

# ORDINANCE NO. 2008-2

AN ORDINANCE TO AMEND CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF CROSSETT, ARKANSAS, TO REVISE THE ANIMALS AND FOWL LAWS OF THE CITY OF CROSSETT, TO SPECIFY CRIMINAL VIOLATIONS THEREUNDER, TO PROVIDE PENALTIES FOR THE VIOLATIONS THEREUNDER, AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Crossett, Arkansas, has examined in detail its present Animals and Fowl Laws, including all of Chapter 6 of the Code of Ordinances of the City of Crossett, Arkansas; and

WHEREAS, the City Council of the City of Crossett, Arkansas, has determined that it would be in the best interests of the citizens of the City of Crossett, Arkansas if these revisions to the present animals and fowl laws were adopted.

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

Section 1: Chapter 6.04 of the Code of Ordinances of the City of Crossett, Arkansas, is hereby amended to read:

## "TITLE 6

### ANIMALS AND FOWL

#### Chapters:

- 6.04 Dogs and Cats
- 6.08 Other Animals and Fowl

### CHAPTER 6.04

#### DOGS AND CATS

#### Sections:

- 6.04.01 Definitions
- 6.04.02 Microchipping
- 6.04.03 Vaccination
- 6.04.04 Vaccination charges
- 6.04.05 Vicious dogs

6.04.06	Running at large
6.04.07	Confinement of dogs
6.04.08	Impoundment
6.04.09	Reclaiming fee
6.04.10	Offenses and violations
6.04.11	Fines
6.04.12	Sanitation
6.04.13	Disturbing the Peace/Creating a Nuisance
6.04.14	Outdoor cats
6.04.15	Kennels

6.04.01 Definitions

**Animal Control Officer** means the person appointed by the Chief of Police as Animal Control Officer for the city.

**At large** means any dog or cat not confined within a house or other building or enclosure of the owner, or restrained on the premises of the owner by a fence sufficient to prevent the dog or cat from escaping, or not confined by a handheld leash or not confined within a vehicle, when away from the premises of the owner.

**Cats** when used in this article shall include domestic animals of all ages, both male and female, which are members of the feline, or cat, family.

**Dogs** when used in this article shall include domestic animals of all ages, both male and female, which are members of the canine, or dog, family.

**Kennel** shall be any property where more than three dogs or three cats are harbored or kept.

**Muzzle** shall be of appropriate material with sufficient strength to restrain the dog from biting. The muzzle shall be made from a material and maintained on the dog in a manner to prevent injury to the dog.

**Owner** means every person, firm, partnership or corporation owning, keeping or harboring a dog or cat within the corporate limits of the city.

**Vicious Dog** shall mean any member of the canine (dog) family that:

- (1) Has exhibited fierce or vicious behavior toward a person;
- (2) Has attacked a person or another animal with such severity as to cause physical injury or property damage; or
- (3) Is the offspring of a domestic dog and an innately wild animal. The behavior of a dog should not be considered vicious if the dog was provoked or teased. When

rendering a determination pursuant to this section, any canine that reasonably resembles an innately wild animal shall be presumed to be the offspring of a domestic dog and an innately wild animal; however, this presumption may be defeated by a preponderance of evidence to the contrary. When used in this section, the term "offspring" includes animals that are separated by less than three reproductive generations from an innately wild animal.

- (4) A vicious dog shall be determined by the Animal Control Officer or by a certified law enforcement officer, whose determination shall be conclusive.

6.04.02 Microchipping The owner of any dog or cat shall cause to be implanted, by a veterinarian, into each such dog or cat a microchip which contains all identifying information of the owner, as well as the complete rabies vaccination history of the dog or cat.

6.04.03 Vaccination All dogs or cats within the corporate limits of the city shall be vaccinated for rabies by a person authorized by law to administer such serum. If the owner of any dog or cat within the corporate limits of the city shall fail or refuse to have rabies vaccine administered to such dog or cat at intervals of not longer than 12 months, the owner shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) or such other amount as may be set by state law.

6.04.04 Vaccination charges

- A. All persons who administer serum for rabies shall, at the end of each calendar month, file with the City Clerk/Treasurer a list of all immunizations. The list shall show the date, owner's name, serial number assigned description and name of dog or cat.
- B. Fees charged for rabies immunization shall be subject to the determination of a licensed veterinarian.

6.04.05 Vicious dogs It shall be unlawful for any person, firm or corporation to keep within the corporate limits of the city any vicious dog.

6.04.06 Running at large : No person, whether a resident or non-resident of the city, owning, possessing or keeping a dog shall allow the same to run at large within the city. A first offense for any such dog shall consist of a warning letter from the city. Second or subsequent offenses within a calendar year from the offense date of the first offense shall be sentenced in accordance with 6.04.11.

6.04.07 Confinement of dogs

- A. Any person owning, possessing or keeping a dog, whether vaccinated or unvaccinated, shall confine the dog within an adequate fence or enclosure, or within a house, enclosed garage, or other building.

- B. At all times when not confined on the premises of the owner, the owner of any dog shall confine the dog within a motor vehicle, or held by a person competent to control the dog, using a handheld leash.
- C. If any dog is transported in a pick-up truck, it shall be confined to an enclosure that will prevent escape.
- D. No dog shall be restrained by a chain, trolley or rope, unless said dog is inside an adequate fence or pen sufficient to prevent escape, and said dog is able to get under protection from the elements.
- E. There shall be a minimum of twelve feet by twelve feet, per dog, per pen.

6.04.08 Impoundment The Animal Control Officer or members of the Police Department shall take into custody any dog found at large in the city and shall impound the dog in the city pound or such other place as the Animal Control Officer may designate for purpose of impoundment. The impounded dog shall be held for a period of ten days, at the end of which time the dog will be destroyed unless custody of the dog is released prior thereto under the following conditions: During the first six days of impoundment, the Animal Control Officer shall make diligent effort to determine the owner of the dog and notify the owner of the impoundment. If the owner of the dog fails or refuses to claim the dog by payment of the proper fee as described herein within the first six days of impoundment, the Animal Control Officer may deliver custody and possession of the dog to any person other than the owner upon payment of the fee between the sixth day of impoundment and the tenth day of impoundment.

6.04.09 Reclaiming fee Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded may claim and retrieve the dog from the city pound by payment of a fee of Fifty Dollars (\$50.00) if the dog has been vaccinated within the year preceding the impoundment, and is currently vaccinated, or by a fee of Seventy-Five Dollars (\$75.00) in the event the dog has not been vaccinated within a year preceding the impoundment. The burden shall be on the owner to establish that the dog has been vaccinated within the previous 12 month period. If the dog has not been vaccinated within the previous 12 month period, the Animal Control Officer shall not release the dog to the owner until the owner has made satisfactory arrangements to have the dog vaccinated before its release to the owner. The reclaiming fee shall be paid to the Crossett Police Department.

6.04.10 Offenses and violations

- A. **By a law enforcement officer:** Any certified law enforcement officer of the Police Department may enforce the provisions of this article by issuing to the offender a citation to appear in the District Court. The citation to appear shall state the name and address of the violator, the date of the violation, a short statement of the nature of the violation, and shall be signed by the officer issuing the citation. The citation

shall contain a printed statement in which the violator acknowledges the time and date to appear in District Court without issuance of a warrant or other process and which statement is to be signed by the violator.

- B. **By notice from a non-certified Animal Control Officer:** A non-certified Animal Control Officer shall be entitled to enforce the provisions of this article by issuing a notice to appear in the District Court. The notice to appear shall state the name and address of the violator, the date of the violation, a short statement of the nature of the violation, and shall be signed by the person issuing the notice. The notice shall contain a printed statement in which the violator agrees to appear in District Court without issuance of a warrant or other process and the statement shall be signed by the violator. If the violator fails to sign the agreement to appear, the non-certified Animal Control Officer shall follow the procedure set forth in 6.04.10 ( c ).
- C. **By affidavit by non-certified Animal Control Officer:** If the Animal Control Officer appointed to enforce this article is a non-certified law enforcement officer, the non-certified Animal Control Officer shall be entitled to enforce the provisions of this article by following this procedure: For violation of any part of this article, the non-certified officer shall appear before the District Court Clerk or other person authorized to take oath to swear out an affidavit stating the name and address of the violator, the date of the violation, a short statement of the nature of the violation, and file it with the District Court. Thereafter, the usual procedure upon filing of affidavits in District Court shall govern the arrest and trial of the violator.

6.04.11 Fines Any person violating any portion of 6.04.02 - 6.04.06 shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00), payable to the Crossett Police Department.

6.04.12 Sanitation

- A. It shall be unlawful for any person keeping or harboring dogs or cats to fail to keep the premises where such dogs or cats are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the premises. It 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.
- B. It shall be unlawful for any person to keep more than three dogs and/or three cats on any property within the city, or to operate a kennel within the city.

- C. Any person found guilty of violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00).

6.04.13 Disturbing the Peace/Creating a Nuisance

- A. It shall be unlawful for any person to keep on his premises or under his control any dog, cat, or other animal, which by loud and frequent barking or howling, or by otherwise creating a nuisance, disturbs the peace and quiet of any person who may reside within reasonable proximity of the place where the dog, cat, or other animal is kept.
- B. Any person found guilty of violating 6.04.13 shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

6.04.14 Outdoor cats All cats that are allowed to be outside a dwelling of any kind shall be spayed or neutered. Any person, firm, or corporation found to have violated this subsection shall receive a written warning from the city for a first offense. Any person, firm, or corporation who violates this section a second or subsequent time within a calendar year from the offense date of the first offense shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, by a fine of not less than fifty (\$50.00) dollars, and not more than two hundred and fifty (\$250.00) dollars for each offense.

6.04.15 Maximum Number of Dogs and/or Cats; Kennels Illegal It shall be unlawful for any person, firm, or corporation, other than a licensed veterinarian, to harbor or keep more than three dogs and/or more than three cats at any place within the city. It shall further be unlawful for any person, firm or corporation to own or operate a kennel within the city. Any person, firm, or corporation violating this section shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, by a fine of not less than fifty (\$50.00) dollars, and not more than two hundred and fifty (\$250.00) dollars for each offense.”

Section 2: All laws and parts of laws in conflict herewith are hereby repealed.

Section 3: SEVERABILITY: If any part of this Ordinance is held or declared invalid for any reason, such partial invalidity shall not affect the validity of any portion of this Ordinance.

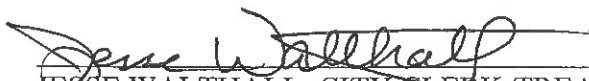
Section 4: This Ordinance shall become effective upon its adoption and publication as provided by law, except the requirement of microchipping shall become effective October 1, 2008.

ADOPTED APRIL 21, 2008.

CITY OF CROSSETT, ARKANSAS

  
MARSHALL S. McCORMICK, II, MAYOR

ATTEST:

  
JESSE WALTHALL, CITY CLERK-TREASURER