

## **ORDINANCE NO. 515**

### **AN ORDINANCE TO AMEND THE HAZEN MUNICIPAL CODE BY ADDING A SECTION TO BE NUMBERED SECTION 6.08.18; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAZEN, ARKANSAS:**

**Section 1.** WHEREAS, the owning, keeping, or harboring an excess number of domestic animals presents an imminent threat to the public peace, health, safety, and welfare; the City Council desires to limit the number of domestic animals in a household.

**Section 2.** That the Hazen Municipal Code is here amended by adding a section to be numbered 6.08.18, which said section reads as follows:

#### **Dog and Cat-Number Owned**

**Section 1 Number Of Animals** Except as pursuant to Section 2 herein it shall be unlawful for any person or household to own, keep, or harbor more than five (5) animals (dogs and/or cats combined) over the age of six (6) months within the corporate limits of the City. This provision shall not apply to the City animal shelter, proprietors of animal hospitals, veterinarians, kennel operators, and grooming facilities when such animals are kept upon premises used by such businesses. The burden of proof shall be the owners to show the age of such.

Keeping on the premises of more than five (5) dogs and/or cats over the age of six (6) months shall be a prima facie evidence of violation of this Section. Any person found not to be in compliance with this section shall, at the discretion of the animal control officer or her/his designee have a period of not less than ten (10) days nor more than ninety (90) days to reduce the number through legal channels. When the over limit of animals is causing a nuisance in the community, the time to remove the nuisance animals is reduced. Failure to reduce the number in the designated time is a violation of this section.

A person violating this section shall be assessed a fine not to exceed one-hundred fifty dollars (\$150) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of fine assessments.

**Section 2 Permit Required For More Than Five Dogs And/or Cats** Any person desiring to keep more than five (5) dogs and/or cats at the same address or on the same premises shall deliver a written request to the Mayor's office for permission.

After investigation of the premises by the animal control officer, if it appears that the keeping of said animals as set out in the request and the manner of keeping the same shall not be inhumane offensive unsanitary, nor a public nuisance. the city may issue a permit and said animals may be kept upon the location set out in the request.

(A) The pet owner/guardian must provide proof of rabies vaccination, and sterilization status for all animals listed on the request.

(B) A non-refundable permit fee of \$10.00 for dogs and/or cats is paid to the city and shall be renewed each subsequent year. A penalty of \$10.00 is charged for failure to renew the over limit permit. A re-inspection of the property and animals may be required prior to the renewal being approved.

(C) If at any time the animal control officer shall find that any person to whom a permit has been issued for the keeping of more than five (5) dogs and/or cats on the same premises is keeping the same in a manner that is:

1. Unsanitary.
2. Detrimental to the health or safety of the people in the household or neighborhood.
3. Detrimental to the health of the animals or neighboring animals.
4. In violation of applicable animal care/control ordinances.
5. Not within the specifications set out within the issued permit.

The animal control officer shall revoke the permit issued to the person or household. However, no such permit shall be revoked until ten (10) days notice has been given to the person holding such permit to correct the violation or reduce the number of animals to the legal limit, Failure to correct the violation(s) and/or reduce the number of animals is a violation of this Section.

A person or household that fails to correct a violation or has a second violation of this section within a twelve (12) month period is assessed a fine of no less than one-hundred-fifty dollars (\$150.00) nor more than one-thousand dollars (\$ 1000.00).

**Section 3** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application. To this end, the provisions of this Ordinance are declared to be severable.

**Section 5. Emergency.** It is therefore declared that an emergency exists; and, this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage.

**PASSED AND APPROVED THIS 20<sup>TH</sup> DAY OF OCTOBER 2022.**

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**DAVID HARDKE, MAYOR**

**ATTEST:**

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**DAVID HOOVER, RECORDER/TREASURER**