

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs and Cats
- 6.05 Dog and Cat Licensing
- 6.08 Other Animals and Fowl

CHAPTER 6.04

DOGS AND CATS

Sections:

- 6.04.01 Definitions
- 6.04.02 Enforcement
- 6.04.03 Restraint
- 6.04.04 Impoundment
- 6.04.05 Redemption of impounded animals
- 6.04.06 Impoundment fees
- 6.04.07 Confinement of certain animals
- 6.04.08 Rabies control
- 6.04.09 Contracting animal control
- 6.04.10 Investigation
- 6.04.11 Interference
- 6.04.12 Records
- 6.04.13 Penalty
- 6.04.14 Pit Bull Terrier
- 6.04.15 Destruction of dogs
- 6.04.16 Hydrophobia (rabies)

6.04.01 Definitions.

As used in this chapter, the following terms, when used singularly, shall include the plural and shall mean:

Owner: Any person, firm or corporation owning, keeping or harboring an animal.

Animal: Dog or cat, male or female.

Kennel: Any person, firm or corporation engaged in the commercial business of breeding, buying, selling or boarding animals.

At Large: Any animal shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

Restraint: An animal is under restraint within the meaning of this chapter if he is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owners or keepers.

Animal Shelter: Any premises designated by action of the city for the purpose of impounding and caring for all animals in violation of this chapter.

Animal Warden: The person or persons employed by the city as its enforcement officer.

Exposed To Rabies: An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by, or been exposed to, any animal known to have been infected with rabies. (Ord. No. 530, Sec. 1)

6.04.02 Enforcement. The provisions of this chapter shall be enforced by the Animal Control Officer of the city of Mountain Home, Arkansas. (Ord. No. 530, Sec. 2)

6.04.03 Restraint.

- A. The owner shall keep his animal under restraint at all times and shall not permit such animal to be at large. Furthermore, the owner shall keep his animal from barking or making noise in such a manner that would constitute a nuisance.

- B. There shall be no more than three (3) animals which are over six (6) months old kept in any home or on any property that is located in a residential zone of the city. (Ord. No. 89-024, Sec. 1)

6.04.04 Impoundment.

- A. Any animal found running at large shall be taken up by the Animal Control Officer and impounded in the shelter designated as the City Animal Shelter, and there confined in a humane manner for a period of not less than seven (7) days, and if not claimed by the owner within the seven (7) days, may thereafter be disposed of in a humane manner.

6.04.05 Redemption of impounded animals. The owner shall be entitled to resume possession of any impounded animal, except as hereinafter provided in cases of certain animals, upon payment of impoundment fees set forth herein. (Ord. No. 530, Sec. 5)

6.04.06 Impoundment fees. The owner of an animal impounded hereunder may reclaim such animal upon payment to the animal shelter of the sum of Four Dollars (\$4.00) board fee for each day the animal is kept, beginning on the day of pickup, and for each separate and subsequent impoundment of any animal, an additional fee of Fifteen Dollars (\$15.00) shall be assessed in addition to the Four Dollar (\$4.00) per day board fee. Said assessment shall be paid to the city of Mountain Home and returned to Pet Haven on a monthly basis. (Ord. No. 778, Sec. 1)

6.04.07 Confinement of certain animals.

- A. Every female animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel, in such a manner that such female animal cannot come in contact with another animal, except for intentional breeding purposes.
- B. No wild animal may be kept within the city limits of the city of Mountain Home, Arkansas, except under such conditions as shall be fixed by the city of Mountain Home, Arkansas; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the city of Mountain Home.
- C. An animal may be destroyed for humane reasons upon recommendation of a licensed veterinarian. (Ord. No. 530, Sec. 7)

6.04.08 Rabies control.

- A. Every animal which bites a person shall be promptly reported to the Animal Control Officer, if suspected of having rabies or suspected of being exposed to rabies, and shall thereupon be securely quarantined at the direction of a

veterinarian for a period of ten (10) days and shall not be released from such quarantine except by written permission of the veterinarian, such quarantine may be on the premises of the owner or City Animal Shelter.

- B. Upon demand made by the Animal Shelter, the owner shall forthwith surrender any animal which has bitten a human or which is suspected as having been exposed to rabies, for supervised quarantine, which expenses shall be borne by the owner, and such animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in Section 6.04.06 of this chapter.
- C. No animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be adopted by the Animal Shelter during a period of rabies emergency quarantine, except by special authorization of a public health official and the Animal Control Officer. A current rabies tag shall be worn by animals at all times.
- D. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, or remove same from the city limits without written permission from the Animal Control Officer upon written recommendation from a veterinarian. (Ord. No. 530, Sec. 8)

6.04.09 Contracting animal control. The Mayor of the city of Mountain Home, Arkansas, shall be and is hereby authorized to contract with any person, firm or corporation for services as an Animal Control Officer and/or Animal Shelter. Terms, conditions and compensation for such services shall be mutually agreed to by the Mayor and the person selected to fulfill this capacity upon approval by the City Council. (Ord. No. 530, Sec. 9)

6.04.10 Investigation. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the Animal Control Officer or any police officer is empowered to enter upon any premises using proper legal procedures upon which an animal is kept or harbored or where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires humane treatment. (Ord. No. 530, Sec. 10)

6.04.11 Interference. No person shall interfere with, hinder or molest the Animal Control Officer in the performance of his duties or seek to release any animal in the custody of the Animal Control Officer. (Ord. No. 530, Sec. 11)

6.04.12 Records.

- A. It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.
- B. It shall be the duty of the Animal Control Officer or Animal Shelter to keep or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of same.
- C. It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of all monies belonging to the city of Mountain Home, Arkansas, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and shall be audited by the city. (Ord. No. 530, Sec. 12)

6.04.13 Penalty. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and punished by a fine not less than Ten Dollars (\$10.00) nor more than Two Hundred and Fifty Dollars (\$250.00) and if such violation be continued, each day's violation shall be a separate offense. (Ord. No. 530, Sec. 13)

6.04.14 Pit Bull Terrier.

- A. No person shall own, keep or harbor a pit bull terrier as defined herein, within the municipal limits of the city of Mountain Home, Arkansas. Provided, that a person may own, keep or harbor a pit bull terrier within the municipal limits of the city of Mountain Home, Arkansas, if the pit bull terrier is present in the city at the time of passage of this section and if such person registers said pit bull terrier with the City Clerk within thirty (30) days from the date of passage of this section.
 - 1. **"Pit Bull Terrier"** as used herein, is hereby defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

- B. This section is a necessary control to eliminate the risk of attack by pit bulls, as defined herein, on human beings in the city. Said risk has become a threat to the health, safety and welfare of the public in all areas of the city; and the lack of knowledge or lack of intent is not a defense to any violation thereof. (Ord. No. 90-012, Sec. 1)

- C. Whoever violates the provisions of Section 6.04.14 shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than thirty (30) days, or both. When any person is found guilty of a third or subsequent offense of Section 6.04.14, such person may be imprisoned for not more than sixty (60) days and shall be fined One Thousand Dollars (\$1,000.00), which fine shall be mandatory, and shall not be suspended or remitted. In addition to the foregoing penalties, any person who is found guilty of violating Section 6.04.14 shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal, boarding and veterinary expenses necessitated by the seizure of the dog for the protection of the public and such other expenses as may be required for the elimination of any such dog. (Ord. No. 89-031, Sec. 3)

6.04.15 Destruction of Dogs. Any dog taken up by the city of Mountain Home, Arkansas, its servants, agents or employees, and which said dog is so injured or diseased as in the discretion of such city makes the destruction of said dog advisable, shall be forthwith killed and disposed of by such city and any other dog or dogs taken up by such city shall be held for a period of seventy-two (72) hours and unless within such time called for by owner, keeper or harbinger of said dog, and all taxes and impounding fees due thereon paid, may be disposed of by said city as it is deemed best for the welfare of said dog and the public interest. Any owner, keeper or harbinger of said dog who shall call for the same within limited time above shall in addition to paying all taxes due on said dog pay in addition a pound fee of not less than One Dollar (\$1.00) nor more than Five Dollars (\$5.00) before receiving the possession of said dog from such city. Provided, that prior to destroying a dog which carries its owner's address, the municipality shall give the dog's owner at least five (5) days' notice by certified letter of the date of the proposed destruction of the dog.

6.04.16 Hydrophobia (rabies). In the event of the prevalence of hydrophobia (rabies) to such an extent as in the discretion of the city of Mountain Home, Arkansas, to make such action advisable, said city may by proclamation require that all dogs owned, kept or harbored in the city be kept confined upon the premises of the owners, keepers or harborers of such dogs for such time as may be designated in such proclamation, and such proclamation to take effect upon publication thereof by such city in a newspaper having a general and bona fide circulation in the city of Mountain Home, Arkansas, and any dog not so confined after the effective date of such proclamation shall be taken up by such city and disposed of as provided in Section 6.04.15.

CHAPTER 6.05

DOG AND CAT LICENSING

Sections:

6.05.01	Definitions
6.05.02	Enforcement
6.05.03	Contracting Animal Control
6.05.04	Licensing
6.05.05	Restraint
6.05.06	Investigation
6.05.07	Impoundment
6.05.08	Confinement of Certain Animals
6.05.09	Rabies Control
6.05.10	Pit Bull Terrier
6.05.11	Destruction of injured/diseased dogs
6.05.12	Records
6.05.13	Penalty

6.05.01 Definitions. For the purpose of the chapter, the following words and phrases shall have the following meaning:

Animal: Dog or cat, both male and female

Animal Control Officer: The person(s) employed by the City as the enforcement officers for this chapter.

Animal Shelter: Any premises designated by the City for the purpose of impounding and caring for animals.

At Large: Any animal shall be deemed at large when he is off the property of his owner and not on a leash, or under the control of a competent person.

Enclosure: A fence or structure suitable to confine an animal and prevent it from escaping.

Exposed to Rabies: An animal has been exposed to rabies if it has been bitten by, or been exposed to, any animal known to have been infected with rabies. (See Section 6.04.01 (H))

Kennel: Any person, firm, or corporation engaged in the commercial business of breeding, boarding, buying, selling, grooming, letting for hire, or training for a fee.

License: A metal tag and certificate issued by the City showing that the animal has been registered with the City, a licensing fee paid, proof of rabies vaccination shown, and (if applicable) proof of neutering. The Certificate will state the name, address and telephone number of the owner(s); the name, breed, color, age and sex of the animal; and date of issue and expiration.

Owner: Any person, firm, or corporation owning, keeping or harboring an animal, or responsible for its care, custody, or control.

Pit Bull Terrier: Any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog; or any mixed breed of dog which contains an element of American Staffordshire Bull Terrier.

Restraint: An animal is under restraint if he is controlled by a leash, at "heel" by voice command beside a competent person, in a vehicle being driven on the streets, or within the property limits of its owner.

Vicious Animal: Any animal that attacks, bites, or injures human beings or domestic animals without adequate provocation. However, the fact that an animal has bitten or attempted to bite someone when that person was teasing the animal shall not constitute a vicious animal. (Ord. No. 96-018, Sec. I)

6.05.02 Enforcement. The provisions of the chapter shall be enforced by the Animal Control Officer of the city of Mountain Home, Arkansas. (Ord. No. 96-018, Sec. III)

6.05.03 Contracting Animal Control. The Mayor of the city of Mountain Home is authorized to hire/contract with any person, firm, or corporation for services as an Animal Control Officer and/or Animal Shelter. Terms, conditions, and compensation for such services shall be agreed to by the Mayor and the contractor, subject to approval by the City Council. (Ord. No. 96-018, Sec. III)

6.05.04 Licensing.

- A. All dogs and cats over the age of six (6) months shall be licensed. Application for licenses shall be made at the City Hall, or designated place. Owner shall be required to show proof of neutering (if applicable), and proof of rabies vaccination. Licensing fees are Five Dollars (\$5.00) per year for neutered animals, and Ten Dollars (\$10.00) per year for unneutered animals. Fees will be doubled if over thirty (30) days delinquent. There will be a Two Dollar (\$2.00) replacement charge for lost tags.
- B. For registered dogs serving the blind or deaf or used for law enforcement purposes, the fee will be waived.
- C. The licensing period will be for one year and will be concurrent with the rabies vaccination.
- D. Tags must be attached to the collar and be worn at all times. Tags are not transferrable from one dog or cat to another. (Ord. No. 96-018, Sec. II)

6.05.05 Restraint.

- A. The owner shall keep his animal under restraint at all times and shall not permit the animal to be at large. Furthermore, the owner shall keep his animal from barking or making noise in such a manner that would constitute a nuisance.
- B. There shall be no more than three (3) animals which are over six (6) months old kept in any home or on any property in the residential zone of the City.
- C. No one may keep a vicious animal in the city of Mountain Home. (Ord. No. 96-018, Sec V)

6.05.06 Investigation.

- A. The Animal Control Officer or any police officer is empowered to enter upon any premise, using proper legal procedures, and investigate any complaint of animal cruelty. The officer may demand to examine any animal and, if necessary, take possession of the animal if it is in need of humane treatment. No person shall interfere with, hinder, or molest the Animal Control Officer in the performance of his duties, or seek to release any animal in the custody of the officer.
- B. If any person shall torture, torment, drive, overload, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.
- C. It shall be unlawful for any person to knowingly release any animal within the corporate limits of the city of Mountain Home. Violation of this section will be punishable of a fine up to Two Hundred and Fifty Dollars (\$250.00) per animal.
- D. No person may display animals for sale or to give away in any public place. This prohibition does not apply to pet shops, licensed kennels, humane societies, veterinarian's offices or animal control facilities. (Ord. No. 96-018, Sec. VI)

6.05.07 Impoundment.

- A. Any animal found running at large shall be taken up by the Animal Control Officer. If the animal is wearing a license tag, the Animal Control Officer will make every possible effort to notify the owners and return the animal. A Ten Dollar (\$10.00) fine will be assessed for a licensed animal.
- B. If the at large animal is not wearing a license tag, the Animal Control Officer may impound the animal at the Animal Control Shelter. A Twenty Dollar fine will be assessed for an unlicensed animal.
- C. Animals impounded at the Animal Control Shelter will be held for a reasonable length of time, in compliance with the rules of the Animal Control Shelter. Fees will be assessed for reclaiming, boarding, and adoption. Disposal of animals will be at the discretion of the Animal Control Shelter.
- D. The Animal Control Officer may, at their discretion, cite the owner of the animal for a violation of this chapter and schedule their appearance in Municipal Court. (Ord. No. 96-018, Sec VII)

6.05.08 Confinement of certain animals.

- A. Every female animal in heat shall be confined to the owner's property, or in a kennel or veterinary hospital, in such a manner that such female animal cannot come in contact with a male animal, except for breeding purposes.
- B. No wild or exotic animal may be kept within the City limits of the City except under such conditions as shall be fixed by the city of Mountain Home. However, wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations established by the City.
- C. The keeping of horses or cows within the city limits is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal. The enclosures shall not become harbors for breeding flies, mosquitoes or rats. They shall not be unsanitary, obnoxious, unhealthful or discomforting to any of the citizens of the city. Upon investigating and finding such conditions to exist, the proper law enforcement official shall serve written notice of the violation to the owners or posting the notice in a conspicuous place on the premises. The owner shall have five (5) days, to correct the situation. If the situation is not corrected in five (5) days, the owner will be charged with a violation of this chapter and scheduled for appearance in Municipal Court.
- D. It shall be unlawful for any person to keep any hogs, goats or sheep within the City. Animals in transit may be kept in an established stockyard for a period not to exceed twenty-four (24) hours.
- E. No person shall be allowed to transport into this city any animal infected with a contagious disease.
- F. It shall be unlawful for any person to allow chickens, turkeys or other fowl to run at large within the City limits.
- G. An animal may be destroyed for humane reasons upon recommendation of a licensed veterinarian. (Ord. No. 96-018, Sec. VIII)

6.05.09 Rabies Control.

- A. Every animal suspected of having/being exposed to rabies which bites a person shall be promptly reported to the Animal Control Officer. The animal shall be securely quarantined at the direction of a veterinarian for period of ten (10) days and shall not be released from quarantine except by written permission of the veterinarian. The quarantine may be on the premises of the owner.

- B. No person shall kill a (suspected) rabid animal, or any animal biting a human, without written permission from the Animal Control Officer upon recommendation from a veterinarian. The animal may not be removed from the city limits without permission from the Animal Control Officer.
- C. In the event of the prevalence of rabies (Hydrophobia), the City may require that all animals kept in the city be confined upon the premises of the owners for a designated time. The proclamation will be publicized in the media. Any dog not confined after the effective date of the proclamation shall be taken up the City and impounded at the discretion of the Animal Control Officer. (Ord. No. 96-018, Sec IX)

6.05.10 Pit Bull Terrier.

- A. No person shall own or keep a pit bull terrier within the municipal limits of the city of Mountain Home.
- B. This section is a necessary control to eliminate the risk of attack by pit bulls on human beings in the City. Lack of knowledge or lack of intent is not a defense.
- C. Whoever is found guilty of violating the provisions of this section shall be fined not more than Five Hundred Dollars (\$500.00), or be imprisoned for more than thirty (30) days. Three (3) or more offenses may be fined One Thousand Dollars (\$1000.00) and imprisoned up to sixty (60) days. The fine will be mandatory and shall not be suspended or remitted.
- D. Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of the dog for the protection of the public. (Ord. No. 96-018, Sec. X)

6.05.11 Destruction of dogs. Any dog taken into custody by the City that is diseased or injured may be destroyed, at the discretion of the Animal Control Officer. (Ord. No. 96-018, Sec. XI)

6.05.12 Records.

- A. It shall be the duty of the Animal Control Officer to keep accurate and detailed records of any animal licensed by the City, or any animal taken into custody.
- B. The Animal Control Officer will keep records of all bite cases reported and investigated to him.
- C. The Animal Shelter will keep records of all animals received from the city of Mountain Home. (Ord. No. 96-018, Sec. XII)

6.05.13 Penalty Any person violating this chapter shall be guilty of a misdemeanor and punished by a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred dollars (\$500.00). Each day's violation shall be a separate offense. (Ord. No. 96-018, Sec. XIII.)

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

- 6.08.01 Horses and cows
- 6.08.02 Hogs, goats and sheep
- 6.08.03 Diseased animals
- 6.08.04 Releasing animals
- 6.08.05 Fowl
- 6.08.06 Cruelty to animals

6.08.01 Horses and cows.

- A. It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city of Mountain Home, Arkansas, any cows and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.
- B. The keeping of horses or cows within the corporate limits of the city of Mountain Home, Arkansas, is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.

- C. The keeping of horses and cows in enclosures as herein provided within the corporate limits of the city of Mountain Home, Arkansas, shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

6.08.02 Hogs, goats and sheep. It shall be unlawful for any person to keep any hogs, goats or sheep within the corporate limits of the city of Mountain Home, Arkansas, or to permit any such animals to run at large within the city; except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.
STATE LAW REFERENCE - See A.C.A. 14-54-1101

6.08.03 Diseased animals. No person shall be allowed to transport into this city any animal infected with a contagious disease.

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

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

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

Pages 183-197 are intentionally left blank