

ORDINANCE NO. 2005-17

AN ORDINANCE REPEALING ORIGINAL CITY OF OZARK ORDINANCE NO.309 AND ORDINANCE NO. 1999-12, AND ESTABLISHING AN ORDINANCE REGULATING THE ASPECTS OF THE CARE, UPKEEP, AND CONTROL OF DOGS AND CATS WITHIN THE CITY OF OZARK, ARKANSAS; ESTABLISHING A LEASH LAW, VACCINATION REQUIREMENTS, REGULATING VICIOUS ANIMALS AND OTHER LIVESTOCK; MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY A FINE;DECLARING AN EMERGENCY THEREFOR; AND FOR OTHER PURPOSES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS THAT:

SECTION 1: DEFINITION OF USE OF TERMS. AS USED IN THIS ORDINANCE.

- A. "City" means the City of Ozark, Arkansas.
- B. "Person" includes a corporation, partnership or other legal entity.
- C. The masculine gender includes the feminine and neuter.
- D. "Dogs or Cats" include animals of all ages, both female and male, which are members of the dog or cat family.
- E. "Owner" means every person owning, keeping or harboring a dog or a cat or more than one dog or more than one cat.
- F. "At Large" means any dog or cat not confined in the premises of the owner or within a house or other building or enclosure, or restrained on the premises of the owner by a leash, sufficiently strong to prevent the dog or cat to the premises, or not confined by leash or confined within an automobile when away from the premises of the owner.
- G. "Vaccination" means infection of any vaccine for Rabies approved by the state veterinarian and administered by a licensed veterinarian or agent of the Health Office.
- H. "Vicious Dog or Cat" means any dog or cat which has a disposition to bite humans and any dog or cat which has bitten or attempted to bite any person within the six months immediately past; However, the fact that a dog or cat has bitten or attempted to bite some person shall not constitute the dog or cat a vicious dog or cat within the sense of this ordinance.

- I. "Muzzle", when required by this ordinance, shall be of appropriate material with sufficient strength to restrain the dog or cat from biting, and no muzzle employed shall be made from any material or maintained on the dog or cat in any manner so as to cut or injure the Dog or Cat.
- J. "Dog or Cat Tags" Visible Tag, showing proof of payment of \$5.00 for annual dog or cat permit.

SECTION 2: VICIOUS DOGS OR CATS. It shall be unlawful for any person to keep within the corporate limits of the City of Ozark any vicious dog or cat unless such dog or cat is muzzled or confined to a pen or tied in such a manner that he cannot bite mail carriers, delivery men or other licensees or invitees coming onto the premises where said dog or cat is kept.

SECTION 3: LIMITATION ON NUMBER OF DOGS OR CATS. It shall be unlawful for any person or household to own, keep or harbor more than three (3) dogs or cats over six months old within corporate limits of the city, except that this provision shall not apply to proprietors of dog and cat hospitals and veterinarians when such dogs or cats are kept upon premises used by such dog or cat hospitals and veterinarians as their normal place of business. The keeping of more than three dogs or cats on the premises of the owner shall be prima facie evidence of violation of this section, and the burden of proof shall be on the owner to show ages of such dogs or cats.

SECTION 4: VACCINATION. No person shall own, keep or harbor any dog or cat, six months of age or older, within the corporate limits of the city unless such dog or cat is effectively immunized against rabies by vaccination. Every owner of a dog or cat six months of age or older shall cause such dog or cat to be vaccinated during the period January 1 to May 31, inclusive. Every owner is required to secure written proof his dog or cat is vaccinated, and to present proof when buying a dog or cat tag. One tag must be purchased for each dog or cat, and the tag or permit fee shall be paid to the City Clerk on or before June 1 of each year. Before a dog or cat tag may be obtained, proof of vaccination for rabies as required in Section 4 herein below shall be presented to the City Clerk. If the owner of the dog or cat obtains the rabies vaccination for his/her pet from a local reporting veterinarian, then no proof need be presented. However, if the vaccination is made by a non-recording veterinarian, the owner of the animal must present proof of vaccination.

SECTION 5: CONFINEMENT OF DOGS OR CATS:

A. No person, firm, partnership, or corporation owning, keeping or harboring a dog or dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow such dog or dogs, to run at large within the corporate limits of the City of Ozark.

B. Any person owning, possessing or keeping a dog or cat within the corporate limits of the city, shall confine such dog or cat within the adequate fence or enclosure, or within a house, garage or other building, or shall confine such dog or cat by a leash affixed to the dog's or cat's collar and attached to some substantial stationary object adequate to prevent the dog or cat from running at large.

SECTION 6: RUNNING AT LARGE. Any dog found in the city upon which the applicable tax as herein provided for has not been paid, or any dog found running at large, shall be taken up by said city and disposed of as hereinafter provided, and any dog found running at large in violation of any provision of this article shall be taken up by the City of Ozark and disposed of as hereinafter provided.

SECTION 7: IMPOUNDING OF DOGS AND CATS.

A. The animal control worker(s) of the city shall take into custody any dog found at large without correct or current tags in the city and shall impound such dog or cat in the city pound or such other place as such animal control worker(s) may designate for the purpose of impoundment. Any such impounded dog or cat shall be held for a period of seven (7) days.

B. At the end of which time the dog or cat shall be destroyed unless custody of the dog or cat is released prior thereto under the following conditions: During the first five (5) days of such impoundment the animal control worker(s) of the city shall make a diligent effort to determine the owner of such dog or cat and notify him of such impoundment, provided that prior to destroying any dog or cat which carries the owner's address, the municipality shall give the owner at least 5 days notice by certified letter of the date of the proposed destruction of the animal. If the owner of such dog or cat fails or refuses to claim and repossess the dog or cat by payment of the proper fees as prescribed herein within the first five (5) days of such impoundment, then the animal control worker(s) of the city may deliver custody and possession of such dog or cat to any person other than the owner upon the payment of the fee as prescribed herein between the fifth day of said impoundment and the seventh day of said impoundment.

C. Any person owning, possessing, or keeping a dog or cat which has been allowed to run at large without proper tags and which has been impounded may claim and retrieve such dog or cat from the city pound by payment of a fee of \$5.00 if the dog or cat has been vaccinated within the year next preceding such impoundment, or by payment of a fee of \$10.00 in the event the dog or cat has not been vaccinated within one year preceding the impoundment, in addition to all taxes and impounding fees due thereon being paid in full. The burden of proof as to vaccination shall be upon the party attempting to claim the dog or cat from the animal control worker(s) of the city. Any person claiming an unvaccinated dog or cat shall, after payment of the fee assessed herein and prior to the release of the dog or cat, show proof the dog or cat has been vaccinated if the animal is released to him. The animal control worker(s) shall keep such statements in a safe place, and should such statement be signed and a dog or cat be again impounded,

and not vaccinated as promised, the animal control worker(s) of the city, prior to releasing the dog, shall vaccinate said animal and shall require the vaccination fee in addition to a fee \$100.00 to be paid by the person claiming the dog or cat before the dog or cat shall be released to the person claiming same. Upon each subsequent impoundment of such dog or cat, the same not having been vaccinated annually, an additional fee of \$100.00 shall be assessed.

SECTION 8: RABIES CONTROL. Any dog or cat having rabies, or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies, shall be immediately released by the owner or custodian of such dog or cat to the police or animal control workers of the city for disposal or confinement in the city pound or in a veterinary hospital approved by the city. Such dog or cat shall be immediately and securely confined. By the attachment of a chain of good quality, and kept under the supervision of the animal control workers for a period of thirty (30) days or for a longer period of time if in the opinion of the county health officer additional confinement is determined necessary.

SECTION 9: INSPECTION AND CONFINEMENT OF CERTAIN DOGS AND CATS. When any dog or cat has bitten or scratched or otherwise attacked a person, such person or anyone having knowledge of said incident shall immediately notify the chief of police, county health officer or animal control worker of the city, and such dog or cat shall be confined in the city pound or at a veterinary hospital for a period of ten (10) days in such a place that no person or animal may be bitten by it: and such dog or cat shall, during such period of confinement, be subject to inspection by the county health officer, an animal control worker of the city or a licensed veterinarian.

SECTION 10: EXCESSIVE BARKING AND HOWLING. It shall be unlawful for any person to keep on his premises, or under his control, any dog or cats which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog or cat is kept after a complaint to police officer or City Hall.

SECTION 11: CLEANLINESS OF PEN AND PREMISES. It shall be unlawful for any person keeping or harboring any dog or cat to fail to keep the premises where such dog is kept free from offensive odors to the extent that such odors are disturbing any person residing within reasonable proximity of said premises; and it shall be unlawful to allow premises where any dog or cat is kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

SECTION 12: NOTICE OF OFFENSES AND VIOLATIONS: Arrest. The city police department, county health officer, any animal control worker of the city, or other persons employed by the city are authorized, for violation of any portion of this ordinance to give to the offender a notice to appear in the District Court of the city. Such notice to appear shall state the name and address of the violator and the date of the violation; shall contain a statement of the nature of the violation, and shall be signed by

the person having knowledge of such violation, and who is an official or an employee of the city and who is within the category mentioned above. The notice shall contain a printed statement in which the violator promises to appear in the District Court without issuance of any warrant or other process and such statement is to be signed by the violator. Upon failure to sign the agreement or to appear, the officer or employee shall cite that person to appear in District Court. Upon the violator's signing the Agreement to appear and his making the appearance set out in the notice, no warrant shall be issued for the arrest of the violator.

SECTION 13: INVESTIGATION. For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any animal control worker of the city or any police officer is empowered to inquire at the residence at which a dog or cat is kept or harbored and request to see such dog or cat and upon a written complaint that a dog or cat is kept in a cruel or inhumane manner, such animal worker or police officer may investigate and if deemed necessary, take possession thereof, when it reasonably appears that the dog or cat requires humane treatment; to enter any residence without permission, a warrant must be secured from the District Court upon showing of reasonable cause for such warrant.

SECTION 14 : BAN OR INTERFERENCE. No person shall interfere with, hinder, or molest any member of the city police department. The county health officer or any animal control worker of the city in the performance of any duties undertaken by him pursuant to this ordinance, or seek to release any dog or cat in the custody of any city official or employee except as herein provided.

SECTION 15:DISEASED ANIMALS: No person shall be allowed to transport into this city any animal affected with a contagious disease.

SECTION 16: 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.

SECTION 17: CRUELTY TO ANIMALS: If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelty beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

SECTION 18: HOGS, GOATS. AND SHEEP:

A. It shall be unlawful for any person to keep any hogs, goats, or sheep within the city 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 hours in an established stockyard as provided in Section C.

B. It shall be unlawful for any person within the city limits to maintain skunks, raccoons or rabbits, as pets.

C. STOCKYARD.

1. A permit valid for a period of one year may be issued to keep goats and sheep within the corporate limits of the city where they are maintained on an enclosed pasture containing one (1) acre for each animal and upon fulfilling the requirements herein. Each permit is for one (1) goat or one (1) sheep and non-transferable to another animal.
2. An applicant must fill out an application for the permit specifying the name of the applicant, a phone number the applicant may be reached at during the day, the address the animal (s) to be kept, the amount of property owned or kept by the applicant where the animal (s) will be located, the period of time the animal(s) will be kept on the property, that the property containing the animal(s) is enclosed, and the names and addresses of abutting property owners. Said application shall be filed with the City Clerk's office. The applicant must submit \$5.00 to the clerk upon tendering the application to cover administrative costs associated with issuing the permit.
3. The keeping of sheep and goat in enclosures as herein provided within the limits of the city 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.
4. 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 permit shall be immediately revoked. Said owner or keeper shall not apply for another permit for a period of one (1) year after said revocation.
5. Said permit shall expire after a period of one (1) year from its date of issuance. A new permit may be applied for and issued after thirty (30) days prior to the expiration date of a permit under the guidelines set out herein.

SECTION 19: WILD AND EXOTIC ANIMALS

A. No persons shall keep or permit to be kept on his premises any wild, exotic or dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses, veterinary clinic or hospital, or facility for educated or scientific purposes, however, such parks, exhibitions and facilities shall use protective devices adequate to prevent such animals from escaping or injuring the public.

B. No person shall keep or permit to be kept any wild, exotic or dangerous animal as a pet.

C. 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 city.

D. Wild, exotic or dangerous animal means any animal which is not commonly domesticated, or which is not native to North America, or which, irrespective of geographical origin, is of a wild or predatory nature, or any other animal which because of its size, growth, propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner, including those animals which, as a result of their nature or wild condition, cannot be vaccinated effectively for rabies.

E. Wild, exotic or dangerous animals shall include, but not limited to, alligators and crocodiles, monkeys and other non-human primates, raccoons, skunks, porcupines, wolf, fox, coyote, bears, venomous snakes and lizards, venomous fish and piranha, weasels, wolverines, ferrets, badgers, cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wild cats, bob cats, birds of prey, and fighting cocks and fighting game birds.

SECTION 20: SEVERABILITY. If any part of this ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION 21: PENALTY. The violation of any of the foregoing provisions shall be an unclassified misdemeanor and shall carry with it a fine of not less than \$50.00 nor more than \$1,000 plus costs.

SECTION 22: EMERGENCY. There is an urgent need to more stringently regulate conditions under which dogs and cats shall be kept in the city, and also to establish better ways and means to control rabies within the city. Therefore, an emergency is hereby declared to exist; and this ordinance, being immediately necessary for the preservation of the public peace, health and safety, shall take effect and be in force from and after its adoption.

Passed and approved this 12th day of December 2005.

C.L. Coley
MAYOR, C.L. "BAT" COLEY

ATTEST:

Carol Sneath
CAROL SNEATH, CITY CLERK