

ORDINANCE NO. 679

AN ORDINANCE CLARIFYING CERTAIN RULES AND REGULATIONS WITH RESPECT TO THE CARE AND KEEPING OF ANIMALS WITHIN THE CITY OF LONOKE, PROVIDING FOR PENALTIES FOR VIOLATION AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONOKE,

ARKANSAS:

WHEREAS, in 1990, the City of Lonoke has passed several Ordinances including numbers 400, 496, and 551, that regulate the keeping of animals in the City of Lonoke.

WHEREAS, those Ordinances contain conflicting and potentially confusing language that adversely affect the ability of the City to enforce those Ordinances.

WHEREAS, the City Council for the City of Lonoke desires to clarify and revise some of the provisions contained in those ordinances.

NOW, THEREFORE, the City Council for the City of Lonoke adopts the following.

Section 1: Notice requirements.

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:

- (1) Immediately when hand delivered to the owner or to the address where the animal is or was being kept;
- (2) 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

(3) 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.

Section 2: Conflicting time requirements.

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.

Section 3: Definition of 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.

Section 4: Notice periods and Impoundment.

The Ordinances adopted by the City provide varying lengths of notice and impoundment for animals. To clarify the required notice periods and impoundment periods, the following shall apply:

(1) 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.

The final paragraph of Ordinance 400, Section 9 shall be further amended to state:

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.

Section 5: Immediate destruction in exceptional circumstances.

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.

Section 6: Banned breeds.

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.

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.

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.

Section 7: Recordkeeping.

Ordinance 400, Section 10 is amended to allow for better recordkeeping as it relates to animal control. Section 10 is deleted in its entirety and the following is substituted therefor:

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.

Section 7: Fines and penalties.

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.

EMERGENCY CLAUSE: This Ordinance being necessary for the immediate protection of the public health, safety, and welfare, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the passage

hereof.

PASSED this 12th day of January, 2015.

ATTEST:

Regina Abbotson
Regina Abbotson

APPROVED:

Wayne McGee
Wayne McGee, Mayor