

ORDINANCE NO. _____ OF 2014

AN ORDINANCE ADDRESSING ANIMAL AND FOWL OWNERSHIP WITHIN THE CITY OF MORRILTON; REPEALING ANY ORDINANCES IN CONFLICT

WHEREAS, the Mayor and the City Council desire to amend replace any preexisting ordinances concerning animals and fowl;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORRILTON, ARKANSAS;

SECTION 1:

DOGS

Sub-Sections:

- 1.01 Definitions
- 1.02 Dangerous or Vicious Dogs
- 1.03 Vaccination
- 1.04 Confinement of dogs
- 1.05 Confinement other than on premises of owner
- 1.06 Running at large
- 1.07 Pens
- 1.08 Impounding of dogs- destroying of dogs
- 1.09 Reclaiming dogs - fee for reclaiming
- 1.10 Dogs suspicioned rabid
- 1.11 Barking and howling
- 1.12 Inspection and confinement of certain dogs
- 1.13 Condition of pen and premises
- 1.14 Notice of offenses and violations - arrest
- 1.15 Other Penalties and fines
- 1.16 Number of Dogs
- 1.17 Dog Licenses
- 1.18 Dog Safety
- 1.19 Deadly Force
- 1.20 Unconfined Dogs

1.01 Definitions

The following words and phrases shall for purposes of this ordinance have the following meaning:

- A. DOGS - When used herein shall include animals of all ages, both female and

male, which are members of the canine, or dog family.

- B. OWNER - Every person, firm, partnership or corporation, owning, keeping or harboring a dog within the corporate limits of the city.
- C. AT LARGE - Any dog not confined to the premises of the owner of, 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 from escaping and restricting the dog to the premises, or not confined by leash or confined within an automobile when away from the premises of the owner.
- D. VACCINATION - An injection of any vaccine for rabies approved by the State Veterinarian and administered by a licensed veterinarian or agent of the Health Officer.
- E. VICIOUS DOG - A dog which has a disposition to bite humans and any dog which has bitten or attempted to bite any person within the six months immediately past; however, the fact that a dog has bitten or attempted to bite some person when that person was teasing the dog shall not constitute the dog a vicious dog within the sense of this ordinance.
- F. MUZZLE - When required by this ordinance, a muzzle shall be of appropriate material with sufficient strength to restrain the dog from biting and no such muzzle employed shall be made from any material or maintained on the dog in any manner so as to cut or injure the dog.

1.02 Dangerous or Vicious dogs

- (a) Dangerous Dogs that are considered dangerous are to include the commonly referred to "pit bull", American Staffordshire Terrier, American Pit Bull Terrier, & Rottweiler and any dogs that have a history of aggressive action.
- (b) Vicious It shall hereafter be unlawful for any person, firm or corporation to keep within the corporate limits of the city any vicious dog unless the said dog is muzzled or confined in 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.
- (c) Dangerous dogs (as defined in 1.02 - a) will have a six foot (6') locked fence to prevent anyone from entering their yards. Signs warning of dangerous animals with a phone number of the owners in case of an emergency will also be posted in a visible area on the property.

1.03 Vaccination

As directed under Arkansas State Law (A.C.A. § 20-19-3) all dogs within the state of Arkansas shall be vaccinated against rabies annually. Satisfactory proof of vaccination must be made to the animal control worker before any dog impounded under this ordinance shall be released. In addition to rabies vaccinations, all dogs must have parvo shots yearly and the dog owner is required to keep records of shots.

1.04 Confinement of dogs

From and after the passage of this ordinance, any person owning, possessing, or keeping a dog or dogs, whether vaccinated or unvaccinated shall confine such dog or dogs within an adequate fence or enclosure, or within a house, garage, or other building or shall confine such dog or dogs by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog or dogs from running at large.

1.05 Confinement other than on premises of owner

At all times when not confined as stated in Section 4, the owner of any dog or dogs shall confine such dog or dogs within an automobile or by having one end of a rope or leash affixed to substantial stationary object, or held by some person competent to control such dog or dogs.

1.06 Running at large

From and after the passage of this ordinance it shall be unlawful for any person to allow his or her dog or dogs to run at large upon the public ways of the city of Morrilton, Arkansas, or the premises of any person other than those of the owner in the city of Morrilton, Arkansas.

That any person who allows their dog or dogs to run at large in the corporate limits in the city of Morrilton, Arkansas, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of no less than \$25.00 nor more than \$50.00 and each day that said dog is allowed to continue to run at large shall be considered a separate offense and punishable as such.

1.07 Pens

From and after the passage of this ordinance, the city of Morrilton shall be authorized to build or establish pens and/or runs sufficient to confine dogs taken into custody and impounded under this ordinance. The city shall also be authorized to employ such Animal Control Worker, or workers as may be necessary for enforcement, at a salary or salaries to be determined by the city.

1.08 Impounding of dogs - destroying of dogs

The Animal Control Workers or patrol officers of the city of Morrilton, shall take into custody any dog found at large in the city of Morrilton, and shall impound the dog in the city dog pound or such other place as such Animal Control Workers may designate for purpose of impoundment. Such impounded dog shall be held for a period of ten (10) days at the end of which time the dog shall be destroyed unless custody of said dog is released prior thereto under the following conditions. If the owner of such dog fails or refuses to claim and repossess such dog by the payment of the proper fee as prescribed herein within the ten (10) day period of such impoundment, then the animal control workers of the city of Morrilton may deliver custody and possession of such dog to any person other than the owner upon the payment of the fee as prescribed herein. If a dog is picked up by the animal control officer or the police and has a tag showing it has been vaccinated and has been neutered according to the vet or is observed to be neutered, the animal will be returned to the owner and the fine by mail is \$20. If the animal is not neutered, the fine is \$100. If any animal is taken to the animal control building and is ill, the animal control officer can segregate the animal and have it destroyed. The animal control officer is authorized to destroy any animal held over ten (10) days.

1.09 Reclaiming dogs - fee for reclaiming

Any dog impounded may be claimed or retrieved from the city Animal Control Officer by payment of the fee of \$25.00 if the dog has been vaccinated in the year preceding the impoundment, or for a fee of \$30.00 in the event that the dog has not been vaccinated in the year preceding the year of impoundment. If the dog has not been vaccinated then vaccinations must be completed before the dog is released back to owner. This shall be the fine for the first time said dog is impounded by the animal control officer.

For the second offense occurring within a year of the first offense involving the same animal, the fine stated above shall be \$50.00; and for the third and subsequent offense, the fine shall be \$100.00.

1.10 Dogs suspicioned rabid

Any dog or dogs 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 dogs to the police or Animal Control Workers of the city of Morrilton for disposal or confinement in the dog pound of the city of Morrilton, or in a Veterinary Hospital approved by the city. Such dog or dogs 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 Veterinarian additional confinement is determined necessary.

1.11 Barking and howling

It shall hereafter be unlawful for any person, firm or corporation to keep on his premises, or under his control, any dog 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 is kept.

1.12 Inspection and confinement of certain dogs

When any dog has bitten, scratched, or otherwise attacked a person, that person or anyone having knowledge of such incident shall immediately notify the Morrilton Police Department or an animal control worker and such dog shall be confined in the city pound or at a veterinary hospital for a period of 10 days at the expense of the owner, or shall be immediately and securely confined by the owner by tying with a chain of good quality for a period of ten (10) days in such a place that no person or animal may be bitten by it and such dog shall during such period of confinement be subject to inspection by the Animal Control Worker or a licensed veterinarian.

1.13 Condition of pen and premises

It shall be unlawful for any person, firm or corporation keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises; and it shall be unlawful to allow premises where dogs are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

1.14 Notice of offenses and violations – arrest

The Police Department, and Animal Control Worker, or persons employed by such departments,

are authorized, for violation of any portion of this ordinance to give to the offender a notice to appear in the Municipal Court, Criminal Division, of the city of Morrilton. 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 be signed by the person having knowledge of such violation and who is also a member of one of the departments of the city of Morrilton before mentioned. The notice shall contain a printed statement in which the violator promises to appear in the Municipal Court, Criminal Division, without issuance of any warrant or other process and which statement is to be signed by the violator. Upon failure to sign the agreement to appear, the officer or employee shall swear out a complaint and the usual procedure upon the filing of complaints in the Municipal Court shall govern the arrest and trial of the violator. Upon the violator's signing the agreement to appear and his appearance as set out in the notice, no warrant shall issue for the arrest of the violator.

1.15 Other Penalties and fines

Unless already noted in this code, penalties for violating this ordinance are as follows:

- a. On the 1st offense, a fine of \$100 - \$200
- b. On the 2nd offense, a fine of \$200 - \$300
- c. On the 3rd offense, a fine of \$300- \$500

1.16 Number of Dogs

The number of dogs at any one address is limited to three dogs with one additional animal if that dog is a certified service dog. Pups can remain with the mothers up to 10 weeks.

1.17 Dog Licenses

The city of Morrilton currently does not require its citizens to register their dogs with the city and does not collect fees. Citizens are encouraged to have a collar with identification tags on their pets at all times. This aides in our efforts to return animals to their property/owner in the event they are picked up by animal control.

1.18 Dog Safety

All dogs should have suitable shelter, food and water and should be judged to be reasonably safe. Any dogs found to not meet these conditions by the police or the animal control officer will subject the owners to a \$50 fine.

1.19 Deadly Force

If there is an emergency situation wherein a dog places a citizen in danger, the police are authorized to use deadly force on the dog or dogs.

1.20 Unconfined Dogs

Dog owners are subject to a \$200 fine per incident if their dog is not confined, bites citizens, and has not had their timely shots.

SECTION 2:

CATS

Sections:

- 2.01 Vaccination
- 2.02 Tags
- 2.03 Cats held for no collar
- 2.04 Charge
- 2.05 Number of cats
- 2.06 Cats at large
- 2.07 Charge to owner

2.01 Vaccination

All cats located within the city limits of Morrilton must be vaccinated for rabies and distemper. Arkansas State Law also provides instructions on vaccinations of cats (A.C.A. § 20-19-3)

2.02 Tags

All owners must maintain a tag on the cat showing evidence of annual vaccination.

2.03 Cats held for no collar

Any cats picked up by the Animal Control Officer within the city limits of Morrilton not wearing such a collar shall be held for three days. During which time the owner of the cat may bring proof of vaccination to the Animal Control Officer.

2.04 Charge

The owner may be charge \$5.00 per day per cat that is picked up.

2.05 Number of cats

No individual household or dwelling may maintain more than five cats outside of their residence.

2.06 Cats at large

All cats allowed to run at large must be spayed or neutered.

2.07 Charge to owner

The city shall contract to spay and neuter any cat running at large and shall be entitled to collect a \$50.00 charge from the owner prior to returning the cat.

SECTION 3:

OTHER ANIMALS AND FOWL

Sections:

- 3.01 Horses and cows
- 3.02 Hogs, goats and sheep
- 3.03 Diseased animals
- 3.04 Releasing animals
- 3.05 Running at Large - Fowl
- 3.06 Cruelty to animals
- 3.07 Hunting and Trapping
- 3.08 Fine
- 3.09 Hunting animals at the Wastewater Treatment pond
- 3.10 Keeping of Innately Wild Animals, Non-human Primates or Venomous Reptiles

3.01 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, 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 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 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 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.

- D. Additionally, adequate supplemental feed shall be supplied, such supplemental feed provided so as to maintain good health and proper condition of each head of livestock.
- E. Water vessels appropriately constructed and located must be available so that each animal kept will have 24-hour access to wholesome water.

3.02 Hogs, goats and sheep

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 (24) hours in an established stockyard.

STATE LAW REFERENCE - See A.C.A. 14-54-1101

3.03 Diseased animals

No person shall be allowed to transport into this city any animal affected with a contagious disease.

3.04 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.

3.05 Running at Large - Fowl

It shall be unlawful for any person owning or having control of any chickens, turkeys or other fowl to stray beyond the enclosure of its owner or owners, keeper or keepers, within the city limits of the City of Morrilton, Arkansas.

3.06 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.

3.07 Hunting and Trapping

- A. It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any other manner whatsoever catch any wildlife within the city limits of Morrilton, except pursuant to the rules, regulations and licensing requirements of the Arkansas Game and Fish Commission. However, should it be determined by Morrilton Animal Welfare Unit or Morrilton Police Department that a wild or domestic animal is causing a nuisance or creating verifiable property damage, humane live traps may be used to capture and translocate or impound such animal.
- B. Hunting on property owned by the City of Morrilton is prohibited. Provided, the Mayor's Office may, in cooperation with the Arkansas Game and Fish Commission, issue hunting permits for nuisance wildlife on property owned by the City of Morrilton.
- C. No person shall set any trap, to catch any animal, permit any trap owned by them or in their control to be set to catch any animal, or allow a trap to be set to catch an animal on

their property unless approved by the Morrilton Animal Welfare Unit or Morrilton Police Department. Any animal so trapped shall be immediately relinquished to the Morrilton Animal Welfare Unit.

- D. This section shall not apply to the indoor trapping of rats and mice.
- E. Nothing in this paragraph shall apply to fur bearing season traps authorized by the Arkansas Game and Fish Commission pursuant to Game and Fish Commission Code of Regulations, Section 10.02 and 10.04.

3.08 Fine

Any person who shall violate the provisions of the ordinances in Chapter 6.12 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) (Ord. No. 90-1, Sec. 2.)

3.09 Hunting animals at the Wastewater Treatment pond

- A. It shall be unlawful as a misdemeanor for any individual to take or attempt to take, trap, shoot, hunt, kill or capture any animal, fish, bird, reptile or wildlife from the Wastewater Treatment pond or landfill of the city of Morrilton or any of its commissions or subsidiaries.
- B. A variance and waiver of this ordinance may be granted only by the Mayor of the city of Morrilton and only if done so in writing.
- C. A violation of this ordinance shall be tried in Municipal Court and may result in a fine not to exceed \$1,000.00. (Ord. No. 98-13, Secs. 1-3.)

3.10 Keeping of Innately Wild Animals, Non-human Primates or Venomous Reptiles

- A. As used in this section, the term “innately wild animals” shall mean lions, tigers, cougars, leopards, panthers, bears, wolves and other non-domestic animals or carnivora, notwithstanding that their natural wildness may be intermittently dormant, as such wildness is likely to be awakened at any time, suddenly and unexpectedly. The failure to specifically list any animal in this subsection will not preclude such animal from being deemed an innately wild and non-domestic animal.
- B. Innately wild animals shall include all members of the order Carnivora which are all meat-eating animals, excluding domestic breeds of dogs and cats.
- C. Keeping of prohibited animals. In this section:
 - 1. Carnivora shall include, but not be limited to, the following families, with representatives of those families as indicated:
 - A. Ursidae: Bears
 - B. Canidae: Wolves, coyotes, foxes, or the hybrid offspring of such canidae (including, but not limited to, domestic dog – canidae crosses).
 - C. Hyaenidae: Hyenas

- D. Filidae: Lions, tigers, leopards, American lions (commonly know as pumas, cougars, and panthers), cheetahs, bobcats, ocelots, jaguars, African panthers, lynx, margays.
- E. Procyonidae: Raccoons and relatives.
- F. Mustelidae: Weasels, skunks, and relatives
- G. Viverridae: Binturongs, civets, and relatives.
- 2. Nonhuman primates shall include, but not be limited to, the following families:
 - A. Monkeys: Spider monkeys, squirrel monkeys, marmosets baboons and relatives.
 - B. Great Apes: Gorillas, orangutans, gibbons, siamangs, chimpanzees and relatives.
- 3. Venomous reptiles shall include, but not be limited to, the following families:
 - A. Colubridae: (two genera only), Dispholidus (boomslang) and Thelotornis (twin snakes).
 - B. Elapidae: Cobras, kraits, coral snakes and relatives.
 - C. Hydrophilidae: Sea snakes.
 - D. Viperidae: Vipers, adders.
 - E. Crotalidae: Pit vipers (commonly known as rattlesnakes, water moccasins, copperheads).
 - F. Helodermatidae: Gila monsters.
- D. The possession, maintenance or keeping of innately wild animals within the city is hereby prohibited.
- E. There shall be a three (3) day grace period after notice for removal of the innately wild animal from the City before the penalty for violation of this section shall be imposed.

SECTION 4:

PENALTY

4.01 Penalty

4.01 Penalty. Unless already noted in this code, penalties for violating this ordinance are as follows:

- a. On the 1st offense, a fine of \$100 - \$200
- b. On the 2nd offense, a fine of \$200 - \$300
- c. On the 3rd offense, a fine of \$300- \$500

SECTION 5:

That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

PASSED AND APPROVED this _____ day of _____, 2014.

Approved:

Stewart Nelson, Mayor

ATTEST:

Charlotte Kindle, City Clerk