

TITLE 6

ANIMALS AND FOWL

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CHAPTER 6.04

DOGS

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6.04.01 Definitions For the purpose of this ordinance, the following words and phrases shall have the following meanings:

Animal – any description of vertebrate, excluding *homo sapiens*.

At large – any animal is at large when off the premises of the owner or keeper and not under the control of a responsible person.

Control – any animal shall be considered under control if it is confined to the premises of its owner or is secured by a leash or lead of sufficient strength to prevent it from escaping or is confined in an automobile when away from the premises of the owner.

Estrus – the sexual excitement, or “heat” of female mammals or the period of this.

Kennel – any establishment that engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling animals.

License – a current license, certificate or tag issued by the city or its designated representative.

Neutered – incapable of sexual reproduction.

Nuisance – any activity by a dog or cat which involves the damage, disruption or destruction of property including but not limited to soiling, defiling, or defecating on private property other than the owner’s or public walks and recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; molests, attacks, or interferes with persons in the public right-of-way; or chases vehicles or attacks domestic animals.

Owner – every person, firm, partnership, or corporation owning, keeping or harboring an animal within the corporate limits of the city.

Private kennel – any establishment, excluding kennels, pet shops and veterinary clinics and hospitals, that keeps harbors or knowingly permits to remain on or about his premises, more than a total of four (4) animals, over three (3) months of age.

Vaccination – an injection of any vaccine for rabies approved by the state veterinarian and administered by a licensed veterinarian.

Vicious – the disposition of any animal to attack or bite humans or other domestic animals, or otherwise jeopardize the well-being of humans or other domestic animals, or has attempted to bite any person or animal within six (6) months immediately past; however, the fact that the animal was being teased or tormented by a person during the attempt to bite shall not constitute the animal as vicious within the meaning of this ordinance. (Ord. No. 400, Sec. 1.)

Stray- A stray animal is any animal not in an enclosure or under the control of the owner that does not have affixed to its collar an identification tag or a city tag. (Ord. No. 679, Sec. 3).

6.04.02 Vaccination All dogs or cats four (4) months or older and being kept within the corporate limits of this city must be licensed by the City Clerk annually. Prior to licensing, all animals required to do so by state code, shall be vaccinated for rabies. Upon presentation of a completed rabies vaccination certificate from a licensed veterinarian, and payment of the necessary license fee to the City Clerk, or his designated representative, it shall be the duty of the Clerk to furnish the owner of the animal with a metal tag. Every licensed animal covered by the

ordinance must have and wear a collar of such type that the city license tag may be firmly attached to the collar. The tag when issued shall at all times be securely attached to the animal's collar or harness, and failure to keep such tag on the collar or harness shall be unlawful. If tags have been lost, proof must be shown that city tags have been purchased and vaccination has been obtained, and a replacement tag must be immediately purchased from the City Clerk at additional cost to the owner. City tags are not transferable from one animal to another. (Ord. No. 400, Sec. 2.)

6.04.03 Animals at large An owner of any dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence or enclosure, or within a house, garage or other building. Dogs shall not be tied or chained to doghouses or other stationary objects but must be in an approved enclosure. At any time the dog leaves the owner's property without the owner or a responsible person, and properly restrained, or is otherwise not confined in a manner set out herein, it shall be considered at large and in violation of this ordinance. It shall further be the duty of the owner or keeper of any dog to keep such animal under control so as to:

- A. Prevent the dog from becoming a danger to persons or property, or trespassing upon another person's property without that person's permission; and
- B. Prevent such dog from running at large upon the streets, sidewalks, alleys, parks or other public places of the city. (Ord. No. 551, Sec. 2.)

6.04.04 Vicious animals It shall hereafter be unlawful for any owner to keep within the corporate limits of the city of Lonoke, Arkansas, any vicious animal or any banned breeds of dogs as defined herein.

- A. Deeming an animal vicious or a member of a banned breed of dogs After investigating an incident involving the possibility of an animal exhibiting fierce or vicious behavior or being a member of a banned breed of dogs an Animal Control Officer for the city of Lonoke, a Lonoke police officer, or any other agent of the city of Lonoke so designated by the Mayor of the city of Lonoke, Arkansas (the "Mayor") to make such a determination (collectively referred to hereafter as the "City Officer") shall deem the animal vicious if the city officer has determined that an animal acted in a manner or exhibited the behavior described in Section 1 or declare the animal to be a member of a banned breed of dogs pursuant to 6.04.06. Upon deeming an animal vicious or declaring it to be a member of a banned breed dogs, the City Officer shall notify the owner that the animal has been deemed vicious or declared a member of a banned breed of dogs by hand delivering or by mailing a notice by certified mail to the owner. After deeming an animal vicious or declaring it to be a member of a banned breed of dogs, the City Officer shall cause the animal to be apprehended and impound the animal at the animal shelter until a final determination has been made as to the status of whether the dog is vicious or is a member of a banned breed of dogs.

- B. Right to appeal decision to deem the animal vicious or a member of a banned breed of dogs If any owner of an animal who has received notice that his or her animal has been deemed vicious or declared to be a member of a banned breed of dogs feels that such a determination was made in error, the owner may appeal the City Officer's decision to the Mayor. An appeal must be made within ten (10) days after receiving the notice by filing a written request for an appeal with the Mayor. Upon receiving an appeal the Mayor shall promptly have a hearing within ten (10) days to determine whether or not to uphold the decision of the City Officer. An appeal from the decision of the Mayor may be made to a court of competent jurisdiction.
- C. Release of the animal An animal that has been apprehended pursuant to subsection "A" shall be released after one of the following has occurred:
1. A final determination has been made that the animal is not vicious and that it is not a member of a banned breed of dogs;
 2. The owner signs an affidavit, suitable to the Mayor, acknowledging that the animal is either vicious or a member of a banned breed of dogs, that the owner is not appealing the decision deeming the animal vicious or determining it to be a member of a banned breed of dogs, and that the owner will remove the animal from the corporate limits of the city within seven (7) days of the execution of the affidavit; or
 3. The owner signs an affidavit, suitable to the Mayor, acknowledging that the owner is appealing the decision that the animal is vicious or a member of a banned breed of dogs, that the owner will confine the animal in a manner satisfactory to the Mayor or remove the animal from within the corporate limits of the city pending the outcome of the appeal, and that if after all appeals are exhausted or not otherwise timely made and the determination that the animal is vicious or a member of a banned breed of dogs is upheld or not otherwise overturned the owner will remove the animal within seven (7) days of the final determination on appeal that the animal is vicious or member of a banned breed of dogs or within seven (7) days of the last day to file an appeal of the decision has passed without such appeal being taken.
- D. Failure to retrieve impounded animal If a final determination has been made as to whether or not the animal is vicious or member of a banned breed of dogs, the animal shelter or other designated agent for the city shall notify the owner by hand delivery or by certified mail that the animal must be retrieved from the animal shelter within seven (7) days. If the owner of the animal fails to retrieve the animal within seven (7) days the animal shall be humanely destroyed if it has been deemed vicious or a member of a banned breed of dogs or shall be put up for

adoption if the animal has not been deemed vicious and is not a member of a banned breed of dogs.

- E. Regulation of vicious animals or banned breeds of dogs Once a final determination that an animal has been deemed vicious or that it is a member of a banned breed of dogs after all appeals have been exhausted or otherwise expired the owner shall within seven (7) days from the date of the final determination that an animal is vicious or a member of a banned breed of dogs cause the animal to be removed from the city limits of the city. If the owner fails to remove the animal within the required time then the city may take possession of the animal and destroy it in a humane manner.
- F. Violations and penalties It is hereby declared to be unlawful for a person who owns, possesses, keeps, or harbors an animal that has been deemed vicious or a member of a banned breed of dogs pursuant to this or any other city ordinance to fail to follow the requirements for removal of the animal from the corporate limits of the city stated in any section of this ordinance. Any person convicted of violating this section shall be fined not more than Five Hundred Dollars (\$500.00). If the violation in its nature is continuous in respect to time, the fine shall not exceed more than Two Hundred Fifty Dollars (\$250.00) per day. Additionally, the convicting court may, in the court's discretion, order that the animal to be humanely destroyed.
- G. Liability for animals who attacks a human being Any person who owns, keeps, harbors, or possesses any animal that attacks a person causing harm to property or body or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It shall be an affirmative defense to this offense if the dog was provoked or teased. Any person convicted of violating this section shall be fined not more than One Thousand Dollars (\$1,000.00). Additionally, the convicting court may, in the court's discretion, order that the animal to be humanely destroyed. (Ord. No. 551, Sec. 4.1)

6.04.05 Animal fighting No person, shall possess, harbor, or maintain care or custody of any animal for the purpose of animal fighting. Nor shall any person train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings, domestic animals, or livestock. This does not include accredited animal training programs for police use. (Ord. No. 551, Sec. 4.2)

6.04.06 Banned breeds

- A. Banned breeds of dogs are banned entirely and may not be owned or kept within the city of Lonoke, Arkansas. Banned breeds of dogs are defined as any of the following:

1. American Pit Bull Terrier;
 2. Staffordshire Bull Terrier;
 3. American Staffordshire Terrier;
 4. Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this section;
 5. Any dog whose owner registers, defines, admits, or otherwise identifies said dog as being of a banned breed;
 6. Any dog conforming, or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, or Staffordshire Bull Terrier as defined by the United Kennel Club or American Kennel Club;
 7. Any dog which is of the breed commonly referred to as pit bull and commonly recognizable and identifiable as such.
- B. A banned breed of dog shall not be considered owned or kept in Lonoke, Arkansas, if said dog is only brought into the city to a licensed Doctor of Veterinary Medicine located in Lonoke for the purpose of veterinary care, as is necessary for the completion of said veterinary care, provided, however, that said dog, at all times shall be subject to all applicable restrictions by virtue of said breed of dog also being defined as a vicious animal pursuant to 6.04.04. (Ord. No. 551, Sec. 4.3.)
- C. The Lonoke Municipal Code is amended by the addition of the following: After the Animal Control Officer makes a determination that a dog is a member of a banned breed, the owner can challenge that determination by having a DNA test performed on the dog at the owner's expense. The test must be performed in the presence of the Animal Control Officer and the results mailed directly to him. (Ord. 679. Sec. 5)
- D. Any dog that is required to be removed from the City limits after being determined to be a banned breed shall be removed permanently and only allowed in the City limits for veterinarian care. Should that animal be found anywhere in the City after an agreement that the animal will be removed, the Animal Control officer can issue a citation for violation of the banned breed ordinance and file that citation with the District Court for the City of Lonoke. Such violation shall carry a penalty of up to \$250 per violation and any other remedies at law. (Ord. 679, Sec. 5)
- F. Further, should that same individual be found to have another banned breed dog,

that possession shall constitute a second or subsequent violation and subject the individual to additional fines and penalties as specified hereinafter. (Ord. 679, Sec. 5)

6.04.07 Decision of Animal Control Officer Any decision of determination which is required to be made by an Animal Control Officer of the city of Lonoke as set forth in Ord. No. 400, including a determination as to whether an animal is deemed vicious or a member of a banned breed of dogs, may also be made by any Lonoke police officer or by the Mayor or any agent of the city so designated by the Mayor to make said decision or determination. (Ord. No. 551, Sec. 3.)

6.04.08 Humane treatment It shall be unlawful for any person to:

- A. Overdrive, overload, overwork, torture, beat, humiliate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat any animal;
- B. Fail to provide any animal with proper food, drink, protection from the weather and veterinary care; or
- C. Abandon any animal;

- D. Intentionally poison any animal;
- E. Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;
- F. Allow any animal to be kept in unsanitary conditions;
- G. Keep or confine an animal in other than a humane manner.

The Animal Control Officer, duly authorized police officer or humane officer, may remove any animal kept or confined under such conditions and may impound said animal pursuant to the provisions of A.C.A. 5-62-113, 5-62-114. (Ord. No. 400, Sec. 5.)

6.04.09 Kennels No person shall operate a kennel or private kennel without first obtaining a permit from the City Clerk. A kennel being an establishment for the selling of animals or animal breeding services and a private kennel being a private residence wishing to keep more than four (4) animals for pleasure. Application for a permit shall be made within sixty (60) days of the adoption of this ordinance or from the start of operation of the kennel. The permit period shall run for a period of one year and shall be renewed and fees paid every year thereafter that said kennel is in operation. Every facility regulated by this section shall be considered a separate enterprise, requiring an individual permit (e.g., two (2) kennels at different locations but owned by the same person, shall be considered as two (2) kennels). Permits shall be displayed in a prominent location on the premises of the kennel. Cost or permits for private kennels shall be Thirty Dollars (\$30.00) per year. Cost of permits for kennels in the business of selling services, shall be regulated by the privilege tax schedule for the city of Lonoke.

Upon receipt of a completed application, the Animal Control Officer shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with this ordinance. If a permit is not granted, the Animal Control Officer shall notify the applicant in writing of the specific reasons for denial. The denied applicant may not re-apply for a period of thirty (30) days.

The Animal Control Officer may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance or any other law or regulation governing the protection and keeping of animals, including to refuse inspection of the establishment. Whenever a permit is revoked for cause, or pending any proceedings to contest such action, the Animal Control Officer shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed for the removal of animals from such premises and shall state the specific reasons for revocation. In the event any such owner shall fail to remove animals as directed; the Animal Control Officer may impound such animals.

Any kennel shall not sell, trade or give away any animal over four (4) months of age, unless the animal has been licensed and/or vaccinated as required by this ordinance.

All kennels shall provide care for all animals as prescribed in the standards of care guidelines accepted by the Lonoke City Council. Copies of said guidelines shall be obtainable from the City Clerk by any person interested in operating a kennel. (Ord. No. 400, Sec. 6.)

6.04.10 Rabies Any animal having rabies or symptoms thereof, or which have been exposed to rabies shall immediately be released by the owner or custodian of such animal to the veterinarian, to be held for observation at the owner's expense or such other representative as may be designated by the Animal Control Officer or police officer for disposal or confinement in the animal shelter or in a veterinary hospital approved by the city. Such animal may be kept confined under the supervision of the veterinarian for a period of ten (10) days from the time the animal is picked up or for a longer period of time, if in the opinion of the city Health Officer or qualified veterinarian, additional confinement is deemed necessary. (Ord. No. 400, Sec. 7.)

6.04.11 Nuisance Any owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free of offensive odors, which would disturb any person residing within a reasonable distance of said premises, and the animals themselves shall be restrained in such fashion that noise emanating therefrom shall not be disturbing to such persons. If an animal should cause damage, destruction or disruption of property including, but not limited to, garbage, trash and the like, the animal shall also be considered a nuisance. Any costs to repair destruction of property caused by the animal shall be paid by the owner of the animal.

Further, every female animal showing or displaying signs of estrus of "heat" shall be confined in a building or other secure enclosure or kennel in such a manner that such female animal cannot come into contact with a male animal except for intentional breeding purposes. An unrestrained female animal displaying signs of estrus shall be considered a nuisance and shall be therefore impounded at the owner's expense for the duration of said condition with possible additional fines imposed. (Ord. No. 400, Sec. 8.)

6.04.12 Impoundment Any licensed or unlicensed dog or any unlicensed cat found running at large within the corporate limits of the city of Lonoke shall be taken by the Animal Control Officer or their representative as may be designated by the City Council and shall be impounded in an appropriate facility for a period of ninety-six (96) hours during which time the owner of said animal may regain possession of the animal by paying the city of Lonoke the required fees and/or fines as prescribed within this ordinance and an impound fee of Five Dollars (\$5.00) for each day or part of day that the animal is impounded. In addition, sufficient evidence shall be provided that said animal has been duly licensed (as required by this ordinance) and vaccinated. In the event said animal has not been licensed and vaccinated as required, the licensing and vaccination fees shall be paid before the animal is released and the owner shall be given twenty-four (24) hours to complete the vaccination and obtain the license from the veterinarian specified by the city of Lonoke.

If the owner of said animal fails or refuses to claim or repossess the animal within the ninety-six (96) hour period, the Animal Control Officer may deliver custody and possession of such animal to any person other than the owner upon payment of a Ten Dollar (\$10.00) fee for adoption of the animal, plus required license and vaccination fees. Also, all animals adopted from the Lonoke Animal Shelter shall be spayed or neutered within thirty (30) days from being adopted. All potential owners will be required to sign a contract with the city of Lonoke stating that said spaying/neutering will be completed within the specified time. Failure to have the surgery performed will result in the animal being returned to the Lonoke Animal Control Department and all fees paid to date will be forfeited by the animal owner. Any potential owner will also pay to the City Clerk a Thirty-Five Dollar (\$35.00) bond to be refunded upon completion of the spaying or neutering of the adopted animal. (Ord. No. 400, Sec. 9)

That the above section of the Lonoke Municipal Code is amended to add the following clarification: The previous ordinances specify time frames for impounding a banned breed or deemed vicious animal. If that does not apply and the animal control officer, animal control shall impound the animal for a minimum period of five (5) days to allow the owner to reclaim that animal. This waiting period shall not apply if either the animal is surrendered to animal control by the actual owner or if the actual owner expresses that he/she does not intend not to reclaim the animal. Under those circumstances, no waiting period is required before placing the animal for adoption.

Any time after the expiration of any of these periods, the animal control officer may deliver custody and possession of such animal to any person other than the owner upon payment the fees required which shall include \$20 adoption fee, \$10 administrative fee, \$3 license fee, plus required vaccination fees and, if necessary, sterilization fees. All animals adopted from the Lonoke Animal Shelter shall be spayed or neutered prior to adoption. All adopters shall pay in advance for all adoption costs. Arrangements will be made for the animal to-be spayed or neutered prior to finalizing the adoption. Sterilization is not required if the animal is under 3 months old, is already sterilized or too unhealthy or old for it to be safely accomplished. Anyone adopting an animal under 3 months old will sign a contract with the City stating that spaying or neutering will be completed within 3 months of adoption. (Ord. No. 679, Sec. 4).

If the animal carries its owner's address or the animal is taken from a specific address believed to be the owner's address, the animal control officer shall give notice of the impoundment to that address at least five (5) business days prior to the proposed adoption or destruction of the animal. All found animals except banned breeds shall be posted on the shelter website. If the owner is not known, no notice is required. If no one claims such animal, or pays the fees required herein or makes arrangements to pay the fees, after the expiration of a five (5) day period from the time of pick-up or notice to the owner, the owner is presumed to have terminated their rights to claim the animal. (Ord. No. 400, Sec. 9 as amended by Ord. No. 679, Sec. 4).

6.04.13 Recordkeeping and Fines The Lonoke Municipal Code is amended as follows: All complaints received by the Animal Control Department or any other department of the City shall be reported to the Animal Control Officer. Such Officer shall cause a written report to be made of the complaint and shall respond appropriately depending on the nature of the complaint. All records shall be retained for a period of three years from the date of the complaint. Should additional complaints be made, all records relating to that animal shall be kept for a period of three years from the final complaint. (Ord. No. 679, Sec 6).

Any person violating or whose animal violates any section or sections of the Animal Control laws of the City of Lonoke shall be deemed guilty of a misdemeanor and, upon conviction, the violator shall be punished by a fine as specified in the specific section and, if not specified, by up to \$250 per violation or day of violation. The maximum fine doubles for the second and subsequent offenses by the same individual. In appropriate situations, the animal may be confiscated or the individual may be banned from owning an animal. (Ord. No. 679, Sec. 7)

6.04.14 Enforcement The provisions of this ordinance shall be enforced by the Lonoke Animal Control Department and may be enforced by the Lonoke Police Department. The Animal Control Department of the city of Lonoke is hereby authorized to issue a citation to any person for violations of any provisions of this ordinance or any related regulation, law, or statute. The said citation shall be in a form approved by the Lonoke District Judge, shall designate the offense charged and may require the person so charged to appear before the Lonoke District Court on a date certain to answer the said charge or charges.

Further, it shall be unlawful for any person to interfere with, hinder or impede the Animal Control Officer in the performance of his or her duty or for any person to attempt the release of any animal in the custody of the Animal Control Department.

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. 5-4-201 and 5-4-401. The sentence shall not exceed one (1) year and the fine shall not exceed One Thousand Dollars (\$1,000.00).

The Animal Control Officer is authorized to employ any humane equipment it deems necessary to enforce the provisions of the ordinance including, without limitation, humane wire box traps; and the Animal Control Officer may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large. (Ord. No. 400, Sec. 11.)

6.04.15 Animal control fees

- A. There are hereby levied for the services and benefits to be received by the citizens of the city of Lonoke for animal control the following fees:

For each housing unit or family dwelling actually occupied as a residence or any business, commercial or industrial establishment, a fee of Fifty Cents (\$.50) per month, payable by the principal occupant or head of household of each residence or by the owner or manager of such business, commercial or industrial establishment.

- B. All such fees shall be payable on or before the 10th day of each month and a 10% penalty shall be charged on any fee that is more than thirty (30) days delinquent.
- C. The fees provided for in the preceding section shall be collected in behalf of the animal control section of the Water, Sewer and Street Department by the Municipal Water Works and shall be added to the monthly water bills.
- D. When any fee levied hereby is delinquent by more than sixty (60) days, the city is hereby authorized to institute civil suit for the recovery for said fee with any penalties which may have attached thereto and court costs.
- E. Fees collected under authority of the preceding section shall be used only in paying the expenses associated with animal control services, shall be segregated into a separate fund for animal control services, and to be paid out only for equipment, labor, maintenance, or any other necessary costs directly connected with animal control services.
- F. Said fees shall become effective and be assessed on the first water bill following the effective date of this ordinance. (Ord. No. 557, Secs. 1-6.)

6.04.16 Notice Requirements That the Lonoke Municipal Code is hereby amended by adding the following: Whenever any provision in any of the Ordinances of the animal control laws shall require that notice be given to an owner or any other individual or business, such “notice” shall be considered sufficient and complete at the following times:

- A. Immediately when hand delivered to the owner or to the address where the animal is or was being kept;
- B. Three days after mailing by regular mail to any of the following – to the address of the owner, the address listed on the city tag or collar, or the address where the animal is kept or was found, or
- C. 24 hours after posting a notice on the door of the owner, the address on the tag or collar of the animal, or at the location where the animal is located or found. (Ord. No. 679, Sec. 1).

6.04.17 Conflicting Time Requirements That the Lonoke Municipal Code is hereby amended by adding the following: Any time frames regarding the notices required or the holding periods established in Ordinances 496 and 551 apply only to animals that have been determined

vicious or banned breeds of animals and shall not apply to normal impoundments. (Ord. No. 679, Sec.2).

6.04.18 Immediate Destruction That the Lonoke Municipal Code is hereby amended by adding the following: Animal control shall have the right in exceptional circumstances to waive or shorten the waiting periods for destruction of an animal. Any dog suffering from a contagious disease that is dangerous to itself or others, acting aggressively vicious, seriously injured and suffering, or seriously ill, may warrant immediate destruction. If the animal is sick or injured and the owner is present to take possession, the animal shall not be destroyed. When an animal has been impounded for biting or threatening to bite a human or has attacked another animal and that animal continues to exhibit threatening or dangerous behavior that, in the opinion of either the animal control officer, the Mayor, or a licensed veterinarian, makes that animal a danger to itself or others caring for it, the Mayor may authorize the animal control officer to dispose of the animal without the required waiting period. When an animal has been deemed vicious under the ordinances and a final determination has been made, it shall be euthanized. (Ord. No. 679, Sec. 5).

CHAPTER 6.08
OTHER ANIMALS AND FOWL

Sections:

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- 6.08.07 Conditions
- 6.08.08 Enforcement

6.08.01 Within city limits No person shall keep any livestock, swine or fowl, as defined herein, within the city limits of the city of Lonoke, Arkansas, except as otherwise specifically provided for herein. (Ord. No. 509, Sec. 1.)

6.08.02 Previous owners Any resident of the city of Lonoke, Arkansas, who, at the time of the enactment of this ordinance, keeps livestock, swine or fowl within the city limits on a lot no smaller than five (5) acres, may continue to keep said livestock, swine or fowl on said lot, provided that in the event said lot is sold, leased, subdivided or otherwise transferred or redeveloped said livestock, swine or fowl can no longer be kept on said property. (Ord. No. 509, Sec. 2.)

6.08.03 Definitions

Fowl shall include chickens, guineas, turkeys, ducks and other like birds.

Livestock shall include cows, goats, sheep, horses, or other hooved animals.

Swine shall include hogs, pigs, boars, Vietnamese potbellied pigs and other like animals. (Ord. No. 509, Sec. 3.)

6.08.04 Enforcement The provisions of this ordinance shall be enforced by the Lonoke Police Department. Any person found in violation of this ordinance shall be subject to fine not to exceed One Hundred Dollars (\$100.00) per violation. Each animal or bird kept in violation of this ordinance shall constitute a separate violation. (Ord. No. 509, Sec. 4.)

6.08.05 Permits The Lonoke Municipal Code is amended by adding:

- A. Private Citizens Citizens wishing to keep one or more chickens on their property must complete and submit an application for a permit for such chickens. The non-refundable fee for such a permit shall be \$25.00. If the permit is denied or withdrawn for any reason, the fee shall not be refunded.
1. Exception-Bill of Assurance Citizens shall not be granted permits for keeping chickens on their property If their property Is located in a subdivision that has a Bill of Assurance that prohibits the keeping of poultry within that subdivision.
 2. Exception-Single Family Home Residential Permits will only be granted if there is an occupied, single family home located on the premises. The property owner must apply for the permit.
- B. Schools Schools may apply for a permit without paying the non- refundable fee by completing and submitting an application and detailed plan for keeping chickens. The application must contain the name, telephone number and address of a contact person who will be in charge of the poultry program.
1. Notification of Change The City must be notified of any change of the designated contact person.
 2. Plan of Care The application must have a detailed plan for how the chickens will be cared for on the weekends and during school breaks, including the address where the chickens will be kept on the weekends and during school breaks, if that address is not at the school. Chickens may not be kept on the school grounds over the summer break. (Ord. No. 694, Sec. 1)

6.08.06 Poultry Allowed No more than six chickens are allowed at each property. No roosters, guineas, turkeys, geese, pigeons, ducks or other types of fowl shall be allowed. All chickens shall be of a breed that cannot fly or must have their wings humanely clipped to prevent flight. (Ord. No. 694, Sec. 2)

6.08.07 Conditions All persons having chickens on their property must abide by the following terms and conditions:

- A. Housing All chickens shall be located within an enclosure, that is constructed to constrain the chickens within that enclosure, that has a covered coop or roost located inside the enclosure. The covered coop or roost must have a minimum of 3 square feet per chicken maintained at the property and must be designed to shelter the chickens from the weather and predators. Chickens may not run at large outside of the enclosure.
1. Ventilation/Sanitation The coop or roost and enclosure must be well ventilated and must be kept in a neat and sanitary condition at all times. The coop or roost and enclosure must be cleaned on a regular basis to prevent offensive odors and the attraction of flies or vermin or the creation of an environment otherwise injurious to the public health and safety or interfering with the comfortable enjoyment of life or property by members of the neighborhood, city or other persons.
 2. Waste Disposal Waste products and refuse shall be promptly removed and disposed of in accordance with any applicable regulation, law and statute.
- B. Types of Properties Chickens shall only be allowed on single family residential properties or on school properties, as set forth above.
- C. Location The coop and enclosure must be located no closer than 20 feet from any adjacent property line and shall also meet the building setback rules of the applicable zoning district. The coop and enclosure must be kept in the rear yard of a structure.
- D. Harvesting There shall be no outside slaughtering of chickens. Slaughtering must be done in a humane manner, and all byproducts therefrom must be disposed of in a sanitary fashion.
- E. Humane treatment All chickens maintained under this Ordinance shall be treated humanely under the same conditions as set forth in Ordinance No. 400, codified in Section 6.04.08 of the Lonoke Municipal Code, and any revisions thereof.
- F. Prohibition on commercial use No chickens or their eggs, waste or byproducts, may be kept on residential property for a commercial use. (Ord. No. 694, Sec. 3).

6.08.08 Enforcement Enforcement of this ordinance shall be by the Lonoke Animal Control Department or Lonoke Police Department, either of which may issue a citation to any person for violations of this ordinance and any related regulation, law, or statute. The citation shall be in a form approved by the Lonoke District Judge, and shall designate the offense charged and may require the person so charged to appear before the Lonoke District Court on a date certain to answer the said charge or charges. (Ord. No. 694, Sec. 4).