

TITLE 6

ANIMALS AND FOWL

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CHAPTER 6.04

DOGS

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6.04.01 Definitions The following words and phrases shall, for purposes of this ordinance have the following meanings:

At-large Any animal not on the premises of the owner or within a house or other building or enclosure or restrained on the premises of the owner.

Cats When used herein shall include animals of at least 8 weeks of age, both male and female, which are members of the feline, or cat family.

Clerk The City Clerk of the city of Pocahontas, Arkansas or their duly authorized agent.

Dogs When used hereto shall include animals of at least 8 weeks of age, both male and female, which are members of the canine, or dog family.

Owner Every person, firm, corporation, association or household, when the parties reside on the same property, keeping or harboring a domestic animal, dog, cat and/or fowl within the corporate limits of the city. (Ord. No. 2013-7, Sec. 1.)

Vaccination Any injection of any vaccine for rabies as approved by the state of Arkansas, and administered by a licensed veterinarian.

Vicious animal

- A. Any animal which, without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal; or
- B. Any animal with a propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
- C. Any animal which chases or charges a person or domestic animal in a menacing manner, or attempt to do so. (Ord. No. 2012-14, Sec. 1.)

6.04.02 Insurance The owner of a dog must have public liability insurance in the minimum amount of Twenty-Five Thousand Dollars (\$25,000.00) per person and Fifty Thousand Dollars (\$50,000.00) per occurrence insuring the owner for any personal injuries inflicted by the dog. (Ord. No. 2009-15, Sec. 1A)

6.04.03 Unconfined It shall hereafter be unlawful for any owner to keep within the corporate limits of the city of Pocahontas, Arkansas, any unconfined dog. A dog is “unconfined” if it is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must be at least ten feet by ten feet (10 x 10) with each pen or structure containing no more than two (2) dogs at any one time. All such pens or structures must be kept in a clean and sanitary condition. (Ord. No. 2013-7, Sec. 2.)

6.04.04 Number of animals It shall hereafter be unlawful for any owner to own, keep or harbor more than four (4) dogs or cats over six (6) months old within the corporate limits of the city, except that this provision shall not apply to proprietors of animal grooming, boarders, and veterinarians when such dogs or cats are kept upon premises used by such groomers, boarders and veterinarians as their normal place of business. (Ord. No. 2013-7, Sec. 2.)

6.04.05 Livestock and poultry No livestock or poultry shall be allowed in the city limits except in Agricultural Zones. (Ord. No. 2009-15, Sec. 3A.)

6.04.06 Vaccination All dogs and cats in the city and other pets which are subject to rabies shall be vaccinated against rabies by an accredited veterinarian when the animal is four (4) months old. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog and cat in the city. For cats it shall be the duty of the owner to provide proof of vaccination upon request. Any person who shall keep any pet which is subject to rabies in the city without timely vaccinating or revaccinating the pet against rabies shall be guilty of a misdemeanor. When revaccinating a pet, the interval between revaccinations should conform to the manufacturer's product labeling and the Rules and Regulations Pertaining to Rabies Control as promulgated by the Arkansas State Board of Health pursuant to Laws of the State of Arkansas (Ord. No. 2016.12, Sec. 1)

6.04.07 License fee There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the city. Said fee shall be paid to a person authorized by the city. No permit shall be issued until the owner is in compliance with this ordinance.

Repealer. Section 5 of Ordinance 2009-15 is hereby repealed. The requirement of an annual city animal permit, city animal licensing tag, and accompanying licensing fee levy are hereby abolished and repealed. (Ord. No. 2016-12, Sec. 2)

6.04.08 Confining of animals A dog may be unconfined for the following purposes:

- A. Transporting the dog to or from a state-licensed veterinary office;
- B. Transporting the dog to or from a state-licensed kennel for the lodging or breeding of dogs; or
- C. Transporting the dog to the location of a purchaser of the dog; or
- D. Recreation.

When exercising these exceptions, the owner of a dog shall not suffer or permit the dog to become unconfined unless the leash provisions of 6.04.07 below have been fully met. (Ord. No. 2009-15, Sec. 6.)

6.04.09 Leash The owner of a dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely restrained by a chain or leash, and under the physical restraint of an adult person whose weight is equal to or greater than said dog. Any leash or chain used shall be of appropriate weight for the dog and shall not exceed six (6) feet. Any person, while walking a dog, is responsible for cleaning up any feces left on the property of others. (Ord. No. 2009-15, Sec. 7.)

6.04.10 Cruel treatment

- A. No person owning, possessing or keeping animals shall fail to provide the animals with sufficient good and wholesome food and water; shelter which provides protection from the weather including four sides with opening, roof and floor; veterinary' care when needed to prevent suffering; with humane care and treatment.
- B. No person shall beat, cruelly ill-treat, torment, tease, 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. No owner of an animal shall abandon such animal.
- D. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and report the accident to the appropriate law enforcement agency or to the local Animal Control Officer. (Ord. No. 2009-15, Sec. 8.)

6.04.11 At large No person owning, possessing or keeping animals shall allow the animals to run at large within the city of Pocahontas, and the presence of any such animal on any public street, alley, sidewalk, park, or ground or upon any property not belonging to the owner of such property, shall be prima facie evidence that such animal is at large, and in violation of this section. (Ord. No. 2009-15, Sec. 9.)

6.04.12 Impounding

- A. The Animal Control Officer, or other person authorized and designated by resolution of the City Council of the city of Pocahontas, shall take into custody any domesticated animal found at large in the city of Pocahontas, and shall impound the animal in the city shelter or such other place as may be designated by the City Council or other authorized person of said city of Pocahontas, for

purposes of impoundment. Such impounded animal shall be held for a period of five (5) days (including a weekend) at the end of which time the animal shall be declared abandoned by the owner and become the property of the city of Pocahontas and shall be placed for adoption or humanely euthanized by a licensed veterinarian or the Animal Control Officer. During the five (5) days of such impoundment the Animal Control Officer or other person designated by the City Council shall make a diligent effort to determine the owner of such animal and notify them of such impoundment. Such efforts may be in the form of personal inquiry, published notice, posted notice, or radio advertisement, provided, however, that posting of notice includes description of animal breed if known, color size and apparent age, and to include description of any collar worn by said animal shall constitute diligent efforts to determine the owner. If, in the instance that the animal carries its owner's address, the municipality shall give the owner notice at least five (5) days prior to the proposed destruction of the animal. The notice shall be by certified letter, return receipt requested.

- B. The Animal Control Officer shall immediately take any injured, ill or diseased animal to a veterinarian who shall examine the animal or have the agent or employee of the veterinarian examine the animal and shall determine whether or not the animal has contracted a disease or illness which is infectious or contagious to other animals or humans or is injured to such an extent that the animal will not recover from its injury or is in severe pain and if it is determined by the veterinarian or his agent or employee that the animal had contracted an infectious disease or is so injured or is in severe pain, the veterinarian or his agent or employee shall immediately and humanely destroy the animal. (Ord. No. 2012-14, Sec. 2)

6.04.13 Pick-up fees Any person owning, possessing or keeping an animal which has been allowed to run at large and which has been impounded for the first time will receive a written warning and may claim and retrieve such animal from the city shelter by payment of a \$25.00 pickup fee. The second time the same animal is impounded then a citation will be issued with the fine not to exceed \$150.00 and a pickup fee of \$50.00. The third offense for the same animal that is impounded, the pickup fee shall be \$100.00, and the person owning, possessing or keeping the animal must sign an affidavit agreeing to immediately move the animal out of Pocahontas city limits. If after the execution of the affidavit, the same animal is allowed to run at large and subsequently impounded by the city, then the person who signed the affidavit shall be guilty of a misdemeanor and shall be subject to the fine set out in 6.04.22.

In addition to the aforementioned pickup fee, a \$5.00 per day board fee shall be assessed for each animal impounded, beginning with the day the animal was taken into custody. Any person claiming animals unvaccinated for rabies, which means any animals in which one or more years has elapsed since a proper rabies vaccination has been given, and the burden of proof of such vaccination is on the animal owner shall, after payment of the fee, as assessed herein, and prior to release of the animal, sign a promise in writing to the authorized representative of the city that such person will immediately have the animal vaccinated by a licensed veterinarian and return proof thereof within seven (7) days if the animal is released to him.

The Animal Control Officer or other person designated by the City Council shall keep such statements in a safe place and should the animal be impounded again and the owner cannot then show proof of vaccination of the animal, the person making such statement and obtaining the original release of the animal shall be guilty of violation of this section of this ordinance and punished by a fine of \$50.00 as hereinafter provided on conviction thereof. Burden of proof of vaccination shall be on such person signing such statement. (Ord. No. 2012-14, Sec. 3.)

6.04.14 Rabies Any dog or cat having rabies or symptoms thereof or suspected of having rabies, or which has been exposed to rabies shall be confined, quarantined and observed pursuant to A.C.A. 2-19-301 through 312, and the Rules and Regulations Pertaining to Rabies Control promulgated by the Arkansas State Board of Health. (Ord. No. 2009-15, Sec. 12.)

6.04.15 Disturbing the peace It shall hereafter be unlawful for any person, firm, association or corporation to keep on his, her, its or their premises under his, her, its or their control, any animal which by loud vocal sounds 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. 2009-15, Sec. 13.)

6.04.16 Animal bites When any domesticated animal has bitten, scratched, or otherwise attacked a person to the extent that medical attention is required, that person or anyone having knowledge of such incident shall immediately notify the Chief of Police or Animal Control Officer of the city of Pocahontas, and such animal shall be confined, quarantined and observed pursuant to A.C.A. 20-19-301 through 312, and the Rules and Regulations Pertaining to Rabies Control promulgated by the Arkansas State Board of Health at the expense of the owner or custodian. Such animal shall during such period of confinement be subject to inspection by the Animal Control Officer, licensed veterinarian or other person authorized by the City Council or state law.

If the animal is confined at the Pocahontas Animal Shelter, then a Five Dollar (\$5.00) per day boarding fee shall be assessed for each animal confined under this section, beginning with the day the animal was taken into custody. If the animal is confined at any other facility, then the owner or custodian shall be responsible for the daily fee for each animal assessed by that facility, beginning with the day the animal was taken into custody. (Ord. No. 2009-15, Sec. 14.)

6.04.17 Animal sales It shall be unlawful for any person, pet shop, or kennel to sell, offer to sell, or expose any diseased or poisonous animal or any animal the sale of which is prohibited by Federal Law.

Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste materials shall be allowed to remain thereon for more than 24 hours. The owner or operator of a kennel or pet shop shall properly treat any diseased animal and shall properly isolate those animals having a disease contagious to animal or human life; provided, any animal which is diseased past recovery shall be destroyed. All animals in a kennel or pet shop shall be humanely treated and properly nourished. Animals shall not be confined in one area in such a manner that access to food and water is not readily available. (Ord. No. 2009-15, Sec. 15.)

6.04.18 Clean premises It shall be unlawful for any person, firm, association or corporation hereafter keeping or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within a reasonable proximity of the said premises, and it shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by any failure to diligently and systematically remove all animal waste from the premises. (Ord. No. 2009-15, Sec. 16.)

6.04.19 Killing animals It shall be unlawful for any person to shoot, hunt, kill, poison, chase, wound, or molest any domesticated animal within the corporate limits of the city unless in the defense of themselves or another person. (Ord. No. 2009-15, Sec. 17.)

6.04.20 In force The provisions of this ordinance shall not be in force for a period of thirty (30) days from the date of adoption and publication of this ordinance, thereby allowing owners ample time to provide for proper quarters or care of animals elsewhere than on owners' premises. (Ord. No. 2009-15, Sec. 18.)

6.04.21 Vicious dog No person, firm, corporation or association shall own or maintain any vicious dog within the city of Pocahontas, Arkansas. (Ord. No. 2009-15, Sec. 19.)

6.04.22 Fine Any owner or custodian of a dog in violation of any provision of this ordinance shall be guilty of a misdemeanor for each violation and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) for each offense. Each day that a violation continues shall constitute a separate offense. (Ord. No. 2009-15, Sec. 20.)

6.04.23 Vicious dog regulations In addition to any other action taken under this ordinance regarding a vicious dog, any vicious dog that is unconfined or is otherwise owned in violation of this ordinance shall be seized by the Animal control Officer or the owner can have the vicious dog removed outside the city limits until a final disposition with the District Court of Randolph County. In the even the court orders the vicious dog destroyed , then it shall be humanely euthanized by a licensed veterinarian or the Animal Control Officer with the cost for having the vicious dog euthanized assessed against the owner or custodian of said vicious dog. The owner or custodian of any dog seized under this section shall be assessed a \$5.00 per day boarding fee for each dog confined under this section, beginning with the day the animal was taken into custody. (Ord. No. 2009-15, Sec. 21.)

6.04.24 Enforcement This ordinance may be enforced by either the Pocahontas Animal Control Officer or an officer with the Pocahontas Police Department. (Ord. No. 2009-15, Sec. 22.)

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

6.08.01	Livestock and fowl
6.08.02	Exclusions
6.08.03	Fine

6.08.01 Livestock and fowl It shall be, and is hereby declared to be, unlawful for any person, firm or corporation to keep any livestock or fowl within two hundred (200) yards of any house or place of residence occupied by any other person, or any place of residence occupied by any other person, or any place of business selling or handling for sale any food or beverage for human consumption, without the prior written approval of the City Health Commission or the City Health Officer of said city of Pocahontas, Arkansas. (Ord. No. 251, Sec. 1.)

6.08.02 Exclusions This ordinance shall not apply to any person, firm or corporation now engaged in the trade of purchasing livestock or fowl for shipment and sale, or engaged in the livestock auction business in said city of Pocahontas, Arkansas. (Ord. No. 251, Sec. 2.)

6.08.03 Fine Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and fines in any sum not less than Five Dollars nor more than Twenty-Five Dollars, and each day such condition or offense is allowed to continue after due notice from authorized officer or officers of the said city of Pocahontas, of such offense, shall constitute a separate offense. (Ord. No. 251, Sec. 3.)

6.04.20 Feeding of stray animals

- A. Stray animals. Any and all domesticated and/or undomesticated animals including but not limited to cats, dogs, raccoons, skunks, possums, or any other type of animal that does not have a license as required by city ordinance and are running at-large without any proof of ownership.
- B. It shall hereafter be unlawful for any person, firm, corporation, or association to feed within the corporate limits of the city of Pocahontas, Arkansas, any stray animal that is not owned by said person, firm, corporation or association.
- C. Any person, firm, corporation, or association found guilty of violating any portion of this ordinance shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by assessment of a fine not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00).

- D. The offense of feeding one stray or at-large animal shall be considered a separate offense for the purposes of this ordinance. (Ord. No. 02-8, Sec. 1-3.)