

**TITLE 6**

**ANIMALS AND FOWL**

Chapters:

6.04 Dogs and Cats

**CHAPTER 6.04**

**DOGS AND CATS**

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6.04.01 Definitions As used in this ordinance, the following terms have the following meanings:

**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.

**Altered animal** A neutered male or spayed female – an animal incapable of reproduction.

**Animal** Any description of vertebrate, excluding Homo Sapiens.

**Animal-at-large**

- A. 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 contain the animal;
- B. An animal intruding upon the property of another person or upon public property and not under the physical control referred to hereinabove, shall be deemed an "animal-at-large." An animal within an automobile or other vehicle shall not be deemed an "animal-at-large" if the animal is physically confined to the vehicle. An animal shall not be considered an "animal-at-large" when on the premises of the owner or harborer thereof and under restraint, as defined below.  
(Ord. No. 2009-4, Sec. 1.) (Ord. No. 2016-8, Sec. 3.)

**Animal Control Authority** The city of Fairfield Bay or any group, agency or society designated by the city, including but not limited to any nonprofit group or any designee chosen in writing to be responsible for the animal housing unit. (Ord. No. 2016-8, Sec. 3.)

**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.

**Cat** A domestic feline of either sex.

**Cruelty to animals** Except as authorized by law, it shall be considered "cruelty-to-animals" when a person, acting knowingly:

- A. Abandons any animal
- B. Subjects any animal to cruel treatment.
- C. Subjects any animals in his custody to cruel neglect.
- D. Kills or injures any animal belonging to another without legal privilege or consent of the owner.

**Dog** A domestic canine of either sex.

**Enclosure** A fence or structure establishing an area suitable to confine an animal and prevent the animal from escaping.

**Exotic animal** An animal that is not indigenous (occurring naturally, native) to Arkansas.

**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.

**Humane Officer or Animal Control Officer** Any person designated by Van Buren County, state of Arkansas, city of Fairfield Bay or other municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state, and this ordinance.

**License** A metal or plastic tag and certificate issued by the city to indicate that an animal is vaccinated against rabies in accordance with city ordinance and that the owner or harborer has remitted to the city the necessary license fee (if required).

**Licensing authority** The city or its designated agent.

**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.

**Owner** Any person, firm, partnership, or corporation owning, possessing, keeping or harboring one or more animals.

**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.

**Public nuisance** Any animal or animals that:

- A. unreasonably annoys humans or endangers the life or health of other animals or persons; or
- B. substantially interferes with the rights of citizens, other than owners, to the enjoyment of life and property; or
- C. is repeatedly found at large; or,
- D. damages the property of anyone other than its owner; or,
- E. molests or intimidates pedestrians or passer-bys; or,
- F. chases vehicles; or

- G. 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,
- H. causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or,
- I. causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or,
- J. is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or,
- K. 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.

**Restraint** Any animal secured by a leash, cord, chain, or fence or enclosure of sufficient strength or construction to contain the animal, or otherwise under the control of a responsible person and obedient to the person's commands, whether or not within the real property limits of its owner or harborer. (Ord. No. 2009-4, Sec. 1.)

#### **Vicious animal**

- A. Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
- B. Any animals owned or harbored, primarily or in part, for the purpose of animal fighting, breeding fighting animals, or trained for animal fighting. Notwithstanding the above definition, no animal shall be declared vicious if the person or animal attacked or bitten by said animal was teasing, 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 can be deemed to be protecting or defending a human being within the immediate vicinity of the animal from an unjustified trespass, attack or assault. No animal shall be declared vicious if the animal was protecting or defending its young from attack or assault.

**Wild animals** any living member of the animal kingdom including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, and captive-bred species of common cage birds. (Ord. No. 94-17, Sec. 1.)

6.04.02 Licensing

- A. Any resident owning, keeping, harboring or having custody of any dog or cat over six (6) months of age within this municipality must obtain a license yearly as herein provided.
- B. Written application for licenses, which shall include name, address and phone number of applicant, description of the animal, including sex and whether altered, the appropriate fee and rabies certificate issued by a licensed veterinarian showing the date of immunization shall be made to the licensing authority.
- C. If not revoked, licenses for the keeping of dogs and cats shall be for a period of one (1) year.
- D. Application (by resident) for a license must be made within ten (10) days after obtaining a dog or cat over six (6) months of age or within 30 days of establishing residency; provided however, all persons shall have thirty (30) days after this ordinance first becomes effective in which to apply for the license required by this section.
- E. Licenses will be provided without fee for certified seeing eye dogs, hearing ear dogs or other certified assistance dogs that are trained to assist the physically handicapped nor shall license fees be required of governmental police dogs.
- F. Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness. It shall be the duty of the owner or harbinger of every dog within the city to attach the tag securely to the dog's collar or harness. It shall be the duty of the owner or harbinger of every cat within the city to attach the tag to the collar or harness of their cat.
- G. Dogs and cats must wear identification tags or collars at all times when off the premises of the owners or harborers.
- H. The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

- I. Persons who fail to obtain or renew a license as required within the time period specified in this section will be subjected to a fine of Twenty-Five dollars (\$25.00), plus the current licensing fee for the animal. (Ord. No. 2016-8, Sec. 4.)
- J. A license shall be issued upon satisfactory completion of the application after payment of the following fee:
- |                        |         |
|------------------------|---------|
| unaltered dogs or cats | \$20.00 |
| altered dogs or cats   | \$10.00 |
- K. A duplicate license may be obtained upon payment of a One Dollar (\$1.00) replacement fee.
- L. No person may use any license for any animal other than the animal for which it was issued.
- M. Nothing in this section shall be construed to apply to any dog or cat under six (6) months of age, or to dogs or cats brought to the city on a temporary basis. (Ord. No. 94-17, Sec. 2.)

#### 6.04.03 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 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 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. Each day may be considered a separate offense.
- B. In case a tag for the animal's licensing fee is lost or destroyed, a duplicate shall be issued by the city or its duly authorized agent upon presentation of a receipt or other verification showing payment of said fee or receipt of previous duplicate tag. No tag shall be transferable from one animal to another. No refunds shall be made on any fee because of the death of the animal or because the owner leaves the city before the expiration of the license period. (Ord. No. 94-17, Sec. 3.)

#### 6.04.04 Restraint

- A. All animals shall be kept under restraint.
- B. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding.

- C. Every vicious animal, as determined by the licensing authority, shall be confined by the owner or harborer within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner or harborer.
- D. Any person owning or harboring animals, whether or not vaccinated or licensed, shall confine such animal within an adequate fence or enclosure (electronic or structural) or within a house, garage or other building or shall confine such animal by a chain or leash affixed to the animal's collar and attached to some substantial stationary object, in a humane manner, adequate to prevent said animal from running at large. It shall further be the duty of any owner or harborer of any animal to keep such animal under control so as to prevent said animal from becoming a public nuisance animal.
- E. It shall be unlawful for any owner or harborer to allow his animal to enter any food store or place where food is exhibited for sale except for those animals specified in 6.04.02. (Ord. No. 94-17, Sec. 4.)

#### 6.04.05 Animal care

- A. No owner or harborer shall fail to provide his animals with sufficient, wholesome, and nutritious food, potable water in sufficient quantities, proper air and shelter which provides protection from the weather including four (4) sides with opening, roof and floor; veterinary care when needed to prevent suffering, and humane care and treatment. No animal may be kept on flooring of wire grid.
- B. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- C. Any person who, as the operator of a motor vehicle, hits, strikes or runs over a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner or harborer. In the event the owner or harborer cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.
- D. If any animal is confined by chain, rope or cable, the restraint must be not less than ten (10) feet long and so placed that the animal may not intrude on the property of another person, whether public or private, and provide room for normal postural adjustments and exercise. The area where any animal is confined must provide proper and adequate drainage, be free from toxic substances and be free of items that could cause injury. Adequate potable water and shelter must be available at all times to any animal confined by such restraint.

- E. All animals must be provided with appropriate shelter and a non-injurious, safe environment. Shelters 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.
- F. No animal may be transported on the running board or attached to the outside of a vehicle or in any other manner that might cause injury to the animal.
- G. No person shall confine any animal in a parked vehicle without adequate ventilation when the temperature is such that the animal is in distress or its health jeopardized. Animal Control or Humane Officers, or other law enforcement officers shall not be liable for any damage resulting to the vehicle when such confined animal(s) are removed. (Ord. No. 94-17, Sec. 5.)

#### 6.04.06 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 free from offensive odors to the extent that such odors are disturbing to any person residing within a reasonable 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. (Ord. No. 94-17, Sec. 6.)

6.04.07 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. (Ord. No. 94-17, Sec. 7.)

6.04.08 Animal bites Any animal which has bitten a person, or another domesticated animal, is a rabies suspect and such animal shall be immediately released by the owner or harbinger for quarantine confinement with any licensed Veterinarian approved by the Animal Control Officer for a period of ten (10) days. When any animal has bitten, scratched or otherwise attacked a person, or another domesticated animal, the person or anyone having knowledge of such incident shall immediately notify the Animal Control Officer. The animal may be quarantined at the expense of the owner, or ownership may be relinquished and the animal euthanized and its head taken to the State Health Department for pathological examination. The owner shall be responsible for the costs of any examination for rabies, subsequent euthanasia, if required, and transportation of the head and disposal of the body of the animal. (Ord. No. 2019-11)

6.04.09 Wild, exotic or farm animals No person shall keep or permit to be kept any wild, exotic or farm animals within the city limits. Farm animals can be kept within the city limits only on land that is zoned District A, Agriculture District or as may be permitted by Special Use Permit as set out in Section 19 of the Fairfield Bay Zoning Code or as allowed by the Covenants and Restrictions of the Oak Ridge Estates, Block I. (Ord. No. 95-27, Sec. 1.)

6.04.10 Shooting, trapping, killing or molesting animals prohibited It shall be unlawful for any person, without authorization, to shoot, kill, inhumanely trap, wound or molest any wild, exotic or domestic animal within the city limits. Police officers, Animal Control Officers or other approved officers are authorized to kill any dangerous animal of any kind when necessary to protect any person, animal or property. This section shall not prohibit humane trapping, or the killing of mice, rats, moles or armadillos. (Ord. No. 94-17, Sec. 10.)

6.04.11 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 for a period of not less than three (3) working days, and, if within such time, an animal so impounded 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 Control 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. This five (5) days shall begin after 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 provision 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 will likely result in maiming, prolonged and severe suffering or death. (Ord. No. 94-17, Sec. 11.)

6.04.12 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. Any animal reclaimed from the Animal Control Authority will require, at a minimum, an up-to-date rabies vaccination that includes both tag and certification for the animal, plus an up-to-date City license, as well as payment of any and all applicable fees set by the Animal Control Authority, Contact the Animal Control Authority for reclaim information. (Ord. No. 2016-8, Sec. 7.)
- C. 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. (Ord. No. 94-17, Sec. 12.)

6.04.13 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. The fee required will vary on a per-animal basis dependent upon the availability of space. Said animals will then be subject to the rules of the Animal Control Authority and may be adopted out or destroyed as they deem proper. (Ord. No. 2016-8, Sec. 8.)

6.04.14 Adoption The Animal Control Authority may convey ownership (permit adoption) of any animal which has become the property of the Animal Control Authority to a responsible person, subject to such conditions as may be prescribed by the Animal Control Authority including, without limiting the following:

- A. Adoption fee will be at the sole discretion of the Animal Control Authority but requires a separate payment of the City license fee where appropriate for animals staying inside of the City.
- B. Animal will be altered in accordance with applicable Arkansas statutory requirements.
- C. Animal will be given all introductory vaccinations unless satisfactory evidence is provided that the animal has already received appropriate vaccination(s). (Ord. No. 2016-8, Sec. 9.)

6.04.15 Enforcement The provisions of this ordinance shall be enforced by the Animal Control Officer and by the Fairfield Bay Department of Public Safety. They are hereby authorized to issue a citation to any person for violation of any provision of this ordinance. (Ord. No. 94-17, Sec. 15.)

6.04.16 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 a One Thousand Dollars (\$1,000.00) fine). (Ord. No. 2009-4, Sec. 3.)
- B. Any person violating any other provision of Title 6 of the Municipal Code shall be deemed guilty of a misdemeanor. Upon conviction, said person shall be punished by a fine of not less than One Hundred Dollars (\$100.00), unless otherwise specified for failure to license or renew, together with all court costs allowed, not more than One Hundred Dollars (\$100.00) for a first offense, unless otherwise specified herein. After an initial conviction of any provision of this Title 6 of the Municipal Code, upon subsequent conviction, and if any such violation of this Title 6 of the Municipal Code be continued, a minimum fine of One Hundred Dollars (\$100.00) per violation., together with all court costs allowed. Any animal accused of biting in violation of Section 6.04.08, shall be

contained as a vicious animal pursuant to Section 6.04.04 from the date of the citation, until final adjudication by a court of competent jurisdiction; failure of the owner or harbinger to contain an animal in these circumstances shall, upon conviction, be punished by a fine of no less than One Thousand Dollars (\$1,000), together with all court costs allowed, Each day's violation shall be a separate offense, except for failure to license or renew. (Ord. 2019-11)

- C. Fees and fines will be paid before claiming of animals. Fees and fines, net of costs, will be used to pay for the operation of an animal shelter. (Ord. No. 94-17, Sec. 16.)
- D. Municipal violations are cumulative to, and not a substitute for, application of relevant state statutes, including Ark. Code Ann. § 5-62-103, Cruelty to Animals (unclassified misdemeanor with a fine of no less than one hundred fifty dollars (\$150.00), and no more than one thousand dollars (\$1,000.00), or imprisonment for no less than one (1) day, and no more than one (1) year in jail); and Ark. Code Ann. § 5-62-104, Aggravated Cruelty to Animals (a class D felony). (Ord. No. 2016-8, Sec. 10.)
- E. Animals adjudicated to be vicious animals, and animals adjudicated to be public nuisance animals, as set for herein, above, shall be removed, permanently, from the City of Fairfield Bay, Arkansas. (Ord. No. 2019-11)

6.04.17 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. (Ord. No. 94-17, Sec. 17.)

#### 6.04.18 Advisory Timelines

- A. Upon intake all animals shall be isolated for a minimum of three (3) days.
  - 1. The following shall deem an animal “un-adoptable”:
    - a. Illness during isolation.
    - b. Signs of Rabies.
    - c. Any sign of life-threatening disease (such as Parvo, Coccidia, FIV, Calici etc.).
    - d. Injured animals that cannot be healed within 30 days.
    - e. Any animal that has bitten or is known to bite any human.
    - f. Any animal showing overly aggressive temperament and is considered a danger to itself, other animals or humans.
    - g. Feral cats (although no holding time is required for test, trap, and release of salvageable feral cats).

2. Animals deemed un-adoptable upon intake shall be vaccinated and wormed, will exit isolation and will then be considered “adoptable.”
- B. Upon three (3) days of healthy isolation, an animal shall be vaccinated and wormed, will exit isolation and will then be considered “adoptable.”
- C. After four (4) days from intake, an animal shall be available to qualified rescue organizations.
- D. Upon 60 days from intake, an animal shall be deemed as “un-adoptable.”
- E. Animals adjudicated to be vicious animals, and animals adjudicated to be public nuisance animals', as set for herein, above, shall be removed, permanently from the City of Fairfield Bay, Arkansas.
- F. The timeline for animals born at the Fairfield Bay Animal Protection League Shelter shall begin at weaning age of six (6) weeks.
- G. An animal which is a nursing mother shall have their timeline begin upon the weaning of their litter at six (6) weeks.
- H. Maximum occupancy at the shelter is normally eighteen (18) dogs and twelve (12) cats, in addition to three (3) litters of puppies and one (1) litter of kittens. Long term animals shall be deemed unadoptable to make room for newer intakes. (Ord. No. 2016-08, Sec. 11.)

- C. Fees and fines will be paid before claiming of animals. Fees and fines, net of costs, will be used to pay for the operation of an animal shelter. (Ord. No. 94-17, Sec. 16.)
- D. Municipal violations are cumulative to, and not a substitute for, application of relevant state statutes, including Ark. Code Ann. § 5-62-103, Cruelty to Animals (unclassified misdemeanor with a fine of no less than one hundred fifty dollars (\$150.00), and no more than one thousand dollars (\$1,000.00), or imprisonment for no less than one (1) day, and no more than one (1) year in jail); and Ark. Code Ann. § 5-62-104, Aggravated Cruelty to Animals (a class D felony). (Ord. No. 2016-8, Sec. 10.)

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    - d. Injured animals that cannot be healed within 30 days.
    - e. Any animal that has bitten or is known to bite any human.
    - f. Any animal showing overly aggressive temperament and is considered a danger to itself, other animals or humans.
    - g. Feral cats (although no holding time is required for test, trap, and release of salvageable feral cats).
  - 2. Animals deemed un-adoptable upon intake shall be vaccinated and wormed, will exit isolation and will then be considered “adoptable.”
- B. Upon three (3) days of healthy isolation, an animal shall be vaccinated and wormed, will exit isolation and will then be considered “adoptable.”
- C. After four (4) days from intake, an animal shall be available to qualified rescue organizations.
- D. Upon 60 days from intake, an animal shall be deemed as “un-adoptable.”
- E. Un-adoptable animals shall be immediately scheduled for euthanization.
- F. The timeline for animals born at the Fairfield Bay Animal Protection League Shelter shall begin at weaning age of six (6) weeks.
- G. An animal which is a nursing mother shall have their timeline begin upon the weaning of their litter at six (6) weeks.
- H. Maximum occupancy at the shelter is normally eighteen (18) dogs and twelve (12) cats, in addition to three (3) litters of puppies and one (1) litter of kittens. Long term animals shall be deemed unadoptable to make room for newer intakes. (Ord. No. 2016-08, Sec. 11.)