

ORDINANCE NO. 1459

AN ORDINANCE TO BE ENTITLED: "ANIMAL
CONTROL ORDINANCE FOR THE CITY OF HOPE,
ARKANSAS"

SECTION I: DEFINITIONS

The following words and phrases have the following meanings for the purpose of this Code:

(A) Animal: Means any description of a vertebrate creature, domestic or wild, excluding homo sapiens.

(B) Animal Control Authority: The officers and employees of the City of Hope Animal Control Department.

(C) Animal Shelter: Any facility designated by the city for the purpose of impounding and caring for animals held under the authority of this Code including, but not limited to the City of Hope Animal Shelter, any designated humane organization's shelter, or any foster home approved by the animal control authority.

(D) At large: Any animal is at large when off the premises of the owner and not under control of a responsible person.

(E) 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 to keep it from trespassing upon another person's property, or is confined in an automobile when away from the premises of the owner.

(F) Cruelty to animals: A person commits the offense of cruelty to animals if, except as authorized by law, he knowingly:

- (1) Abandons any animal;
- (2) Subjects any animal to cruel treatment;
- (3) Subjects any animal in his custody to cruel neglect;
- (4) Kills or injures any animal belonging to another without legal privilege or consent of the owner.

(G) Dangerous dog: Means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is dangerous.

(H) Disabled: Means a person unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment, which is of indefinite duration.

(I) Enclosure: Means a fence or structure from which an animal cannot readily escape and into which children cannot easily trespass.

(J) Humane Care: Care of an animal to include, but not be limited to, adequate living space, heat, ventilation, sanitary shelter with at least three sides and a top, and wholesome food and water, consistent with the normal requirements and breeding habits of the animal's size, species and breed.

(K) Impounded: Means taken into the custody of the animal control authority.

(L) Kennel: Means any premises wherein any person engages in a commercial business, open to the public, of boarding or possessing any dog, cat, pet or animal (except livestock), or breeding, grooming, cleaning, buying, training, or selling dogs or cats, but excluding veterinary clinics, animal shelters, and businesses with four or less animals at any given time.

(M) Licensing authority: The animal control authority or any designated representative thereof, including licensed veterinarians, or humane organizations charged with administering certificates and licenses under the provisions of section II of this ordinance.

(N) Livestock: Any farm animal kept or raised for agriculture purposes or farm animals kept for pleasure. Livestock includes, but is not limited to, the following: domestic horses, asses/donkeys, cattle, sheep, goats, swine, poultry, rabbits, ducks, doves and pigeons.

(O) Owner: Every person, firm, partnership or corporation, owning, keeping, harboring, or having custody of a dog, cat, livestock, or other animal within the corporate limits of the city.

(P) Neutered: Incapable of sexual reproduction. Including spayed females and castrated males or any animal, which has been operated upon to prevent conception.

(Q) Secure pen: Means a pen with sound sides, bottom and top in order to prevent an animal from escaping by climbing, jumping or digging. When a dangerous animal is present a secure pen must be locked to prevent the entry of young children and the pen must be within a reasonable distance of a sign conspicuously warning of the presence of a dangerous dog in the pen.

(R) Severe injury: Means any physical injury to a human being that results in muscle tears or disfiguring lacerations or necessitates corrective or cosmetic surgery.

(S) Trolley System: Means a tether attached to a cable that is fixed to two permanent points for the purpose of confining a dog. The cable must provide a minimum of a 10 foot run whereby the tether can slide along the cable for a minimum of 10 feet. The tether must contain a swivel on at least one end to prevent entanglement, be of adequate strength to restrain the dog, and may not be too heavy for the dog's size. The tether must be of adequate length to prevent choking, allow adequate safe movement for the dog, and allow the dog access to food, water and shelter.

(T) Vaccination: An injection of any vaccine for rabies approved by the state veterinarian and administered by a licensed veterinarian.

(U) Wild Animals: Any non-human primate, raccoon, skunk, fox, wolf, coyote, poisonous or non poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state, or the offspring borne to wild animals bred with domestic dogs and cats.

SECTION II: LICENSING AND VACCINATION.

A. General Provisions:

(1) No person shall own, keep, harbor or have custody of any dog within the city limits unless such animal is licensed and vaccinated as herein provided.

(2) The licensing authority shall maintain a record of the identifying number, animal description and owner for all certificates and licenses issued, and make such records available to the animal control authority.

(3) There shall be a four (4) dog limit per household.

(4) The provisions of this section shall not apply to livestock, rodents or the keeping of small caged birds or aquatic and amphibian animals solely as pets or to kennels having proper city permits.

B. Rabies Vaccination:

(1) All dogs, cats (dogs and cats required by A.C.A. 20-19-202), and ferrets over the age of four (4) months shall be vaccinated against rabies once each year by a licensed veterinarian who will issue to the owner a durable metal tag and a certificate of vaccination approved by the animal control authority. Tags must be attached to the collar or harness of the animal and be worn at all times unless a properly implanted, registered microchip is present in said animal. Tags are not transferable from one animal to another.

(2) The animal control authority may adopt such other rabies control regulations as they deem necessary for the protection of the public health and safety.

C. Dog Licenses:

(1) Scope of application.

(a) It shall be unlawful for any person, firm, or corporation to own, keep, harbor, or have custody of any dog over four months of age within the city limits unless such animal is licensed as provided in this section.

(b) Application for licenses must be made within 30 days after obtaining a dog over four (4) months of age, except that this requirement will not apply to a nonresident owner who keeps a dog within the municipality for no longer than sixty (60) days.

(c) Dogs held under a kennel permit of the city shall be licensed upon retail sale.

(2) License procedures.

(a) Application for licenses shall be made to the licensing authority. Applications shall include the name and address of the applicant, a description of the animal, the appropriate fee, the rabies certificate number issued by a licensed veterinarian or anti-rabies clinic, a spay or neuter certificate, if applicable, signed by a veterinarian, and such other information as the administrator may reasonably require to effectuate the purposes of this chapter.

(b) The licensing authority shall register each dog and cat that received a rabies vaccination.

(c) Annual license fees shall be in addition to any charge for rabies vaccination. License fees shall be paid as follows:

- i. for each un-neutered animal \$ 7.00
- ii. for each neutered animal \$ 3.00

(d) License fees required by this section shall be due and payable as soon as the dog attains four (4) months of age, at the same time such animal attains a rabies vaccination, and shall be valid for a period of one year.

(e) Upon payment of fees the licensing authority shall issue a sturdy metal tag of distinctive design, stamped with an identifying number and the year of issuance.

(f) Every animal covered by this article must wear both rabies and city tags fastened or riveted to their collar or harness or have a properly implanted, registered microchip present in said animal. Any failure to keep such tags on the animal's collar or harness shall be unlawful unless a registered microchip is present.

(g) No person shall transfer an identification tag from any animal to another.

(h) No person shall counterfeit or forge any certificate, permit or identification tag, or make any misrepresentation to obtain the same.

(i) No person shall remove an identification tag from an animal for the purpose of destroying or concealing the owner's or pet's identity.

(j) Persons 62 years old or older, terminally ill or disabled, may own two licensed animals without any fee, provided that the following criteria are met:

i. Proof that the animal has been previously spayed or neutered;

ii. Proof that the animal has a current rabies vaccination;

iii. Proof of owner's age, illness or disability.

iv. License fees shall be waived only for spayed or neutered animals. No individual may apply for, be issued or possess more than two waived-fee licenses at any given time, and no more than two waived-fee licenses per household.

(k) The waived-fee license shall automatically expire upon any change in ownership of the animal.

(l) Licensing fees shall be waived for dogs serving the blind, deaf, government, or other special needs recognized by the Animal Control Authority. All other licensing and vaccination provisions shall apply.

(m) The licensing authority shall maintain a record of all certificates and licenses issued, and provide such records monthly to the animal control authority.

(n) A duplicate license may be obtained upon payment of a \$3.00 replacement fee.

SECTION III: KENNELS.

A. Annual Permit(s):

(1) No person shall operate a kennel except in compliance with this chapter after obtaining an annual permit from the animal control authority as required in this section. Prior to issuing an annual permit, a fee of \$25 must be paid to the City of Hope. Permits must be issued prior to opening a kennel.

(2) Upon receipt of a completed permit application, and at reasonable intervals thereafter, the animal control authority 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 all provisions of this section. It is a condition of the issuance of any permit or license that the animal control authority shall be permitted to inspect all animals and the premises where animals are kept at any reasonable time and, if permission for such inspection is refused, the permit or license of the refusing owner may be revoked.

(3) Upon a showing by an applicant of capability to comply with the regulations as outlined in this section, a permit shall be issued. If a permit is not granted, the animal control authority shall notify the applicant in writing of the reason for denial.

(4) Every business or premises regulated by this section shall be considered a separate enterprise requiring a separate permit.

(5) If the applicant has withheld or falsified any material information on the application, the administrator shall not issue or shall revoke the permit or license.

(6) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a kennel or animal shelter.

(7) No person denied a license or permit may reapply for a period of 90 days.

B. Revocation of Permit(s).

(1) The animal control authority may by reasonable process revoke any permit or license if the person holding the permit refuses or fails to comply with this ordinance, or with any other law or regulation governing the protection and keeping of animals, or refuses to allow inspection of the animal and its living conditions, including its premises or pen.

(2) Any person whose permit or license is revoked shall, within thirty days thereafter, humanely dispose of all animals owned, kept or harbored by such person.

(3) Whenever a permit or license is revoked for cause, or pending any revocation proceedings based upon probable cause of a violation, the animal control authority may impound the animal(s).

C. Standards For Kennels

(1) Pens or enclosures must provide adequate protection against weather extremes. Floors and walls of buildings, runs, pens, and cages shall be constructed so as to permit proper cleaning and disinfecting where reasonably determined by the animal control authority to be necessary to the health of the animal or to public health.

(2) Building temperature and ventilation shall be maintained at appropriate levels to ensure the health and safety of all animals confined.

(3) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.

(4) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.

(5) Each animal's food shall be free from contamination, wholesome, palatable and of quantity and nutritive value sufficient to meet the normal daily requirements for the condition and size of the animal.

(6) All animals shall have fresh water available at all times.

SECTION IV: RESTRAINT OF ANIMALS.

A. Maintenance of Premises and Disturbing Noises:

An 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 from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion that noise emanating there from shall not be disturbing to such persons.

B. Restraint in Transit:

It shall be unlawful for any person to transport, by any means of conveyance, an animal, unless the animal is confined or restrained in such a manner as to prohibit such animal from leaving the conveyance while in a public place or upon the public streets. If the animal is tethered, it shall be done in a manner as to prevent such animal from exiting the vehicle and from causing harm to said animal or persons. The intent of this section is to ensure that an animal in transit is humanely and adequately restrained within the confines of the transporting vehicle.

C. Confinement:

(1) It shall be the duty of any owner, keeper, harborer, or anyone having custody of any dog within the city limits to confine such dog within their property, fence, enclosure, house, garage, or building unless the dog is under the leashed control of a responsible handler.

(2) Owners choosing to confine their dog by means of a pen type enclosure must adhere to the following minimum space requirements:

- a. Dogs under 40 pounds require a minimum pen size of 10' by 6'.
- b. Dogs 40 pounds or over require a minimum pen size of 10' by 10'.
- c. For each additional dog increase the pen size by half of the total area.

(3) No dog may be chained or staked to a fixed point. Dogs may be restrained by a trolley system (see definition section). Trolley kits may be purchased at pet or discount stores. Individual parts may be purchased at hardware stores. Only one dog may be tethered to each cable. The tether must be attached to a properly fitting collar. There must be a swivel on at least one end of the tether to prevent entanglement. The tether must be of adequate strength to restrain the dog and an adequate length to provide proper mobility for the dog. The tether must weigh no more than 1/8 of the dog's body weight.

The cable run must be at least 10 feet long and mounted from 4-7 feet off the ground. The trolley must keep the dog on the property where the dog is legally tethered and be configured to prevent the dog from jumping a fence or becoming entangled with other objects. The trolley must be configured to allow the dog access to the maximum available exercise area as well as access to water, food, and shelter.

(4) No dog may run at large upon the streets, sidewalks, alleys, parks or other public places in the City.

(5) Enclosures must be of adequate construction and size to maintain animals requiring confinement in order to ensure the humane treatment of any confined animals. Enclosures must meet minimum space requirements as well as any other regulation as established by this ordinance or established by the Animal Control Authority.

(6) Every female dog in estrus shall be kept confined in a secure pen, or within a house, garage or other building or in a veterinary clinic in such a manner that such female dog cannot come into contact with another dog except for intentional breeding purposes.

(7) No cat may run at large upon the streets, sidewalks, alleys, parks or other public places in the City unless the cat has been vaccinated for rabies.

SECTION V: DANGEROUS DOGS

A. Exclusions.

This section does not apply to any dog:

(1) Utilized by any law enforcement agency in the performance of work; or

(2) Causing injury or death to a domestic animal while working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper and the injury or death was to a species or type of domestic animal appropriate to the work of the dog; or

(3) Injuring or attacking a person who, at the time of the injury or attack, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime; or

(4) Protecting or defending a person within the immediate vicinity of the dog from an unjustified attack, assault, or other wrongful behavior; or

(5) Causing injury or harm to a domestic animal which at the time of the injury or damage, was tormenting, abusing, or assaulting the dog; or

(6) Reacting to pain or injury, or was protecting itself, its kennel or its offspring.

(7) If the person or domestic animal was disturbing the dog's natural functions such as eating or sleeping.

(8) Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."

B. Prohibited Act

It shall be unlawful for any person to keep, harbor, or maintain any dog within the city limits of Hope, Arkansas, when that person knows or should have known the dog to be a dangerous dog unless the dog is in a secure pen or an enclosed structure so as to prevent contact with animals and other human beings, or when not in an enclosed structure or secure pen the dog is muzzled and restrained on a substantial leash of not more than four feet under the control of a responsible individual at least 18 years of age. The muzzle must be constructed so that it will prevent the dog from biting any person or domestic animal while not injuring the dog or interfering with the vision or respiration of the dog.

C. Determination

(1) If probable cause exists to believe that a dangerous dog is kept, harbored, or maintained in a manner inconsistent with this ordinance, the animal control authority may seize such dog and issue the owner, keeper, harborer, or person having custody of the dog a citation for violation of this ordinance. An available court date will be issued for the person cited and a mandatory appearance will be required before the Hempstead County District Court. At this time the Offender may plead guilty or not guilty to the offense charged. If the Offender pleads not guilty a trial date will be set. Despite the disposition of the cited person's case, the Animal Control Authority, upon concurrence with the City Attorney, may verbally or by affidavit petition the Court for a hearing to determine if the dog is a dangerous dog. Any complaint received from a member of the public, which serves as a basis for the animal control authority to determine probable cause

shall be sworn to and verified by the complainant and shall be attached to the petition.

(2) The animal control authority will make reasonable efforts to locate and notify the owner, harbinger, or keeper, if known, of a dog impounded pursuant to this ordinance. Notice of any court hearing and copy of any petition will be made in person or by certified mail at least ten (10) working days prior to the hearing, and documented in the case file, if the owner, keeper, or harbinger is known.

(3) Unclaimed dogs. If any dog is impounded pursuant to this chapter and its owner cannot be identified within five (5) working days, the dog may be put up for adoption or humanely euthanized.

(4) The hearing. If the court, based upon evidence, finds that the dog is dangerous, it may make orders authorized by this chapter.

(5) Orders. After the hearing conducted pursuant to this Section, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first class mail. If a determination is made that the dog is dangerous, the owner or keeper shall comply with the orders in accordance with a reasonable time schedule established by the court.

(6) Appeal. The owner or keeper of the dog may challenge the determination and order within thirty (30) business days of receipt of the notice of determination by appealing the decision of the court to a court authorized to hear the appeal or such orders, pursuant to such rules and procedures for appeals.

(7) Breed-specific determinations. No determination of a dangerous dog shall be based in whole or in part on the breed of the dog or the dog's physical characteristics.

D. Impoundment.

(1) If, upon investigation, the animal control authority determines that probable cause exists that a dog poses an immediate and irreparable threat to public safety, the animal control authority may seize and impound the dog pending a hearing pursuant to this article. The owner or keeper of the dog shall be liable for the costs and expenses incurred by the Animal Control Authority for keeping the dog if the dog is later adjudicated a dangerous dog.

(2) When a dog has been impounded and it is not contrary to public safety, the animal control authority may permit the animal to be confined at the owner's expense, in a department-approved kennel or veterinary facility or at the owner's home with reasonable conditions pending the hearing.

E. Disposition of Dangerous Dogs, and Conditions Placed on Owners and Keepers of Dangerous Dogs.

(1) If a court of competent jurisdiction determines by evidence that a dog is a dangerous dog and finds that the release of the dog would create a significant threat to the public health, safety, and welfare, the court may authorize the animal control authority to humanely destroy said dog.

(2) The owner of any dog adjudicated to be a dangerous dog, but not ordered destroyed, shall be required to implement the following conditions:

- a. Keep the dog securely confined indoors or in a secure pen from which the dog cannot escape. The confinement must be capable of preventing the dog from coming into contact with persons or other animals while on the property of its owner or keeper. The confinement must prevent accidental entry by young children or other persons. Pens are subject to minimum spacing requirements established in this code and must have secure sides and a secure top. The pen must be constructed to prevent digging or burrowing underneath.

- b. When not on the property of its owner, the dog shall be muzzled and restrained on a substantial leash of not more than four feet under the control of a responsible individual at least 18 years of age. The muzzle must be constructed so that it will prevent the dog from biting any person or domestic animal while not injuring the dog or interfering with the vision or respiration of the dog.
- c. The dog shall at all times wear a substantial collar or halter and shall have attached to the collar or halter a metal disk or tag bearing the owner's name, address and telephone number.
- d. The owner shall conspicuously display a sign(s) on his or her premises stating "Warning, Dangerous Dog on Property." The sign(s) and wording displayed shall be visible from the public roadway or thoroughfare.
- e. The court may impose additional reasonable conditions upon the owner or keeper of the dog that protect the public health, safety and welfare.

(3) Appeal. The owner or keeper of the dog may challenge the finding or order of the court within thirty (30) business days by appealing the decision of the court to a court authorized to hear the appeal or such orders, pursuant to such rules and procedures for appeals.

(4) If a dangerous dog dies, or is sold, transferred, or permanently removed from the locality where the owner or keeper resides, or the owner or keeper changes residence while maintaining possession of the dog, the owner or keeper shall notify the animal control department of the changed condition and new location of the dog in writing within five (5) working days of the change in location of the dog.

(5) If the dangerous dog escapes its enclosure, the owner or keeper shall immediately notify the animal control authority and begin a search for the dog.

F. Miscellaneous

(1) Nothing in this chapter shall limit or abrogate any claim or cause of action any person may have under common law or statute relating to injuries or damages resulting from a dog. The provisions of this chapter shall be in addition to such common law and statutory remedies.

(2) Nothing in this chapter shall limit or abrogate any common law defenses, rights, privileges, or justifications available under applicable law to any owner or keeper of a dog.

(3) Unclaimed dogs. The animal control authority shall make reasonable efforts to determine the identity of the owner or keeper of any dog. If any dog is impounded pursuant to this chapter and its owner cannot be identified within five (5) working days, the dog may be put up for adoption or humanely euthanized.

SECTION VI: CRUELTY TO ANIMALS

A. Prohibited treatment; removal of mistreated animals; payment of expenses.

(1) It shall be unlawful for any person to:

(a) Overdrive, overload, overwork, torture, beat, mutilate, 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 an animal to be kept in unsanitary conditions;

(g) Keep or confine an animal in other than a humane manner.

(2) The animal control authority may remove any animal kept or confined in other than a humane manner and may impound such animal pursuant to the provisions of this Ordinance.

B. Diseased or injured animals.

(1) It shall be unlawful for any person to knowingly keep:

(a) Any injured animal without providing proper, timely treatment, including treatment by a veterinarian, when appropriate, for such injury.

(b) Any animal infected with a disease which may contaminate other animals and which may be a health hazard.

A person acts "knowingly" when he is aware that such circumstances exist.

(2) Any such untreated, injured or diseased animal shall be immediately treated or, when necessary, humanely destroyed, to prevent unwarranted suffering. The disposition of such animals shall be at the direction of the animal control authority or a licensed veterinarian.

SECTION VII: WILD ANIMALS.

A. Prohibitions.

(1) No person may own, possess or have custody of any wild animal, unless that person obtains a permit from the animal control authority as provided herein.

(2) No person may sponsor, promote or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator in an activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically. This prohibition applies to events and activities taking

place in either public or private facilities or property, and applies regardless of the purpose of the event or activities, irrespective of whether or not a fee is charged to spectators and regardless of whether or not a permit to own, possess or have custody of a wild animal has been issued as provided herein.

B. Jurisdiction.

(1) The animal control authority shall enforce the provisions of this article and is authorized to issue permits for the ownership, possession or custody of wild animals in accordance herewith.

(2) The animal control authority shall make investigations or inspections to determine whether any permit holder has violated any provisions hereof or any regulation issued hereunder, and for such purposes the animal control authority shall, at all reasonable times, have access to all facilities where wild animals are held pursuant to permits issued hereunder. The animal control authority is specifically authorized and directed to make random unannounced inspections of such facilities at any reasonable time.

(3) The Board of Directors of the City of Hope shall adopt rules and regulations prescribing standards for the humane handling, care, treatment and transportation of wild animals, including the standards by which the animal control authority shall determine whether to issue a permit as provided for herein.

C. Permits.

(1) Any person applying for a permit to own, possess or have custody of a wild animal must demonstrate to the animal control authority that the applicant will be able to comply with the standards adopted by the Board of Directors of the City of Hope.

(2) Each application for issuance of a permit hereunder shall be accompanied by a fee in the sum of One Hundred Dollars (\$100.00).

(3) Each permit issued hereunder shall be effective for a period of one (1) year and must be renewed by reapplication as provided for herein, together with payment of the application fee.

D. Impoundment and Disposal.

(1) Notwithstanding the provisions of Section VII, the animal control authority is empowered to impound any wild animal being kept, harbored or maintained in violation of this Ordinance or of rules and regulations adopted by the Board of Directors of the City of Hope and upon conviction of the owner or any other person for violation hereof, the animal control authority may humanely destroy or otherwise dispose of such wild animal, including but not limited to, donating and transferring ownership of such wild animal to a zoo or other facility deemed appropriate by the Board of Directors of the City of Hope.

SECTION VIII: RABIES CONTROL.

A. Every animal, which bites a person, shall be promptly reported to the Animal Control authority or the Hope Police Department, shall thereupon be securely quarantined at the direction of the Animal Control authority for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the Animal Control authority. At the discretion of the Animal Control authority, such quarantine may be on the premises of the owner, at the shelter designated as the City of Hope Animal Shelter or, at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals whose ownership is not known, such quarantine shall be at the shelter designated as the City of Hope Animal Shelter.

B. The owner, upon demand by the Animal Control authority or the Hope Police Department shall forthwith surrender any animal which has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine at the owner's expense. The animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in Paragraph B of this Section IX and compliance with licensing provisions set forth in this Ordinance.

C. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, or dies while under such observation, the Animal Control authority shall immediately send the head of such animal to the Arkansas State Health Department for pathological examination and shall notify the proper public health officer of reports of human contacts and diagnosis made of the suspected animal.

D. When one or both reports give a positive diagnosis of rabies, the Animal Control authority may recommend a city-wide quarantine for a period of thirty (30) days, and upon the invoking of such quarantines, no animal shall be taken into the streets, permitted to be in the streets, or be taken or shipped from the City of Hope without written permission of the Animal Control authority during such period of quarantine.

E. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under a thirty (30) day quarantine by the owner in the same manner that other animals are quarantined.

F. In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine may be extended for an additional six (6) months.

G. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any such animal that has bitten a human, except as herein provided. Nor shall any such animal be moved outside the city limits without written permission from the Animal Control authority.

H. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Animal Control authority.

I. The Animal Control authority shall direct the disposition of any animal found to be infected with rabies.

J. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand therefore is made by the Animal Control authority or the Hope Police Department.

K. It shall be the duty of every licensed veterinarian to report to the Animal Control authority their diagnosis of any animal observed by them as a rabies suspect.

L. No person shall own, keep, harbor or have custody of any dog, cat, or ferret in the City of Hope, or obtain a license for any dog, or cat over the age of four (4) months unless a licensed veterinarian has vaccinated such animal with an anti-rabies vaccine.

SECTION IX: IMPOUNDMENT AND ADOPTION OF ANIMALS.

A. Impoundment.

(1) Any animal at large or otherwise in violation of the provisions of this Ordinance may be impounded in the animal shelter in a humane manner for a period of not less than five (5) days and if within such time, an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this Section, such animal shall become the absolute property of the animal control authority, which may convey ownership of such animal to any responsible person on such conditions as the animal control authority may prescribe, or the animal control authority may humanely destroy such animal.

(2) The animal control authority shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter and the manner by which the animal may be reclaimed. The owner shall also be informed that the animal may be destroyed after becoming the property of the animal control authority as provided herein.

(3) Prior to destruction of a dog at large which carries its owner's address and which is impounded in the animal shelter, the animal control authority shall give the owner ten (10) days notice of the proposed destruction by certified mail, return receipt requested.

(4) Notwithstanding any provision of this Ordinance to the contrary the animal control authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine, awaiting a hearing to determine if such animal is dangerous or for use as evidence in a criminal prosecution, for such time period as the animal control authority may determine.

(5) The animal control authority may humanely destroy any animal impounded in the animal shelter when the animal control authority reasonably believes the animal has sustained an injury or disease which will likely result in prolonged and severe suffering, or death.

(6) The animal control authority may enter onto anyone's open area property if there is probable cause to believe a violation of this Ordinance is being committed. The animal control authority has the authority to impound any animal without the owner's permission, although contact with the owner shall be made within three (3) days, if possible.

(7) Owners of Animal's confined for periods of more than 30 days must pay boarding fees for said animals every 30 days. If an owner fails to pay the boarding fees as required, such animal shall become the absolute property of the City of Hope, which may convey ownership of such animal to any responsible person on such conditions as the animal control authority may prescribe, or the animal control authority may humanely destroy such animal.

B. Reclaiming Animals:

(1) The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this ordinance, and upon payment of fees and charges as hereinafter provided. Reclamation and boarding fees shall not be in lieu of any fine or penalty otherwise provided by law.

(2) Fees for reclaiming impounded animals are as follows:

(a) Licensed and vaccinated dogs.	
First offense	\$ 5.00
Second offense	10.00
Third offense	15.00
Subsequent offenses	20.00

(b) In addition to the foregoing fees, the per day board for each day the animal is impounded in the animal shelter is \$3.00

(3) Owners shall be liable for boarding fees, notwithstanding the destruction or adoption of the animal.

(4) Any dog being reclaimed must have or obtain a vaccination for rabies as well as possess a valid city license. Any cat being reclaimed must have or obtain a rabies vaccination. Owners must show proof of vaccination and/or licensing.

C. Adoption:

The animal control authority may convey ownership (permit Adoption) of any animal which has become the property of the animal control authority. Ownership may be conveyed to a responsible person subject to such conditions as may be prescribed by the animal control authority, including, without limitation, the following:

(1) Payment of a Ten Dollar (\$10.00) adoption fee and any vaccination, licensing or veterinary costs including, but not limited to the cost of spaying or neutering;

(2) Evidence satisfactory to the animal control authority that the animal has, or will be, examined by a veterinarian and vaccinations against rabies and other disease administered;

(3) Evidence satisfactory to the animal control authority that the animal has, or will be spayed or neutered. (Note: State Law requires that dogs adopted from a City Animal Shelter be spayed or neutered.)

SECTION X: ENFORCEMENT AND PENALTIES.

A. Enforcement:

Officers of the Animal Control Authority, the Hope Police Department, and the Code Enforcement Office of the City of Hope shall enforce the provisions of this Ordinance.

B. Citations:

The Animal Control Authority, City of Hope Code Enforcement Officer and Officers of the Hope Police Department are hereby authorized to issue a citation to any person for violation of any provision of this Ordinance. The citation shall:

- (1) Be in a form approved by the Hope Police Department, and the Hempstead County District Court,
- (2) Designate the offense charged, and
- (3) Require the person so charged to appear in the Hempstead County District Court on a date certain to answer the charges therein contained.

C. Penalty:

- (1) Any person who commits the offense of cruelty to animals shall be deemed guilty of a Class A misdemeanor, shall be ordered to surrender their animal, pay restitution of all fees and medical expenses to the City of Hope and shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and/or a jail term not to exceed one (1) year in the Hempstead County Jail.
- (2) Any person who violates any provision of this ordinance, other than the offense of cruelty to animals, shall, upon conviction, be subject to a fine not to exceed Five Hundred Dollars (\$500.00) and/or a jail term not to exceed thirty (30) days in the Hempstead County Jail.

SECTION XI: RECORDS.

It shall be the duty of the animal control authority to keep, or to cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody.

SECTION XII: LIVESTOCK AND FOWL.

A. Keeping of Hoofed Livestock:

(1) The keeping within the corporate limits of the City of Hope, Arkansas, of cows, mules, horses, sheep, goats or other hoofed livestock shall be allowed subject to the provisions of this article and applicable provisions of the Ordinance as amended.

(2) Pens and enclosures for hoofed livestock shall meet the following minimum requirements:

(a) Horses, cows, and other large hoofed livestock:

(i) One acre per two horses, cows, or other large hoofed livestock or combination thereof, minimum of one acre for first such animal:

(ii) A minimum five (5) foot fence when the livestock are horses, mules, asses or donkeys; a minimum three (3) foot, six (6) inch high fence for all other livestock specified in this Section. Said fence shall be of standard design and material for the proper constraint of the type of large hoofed livestock kept.

(iii) Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably.

(iv) No Livestock may be kept within 100' of any residence or business excluding the residence or business of the person possessing the animal.

(b) Sheep, goats and other small hoofed livestock.

(i) One-half acre per two (2) sheep, goats and other small hoofed livestock or combination thereof, minimum of one-half acre for first such animal.

(ii) Adequate shelter from weather elements, which provides the animals adequate space to stand, turn and stretch comfortably.

(iii) Pen or enclosure of standard design and material for the proper constraint of the type of small hoofed livestock kept.

(iv) No Livestock may be kept within 100' of any residence or business excluding the residence or business of the person possessing the animal.

B. Fowl:

The keeping within the corporate limits of the City of Hope, Arkansas, any Fowl to include but not be limited to chickens, ducks, guineas, geese, or other fowl shall be allowed subject to the provisions of this article and applicable provisions of the Ordinance as amended.

(2) Pens and enclosures for fowl shall meet the following minimum requirements:

(i) Fowl must have a minimum of 10 square feet per animal.

(ii) All pens must meet the above listed square footage requirements; possess a top and sides to prevent running at large, be neat and clean in appearance.

(iii) Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably.

(iv) No Fowl may be kept within 100' of any residence or business excluding the residence or business of the person possessing the animal.

B. Condition of Pens and Enclosures:

All pens and enclosures designed to maintain any animal shall be maintained and kept in such condition as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept to permit the breeding of flies or in any manner cause injury to the health or comfort of the public or any person working or residing in the vicinity of said pen or enclosure. Manure or refuse shall be promptly removed and disposed of after each cleaning in accordance with all applicable rules, regulations and laws.

C. Annual Permit:

The owner of any hoofed livestock shall obtain a permit for the keeping of said livestock from the Animal Control Authority. The purpose of said permit shall be to ensure compliance with this Section. Said permit shall be on a form prescribed by the Animal Control Authority and shall be issued upon satisfactory demonstration of compliance with this Section.

D. Exceptions:

(1) Nothing in this article shall prohibit the keeping of livestock or fowl at the facilities of Fair Park during the conduct of livestock events at this facility.

(2) Nothing in this article shall prohibit the temporary storage of animals in a Veterinary Clinic, Animal Shelter, or Kennel (at all times Kennel's must be in compliance with Section III of this ordinance).

E. Swine:

It shall be unlawful to keep swine within the limits of the City of Hope, with the exception of pot-bellied pigs.

SECTION XIII: SELL AND TRANSFER OF ANIMALS.

A. Any sell or transfer of animals within the city limits must meet all zoning regulations.

B. No person shall, offer for sale, barter or give away, upon any street, sidewalk, or any other public place within the city limits, any rabbits, baby chicks, ducklings, fowl, dogs, cats, or other animal.

SECTION XIV: REPEALER.

All ordinances or parts of ordinances in conflict with the terms and provisions of this ordinance are hereby repealed.

SECTION XV. PASSAGE AND APPROVAL

This ordinance shall be in full force after passage and publication as required by law.

PASSED AND APPROVED on this _____ 2005.

DENNIS RAMSEY, MAYOR

CAROL ALMOND, CITY CLERK