

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Rabies Vaccinations
- 6.08 Dogs
- 6.12 Other Animals and Fowl
- 6.16 Pit Bulls and Vicious Dogs

CHAPTER 6.04

RABIES VACCINATIONS

Sections:

- 6.04.01 Vaccinations
- 6.04.02 Fine

6.04.01 Vaccinations All dogs and cats within the city of Hazen shall be vaccinated by a licensed veterinarian at least once a year against rabies, and it is made the duty of all owners of dogs or cats or persons having the possession or control of dogs or cats within this city to have the animals vaccinated with vaccine against rabies in an amount, quantity, and quality to be approved by the State Veterinarian. (Ord. No. 388, Sec. 4.)

6.04.02 Fine Any owner of any dog or cat or any person having the care and control of any dog or cat who fails to have the animal vaccinated according to the terms of this chapter shall be deemed 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. (Ord. No. 388, Sec. 4.)

CHAPTER 6.08

DOGS

Sections:

- 6.08.01 Definitions

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6.08.01 Definitions As used in this ordinance the following terms mean:

Owner: Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs.

Kennel: Any person, firm or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs.

At large: Any dog shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

Restraint: A dog is under restraint within the meaning of this ordinance if he is controlled by a leash, at “heel” beside a competent person and obedient to that person’s commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

Spayed female: Any bitch which has been operated upon to prevent conception.

Animal shelter: Any premises designated by action of the city for the purpose of impounding and caring for all animals found running at large in violation of this ordinance.

Animal Control Authority: the provision of this ordinance shall be enforced by the Animal Control Authority. The Animal Control Authority shall consist of the Mayor, the Chief of Police, and such other person or persons as shall be designated by the Mayor and City Council.

Animal warden: The person or persons employed or appointed by the Animal Control Authority as its Enforcement Officer.

Exposed to rabies: A dog has been exposed to rabies within the meaning of this ordinance, if it has been bitten by or been exposed to any animal known to have been infected with rabies. (Ord. No. 274, Sec. 1.)

6.08.02 Enforcement The provisions of this ordinance shall be enforced by the Animal Control Authority of the city of Hazen, Arkansas. (Ord. No. 274, Sec. 2.)

6.08.03 Running at large prohibited The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person. (Ord. No. 274, Sec. 5.)

6.08.04 Impoundment

- A. Any dogs found running at large, shall be taken up by the agents of the animal control authority, and impounded in the shelter designated as the city animal shelter, and there confined in a humane manner for a period of not less than five (5) days, and may thereafter be disposed of in a humane manner if not claimed by their owners. Provided however, that prior to such disposition, the owners shall be given five (5) days notice by certified mail, return receipt requested. Dogs not claimed by their owners after the expiration of such five (5) days notice, shall become the property of the Animal Control Authority and be disposed of at the discretion of the said authority, except as hereinafter provided in the cases of certain dogs. (Ord. No. 371, Sec. 2.)
- B. Unclaimed dogs for scientific purposes Whenever any hospital or reputable institution for learning shall apply to the city of Hazen for permission to use for research purposes in the study of prevention of disease, or the betterment of mankind, any impounded dog or dogs remaining unclaimed, the city shall request the animal control authority to surrender to the institution or hospital such unclaimed dogs as it has requested, and they shall be so surrendered.
- C. When dogs are found running at large, the first time, and their ownership is known to the Animal Control Authority, such dogs need not be impounded, but the agent, may at his discretion issue the owner a warning citation to keep his or her dog from running at large.
- D. Immediately upon impounding dogs, or other animals the agents of the Animal Control Authority shall make every reasonable effort to notify the owners of such dogs, or other animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

- E. Animals other than dogs shall be impounded when found running at large within the city limits and disposed of in accordance with law.
- F. Unspayed female stray dogs No unspayed dog which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such female spayed. (Ord. No. 274, Sec. 6.)

6.08.05 Redemption of impounded animals

- A. The owner shall be entitled to resume possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon the payment of impoundment fees set forth herein. (Ord. No. 388, Sec. 1.)
- B. Any other animal impounded under the provisions of this ordinance may be reclaimed by the owner upon the payment of impoundment fees set forth herein.
- C. Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within five (5) days of written notice by certified mail, may be humanely destroyed by the Animal Control Authority, or placed in the custody of some person deemed a responsible and suitable owner, who will agree to comply with the provisions of this ordinance and such other regulations as shall be fixed by the Animal Control Authority. Provided, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with. (Ord. No. 274, Sec. 7.)

6.08.06 Impoundment fees Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Authority the sum of Ten Dollars (\$10.00) for each such animal, plus the sum of Five Dollars (\$5.00) for each day such animal is kept after the first day. Impoundment fees set forth herein shall be collected and paid into a fund for the maintenance and operation of the city animal shelter and for the administration and enforcement of this ordinance. (Ord. No. 371, Sec. 3.)

The fee for any animal impounded for rabies quarantine, or for use as evidence in a criminal prosecution is Ten Dollars (\$10.00) for the first day and Five Dollars (\$5.00) for each day such animal is kept after the first. (Ord. No. 371, Sec. 4.)

6.08.07 Confinement of certain dogs and other animals

- A. The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such building, or secure enclosure unless such dog is securely muzzled.

- B. Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with another animal, except for breeding purposes.
- C. No wild animal may be kept within the city limits, except under such conditions as shall be fixed in the Animal Control Authority; provided, however that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions, in accordance with such regulations as shall be established by the Animal Control Authority.
- D. Any animal described in the foregoing sub-sections of Section 9 of this ordinance, found at large, shall be impounded by the Animal Control Authority and may not be redeemed by owners, unless such redemption be authorized by any court having jurisdiction.
- E. Any dog or other animal, impounded for being a public nuisance may not be redeemed unless such redemption is authorized by a court having jurisdiction.
- F. When in the judgment of the Animal Control Authority or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed. (Ord. No. 274, Sec. 9.)

6.08.08 Rabies control

- A. Every animal which bites a person shall be promptly reported to the Animal Control Authority, and shall thereupon be securely quarantined at the direction of said authority for a period of 10 days, and shall not be released from such quarantine except by written permission of the Animal Control Authority. At the discretion of the Animal Control Authority such quarantine may be on the premises of the owner, at the shelter designated as the City Animal Shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City Animal Shelter.
- B. The owner upon demand made by the Animal Control Authority shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees set forth in 6.04.06 of this ordinance. (Ord. No. 388, Sec. 3.)
- C. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation,

the Animal Control Authority shall immediately send the head of such animal to the State Health Department for pathological examination, and shall notify the proper public Health Officer of reports of human contacts, and the diagnosis made of the suspected animal.

- D. When one or both reports give a positive diagnosis of rabies, the Animal Control Authority may impose a city-wide quarantine for a period of 30 days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets during such period of quarantine. During such quarantine no animal may be taken to or shipped from the city without written permission of the Animal Control Authority.
- E. During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under 30 days quarantine by the owner in the same manner as other animals are quarantined.
- F. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six months.
- G. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human except as herein provided, nor remove same from the city limits without written permission from the Animal Control Authority.
- H. The carcasses of any dead animals exposed to rabies shall upon demand be surrendered to the Animal Control Authority.
- I. The Animal Control Authority shall direct the disposition of any animal found to be infected with rabies.
- J. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Animal Control Authority. (Ord. No. 274, Sec. 10.)

6.08.09 Reports of bite cases It shall be the duty of every physician, or other practitioner, to report to the Animal Control Authority the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. (Ord. No. 274, Sec. 11.)

6.08.10 Responsibilities of veterinarians It shall be the duty of every licensed veterinarian to report to the Animal Control Authority his diagnosis of any animal observed by him as a rabies suspect. (Ord. No. 274, Sec. 12.)

6.08.11 Investigation For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent of the Animal Control Authority or any police officer, is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that any agent of the Animal Control Authority may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when in his opinion, it required humane treatment. (Ord. No. 274, Sec. 14.)

6.08.12 Interference No person shall interfere with, hinder or molest any agent of the Animal Control Authority in the performance of any duty of such agent, or seek to release any animal in the custody of the Animal Control Authority or its agents, except as herein provided. (Ord. No. 274, Sec. 15.)

6.08.13 Repeal of conflicting ordinances Any existing ordinances of the city of Hazen in conflict herewith are hereby repealed. (Ord. No. 274, Sec. 18.)

6.08.14 Record

- A. It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.
- B. It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of all bite cases reported to it, and its investigation of same.
- C. It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of all monies received pursuant to this ordinance belonging to the city of Hazen which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city of Hazen, and shall be audited annually in the same manner as other city records are audited. (Ord. No. 274, Sec. 16.)

6.08.15 Fines Fees for being in violation of running at large are as follows:

- A. All dogs:

First offense	\$25.00
Second offense	35.00

Third offense 60.00
Subsequent offenses 85.00

- B. Animals impounded for rabies quarantine or for use as evidence in a criminal prosecution:

Per day \$10.00

Additional court fines of \$25.00 to \$1,000.00 may be assessed for violating the Animal Control Ordinance.

- C. Rabies vaccinations and city tags must be purchased before fine may be paid. (Ord. No. 371, Sec. 9.)

6.08.16 Fees for adoption of any dog There shall be a Five Dollar (\$5.00) fee for the adoption of any dog or puppy. All such dogs or puppies adopted shall receive a rabies shot. Female dogs shall be spayed, or the owner to be shall agree to have such female dog spayed. (Ord. No. 371, Sec. 10.)

6.08.17 Release form Any owner wishing to give the city of Hazen any animal shall be required to sign a release form giving the city full and complete authority to destroy or dispose of the said animal at the convenience of the city of Hazen, and by whatever manner the city of Hazen or its officer shall deem fit. (Ord. No. 274, Sec. 21.)

CHAPTER 6.12

OTHER ANIMALS AND FOWL

Sections:

6.12.01 Livestock
6.12.02 Disturbing the peace
6.12.03 Penalty

6.12.01 Livestock

- A. Hereafter it shall be unlawful for any horse, mare, mule, colt, jack, jennett or swine or any kind of sheep, goats, cattle or fowl to run at large within the limits of this city at any time, day or night. It is hereby declared to be unlawful for the owner or person in charge of any of the animals mentioned above to suffer or permit any such animals to run at large within the limits of this city contrary to the provisions of this article. (Ord. No. 475, Sec. 1.)

- B. Any owner of any horse, mare, mule, colt, jack, or jennet who walks or rides such animal through the city of Hazen must have the animal bagged so that no fecal material may be deposited on the streets, sidewalks, parks or private property of the other citizens of Hazen. (Ord. No. 394, Sec. 3.)

6.12.02 Disturbing the peace It shall be unlawful to harbor or keep any animals or fowls which disturb the peace with loud noises at any time of the day or night.

6.12.03 Penalty Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Five Dollars (\$5.00) nor more than Twenty Five Dollars (\$25.00), and each day that the provisions of this article are violated shall constitute a separate offense. (Ord. No. 235, Sec. 3.)

CHAPTER 6.16

PIT BULLS AND VICIOUS DOGS

Sections:

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|---------|---------------------------------|
| 6.16.01 | Keeping of pit bulldogs limited |
| 6.16.02 | Keeping of registered pit bulls |
| 6.16.03 | Irrefutable presumptions |
| 6.16.04 | Failure to comply |
| 6.16.05 | Violation and penalties |

6.16.01 Banning of Pit Bulls and other Vicious Dogs No pit bull dog or vicious dog (as deemed by the Hazen Animal Control Officer) may be kept within the corporate limits of Hazen unless the animal was registered prior to the effective date of the ordinance. Only dogs registered prior to the passage of this ordinance will be allowed in Hazen city limits and a pit bull is defined to mean:

- A. The Staffordshire bull terrier breed of dog;
 - B. The American pit bull terrier breed of dog;
 - C. The American Staffordshire terrier breed of dog;
 - D. Any dog which has the appearance and characteristics of being predominantly of the breeds listed above or a combination of any of these breeds.
 - E. Any dog deemed vicious by the Hazen Animal Control Officer.
- (Ord. No. 468, Sec. 1-2.)

6.16.02 Keeping of registered pit bulls The keeping of pit bull dogs shall be subject to the following standards:

- A. Leash and Muzzle No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull 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. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- B. Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure 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 not less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- C. Confinement indoors No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- D. Signs All owners, keepers or harborers of registered pit bull dogs within the city shall within thirty (30) days of the effective date of this ordinance 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 is required to be placed on the kennel or pen of each animal.
- E. Insurance All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the effective date of this ordinance, provide proof to the City Recorder/Treasurer of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the City Recorder/Treasurer.

- F. Identification photographs All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the effective date of this ordinance, provide to the City Recorder/Treasurer two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.
- G. Reporting requirements All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the incident, report the following information in writing to the City Recorder/Treasurer as required hereinafter:
1. The removal from the city or death of a registered pit bull dog;
 2. The birth of offspring of a registered pit bull dog;
 3. The new address of a registered pit bull dog owner should the owner move within the corporate limits of the city.
- H. Sale or transfer of ownership prohibited No person shall sell, barter, or in any other way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog. Provided, that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.
- I. Animals born of registered dogs All offspring born of pit bull dogs registered within the city must be removed from the city within six (6) weeks of the birth of such animal. (Ord. No. 370, Sec. 2.)
- J. Spaying and Neutering All owners of pit bulls and vicious dogs that were registered prior to the effective date of this ordinance shall, at his/her own expense, have the animal spayed or neutered and/or shall present to the Hazen Animal Control Officer documentary proof from a licensed veterinarian that a sterilization procedure has been performed on said animal. (Ord. No. 468, Sec. 3.)

6.16.03 Irrefutable presumptions There shall be an irrefutable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited by Section 6.12.01 of this chapter is in fact a dog subject to the requirements of this ordinance. (Ord. No. 370, Sec. 3.)

6.16.04 Failure to comply It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the city to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city. (Ord. No. 370, Sec. 4.)

6.16.05 Violations and penalties If the owner of a pit bull or a vicious dog that is registered prior to the effective date of this ordinance violates any requirement of this ordinance pertaining to the keeping of said dogs, they will be given a written violation which will go into their file. Upon a second violation of any requirement to keep pit bulls or vicious dogs, the dog in question will be immediately banned from the City of Hazen after conviction in District Court and cannot come back into the City limits. Furthermore, if a citizen brings a new pit bull into the city limits of Hazen after passage of this ordinance, he/she will be issued a ticket. Upon being found guilty of any violation of this ordinance in District Court , the fine will be \$500.00. (Ord. No. 468, Sec. 4.)