



ORDINANCE NO. 802

AN ORDINANCE REPEALING ORDINANCES NO. 400, 496, 551 AND 679 REGARDING DOGS, INCORPORATING ORDINANCES NO. 557 and 789 AND ENACTING A COMPREHENSIVE ANIMAL CONTROL ORDINANCE; AND OTHER MATTERS.

WHEREAS, The City of Lonoke has several ordinances regulating the care, licensing and keeping of certain animals in the City of Lonoke.

WHEREAS, Ordinance No. 400 established rules and regulations regarding the care and keeping of animals within the City of Lonoke, including rules for handling vicious animals, prohibiting animal cruelty and establishing the standard of care for animals kept within the City limits, among other matters.

WHEREAS, Ordinance No. 496 amended Ordinance No. 400 to further clarify the City of Lonoke ordinances regarding the keeping of vicious animals, among other matters.

WHEREAS, Ordinance No. 551 banned certain specific breeds of dogs and created a framework for handling those breeds of dogs found within the City of Lonoke, among other matters.

WHEREAS, Ordinance No. 557 enacted a fee for animal control services to be collected through monthly water bills.

WHEREAS, Ordinance No. 679 clarified certain rules and regulations with respect to the care and keeping of animals within the City of Lonoke and provided for penalties for the violation of City ordinances regarding such animals, among other matters.

WHEREAS, Ordinance No. 789 created a framework for microchipping and licensing animals in the City of Lonoke, among other matters.

WHEREAS, the Council has determined that the City would be best served by a comprehensive Animal Control law wherein current legislation would be clarified and amended into one cohesive animal control code.

WHEREAS, the Council has also determined that prior breed specific legislation banning certain breeds of dogs without regard to whether those breeds were vicious should be modified to allow for certain breeds to be allowed in the City of Lonoke if the owners comply with required registration, insurance and other requirements of ownership as set forth herein.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Lonoke, Arkansas that the following shall be enacted as the current Animal Control Ordinance for the City of Lonoke, with the previously mentioned Ordinances repealed to the extent they conflict with this Ordinance.

Section 1. Ordinances No. 400, 496, 551 and 679, which have been codified in the Lonoke City Code at 6.04, et seq., shall be repealed. Ordinance No. 789 shall be incorporated as set forth herein.

Section 2: Lonoke City Code 6.04 shall be revised as follows:

Sections:

- 6.04.01 Definitions
- 6.04.02 Vaccination and City Licensing
- 6.04.02.01 Microchipping
- 6.04.03 Animals at large
- 6.04.04 Vicious animals
- 6.04.05 Animal fighting
- 6.04.06 Potentially Dangerous Breed
- 6.04.07 Decision of Animal Control Officer
- 6.04.08 Humane treatment
- 6.04.09 Kennels
- 6.04.10 Rabies
- 6.04.11 Nuisance
- 6.04.12 Impoundment
- 6.04.12.01 Abandonment
- 6.04.13 Fines
- 6.04.14 Enforcement
- 6.04.15 Animal control fees

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.

6.04.02 Vaccination and City Licensing. All dogs or cats four months or older and being kept within the corporate limits of this City must be licensed by the City of Lonoke annually. Prior to licensing, all animals required to do so by state code shall be vaccinated against rabies. Upon presentation of a complete rabies vaccination certificate from a licensed veterinarian, and payment of the necessary license fee to the City of Lonoke, it shall be the duty of the City of Lonoke Animal Control to furnish the owner of the animal with a metal city license 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 of Lonoke at additional cost to the owner. City tags are not transferable from one animal to another.

A. If a dog or cat is implanted with a registered microchip, yearly registration tags from the City of Lonoke are no longer required; however, all periodic rabies shots

must still be obtained and maintained as current.

1. If a dog or cat is microchipped by others, owners must provide proof to the City of Lonoke Animal Control that the microchip has been registered to the owners' correct addresses and phone numbers before city license tags are no longer required for said animal.

B. From the date of the passage of this ordinance and forward, the City shall charge a \$10.00 yearly licensing fee for dogs and cats. Dogs or cats with a registered microchip are exempt from the yearly licensing fee.

6.04.02.01 Microchipping.

I. General.

A. Except as provided in this subdivision, the City of Lonoke Animal Control shall not release a dog or cat to an owner seeking to reclaim it, or adopt out a dog or cat to a new owner, unless one of the following conditions is met:

1. The dog or cat is currently microchipped with current contact information on the owner reclaiming the dog or cat or new owner receiving the dog or cat, as applicable. All applicable requirements for the release of the animal, including but not limited to payment of reclaim/adoption fees must be satisfied.

2. When an impounded dog or cat does not have microchip identification, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment of reclaim/adoption fees, the owner shall have the dog or cat implanted with a registered microchip by the City of Lonoke Animal Control or by a veterinarian (or other person qualified to implant microchips in cats or dogs) selected by the owner.

3. The cost of microchipping and registering shall be borne by the new owner or owner reclaiming the dog or cat.

4. If a dog or cat is microchipped by others, owners must provide proof to the City of Lonoke Animal Control that the microchip has been registered to their correct address and phone numbers before tags are no longer required for said animal.

5. If the owner of a reclaimed dog or cat chooses to not have the animal microchipped, the owner must purchase a current license tag from the City of Lonoke before the animal may be released.

B. Any resident of the City of Lonoke may have their dog or cat implanted with a registered microchip by the City of Lonoke Animal Control.

II Cost and Proof of Microchipping.

A. The City of Lonoke shall charge \$25.00 to microchip the dog or cat.

1. If the owner changes addresses or phone numbers within two (2) years of microchipping by the City of Lonoke Animal Control, this information may be updated at the City of Lonoke Animal Control at no charge. Additional fees to update the address or phone number with the microchipping database company may apply, for which the owner is responsible. A \$5.00 fee will be charged after two (2) years.

B. If the owner elects to have the dog or cat microchipped by others, the following conditions must be met:

1. The owner must provide proof of microchipping within ten (10) days of reclaim/adoption and also proof that the dog's or cat's microchip number is registered with a microchip registry company.

2. All costs of microchipping and registration shall be borne by the new owner or owner reclaiming the dog or cat.

III. Exceptions.

A. The City of Lonoke Animal Control Officer may make an exception to the microchipping requirement for a dog or cat with a high likelihood of suffering serious bodily injury if implanted with the microchip identification due to the health conditions of the animal. To qualify for such an exception, the owner must obtain written confirmation of that fact from a licensed veterinarian. If the dog or cat can be safely implanted with an identifying microchip at a later date, that date must be stated in the written confirmation.

B. Microchipping of a dog or cat under the age of four months may be delayed until the dog or cat is four months old. The dog or cat may be returned to the City of Lonoke Animal Control for microchipping at that age at the costs set forth herein, or the owner may elect to have the dog or cat microchipped by others. The owner must provide proof of microchipping and registration. Violations of this provision are subject to the fines stated in Section 5.

IV. Penalties and Fines.

If proof of microchipping is not provided to the City of Lonoke Animal Control within ten (10) days, the owner may be subject to any or all of the following penalties:

A. The City of Lonoke Animal Control may reclaim the dog or cat to microchip the animal with all costs of the reclaiming and microchipping to be borne by the owner. This may include any additional reclaiming fees.

B. The City of Lonoke Animal Control may reclaim an adopted dog or cat to be adopted by others if the owner refuses to have the animal microchipped.

C. Violation of this section is subject to a fine of Fifty Dollars (\$50).

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.

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.

A. Deeming an animal vicious. After investigating an incident involving the possibility of an animal exhibiting fierce or vicious behavior, 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 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 above as being vicious. Upon deeming an animal vicious, the City Officer shall notify the owner that the animal has been deemed vicious by hand delivering or by mailing a notice by certified mail to the owner. After deeming an animal vicious, 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.

B. Right to appeal decision to deem the animal vicious. If any owner of an animal who has received notice that his or her animal has been deemed vicious 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;

2. The owner signs an affidavit, suitable to the Mayor, acknowledging that the animal is vicious, that the owner is not appealing the decision deeming the animal

vicious, and that the owner will remove the animal from the corporate limits of the City within ten (10) days of the execution of the affidavit;

3. The owner signs an affidavit, suitable to the Mayor, acknowledging that the owner is appealing the decision that the animal is vicious, 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 is upheld or not otherwise overturned the owner will remove the animal within ten (10) days of the final determination on appeal that the animal is vicious or within ten (10) days of the last day to file an appeal of the decision has passed without such appeal being taken; or

4. The owner agrees to confine the dog indoors or by means of a secure enclosure with a covered or secured top and a secured bottom when outdoors and unattended that is of adequate height and construction to prevent the dog's escape. The owner must also post signs that a vicious animal is present at the property every 20 feet around the perimeter of the property. Such outdoor enclosures must be inspected and approved by the Animal Control Officer before the vicious dog may be kept at the owner's property. Vicious dogs shall not be confined only by means of an electronic containment device, or invisible fence; rather, they must also be contained in an enclosure as described herein. When outside of an area of confinement, a vicious dog must be restrained by means of a secure leash held by an adult who has the ability to control the dog, as well as a muzzle. Failure to abide by these regulations regarding a vicious dog may result in the dog being confiscated and potentially destroyed by the Animal Control department as set forth herein.

5. Insurance. The owner of an animal deemed vicious who elects to retain the animal must provide documentary proof from an insurance company, licensed to do business in the State of Arkansas, of liability coverage of not less than \$300,000.00.

D. Failure to retrieve impounded animal. If a final determination has been made as to whether or not the animal is vicious, 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 ten (10) days. If the owner of the animal fails to retrieve the animal within ten (10) days the animal shall be humanely destroyed if it has been deemed vicious or shall be put up for adoption if the animal has not been deemed vicious.

E. Regulation of vicious animals. Once a final determination that an animal has been deemed vicious after all appeals have been exhausted or otherwise expired the owner shall within ten (10) days from the date of the final determination that an animal is vicious 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 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 of this ordinance. 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.

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.

6.04.06 Potentially Dangerous Breed.

A. General.

1. There shall be a recognized category of dogs designated as a potentially dangerous breed.

2. It shall be unlawful for any person to keep within the city limits any potentially dangerous breed, except in compliance with the provisions of this section.

3. The following breeds of dogs, or any mix of the following breeds of dogs, or any dog displaying the majority of the physical traits of any one or more of the following breeds of dogs, more so than any other breed of dogs, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the following breeds, to wit:

- a. American pit bull terrier;
- b. American Staffordshire terrier;
- c. Staffordshire bull terrier;
- d. Any other breed that is so declared by ordinance.

4. For purposes of this section an "owner" is defined as any person who owns, keeps, exercises control over, maintains, or harbors a potentially dangerous breed.

5. Notwithstanding the special provisions set forth below as to keeping a potentially dangerous breed within the city limits:

a. Any such animal is also subject to the provisions for designation as a dangerous dog or as a vicious dog.

b. Any such animal declared to be a vicious dog shall be subject to section 6.04.04 of this chapter.

c. The City's animal control division may temporarily harbor and transport any potentially dangerous breed for purposes of enforcing the provisions of this section.

d. An owner may transport into the city limits a potentially dangerous breed for the purpose of transporting the dog to a veterinarian or groomer for care, or to participate in a contest or show sponsored by the American Kennel Club or the United Kennel Club.

B. Permit required.

1. Permit. A potentially dangerous breed may be kept within the City limits only so long as the registered owner or custodian complies with the requirements and conditions of the potentially dangerous breed permit.

2. Permit fee. The owner or custodian shall pay an annual permit fee of Fifty Dollars (\$50), in addition to all other required fees, for each year that a potentially dangerous breed is kept within the city limits.

3. Permit tag. The owner of a potentially dangerous breed permit will receive an annual tag upon payment of the annual permit fee. The dog must wear the tag on its collar at all times.

C. Registration requirements. The owner of any potentially dangerous breed shall be allowed to keep such dog within the city limits only if the owner applies for registration of the dog with the City's animal control division on an annual basis and obtains a potentially dangerous breed permit and a window sticker announcing that a potentially dangerous breed of dog resides in the home. As a condition of registration, the owner shall at the time of application provide sufficient evidence that the owner is in compliance with all of the following requirements:

1. Rabies vaccination. The dog must be vaccinated against rabies by a licensed veterinarian as required by state statutes.

2. Microchip. The dog must be identified by means of a registered microchip that is injected under its skin by Lonoke Animal Control or a licensed veterinarian and maintained as long as the animal is kept within the city limits. Microchip registration information must be provided to Lonoke Animal Control if implanted by others.

3. Photo. The owner must bring their potentially dangerous breed to the City's animal shelter to have its photo taken with the owner.

4. Sterilized. The owner must provide documentary proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply if:

a. Lonoke Animal Control receives a letter from the owner's veterinarian stating that the dog is physically unable to reproduce or that the dog is medically compromised to the extent that it cannot be safely sterilized;

b. The potentially dangerous breed is a registered AKC or UKC show dog with points or with documentation of training for show purposes can be provided to the Animal Control.

5. Insurance. The owner must provide documentary proof from an insurance company, licensed to do business in the State of Arkansas, of liability coverage of not less than \$300,000.00.

D. Permit conditions.

1. Place of confinement. A potentially dangerous breed must reside at the owner's residence or place of business.

2. Window sticker. An annual window sticker, provided at the time of registration, must be posted on the owner's property, visible from the street to indicate that a potentially dangerous breed resides on the property.

3. Confinement. A potentially dangerous dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape. Potentially dangerous dogs shall not be confined by means of an electronic containment device, or invisible fence. When outside of an area of confinement, a potentially dangerous breed must be restrained by means of a secure leash held by an adult who has the ability to control the dog.

4. No transfer of permit. A potentially dangerous breed permit shall not transfer to a new owner residing in the city limits. The new owner must meet all registration requirements within ten (10) days of acquiring the dog.

5. Relocation reported. The owner of a potentially dangerous breed may relocate the dog to the owner's new City residence if the owner contacts animal control prior to the relocation in order to report the new address and obtain a new window sticker. The new window sticker must be posted at the new residence within ten (10) days of the move.

6. Maximum number. The number of potentially dangerous breed dogs kept, maintained or harbored at one residence shall not exceed two.

E. Breed designation appeals. The owner of a dog that has been identified as a potentially dangerous breed under this section shall have the right to an administrative

appeal of the breed designation to the director of animal control. This appeal will require a DNA test to be administered by a licensed veterinarian along with a veterinarian statement of authenticity of the results upon receipt of the DNA test results.

F. Compliance period. Within ten (10) days after acquiring a potentially dangerous breed, or after moving to the City with a potentially dangerous breed, or after a potentially dangerous breed designation has been affirmed on appeal, or after noncompliance under this section has been brought to the attention of animal control, the owner of a potentially dangerous breed must register their dog and comply with all potentially dangerous breed regulations.

G. Enforcement.

1. Potentially dangerous breed regulation violations. Failure to comply with any potentially dangerous breed registration requirement or permit condition within the allotted 14-day time period shall constitute a violation of this chapter and may result in the issuance of a citation under section 6.04.04 and a warrant to seize the owner's dog if it is not removed from the city limits pending adjudication of the citation.

2. Non-cruelty violations. Permits to keep a potentially dangerous breed within the City may be revoked by the animal control division upon the owner's second plea of guilty, plea of no contest, or conviction for violation of the City's non-cruelty animal code provisions. If the permit(s) is revoked, a warrant to seize the potentially dangerous breed may be served on the owner if the dog is not removed from the city limits. In addition, the owner shall lose their right to register any potentially dangerous breed within the City for a period of two years.

3. Cruelty violations. Upon a plea of guilty, plea of no contest, or conviction for any animal cruelty charge, the owner of a potentially dangerous breed shall lose their potentially dangerous breed permit(s) and shall lose their right to register any potentially dangerous breed within the City for a period of ten years. A warrant may be obtained to seize the owner's potentially dangerous breed dog(s) pending adjudication of the cruelty violation citation. Upon plea of guilty, plea of no contest, or conviction for animal cruelty and revocation of the potentially dangerous breed permit, the owner's potentially dangerous breed dog(s) must be removed from the city limits or surrendered to the City's animal services division.

H. Adoption.

1. Potentially dangerous breeds may be adopted out through the City animal shelter to citizens within the City subject to the permit and licensing requirements set forth in this section.

3. Potentially dangerous breeds may be adopted out through the City animal shelter to citizens outside the corporate city limits to areas where there are no restrictions to their breed.

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 herein, including a determination as to whether an animal is deemed to be a potentially vicious breed of dog, 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.

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;
- 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; or
- 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 Arkansas Code Annotated 5-62-106.

6.04.09 Kennels. No person shall operate a kennel or private kennel without first obtaining a permit from the City Clerk. A kennel is an establishment for the selling of animals or animal breeding services and a private kennel is 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.

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.

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

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 five (5) days during which time the owner of said animal may regain possession of the animal by paying the City of Lonoke a Twenty-Five Dollar (\$25.00) reclaim fee and/or fines as prescribed within this ordinance and an impound fee of Ten Dollars (\$10.00) 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 five (5) days 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 five (5) day period, the Animal Control Officer may deliver custody and possession of such animal to any person other than the owner upon payment of a Twenty-Five Dollar (\$25.00) 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.

If the owner's address is available on the animal's collar, microchip or other identifying means, 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 five (5) day period from the time of pick-up, the animal may be destroyed or otherwise disposed of.

6.04.12.01 Abandonment. The City of Lonoke Animal Shelter may not accept any animal from outside the city limits of Lonoke. A resident within the city limits of Lonoke may abandon an animal to the Lonoke Animal Shelter under the following conditions:

A. The owner is a resident within the City Limits of Lonoke and can provide identification showing proof of residence within the City.

B. The owner pays the required Twenty-five Dollar (\$25.00) abandonment fee and/or any additional fines or fees as prescribed within this ordinance.

Any abandonment or dumping of an animal within the city limits of Lonoke in violation of this ordinance shall be considered cruelty to animals and punishable as such.

6.04.13 Fines 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 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 One Hundred Dollars (\$100.00) for the first offense; Three Hundred Dollars (\$300.00) for the second offense and Five Hundred Dollars (\$500.00) 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.

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 by law.

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. When lending out traps and other equipment to private persons for the purpose of preventing nuisances from animals at large, the Animal Control Officer shall charge a deposit of \$40, which shall be returned to the person if the trap is returned to the City of Lonoke in as good of condition as it was when loaned to that private person..

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 on 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.

ADOPTED AND APPROVED this ____ day of November, 2022.

Henry F. "Trae" Reed, Mayor

ATTEST:

Clerk