable grounds to suspect that animal owners are maintaining dogs or other animals in such a manner as to constitute a nuisance by reason of unhealthy conditions, or maltreatment, he shall have the right to complain to local law enforcement agencies or health officials, and such authorities shall investigate the complaint.

Such officials shall have authority to examine complainant and other witnesses for relevant testimony and to prescribe and counsel corrective measures consistent with 6.12.03 to the animal owner. If, after a ten (10) day period the owner/keeper fails to comply with the corrective measure ordered by health or government officials then such shall be deemed a violation of this ordinance, unless a court of law finds that such measures were unreasonable. (Ord. No. 06-5, Art. 7.)

6.12.08 Abandonment or dumping This ordinance also prohibits and makes it illegal for any person to dump or abandon any animal and such action shall constitute a violation of this ordinance. Any violation of this ordinance is deemed a Class A misdemeanor. A Class A misdemeanor is punishable by imprisonment of 0-1 year and/or a fine from 0 - \$1,000.00. (Ord. No. 06-5, Art. 8.)

6.12.09 Incorporation of state law The provisions of the Rabies Control Act, A.C.A. 20-19-301-312 and that statutes regarding Cruelty to Animals, A.C.A. 5-62-101-120 are incorporated by reference herein and made a part of this ordinance. (Ord. No. 06-5, Art. 9.)

6.12.10 Costs In the event a law enforcement agency, health official or a humane society is required or requested to investigate a violation of this ordinance and said complaint is substantiated, then the reasonable cost of the investigation of such shall be assessed against the owner/keeper of the animal. Failure to pay such shall be deemed a violation of this ordinance. Furthermore, if at any time it becomes necessary to impound or destroy the animal pursuant to this ordinance, then the cost of such shall be paid by the owner/keeper of said animal, and failure to do so shall constitute a violation of this ordinance. (Ord. No. 06-5, Art. 10.)

6.12.11 Proof of compliance with Rabies Control Act Any law enforcement officer investigating a violation of this ordinance shall demand proof of compliance with the Rabies Control Act and failure to product such shall be deemed a violation of this ordinance. (Ord. No. 06-5, Art. 11.)

6.12.12 Exemptions Nothing in this ordinance shall apply in any manner whatsoever to the official use of police work dogs trained to aid law enforcement officers, if such dogs are being actively used for police work purposes, protection of the public, investigation of crime and apprehension of law violators.

for whom he feels loyalty, from physical attack. It is acknowledged that even a dog may defend against injury or battery. This ordinance does not apply when an individual trespasses on an animal owner's property, however, each dog or other animal owner shall exercise care to make certain that no harm results to an innocent trespasser, such as children, misguided pedestrians, invitees, trades people, servants, business associates, social guests and friends. It is further acknowledged pursuant to Act 393 of 1987 that any person engaged in raising or owning domesticated animals has the right to protect said animals from dogs, including the killing of such dogs, if necessary. (Ord. No. 06-5, Art. 12.)

6.12.13 Immunity Any law enforcement officer acting in good faith and exercising due care in enforcing this ordinance or any provision thereof shall have immunity from civil liability. (Ord. No. 06-5, Art. 13.)

6.12.14 No encroachment on other official duties Nothing in this ordinance shall encroach upon the official duties or activities of the State Game and Fish Commission, the Federal Fish and Wildlife Services, circuses, zoological parks, aquariums, or other licensed exhibitory shows, provided all exercise an adequate degree of care. (Ord. No. 06-5, Art. 14.)