

## TITLE 6

### ANIMALS AND FOWL

#### Chapters:

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#### CHAPTER 6.04

#### ARTICLE I - GENERAL

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6.04.01 Definitions The following words, terms, and phrases shall have the meanings ascribed to them in this Exhibit, except where the context clearly indicates a difference meaning: (Ord. No. 2020-09, Exhibit 1)

- a. *Abandoned*: A domesticated animal that an owner has forsaken entirely or neglected or refused to provided care and support.
- b. *Animal*: Every vertebrate non-human species of creature.

- c. *Animal Establishments:* Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaging in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.
- d. *At Large Animal:* An animal that is not confined to the premises of the owner within a house, fence, or other structure, or restrained by a leash sufficiently strong enough to prevent the animal from escaping and restricting the animal to the premises; or an animal that is not confined by leash or within an automobile when away from the premises of the owner.
- e. *Licensed Breeder:* Any person, partnership, or corporation which maintains and unaltered (unsterilized) dog and breeds said animal for any consideration for profit, fee, or compensation.
- f. *Cat:* Any commonly domesticated feline animal that includes both male and female gender of the species.
- g. *Direct-Point Chaining:* To tether or chain an animal to one fixed object such as a stake, tree, car, etc.
- h. *Dog:* Any commonly domesticated canine animal and includes for the male and female of the species.
- i. *Domesticated Animal:* An animal that is socialized to humans and appropriate as a companion for humans.
- j. *Fence:* A physical barrier constructed out of such a material as to provide a barrier between an animal and the public.
- k. *Goat:* any of various hollow-horned ruminant mammals (especially of the genus *Capra*) related to the sheep but of lighter build and with backwardly arching horns, a short tail, and usually straight hair.
- l. *Hog:* A hoofed mammal of the family Suidae, or Artiodactyl, comprising of boars and swine.
- m. *Innately Wild Animal:* Any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or characteristics, is dangerous to human beings. Such animals shall include, but not be limited to: lions, tigers, leopards, panthers, bears, wolves and wolf-hybrids, cat-hybrids, cougars, coyotes, skunks (whether deodorized or not), apes, gorillas, monkeys, foxes, elephants, rhinoceroses, alligator, crocodiles, caimans, fowl larger than a

macaw, all form a venomous reptile and any snake that is greater than eight (8) feet in length. The terms shall also include any animal listed as an “endangered species” under the Federal Endangered Species Act of 1973, as amended, or any fowl protected by the Federal Migratory Bird Treaty Act. The innately wild animal shall not include gerbils, hamsters, guinea pigs, mice, rats or domesticated rabbits.

- n. *Owner*: An adult person or custodian possessing, harboring, keeping, or feeding for a period of five (5) days.
- o. *Public Nuisance Animal*: Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the right of citizens, other than their owner, to enjoyment of life or property.
- p. *Running at Large*: Any animal roaming freely at will.
- q. *Stray*: An animal that is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by its owner.
- r. *Sterilized*: Any animal that has been spayed or neutered.
- s. *Vicious Dog*: Any member of the canine family that:
  - (1) Has exhibited fierce or vicious behavior towards a person; or
  - (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 or innately wild animal?
    - i. The behavior of the dog should not be considered vicious if the dog was provoked or teased. When rendering a determination pursuant to his 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, the presumption may be defeated by a preponderance of evidence to the contrary.
    - ii. When used in this section, the term “offspring” includes animals that are separated by less than three reproductive generations from the innately wild animal.
- t. *Ward Animal Control*: A term that collectively refers to all City Animal Control Employees, including Officers.

- u. *Ward Animal Shelter*: An animal facility operated by the City of Ward. (Ord. No. O-2020-09, Exh. 1, Sec. 1)

#### 6.04.02 Interference with Enforcement

- a. Interfere in any manner with the director of the animal shelter or any animal control worker while they have in their custody any animal;
- b. Remove from the animal shelter any animal which is in the custody of the animal shelter unless the director or other person in charge of the animal shelter has authorized the release of such animal; or
- c. Knowingly obstruct, impair or hinder, directly or indirectly, the lawful performance of enforcement and animal control functions of the director or other appointed animal control officer. (Ord. No. O-2020-09, Exh. 1, Sec. 2)

#### 6.04.03 Cruelty to Animals

- a. See State Law Reference:
  - (1) A.C.A. §5-62-103 Offense of Cruelty to Animals;
  - (2) 5-62-104 Offence of Aggravated Cruelty to a Dog, Ct, or Equine
- b. Animal control 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 shall not be charged, claims the animal from the shelter; or
  - (2) The owner of the animal, who was charged and is found not guilty, claims the animal from the shelter.

#### 6.04.04 Releasing Animals in Public Places

- a. It shall be unlawful for any person to knowingly release any animal in any public place within the city.
- b. As used in this section, the term “animal” shall mean any animal other than a human being; the term “public place” shall include all properties owned by the city.

#### 6.04.05 Keeping of Innately Wild Animals

- a. *Definition.* As used in this article, the term innately wild animal shall mean any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or other characteristics, is dangerous to human beings. Such animals shall include, but not to be limited to, lions, tigers, leopards, panthers, bears, wolves, cougars, coyotes, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys, foxes, elephants, rhinoceroses, alligators, crocodiles, Caymans, fowl larger than a macaw, all form of venomous reptiles and any snake that will grow to a length greater than eight feet. The terms shall also include any animal listed as an “endangered species” under the federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act. The term innately wild animal shall not include gerbils, hamsters, guinea pigs, mice or domesticated rabbits.
- b. *Violations and penalties.* It is hereby declared to be unlawful for a person to own, possess, keep, or harbor any innately wild animal within the city. Any person convicted of violating this section shall be fined not more than \$500.00. If the violation in its nature is continuous in respect to time, the fine shall not exceed more than \$250.00 per day. Additionally, the convicting court shall either
  - (1) Order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition; or,
  - (2) Order the humane destruction of the animal.
- c. *Affirmative defenses.* No person shall be convicted of violating this section if such person can establish a defense listed in this subsection by a preponderance of the evidence.
  - (1) Zoos, circuses, etc. This section shall not apply to any zoo, circus or sanctuary complying with the applicable laws and regulations and keeping such innately wild animals for the education and entertainment of the public.
  - (2) Domestic dogs and cats. This section shall not apply to domestic dogs and cats that have been duly licensed and properly treated with a vaccine which the compendium of animal rabies prevention has established is capable of effectively preventing the spread of rabies in the applicable species.

- d. *Liability for innately wild animal that attacks a person.* Any person who homes, keeps, harbors, or possesses an innately wild animal that attacks a person causing harm to a person or property or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It is an affirmative defense to this subsection that the animal was provoked. Any person convicted of violating this subsection shall be fined not more than \$500.00. Additionally, the convicting court shall either
  - (1) Order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition, or
  - (2) Order the humane destruction of the animal.

6.04.06 Veterinarians to Report Cases of Rabies to Health Officer

- a. Every veterinarian shall report promptly to the health officer all cases of rabies in all animals treated by him from the City of Ward, giving the name and address of the owner and owners' addresses of any animals bitten, as far as is known.
- b. State Law Reference: A.C.A. 20-19-301-312

6.04.07 Dogs and Cats – Vaccination; Penalties

- a. All dogs and cats within the City of Ward shall be vaccinated at least once a year against rabies, unless indicated otherwise by a veterinarian (example: 3 year shot), 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.
- b. 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 dog or cat vaccinated according to the terms of this section shall be deemed guilty of a misdemeanor and upon conviction, the person shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense. A court appearance is required for a third and subsequent offense.
- c. State Law Reference: A.C.A. 20-19-304 & 305

6.04.08 Dogs and Cates – Number Owned

- a. For the purpose of this section, an animal shall be defined as a dog or a cat.

- b. It shall be unlawful for any person to own, keep or harbor more than five animals which are over 12 weeks old within the city limits, and the burden of proof shall be the owners to show the age of such animals.
- c. This section shall not apply to animal hospitals, veterinarians, or animal boarding facilities when such animals are kept for normal business purposes.
- d. Any person wishing to own, keep, or harbor more than five animals, but not more than 10 animals, shall make application for a permit for each additional animal. Each permit will cost \$10 and will be renewed on a yearly basis.
- e. Any person wishing to operate an animal rescue inside the city limits may do so by making application to the city for a permit. The owner of said rescue must provide proof of being a non-profit organization with the application process and will be subject to an inspection of the facilities by the city animal control officer. The number of animals shall be limited to ten, with a permit cost of \$25.00 annually.

**9. Public Nuisance Animal** It shall be unlawful for any person to own or harbor a Public Nuisance Animal. The term "Public Nuisance Animal" shall include, but not be limited to:

- a. Any animal that is repeatedly found running at large.
- b. Any animal in any section of a public park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.
- c. Any animal that damages, soils, defiles or defecates on any property other than of its owner.
- d. Any animal that causes fouling of the air by noxious or offensive odors from unsanitary conditions and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- e. Any animal in-heat that is not confined so as to prevent attraction or contact with other animals.
- f. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.

- g. Any animal that chases motor vehicles in a public right-of-way;
- h. Any animal that attacks domestic animals;
- i. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
- j. An animal in which by loud or frequent noise may disturb the peace and quiet of any person who may reside within reasonable proximity of the place where the animal is kept.
  - (1) Any claim of excessive noise must be validated by the Ward Police Department, Lonoke County Sheriff Office, or Ward Animal Control Officer.
  - (2) If said claim for excessive noise cannot be witnessed by a Police Officer or Ward Animal Control Officer, the person calming such nuisance should file an affidavit with the State District Court and be required to pay any court costs associated therewith. If the animal owner is found guilty on three separate occasions, Ward Animal Control shall impound the offensive animal(s) until a decision of the animal(s) fate is decided by the State District Court.

#### **10. Outside Animal Sales**

- a. No person or business shall sell, exchange, barter, trade, lease, rent, give away or display any live animal on roadside, public right-of-way, parking lot, median, park, playground or other recreational area, outside flea markets, commercial or retail property adjacent to such locations, that is generally accessible to the public, regardless of where such access is authorized or not.
- b. Exception: This section shall not apply to humane societies, animal control agencies, or non-profit organizations sponsoring animal adoption events, having obtained prior approval from the Ward Animal Control Officer.

#### **11. Adoption Procedures: See Attachment 2**

#### **12. Fostering procedures: see attachment 3**

**CHAPTER 6.08**

**ARTICLE II - DOGS**

Sections:

6.08.01 Number Limited Refer to Article 1, Section 7.

6.08.02 Running at Large It shall be unlawful for any person to:

6.06.02 Dogs – Article II

**1. Generally**

Number Limited – Refer to Article 1, Section 7

**1. Running At Large Prohibited.**

- a. No person owning, possessing or keeping a dog shall allow such dog to run at large within the city.
- b. State law references: Authority of the city to prevent dogs from running at large and providing for the destruction of the same, A.C.A. §14-54-1102.

**2. Citations** The police department, the health department and animal control workers are hereby authorized to issue citations for violations of this article.

**3. Barking and Howling**

- a. It shall be unlawful for any person to keep on his premises or under his control any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept.
- b. Refer to Article 1, Section 8j

**4. Dog Pens**

- a. Each enclosure must be of sufficient size that the animal will have room to stand, turn and stretch out to its full length.

**5. Condition of Premises**

- a. It shall be unlawful for any person keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of such premises. A diligent and systematic effort must be made to eliminate or fill any holes on the premises to avoid said holes from holding water, urine or feces.
- b. It shall be unlawful to allow premises where dogs are kept to become unclean by failing to diligently and systematically remove all waste from the premises every 72 hours.

**6. Minimum Care (Dogs)**

## a. Facility

- (1) All dogs shall have continuous access to a structurally sound, moisture-proof and windproof facility large enough to keep the dog reasonably clean and dry.
- (2) A facility which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.
- (3) A dog's facility and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites

## b. Nutrition

- (1) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh, potable water adequate for the dog's size, age, and physical condition.
- (2) It shall be unlawful for any person keeping or harboring any dog to fail, refuse, or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.

- 7. Violations & Penalties for Article 2 Section 1 thru 7** Any owner of a dog or any person having the care or control of any dog who fails to abide by Sections 1 thru 7 of Article II shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than \$25.00 for the first offense, \$50.00 for the second offense and

upon a third offense there will be a mandated judge appearance and a fine of no less than \$500.00.

## 8. Vicious Dogs

- a. Definitions. See Section 1r
- b. Initial determination. An animal control officer shall deem a canine to be a vicious dog if the animal control officer determines that the canine satisfies the definition of vicious dog as described in subsection (a). Upon deeming the canine to be a vicious dog, the animal control officer shall notify the owner by hand delivery or by mailing a notice by certified mail to the owner. The officer shall also apprehend the canine and shall not release it until the requirements of subsection (d) have been met or until so ordered by a court of competent jurisdiction.
- c. Appeal of determination. Any person who has received notice that his or her canine has been deemed a vicious dog may appeal such decision to the Mayor, or his/her designee ("Mayor"). The appeal must be made within ten days of the day the notice was made in accordance with subsection (b). Upon receiving the appeal, the Mayor shall schedule and hold a hearing within ten days to determine whether the initial determination was rendered in error. The decision reached at the hearing shall be considered the final decision of the city as to whether the canine is a vicious dog. If the initial determination is not appealed or if the right to appeal is waived, the initial determination shall be considered the final decision of the city as to whether the canine is a vicious dog. An appeal from the decision of the Mayor may be made to a court of competent jurisdiction.
- d. Release. A canine that has been apprehended pursuant to subsection b shall only be released by the animal shelter if all of the following conditions have been met:
  - (1) The owner has signed a written agreement that unless and until the canine is determined to no longer be a vicious dog by the Mayor or a court of competent jurisdiction, the canine shall be controlled in a manner consistent with this section when it is within the municipal limits of Ward; and
  - (2) No vicious dog in the possession of the animal control department shall be released to any person other than the owner.
  - (3) After the canine has been deemed vicious by Animal Control and exhaustion of appeals, the owner of said vicious canine will be mandated

to have insurance of warranty bond on said canine in an amount no less than \$100,000.00 if they wish to maintain the animal and abide by Section 9 Subsection (f).

- (4) **MANDATORY MICRO-CHIPPING:** Every canine, released under this subsection must be Microchipped at the owner expense prior to release.
- e. **Failure to retrieve.** The animal control department may humanely destroy any vicious dog that is not retrieved by the owner within ten days of the day the owner is notified that a final decision has been reached deeming the canine a vicious dog or within ten days of the day the owner is notified that the vicious dog has been impounded, whichever is later. A canine that is found not to be a vicious dog shall be retrieved, destroyed or adopted in accordance with the ordinances, rules, and regulations of the city and the animal control department that generally apply to all impounded dogs.
- f. **Control of vicious dogs.** Vicious dogs shall be kept secure at all times. Any person who owns, possesses, keeps or harbors a vicious dog within the municipal limits of Ward shall:
- (1) Keep the vicious dog confined within a dwelling unit or a commercial building;
  - (2) Keep the vicious dog on a leash under the control of a responsible handler, and said animal must be muzzled;
  - (3) Keep the vicious dog in a secured enclosure<sup>1</sup> with a covered or secured top and a secure bottom when outdoors and unattended;
  - (4) Post signs for vicious animal at 20 feet interval around the perimeter of the property.
- g. **Transfer of care or ownership.** No person who owns, possesses, keeps or harbors a vicious dog shall knowingly allow another person to own, possess, keep or harbor that same vicious dog without first disclosing that it has been deemed vicious, as well as the requirements associated with vicious dogs. A person who transfers ownership of a vicious dog to another person shall notify the animal control department no later than ten days after the transfer is made. It is hereby declared that violations of this section are unlawful. Any person who violates this subsection shall be subject to the penalties described in subsection (b).
- h. **Violations and penalties.** Any person convicted of violating the provisions of

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<sup>1</sup> Each enclosure must be sufficient size that the animal will have room to stand, turn and stretch out to its full length.

this section shall be guilty of a violation and shall be fined not more than \$1,000.00. If the violation in its nature is continuous in respect to time, the fine shall not exceed \$250.00 per day. Additionally, the convicting court may, in the court's discretion, order the vicious dog that is subject to the offense to be destroyed.

### **Impoundment (Division 2)**

1. **Impoundment and Destruction Authorized** The animal control worker shall take in custody any animal found at large in the city and shall impound the animal in the city animal shelter or such other place as such animal control worker may designate for the purpose of impoundment. Such impounded animal shall be held for a period of five working days, at the end of which time the animal may be destroyed unless custody of the animal is released prior thereto as provided in this division. Provided, however, that any such animal may be destroyed prior to the expiration of such five working day waiting period when such animal has been seriously injured or is seriously ill and in the opinion of a qualified veterinarian such destruction would eliminate needless suffering on the part of the animal and would constitute the humane solution to such animal's suffering.

State law references: Impoundment and destruction of any animal found at large, A.C.A. § 14-54-1102.

### **2. Receipts**

- a. The director of the city's animal shelter shall have duplicate receipts prepared and shall ensure that the animal control workers furnish a receipt to the owners of all animal picked up or impounded by the city's animal shelter, if the owner is known.
- b. The receipts to be furnished to the owners of impounded animal shall contain the following information:
  - (1) The name, address and telephone number of the animal owner.
  - (2) The place and/or address where the animal was picked up.
  - (3) The date and time the animal was taken into custody.
  - (4) The type or breed of the animal.
  - (5) The sex of the animal.
  - (6) The license number of the animal.
  - (7) The color and a complete description of the animal.
  - (8) The nature of the violation for which the animal was picked up and impounded.

- (9) The name and signature of the animal control worker issuing the citation as well as the receipt.
  - (10) The place where the animal can be recovered by its lawful or rightful owner.
  - (11) The amount of the penalty and/or charges the owner must pay to recover the animal.
  - (12) The date when the animal will be eligible for release from the animal shelter.
  - (13) The date the animal will be disposed of provided the owner thereof does not call and recover such animal by paying all charges.
- c. The receipts for the impounded animal shall be numbered and prepared in duplicate; the original shall be furnished to the owner of the animal, and the copy shall be maintained at the animal shelter for a period of not less than 90 days, after which time the duplicate receipts may be destroyed at the discretion of the director.
  - d. If the owner of the impounded animal is not at home or cannot be located at the time such animal is impounded, the animal control worker shall post the original copy of the receipt in a conspicuous place upon the animal owner's premises.
  - e. Should the animal control worker be unable to determine the identity or locate the address of the impounded animal, the execution of a receipt shall not be required.

### **3. Reclaiming Impounded Animals**

- a. Any person owning, possessing or keeping an animal which has been impounded may claim and retrieve such animal from the city animal shelter by payment of the required fee. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the animal from the animal control worker under the article.
- b. Any person claiming an unvaccinated and/or unlicensed animal, shall cause said animal to be licensed by the Animal Control Officer prior to release, and as a condition of release, the owner must have their animal vaccinated by a veterinarian of their choice with return proof within 5 working days for the license of said animal. Failure to comply within the timeframe will result in issuance of a citation to the owner with a fine no less than \$50.00 plus cost.
- c. If the owner of an impounded animal fails or refuses to reclaim such dog within five days after impoundment, the city shelter is hereby authorized to release such to a person other than the owner upon payment of the required fees.

d. State law references: Sterilization of impounded dogs, A.C.A. § 20-19-103.

**4. Acceptance of Unwanted Dog**

- a. The animal control workers shall accept unwanted dogs from city residents upon the payment by such resident of the required fee (see Section 5 below) therefor, provided room at the shelter for the animal is available.
- b. All dogs accepted by the city animal shelter as provided in this section shall become the property of the city.

**5. Fee Schedule for City Animal Shelter**

a. Reclaiming fees:

- (1) \$15.00 for all animals; plus \$5.00 per day board.
- (2) Reclaiming fee shall be \$20.00 for each recurring offense; plus \$5.00 per day board.

b. Adoption fees:

- a. Dog: \$110.00
- b. Cats: \$80.00

c. Relinquishment fees:

- (1) If an animal is over three months old, a \$30.00 relinquishment fee is required for the first animal and \$20.00 for each additional animal over three months of age.
- (2) \$30.00 per litter if less than three months old.

c. Microchipping Fee: \$25.00

**License and Vaccination (Division 3)**

State law references: Rabies Control Act, A.C.A. § 20-19-301 et seq.

**1. Dog or Cat License Required**

- a. Any person who owns, keeps, or harbors a dog or cat in the city that is at least 13 weeks old shall obtain a city dog or cat license<sup>2</sup> on an annual basis. Any city dog

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<sup>2</sup> See Attachment 1 – Ward Pet License Application

or cat license issued by a city official or an authorized veterinarian shall be valid for one year from the date of issuance. No dog or cat license shall be issued for a dog or cat unless the animal has been vaccinated against rabies by a licensed veterinarian within the past 60 days. If a dog or cat is found without the required license the owner shall be charged with the offense of failure to license a dog or cat.

2. The cost of a city dog or cat license shall be \$5.00 for sterilized dogs or cats and \$10.00 for unsterilized dogs or cats. However, the cost of a city dog or cat license for an unsterilized dog or cat, which based upon a written opinion of a duly licensed veterinarian, is not capable of being sterilized due to a serious medical risk or a serious medical condition, shall be \$5.00. In the prosecution for failure to license a dog or cat, it shall be presumed that an unsterilized dog or cat does not have an above mentioned serious medical risk or condition.
3. Any person required to obtain a dog or cat license pursuant to subsections (a) and (b) above has the option, in lieu of said annual license, to obtain a lifetime dog or cat license if their dog or cat is sterilized. If the owner of the dog or cat has the microchip already implanted and provides proof, the owner of the dog or cat can obtain a lifetime license for a \$20.00 fee. If the owner of the dog or cat wished for an animal control employee of the city to implant the microchip into the dog or cat a lifetime license can be obtained for a \$40.00 fee. Any person obtaining a lifetime animal license pursuant to this section shall still be required to have his or her pet vaccinated pursuant to section 6 of Article I.
4. Any person who fails to properly license their dog or cat, upon conviction will be guilty of a misdemeanor and be fined an amount not to exceed twice the normal licensing fee plus court cost. Second and subsequent convictions will be levied a fine as deemed appropriate by the State District Court Judge plus court costs.
5. Any dog or cat not properly licensed may become the property of the Ward Animal Shelter and be made available for adoption to the public by order of the convicting court.
6. State law references: Authority of city to place a tax on dogs, A.C.A. § 14-54-1103.
7. **Issuance Of License.** The Ward animal control personnel -are hereby authorized to issue a city dog or cat license to the owners of dogs or cats provided that the owner can provide proof that the dog or cat has been rabies vaccinated within the past 60 days. Such licenses shall be furnished by the city and any of the above-mentioned authorized issuers shall maintain a proper record and accounting of the amount of each license issued and the date that each license was issued.

6.06.03 Livestock – Article III

State law references: Livestock running at large, A.C.A. § 14-54-1101.

**1. Certain Stables Declared Nuisance.** All stables within the limits of this city used for the housing of horses, mules, cattle or livestock for sale which violate any of the provisions of this chapter are hereby declared to be public nuisances and menaces to the public health.

**2. Keeping Of Horses And Cows.** No person shall keep any horse or cow except in an enclosed pasture containing one acre for each animal.

**3. Horses And Cattle Running At Large.**

- a. No person owning, possessing or keeping horses or cattle shall allow any such animal to run at large within the city limits.

Any person found to be in violation of this section shall be punished as required in Section 8 of Article II of this Ordinance.

**3. Keeping Of Hogs, Goats Or Sheep.**

- a. It is hereby declared to be unlawful for any person to possess, maintain or keep any hogs, goats or sheep within the limits of the city or to permit any hogs, goats or sheep to run at large within the limits of the city; except that hogs, goats and sheep in transit may be kept for a period not to exceed 24 hours in a duly established stockyard.
- b. The enforcement of the provisions contained in this section shall be the responsibility of the police department, the city animal control officer or the city code enforcement officers.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and each day that the provision of this Section are violated shall constitute a separate offense.”

6.06.04 Fowl

**1. Running At Large Prohibited.**

- a. It shall be unlawful for any person to permit chickens, guineas, ducks, geese or other fowl to run at large in a residential neighborhood.

- b. No more than six (6) adult fowl may be kept at any one time.
- c. It shall be unlawful for any person to keep one or more Roosters.
- d. The enforcement of the provisions contained in this section shall be the responsibility of the police department, the city animal control officer or the city code enforcement officers.
- e. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and each day that the provision of this Section are violated shall constitute a separate offense.”

#### 6.06.05 Animal Establishments

##### **1. Definitions** See Article 1, Section 1b

##### **2. Permit Required; Term; Renewal; One per Establishment**

- a. No person shall operate an animal establishment without first obtaining a permit from the animal control authority in compliance with this article, nor may any person operate an animal establishment in a manner in violation in any provision of this chapter.
- b. The permit period for a permit under this article shall begin with the first day of the calendar year and shall run for one year. Renewal applications for permits shall be made 30 days prior to and up to 60 days after January 1 or each year. Application for a new establishment under the provisions of this article shall be made within 60 days of the start of business or operation.
- c. Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit (e.g., two pet stores at different locations but owned by the same person shall be considered as two animal establishments).

##### **3. Application Procedure, Inspection, Issuance of Denial**

- a. Each animal establishment shall annually file an application for the permit with the animal control authority within the time periods provided in sub-section (b) of section 2.
- b. The application for permit under this article shall be made on a form provided by the animal control authority and available from the authority or the city clerk's office.

- c. Upon receipt of a completed application for a permit under this article, the animal control authority shall inspect the facility to ensure that all animals are provided for in a humane manner and that the establishment follows all provisions of this chapter. The animal control authority shall be permitted to make such inspection at any reasonable time during normal business hours.
- d. The animal control authority shall either issue a permit to the applicant for an animal establishment or, if a permit is not granted, the animal control authority shall notify the applicant in writing of the specific reasons for denial.
- e. An animal establishment denied a permit may not reapply for a period of at least 30 days. Each reapplication shall describe any previous denial or revocation.
- f. If an applicant for a permit under this article is shown to have withheld or falsified any material information on the application, the animal control authority may refuse to issue or may revoke a permit.

#### **4. Revocation**

- a. The animal control authority may revoke any animal establishment permit if the person holding the permit refuses or fails to comply with this chapter, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this article.
- b. Whenever a permit under this article is revoked for cause, or pending any proceedings to contest such action, the animal control authority shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed to for removal of animals from such premises and shall state the specific reasons for revocation. If any such owner shall fail to remove such animals as directed, the animal control authority may impound such animals.

#### **5. Compliance with Chapter**

- a. An animal establishment shall not sell, trade or give away any dog or cat over six months of age unless the dog or cat has been licensed and/or vaccinated as required by this chapter.
- b. The animal control authority shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this article and the animal control code.

**6. Standards for Retail Pet Stores** All pet stores, including pet stores operated in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section, Arkansas law (see d below) and Arkansas Department of Health Regulations (see e below). Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for pet stores are as follows:

- a. Water Containers: There shall be available hot water at a minimum temperature of 160 degrees for washing cages and disinfecting, and cold water easily accessible to all parts of the store. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.
- b. Room temperature. The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the store.
- c. Cages and enclosures. All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to its full length.
- d. State Law Reference: A.C.A. 4-97-101
- e. Arkansas Department of Health Regulation:  
<https://www.healthy.arkansas.gov/programs-services/topics/pet-store-regulations>  
(Ord. No. 2020-09, Exh. 1)