

ORDINANCE NO. O-04-60

AN ORDINANCE AMENDING TITLE 6 OF THE CONWAY MUNICIPAL CODE; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council desire to amend Title 6 of the Conway Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1. Title 6 shall be amended to read as follows:

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs and Cats
- 6.08 Wildlife, Wild Animals and Reptiles
- 6:12 Penalty

Chapter 6.04

DOGS AND CATS

Sections:

- 6.04.01 Definitions
- 6.04.02 Enforcement
- 6.04.03 Confinement of Dogs and/or Cats on Premises of Owner
- 6.04.04 Impoundment
- 6.04.05 Reclaiming Animals/Fee for Reclaiming
- 6.04.06 Nuisance Animals and Hazardous Animals
- 6.04.07 Condition of Pen and Premises
- 6.04.08 Number of Animals
- 6.04.09 Fraudulent Redemption of Domestic Animals
- 6.04.10 Annual License Tag
- 6.04.11 Rabies Vaccination Required
- 6.04.12 Running at Large
- 6.04.13 Interference
- 6.04.14 Dogs or Cats Doing Physical or Property Damage
- 6.04.15 Citations
- 6.04.16 Animal Care
- 6.04.17 Transportation
- 6.04.18 Animal Bites
- 6.04.19 Quarantine After Bite
- 6.04.20 Penalty: Dogs or Cats that Attack a Human Being
- 6.04.21 Diseased or Injured Animals
- 6.04.22 Keeping of Dangerous or Vicious Dogs
- 6.04.23 Killing Rabid, Vicious or Dangerous Animals
- 6.04.24 Penalty
- 6.04.25 Deposit of Funds/Assisted Spay and Neutering

6.04.01 Definitions

The following words and phrases shall have the following meaning for the purposes of this ordinance:

- (a) Animal. Every vertebrate nonhuman species of animal, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.
- (b) Domestic Animal. Animals which are trained and kept as pets, or which commonly rely upon humans for food and shelter, including, but not limited to, dogs, puppies, cats, kittens; birds kept indoors; hamsters, gerbils and such other small rodents; chinchillas, rabbits; non-poisonous lizards, except crocodiles and alligators, and non-poisonous snakes, which animals or reptiles are capable of being maintained continuously in cages; and other living creatures generally referred to as domestic pets. The term “domestic animals” shall also mean animals of husbandry or livestock.
- (c) Animal Acceptance. The act of the Animal Welfare Unit accepting a dog, puppy, cat or kitten brought in to the Shelter by an individual for permanent relinquishment.
- (d) Animal Welfare Officer. The person or persons employed by the City of Conway and designated by the City of Conway as enforcement officer or officers and having authority to carry out all provisions of this ordinance including Police Officers of the City of Conway, Arkansas.
- (e) Animal Welfare Unit. Any premises designated by the City of Conway for the purpose of impounding and caring for dogs and cats found running at large in violation of this ordinance.
- (f) At Large. An animal is at large within the meaning of this ordinance when it is not confined to the premises of the owner or not within a house or other building or enclosure or not restrained on the premises of the owner by a leash sufficiently strong to prevent the animal from escaping and restricting the animal to the premises of the owner or not confined by a leash or not confined in an automobile when away from the premises of the owner.
- (g) Dog. Any domestic canine or canine crossbreed (*Canis familiaris*) over the age of six (6) months
- (h) “Dangerous Dog”. Any dog that according to the records of Conway Animal Welfare Unit,
1. has inflicted severe injury on a human being without provocation on public or private property
 2. has killed a domestic animal without provocation while off the owner’s property, or
 3. has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- (i) “Potentially Dangerous Dog”. Any dog that when unprovoked:
1. inflicts bites on a human or a domestic animal either on public or private property, or chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals
- (j) “Vicious Dog”. Any dog which:
1. Causes death or serious injury to any person,
 2. On two (2) or more occasions within a 12-month period, attacks or bites a person without provocation,
 3. On more than one (1) occasion within a 12-month period, while off the property of its owner and without provocation, kills or seriously injures another domestic animal or livestock; or
 4. Is trained for dog fighting or is owned or kept for the purpose of dog fighting.

- (k) Puppy. Any dog under the age of six (6) months
- (l) Cat. Any domestic or feral cat (*Felis catus* or *Felis domesticus*) over the age of six (6) months.
- (m) Kitten. Any domestic or feral cat (*Felis catus* or *Felis domesticus*) under the age of six (6) months.
- (n) Restraint. An animal is under restraint within the meaning of this ordinance if he 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.
- (o) Euthanasia. The act of humanely and painlessly putting an animal to death.
- (p) Owner / harborer. Any person, group of persons, or corporations owning, keeping or harboring an animal or animals.
- (q) Spayed. A female animal that has undergone an ovario-hysterectomy, unsterilized dogs or cats too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's or cat's licensing by a veterinarian licensed to practice within the state.
- (r) Neutered. A castrated male animal, unsterilized dogs or cats too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's or cat's licensing by a veterinarian licensed to practice within the state.
- (s) Repeatedly At Large. An animal is repeatedly at large within the meaning of this ordinance when it is not confined to the premises of the owner or not within a house or other building or enclosure or not restrained on the premises of the owner by a leash sufficiently strong to prevent the animal from escaping and restricting the animal to the premises of the owner or not confined by a leash or not confined in an automobile when away from the premises of the owner more than three times within the previous year.

6.04.02 Enforcement.

The provisions of this ordinance shall be enforced by the Animal Welfare Officer of the City of Conway and by members of the Conway Police Department.

6.04.03 Confinement of Animals on Premises of Owner.

(a) Confinement of Dogs. Any person owning, possessing or keeping a dog or dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure within a house, garage or other building, or shall confine such dog or dogs by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large.

(b) Confinement of Cats. Any person owning, possessing or keeping a cat or cats whether vaccinated or unvaccinated, licensed or unlicensed shall confine such cat or cats to his or her property in such a manner adequate to prevent the cat from running at large.

(c) Confinement by chain, rope, cable, or other means.

1. If any animal is confined by chain, rope or cable, the restraint must be no less than 6 feet long and so placed that the animal may not intrude on other property, whether public or private, and provide adequate room for normal postural adjustments and for exercise. The area where any animal is confined must provide proper and adequate drainage.

2. Any animal so confined must have access to adequate shelter from the elements and from hazards. The area must be free from Debris and Obstruction so that the animal will not become entangled or injured. Choke chains may not be used on tethered animals.
3. No animal may be tethered and left unattended in any Park, school, business, or public place at anytime.
4. No animal shall be permanently chained.

6.04.04 Impoundment

(a) Any domestic animal found to be at large within the corporate limits of this city shall be picked up by the Animal Welfare Officer and impounded in the Animal Welfare Unit and there confined in a humane manner. Dogs or cats which are not claimed by their owners or an authorized representative identified in writing by the owner within five (5) business days may be destroyed at the discretion of the Animal Welfare Officer in a humane manner.

(b) Prior to destroying any dog found running at large where the dog carries its owner's address, the Animal Welfare Officer shall give the dog's owner at least five (5) business day's notice of the date of the proposed destruction of the dog. The notice shall be by certified letter, return receipt requested and shall otherwise conform to A.C.A. 14-54-1102.

(c) The owner of an impounded animal who refuses to claim his or her animal shall be proceeded against for abandonment under the provisions of Arkansas Code Annotated §5-62-101.

(d) Upon payment of a Twenty Dollar (\$20.00) adoption fee per dog or cat paid to the Animal Welfare Unit and a spaying/neutering fee, which shall be set by the veterinarian selected to perform the alteration and paid to the Veterinarian performing the sterilization, the Animal Welfare Officer may transfer title of all dogs and cats held by the Animal Welfare Unit to any party except the owner or owner's representative after the aforementioned five (5) business day period has expired and the animal has not been claimed by its owner subject to the licensing and vaccination requirements set out in this ordinance. Upon payment of the adoption and altering fees, sterilization shall be performed within thirty (30) days except that the Animal Welfare Unit may grant an extension of time not to exceed thirty (30) days upon the request of the owner, unless in the opinion of a veterinarian licensed to practice veterinary medicine in the State of Arkansas, the animal is medically compromised to the extent that such sterilization should not be performed at that time. The signed promise (see attachment) shall be binding and failure to comply shall constitute a violation of this section. In such case, the animal described therein shall be returned to the Animal Welfare Unit upon demand. Ownership of the animal reverts to the Animal Welfare Unit in such instance. No claim may be made by the owner to recover expenses incurred for maintenance of the animal including the initial procurement cost.

(e) Upon impounding domestic animals, the Animal Welfare Officer shall make a reasonable effort, if possible, to notify the owners of such animals so impounded, and inform such owners of the condition whereby they may regain custody of such animals.

6.04.05 Reclaiming Animals/Fee for Reclaiming.

(a) Any person owning, possessing or keeping an animal which has been allowed to run at large and which has been impounded may claim and retrieve such animal from the Animal Welfare Unit by payment of a fee of Ten Dollars (\$10.00) per day that the animal remains in custody if the animal has been vaccinated against rabies within 11 months immediately preceding such impounding and is currently licensed as required by law. If said dog or cat has not been vaccinated against rabies within the immediately preceding 12 months and/or is not currently licensed, as applicable, said dog or cat shall not be reclaimed without payment of the appropriate fees. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog or cat from the Animal Welfare Officer under this ordinance.

(b) An additional fee of Twenty Dollars (\$20.00), plus the regular license fee shall be assessed to the party reclaiming an unlicensed animal. An additional Twenty Dollar (\$20.00) fee shall be assessed for reclaiming a dog or cat unvaccinated for rabies within the above stated period. If the person claiming the animal is a Conway resident, that person shall also cause said animal to be licensed in accordance with the regulations of the city then in force, and the costs or expense of such vaccination and/or license fee shall be paid by the party reclaiming such animal and shall be in addition to the fees hereinabove set out. It shall be the responsibility of said party to furnish proof of such vaccination to Animal Welfare within 10 days of the animal being reclaimed.

(c). The Animal Welfare Officer shall keep complete and accurate records of all dogs and cats impounded and should an owners animal be impounded a second time, within an eighteen (18) month period then in such event, the Animal Welfare Officer, prior to releasing said animal shall require an impound fee of Twenty Dollars (\$20.00) to be paid by such owner, possessor or keeper of said spayed/neutered dog or Seventy-five Dollars (\$75.00) for said un-spayed/un-neutered dog or cat, plus Ten Dollars (\$10.00) per day board. In addition a citation may be issued for a nuisance dog or cat.

(d) Upon the third and each subsequent impoundment within an eighteen (18) month period, then in such an event, of said owner's spayed/neutered dog or cat, the Animal Welfare Officer, prior to releasing said animal shall require an impound fee of \$50.00, to be paid by such owner, possessor or keeper of said spayed/neutered dog or cat, or an impound fee of One Hundred Dollar (\$100.00), for an un-spayed/un-neutered dog or cat, plus Ten (\$10.00) Dollars per day board. Upon said subsequent violation, the owner, keeper or possessor of such dog/cat shall in addition, comply with the above licensing and vaccination fees. In addition a citation may be issued for a nuisance dog or cat.

All fees described in this section shall be in addition to whatever penalties might be assessed for misdemeanor violations described in other sections under this ordinance.

6.04.06 Nuisance Animals and Hazardous Animals.

(a) Owners of nuisance animals shall be subject to fine. Nuisance animals are any animals which infringe upon the rights of another animal or a person, or:

1. Molest passersby or passing vehicles
2. Attacks other domestic animals
3. Trespass on school grounds
4. Are repeatedly at large
5. Damage private or public property
6. Bark, whines, or howls in an excessive, continuous, or untimely fashion
7. Causes fouling of the air by odor and thereby creates unreasonable annoyance
8. Interferes with refuse collection or other service personnel.
9. Defecates on property other than property owned by its owner keeper or harborer while at large or while under restraint.

(b) In the case of animals causing a noise problem and after owner of such animal has been duly notified twice that the problem needs correcting, and such correction has not been put in place, nuisance animals can then be impounded and a notice left at the owner's residence so as to provide the owner with instructions for reclaiming the animal.

(c) For purposes of this section, each day that a violation occurs shall be considered a separate offense, and if a separate citation is issued for each offense, each such separate offense may be punished separately.

(d) The fine for Nuisance Animal shall be One Hundred Dollars (\$100.00) for the first offense, and One hundred fifty dollars (\$150.00) for 2nd and each subsequent offense that shall occur.

6.04.07 Condition of Pen and Premises. It shall be unlawful for any person, firm or corporation keeping or harboring domestic animals to fail to keep the premises where such domestic animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises and shall be unlawful to allow premises where dogs or cats are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

6.04.08 Number of Animals. It shall hereafter be unlawful for any person, to own, keep, or harbor more than a total of four (4) dogs and/or cats over the age of 6 months on one premise within the corporate limits of the city. This provision shall not apply to proprietors of animal hospitals and veterinarians when such animals are kept upon premises used by such business. This provision shall not apply to persons who hold a permit from the city for kennel operations, who possess a permit from the city to operate a home-based business relating to dogs or cats, or representatives of rescue organizations who are temporarily boarding such animals in accordance with the criteria of the city herein established, providing such persons shall be subject to provisions for humane and sanitary living conditions, that their operations shall not be a nuisance to the neighbors and that they shall be subject to periodic inspection by the Animal Welfare personnel to determine that the above conditions are being satisfactorily met.

CRITERIA FOR PERMITTING OF TEMPORARY BOARDING FOR ANIMALS

1. Permits for temporary boarding of animals awaiting adoption shall be issued annually, renewable each year as long as requirements regarding cleanliness, space, confinement and animal health have been shown to be met on inspection by Animal Welfare.
2. Animal Welfare shall make annual inspections for the issuance of permits, and random inspections may occur as considered feasible by Animal Welfare with reasonable consideration for the operators of the boarding facility.
3. A temporary boarding permit allows only up to three (3) animals to be boarded for a maximum of ninety (90) days per animal.
4. Permits for temporary boarding shall not be issued to individuals or at a residence where an individual resides who has been cited under any provisions of Conway Animal Code (Title 6). Any citation and/or conviction under any part of Title 6 shall result in the immediate revocation of the temporary boarding permit.
5. All animals being boarded at the temporary facility shall have proper vaccinations and city tags and shall be spayed/neutered or be scheduled for spaying/neutering when of age. Records of these items shall be maintained by the boarding facility for presentation to Animal Welfare when requested.
6. No animal shall be boarded which has been trained to attack or fight, or which has been used as a "bait animal" for training purposes.
7. No animal shall be boarded which is known to fall under the categories described in Title 6 as Potentially Dangerous, Dangerous or Vicious.

Keeping on the premises more than a total of four (4) dogs and/or cats over the age of 6 months without permit shall be prima facie evidence of violation of this section. The keeping of dogs or cats on parcels of property greater than one (1) acre in area and zoned A-1 (Agricultural District) is exempt from this limitation on number of dogs or cats allowed.

6.04.09 Fraudulent redemption of domestic animals. If any person shall obtain possession and custody of any domestic animal for or on behalf of the owner thereof for the purpose of avoiding payment of the fees and penalties imposed upon the owner by this ordinance, both the owner of such animal and the person so obtaining possession and custody of the animal for the owner shall be deemed to have violated the terms of this ordinance both such persons and such owner shall be punished as hereinafter provided.

6.04.10 Annual License and Tag.

(a) Levy and Amount of License. There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the City. Said fee shall be paid to the City or to any authorized licensed veterinarian. Said fee shall be paid to the City via one of these methods: by mail with a self addressed, stamped envelope enclosed; paid at the Animal Welfare Unit; or paid at the Conway Police Department, or any licensed Veterinarian participating in the City's Spay/Neuter program. It shall be the duty of any licensed Veterinarian collecting a fee under the provisions of this section to remit such fee to the city, (less a Two dollar (\$2) fee per license issued as allowed to the Veterinarian issuing the Annual License on the behalf of the City of Conway). It shall be a prerequisite for any licensed Veterinarian to participate in the City of Conway Spay/Neuter program, to offer for sale at their clinic the City Animal Annual Licenses as outlined above.

(b) For each neutered male or spayed female the levied fee shall be in the amount of \$10.00 annually. The fee for each unspayed female or unaltered male shall be \$20.00, except for any animal under six months of age. If a dog or cat is of such age that a license is not required and if the dog or cat is not required by this ordinance to have a license tag, the owner of the dog or cat shall obtain any durable tags which state the name of the owner, the address, and a telephone number whereby the owner keeper or harborer can be notified.

(c) Should a dog or cat be brought into the City, the person owning or keeping such dog or cat shall have 30 days in which to pay the licensing fee levied hereby. Any person failing to pay said fee within such period shall be required to pay an additional fee of \$10.00. Any person bringing a dog or cat into the city on a temporary basis (30 days or less) is not subject to City of Conway licenses.

(d) Issuance of License Receipt and Tag. The City official or a licensed veterinarian to whom the fee levied by subsection (A) above is paid shall issue a receipt therefore and shall issue to each person paying said fee a metal tag indicating that said fee has been paid; provided a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies within one year prior thereto.

(e) License Period. A license, if not revoked, shall be valid for one year from the date of Rabies vaccination. Every owner and a new fee paid shall obtain a new license each year. An owner shall have 10 days from the date the license expires to obtain a new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of \$10.00.

(f) Tag to be attached to Animal's Collar. It shall be the duty of the owner or keeper of every dog or cat within the City to attach the tag provided for in subsection (b) to a collar securely fixed around the neck of said dog or cat. If the animal's tag is lost, and proof of previous sale is available, the tag will be replaced FREE of charge by the issuing authority.

(g) All owners of seeing eye dogs, hearing ear dogs, assistance dogs, or guide dogs, such dogs being used to aid sensory impaired citizens, or other citizens who, upon medical advice, require the use of an assistance dog, shall not be required to pay an annual city license fee; but shall be required to obtain a license tag and identification tag.

6.04.11 Rabies Vaccination Required.

(a) All dogs, cats and other pets in the City that are subject to rabies shall be annually vaccinated against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every animal in the City. Any person who shall keep any pet which is subject to rabies in the City without first having such pet vaccinated for rabies at least once a year shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

(b) In case a tag for the animal licensing fee or rabies vaccination required by this chapter is lost or destroyed, a duplicate shall be issued by the City upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag.

(c) No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another.

(d) No refunds shall be made on any fee because of the death of the animal or because the owner leaves the City before the expiration of the license period.

(e) Nothing in this section shall be construed to apply to any dog or cat under the age of three months.

6.04.12 Running at Large. No person owning, possessing or keeping an animal shall allow the same to be at large within the City of Conway, Arkansas.

6.04.13 Interference. No person shall interfere with, hinder or molest the Animal Welfare Officer in the performance of any duty of such officer or seek to release any animal in the custody of the Animal Welfare Officer except as herein provided. No person shall remove any animal or assist any other person in removing any animal from the Animal Welfare Unit except as herein provided.

6.04.14 Dogs or Cats Doing Physical or Property Damage. The owners of all dogs and cats running at large in the City of Conway, which while running at large do damage to the property of any person shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 Dollars, plus court costs, and no more than \$500.00 Dollars, plus court costs.

6.04.15 Citations. The Animal Welfare Officer(s) as members of the Conway Police Department are hereby authorized to issue a citation for arrest as defined by the Arkansas Rules of Criminal Procedure to the owner, keeper or possessor of any dog or cat violating any provision of this ordinance. The citation shall be in the form as approved by the District Court of Faulkner County. Said citation shall designate the offense committed and shall require the person so charged to appear before the District Court of Faulkner County to answer the charges therein contained or present said citation at the District Court of Faulkner County Building prior to said court date for disposition. Should an arrest be required for Failure to appear in response to said citation, the Animal Welfare Officer(s) shall seek the assistance of the Patrol Services Division of the Conway Police Department to affect such arrest.

6.04.16 Animal Care.

(a) All animals, excluding livestock, must be provided with appropriate shelter and a safe, non-injurious environment, as per Federal Animal Welfare Act Guidelines. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are the appropriate size, strength, and material that allows the animal to stand, stretch, turn around, and lie down freely. The shelters, enclosures, and fenced areas for animals must be kept free of hazards such as trash, sharp edges, protruding nails, broken or splintered wood, metal or glass shards, machinery, loose wires, or any other material that may cause injury.

(b) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.

(c) No person shall fail to provide his animals with sufficient, good, wholesome and nutritious food, water in sufficient quantities, proper air, shelter which provides protection from the weather which includes four sides with opening, roof, and floor; veterinary care when needed to prevent suffering, and humane care and treatment. No dog or cat may be kept on flooring of suspended wire grid.

(d) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals and/or humans.

(e) No owner, keeper or harbinger of an animal shall abandon such animal.

(f) No person shall confine any animal in a parked vehicle if the outside air temperature is higher than 80 degrees Fahrenheit, unless the vehicle is running and the air conditioner is working properly. Animal Welfare Officers, or other law enforcement officers shall not be liable for any damage resulting to the vehicle when such confined animals must be removed for their safety and well being.

(g) There shall be at least one hundred (100) square feet in either pen or yard for each dog over six (6) months of age kept therein.

(h) It shall be unlawful to allow animals on premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

(i) Animal Welfare Officers have the authority to remove any animal subject to cruelty and impound such animal. The animal shall be impounded and not released unless:

- (1) The owner of the animal, who wasn't charged, claims the animal from the animal shelter; or
- (2) The owner of the animal, who was charged is found not guilty, claims the animal from the Animal Welfare Unit.

If any owner of such impounded animal pleads guilty, nolo contendere, or is found guilty of cruelty to animals, the animal shall become the property of the Conway Animal Welfare Unit and be available to the public for adoption, unless such abuse and neglect has rendered the animal unfit for adoption at the discretion of the Animal Welfare Supervisor.

6.04.17 Transportation. No person shall transport or carry any animal by motorized means unless the animal is safely enclosed within the vehicle or trailer, or enclosed in a portable kennel, crate, or dog box designed for this purpose, which is then fastened by a secure and appropriate means to the bed or the chassis of the vehicle. Dogs may be transported in open beds of pickup trucks provided they are secured in the vehicle by means of a humane cross tether and/or harness. In all cases where animals are transported by motorized vehicles, it must be in a safe and humane manner that will prevent the animal from falling from, being thrown from, or jumping from the motorized vehicle or trailer being pulled by such.

6.04.18 Animal Bites

- (a) When any animal has bitten, scratched, or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately notify Animal Welfare.
- (b) Any animal may be quarantined of at least (10) days at the expense of the owner, or ownership may be relinquished, and the animal euthanized, and its head taken to the State Health Department for a pathological examination.
- (c) Unclaimed stray animals may be humanely euthanized after forty-eight (48) hours or two (2) working days and the head removed and taken to the lab for pathological examination.

6.04.19 Quarantine After Bite.

- (a) Any animal, which has bitten a person, is a rabies suspect and the owner or custodian shall immediately release such animal for quarantine confinement in a veterinary hospital approved by the city. Such quarantine may also be carried out at the Animal Welfare Unit, or if vaccination is current within the past year, within an enclosure approved by Animal Welfare on the premises of the owner at the discretion of and under the supervision of the Animal Welfare Supervisor. All quarantines shall be for a period of ten (10) days.
- (b) Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the City (or by a parent or legal guardian of a person bitten who is under a disability), the Animal Welfare Officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine and quarantine same under the provisions of 6.04.19 (a) above or under the supervision of a licensed veterinarian, who shall keep such dog or animal in quarantine until he shall issue his certificate that:
 - (1) The veterinarian has complied with the observation provisions of Section 3 of Act 11, First Extraordinary Session of the 1968 Arkansas General Assembly (Rabies Control Act); and the dog or other animal appears to be free of infection of rabies (hydrophobia).
- (c) When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under subsections (a) and (b) shall issue the certificate provided for in subsection (b) (1), the owner of such dog or animal may retake custody of it upon tender to such veterinarian or the city Animal Welfare officer of their customary and reasonable fees and charges for impounding, boarding, lodging, observation and testing; except a person who is bitten by an animal while baiting, teasing, or molesting said animal or while trespassing on the premises of the owner or keeper of said animal shall pay all customary and reasonable charges and fees resulting from his request to have said animal confined and quarantined.
- (d) The fee for quarantining an animal at the Conway Animal Welfare Unit shall include board of \$10.00 per day; impound fee of \$25, cost of rabies vaccination and city license if applicable.
- (e) If any dog or other animal confined under subsections (a) and (b) is not reclaimed by its owner, such dog shall be released by the veterinarian to the Animal Welfare Officer who shall treat such dog or animal as one found running at large within the corporate limits of the City.

(f) Any dog or other animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or animal to the Animal Welfare Officer and the Animal Welfare Officer shall confine such dog or animal in quarantine as provided for above.

6.04.20 Penalty: Liability for Animals That Attack a Human Being. Any person who owns, keeps, harbors, or possesses an animal that attacks a person causing harm to a person or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It shall be an affirmative defense to this offense if the animal was provoked or teased. Any person convicted of violating this Section shall be fined not more than five hundred dollars (\$500.00) plus court costs. Additionally, the convicting court may, in the courts discretion, order that the dog to be humanely destroyed.

6.04.21 Diseased or Injured Animals.

(a) It shall be unlawful for any person to knowingly keep any injured animal without providing proper treatment for such injury, or 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.

(b) Any such untreated injured animal or any 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 Supervisor of Animal Welfare Unit or a licensed veterinarian.

(c) Animal Welfare will transport deceased animals for Licensed Veterinarians who participate in the sales of City Animal license tags and collection of fees for same, and the City's Spay/Neuter program as provided in 6.04.10(a) FREE of charge as requested. The animals will be disposed of in the same manner as any animals that are euthanized at the Animal Welfare Unit.

6.04.23 Keeping of Dangerous or Vicious Dogs.

(a) The keeping of such dogs shall be subject to the following standards:

1. Leash and Muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely maintained with a leash no longer than four feet in length.
2. No person shall permit a vicious or dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash.
3. The person in control of the animal must be of size and strength to adequately maintain control of the dog.
4. Such dogs may not be secured to inanimate objects such as trees, posts, buildings, etc.
5. Any vicious or dangerous dogs on a leash outside its kennel must be muzzled by a device sufficient to prevent the dog from biting people or other animals.

(b) Confinement. All dogs designated vicious or dangerous shall be securely confined indoors or in a securely enclosed kennel, except when leashed and muzzled as provided above. The pen kennel or structure must have secure sides and a secure top, which is attached to the sides. All structures used must be locked with a key or combination lock when the animals are within the structures. The pen or kennel must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground at a depth of no less than two feet. All structure used to house dangerous or vicious dogs must also comply with all zoning and building regulations of the city. Kennels must be adequately lighted and ventilated and be kept in a clean and sanitary condition.

(c) Confinement Indoors. No dangerous or vicious dog may be kept on a porch, patio or in any part of a house or building that would allow the dog to exit on its own volition unless to a kennel or fenced back yard. In addition no such animal may be kept in a building when the windows are open or when screen window or screen doors are the only obstacles preventing the dog from exiting the structure unless they exit to the proper enclosure.

(d) Signs. All owners, keepers or harborers of vicious or dangerous dogs within ten days of being so designated shall display in a prominent place on their premises a sign easily readable by the public, using the words "Beware of dog". In addition, a similar sign will be posted on the kennel or pen.

(e) Insurance. All owners, keepers or harborers of vicious or dangerous dogs must within ten (10) days of being so designated provide proof to the Animal Welfare Unit of public liability insurance in a single incident amount of Fifty Thousand dollars for bodily injury or death of any person or persons or for damage to property owned by any persons which may result from the keeping or maintenance of the dog. The insurance policy shall provide that no cancellation shall be made without ten days written notice being provided to the city clerk.

(f) All owner's keepers or harborers of a vicious or dangerous dogs must within ten (10) days notify in writing the Animal Welfare Unit of any of the following:

1. The death of the dog.
2. The removal of the dog from the city
3. The new address of the owner if the owner moves within the corporate city limits of Conway.

(g) The Sale or Transfer of Ownership. Any person may sell, barter or in any other way dispose of the dog, to any person within the city provided that the seller notifies the Animal Welfare Unit on the day of the sale, and that the buyer complies with all of the requirements set forth in this section.

(h) Failure to Comply. It is unlawful for the owner or keeper of a vicious or dangerous dog registered in the city to fail to comply with the requirements set for in this section. Failure to comply shall be subject to immediate seizure and impoundment of the animal. In addition, failure to comply will result in the revocation of the license of the animal resulting in the immediate removal of the animal from the city.

(i) Irrefutable Presumptions. There shall be an irrefutable presumption that any dog registered within the city as a dangerous or vicious dog is in fact a dog subject to the requirements of this section.

(j) Any person violating or permitting the violation of any provisions of this section shall upon conviction in district court be fined in a sum of not less than \$250.00 nor more than \$500.00. In addition, the court shall order the registration of the subject vicious dog revoked and the dog removed from the city. Should the defendant refuse to remove the dog from the city, the district court judge shall find the defendant in contempt and order immediate confiscation of and impoundment of the dog.

(k) Each day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expense, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section.

6.04.23 Killing Rabid, Vicious or Dangerous Animals.

(a) A police officer may kill without notice to the owner any dog, cat, or any other animal, domestic or wild if such animal is reasonably suspected of being rabid whether it bears the tag provided for or not.

(b) A police officer may kill any animal without notice to the owner if it is reasonably suspected by the officer to be a vicious or dangerous animal and is putting persons or property in immediate and unreasonable danger.

6.04.24 Penalty. Conviction for failure to confine a dog or cat in violation of Section 6.04.03 above shall result in a fine as follows:

(a) For a spayed or neutered dog or cat:

1. The first violation within an eighteen month period shall result in a \$10.00 fine.
2. The second violation within an eighteen month period shall result in a \$20.00 fine.
3. The third and each subsequent violation within a three-year period shall result in a \$50.00 fine.

(b) For an unspayed or unaltered dog or cat:

1. The first violation within an eighteen month period shall result in a \$75.00 fine, unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized animals in Section 6.04.24(a)1 above shall apply.

2. The second and each subsequent violation within an eighteen month period shall result in a \$100.00 fine unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized animals in Section 6.04.24(a)2 and Section 6.04.24 (a) 3 shall apply.

3. The fine structure applicable to sterilized animals in 6.04.05(d)1 shall also apply to unsterilized dogs or cats too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's or cat's licensing by a veterinarian licensed to practice within the state.

6.04.25 Deposit of Funds/Assisted Spay/Neutering .

All fees paid to the City of Conway for the licensing of dogs or cats collected after this ordinance becomes effective shall be set aside for an assisted spay and neuter program and other animal health needs.

Chapter 6.08

FOWL, LIVESTOCK, WILDLIFE, WILD ANIMALS AND REPTILES

Sections:

- | | |
|---------|---|
| 6.08.01 | Deposit on Streets |
| 6.08.02 | Running at Large – Fowl |
| 6.08.03 | Running at Large – Stock |
| 6.08.04 | Keeping of Livestock Prohibited |
| 6.08.05 | Hunting and Trapping |
| 6.08.06 | Keeping of Innately Wild Animals, Non-human Primates or Venomous Reptiles |
| 6.08.07 | Keeping of Hogs |

6.08.01 Deposit on Streets. Every dead cow, horse, or other animal found lying on any of the streets, alleys or any other place is declared to be a nuisance and whoever shall deposit the same in such place shall upon conviction thereof be fined not greater than \$200.00.

6.08.02 Running at large – Fowl.

It shall be unlawful for any chicken, guinea, duck, goose or other fowl to stray beyond the enclosure of its owner or owners, keeper or keepers, within the city limits of the City of Conway, Arkansas.

6.08.03 Running at large – Stock.

The running at large or in the public streets, alleys, sidewalks, commons or unenclosed grounds or public or private property within the corporate limits of the City of Conway, of any cattle, horses, mules, asses, swine, sheep, goats or any other animals of like kind, is hereby made unlawful.

6.08.04 Keeping of Livestock Prohibited.

(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 livestock, except as provided herein.

1. The keeping of horses, cows, or raites is permitted where they are maintained on an enclosed pasture containing 3 acres for each animal. Such enclosures shall be kept in a sanitary, healthful, and secure condition so as to prevent any nuisance to citizens.

2. Additionally, adequate supplemental feed shall be supplied, such supplemental feed provided so as to maintain good health and proper condition of each head of livestock.

3. Water vessels appropriately constructed and located must be available so that each animal kept will have 24-hour access to wholesome water.

(b) For any other animals commonly referred to as farm animals including but not limited to chickens, goats, sheep, and ducks, space allotment and food and water must be adequate enough for each animal to be maintained in a comfortable, healthy, and stress free manner.

6.08.05 Hunting and Trapping

(a) It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any other manner whatsoever catch any wildlife within the city limits of Conway, except pursuant to the rules, regulations and licensing requirements of the Arkansas Game and Fish Commission. However, should it be determined by Conway Animal Welfare Unit that a wild or domestic animal is causing a nuisance or creating verifiable property damage, humane live traps may be used to capture and translocate or impound such animal.

(b) Hunting on property owned by the City of Conway is prohibited. Provided, the Mayor's Office may, in cooperation with the Arkansas Game and Fish Commission, issue hunting permits for nuisance wildlife on property owned by the City of Conway.

(c) No person shall set any trap, to catch any animal, permit any trap owned by them or in their control to be set to catch any animal, or allow a trap to be set to catch an animal on their property unless approved by the Animal Welfare Unit. Any animal so trapped shall be immediately relinquished to the Animal Welfare Unit.

(d) This section shall not apply to the indoor trapping of rats and mice.

(e) Nothing in this paragraph shall apply to fur bearing season traps authorized by the Arkansas Game and Fish Commission pursuant to Game and Fish Commission Code of Regulations, Section 10.02 and 10.04.

6.08.06 Keeping of innately wild animals, nonhuman primates or venomous reptiles.

(a) As used in this section, the term "innately wild animals" shall mean lions, tigers, cougars, leopards, panthers, bears, wolves and other non-domestic animals or carnivora, notwithstanding that their natural wildness may be intermittently dormant, as such wildness is likely to be awakened at any time, suddenly and unexpectedly. The failure to specifically list any animal in this subsection will not preclude such animal from being deemed an innately wild and non-domestic animal.

(b) Innately wild animals shall include all members of the order Carnivora which are all meat-eating animals, excluding domestic breeds of dogs and cats.

(c) Keeping of prohibited animals. In this section:

1. Carnivora shall include, but not be limited to, the following families, with representatives of those families as indicated:
 - A. Ursidae: Bears
 - B. Canidae: Wolves, coyotes, foxes, or the hybrid offspring of such canidae (including, but not limited to, domestic dog – canidae crosses).
 - C. Hyaenidae: Hyenas
 - D. Filidae: Lions, tigers, leopards, American lions (commonly know as pumas, cougars, and panthers), cheetahs, bobcats, ocelots, jaguars, African panthers, lynx, margays.
 - E. Procyonidae: Raccoons and relatives.
 - F. Mustelidae: Weasels, skunks, and relatives
 - G. Viverridae: Binturongs, civets, and relatives.
2. Nonhuman primates shall include, but not be limited to, the following families:
 - A. Monkeys: Spider monkeys, squirrel monkeys, marmosets baboons and relatives.
 - B. Great Apes: Gorillas, orangutans, gibbons, siamangs, chimpanzees and relatives.
3. Venomous reptiles shall include, but not be limited to, the following families:
 - A. Colubridae: (two genera only), Dispholidus (boomslang) and Thelotornis (twin snakes).
 - B. Elapidae: Cobras, kraits, coral snakes and relatives.
 - C. Hydrophilidae: Sea snakes.
 - D. Viperidae: Vipers, adders.
 - E. Crotalidae: Pit vipers (commonly known as rattlesnakes, water moccasins, copperheads).
 - F. Helodermatidae: Gila monsters.

(d) The possession, maintenance or keeping of innately wild animals within the city is hereby prohibited.

(e) There shall be a three (3) day grace period after notice for removal of the innately wild animal from the City before the penalty for violation of this section shall be imposed.

6.08.07 Keeping of Hogs. It shall be unlawful for any person or persons to keep or confine any hog or swine within any lot, pen, building, or enclosure of any kind within the City of Conway; provided this ordinance shall not apply to the keeping or confining of hogs or swine for a period not longer than eight (8) days, within the City of Conway by any person or persons in pens or other enclosures owned or leased by and adjacent to the premises of any auction company or for the purpose of exhibit at the Faulkner County Fair when said hogs or swine are confined for the purpose of sale at auction.

Chapter 6.12

PENALTY

6.12.01 Penalty. Any person violating any provisions of this ordinance not punished differently in another section of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Fifty (\$50.00) Dollars, no more than Five Hundred (\$500.00) Dollars, and if such violation be continued, each days violation shall be a separate offense.

SECTION 2. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 3: That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 8th day of June, 2004

TAB TOWNSELL, MAYOR

ATTEST:

MICHAEL O. GARRETT, CITY CLERK