

AMENDED  
COPY

12-14-2015

**ORDINANCE 04-2003**

**AN ORDINANCE PROVIDING FOR ANIMAL CONTROL WITHIN THE CITY OF HASKELL, ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF; AND FOR OTHER PURPOSES.**

**Section 1. *Creation.*** The Haskell Animal Control Committee is hereby created in the City of Haskell, Arkansas. The Animal Control Committee shall be composed of three (3) Aldermen, the Animal Control Department Manager, and the Mayor of the City of Haskell.

**Section 2. *Appointment of Committee Members.*** The Aldermen of the Animal Control Committee shall be appointed by the Mayor.

**Section 3. *Meeting of Committee.*** The Animal Control Committee shall hold meetings as often as deemed necessary.

**Section 4. *Duties and Powers.*** The office of the Mayor of the City of Haskell shall have full and complete authority to manage, operate, and maintain the Haskell Animal Control and Adoption Center, its related properties and utilities. The Animal Control Committee shall serve in an advisory capacity only.

**Section 5. *Use of Revenue.*** All revenue derived from the operation of the Animal Control and Adoption Center and from the sale of City Dog Licenses shall be used to defray expenses in the operation of the Animal Control and Adoption Center. The Animal Control Fund shall be maintained by the Haskell City Treasurer and all disbursements from said fund shall be made by the Haskell City Clerk upon proper authorization from the Animal Control Department Manager.

**Section 6. *Purchase of Supplies and Equipment.*** All purchases made by the Animal Control Department shall be made through the appropriate purchasing procedures as established by the City of Haskell, Arkansas.

**Section 7. *Annual Budget Requests.*** The Department Manager shall prepare and submit the budget for the amount of funds necessary for the maintenance and operation of the Haskell Animal Control and Adoption Center, its relative

properties and facilities, for the coming year, to the Mayor of the City Haskell prior to the 15<sup>th</sup> day of November of each year.

**Section 8. Definitions.** The following words and phrases shall for the purpose of this Ordinance have the following meaning:

**Animal:** Any description of vertebrate, excluding Homo sapiens.

**Animal Control Authority:** The officers and employees of the Haskell Animal Control Department.

**Animal Establishment:** Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaged the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

**Animal Shelter:** Any facility designated by the City for the purpose of impounding and caring for animals held under the authority of this Ordinance.

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

**City:** The City of Haskell, Saline County, Arkansas, and all territory within the corporate boundaries or city limits of Haskell, Arkansas.

**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.

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

- A. Abandons any animal
- B. Subjects any animal to cruel treatment
- C. Subjects any animal in his custody to neglect; or
- D. Kills or injures any animal belonging to another without legal privilege or consent of the owner.

**Dog:** A canine of either sex, including one neutered or sterilized.

**Health Officer:** The designated official of the State Department of Health or any local health official whose duties may involve conditions or investigations relevant to animal control.

**Humane Manner:** Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and breeding habit of the animal's size, species and breed.

**Kennel:** Any person who engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling animals.

**Knowingly** A person acts knowingly with respect to his or her conduct or the attendant circumstances when he or she is aware that his or her conduct is of that nature or that such circumstances exists. A person acts knowingly with respect to the result of his or her conduct

when he or she is aware that it is practically certain that his or her conduct will cause such a result.

**Livestock:** Animals kept or raised for use or pleasure, especially farm animals.

**Licensing Authority:** Any agency or Department of the City, or any designated representative including licensed veterinarians, charged with administering the issuance and/or revocation of certificates and licenses under the provisions of this Ordinance.

**Neutered:** Incapable of sexual reproduction.

**Nuisance:** Owners of nuisance animals shall be subject to fine. Nuisance animals are any animals which infringe upon the rights of another animal or person. An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's, or public walks and recreation areas; causes unsanitary, dangerous, or offensive condition; causes a disturbance by excessive barking or other noise making, molests, attacks or interferes with persons in the public right-of-way; chases vehicles or attacks domestic animals; trespasses on school grounds; or is repeatedly at large.

**Owner:** Any person having a right of property or custody of any animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person over which that person has substantial control.

**Pens and Enclosures:** Pens and enclosures shall mean any area, regardless of size, confining or intended to confine or shelter livestock. Pens and enclosures shall include, but are not limited to, fenced pastures and fields, corrals, paddocks, yards, cages, pens, coops, hatches, stables, stalls, chicken houses, barns, sheds and similar facilities or areas where livestock are kept.

**Person:** Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit.

**Private Kennel:** Any person, excluding kennels, pet shops and veterinary clinics and hospitals, who keeps, harbors or knowingly permits to remain on or about his premises, more than four (4) dogs or four(4) cats over three (3) months of age.

**Restraint:** An animal is under restraint if it is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.

**Veterinary Clinic or Hospital:** A clinic or hospital operated by a licensed veterinarian.

**Vicious Animal:** A vicious animal is any animal which causes a wound to any person without provocation on public or private property, or which, while off the property of its owner, kills a domestic animal, or which, unprovoked chases or approaches persons upon the streets, sidewalks or any public or private property other than the owner's property in a menacing fashion or in an apparent attitude of attack.

**Noted Exceptions:**

- A. No animal shall be deemed to be vicious if the threat, wound, injury or damage was caused by any person who, at the time, was assaulting the owner of the animal, committing a willful trespass, or was provoking, tormenting, abusing or assaulting the animal.
- B. No animal which, at the time of the attack, was responding to pain or injury, or was protecting itself, its offspring or its owner's property, shall be found vicious
- C. No animal shall be found vicious solely due to its physical characteristics.

**Wild Animal:** "Wild Animal" shall mean lions, tigers, cougars, leopards, bears, wolves, and other non-domestic animals, including hybrids of wild and domestic animals, notwithstanding that their natural wildness may be intermittently dormant.

## **Section 9.**

### *Licensing and Vaccination*

- A. No person shall own, keep or harbor any dog within the City unless such dog is licensed and vaccinated as herein provided.
- B. The licensing authority shall maintain a record of all certificates and licenses issued, and make such records available to the Animal Control Authority.

### Rabies Vaccination

- A. Proof of rabies vaccination is required. All owners applying to register their animal must show to the satisfaction of the licensing authority that the animal being licensed has been inoculated against rabies within the last year.
- B. The Health Officer and the Animal Control Authority may adopt such other rabies control regulations as they deem necessary for the protection of the public health and safety.

### Licenses

- A. All dogs and cats of four (4) months of age shall be licensed as provided herein. Application for a license shall be made to the licensing authority and shall state the name, address and telephone number of the owner(s); the name, breed, color, age and sex of the dog; and proof of rabies vaccination. Applicants shall pay a license fee of five dollars (\$5.00) per year for each dog and cat owned.
- B. Application for a license must be made within thirty (30) days after obtaining a dog or cat four (4) months of age, or within thirty (30) days of establishing residence in the City. This requirement will not apply to a non-resident keeping a dog or cat within the City for no longer than sixty (60) days).
- C. All owners of service animals, such as dog guides serving the blind or deaf, or dogs being used to aid sensory impaired citizens, or other citizens who, upon medical advice require the use of an assistance dog, or government owned dogs used for law enforcement, shall not be required to pay an annual City license fee; but shall be required to obtain a license number and identification tag.

- D. The licensing period shall be for one year and shall be concurrent with the rabies vaccination
- E. License number must be attached to the collar or harness of the dog or cat and be worn at all times. License is not transferable from one dog or cat to another. Upon the death of the dog or cat, the owner shall advise the Haskell Animal Control and Adoption Center which shall void the registration of the animal.

#### Private Kennels

- A. No person shall operate a private kennel without first obtaining an annual permit from the Animal Control Authority. Permits shall be made between thirty (30) days prior to and sixty (60) days following January 1<sup>st</sup> of each year. An initial application fee of \$50.00 shall be paid to the Animal Control Authority upon the formal filing of an application as required by this section. Said application fee is not refundable and shall apply to the initial application for which it was filed for a 12 month period. Applicants who wish to re-file an initial application after a 12 month period must pay a new \$50.00 application fee. Once approved, the fee for an annual renewal application shall be \$50.00 per year. This fee will include the licenses for up to ten (10) animals being kept at the private kennel. Registration and yearly vaccination records still apply. Proof of rabies vaccination by Private Kennel operators will be accepted. Animals over the number of ten (10) will be charged a license fee of \$10.00 per animal.
- B. Upon receipt of a completed application, 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 private kennel is in compliance with all provisions of this Code.
- C. Upon receiving a complaint concerning a private kennel, the Animal Control Authority may make an inspection of the facility to ensure that the facility is in compliance with all provisions of this Code.
- D. All animals shall have adequate space for proper shelter against weather extremes, and for proper exercise.
- E. All kennel areas shall be maintained in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Kennel areas 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 so that noise emanating therefrom shall not be disturbing to such persons.

- F. Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of animals shall be provided.
- G. Fresh water shall be available at all times.

## **Section 10. Restraint**

### **Maintenance of Premises and Disturbing Noises**

- A. 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 therefrom shall not be disturbing to such persons.

### **Confinement of Dogs**

- A. An owner of a 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, or shall confine such dog by a chain or leash affixed to the dog's collar and attached to some substantial stationary object to prevent the dog from running at large. It shall further be the duty of any owner or keeper of any dog to keep such dog under such control so as to:
  - 1. Prevent such dog from becoming a danger to persons or property, or trespassing upon another person's property without that person's permission; and
  - 2. Prevent such dog from running at large upon the streets, sidewalks, alleys, parks, or other public places of the City
- B. Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog cannot come into contact with another dog, except for intentional breeding purposes.

- C. It shall be unlawful for any owner to allow his dog or cat to enter any food store or place where food is exhibited for sale. Provided, however, that the provisions of this subsection shall not apply to registered dogs serving the blind or deaf or government owned dogs used for law enforcement while such dogs are on duty.

Rabid Animals or Animals Suspected of Having Rabies

- A. Every veterinarian shall report promptly to the Health Officer or Animal Control Authority all cases of rabies in animals treated by him, giving name and address of the owner; and owners and addresses of any animal(s) bitten by such rabid animal, so far as known.
- B. Any person having knowledge that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knowledge that an animal has been bitten by a rabid animal, shall promptly report such information, the extent known, to the Health Officer or the Animal Control Authority
- C. It shall be the duty of the owner, the Health Department, or the person or agency gaining information that any domestic animal or person has been bitten or is probably infected with rabies, to incarcerate or impound the animal in the Institution of some competent veterinarian or in the Animal Shelter where the animal shall be held for observation for a period of not less than ten (10) days to determine whether the animal is infected with rabies. It shall be at the owner's expense for the necessary cost of boarding such animal during the quarantine period.

**Section 11. Cruelty**

Prohibited Treatment; Removal of Mistreated Animals; Payment of Expenses

- A. It shall be unlawful for any person to:
1. Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal;
  2. Fail to provide any animal with proper food, drink, protection from the weather and veterinary care; or
  3. Abandon any animal;
  4. Intentionally poison any animal;
  5. 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;
  6. Allow an animal to be kept in unsanitary conditions;

7. Keep or confine an animal in other than a humane manner.

- B. The Animal Control Authority may remove any animal kept or confined under such conditions and may impound such animal pursuant to the provisions of this Ordinance.

## **Section 12. *Wild Animals***

### **Prohibitions**

- A. No person may own, possess or have in custody any wild animal in the City of Haskell, except that wild animals may be temporarily present within the City under proper supervision for purpose of entertainment or educational shows or displays.
- B. 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 any 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.

### **Jurisdiction**

- A. 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.
- B. The animal control authority shall make investigations or inspections to determine whether any permit holder has violated or is violating any provision 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 animal are held pursuant to permits issued hereunder. The animal control authority is specifically authorized and directed to make random and unannounced inspections of such facilities at any reasonable time.

- C. The Haskell Animal Control and Adoption Center shall adopt rules and regulations prescribing standards for the human 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.

#### Impoundment and Disposal

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 Animal Control Committee, 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 Animal Control Authority.

#### Notice Required

Any animal establishment offering a wild animal for sale shall post conspicuously at the place of sale or display a copy of this article and a copy of the rules and regulations adopted pursuant hereto by the Haskell Animal Control and Adoption Center.

### **Section 13. *Impoundment and Adoption***

#### Impoundment

- A. 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 Ordinance, 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.
- B. The Animal Control Authority shall make a reasonable effort to notify the owner of any animal impounded in the Animal Shelter that the animal has been impounded, of the manner by which the animal may be reclaimed, and that the animal may be destroyed or become the property of the Animal Control Authority as provided herein.

- C. Prior to destruction of a licensed animal at large which is impounded in the Animal Shelter, the Animal Control Authority shall give the owner five (5) day notice of the proposed destruction by certified letter return receipt requested.
- D. 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 or for use as evidence in a criminal prosecution, for such time period as the Animal Control Authority may determine.
- E. Notwithstanding any provision of this Ordinance to the contrary, the Animal Control Authority may humanely destroy any animal impounded in the Animal Shelter upon the written opinion of a licensed veterinarian that destruction of the animal is necessary to prevent disease or injury to other animals or to humans due to overcrowding in the Animal Shelter, the presence or threatened presence of contagious disease, or any other condition.
- F. Notwithstanding any provision of this Ordinance to the contrary, 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 maiming, prolonged and severe suffering, or death.

#### Reclaiming Impounded Animals

A. 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, credited to the account of the Animal Control Authority, and shall not be in lieu of any fine or penalty otherwise provided by law.

B. Fees for reclaiming impounded animals are as follows:

- 1. Licensed and vaccinated dogs or cats:

|                    |          |
|--------------------|----------|
| First Offense      | \$ 35.00 |
| Second Offense     | 50.00    |
| Subsequent Offense | 100.00   |

PROVIDED, further, that an additional fee of \$5.00 shall be added to the fee for reclaiming any dog if the animal's license number is not attached to its collar or harness at the time of impoundment. (The above amount replaces the license). Owner must provide proof the animal had been licensed and when.

2. Unlicensed or unvaccinated dogs or cats:

First Offense \$ 50.00

Second Offense 75.00

Subsequent Offense 150.00

3. Other animals, each offense 25.00

4. Animals impounded for rabies quarantine or for use as evidence in a criminal prosecution, \$10.00 per day

5. In addition to the foregoing fees, per day board for each animal in the animal shelter is \$10.00.

C. The owner of an animal impounded in the Animal Shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.

D. Section 1. Dangerous Dogs

A. For the purpose of this Section, the term dangerous dog shall mean any member of the canine (dog) family that in the reasonable opinion of the Haskell Animal Control Officer, or in the reasonable opinion of any Police Officer, exhibits fierce or vicious behavior toward any person. However, any of the above described actions or behaviors should not be considered dangerous if such dog was provoked or teased.

B. Upon investigating any observation or report of a dog exhibiting dangerous behavior, an Animal Control Officer or Police Officer shall deem the dog dangerous if the Officer determines that the dog fits within the criteria of Section 1. Upon the deeming of a dog as dangerous, the Animal Control Officer shall notify the owner that the dog has been deemed dangerous by hand delivery or by mailing a notice by certified mail to the owner.

C. If the owner of a dog who has received notice that his or her dog has been deemed dangerous contends that such a determination was made in error, the owner may appeal the Officer's decision to the Haskell Animal Control Committee. An appeal must be taken within ten (10) business days after receipt of the notice by filing a written request for an appeal with the Haskell City Clerk. The appeal shall be heard by the Haskell

Animal Control Committee at the meeting to be held not more than thirty (30) calendar days after the date the written request for an appeal is filed with the City Clerk. The conduct of such appeal hearing, and any review thereof, shall be governed by the Arkansas Administrative Procedure Act. A.C.A. 25-15-201, *et seq.*

D. After the deeming of a dog as dangerous by an Animal Control Officer or a Police Officer, the owner of the dog must obey all the requirements set forth in Section 2 below while keeping the dog until a final determination has been made as to whether or not the dog is a dangerous dog. The Animal Control Officer may seize and house a dog which has been deemed dangerous by an Animal Control Officer or a Police Officer, and house the dog until the owner has complied with requirements of Section 2 below, and may allow such owner up to thirty (30) days to demonstrate such compliance.

E. The final determination shall be that the dog is a dangerous dog, a vicious dog, or neither a dangerous nor vicious dog. A dog finally determined to be a vicious dog will be dealt with in accordance with the provisions of Section 3D of this Ordinance.

## Section 2. Special Requirements for Keeping Dangerous Dogs

Any animal determined to be a dangerous dog as defined by this Ordinance, must be registered with the City of Haskell as a dangerous dog. To facilitate such registration, the owner of such dangerous dog must present evidence satisfactory to the Animal Control Division of the City of Haskell, that:

- A. The animal has been equipped with a permanent identification micro-chip, and shall be confined as required by this Section.
- B. All owners, keepers or persons who harbor any dangerous dog or dogs within the City shall display in a prominent place on their premises an easily readable sign using the words "**Beware of Dangerous Dog**" and a sign with a symbol reasonably calculated to warn children of the presence of a dangerous dog. In addition, a similar sign is required to be posted on the kennel or pen of such animal. A registration fee of \$250.00 per year shall be paid annually by the owner of a dangerous dog. Registration of such dangerous dog shall be permitted only after proof of the requirements defined in this ordinance are provided to the satisfaction of the Animal Control Authority. Failure to register such dangerous dog shall constitute a violation of this Ordinance.

C. All dangerous dogs shall be securely confined in an enclosed and locked pen or kennel, except when leashed and muzzled as provided in this Section. The pen or structure in which a dangerous dog is confined must have secure sides and a secure top attached to the sides. If the pen or kennel has no floor secured to the sides, the ground beneath the gate shall be secured by embedded posts and the sides must be embedded into the ground no less than one foot, unless such pen has a concrete floor in which case the sides need only be embedded two inches deep into the concrete. All structures erected to confine dangerous animals must comply with all zoning and building regulations of the City. All structures must be adequately lighted, ventilated and kept in a clean and sanitary condition. The fence shall be of a chain link fencing with a minimum of a ten (10) gauge wire and the minimum of five feet by ten feet. If any dangerous dog is taken from its secure enclosure as described in this Section, it shall be muzzled and restrained by a substantial chain not exceeding six feet (6) in length, and such animal shall be kept under constant control of its owner or responsible party.

D.

Section 3 Vicious Dogs

- A. For the purpose of this Section, the term "vicious dog" shall mean any member of the canine (dog) family that any Animal Control Officer or Police Officer has probable cause to believe has attacked a person or another animal with such severity as to cause physical injury or property damage. However, any of the above described actions or behaviors should not be considered vicious if such dog was provoked or teased.
- B. Upon investigating any observation or report of a dog exhibiting vicious behavior, an Animal Control Officer or Police Officer shall deem the dog vicious if the Officer determines that the dog fits within the criteria of subsection A of this Section. Upon the deeming of a dog as vicious, the Animal Control Officer shall notify the owner that the dog has been deemed vicious by hand delivery or by mailing a notice by certified mail to the owner. After deeming of a dog as vicious, the Animal Control Officer shall apprehend the dog and impound the dog at the Animal Shelter until a final determination has been made as to the status of whether the dog is vicious.

- C. If the owner of a dog who has received notice that his or her dog has been deemed vicious contends that such a determination was made in error, the owner may appeal the Officer's decision to the Haskell Animal Control Committee. An appeal must be taken within ten (10) business days after receipt of the notice by filing a written request for an appeal with the Haskell City Clerk. The appeal shall be heard by the Haskell Animal Control Committee at a meeting to be held not more than thirty (30) calendar days after the date the written request for an appeal is filed with the City Clerk. The conduct of such appeal hearing, and any review thereof, shall be governed by the Arkansas Administrative Procedure Act A.C.A. 25-15-201, *et seq.*
- D. A dog that has been apprehended pursuant to this Section shall be held by the Animal Shelter until there is a final determination as to whether or not the dog is vicious. The final determination shall be that the dog is a vicious dog, a dangerous dog or neither a vicious nor dangerous dog. A dog finally determined not be a vicious dog will be returned to the owner. A dog finally determined to be a vicious dog will be returned to the owner if the owner, within seven (7) calendar days of the said final determination signs an affidavit in form satisfactory to the Haskell Animal Control Committee, acknowledging that the dog is vicious and stating that the owner will forthwith (1) cause the dog to be equipped with a permanent identification micro-chip and (2) remove the dog from the City limits of the City of Haskell and not allow the dog to return to the City. In either event, if the owner does not retrieve the dog with seven (7) calendar days of the final determination, it shall be humanely destroyed.

D.

Section 4 Enforcement, Penalty

The provisions of this Ordinance shall be enforced as are provisions of the Animal Control regulations of the City of Haskell which enforcement procedures and authorities are set out in Section 14 of this Ordinance. In the event a violation of this Ordinance is declared, a violator shall be punished as specified in Section 14 of this Ordinance.

#### Section 5 Separability Clause

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance, or its application to any person or circumstance, shall be determined to be unenforceable for any reason, such determination shall not invalidate any other provision of this Ordinance or its application to other persons or circumstances

#### Adoption

The Animal Control Authority may convey ownership (permit adoption of) any animal which has become the property of the Animal Control Authority to a responsible person subject to such conditions as may be prescribed by the Animal Control Authority, including, without limitation, the following:

- A. State Law 20-19-103 states that in any county in the State, it shall be unlawful for any pound, shelter, humane organization, or animal rescue to release to a new owner any dog or cat over three (3) months of age which has not been sterilized. The City of Haskell will require a deposit of \$150.00 to cover the cost of vaccination and sterilization. This deposit will be returned upon proof of vaccination and sterilization.
- B. Evidence satisfactory to the Animal Control Authority that the animal has, or will be, examined by a veterinarian and vaccinated against rabies and other diseases administered.
- C. The Animal Control Authority shall not now allow the adoption of any animal deemed vicious by this Ordinance. The original owner shall be the only person able to reclaim the animal.

#### **SECTION 14. *Enforcement Responsibility***

The provisions of this Ordinance shall be enforced by the Animal Control Authority.

No person shall interfere with, hinder or molest the Animal Control Authority in the performance of its duty, or seek to release any animal in the custody of the Animal Control Authority, except as herein provided:

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### Citations

The Animal Control Authority is hereby authorized to issue a citation to any person for violation of any provision of this Ordinance. The citation shall be in a form approved by the Haskell Municipal Court, shall designate the offense charged and shall require the person so charged to appear before the Haskell Municipal Court on a date certain to answer the charges therein contained.

The Animal Control Authority is authorized to employ any equipment it deems necessary to enforce the provisions of this Ordinance, including, without limitation, humane wire box traps; and the Animal Control Authority may, subject to conditions it may determine, lend such traps to private persons for the purpose of preventing nuisances resulting from animals at large. A deposit of \$30.00 (thirty) for a cat trap for three (3) days, and a deposit of \$60.00 (sixty) for a dog trap for three (3) days is required. If the trap is returned in good condition, and in the time allotted, the deposit will be returned. If the trap is returned not in good working order, the deposit will be forfeited.

### Penalties for Violations

- A. Any person who commits the offense of cruelty to animals shall be deemed guilty of a Class A misdemeanor, and shall be subject to fines and penalties as prescribed in Arkansas Code Annotated Section 5-4-201 and Section 5-4-401 (the sentence shall not exceed one year and the fine shall not exceed One Thousand Dollars (\$1,000.00)).
- B. Any person violating any other provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Dollars (\$200.00), and if such violation be continued, each day's violation shall be considered a separate offense.
- C. Any person violating any provision of this Ordinance as a second offense shall be punished by a fine of not less than Seventy-Five (\$75.00), nor more than Three Hundred Dollars (\$300.00); for a third offense the fine shall be not less than One Hundred Dollars (\$100.00), nor more than

Five Hundred Dollars ((\$500.00). Fourth offense fine shall be Five Hundred Dollars (\$500.00) and a ten (10) day jail sentence.

- D. Any person violating any vicious animal provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor more than One Thousand Dollars (\$1,000.00), and if such violation be continued, each day's violation shall be considered a separate offense.

## **Section 15 . Livestock**

### **Horses and Cows**

- A. It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the City, any cows and/or horses except in this Ordinance. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the Animal Control authorities to enforce the provision herein.
- B. The keeping of horses or cows within the corporate limits of the City is permitted where they are maintained on an enclosed pasture containing (1) acre for every two animals. All pens or enclosures where cows or horses are kept shall be not less than 75 feet from any resident or business establishment; provided, however, that this restriction shall not apply to a residence or business of the livestock's owner.

### **Hogs, goats, and sheep**

- A. It shall be unlawful for any person to keep any swine, goats, or sheep within the City unless said animals are kept in an adequately sanitary and healthful manner, and all pens or enclosures where the livestock are kept shall not be less than 75 feet from any residence or business,

provided however, that this restriction shall not apply to a residence or business of the livestock's owner.

- B. It shall be unlawful for any person owning or having control of any chickens, ducks, or other fowl within the City to permit them to run at large after notice from the Animal Control Authority that the chickens, ducks, or other fowl are a menace or nuisance to his neighbors or the public in general. All pens or enclosures where chickens, ducks, or other fowl are kept shall be not less than 75 feet from any resident or business establishment. Providing that the residence or business is not that of the livestock's owner.
- C. The keeping of any animal in enclosures as herein provided within the limits of the City shall be under the supervision and control of the proper authorities as mentioned in this Ordinance. Should any of the enclosures not meet the requirements of Section 10 of this Ordinance or become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, dangerous to the public health and/or discomforting to any of the citizens of the City because of conditions created by keeping of said animals, the properties, upon investigating and finding any such conditions created by keeping of said animals, the Animal Control Authority, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keeper of the premises as to the conditions thereof by delivering a copy of the notice on the owners or keeper of the premises as to the conditions,, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions, the Animal Control Authority is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.
- D. Any livestock animal that has to be transported for impoundment, the owner is responsible for all expenses of hauling, boarding, veterinarian fees made payable to Animal Control or the appropriate parties involved. Release of said animal(s) will not be made until all expenses have been paid.

**Section 16. Severability**

If any part of this Ordinance shall be held void, such parts shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**Section 17. Records. Required to be Kept**

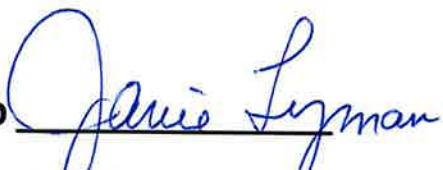
It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals committed into its custody.

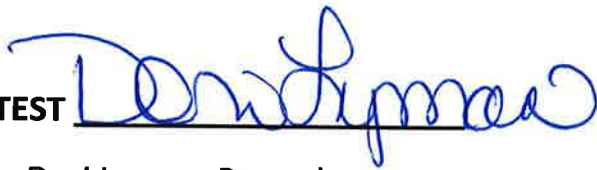
**Section 18 Housing of Animals and Implementation of Ordinance**

The Mayor of Haskell is hereby authorized to contract with other municipalities, organizations, or private vendors to secure a place to house animals picked up by the Haskell Animal Control Officers that have not been claimed within 6 days from owner, or adopted.

**Section 19. *Emergency Clause*** This Ordinance being necessary to protect the health and welfare of the citizens of the City of Haskell, shall become effective from and after its date of passage.

**PASSED THIS 14<sup>TH</sup> DAY OF DECEMBER, 2015**

APPROVED   
Janie Lyman, Mayor

ATTEST   
Dori Lyman, Recorder

