

ORDINANCE NO. 00-287

AN ORDINANCE PROVIDING FOR LICENSING AND ANIMAL CONTROL WITHIN THE CITY OF CLINTON, ARKANSAS, ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY OF CLINTON COUNCIL, THAT;

SECTION 1. DEFINITIONS

As used in this ordinance the following terms have the following meanings.

- (a) **Abandon:** An act of any person, partnership, firm or corporation owning, in possession of, harboring or having custody of an animal who knowingly refuses to provide care for the animal.
- (b) **Altered Animal:** A neutered male or spayed female – an animal incapable of reproduction.
- (c) **Animal:** Any description of vertebrate, excluding Homo Sapiens.
- (d) **Animal-At-Large:** (1) Any animal shall be considered an “animal-at-large” when it is not under the physical control of the animal’s owner or harborer, or his authorized representative, by leash, cord, chain, fence, or enclosure of sufficient strength or construction to control the animal, or by other effective means of restraint or control; or (2) An animal intruding upon the property of another person or upon public property and not under the physical control referred to herein shall be deemed “running at large”. An animal within an automobile or other vehicle shall not be deemed “running at large” if the animal is physically confined to the vehicle. An animal shall not be considered “at-large” when on the premises of the owner or harborer thereof.
- (e) **Animal Control Authority:** The City of Clinton or any group, agency or society designated by the City.

- (f) **Animal Shelter:** Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law, for care, confinement, return to owner, adoption, or euthanasia.
- (g) **Cat:** A domestic feline of either sex.
- (h) **Cruelty to Animals:** Except as authorized by law, it shall be considered "Cruelty-to-animals" when a person, acting knowingly:
- (1) Abandons any animal.
 - (2) Subjects any animal to cruel treatment.
 - (3) Subjects any animal in his custody to cruel neglect; or
 - (4) Kills or injures any animal belonging to another without privilege or consent of the owner.
- (i) **Dog:** A domestic canine of either sex.
- (j) **Enclosure:** A fence or structure establishing an area suitable to confine an animal and prevent the animal from escaping.
- (k) **Exotic Animal:** An animal that is not indigenous (occurring naturally, native) to Arkansas.
- (l) **Harbor:** To keep or care for an animal; to provide food, shelter or premises to which the animal returns for a period of three (3) days or more.
- (m) **Humane Officer or Animal Control Officer:** A person designated by Van Buren County, State of Arkansas, City of Clinton or other municipal government, or a humane society as a law enforcement officer who is qualified to perform animal related duties under the laws of this state, and this ordinance.
- (n) **License:** A metal or plastic tag and certificate issued by the City of Clinton or its designated agent.

- (o) **Licensing Authority:** The City or its designated agent.
- (p) **Muzzle:** When required by this ordinance, a muzzle shall be of appropriate material with sufficient strength to restrain the animal from biting and no such muzzle employed shall be made from any material or maintained on the animal in any manner so as to cut or injure the animal.
- (q) **Owner:** Any person, firm, partnership or corporation owning, possessing, keeping or harboring one or more animals.
- (r) **Pet:** Any animal kept for pleasure; an animal or a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- (s) **Public Nuisance:** Any animal or animals that:
 - (1) Unreasonably annoys humans or endangers the life or health of other animal or persons; or
 - (2) Substantially interferes with the right of citizens, other than owners, to the enjoyment of life and property; or
 - (3) Is repeatedly found at large; or
 - (4) Damages the property of anyone other than its owner; or
 - (5) Molests or intimidates pedestrians or passersby; or
 - (6) Chases vehicles; or
 - (7) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, growling, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

- (8) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity of the premises where the animal is kept or harbored; or
 - (9) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
 - (10) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or
 - (11) Is vicious; or attacks other domestic animals; or has been found by the animal control officer, after notice to its owner and an opportunity for a hearing, to be a "public nuisance animal" by virtue of being a menace to property or the public health, welfare, or safety; or interferes with refuse collection or spreads trash from refuse containers or molests meter readers or other service providers.
- (t) **Restraint:** When any animal is secured by a leash, cord, or otherwise under the control of a responsible person and obedient to the person's commands, or with the real property limits of its owner or harborer. Dogs in back of open vehicles shall be restrained so as not to be a threat to passersby.
- (u) **Vicious Animal:**
- (1) Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation or which because temperament, conditioning, or training has a known propensity to attack, bite, or injure human beings or domesticated animals.
 - (2) Any animal owned or harbored, or in part, for the purpose of animal fighting. Notwithstanding the above definition, no animal shall be declared vicious if the person was tormenting, abusing, or assaulting the animal or the person was committing or attempting to commit a crime. No animal shall be declared vicious if the animal was protecting or defending its young from attack or assault.

Section 2: LICENSING:

- (a) All dogs and cats over the age of 6 months must be licensed annually with the City. Cost of registration on neutered animals is \$5.00 and fertile animals is \$15.00.
- (b) Licenses are to be obtained at Clinton City Hall, upon presentation of proof of rabies vaccination, whether or not animal is neutered, and proper fee. A written statement from a veterinarian will be accepted as proof of being neutered and/or rabies vaccination.
- (c) Any resident owning, keeping harboring, or having custody of any dog or cat over six (6) months of age within this must be in compliance with the state regulations.
- (d) Dogs and cats must wear identification tags on collars with the owner's name, address, and phone number at all times, when off the premises of the owners or harborers.
- (e) Persons who fail to comply with state law and city ordinance, in the time period specified in this section, will be subjected to a fine of \$25.00 for the first offense, \$100.00 for second offense.

SECTION 3: RABIES VACCINATION REQUIRED

- (a) All dogs, cats, or other pets in the city, which are subject to rabies, shall be vaccinated annually against rabies, by an accredited veterinarian. A metal tag indicating the veterinarian's name, phone number and year of vaccination evidencing such vaccination shall be attached to the harness or collar of every dog in the city and shall be attached to every cat in the city by a reasonably humane method.

Any person who shall keep any dog or cat 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. Each day may be considered a separate offense.

- (b) Any animal shall be immediately released by the owner or harborer for quarantine confinement at the Animal Control Shelter of the city or any

within an enclosure approved by the Animal Control Officer for a period of ten (10) days. When any animal which has bitten, scratched or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately notify the Animal Control Officer.

The animal shall be quarantined at the expense of the owner, or if the animal is euthanized and its head taken to the State Health Department for pathological examination, the owner shall be responsible for the cost of euthanasia, transportation of the head and disposal of the body of the animal.

SECTION 4: RESTRAINT

- (a) All animals shall be kept under restraint.

SECTION 5: ANIMAL CARE

- (a) No owner or harbinger shall fail to provide his animals with sufficient wholesome, and nutritious food, potable water, in sufficient quantities, proper air and shelter that provides protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. No dog or cat may be kept on flooring of wire grid.
- (b) All animals must be provided with appropriate shelter and a noninjurious, safe environment. Shelter and enclosures, whether temporary or permanent, must be constructed so that they are of an appropriate size, strength, and material that allows the animal to stand, stretch, turn around and lie down freely. The shelters, enclosures and fenced areas for animals must be free of hazards such as trash, sharp edges, projecting nails, broken, or splintered wood, metal, or glass shards, machinery, loose wires, or other material that may cause injury.

SECTION 6: ANIMAL WASTE

- (a) The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.
- (b) It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept from offensive odors

- (b) It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept from offensive odors to the extent that such odors are disturbing to any person residing within a responsible proximity of said premises; and it shall be unlawful to allow the premises where any animal is kept to become unclean and a threat to the animal or the public health by failing to diligently and systematically remove all excreta and other waste material from the premises.

SECTION 7: EXCESSIVE NOISE

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

SECTION 8: IMPOUNDMENT

- (a) Any animal at large or otherwise in violation of the provisions of this ordinance may be impounded in an animal shelter in a humane manner. If after 5 days the animal has not been reclaimed by its owner or harborer in accordance with the provisions of this ordinance, such animal shall become the absolute property of the animal control authority which may convey ownership of such animal to any responsible person on such conditions as the animal control authority may prescribe, or the animal control authority may humanely destroy such animal.
- (b) The animal control authority shall make a reasonable effort to notify the owner of any animal impounded in an animal shelter that the animal has been impounded, of the manner by which the animal may be reclaimed, and that the animal may be destroyed or become the property of the animal authority as provided herein.
- (c) Prior to the destruction of a dog or cat at large which carries its owner's address and which is impounded in the animal shelter, the animal control authority shall give the owner five (5) days notice of the proposed destruction by certified letter, return receipt requested. The five (5) days shall begin after the receipt of signed return receipt.

- (d) Notwithstanding any provision of this ordinance to the contrary, the animal control authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time as the animal control authority may determine.
- (e) Notwithstanding any provisions of this ordinance to the contrary, the animal control authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that the destruction of the animal is necessary to prevent disease or injury to other animals or to humans, or when the animal control authority reasonably believes the animal has sustained an injury or disease which may result in maiming, prolonged and severe suffering or death.

SECTION 9: RECLAIMING IMPOUNDED ANIMALS

- (a) The owner or harbinger of an animal impounded in an animal shelter may reclaim the animal upon presenting evidence, satisfactory to the animal control authority, of compliance with all provisions of this ordinance and upon payment of fees and charges as hereinafter provided, credited to the account of the animal control authority and shall not be in lieu of any fine or penalty otherwise provided by law.
- (b) The owner or harbinger of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.

SECTION 10: RELINQUISHMENT OF UNWANTED ANIMALS

If an owner of an unwanted animal is unable to find a suitable home or dispose of his animal through legal channels, ownership of the animal may be relinquished to the animal control authority at the discretion of the animal control authority. Said animals will then be subject to the rules of the animal control authority and may be adopted or destroyed, as they deem proper.

SECTION 11: ENFORCEMENT AUTHORITY

Any person designated by the City shall enforce the provisions of this ordinance. They are hereby authorized to issue a citation to any person for violation of any provision of this ordinance.

SECTION 12: PENALTIES FOR VIOLATIONS

- (a) Any person who commits the offense of cruelty to animals shall be deemed guilty of a class A misdemeanor and shall be subject to fines and penalties as prescribed in A.C.A. Section 5-4-401 (up to one year imprisonment and \$1,000.00 fine).
- (b) Any person violating any other provision of this ordinance except Section 5, 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), (unless otherwise specified for failure to license or renew) nor more than one hundred dollars (\$100.00). If such violation be continued, each day's violation shall be a separate offense (except, for failure to license or renew).
- (c) Any person convicted of dropping cats or dogs off within the City of Clinton shall be fined five hundred dollars (\$500.00).

SECTION 13: INTERFERENCE

No person shall interfere with, hinder or molest the animal control authority in the performance of its duty or seek to release any animal in the control of the animal control authority, except as herein provided.

SECTION 14: DETERMINATION OF VICIOUS ANIMAL, DANGEROUS ANIMAL, AND POTENTIALLY DANGEROUS ANIMAL, AND APPEAL PROCEDURE

(a) **Animal Control Authority:** The City of Clinton or any group, agency or society designated by the City shall be responsible for determining whether an animal is vicious, dangerous, or potentially dangerous and upon such a determination said office shall notify the owner of such determined classification.

(b) **Confinement:** An enclosure in which a vicious, dangerous, or potentially dangerous dog or animal is kept must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, embedded posts shall secure the ground beneath the gate and concrete bottom in which case the sides can only be secured to concrete.

(c) **At Large, Leash, Muzzle, Identification and Drop-Offs:** The owner of a vicious or dangerous animal shall not permit the animal to go unconfined unless the animal is securely muzzled and restrained by a chain or leash, while under the physical restraint of a person capable of restraining said animal, or kept in an adequate enclosure. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(d) **Signs:** The owner of a vicious, dangerous, or potentially dangerous animal shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious, dangerous, or potentially dangerous animal on the premises. A similar sign is required to be posted on each side of the pen, enclosure or kennel of the animal.

(e) **Animal Fighting or Attack Training:** No person, shall possess, harbor, or maintain care or custody of any dog, or other animal for the purpose of animal fighting. Nor shall any person train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings, domestic animals, or livestock. This does not include accredited animal training programs for police use.

(f) **Exceptions:** A vicious animal shall not be considered owned or kept in Clinton, Arkansas, if said animal is only brought into the city to a licensed Doctor of Veterinary Medicine located in Clinton for the purpose of

veterinary care, as is necessary for the completion of said veterinary care, provided however, that said animal, at all times shall be subject to all applicable restrictions by virtue of said animal being defined as a vicious animal in section one.

(g) Penalties: Violations shall constitute a misdemeanor and may be punished as follows:

For violation of Section 14 the penalty shall be a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ten days or a sentence of both such fine and imprisonment, provided, however, that the owner of a vicious animal shall first be notified that the office of the City of Clinton has determined that such animal is vicious. The owner may appeal said determination within ten days (10) thereof to the Clinton Municipal Court, although said appeal shall not stay the implementation of said determination.

For purposes of this section, each day that a violation shall be considered a separated offense, and if a separate citation is issued for each offense, each such separate offense may be punished separately.

SECTION 15: CONFLICTING ORDINANCES

All other ordinances of this city that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 16: SEVERABILITY CLAUSE

If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of this ordinance.

DATED THIS 9th DAY OF November, 2000

ATTEST:

Bobbie Bennett, cmc
Bobbie Bennett, Recorder/Treasurer

James Beavers
James Beavers, Mayor