

ORDINANCE NO. 9301

AN ORDINANCE REGULATING THE KEEPING, TAKING UP, IMPOUNDMENT, QUARANTINING AND DESTRUCTION OF ANIMALS AND MAKING VIOLATIONS A MISDEMEANOR; REPEALING ORDINANCE NO. 1-77; DECLARING AN EMERGENCY TO EXIST AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS:

SECTION 1. Definitions:

As used in this ordinance the following terms when used singularly shall include the plural and shall mean:

OWNER: Any person, firm, or corporation owning, keeping or harboring an animal.

ANIMAL: Dog or cat, male or female.

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

AT LARGE: Any animal shall be deemed to be at large when it is off the property of its owner and not under control of a competent person.

RESTRAINT: An animal is under restraint within the meaning of this ordinance if it 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 confined within the property limits of its owner or keeper.

ANIMAL SHELTER: Any premises designated by action of the City for the purpose of impounding and caring for all animals in violation of this ordinance.

ANIMAL WARDEN: The person or persons employed by the City as its enforcement officer.

EXPOSED TO RABIES: An animal 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.

SECTION 2. Enforcement:

The provisions of this ordinance shall be enforced by the Animal Warden of the City of Cotter.

SECTION 3. License Fee and Tag:

(a) The quartering, keeping and maintaining of any animal within the corporate limits of the City of Cotter, Arkansas, shall be a privilege exercisable only by the purchase of an annual license for such purpose, from the City, for each calendar year.

(b) The annual license fee shall be Five Dollars (\$5.00) for a neutered male or spayed female animal, and Seven Dollars (\$7.00) for an unaltered animal. Said fees shall be for each animal, for each year or fraction thereof.

(c) The license and appropriate metal tag showing assigned number, shall be issued by the City Clerk, or agent designated for that purpose, upon payment of the fee set out above, and proof that the animal for which said license is sought has been innoculated against rabies for the current calendar year, and proof of neutering or spaying.

In addition, a listing of the animal's chronic medical disabilities, if any, may be noted in the license file, to assist the Animal Warden in the performance of his duties.

(d) The identifying metal tag shall be attached to the animal for which it was obtained by appropriate and reasonable means. This tag may not be transferred to any other animal.

SECTION 4. Restraint:

The owner shall keep their animals under restraint at all times and shall not permit such animal to be at large.

SECTION 5. Impoundment:

(a) Any animal found running at large shall be taken up by the Animal Warden and impounded in the shelter designated as the City Animal Shelter, and there confined in a humane manner for a period of not more than three (3) working days, and if not claimed by the owner within the three (3) working days, may thereafter be disposed of in a humane manner or placed up for adoption at the descretion of shelter personnel.

(b) When animals are found running at large, and their ownership is known, such animal need not be impounded, but upon notifying the owner, the Animal Warden may, at his descretion issue a warning, or a citation for violation of this ordinance.

(c) Immediately upon impoundment of an animal, the Animal Warden shall make every possible effort to notify the owners.

(d) In the case of an animal injured while at large, all effort should be made to notify the owner, and if necessary, transport the animal to the closest Doctor of Veterinary Medicine to determine the extent of the injuries. All related charges shall be borne by the owner of the animal involved.

The owner shall be entitled to resume possession of any impounded animal, except as hereinafter provided in cases of certain animals, upon payment of impoundment fees set forth herein.

SECTION 7. Impoundment Fees:

An animal impounded hereunder may be reclaimed upon payment to the animal shelter of the sum of \$6.00 board fee for each day the animal is kept beginning on the day of pick up, and for each subsequent impoundment of any animal an additional fee of \$25.00, in addition to the \$6.00 per day board fee, shall be assessed.

SECTION 8. Confinement of Certain Animals:

(a) Every female animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with another animal, except for intentional breeding purposes.

(b) No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the City of Cotter, 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 City of Cotter.

SECTION 9. Rabies Control:

(a) Every animal which bites a person shall be promptly reported to the Animal Warden and Chief of Police, if suspected of having rabies or suspected of being exposed to rabies, and shall thereupon be securely quarantined at the direction of a veterinarian for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the veterinarian, such quarantine may be on the premises of the owner or City Animal Shelter.

(b) Upon demand made by the Animal Warden and/or Chief of Police, the owner 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 of \$10.00 per day.

(c) No animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be adopted by the Animal Shelter during a period of rabies emergency quarantine, except by special authorization of a Public Health Official and the Animal Warden. A current rabies tag and City license tag shall be worn by animal at all times.

(d) 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, or remove same from the city limits without written permission from the Animal Warden and/or Chief of Police upon written recommendation from a veterinarian.

SECTION 10. The Mayor of the City of Cotter shall be and is hereby authorized to contract with any person, firm or corporation for services as an Animal Warden and/or Animal Shelter, terms, conditions and compensation for such services shall be mutually agreed to by the Mayor and the person selected to fulfill this capacity upon approval by the City Council.

SECTION 11. Investigation:

For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, the Animal Warden, only in the company of a police officer, may enter upon any premises, using proper legal procedure, upon which an animal is kept or harbored or 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 their opinion, it requires humane treatment.

SECTION 12. Interference:

No person shall interfere with, hinder or molest the Animal Warden in the performance of his duties or seek to release any animal in the custody of the Animal Warden.

SECTION 13. Records:

(a) It shall be the duty of the Animal Warden to keep accurate and detailed records of the disposition of all animals coming into his custody.

(b) It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

(c) It shall be the duty of the Animal Warden and/or Chief of Police to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them, and their investigation of same.

(d) It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City of Cotter, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the City and shall be audited by the City.

SECTION 14. Penalty:

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not less than \$50.00 nor more than \$250.00 and if such violation be continued, each day's violation shall be a separate offense.

SECTION 15. Severability: ⊕ 25.00 Court Costs

If any part of this ordinance shall be held void such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of the ordinance.

SECTION 16. Repeal:

Ordinance No. 1-77 is hereby repealed.

SECTION 17. The City Council of the City of Cotter, Arkansas, has determined that animals are roaming on the public streets and ways of the City, an emergency is declared to exist, and in order to protect the health and safety of the citizens this ordinance shall have full force and effect from and after its passage and publication.

PASSED AND APPROVED THIS 3rd DAY OF March, 1993.

ATTEST:

Sharon Ellis
Sharon Ellis, City Clerk

APPROVED:

Rex S. Bayless
Rex S. Bayless, Mayor