

THE CITY COUNCIL OF THE CITY OF LONOKE, ARKANSAS

ORDINANCE NUMBER: 400

AN ORDINANCE PRESCRIBING CERTAIN RULES AND REGULATIONS WITH RESPECT TO THE CARE AND KEEPING OF ANIMALS WITHIN THE CITY OF LONOKE, PROHIBITING THE RUNNING AT LARGE OF ANY DOG OR UNLICENSED CATS WITHIN THE CORPORATE LIMITS OF LONOKE, PROVIDING FOR VICIOUS ANIMALS, SETTING LIMITS ON THE NUMBER OF ANIMALS KEPT, PROHIBITING CRUELTY TO ANIMALS, PROVIDES FOR THE STANDARD OF CARE OF ANIMALS KEPT WITHIN THE CITY OF LONOKE, PROVIDING PENALTIES FOR VIOLATIONS AND FOR OTHER PURPOSES.

BE IT HEREBY ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LONOKE, ARKANSAS:

SECTION 1. DEFINITIONS: The following words and phrases shall have the following meanings for the purpose of this Ordinance:

- a. Animal: Any description of vertebrate, excluding Homo sapiens.
- b. 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.
- c. 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.
- d. Estrus: The sexual excitement, or "heat" of female mammals or the period of this.
- e. Kennel: Any establishment that engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling animals.
- f. License: A current license, certificate or tag issued by the City or its designated representative.
- g. Neutered: Incapable of sexual reproduction.
- h. Nuisance: Any activity by an animal 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.

- i. Owner: Every person, firm, partnership, or corporation owning, keeping or harboring an animal within the corporate limits of the city.
- j. 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.
- k. Vaccination: An injection of any vaccine for rabies approved by the State Veterinarian and administered by a licensed veterinarian.
- l. 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.

SECTION 2. All dogs or cats, four 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.

SECTION 3. An owner of any dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall keep such dog to the owner's premises in a manner which shall be adequate to prevent the animal from running at large. At any time the dog leaves the owner's property without the owner or a responsible person, and properly restrained, 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.

SECTION 4. It shall hereafter be unlawful for any owner to keep within the corporate limits of the City of Lonoke any vicious animal unless muzzled or confined in a pen or tied in such a manner that it cannot bite any licensees or invitees coming upon the premises. Any vicious animal found running at large or trespassing is hereby declared a nuisance and may be impounded pursuant to the provisions of this ordinance by the animal control officer. Further, in any prosecution of an owner or keeper of said animal for trespassing or running at large, the municipal court may, upon conviction entered, order that such animal be humanely destroyed.

SECTION 5. 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.

SECTION 6. 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 of permits for private kennels shall be \$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.

SECTION 7. 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.

SECTION 8. 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 or "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 owners expense for the duration of said condition with possible additional fines imposed.

SECTION 9. 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 (\$5.00) dollars 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.

If the animal carries its owners address, the animal control officer is required to give the owner five (5) days notice of the proposed destruction of the animal by certified mail, return receipt requested, of the date set for the animal's destruction (A.C.A. §14-54-1102). If no one claims such animal, or pays the fees required herein, after the expiration of a seven (7) day period from the time of pick-up, the animal may be destroyed or otherwise disposed of.

SECTION 10. All complaints received by the Animal Control Department of the City of Lonoke or by any other municipal entity shall be reported to the animal control officer and such record shall be retained for a period of twelve (12) months.

All offenses shall be kept of record in the municipal clerk's office for a period of twelve (12) months from the date of the first offense. At the expiration of the twelve month period, if there has been no further violations committed by the animal, the record shall forever be expunged. However, should there be any additional offenses committed by the animal within the first twelve month period, the time period shall always run from the last such offense.

Any person reporting an animal to be in violation of this or any other ordinance, regulation, law or statute shall be required to reveal his name and address. Such information shall be kept of public record and be available for inspection at any reasonable time. An accuser may also be required to sign a sworn statement of fact which may be used as evidence in a court of law. Should an accuser be unwilling to identify himself and give a sworn statement, if necessary, the said accusation shall not be considered valid and shall not be recorded as provided herein.

Any person violating or whose animal violates any section or sections of this ordinance shall be deemed guilty of a misdemeanor, upon conviction, the violator shall be punished

by a fine of twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense and one-hundred dollars (\$100.00) for the third and each subsequent offense. Each day that such violation continues shall be deemed a separate offense. Upon the fourth offense, the animal may be forever removed from the owner. All animals removed under this section will be immediately made available for possession by any person other than the previous owner, upon payment of prescribed licensing fees. All expenses incurred during impoundment will be borne by the owner.

SECTION 11. 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 Municipal Judge, shall designate the offense charged and may require the person so charged to appear before the Lonoke Municipal 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 Arkansas Code Annotated Section 5-4-201 and Section 5-4-401 (the sentence shall not exceed one 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.

SECTION 12. The various provisions and parts of this ordinance are hereby declared to be severable and if any provision or part of this ordinance shall be declared unconstitutional, the same shall not invalidate or affect the remainder of the ordinance.

SECTION 13. All ordinances in conflict herewith are hereby repealed. Whereas the increasing number of animals running at large, vicious and unlicensed animals, the threat of damage to property, and the increasing number of rabies cases affecting the public health and safety of the public, has made this

ordinance necessary for the preservation of the public peace, health and safety, said ordinance shall be in full force after its passage, approval and publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LONOKE, ARKANSAS, ON THIS 10<sup>th</sup> DAY OF June, ~~1995.~~ 1996

James H. McCloud  
MAYOR JAMES H. McLOUD

ATTEST:

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CITY CLERK AND RECORDER