

TITLE 6
ANIMALS AND LIVESTOCK

Chapters:

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6.08 Livestock and Fowl

CHAPTER 6.04
DOGS AND CATS

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6.04.01 Definitions

The following words and phrases have the following meanings for the purpose of the code:

Animal

Any description of vertebrate, excluding Homo sapiens.

Animal Control Authority

The officers and employees of the Cave Springs Animal Control Department.

Animal Establishment

Any grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals. All commercial animal establishments must be located in commercial or industrial zones.

Animal Shelter

Any facility designated by the city for the purpose of impounding and caring for animals held under the authority of this code.

At Large

Means off the premises of the owner, or off the premises of any person having charge of the animal, and not under the control of the owner or person in charge, or a member of his immediate family by means of a leash, cord, chain or otherwise.

Code

As used herein, "code" refers to the Cave Springs Animal Control Code.

Control

Any animal shall be considered under control if it is confined to the premises of its owner or is secured by a leash or lead of sufficient strength to prevent it from escaping, or is confined in an automobile when away from the premises of the owner.

Cruelty to Animals

A person commits the offense of cruelty to animals if, except as authorized by law, he or she knowingly:

- A. Abandons any animal;
- B. Subjects any animal to cruel treatment;
- C. Subjects any animal in his custody to cruel neglect; or
- D. Kills or injures any animal belonging to another without legal privilege or consent of the owner.
- E. As used in the section, "knowingly" shall mean the following: A person acts knowingly with respect to his or her conduct or the attendant circumstances when he or she is aware that his or her conduct is of that nature or that such circumstances exist. A person acts

knowingly with respect to the result of his or her conduct when he or she is aware that it is practically certain that his or her conduct will cause such a result.

Has Been Bitten

Means has been seized with teeth or jaws, so that the skin of the person or thing seized has been nipped or gripped, or has been wounded or pierced, and includes contact of saliva with any break or abrasion of the skin.

Health Officer

The designated official of the State Department of Health or any local health official whose duties may involve conditions or investigations relevant to animal control.

Humane Manner

Care of an animal to include, but not limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and breeding habits of the animals; size, species and breed. Fresh clean water shall be available at all times. It is the duty of the animal caretaker or owner to provide a water container that the animal cannot knock over.

Kennel or Cage

Any person or business that engages in the business of boarding, breeding, buying, training for a fee, or selling animals.

Livestock Animals

Kept or raised for use or pleasure, especially farm animals. Livestock does not include “wild animals” as defined in the Cave Springs Animal Control Code but does include, but is not limited to the following:

- A. Domestic horses;
- B. Asses/donkeys;
- C. Cattle;
- D. Sheep;
- E. Goats;
- F. Pigs;
- A. Poultry;
- H. Rabbits;
- I. Ducks, doves, and pigeons

Licensing Authority

The Animal Control Authority and any other agency of department of the city, or any designated representative thereof, including licensed (State of Arkansas) veterinarians, charged with administering the issuance and/or revocation of certificates and licenses under the provisions of the code.

Neutered

Incapable of sexual reproduction.

Nuisance

An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's or public walks and recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; molests, attacks, or interferes with persons in the public right-of-way; or chases vehicles or attacks domestic animals.

Officer/ACO

A Cave Spring's qualified designated employee of Animal Control established via the Police Department. Animal Control Officer can be licensed as a law enforcement officer as well. ACO and Officer are interchangeable.

Owner

Any person having a right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by the person, or over which that person has substantial control.

Pens and Enclosures

Shall mean any area, regardless of size, confining or intended to confine or shelter animals. Pens and enclosures shall include, but are not limited to:

fenced pastures and fields, corrals, paddocks, yards, cages, pens, coops, hutches, stables, stalls, chicken houses, barns, sheds and similar facilities or areas where animals are kept.

Person

Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit.

Pet Shop

Any person engaged in the business of buying or selling two (2) or more species for profit of live animals with the intent that they be kept as a pet/pets. Must be in a commercial zone.

Premises

Means property owner, leased, or controlled by an owner or person in charge of an animal including the improvements located thereon.

Private Kennel

Any person or business, excluding kennels, pet shops and veterinary clinics and hospitals, who keep, harbors or knowingly permits to remain on or about his premises, more than four (4) dogs or four (4) cats, or a combination of both up to four (4), over three (3) months of age.

Restraint

Any animal is under restraint if it is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.

Veterinary clinic or Hospital

A clinic or hospital operated by a licensed (State of Arkansas) veterinarian.

Vicious Dog/Animal

A. Any dog or animal that attacks or bites humans or other domestic animals, or otherwise jeopardizes the well-being of humans or other domestic animals.

B. Any dog or animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or other animals.

C. Any dog or animal owned or harbored primarily or in part for the purpose of dog or animal fighting or any dog trained for dog or animal fighting or to attack human beings or domestic animals.

D. This phrase shall not be construed to include dogs or animals that are part of a governmental operation, nor a trained guard dog in performance of his duties while confined to the property of the owner or person in charge.

Wild Animal

Means any living member of the animal kingdom, including those born or raised in captivity, except for the following:

A. Human beings;

B. Domestic dogs, including hybrids with wolves;

C. Domestic cats, excluding hybrids with ocelots or margays;

D. Domestic horses;

E. Asses/donkeys;

F. Cattle;

G. Sheep;

H. Goats;

I. Pigs;

J. Poultry;

K. Domesticated rats or mice, sugar gliders, hamsters, gerbils, guinea pigs;

L. Ferrets, hedge hog;

M. Rabbits;

N. Non-poisonous snakes, non-poisonous lizards, non-poisonous frogs, tarantula;

O. All parrots, parakeets, ducks, finches, doves and pigeons;

P. Fish, hermit crabs and turtles.

6.04.02 Animal Control Authority

A. Appointment

The city shall be responsible for animal control and may, at the Mayor's discretion, appoint an Animal Control Officer. If no Animal Control Officer is appointed, Animal Control Authority shall be exercised by the City of Cave Springs Police Department.

B. Compensation

If an Animal Control Officer is appointed, his/her salary shall be as set by the Mayor and may be modified from time to time.

C. Enforcement

The provisions of the code shall be enforced by the Animal Control Authority and by the Cave Springs Police Department, and by the City Attorney, upon receipt of a complaint, or violations observed by them.

D. Equipment

The Animal Control Authority is authorized to employ any equipment it deems necessary to enforce the provisions of this code, including, without limitation, humane wire box traps, and the Animal Control Authority may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

E. Interference

No person shall interfere with, hinder or harass the employees of the Animal Control Authority in the performance of their duties or seek to release any animal in the custody of the Animal Control Authority, except as herein provided.

F. Citations

The employees of the Animal Control Authority and officers of the Cave Springs Police Department are hereby authorized to issue a citation to any person for violation of any provision of this code. The citation shall be in a form approved by the Cave Springs City Court, shall designate the offense charges to appear before the Cave Springs City Court on a certain date to answer the charges therein contained.

G. Powers and duties

The Animal Control Authority shall catch and dispose of, as hereinafter provided, all stray animals, all unregistered animals, all animals running at large, and all vicious animals, within the corporate limits of the city of Cave Springs, Arkansas, and shall exercise such other duties and responsibilities relating to animals as are herein set out or shall be imposed by the City Council.

H. Investigation

For the purposes of discharging the duties imposed by this ordinance and to enforce its provisions, the Animal Control Officer and any police officer of the City of Cave Spring's is empowered to enter upon any premises upon which an animal is kept or harbored to demand the exhibition by the owner of the license, if any, required for such animal. If the Animal Control Authority should find an animal running at large, and if such animal should flee to the premises of its owner, the Animal Control Authority is hereby authorized and empowered to summon the owner of the animal to court for allowing such animal to run at large. Furthermore, if the Animal Control Authority should find that any provision of this ordinance is being violated, and the owner of the

animal can be identified, the Animal Control Authority is hereby authorized and empowered to summon the owner of the animal to court for such violations.

I. Records

It shall be the duty of the Animal Control Authority to keep, or to cause to be kept, accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into its custody. All monies collected by him/her under this provision of this ordinance is to be paid to the City of Cave Springs. Said records will be maintained for a minimum of four (4) years.

6-04-03 Registration of Dogs

- A. Dogs must have current certified rabies tags attached to the collar or harness of the dog and be worn at all times.

6-04-04 Rabies Vaccinations

- A. All dogs and cats over three (3) months of age within the city shall be vaccinated against rabies once each year by a licensed veterinarian, who will issue to the owner a durable metal tag and a certificate of vaccination approved. (Ord. No. 2005-69, Sec. 4.)
- B. In the event of the prevalence of rabies to such an extent as in the discretion of the Mayor, makes such action advisable, the Mayor may by proclamation require that all dogs owned, kept or harbored in the city be kept confined upon the premises of the owners of such dogs for such time as may be designated in such proclamation, as such proclamation to take effect upon publication thereof by the Mayor in a newspaper or public location having general bona fide circulation in the City of Cave Springs, Arkansas. (Ord. No.2013-3).

6.04.05 Maintenance of Premises and Disturbing Noises

An owner of an animal shall maintain his/her premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public in general. Pens in which animals are confined or maintained shall be cleaned regularly so they are free from offensive odors which would disturb any person residing within a reasonable distance of said premises, and the animals themselves shall be restrained in such a fashion that the noise emanating therefrom shall not be disturbing to such persons. Special care shall be given to ensure that a barking dog(s), maintained at any location, shall not bark or howl in an excessive manner so as to disturb neighboring individuals. The owners of dogs that engage in excessive barking or howling shall control said dog(s) and stop the excessive barking or noise, especially during the hours of 9:00 p.m. to 7:00 a.m.

6.04.06 Running At Large of Dogs

- A. An owner of a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence or enclosure or within a house, garage or other building, or shall confine such dog with a chain or leash (no less than 15 feet) affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. No dog shall be confined on a chain that is affixed to a stationary object that is closer than 15 feet to the nearest residential structure other than the structure occupied by the animal's owner. It shall further be the duty of any owner or keeper of any dog to keep such dog under control so as to:
1. Prevent such dog from becoming a danger to persons or property, or trespassing upon another person's property without that person's permission; and
 2. Prevent such dog from running at large upon the streets, sidewalks, alleys, parks, or other public ways of the city. (Ord. No. 2013-12, Sec. 7)
- B. An owner of a vicious animal shall confine it within a building or secured enclosure and shall not release it unless the animal is securely muzzled. Any vicious animal trespassing or running at large is hereby declared a nuisance and may be impounded pursuant to the provisions of 6.04.10 hereof, or ordered confined by the Animal Control Authority, or killed if impoundment is not possible without risk or physical harm to any person. Further, in any prosecution of an owner or keeper of any such vicious animal for trespassing or running at large, the District Court may, upon conviction entered, order that such animal be humanely destroyed. The court may further order that an animal seized by the Animal Control Authority not be returned to the animal's owner, after the conviction of state law or the provisions of this ordinance, until such time as court-ordered fees are paid, or court-ordered conditions are met.
- C. It shall be unlawful for any person owning or having control of any chickens, ducks or other fowl within the city to permit them to run at large.
- D. The owners of all cats shall maintain those animals on their own premises in a manner so as to not annoy their neighboring property owners. The owners of cats shall ensure that their cats shall not damage or soil property (flower beds, vehicles, screens, etc.) or annoy persons with fighting or excessive noise, especially late at night. Failure to maintain a cat or cats in a manner so as to not annoy neighboring property owners, or so as to avoid property damage, shall be considered a violation of this ordinance.
- E. For the purpose of enforcement of this section by criminal prosecution or otherwise, it shall be presumed that any dog found running at large, as hereinbefore defined, has been allowed or permitted to do so by the owner or keeper of the dog. (Ord. No. 2013-3)

6.04.07 Authority to Contract

The Mayor and City Recorder are hereby authorized to contract for the impoundment and destruction of dogs captured by the Animal Control Authority.

6.04.08 Procedure in Case of Bite

- A. Every veterinarian shall report promptly to the health officer or Animal Control Authority all cases of rabies in animals treated by him, giving name and address of the owner, and the name of the owner and address of any animal(s) bitten or attacked by such rabid animal, so far as known.
- B. Any person having knowledge that an animal, domestic or wild, is rabid or suspects an animal of having rabies or knowledge that an animal has been bitten or attacked by a rabid animal, shall promptly report such information, to the extent known, to the health officer of the Animal Control Authority.
- C. It shall be the duty of the owner, the Health Department, or the person or agency gaining information that any domestic animal or person has been bitten, or is probably infected with rabies, to incarcerate or impound the animal in the institution of some licensed veterinarian within this city or county, where the animal shall be held for observation for such period of time as may be reasonably necessary to determine whether the animal is infected with rabies.
- D. Disposition - The veterinarian or owner must notify the local public health authorities of the disposition of the dog, cat, or other animal at the termination of the confinement period.
- E. Death of animal - Any person causing the death of an animal, either wild or domesticated, suspected of being rabid, shall cause the head thereof to be presented to the county court of the county in which the animal was killed for shipment to the State Public Health Laboratory of the Department of Health pursuant to A.C.A. § 20-19-308.
- F. Expense 0 Any confinement and observation expense incurred under this section shall be borne by the owner. In the event the dog, cat or other animal is a stray or has no owner, the cost of confinement and observation shall be borne by the person bitten, or if a minor, by the parent or guardian of the person bitten.

Any animal suspected of biting a human shall be quarantined in accordance with the provisions of A.C.A. § 20-19-301 (The Rabies Control Act).

6.04.09 Banning of Vicious Dogs

Vicious dogs, as defined in this ordinance, are banned entirely and may not be owned or kept within the corporate limits of the city of Cave Springs, Arkansas. Any dog, which in the opinion of the Animal Control Authority, is a vicious dog as defined herein, shall be taken under custody by the Animal Control Authority and the owner thereof summoned to appear in court. Upon a determination by the court that the dog is vicious as defined herein, the court may order that the dog be destroyed, as the court deems appropriate. The court may also order the owner to pay all impoundment costs incurred pursuant to this section.

6.04.09.01 - Court Hearing.

- A. The court with jurisdiction shall determine whether to declare the animal to be a dangerous/vicious animal based upon the evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such a determination, health department personnel, animal control personnel, police or any other person possessing information pertinent to such determination. The court shall issue written findings within five days after the determination hearing. In making the determination, the court shall consider but is not limited to the following:
- (1) The seriousness of any attack or wound;
 - (2) The past history of wounds or damages inflicted by the animal;
 - (3) The conditions existing when the animal threatened, attacked or inflicted any wounds or damages; and
 - (4) The conditions under which the animal is kept and maintained.
- B. The court shall make a finding and notify the owner of required restrictions if the animal is determined to be dangerous/vicious as defined in section 10-26. Additional instructions of the court may include such instructions as a requirement of marking the animal for permanent identification, the purchase of liability insurance by the owner, neutering/spaying or humane destruction at the owner's expense.

6.04.09.02 - Violation.

After a determination of the required restrictions or instructions for a particular dangerous/vicious animal, and proper notice to the owner of those restrictions or instructions, failure to comply with those restrictions or instructions shall constitute a violation of this article.

6.04.09.03. - Penalties.

(A) If no injury has resulted:

First offense: By fine of not less than \$250.00 nor more than \$300.00;

Second and subsequent offense: By fine of not less than \$300.00 nor more than \$500.00. If the court feels that adequate restraint is unlikely, either because of inability or unwillingness on the part of the owner, the animal may be ordered humanely killed at the owner's expense.

(B) If injury has resulted: The penalty shall be double the penalty in (A) above if injury has been inflicted or a domestic animal is injured or killed.

At the court's discretion, the dangerous/vicious animal may be ordered neutered/spayed within 30 days at the owner's expense. If the court feels that adequate restraint is unlikely, either because of inability or unwillingness on the part of the owner, the animal may be ordered humanely killed at the owner's expense.

6.04.10 Impoundment

- A. Any animal at large or otherwise in violation of the provisions of the code may be impounded in the temporary animal shelter or transported to a full time animal shelter in a humane manner for a period of not less than two (2) business days, and if within such time, an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this code, such animal shall become the absolute property of the Animal Control Authority, which may convey ownership of such animal to any responsible person, on such conditions as the Animal Control Authority may prescribe or the Animal Control Authority may humanely destroy such animal.
- B. The Animal Control Authority shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter that the animal has been impounded, the manner by which the animal may be reclaimed and that the animal may be destroyed or become the property of the Animal Control Authority.
- C. Prior to destruction of a dog at large which carries its owner's address and which is impounded in the temporary animal shelter, the Animal Control Authority shall mail a letter giving the owner seven a (4) day notice of the proposed destruction.
- D. Notwithstanding any provision of the code to the contrary, the Animal Control Authority may refuse to release an animal impounded in the animal shelter for rabies or contagious disease, quarantine, or for use as evidence in a criminal prosecution, for such time period as the Animal Control Authority may determine. After a court appearance resulting in a

conviction, the court may order that any animal seized as the result of a violation of this ordinance not be returned to the owner until any condition imposed by the court, relating to the confinement or care for said animal, has been met.

E. Notwithstanding any provision of this code to the contrary, the Animal Control Authority may humanely destroy any animal impounded in the animal shelter when the Animal Control Authority reasonably believes the animal has sustained an injury, disease or due to overcrowding, which will likely result in maiming, prolonged and severe suffering or death.

F. Reclaiming impounded animal(s)

1. The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the Animal Control Authority of compliance with all provisions of the code, and upon payment of fees and charges as hereinafter provided, credited to the account of the Animal Control Authority and shall not be in lieu of any fine or penalty otherwise provided by law.

2. Fees (per animal) for reclaiming impounded animals are as follows:

- | | |
|--|-----------------|
| (a) First offense | \$20.00 |
| (b) Second offense | \$40.00 |
| (c) Third offense | \$75.00 |
| (d) Subsequent offense | \$75.00 |
| (f) Other animal(s) each offense | \$25.00 |
| (g) Animals impounded and quarantined or held for use as evidence in a criminal prosecution. | \$5.00 per day |
| (h) In addition to the foregoing fees, prior to owner notification, the per day boarding fee. | \$10.00 per day |
| (i) In addition to the foregoing fees, after notification by phone, mail, or notice delivered to, or posted on, the owner's residence that the city is in possession of the owner's animal, the per day boarding fee for each day the animal is impounded in the animal shelter. | \$20.00 per day |

3. The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.

6.04.11 Adoption

The Animal Control Authority may convey ownership (permit adoption of) any animal which has become the property of the Animal Control Authority to a responsible person subject to such conditions as may be prescribed by the Animal Control Authority, including, without limitation, to the following:

- A. Payment of a Fifty Dollars (\$50.00) adoption fee for dog.
- B. Evidence satisfactory to the Animal Control Authority that the animal has, or will be examined by veterinarian and vaccinations against rabies and other disease administered.
- C. Evidence satisfactory to the Animal Control Authority that the animal has been spayed or neutered.
- D. Adopted animals can be reclaimed by Animal Control Authority, if said animal is not spayed or neutered according to adoption contract.

6.04.12 Cruelty

Prohibited treatment; removal of mistreated animals; payment of expenses:

- A. It shall be unlawful for any person to:
 - i. Override, overload, overwork, torture, beat, mutilate, kill needlessly, confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal; or
 - ii. Fail to provide any animal with proper food, drink, protection from the weather and veterinary care. Proper shelter shall be a barrel or a dog house consisting of three sides, a roof, and bottom to prevent wind, rain, snow, and other elements from blowing in, and providing a dry place to lay and protection from extreme temperatures; or
3. Abandon any animal;
4. Intentionally poison any animal;
5. Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;
6. Allow an animal to be kept in unsanitary conditions;
7. Keep or confine an animal in other than a humane manner

- B. The Animal Control Authority may remove any animal kept or confined under such conditions and may impound such animal pursuant to the provisions of 6.04.10 hereof.

6.04.13 Wild Animals

- A. Prohibitions - No person may own, possess or have custody of any wild animal within city limits of Cave Springs; reference to Definitions, 6.04.01.
- B. Jurisdiction - The Animal Control Authority shall enforce the provisions of this article.
- C. Impoundment and Disposal - Notwithstanding the provisions of 6.04.10 hereof, the Animal Control Authority is empowered to impound any wild animal being kept, harbored or maintained in violation of this code or of rules and regulations adopted by the Animal Control Authority, and upon conviction of the owner or any other person for violation hereof, the court may order that the Animal Control Authority may humanely destroy or otherwise dispose of such wild animal, including but not limited to, donating and transferring ownership of such wild animal to a zoo or other facility deemed appropriate by the Animal Control Authority.

6.04.14 Animal Establishments

- A. Permit Required; term; removal; one per establishment; display.
1. No person shall operate an animal establishment without first obtaining a permit from the Animal Control Authority in compliance with the article, nor may any person operate an animal establishment in a manner in violation of any provision of the code. The permit shall be in lieu of the required business permit, and the fee for this permit shall be the same as the city business permit fee.
 2. The permit period shall begin with the first day of the calendar year and shall run for one year. Renewal application for permits shall be made thirty (30) days prior to and up to sixty (60) days after January 1st of each year. Application for a new establishment under the provisions of the code shall be made within sixty (60) days of the start of business or operation.
 3. Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit (e.g., two (2) kennels at different locations but owned by the same person, shall be considered as two (2) animal establishments).
 4. Permits obtained in accordance with this article shall be displayed in a prominent location of the premises of the animal establishment.
- B. Application Procedure
1. Each animal establishment shall annually file an application for permit with the Animal Control Authority within the time periods provided in

6.04.10(3b) hereof, provided that all pre-existing establishments shall have ninety (90) days from the effective date of this code to file such application.

2. The permit application shall be made on a form provided by the Animal Control Authority.
3. Upon receipt of a completed application, the Animal Control Authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of this code. The Animal Control Authority shall be permitted to make such inspections of any animal establishment at any reasonable time during normal business hours.
4. The Animal Control Authority shall either issue a permit of the applicant or, if a permit is not granted, the Animal Control Authority shall notify the applicant in writing of the specific reasons for denial.
5. Any animal establishment denied a permit may not reapply for a period of at least thirty (30) days. Each reapplication shall describe any previous denial or revocation.
6. If an applicant 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.

C. Revocation of Permits

7. The Animal Control Authority may revoke any permit if the person holding the permit refuse or fails to comply with the code, 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.
8. Whenever a permit is revoked for cause, or pending any proceeding 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 for removal of animals from such premises, and shall state the specific reasons for revocation. In the event any such owner shall fail to remove such animals as directed, the Animal Control Authority may impound such animals pursuant to 6.04.10 hereof.

D. Compliance with Code

1. An animal establishment shall not sell, trade or give away any dog or cat over three (3) months of age, unless the dog or cat has been licensed and/or vaccinated as required by this code.

2. 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.

E. Standards for commercial kennels

All kennels shall in addition to the other requirements of the code, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or relocation of a permit. Standards for kennels are as follows:

1. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting. Enclosures for animals must be at least 200 feet from the nearest residential structure not owned by the owner of the kennel.
2. Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
4. Cages are to be of material and construction that permit cleaning and sanitizing.
5. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of adequate bedding.
6. Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
7. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
8. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
9. All animals shall have fresh water available at all times.

6.04.14 **Private Kennels**

Standards:

All private kennels shall, in addition to the other requirements of this code, comply with the minimum standards of this section. Standards for private kennels are as follows:

- A. No person shall operate a private kennel without first obtaining an annual permit from the Animal Control Authority. Permits shall be based upon calendar years. Application for renewal of a permit shall be made between thirty (30) days prior to and sixty (60) days following January 1st of each year.
- B. Upon receipt of a completed application, the Animal Control Authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the private kennel is in compliance with all provisions of the code.
- C. Upon receiving a complaint concerning a private kennel, the Animal Control Authority may make an inspection of the facility to ensure that the facility is in compliance with all provisions of this code.
- D. All animals shall have adequate space for proper shelter against weather extremes, and for proper exercise.
- E. All kennel areas shall be maintained in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Kennel areas in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person working or residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion so that noise emanating there from shall not be disturbing to such persons.
- F. Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of animals shall be provided.
- G. Fresh water shall be available at all times.

6.04.15 Penalties

- A. Any person who is convicted of the offense of cruelty to animals shall be deemed guilty of a class A misdemeanor and shall be subject to fines and penalties as prescribed in A.C.A. 5-4-210 and A.C.A. 5-4-401 (the sentence shall not exceed one year in jail and the fine shall not exceed One Thousand Dollars (\$1,000.00)).
- B. Any person violating any other provision of this code shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of no less than One Hundred Dollars (\$100.00), nor more than Two Hundred Fifty Dollars (\$250.00), and if such violation be continued, each day's violation shall be a separate offense. The maximum fine per day for a continuing violation shall be Two Hundred Fifty Dollars (\$250.00).

C. In addition to the punishment provided in paragraphs (A) and (B) of this section the court may impose conditions that must be met by the owner of an impounded animal prior to the release of the animal.

6.04.17 Prior Interests

Any and all obligations, interests, liabilities, violation, penalties and other matters accruing or attached, pursuant to the provisions of Chapter 6.04 of the Cave Springs Municipal Code before this ordinance takes effect, shall not be affected by the passage hereof, provided the acts creating such obligations, interests, liabilities, violations, penalties and other matters were taken, accrued or initiated prior to the passage hereof and were in full compliance with such provisions.

6.04.18 Prohibition of Sale of Animals from Certain Locations

Except for established animal business enterprises with permanent structures, the sale, distribution, and giving away of animals from public property and from commercially and industrially zoned land is prohibited. (Ord. No. 2007-14, Sec. 1.)

CHAPTER 6.08

LIVESTOCK AND FOWL

Sections:

- 6.08.01 Horses and Cows – Keeping
- 6.08.02 Horses and Cows – Size of Pasture
- 6.08.03 Horses and Cows – Supervision by Animal Control
- 6.08.04 Hogs, Goats and Sheep Prohibited in City
- 6.08.05 Diseased Animals
- 6.08.06 Releasing Animals
- 6.08.07 Fowl Not to Run At Large
- 6.08.08 Cruelty to Animals
- 6.08.09 Noisy Animals Restricted

6.08.01 Horses and Cows

Keeping and Livestock Running At Large

It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city, any cows and/or horses except as provided in this chapter. The

violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the Police Department or appointed Animal Control Officer to enforce the provisions hereof.

6.08.02 Horses and Cows

Size of Pasture

The keeping of horses and cows within the corporate limits of the city is permitted where they are maintained on an enclosed and secured pasture containing one (1) acre for each animal.

6.08.03 Horses and Cows

Supervision by Animal Control Authority

The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision of the appointed Animal Control Authority. The appointed Animal Control Authority shall be designated by the Mayor and employed under the powers delegated by Cave Springs Police Department and the State of Arkansas. Should any of said enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the Appointed Authority, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of said premises as to the conditions thereof by delivering a copy of the notice to the owner or the keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected said conditions, the City Attorney is hereby authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

6.08.04 Hogs, Goats and Sheep Prohibited in City

It shall be unlawful for any person to 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 hogs, goats, or sheep in transit may be kept for a period not to exceed twenty-four (24) hours in a duly established stockyard, or zoned as agricultural. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

6.08.05 Diseased Animals

No person shall be allowed to transport into this city any animal affected with a contagious disease.

6.08.06 Releasing Animals

- A. Definitions. 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.
- B. Prohibited. It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city.

6.08.07 Fowl Not to Run At Large

It shall be unlawful for any person owning or having control of any chickens, turkeys, or other fowl to allow the same to run at large within the city.

6.08.08 Cruelty to Animals and Livestock

If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

6.08.09 Noisy Animals Restricted

It shall be unlawful for any person to keep on his premises or under his control any noisy animal which shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept. An owner or harbinger violating this section may be required to train the animal with a humane “bark collar” or other devices for noise control.

6.08.10 Penalties

Any person violating or failing to comply with any of the provisions of 6.08 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$25.00 or more than \$100.00. Each day's violation shall constitute a separate offense.

