

TITLE 6

ANIMALS

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- 6.08 **Livestock and Fowl**
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Chapter 6.04

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6.04.010 **Definitions**

- A. Abandon** - To relinquish control and ownership, give up, or to leave completely the control of any animal within the corporate city limits of Jacksonville. This shall include those animals abandoned at the Jacksonville Animal Shelter, whether impounded by the Animal Control Authority or not.
- B. Animal** - Any description of vertebrate, excluding Homo sapiens.
- C. Animal Control Authority** - Officers of the Jacksonville Animal Control Department, as well as members of the Jacksonville Police Department.
- D. At Large** - Any animal is at large when not confined to a secure enclosure, the premises of the owner, restrained on the premises of the owner by a leash or chain sufficient in strength to prevent the animal from escaping the premises, or not under the control of a responsible adult resident of said premises. Any feline not tagged with proper identification or not sterilized shall be considered at large.
- E. Cats** - All animals of any age, male and female, which are members of the feline or cat family.
- F. Confinement** - An adequate fence, enclosure, or within a house, garage or other building, designed to confine the animal by chain of at least Ten (10) feet or leash affixed to the animal's collar and attached to some substantial

stationary object in a humane manner adequate to prevent the animal from running at large.

- G. Control-** Any animal shall be considered under control if it is confined to the premises of its owner within a fenced space or area sufficient to prevent the animal from escaping, is secured by a leash or chain of sufficient strength to prevent the animal from escaping, is confined in an auto or vehicle when away from the premises of the owner, or is under the control of a responsible person.

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- H. Dangerous Animal-** An animal designated as dangerous pursuant to the standards and administrative procedures identified in this chapter or that has been designated as dangerous or vicious pursuant to similar standards and procedures in another jurisdiction.
- I. Dogs-** Animals of all ages, male and female, which are members of the canine or dog family.
- J. Domesticated Animal -** An animal shall be considered domesticated when it is kept or maintained as a household pet, with its owner providing food, water, and shelter of an adequate nature so as to prevent the animal from living in the wild and hunting for food.
- K. 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 feeding habits of the animals size, species and breed.
- L. Licensing Authority -** Any licensed veterinary care facility operating within or about the city limits of Jacksonville which has registered with the Jacksonville Animal Control Department to issue animal licenses and vaccinations.
- M. Muzzle -** A restraint device of appropriate material with sufficient strength to restrain the dog from biting or harming another. The device must be made of material and maintained in a manner so as not to cut or injure the animal or interfere with the animal's vision or respiration.
- N. Nuisance -** An animal shall be considered a nuisance if it enters, damages, soils, defiles, or defecates on private property other than the owner's or public walks or recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by barking or other noise making for excessive and/or repeated periods of time (during either the day and/or night) so as to cause a

disturbance to those around the animal; disturbs, molests, attacks, or interferes with persons in public right-of-ways or upon private property other than its owner(s); chases vehicles; attacks domestic animals; or, chases or attacks any member of the public.

- O. **Owner** - Any person in custody or ownership of an animal. Ownership can also be attributed to one who keeps or harbors an animal or knowingly permits an animal to remain on or about his/her premises for a period of five (5) days or longer.
- P. **Provocation** - Any intentional or accidental act of pulling, pinching, squeezing, kicking, hitting, or striking the animal with an object or a part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the animal as indicated by the animal's lunging, snarling, or baring of its teeth. Any act of

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teasing or tormenting the animal, whether intentional or accidental, will also be considered an act of provocation. Further, any act of grabbing, touching, or holding of the animal's young or any sudden motion toward the animal's young will also be considered provocation, as will any act of holding, kicking, hitting, striking, or otherwise physically harming the animal's owner or other member of the animal owner's household. Entry into the animal's area of confinement without the owner's presence, particularly any act of breaking and entering or other unlawful entry into the animal owner's residence, vehicle, or other property shall constitute provocation.

- Q. **Responsible Person** - Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit who maintains or exercises control over an animal.
- R. **Secure Enclosure** - Any structure, building, or compound, which confines an animal in which the animal cannot escape.
- S. **Shelter** - Any structurally sound facility constructed for the purpose of providing any animal(s) that is/are habitually kept outside or repeatedly left outside unattended shall be moisture proof with adequate drainage, windproof with adequate ventilation, sufficiently large enough to keep the animal(s) reasonably clean and dry, and maintained in a manner which minimizes the risk of or the animal(s) contracting disease, being injured, or becoming infested with parasites.

- T. **Sterilized** - Incapable of sexual reproduction.
- U. **Vaccination** - An injection of any vaccine for rabies or other diseases approved by the state veterinarian and administered by a licensed veterinarian, veterinary clinic or hospital, a clinic or hospital operated by a licensed veterinarian.
- V. **Vicious Animal** - Any animal which exhibits aggressive, fierce, or vicious behavior. Animal(s) which have attacked a person or another domestic animal with such severity as to cause harm, physical injury, or property damage to any degree, an animal which otherwise jeopardizes the well being of a person or other domestic animal, or any animal with a known propensity, tendency, or disposition to attack without provocation will be considered vicious in nature. If an animal has been previously designated as vicious in another jurisdiction, it shall maintain that designation within the City of Jacksonville.

(Ord. 835, 1986; Ord. 885, 1988; Ord. 1071, 1996; Ord. 1283, 2006)

6.04.020 Licensing

A. GENERAL

1. No person shall own, keep, or harbor any animal within the City unless such animal is licensed as herein provided.

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2. The Licensing Authority shall maintain a record of all certificates and licenses issued, and shall make such records available to Animal Control.
3. The provisions of ACA § 5-62-101 et. seq., as amended, are hereby adopted and incorporated herein.

B. CAT AND DOG LICENSES

1. (a) All cats and dogs over four (4) months of age shall be licensed as provided herein. Application for a cat or dog license shall be made to the License Authority and shall state the name, address, and telephone number of the owner(s), the name, breed, color, age, sex, sterilization status of the animal, and a certificate of rabies vaccination issued by the Licensing Authority. Applicants shall pay licensing fees in the amount of Five Dollars (\$5.00) per year for sterilized animals, and Thirty (\$30.00) a year for non-sterilized animals. However, the cost of a dog or cat license for a non-sterilized dog or cat who, based on a written opinion of a duly licensed veterinarian, is incapable of being sterilized due to a potential serious medical risk or a serious medical

condition shall be Five Dollars (\$5.00). In prosecution for failure to license a dog or cat, it shall be presumed that a non-sterilized dog or cat does not have such a serious medical risk or condition unless written proof of such risk or condition is provided by the animal's owner.

(b) Any person required to obtain a cat or dog license pursuant to subsection (a) above shall have the option, in lieu of said annual licensing process and fees, to obtain a **lifetime City cat or dog license** if said cat or dog is sterilized. To be eligible for a lifetime license, the owner must purchase and implant an approved identification microchip from a qualified veterinarian and provide proof of such to Animal Control. **There shall be no fee for a lifetime City license for a sterilized dog or cat.** Any person obtaining a lifetime City animal license pursuant to this section shall still be required to maintain the annual vaccination requirements of JMC 6.04.030.

2. Application must be made within Thirty (30) days after obtaining a cat or dog over four (4) months of age or within thirty (30) days of establishing residence within the City, whichever is applicable. This requirement will not apply to a non-resident keeping such an animal within the City for no longer than sixty (60) days.
3. For registered dogs serving the disabled or government-owned dogs used for law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.
4. Other than a lifetime license, licensing periods shall be valid for one (1) year concurrent with the animal's rabies vaccination.

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5. Licensing authorities shall include licensed veterinarians who are hereby empowered to collect the license fee and issue a cat or dog license and a durable metal tag at the time the animal is vaccinated for rabies. City cat and dog license receipts shall be collected from such veterinarians by Animal Control on a regular basis. The veterinarians will keep all monies collected for City license fees.
6. Tags must be attached to the collar or harness of the cat or dog and be worn at all times. Tags are non-transferable from one animal to another. (Ord. 1283 Sec. 2, 2006)

6.04.030 Rabies Vaccination

- A. All cats and dogs over the age of four (4) months within the City shall be vaccinated against rabies on an annual basis by a licensed veterinarian. Said veterinarian will

issue to the owner a durable metal tag and a certificate of vaccination of said animal, and they shall designate on the annual rabies certificate the owner's name, address, and telephone number, the animal's identity, sex, and date of vaccination, and whether the animal is sterilized or non-sterilized.

- B. Vaccination tags must be attached to the animal's collar or harness and be worn at all times. Tags are not transferable from one animal to another.
- C. The State Health Director and the Animal Control officer are authorized to adopt such other rabies control regulations as deemed necessary for the protection of the public health and safety.
- D. The Arkansas Rabies Control Act is adopted and incorporated herein. (Ord. 835, 1986; Ord. 1071, 1996; Ord. 1283, 2006)

6.04.040 Restraint and Limitations

- A. Any person owning, maintaining, possessing, or keeping a dog(s) within the City shall confine such animal within an adequate fence, enclosure, or within a house, garage, or other building, or shall confine such animal by a chain of at least ten (10) feet or leash affixed to the dog's collar and attached to some substantial stationary object in a humane manner adequate to prevent the dog(s) from running at large. Choke collars and/or training collars are prohibited from being used to secure a dog to stationary objects. It shall further be the duty of any owner or keeper of any dog(s) to keep such dog under such control so as to:
 - 1. Prevent such dog from becoming a danger to person(s), property, or trespassing upon another person's property without that person's permission; and,
 - 2. Prevent such dog from running at large upon the streets, sidewalks, alleys, parks, or other public places of the City.

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- B. Confinement of animals for the purpose of preventing legal access in any manner (public utility facilities, criminal activity, etc.) or doing so in areas commonly used by the public or accessed by public officials is prohibited.
- C. Dogs will be allowed within the confined space and designated area of the City's dog park within Dupree Park. However, all parties who utilize said facilities are expected to fully comply, maintain their animal(s) within the respective areas of the park, and take appropriate

action to prevent their dog from entering any other area of Dupree Park where animals are prohibited.

- D.** It is unlawful for any person to own, keep, or harbor more than four (4) cats and/or dogs over the age of four (4) months within the corporate limits of the City of Jacksonville. This provision shall not apply to veterinary clinics and/or hospitals, licensed pet stores or shops, licensed grooming shops, and licensed breeders within the City limits. The presence of more than four (4) cats and/or dogs over the age of four (4) months on the premises shall be prima facie evidence of violation of this section, and the burden of proof shall be upon the owner to provide proof of the animals' respective ages.
- E.** Every female cat or dog in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or any kennel in such a humane manner that such female cat or dog cannot come into contact with another cat or dog except for intentional breeding purposes.
- F.** It shall be unlawful for any owner to allow his/her animal to enter any food store or place where food is exhibited or prepared for sale, except those trained animals assisting individuals with disabilities.
- G.** It is the duty of any person owning, keeping, or possessing any animal to control such animal so as to prevent that animal from becoming a nuisance as defined in JMC §6.04.010(N). Any person owning, keeping, or possessing an animal found to be a nuisance shall be guilty of violating the terms of this Code.

(Ord. 835, 1986; Ord. 885, 1988; Ord. 1071, 1996; Ord. 1283, 2006)

6.04.045 Dangerous and Vicious Animals and Bans

- A. GENERAL:** No animal shall be allowed to cause or to constitute a hazard or menace to the health, peace, or safety of the community. In any circumstance where an animal bites, molests, or injures or it is believed that the animal has bitten, molested, or injured any person, any animal is discovered running at large, and/or an animal is suspected of being diseased, said animal shall be confiscated by Animal Control, impounded in accordance with the provisions of this Code and, if appropriate, humanely destroyed in accordance with the provisions of this Code.

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Any animal alleged to be in violation of this Code shall be confined at the Animal Shelter or an appropriate site selected by Animal Control until the matter is disposed of

by a court of competent jurisdiction. Said confinement shall be at the expense of the owner/custodian of the animal that has been charged with a violation of this Code.

B. DANGEROUS ANIMALS: It shall be unlawful for any person to keep within the city limits any dangerous animal, except in compliance with the provisions of this Code. In circumstances where an animal has been declared a vicious animal under previous animal control provisions, said animal shall automatically be designated as a Dangerous Animal under the terms of this Code and shall comply with all applicable provisions of this Code.

1. GROUNDS FOR DANGEROUS ANIMAL DESIGNATION. A animal is considered dangerous for purposes of this Code if:

- a. without provocation, it attacks or bites a person engaged in a lawful activity;
- b. while off the property of its owner and without provocation, it seriously injures another domesticated animal; or,
- c. without provocation while not on a leash and under the control of its owner or custodian, it chases, confronts, or approaches a person on a street, sidewalk, or other public property in a menacing fashion such as would put a reasonable person in fear of attack.

2. DANGEROUS ANIMAL DESIGNATION.

- a. **Designation:** When Animal Control has cause to believe that an animal is dangerous, authorized Department representative(s) shall locate and declare said animal to be a dangerous animal.
- b. **Notice:** Within seven (7) days of declaring an animal to be a dangerous animal, Animal Control shall provide written notice of said declaration and underlying reasons to the person(s) who own, keep, or otherwise maintain said animal. The notice shall inform the owner or custodian that a permit is required to keep and maintain said dangerous animal within the City and of the time period in which said person(s) shall either: **i)** apply for such a permit; **ii)** remove said animal from the City within ten (10) days of receipt of said notice; or, **iii)** submit a written request for hearing on Animal Control's Dangerous Animal declaration.
- c. **Request for Permit:** The notice shall inform said person of the option to request a permit to keep a dangerous animal within the City. Said

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request for Permit shall be submitted to Animal Control within ten (10) days of receipt of the Department's dangerous animal designation. If such a request is submitted, said person shall comply with the requirements and provisions provided herein.

- d. **Opportunity to Contest Designation:** The notice shall also inform said person(s) of the opportunity to submit a written request for a hearing to contest the dangerous animal designation. Any such request must be submitted to Animal Control within ten (10) days of receipt of the dangerous animal designation. Said hearing(s) shall be conducted before the Mayor of the City or his/her designated appointee within a reasonable time from receipt of said request.
- e. **Status Pending Such A Hearing:** Once a notice of a dangerous animal designation has been issued, the animal in question shall be considered as dangerous from that time forward unless and until such time as said declaration is overruled by the hearing officer. If a hearing is requested, the owner shall not be required to obtain a dangerous animal permit unless and until such time as a hearing has been held regarding the matter and the dangerous animal declaration is upheld by the hearing officer.
- f. **Hearing:** Hearings authorized under this Code shall be conducted by the Mayor or his designated representative(s). Said official shall act as the appeal hearing officer, shall make his/her ruling on the basis of a preponderance of the evidence presented at the hearing, and shall conduct said proceedings in an informal manner. Parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, and to rebut the other party's evidence. After listening to and reviewing all information provided in said hearing, the decision of the hearing officer shall be announced and then reduced to writing, with a copy provided to both parties. Decisions of the hearing officer are final.
- g. **Compliance:** If the person owning, keeping, possessing, or otherwise maintaining the animal

fails to request a hearing within the allotted time, or if the hearing officer determines that the dangerous animal declaration shall stand, the owner or custodian shall comply with the requirements of this Ordinance within ten (10)

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days from the date of said hearing. If the owner or responsible party fails to do so, he/she will be considered to be in violation of the terms of this Code and will be subject to citation.

3. IMPOUNDMENT PENDING DECLARATION. Upon reasonable suspicion that an animal is dangerous and poses a serious threat to public health or safety, Animal Control may seize the animal for quarantine at a veterinary clinic or for impoundment at Animal Control's facility pending the dangerous animal designation process.

4. PERMIT REQUIREMENTS.

- a. A dangerous animal may be kept within the city limits only so long as the owner and/or custodian complies with all requirements and conditions of the Dangerous Animal Permit;
- b. The owner or custodian shall pay an annual Dangerous Animal Permit fee of One Hundred Dollars (\$100.00) to Animal Control to maintain and possess a dangerous animal within the City. All other applicable licensing and vaccination fees must be paid as well; and,
- c. In order to obtain a Dangerous Animal Permit, the owner must provide proof of sterilization, identification microchip implant, current rabies vaccination from a licensed veterinarian, and two (2) photographs of the animal in question.

5. CONDITIONS FOR KEEPING AND MAINTAINING A DANGEROUS ANIMAL.

- a. **Confinement:** No person keeping an animal known to be dangerous shall allow the same to run at large or to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises. Every structure or enclosure in which any dangerous animal is kept shall be so constructed and maintained as to prevent escape, and all reasonable precaution shall be taken to protect the public from the animal. All dangerous animals shall be securely confined in the following manner: **i)** In the interior of a house,

building, or fully enclosed structure of which the animal cannot exit without supervision and assistance; **ii)** In an enclosed and locked dog pen, kennel, or physical structure with minimum dimensions of Five feet by Ten feet (5' x 10') and secure sides, bottom, and top. The pen or physical structure must be capable of preventing the entry of the general public, including children, and must be capable of preventing the escape or unintentional release of the animal; **iii)** All entrances to said secure enclosure shall

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be secured with a key or combination lock which, would prohibit entrance by anyone other than the owner and/or a responsible party; and/or [as applicable], **iv)** Printed notices shall be conspicuously displayed whereby the same may be seen on all sides of the secure enclosure used to house said animal, on all entrances to the property, and on all doors to any structure on the property housing such an animal so as to be seen by person(s) passing in the vicinity where such an animal is kept.

- b. Leash and Muzzle Requirements:** The owner or keeper of a dangerous animal shall not allow the animal to exit the animal's house, building, kennel, pen, or physical structure unless the animal is muzzled, restrained by a leash sufficient to control the animal, and under the physical control and supervision of an adult. The muzzle must not cause injury to the animal or interfere with its vision or respiration. However, said muzzle must prevent the animal from biting any human or other animal.
- c. Identification:** Within Ten (10) days of the dangerous animal declaration, the owner or custodian shall provide Animal Control Two (2) digital color photographs of such animal clearly showing the color and approximate size of the animal. If unable to do so, the owner shall allow Animal Control to photograph the animal within said timeframe.
- d. Change of Status:** The owner or custodian of a dangerous animal is responsible to notify Animal Control immediately if the animal is unconfined,

on the loose, or has attacked a human or another domestic animal.

- e. **Change of Ownership:** If the owner/custodian of a dangerous animal sells, gives away, or otherwise transfers custody of said animal, the person shall, within Three (3) days of said transfer, provide Animal Control with the name, address, and telephone number of the new owner or custodian of said animal. The previous owner is required to inform any new owner/custodian of the animal's designation as a dangerous animal and of the requirements and prohibitions of a dangerous animal within the City.

C. VICIOUS ANIMALS

It is hereafter unlawful for any person, firm, or corporation to keep within the City any vicious animal.

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1. GROUNDS FOR VICIOUS ANIMAL DESIGNATION: An animal is considered vicious for purposes of this section if the animal: **a)** Causes death or serious physical injury to a person engaged in a lawful activity; **(b)** On One (1) or more occasions, attacks or bites without provocation a person engaged in a lawful activity; **(c)** On One (1) or more occasions, while off the property of its owner and without provocation, seriously injures another domesticated animal; **(d)** Without provocation, kills a domesticated animal; or, **(e)** Trains for animal fighting or is owned or kept for the purpose of animal fighting.

2. NOTICE. In instances where the animal is declared vicious, Animal Control shall, within Forty-eight (48) hours, provide written notice to the owner/custodian of the animal posted at the owner's or custodian's last known address that said animal has been determined to be a vicious animal, the reasons for the declaration, and that the animal has been quarantined or impounded by Animal Control. The owner/custodian shall have Five (5) days from delivery of the notice to contact Animal Control and comply with this Code by either: **i)** removing the dog from the city limits; and notify Animal Control of the new owner's name, address, and telephone number; **ii)** filing a written objection to the vicious animal designation and

request for a hearing on the matter; or, **iii)** by having the animal euthanized.

3. OPPORTUNITY TO CONTEST VICIOUS DESIGNATION: The notice shall also inform said person(s) of the opportunity to submit a written request for a hearing to contest the dangerous animal designation. Any such request must be submitted to Animal Control within five (5) days of receipt of the dangerous animal designation. Said hearing(s) shall be conducted before the Mayor of the City or his/her designated appointee within a reasonable time from receipt of said request.

4. STATUS PENDING A HEARING: Once a notice of a vicious animal designation has been issued, the animal in question shall be considered as vicious from that time forward unless and until such time as said declaration is overruled by the hearing officer.

5. HEARING: Hearings authorized under this Code shall be conducted by the Mayor or his designated representative(s). Said official shall act as the appeal hearing officer, shall make his/her ruling on the basis of a preponderance of the evidence presented at the hearing, and shall conduct said proceedings in an informal manner. Parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, and to rebut the

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other party's evidence. After listening to and reviewing all information provided in said hearing, the decision of the hearing officer shall be announced and then reduced to writing, with a copy provided to both parties. Decisions of the hearing officer are final.

6. COMPLIANCE: If the person owning, keeping, possessing, or otherwise maintaining the vicious animal fails to request a hearing within the allotted time, or if the hearing officer determines that the vicious animal declaration shall stand, the owner or custodian shall comply with the requirements of this Ordinance within Five (5) days from the date of said hearing. If the owner or responsible party fails to do so, he/she will be considered to be in violation of the terms of this Ordinance and will be subject to citation.

7. IMPOUNDMENT PENDING DECLARATION: Upon reasonable suspicion that an animal is vicious and poses a serious threat to public health or safety, Animal Control will seize the animal for quarantine at a veterinary clinic or for impoundment at Animal Control's facility pending the vicious animal designation process.

8. CHANGE OF OWNERSHIP: If the owner/custodian of a vicious animal sells, gives away, or otherwise transfers custody of said animal, the person shall, within Three (3) days of said transfer, provide Animal Control with the name, address, and telephone number of the new owner/custodian of said animal. The previous owner is required to inform any new owner/custodian of the animal's designation as a vicious animal and of the prohibitions of such an animal within the City.

9. EXCEPTIONS:

A. A vicious animal shall not be considered owned or kept within the City if said animal is brought into the City to a licensed veterinary care facility located within the City for the purpose of veterinary care, as opposed to boarding and only so long as said animal remains within the City only as long as is necessary for the completion of said veterinary care. However, at all times said animal shall be subject to all applicable restrictions by virtue of said animal being defined as a dangerous or vicious animal under the terms of this Code.

B. Animals that are used regularly for law enforcement purposes shall not be subject to the provisions of this section. However, said animals shall be confined and maintained in accordance the law enforcement agency's general orders. (Ord. 1283, Section 5, 2006)

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D. BANS

1. Ban It shall hereafter be unlawful for any person, firm, or corporation to keep, own, or harbor within the City limits any of the following breeds of dog(s):

- a) Stafford Bull Terrier;
- b) American Pit Bull Terrier;
- c) American Bull Dog;

- d) Dogs of mixed breed or of other breeds than the above-listed whose breed is known as Pit Bull, Bull Dogs, or Pit Bull Terrier;
- e) Any breed being a predominate breed of a Stafford Bull Terrier, an American Pit Bull Terrier, Bull Dog, or any mixed breed thereof; and,
- f) Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this Ordinance.

2. Registration Any owner, keeper, or harbinger of a dog listed above will have Thirty (30) days after passage and publication of this Ordinance to register the animal with Jacksonville Animal Control pursuant to the following criteria:

- a) The animal was licensed prior to the effective date of this Ordinance;
- b) The owner, keeper, or harbinger shall provide proof of rabies vaccination;
- c) The owner, keeper, or harbinger must be at least Twenty-one (21) years of age;
- d) The owner, keeper, or harbinger shall, at his/her own expense, have the animal spayed or neutered and/or shall present to the Jacksonville Animal Control documentary proof from a licensed veterinarian that a sterilization procedure has been performed on said animal. An owner of such a prohibited animal may be exempted from the spay or neuter requirement. To obtain such an exemption, documentation must be provided from a licensed veterinarian stating that a spay or neuter procedure would put the animal's life at-risk at that time, but the documentation must specify a timeframe within which the sterilization procedure can be completed;
- e) The owner, keeper, or harbinger shall bring the animal to the Jacksonville Animal Shelter where authorized personnel will assign a registration number to the animal and shall direct the owner to a licensed veterinarian to cause a computer chip to be implanted in the animal. Documented proof of said implementation must be returned to the Jacksonville Animal Control, which shall maintain a file containing the registration numbers, names of the animals, and the names and

addresses of the owners. The owner shall notify Animal Control of any change of address.

3. Conditions for Keeping and Maintaining a Banned Animal

The Confinement, Leash and Muzzle Restrictions, and other requirements found in JMC § 6.04.045(B)(5) shall apply to any animal identified and properly registered under this Section.

4. Exceptions A banned breed of animal shall not be considered owned or kept in the City if the animal is only brought into the City to a licensed veterinarian located in the City for the purpose of veterinary care, as is necessary for the completion of veterinary care, or for special event dog shows sanctioned by the City. Additionally, any animal used for law enforcement or other governmental purposes by the Police Department, military personnel, or other local, state, or federal agency(ies) are exempt from the provisions of this Section. However, any such animal is, at all times, subject to all other applicable restrictions under this Code.

5. Violations

a) It shall be unlawful for the owner, keeper, or harbinger of any animal registered with the City to fail to comply with the requirements and conditions set forth in this Ordinance. Any such animal found to be the subject of a violation of the provisions of this Section shall be subject to immediate seizure, impoundment, revocation of the license of such animal, and initiation of the procedures set forth herein.

b) The owner, keeper, or harbinger of any animal found to be in violation of the terms of this Ordinance shall be guilty of a violation and be subject to the Enforcement and Penalties Provisions contained in JMC § 6.04.120.

c) Any animal seized under the terms and conditions of this Ordinance by Animal Control shall be held by the Department for Three (3) business days for the owner to reclaim the animal. Any such animal shall be retrieved only upon compliance with all provisions of this Ordinance and after payment of a Seizure fee of One Hundred Dollars (\$100.00).

The owner must also sign a Statement verifying that the animal will be permanently removed from the City limits within Forty-eight (48) hours.

d) If any animal seized under the provisions of this Ordinance is not reclaimed within Three (3) business days as prescribed above, said animal shall be euthanized in a humane manner.

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e) If any animal seized under these provisions is found within the City limits a second time, the owner shall, upon conviction in the Jacksonville District Court, be fined pursuant to JMC § 6.04.120. Any such animal seized by Animal control a second time shall be euthanized in a humane manner. (Ord. 1312 Sec. 1, 2007)

6.04.050 Maintenance of Premises

It is unlawful for any person(s) keeping or harboring animal(s) to fail to keep the premises where such animal(s) are kept free from offensive odors to the extent that such odors are disturbing to any person(s) residing within reasonable proximity of the premises. It is unlawful to allow premises where animals 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. (Ord. 835, 1986; Ord. 1283, 2006)

6.04.060 Rabid Animals or Animals Suspected of Having Rabies

1. Every veterinarian shall report promptly to the Animal Control all cases of rabies in any animal(s) treated by him/her, providing Animal Control with the name and address of the owner(s) as well as the names(s) and address(es) of any animal(s) or human(s) known to be bitten by such rabid animals.
2. Any person having knowledge that an animal, domestic or wild, is rabid, has reason to suspect or believe an animal has rabies, or has knowledge that a person has been bitten by a rabid animal shall promptly report such information, to the extent known, to Animal Control.
3. It shall be the duty of the owner, the Animal Control Department, or the person or agency gaining information that a person has been bitten or likely inflicted with rabies to quarantine the animal in the Animal Control Shelter, at a veterinary hospital within the City, or within an enclosure approved by the Animal Control Officer. The suspected animal shall be held for observation for a period no less ten (10) days or longer if, in the opinion of the state veterinarian, confinement is necessary to determine whether the animal is infected with rabies. The owner of the suspected animal shall be responsible for any and all expenses incurred to complete such confinement.

(Ord 835, 1986; Ord. 1071, 1996; Ord. 1283, 2006)

6.04.070 Cruelty to Animals

1. It shall be unlawful for any person to:
 - (a) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal;
 - (b) Fail to provide any animal with proper food, drink, protection from the elements, or proper veterinary care;

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(c) Abandon any animal within the corporate limits of the City;

(d) Intentionally poison any animal;

(e) Allow or promote any fight between animals or to allow or permit any such fight in or upon any premises in his possession or under his control;

(f) Allow an animal to be kept or maintained in unsanitary conditions and/or in other than a humane manner; and/or,

(g) When confining any animal by chain, confining such animal by a chain of no less than Ten feet (sufficient to the a weight and strength with the chain shall be affixed to the a collar, and the chain shall be attached to some substantial stationary object adequate to prevent the animal from running at large.

(Ord. 943, Sec. 2(part), 1991; Ord. 1071, 1996; Ord. 1283, Sec. 8, 2006)

2. Animal Control may remove any animal kept or confined under such conditions and may impound such animal pursuant to the provisions of this Code. The animal seized shall be impounded and not released unless and until:

(a) The owner of the animal, who shall not be charged, claims the animal from the Animal Shelter; or

(b) The owner of the animal, who was charged and is found guilty, claims the animal from the animal shelter.

3. If any owner or custodian of such impounded animal pleads guilty, nollo contendere, or is found guilty of the charge of Cruelty to Animals, the animal shall automatically become the property of the Jacksonville Animal Shelter for adoption to the public or euthanized, whichever is appropriate.

(Ord. 835, 1986; Ord. 1283, Sec. 8, 2006)

6.04.080 Impoundment

1. Any animal at large or otherwise in violation of the provisions of this Code may be impounded in the Animal Shelter in a humane manner for a period of not less than

Five (5) days. If an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this Code and the appropriate timeframe, such animal shall become the absolute property of Animal Control, which may convey ownership of such animal to any responsible person on such conditions as Animal Control may prescribe or, if circumstances warrant such, Animal Control may humanely destroy said animal.

2. Animal Control 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 in which the animal may be reclaimed, and that the animal may be destroyed or become the property of Animal Control as provided herein.

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3. Notwithstanding any provision of this Code to the contrary, Animal Control may refuse to release any animal impounded in the Animal Shelter for contagious diseases other than rabies quarantined or for use as evidence in a criminal prosecution for such time period as Animal Control determines necessary.
4. Notwithstanding any provision of this Code to the contrary, Animal Control may humanely destroy any animal impounded in the Animal Shelter when Animal Control and a veterinarian reasonably believe that the animal has sustained an injury or disease which is likely to result in maiming, prolonged and severe suffering or death of the animal, or when it is necessary to prevent disease or injury to other animals or to humans due to over crowding in the Animal Shelter, or upon occurrence of any other such threatening condition.

(Ord. 835, 1986; Ord. 1071, 1996; Ord. 1283, Sec. 9, 2006)

6.04.090 Reclaiming Impounded Animals

1. Any person owning, possessing or keeping an animal which has been allowed to run at large and which has been impounded by Animal Control may claim and retrieve such animal from Animal Control by paying a fee of Ten Dollars (\$10.00) per day, plus:

(a) Licensed, vaccinated, and sterilized animals:

| | |
|---------------------|----------|
| First Offense | \$ 15.00 |
| Second Offense | \$ 25.00 |
| Third Offense | \$ 50.00 |
| Subsequent offenses | \$ 75.00 |

(b) Unlicensed, unvaccinated, or non-sterilized animals:

| | |
|---------------|----------|
| First Offense | \$ 30.00 |
|---------------|----------|

| | |
|---------------------|----------|
| Second Offense | \$ 50.00 |
| Third Offense | \$100.00 |
| Subsequent Offenses | \$150.00 |

- (c) Animals impounded for quarantine or prosecution purposes: Ten Dollars (\$10.00) per day
2. The owner of an animal impounded in the Animal Shelter shall be liable for the foregoing fees and charges, notwithstanding the euthanization or adoption of the animal.

(Ord. 835, 1986; Ord. 1071, 1996; Ord. 1283, Sec. 10, 2006)

6.04.100 Adoption

1. Animal Control may convey ownership or permit adoption of any animal, which has become the property of Animal Control to a responsible person, subject to such conditions and requirements as may be prescribed by Animal Control, including, without limitation, the following:

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- (a) Payment of a Fifty-five Dollars (\$55.00) adoption fee and receipt by Animal Control of a statement by the adopting party that the animal will be licensed, vaccinated, and sterilized within a Thirty (30) day period. Animal Control may, upon good cause shown by the adopting party, grant an extension of time for vaccination and/or sterilization not to exceed Thirty (30) days. This statement of Agreement shall be binding, and failure to comply with its terms constitutes a violation of this Ordinance. In that event, the animal shall be returned to Animal Control and ownership of said animal shall automatically revert to Animal Control. The party may also be prosecuted for violation of this Code;
- (b) Evidence satisfactory to Animal Control must be presented that the animal has, or will be, examined by a veterinarian and vaccinations against rabies or other disease administered;
- (c) A certificate of adoption for sterilization will be given to the adopting party. The adopting party will provide the certificate to the veterinary clinic when presenting the animal for sterilization, and the

clinic will return said certificate to Animal Control for payment of sterilization services performed on said animal.

(Ord. 835, 1986; Ord. 931 Sec. 1, 1990; Ord. 1071, 1996; Ord. 1283, Sec. 11, 2006)

6.04.110 Relinquishment of Unwanted Animal

- A.** If an owner of an unwanted animal is unable to find a suitable home, or dispose of animal through legal channels, ownership of animal may be relinquished to Animal Control for a fee of Twenty Dollars (\$20.00) after meeting the following requirements:
1. Attempting to find a home for the animal through family and neighbors;
 2. Listing the animal in a local newspaper and providing a copy of said ad to Animal Control; and,
 3. Contacting the Pulaski County Humane Society to obtain assistance in locating a home for said animal.
- B.** Animals from outside the City will not be accepted by Animal Control. Persons having control of said animals (stray or owned) will dispose of said animal through their county, local authorities, or private veterinarian.

(Ord. 1071, 1996; Ord. 1283, Sec. 12, 2006)

6.04.120 Enforcement and Penalties

- A. Enforcement Responsibility** - The provisions of this Code shall be enforced by Animal Control and by the Jacksonville Police Department.

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- B. Equipment** - Animal Control is authorized to employ any equipment it deems necessary to enforce the provisions of this Code. Animal Control may, subject to conditions, lend traps to private citizens for the purpose of preventing nuisances resulting from animals at large.
- C. Interference** - No person shall interfere with, hinder, or molest Animal Control official(s) in the performance of his/her duties or seek to release any animal in the custody of Animal Control.
- D. Citations** - Animal Control and Jacksonville Police Department officers are hereby authorized to issue a citation to any person for violation of any provision(s) of this Code. The citation shall be in a form approved by the Jacksonville District Court, shall designate the offense charged, and shall require the person so charged to appear before the Jacksonville District Court on a certain date

and time to answer the charges therein contained.

E. Warrant(s) - Any person damaged, harmed, inconvenienced, or injured in any way whatsoever by any violation of this Code may swear out an Affidavit of Warrant for the arrest of the alleged violator by contacting the City Attorney's office. Any person failing to comply with any of the provisions of this Code shall be subject to the fines imposed under this section of the Code or as authorized under Arkansas law.

F. Penalties for Violations:

1. DANGEROUS OR VICIOUS ANIMALS:

The owner or custodian of any dangerous or vicious animal with a propensity for viciousness which allows said animal to run at large or does not properly restrain said animal in accordance with the terms of this Code shall be guilty of a misdemeanor and upon conviction shall be fined as follows:

| | Licensed Animal Fines | Unlicensed Animal Fines |
|-----------------------|--------------------------|----------------------------|
| First Violation | \$100.00 | \$200.00 |
| Second Violation | \$200.00 | \$400.00 |
| Third Violation | \$300.00 | \$600.00 |
| Fourth Violation | \$400.00 | \$800.00 |
| Subsequent Violations | \$500.00 | \$1000.00 |

2. CRUELTY TO ANIMALS:

A person convicted of Cruelty to Animals shall be guilty of a misdemeanor and punished by a fine of no less than one hundred dollars (\$100.00) and no more than one thousand dollars (\$1000.00), with no more than one (1) year in jail.

3. OTHER VIOLATIONS:

Any person violating any other provision of this Code shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred (\$500.00). Each separate day the violation exists shall constitute a separate offense.

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4. HOUSING FEE:

A fee of ten dollars (\$10.00) per day shall also be assessed for any day that said animal is under Animal Shelter care, together with any applicable court costs imposed by the Court.

5. EUTHANIZATION:

Nothing in this Section shall be construed to prohibit the District Court from ordering the animal humanely destroyed if it finds such destruction to be in the best interests of the citizens of the City of Jacksonville.

(Ord. 835, 1986; Ord. 885, 1988; Ord. 1071, 1996; Ord. 1283, Sec. 13, 2006)

Chapter 6.08

LIVESTOCK AND FOWL

Sections:

- 6.08.010 Swine.
- 6.08.020 Livestock - Location restrictions.
- 6.08.030 Small animals and fowl - Compliance with regulations.
- 6.08.040 Small animals and fowl - Housing - Floor space.
- 6.08.050 Small animals and fowl - Housing - Distance from business establishments and residences.
- 6.08.060 Feed stores and poultry houses - Keeping of animals.
- 6.08.070 Housing and pens - Disposal of manure.
- 6.08.080 Housing and pens - Drainage.
- 6.08.090 Housing and pens - Lime coverage.
- 6.08.100 Housing and pens - Penalty for violation.
- 6.08.110 Livestock at large - Prohibited.
- 6.08.120 Livestock at large - Impoundment.
- 6.08.130 Impounded livestock - Notice to owner - Reclaiming.
- 6.08.140 Impounded livestock - Unclaimed - Disposal.
- 6.08.150 Small animals and fowl - Running at large - Prohibited.
- 6.08.160 Small animals and fowl - Running at large - Impoundment - Fees
- 6.08.170 Small animals and fowl - Unclaimed - Disposal.
- 6.08.180 Diseased animal - Keeping prohibited.
- 6.08.190 Diseased animal - Treatment or disposal.
- 6.08.200 Dead or diseased animals - Promulgation of rules and regulations.
- 6.08.210 Maintenance of premises and disturbing noises.
- 6.08.220 Enforcement and penalties.

6.08.010 Swine

It is unlawful to maintain or keep at any time any hogs, pigs, or swine within the corporate limits of the City.

(Ord. 157 Sec. I(A), 1965, Ord. 1283 Sec. 14, 2006)

6.08.020 Livestock - Location restrictions

It is unlawful to keep cows, goats, sheep, horses, or other large animals of the hoofed variety unless such animals are situated within a lot or pen of an area of not less than One-half (1/2) acre, which lot or pen shall not be closer than One Hundred Feet () to any residence other than that of the owner of the livestock and not closer than One Hundred Feet () to any business or residence regularly used. (Ord. 157 Sec. 1(B), 1965, Ord. 1283 Sec. 15, 2006)

6.08.030 Small animals and fowl - Compliance with regulations

Small animals such as rabbits and guinea pigs and fowls, such as chickens, pigeons, turkeys, roosters, and the like may be kept within the City limits subject only to applicable regulations contained in this Code. In all circumstances, such fowl shall be maintained no closer than One Hundred Feet () from any residential structure or public street. (Ord. 835, 1986, Ord. 1283 Sec. 16, 2006)

6.08.040 Small animals and fowl - Housing - Floor space

All such animals and fowl must be provided with adequate housing. Floor space in such houses must have the following:

- A. Rabbits and other such four-legged, fur-bearing animals, four square feet (4 SF) per animal over four (4) months of age;
- B. Turkeys, four square feet (4 SF) per bird over four (4) months of age;
- C. Chickens, pigeons and other similar fowl, two square feet (2 SF) per bird over four (4) months of age;

(Ord. 157 Sec. 2(A), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 17, 2006)

6.08.050 Small animals and fowl - Housing - Distance from business establishments and residences

All pens or yards where such animals are kept shall be placed the following minimum distances from any business establishment and/or any residence other than that of the owner of said animals or fowl:

- A. Rabbits - One Hundred Feet (100')
- B. All other animals - One Hundred Feet (100')

(Ord. 157 Sec. 2(B), 1965, Ord. 1283 Sec. 18, 2006)

6.08.060 Feed stores and poultry houses - Keeping of animals

Feed stores may keep poultry and animals for demonstration purposes provided same are kept inside the business building and comply with all sanitary regulations provided in this chapter. Poultry houses may keep fowls for sale provided same are kept inside the business building and comply with all the sanitary regulations provided in this chapter. (Ord. 157 Sec. 3, 1965, Ordinance. 1283, Sec. 19, 2006)

6.08.070 Housing and pens - Disposal of manure

It is unlawful for any person having authority to control the use of any stable, pen, lot, shed, stall or other place where animals,

livestock or fowls are kept to allow the same to become filthy,

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malodorous or unsanitary. Every person who owns or keeps such animals, livestock, or fowl shall maintain in connection therewith a garbage can, bin, or pit in which the manure from such animals shall be placed pending removal from the premises. Such garbage can, bin, or pit shall be provided with covers or other devices, approved by Animal Control, and sufficient to prevent the ingress and egress of flies and other insect pests. Said garbage can, bin, or pit shall be located at a point most remote from the house of the nearest neighbor or the nearest business building and most remote from any street or avenue, while remaining on the premises of the owner. All persons controlling such places where animals or fowls are kept shall remove all manure from such garbage cans, bins, or pits before same becomes malodorous or unsanitary.

It is further provided, however, that any person may use said manure upon his premises for the purpose of enriching his own ground or for any other purpose to which manure can properly be put when the same is not offensive or unsanitary.

(Ord. 157 Sec. 4(part), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 20, 2006)

6.08.080 Housing and pens - Drainage

All places wherein any animals covered by this chapter are kept shall have adequate drainage sufficient to prevent standing water in yards or pens. Duck ponds shall be drained and cleaned regularly.

(Ord. 157 Sec. 4(part), 1965, Ord. 1283 Sec. 21, 2006)

6.08.090 Housing and pens - Lime covering

All yards or pens wherein livestock is kept shall be regularly covered with lime or other suitable chemical agents as may be approved by Animal Control to prevent odors, nuisances, for unsanitary conditions.

(Ord. 157 Sec. 4(part), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 22, 2006)

6.08.100 Housing and pens - Penalty for violation

Any condition failing to meet such regulations and regulations of JMC § 6.08.040 - 6.08.090 shall be deemed a nuisance, and the person allowing such nuisance to exist shall be punished as provided herein.

(Ord. 157 Sec. 4(part), 1965, Ord. 1283 Sec. 23, 2006)

6.08.110 Livestock at large - Prohibited

No horse, mule, mare, colt, jack, jenny, swine, cow, sheep, goat, or any other livestock of any kind shall be allowed to run at large within the City. It is unlawful for the owner or person in charge of any of the animals above mentioned to allow any of such animals to run

at large within the City contrary to the provisions of this Code.
(Ord. 157 Sec. 7(A)(1), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 24, 2006)

6.08.120 Livestock at large - Impoundment

Whenever any such animal or livestock as set forth in Section 6.08.110 is found to be running at large within the limits of the City, the same shall be impounded. (Ord. 157 Sec. 7(A)(2), 1965, Ord. 1283 Sec. 25, 2006)

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6.08.130 Impounded livestock - Notice to owner - Reclaiming

- A. Notice to Owner - Whenever Animal Control takes charge of any animal of the kind set forth within JMC § 6.08.110 for the purpose of impounding the same, Animal Control shall make a reasonable effort to notify the owner of such animal, if known, that the animal has been impounded and of the manner in which the animal may be reclaimed.
- B. Reclaiming - Any person owning, possessing, or keeping an animal which has been allowed to run at large and which has been impounded by Animal Control may claim and retrieve such animal from City Control by paying a fee of Ten Dollars (\$10.00) per day, together with any damage done by said animal and/or cost incurred in keeping and maintaining said animal, together with court costs and a fine of no less than:

| | |
|-----------------------|----------|
| First offense | \$ 50.00 |
| Second offense | \$ 75.00 |
| Third offense | \$100.00 |
| Subsequent offense(s) | \$250.00 |

(Ord. 1071, 1996, Ord. 1283 Sec. 26, 2006)

6.08.140 Impounded livestock - Unclaimed - Disposal

If the owner of such animal fails or refuses to claim and repossess such animal by the payment of the proper fee assessed, Animal Control may, after a period of Five (5) days, convey ownership of such animal which has become the property of Animal Control to a responsible person subject to such conditions as may be prescribed by Animal Control, or Animal Control may have such animal humanely destroyed. (Ord. 157 Sec. 7(A)(4), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 27, 2006)

6.08.150 Small animals and fowl - Running at large - Prohibited

It is unlawful for any person, firm, or corporation to permit small animals or fowl to run at large within the corporate limits of the City. (Ord. 157 Sec. 7(B)(1), 1965, Ord. 1283 Sec. 28, 2006)

6.08.160 Small animals and fowl - Running at large - Impoundment - Fees

Any small animal, chicken, or other fowl prohibited from running at large by this ordinance which trespasses upon the property of persons used as a residence may be impounded by Animal Control. The owner(s) of said chickens, small animals, or fowl, if known, must be notified and such owner shall be entitled to possession thereof upon the payment of the fees hereinafter provided and the damage done by such animals, chickens, or fowls. The fees for each animal, chick, or fowl will be Ten Dollars (\$10.00) per day. (Ord. 157 Sec. 7(B)(2), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 29, 2006)

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6.08.170 Small animals and fowl - Unclaimed - Disposal

If the owner of the animals or fowls impounded, after being notified thereof, neglects to pay the fees and damages, Animal Control may, after a period of not less than Five (5) days, dispose of the small animals, chicken, or fowl in the most humane and feasible means possible. (Ord. 1071, 1996, Ord. 1283 Sec. 30, 2006)

6.08.180 Diseased animal - Keeping prohibited

It is unlawful for any person to have and keep any animal, species of livestock, or fowl infected with a disease which may contaminate other animals, livestock, fowl and/or which may be a health hazard to the public. (Ord. 157 Sec. 9(A), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 31, 2006)

6.08.190 Diseased animal - Treatment or disposal

Any livestock, animals or fowl within the limits of this City when said disease is discovered, shall immediately be treated or humanely destroyed and disposed of under the direction or order of the Animal Control Officer: provided such animal, livestock, or fowl has been diagnosed by competent veterinarian inspection to bear such infection. Any veterinarian may enter the premises of the owner of such livestock, animal, or fowl upon request by City authorities for the purpose of making such inspection when such disease is suspected without being guilty of any form of trespass. (Ord. 157 Sec. 9(B), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 32, 2006)

6.08.200 Dead or diseased animals - Promulgation of Rules and Regulations

Animal Control is ordered, directed, and authorized to make and promulgate such suitable regulations not in conflict with this Code as necessary to govern the care and disposition of any dead or diseased

animal, livestock, or fowl found within the limits of this City.
(Ord. 157 Sec. 9(C), 1965; Ord. 1071, 1996, Ord. 1283 Sec. 33, 2006)

6.08.210 Maintenance of Premises and Disturbing Noises

An owner of fowl 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 fowl are confined or maintained shall be cleaned regularly so that they are kept free of offensive odors which would disturb any person residing within a reasonable distance of said premises, and the fowl themselves shall be restrained in such a fashion that noise emanating from them will not be disturbing to such persons and/or the public. (Ord. 835, 1986; Ord. 1071, 1996, Ord. 1283 Sec. 34, 2006)

6.08.220 Enforcement and penalties

Any person found guilty of any of the above provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each such

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offense. If such violations continue, each separate day the violations exist shall constitute a separate offense. (Ord. 1071, 1996, Ord. 1283 Sec. 35, 2006)

Chapter 6.10

BEES

Sections:

- 6.10.010 Keeping Bees unlawful - Exception.**
- 6.10.020 Number of hives allowed.**
- 6.10.030 Compliance required.**

6.10.010 Keeping Bees unlawful - Exception

It is unlawful to keep bees and/or beehives unless such bees or beehives are located more than Two Hundred Feet (200') from the nearest residence, business, or industrial structure other than that of the owner of the bees or beehives.
(Ord. 385 Sec. 1(part), 1976; Ord. 1071, 1996; Ord. 1283 Sec. 36, 2006)

6.10.020 Number of hives allowed

If the beekeeper's property is less than One (1) acre, there shall be a limit of Two (2) hives, which shall be allowed on said property. If the beekeeper's property exceeds One (1) acre, there shall be no limit to the number of beehives that shall be allowed on said property. However, the number of, placement of, or manner of

keeping bees and beehives shall not be allowed to become a nuisance to other persons in the enjoyment of their own property. Any unreasonable interference with the rights of other persons in the enjoyment of their property or any violation of the provisions of this chapter shall be a violation of this Code and constitutes a misdemeanor. Any violations shall be prosecuted by the aggrieved party filing for an Affidavit or Warrant for the violator with the City Attorney. (Ord. 385 Sec. 1(part), 1976; Ord. 1071, 1996; Ord. 1283 Sec. 37, 2006)

6.10.030 Compliance required

Any existing beekeeper not in compliance with the preceding sections at the time of their enactment shall be allowed Thirty (30) days within which to comply with all provisions. After such period of time, any aggrieved party may pursue prosecution of any beekeeper who is not in full compliance herewith. (Ord. 385 Sec. 1(part), 1976, Ord. 1283 Sec. 38, 2006)

Chapter 6.12

WILD ANIMALS

Sections:

6.12.010 Hunting Prohibited.

6.12.020 Keeping Wild Animals Prohibited.

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WILD

6.12.010 Hunting Prohibited

It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any manner whatsoever catch any deer, beaver, otter, bear, elk, buffalo, squirrel, wild rabbit or any other wild, fur-bearing animal, prairie chicken, wild turkey, partridge, quail, dove, wild goose, wild duck, coot, gallinules, raccoon, snipe, woodcock, homing pigeon, songbird and/or any other wild animal/bird within the City limits. (Ord. 139 Sec. 1, 1962; Ord. 1071, 1996; Ord. 1283 Sec. 39, 2006)

6.12.020 Keeping Wild Animals Prohibited

A. Definition. As used in this article, the term wild animal shall mean any mammal, amphibian, reptile, or fowl of a species that is wild by nature and that, because of its size, vicious nature, or other characteristics, is dangerous to human beings. Such animals shall include, but not be limited to lions, tigers, leopards, panthers, bears, wolves, cougars, coyotes, raccoons, skunks (whether odorized or not), apes, gorillas, monkeys of any species, foxes, elephants, rhinoceroses, alligators, crocodiles, caimans, fowl larger

than a macaw, all forms of venomous reptiles, and any snake that will grow to a length greater than Eight feet (8'). The term shall also include any animal listed as an "Endangered Species" under the Federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act. The term wolf shall be defined by ACA § 20-19-401, et seq. The term wild animal shall not include gerbils, hamsters, guinea pigs, mice, and domesticated rabbits.

B. Violations and Penalties. It is hereby declared to be unlawful for a person to own, possess, keep, or harbor a wild animal within the City. Any person convicted of violating this section shall be fined not more than Five Hundred Dollars (\$500.00). If the violation in its nature is continuous in respect to time, the fine shall not exceed more than Two Hundred Fifty Dollars (\$250.00) per day. Additionally, the Court adjudicating said matter shall either: (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition; or, (2) order the humane destruction of the animal.

C. Affirmative Defenses. No person shall be convicted of violating this section if such person can establish a defense listed in this subsection by a preponderance of the evidence:

1. Zoos, Circuses, or Animal Sanctuaries. This section shall not apply to any zoo, circus, or animal sanctuary complying with applicable laws and regulations and keeping such wild animals for the education and entertainment of the public;

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2. Domestic Animals. This section shall not apply to domestic dogs and cats that have been duly licensed and properly treated with a vaccine, which the compendium of animal rabies prevention has established, is capable of effectively preventing the spread of rabies in the applicable species.

D. Liability for Wild Animal Attacks. Any person who owns, keeps, harbors, or possesses a wild animal that attacks a person causing harm to person or property or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It is an affirmative defense to this

subsection that the animal was provoked. Any Court adjudicating said matter shall either: (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition; or, (2) order the humane destruction of the animal.

TITLE 6 FOOTNOTES

1. For statutory provisions authorizing the Council to levy a tax on dogs and other domestic animals, see ACA 14-54-1103; and for provisions authorizing cities to prevent dogs from running at large and further authorizing the destruction of dogs found running at large, see ACA 14-54-1102. Prior ordinance history; Ord. 24, Amendment No. 1 to Ord. 24, 135, 219 and 224.
2. For provisions authorizing cities to prevent livestock from running at large and to impound any such animals found at large, see ACA 14-54-1101; for provisions authorizing cities to prevent cruelty to animals, see ACA 14-54-103; for provisions empowering cities to adopt zoning regulations, see ACA 14-56-416.
3. For statutory provisions authorizing cities to prevent cruelty to animals, see ACA 14-54-103; for provisions governing municipal parks, see ACA 14-269-101 et. seq.