

TITLE 6

ANIMALS AND FOWL

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CHAPTER 6.04

DOGS AND OTHER ANIMALS

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6.04.01 Definitions For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Abandon To leave, desert, surrender, forsake, or give up absolutely an animal without demonstrated or apparent intent to recover or resume custody.

Animal Any living vertebrate creature, except human beings and fish.

Animal identification The use of a microchip, tattoo, ear tag, ear notch, branding, or any similar means to identify the owner of an animal and that is generally accepted for the breed, species, and type of animal being identified.

Animal control representative Any animal control officer, police officer or person authorized to enforce the animal control regulations and responsible for animal control operations.

At large Failure to have under the control of a competent person by the owner of the dog, either by leash, cord, rope, chain, or other physical control of a dog when off the premises of the owner. However, a dog shall not be considered to be at large when on the premises of the owner and accompanied by the owner.

City The city of Pea Ridge, Arkansas.

Competent person A person who possesses adequate ability and capacity and who is mentally and physically able to properly maintain control of an animal.

Cruel mistreatment Any act that causes or permits the continuation of unjustifiable pain or suffering.

Dangerous animal Any animal which exhibits fierce or vicious behavior or attacks, or attempts to attack indiscriminately a human being, livestock, or pets without provocation inflicting serious physical harm and, due to its size, strength, propensity or breeding, is capable of inflicting serious physical harm to human beings, livestock, or pets. In addition, included is any animal that has been involved in more than one biting incident and is a potential danger to the public. This term shall not be construed to include dogs that are part of a governmental operation nor a trained guard dog in performance of its duties while confined to the property of the owner.

Electric Fence Any electric shock system used for the purpose of restraining animal(s). Electric fence shall include visible, invisible, above-ground, or below-ground devices.

Euthanizing Humanely killing an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death and administered by a licensed veterinarian or a euthanasia technician licensed by the federal Drug Enforcement Administration and certified by the Department of Health.

Harbor Allowing any animal to habitually remain or lodge or to be fed within a home, store, yard, enclosure or place of business of any other premises in which a person resides or controls, which shall be considered as keeping and maintaining such animal.

Hazardous animal Any animal that exhibits aggressive or fierce behavior or, without provocation, attacks a human being, livestock, or pet, inflicting minor physical harm but, due to its size, strength, propensity or breeding, is not capable of inflicting serious physical harm to human beings, livestock, or pets.

Kennel An establishment where dogs or cats are bred for commercial purposes, regardless of the quantity, or the keeping, maintaining or harboring of five (5) or more dogs or cats, or combination thereof, at any one period of time at one location within the city.

Licensed veterinarian A veterinarian licensed to engage in the practice of veterinary medicine in Arkansas in accordance with applicable Arkansas laws.

Livestock Means a horse, mule, bovine animal, goat, sheep, swine, rabbit, or similar animal commonly raised or used for farm purposes.

Microchipped To implant (an animal) with a microchip tag linked to a national computer network for purposes of identification.

Nuisance animal Any animal which causes trouble, annoyance, inconvenience or infringes upon the rights of any person or which is or may become a danger to the general public.

Owner Any person that:

- A. Has a right of property or title in an animal;
- B. Keeps or harbors an animal;
- C. Has an animal in his, her, or its care;
- D. Acts as an animal's custodian; or
- E. Knowingly permits an animal to remain on or about any premises occupied by him, her or it.

Person Any individual, company, partnership, association, organization, limited liability company, joint venture, joint agreement, corporation or institution commonly recognized by law as a unit.

Pet A domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, dogs, cats, birds, fish, rabbits, and other animals which, by habit or training, live in association with humans.

Secure Enclosure Any structure, building, or compound, which confines an animal in an effort to make escape difficult. Any enclosure from which an animal has escaped or which, in the judgment of the animal control representative, is not adequately constructed to prohibit the escape of an animal or that can be altered to do so shall be deemed not qualifying as a secure enclosure.

Sterilized Incapable of reproducing.

Tether An item, such as a leash, cord, rope, chain, etc., by which an animal is fastened to limit its range or is a means of restraint.

6.04.02 License required

- A. It shall be unlawful for any person to own or harbor a dog within the city without having first registered the dog with the city and obtained a license. The registration required by this section shall apply when the dog attains six (6) months of age and the license shall be effective until the following 31st day of March. Once the registration date is set, it shall not change unless authorized by the order of the animal control representative.
- B. To secure a license, the owner must provide proof of a valid rabies vaccination administered by a licensed veterinarian and pay the license fee to the city.
- C. At time of registration, the city shall issue to the owner of the dog a metal tag exhibiting the license number for that specific dog. The license fee is an annual fee to be paid on or by the date of expiration of said license.
- D. Every dog must have and wear a collar or harness of such type that allows the tag to firmly attach. Tags, when issued, shall be attached at all times to the dog's collar or harness.
- E. Fees for the license as required in this section are fixed and set out in appendix A. If a license is not timely renewed, a penalty of \$10.00 shall be assessed.

6.04.03 License; failure to exhibit It shall be unlawful for the owner of any dog in the city, which is required to be registered and licensed, to fail to exhibit the license tag on said dog. In cases where for medical purposes the dog cannot wear a collar or harness, the owner of said dog must have such license tag on their person when in a public place or street with said dog.

6.04.04 Fictitious tags; prohibited It shall be unlawful for any person to attach to or keep upon any dog any tag which has not been lawfully issued to the owner of such dog under the provision of this chapter.

6.04.05 Vaccination required It shall be unlawful for any person to own or harbor any dog in the city over the age of six (6) months unless said dog has been vaccinated with an anti-rabies vaccine.

6.04.06 Vaccination certificate; unlawful possession It shall be unlawful for any person except a licensed veterinarian to make use of, or have in their possession, any uncompleted rabies vaccination certificate. It shall be unlawful for any person to make use of, or have in their possession, a stolen or counterfeit rabies vaccination certificate.

6.04.07 At large; prohibited It shall be unlawful for any owner of any dog to allow said dog to run at large within the city. Any dog found at large, will constitute a violation of this section. If failure to maintain control of a dog causes any incident to occur, the dog will be considered at large.

6.04.08 Hazardous animal

- A. It shall be unlawful for any person to keep within the city any Potentially dangerous animal, unless such animal is confined by the owner within a secure enclosure in which all the entrances shall be secured with a key or combination lock which would prevent entrance by any unauthorized person. Such animal shall not be removed from said enclosure unless tethered and under the physical control of a competent person. The Animal control representative may impound any Potentially dangerous animal at the expense of the Owner if said Owner fails to fully comply with all of the requirements in this paragraph.
- B.
 - 1. When, in the judgment of the animal control representative, an animal is determined to be a Potentially dangerous animal, written notice shall be issued of such determination to the owner of such animal who shall forthwith comply with the provisions of this section.
 - 2. The owner may appeal said determination within ten (10) days thereof to the Mayor or his designee by filing a petition with the city clerk, although said appeal shall not stay the implementation of said determination.
(Ord. No. 571, Sec. 1; Ord. No. 704, Sec. 1)

6.04.09 Dangerous animal

- A. It shall be unlawful for any person to keep within the city any dangerous animal, unless such animal is confined by the owner within a secure enclosure in which all the entrances shall be secured with a key or combination lock which would prevent entrance by any unauthorized person. Such animal shall not be removed from said enclosure unless tethered, securely muzzled, and under the physical control of a competent person. The Animal control representative may impound any Dangerous animal at the expense of the Owner if said Owner fails to fully comply with all of the requirements in this paragraph.

- B.
1. When, in the judgment of the animal control representative, an animal is determined to be a Dangerous animal, written notice shall be issued of such determination to the owner of such animal who shall forthwith comply with the provisions of this section.
 2. The owner may appeal said determination within ten (10) days thereof to the City Council by filing a petition with the city clerk, although said appeal shall not stay the implementation of said determination.
(Ord. No. 571, Sec. 1; Ord. No. 704, Sec. 2)

6.04.10 Nuisance; general A nuisance animal includes, but is not limited to, any animal which:

- A. Molests passersby, pets, or passing vehicles;
- B. Trespasses on school ground;
- C. Damages or destroys private property;
- D. Tears into and/or spreads trash from containers or bags

6.04.11 Nuisance; barking It shall be unlawful for any person to allow any dog to disturb any person or neighborhood at any time, day or night, within the city by creating a nuisance. The person reporting such nuisance shall provide to the police department his/her name, address and telephone number and agree to testify in court in order for the report to be considered a valid complaint.

6.04.12 Nuisance; trespass and unsanitary conditions

- A. It shall be unlawful for any person to permit an animal to trespass onto private property which is improved or occupied, without the consent of the owner of the property or person in lawful possession of the property and for the said animal to urinate on such property.
- B. It shall be unlawful for an animal to damage, soil, defile, or defecate on private property, other than the owner's, or on public walks and recreation areas unless the owner of the animal immediately removes the feces and disposes of it in the proper manner.
- C. The provisions of this section shall not apply to a blind person accompanied by a guide dog.

6.04.13 Nuisance dog in estrus The owner of any female dog, during the period that such animal is in estrus, shall keep it in a secure enclosure or fence, except when upon such owner's property and tethered or otherwise physically restrained by a competent person.

6.04.14 Animal; declared public nuisance When any of the following described animals are found to be at large upon any public property, street, highway, alley or found to be at large

upon private property and molesting, injuring or threatening to injure any person or damaging property, such animals may be taken up by the animal control representative to be relocated or destroyed; any opossum, skunk, raccoon, poisonous reptile, or repeat offenders of this chapter or any other wildlife deemed to be a nuisance.

6.04.15 Animal; number of limited

- A. It shall be unlawful for any person to own a combination of more than four (4) dogs older than six (6) months or cats older than six (6) months within the city. The provision shall not apply to proprietors of animal hospitals, veterinarians, kennel operators, or pet shops.
- B. Any person found not to be in compliance with this section shall, upon notice first given by the animal control representative, have not less than ten (10) days nor more than thirty (30) days to reduce the number to comply with this provision.
- C. Each animal over the limit shall constitute a separate offense under this section.

6.04.16 Premises and pens; it shall be unlawful for a person to:

- A. Fail to keep the premises where animals are kept free from offensive odors to the extent that such odors are disturbing to any persons residing within reasonable proximity of said premises.
- B. To allow premises where animals are kept to become unclean and a threat to the public health or the animals' well-being, by failing to diligently and systematically remove all animal waste from the premises.
- C. To allow animals or premises where animals are kept to become infested with ticks, fleas, or vermin by failing to diligently and systematically apply accepted methods of insect and parasite control.

6.04.17 Impounding; release or euthanization

- A. It is the duty of the animal control representative to take custody of any dog found at large in the city. If, after five (5) days, a reasonable effort to locate the owner of such dog has failed, such dog may be released to a suitable person pursuant to this chapter. If after the tenth (10th) day of impoundment and after five (5) days' notice sent to the owner providing the date set for euthanization, the dog may be euthanized.
 - 1. Notice shall be by certified letter, return receipt requested.
 - 2. The owner of a dog impounded by the city may reclaim the dog upon

presenting evidence satisfactory to the animal control representative of compliance with all provisions of the chapter, and upon payment of fees, charges, and expenses hereinafter provided.

3. Fees, charges, and expenses incurred by the city for the impoundment and care of the dog shall be reimbursed by the owner before return of the dog. Said fees, charges, and expenses are set out in Appendix A attached hereto and made a part hereof. If said fees, charges, and expenses are not reimbursed by the owner, a must appear citation may be issued to the owner by the city.
- B. For the purpose of humane treatment of animals and the safety of animal control staff, any animal not bearing animal identification and declared to be hazardous or dangerous by the animal control representative to the extent that confinement of such animal would be hazardous and/or cruel to the animal or staff of the impound facility, may be euthanized without compliance with the notice requirements of this section 6.04.17.
 - C. Any animal not bearing animal identification, which is injured or diseased and will require veterinarian care at the expense of the city, may be euthanized upon determination of a licensed veterinarian that euthanization is necessary to prevent suffering of the animal without compliance with the notice requirements of this section 6.04.17. Identified animals will be protected as set forth in this section.

6.04.18 Dogs; adoption of

- A. Dogs not claimed by the owner within the later of the fifth (5th) day of impoundment or five (5) days after notice to the owner shall become the property of the city.
- B. The city shall have the power to transfer ownership of such dogs by way of adoption.
- C. The application for adoption of a dog shall include the adoption fee(s) specifically fixed in appendix A. The city reserves the right to waive any such adoption fee(s) for rescue organizations, charitable organizations, special adoption promotions or the like.
- D. The city and its animal control representative does not guarantee nor will it be liable for the health and temperament of any dog adopted from the city.
- E. Any dog which becomes property of the city may not be sold or given to any medical laboratories or to persons for experimental purposes. The city reserves the right to refuse any adoption.

6.04.19 Quarantine required of Dogs

- A. Any dog which has bitten a person is a rabies suspect and such dog shall immediately be released by the owner for quarantine in an appropriate facility approved by the city for a period of ten (10) days or the dog may be quarantined at the home of the owner for said period if proof of a current rabies vaccination is presented to the animal control representative.
- B. When any dog has bitten or scratched a person, anyone having knowledge of such incident shall immediately notify the animal control representative.
- C. The dog must be quarantined for a period of at least ten (10) days at the expense of the owner or ownership may be relinquished and the animal euthanized and its head removed and taken for a pathological examination at the owner's expense.
- D. Unclaimed stray dogs will be quarantined or may be euthanized and the head removed and taken for a pathological examination at the expense of the complainant.

6.04.20 Electric fences

Any person who installs or has an electric fence must post a warning sign on each external side of the fence or compound and such signs shall not be more than fifty (50) feet apart. Such electric fence should be designed (or be of equivalent to type offered on the commercial market) for that animal(s) and be of such voltage as to not cause injury, harm or death to said animal(s). Such harm will be considered cruelty.

6.04.21 Equipment; use of authorized The animal control representative is authorized to employ any equipment deemed necessary to enforce the provisions of this chapter including, without limitation, shot gun, pistol, rifle, tranquilizer gun, snare pole, nets or humane wire box traps.

6.04.22 Mandatory court appearance Any person who commits a second (2nd) or subsequent offense of any section of this chapter, upon receipt of a citation for such offense, shall be required to appear in court.

6.04.23 Citations Any animal control representative is hereby authorized to issue citations for violations of this chapter. Citations may be issued to the owner of the animal or the parent or guardian of the owner if the owner of such animal is eighteen (18) years of age or younger.

6.04.24 Enforcement

- A. For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, any animal control representative is empowered to:

1. Enter upon any premises upon which any animal is harbored and to demand and secure the owner's exhibition of such animal with reasonable basis to enter.
 2. While in pursuit of any animal at large, may enter upon or pass through any enclosed property for the purpose of apprehending the animal.
- B. Any animal control representative, in the presence of and on the authority of a police officer and with probable cause to believe that an animal is being subjected to cruel mistreatment, is herein further empowered to enter upon or into the premises to examine such animal and to take possession thereof when it reasonably appears that such animal requires treatment.

6.04.25 Interference with enforcement

- A. It shall be unlawful for a person to, in any manner, interfere with, or attempt to prevent the seizure of an animal, or attempt to remove an animal from the custody of the animal control representative while in the discharge of their duties.
- B. It shall be unlawful for a person to refuse to turn over any animal which is unlicensed, unvaccinated or at large, upon the demand of any animal control representative.
- C. It shall be unlawful for any person to remove any animal from the custody of the city unless an animal control representative has authorized the release.

6.04.26 Penalties and fines Any person violating any portion of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than \$25.00 nor more than \$200.00. Each day a violation continues to occur shall be deemed a separate offense.

6.04.27 Severability It is ascertained by the City Council that the provisions of this chapter are separate and independent, and if any word, clause, sentence or section shall be declared void by a court of competent jurisdiction, it shall not interfere with the remaining provisions thereof, which can be given effect without the invalid provision(s).

APPENDIX A

Costs

A. License fees:

1.	Sterilized female dog	\$4.00
2.	Male dog	\$4.00
3.	Non-sterilized female dog	\$10.00
4.	Non-sterilized male dog	\$10.00

B. Impounding fees, charges and expenses for dogs:

1.	Basic physical condition examination:	\$25.00
	Flea/Tick treatment:	\$15.00
	Initial boarding fee:	\$17.00* ¹
	Secondary boarding fee:	\$10.00#
	Rabies vaccination:	\$10.00
	DA@PLPV:	\$12.00
	Bordatella:	\$12.00
	Euthanasia:	\$70.00
	Tri Wormer:	\$10.00

C. Adoption fees: \$50.00
 (Ord. No. 571, Sec. 1; Ord. No. 704, Sec. 3)

¹ *Per day up to a maximum five (5) days.
 # per day for a day six (6) through day fourteen (14).

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

6.08.01	Animals in the city
6.08.02	Buildings
6.08.03	Poultry
6.08.04	Cattle, sheep, goats, pigs
6.08.05	Apiculture
6.08.06	Severability
6.08.07	Fine

6.08.01 Animals in the city

- A. It shall be unlawful to keep any cow, horse, sheep, goat, livestock animal or poultry in any building pen, lot or enclosure within the corporate limits of Pea Ridge, Arkansas, except upon land zoned agricultural and under the following conditions:
1. The building pen, lot or enclosure in which said animal, livestock or poultry is kept shall be kept in a clean and sanitary condition at all times.
 2. The building pen, lot or enclosure in which said animal, livestock or poultry is kept shall be cleaned often enough to keep the same in a clean and sanitary condition.
 3. That said animal, livestock, poultry and premises shall be kept in such a manner that no obnoxious, offensive or repugnant odor shall emanate from said premises.
 4. That said animal, livestock, poultry and premises shall be kept in such a manner that no noise of the type and volume that would disturb the public peace of the residents of the area, shall come from said premises.
- B. Notwithstanding any other provisions in this chapter, the following animals are allowed on occupied residential property in the city: dogs, cats, rabbits, cagebirds (such as songbirds and parrots), guinea pigs, hamsters, mice, ferrets, fish, reptiles, amphibians, invertebrates, and up to four (4) laying hens (no roosters).
(Ord. No. 27, Secs. 1-5; Ord. No. 704, Sec. 4.)

6.08.02 Buildings No building with a capacity, as hereinafter defined for the keeping of more than 100 head of broilers or other young poultry or more than 50 head of laying hens or other grown poultry shall be constructed in the corporate limits of Pea Ridge, Arkansas, within a distance of 300 feet from a then existing residence after the effective date of this ordinance.
(Ord. No. 27, Sec. 6.)

6.08.03 Poultry

- A. Not more than an average of three head of broilers or other young poultry nor more than an average of more than one head of hens or other grown poultry for each four square feet of floor space in the building in which such poultry is housed shall be maintained.

- B. Not more than 300 head of laying hens or other grown poultry nor more than 5000 head of broilers or young poultry shall be kept in one poultry house that is located within a distance of 150 feet from any residence. (Ord. No. 27, Secs. 7-8)

6.08.04 Cattle, sheep, goats pigs

- A. Not more than an average of one head of horses, mules or cattle nor more than two head of sheep, goats or pigs for each one half acre of livestock enclosure shall be kept.
- B. No building with a capacity for keeping more than three head of horses, mules or cattle nor more than five head of sheep, goats or pigs shall be constructed in the corporate limits of Pea Ridge, Arkansas, within a distance of 300 feet from an existing residence after the effective date of this ordinance. (Ord. No. 27, Secs. 9)

6.05.05 Apiculture Beekeeping shall be allowed in the corporate limits of the city, subject to the following regulations:

- A. **Number permitted.** It shall be unlawful to keep more than the following number of bee colonies on any tract of land within the city based upon the size or configuration of the tract on which the apiary is situated:
 1. One quarter (1/4) acre or less tract size two (2) colonies.
 2. More than one-quarter (1/4) acre but less than one-half (1/2) acre tract size four (4) colonies.
 3. More than one-half (1/2) acre but less than one (1) acre six (6) colonies.
 4. More than one (1) acre but less than three (3) acres eight (8) colonies where all colonies are situated at least fifty feet (50') in any direction from all property lines of the tract on which the apiary is situated.
 5. Regardless of tract size, where all colonies are situated at least two hundred feet (200') in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
- B. **Nucleus hives.** For each two colonies as authorized in subsection A.; there may be maintained upon the same tract of land one (1) nucleus colony in a hive structure not exceeding one standard hive body as required from time to time for management of swarms. Each nucleus colony should be limited to forty-five (45) days when it must be combined with existing hives or moved to another appropriate location.

- C. **Registration required.** All honey bee apiaries shall be registered with the Arkansas State Plant Board and maintain an active certificate of inspection from the Board. (*inspection is actually only if you are selling bees*).
- D. Africanized honeybees are prohibited and shall not *be* permitted.
- E. **Fencing of flyways.** In each instance in which any colony is situated within twenty- five (25) feet of a public or private property line adjacent to the tract as measured from the nearest point on the hive to the boundary line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height, consisting of a solid wall, fence, dense vegetation or combination thereof that extends ten (10) feet beyond the colony in each direction. If the adjoining property is undeveloped this boundary is not required. If hives are situated more than eight (8) feet above the ground a boundary is not required.
- F. **Water.** Each beekeeper shall insure a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths, or their water sources where they may cause human, bird or domestic pet contact.
- G. **Enforcement.** For the enforcement of these sections, the city of Pea Ridge shall have the authority to enter upon any private or public premises for the purposes of inspection and verification of compliance with this section.

6.08.06 Severability It is ascertained by the Council that the provisions of this ordinance that the provisions of this ordinance are separate and independent, and if any word, clause, sentence or Section shall be declared void by a court of competent jurisdiction, it shall not interfere with the remaining provisions thereof, which can be given effect without the invalid provision or provisions. (Ord. No. 27, Sec. 11.)

6.08.07 Fine Any person or persons violating any of the provisions or Sections of this ordinance shall upon conviction be deemed guilty of a misdemeanor and fined in any sum not less than \$1.00 nor more than \$25.00, and each day that such condition shall exist shall be considered a separate offense. (Ord. No. 27, Sec. 12.)