

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs
- 6.08 Other Animals and Fowl
- 6.09 Dog Tags, Vaccination and Leash Law
- 6.10 Vicious Animals

CHAPTER 6.04

DOGS

Sections:

- 6.04.01 Definitions
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6.04.01 Definitions. As used in this chapter:

- A. "Owner" means any person owning, keeping or harboring a dog or dogs.
- B. "Kennel" means any person engaged in the commercial business of breeding, buying, selling or boarding dogs.
- C. "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.
- D. "Animal warden" means the person or persons employed by the city as its officer or officers to enforce this chapter.
- E. "Administrator" means the person appointed by the city to supervise the enforcement of this chapter.
- F. "Exposed to rabies" denotes an animal which has been bitten by or exposed to any other animal known to have been infected with rabies.

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. 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 approved by the Biologics Control Section of the U.S. Department of Agriculture. 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.

(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 have 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 therefor 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 or which is attached a metallic tag evidencing the currently effective vaccination against rabies, and any dog which is not confined or controlled by a leash 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 five (5) 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.

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. In addition to the fees to be collected by the City of West Fork, if the owner of an impounded animal, including but not limited to, dogs and cats that have been held in the Fayetteville Animal Shelter, such owner shall be entitled to resume possession only after payment of a Ten Dollar (\$10.00) pick up fee and a One Dollar (\$1.00) handling fee which are both payable to the city of Fayetteville through the Fayetteville Animal Shelter. Proof of payment of all fees and ownership of the animal must be provided to the city of West Fork through the Animal Warden and must be submitted prior to or at the time of redemption. (Ord. No. 185, Sec. 1)

(b) Any dog impounded under the provisions of this chapter and not reclaimed by its owner within five (5) days may be placed by the animal warden in the custody of any person applying therefor 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 and a Ten dollar (\$10.00) pick-up fee and a One Dollar (\$1.00) handling fee which are both payable to the city of Fayetteville through the Fayetteville Animal Shelter (Ord. No. 185, Sec. 2)

(c) Any dog impounded under the provisions of this chapter and not reclaimed by its owner within five (5) 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 requires 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 or her custody, (b) all bite cases reported to him or her and his or her 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.

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

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| 6.08.01 | Unlawful to allow public health problem or nuisance |
| 6.08.02 | Complaint procedure |
| 6.08.03 | Penalty |

6.08.01 Unlawful to allow public health problem or nuisance. It shall be unlawful for any person to keep within the corporate limits of the city of West Fork, Arkansas, any horse, cattle, hogs, sheep, goats, chickens, dogs or other livestock or poultry in such numbers as to create a public health risk or nuisance or interfere with the rights of any resident to the enjoyment of their property. It shall be the duty of the Mayor and City Council of the city of West Fork, Arkansas, to abate such nuisance or conditions upon complaints and upon finding of such nuisance. A nuisance shall include, but not be limited to, any animal that molests passersby or passing vehicles, damage private or public property or barks, whines, howls or makes any noise in an excessive, continuous or untimely fashion, so as to disturb the peace. (Ord. No. 245)

6.08.02 Complaint procedure. The city's police officers are authorized to issue a citation to any person violating any provision of this chapter in the presence of said police officer. (Ord. No. 334, Sec. 1.)

6.08.03 Penalty. Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such chapter the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this chapter shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of this chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued. (Ord. No. 334, Sec. 3.)

CHAPTER 6.09

DOG TAGS, VACCINATION AND LEASH LAW

Sections:

- 6.09.01 Annual tax and tag
- 6.09.02 Rabies vaccination required; duplicate tags
- 6.09.03 Animals running at large

6.09.01 Annual tax and tag.

(a) Levy and amount of tax. There is hereby levied and there shall be collected an annual tax in the amount hereinafter provided on each dog or cat owned or kept within the city. Said tax shall be paid to the City Clerk.

For each dog or cat the tax levied hereby shall be in the amount of Two Dollars (\$2.00) if said tax is paid on or before the first day of July and in the amount of Four Dollars (\$4.00) if said tax is paid thereafter.

The owner or operator of any State Licensed and approved Dog or Cat Kennel operated within the city may, at his option, apply for a city permit covering all dogs or cats kept at said kennel in the ordinary course of business for an annual fee of Twenty-Five Dollars (\$25.00). This shall be in lieu of the fee above described for individual animals.

Should a dog or cat be brought into the city or obtain the age of three (3) months after the first day of February, the person owning or keeping such dog or cat shall have thirty (30) days in which to pay the tax levied hereby. Any person failing to pay said tax within such period shall be required to pay the applicable higher tax specified above.

(b) Issuance of tax receipt and tag. The City Clerk to whom the tax levied by subsection (a) above is paid shall issue a receipt therefor and shall issue to each person paying said tax a metal tag indicating that said tax has been paid for the current year; provided, a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies within one (1) year prior thereto.

(c) Tag to be attached to animal's collar. It shall be the duty of the owner or keeper of every dog or cat within the City of West Fork to attach the tag provided for in subsection (b) to a collar securely fixed around the neck of said dog or cat.

(d) Exceptions. Nothing in this section shall be construed to apply to any dog or cat under the age of three (3) months on the first day of February of the current year or to dogs or cats brought to the City on a temporary basis for show or exhibition.

6.09.02 Rabies vaccination required; duplicate tags. All dogs or cats in the City and other pets which are subject to rabies shall be vaccinated annually against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog or cat in the City. Any person who shall keep any pet which is subject to rabies in the City without first having such pet vaccinated for rabies at least once a year shall be guilty of a misdemeanor.

In case a dog or cat tag for the animal tax or rabies vaccination required by this ordinance is lost or destroyed, a duplicate shall be issued by the City Clerk upon presentation of a receipt or other verification showing payment of said tag or receipt of such duplicate tag. No tag shall be transferable from one animal to another. No refunds shall be made on any tax because of the death of the animal or because the owner leaves the City before the expiration of the license period.

6.09.03 Animals running at large. Any dog or cat found running at large in the city of West Fork, Arkansas, without a proper leash and owner's supervision shall be impounded by the City Officer empowered to take such action. (Ord. No. 289)

Any dog or cat found running at large with or without a valid city license tag and rabies tag shall be transported to the Fayetteville City Animal Shelter. A fee of Five Dollars (\$5.00) per day shall be charged for holding animals with or without a tag picked up within the city of West Fork. (Ord. No. 289)

An impound fee of Five Dollars (\$5.00) in addition to the above holding charge shall be charged against the owner of any dog or cat which is found running at large within the city of West Fork. (Ord. No. 289)

It shall further, and in addition to the above penalties, be a misdemeanor punishable by a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for allowing a dog or cat to run at large within the city of West Fork. A dog or cat running at large shall be prima facie evidence of the owner's intent to allow the dog or cat to so run. (Ord. No. 289)

CHAPTER 6.10**VICIOUS ANIMALS****Sections:**

- 6.10.01 Definitions
- 6.10.02 Vicious animals prohibited
- 6.10.03 Fighting animals prohibited

6.10.01 Definitions.

(a) Enclosure means a fence or structure forming or causing an enclosure suitable to confine a vicious animal and prevent the animal from escaping.

(b) Harbor means for a period of three (3) days or more to keep and care for an animal or provide a premises to which the animal returns.

(c) Vicious animal means:

1. Any animal which, when unprovoked, approaches in a manner of attack any person upon the streets, sidewalks or any other public ground or place; or
2. Any animal with a known propensity, tendency or disposition to attack without provocation human being or domestic animal; or
3. Any animal which, without provocation, bites or attacks a human being or domestic animal on public or private property; or
4. Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting.

Notwithstanding the above definition, an animal shall be declared vicious if the person attacked or bitten by said animal was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

No animal shall be declared vicious if a domestic animal which was bitten or attacked was teasing, tormenting, abusing or assaulting the animal. No animal shall be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault. (Ord. No. 180, Sec. 1)

6.10.02 Vicious animals prohibited. All vicious animals shall be confined in an enclosure. It shall be unlawful for any person to keep or harbor a vicious animal upon any premises which does not have a locked enclosure.

It shall be unlawful for a vicious animal to be outside of a dwelling or enclosure unless it is necessary for the owner or harborer thereof to obtain veterinarian care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the Animal Control Officer with respect to the vicious animal and the owner or harborer of an animal in violation of this section shall be subject to criminal prosecution. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, shall be collared with a blaze orange collar and shall be under the direct control and supervision of the owner or harborer of the vicious animal.

If a complaint has been filed in the West Fork Municipal Court against the owner or harborer of an impounded animal for violation of this section, the animal shall not be released except on order of the Court which order may also direct the owner or harborer to pay a fine in an amount no less than One Hundred Dollars (\$100.00) and no greater than Five Hundred Dollars (\$500.00); be subject to incarceration in the County Jail for a period not to exceed six (6) months; pay court costs and all impoundment fees. Upon a finding that such animal is a vicious animal, the Court may order said animal to be euthanized in a humane manner. Surrender of an animal by the owner or harborer thereof to the Animal Control Officer shall not render the owner or harborer thereof immune from the penalties above. (Ord. No. 298, Sec. 2.)

The provisions of this section shall not apply to animals owned by a law enforcement agency and used for law enforcement purposes. (Ord. No. 180, Sec. 2)

6.10.03 Fighting animals prohibited. It shall be unlawful for any person to train, cause or encourage any animal to fight with another animal or to make an unprovoked attack on human beings or domestic animals. Violation of this Section carries the same penalties as Section 2 hereinabove. (Ord. No. 298, Sec. 3.)