

ORDINANCE NUMBER 17-04

AN ORDINANCE REGULATING THE OWNERSHIP AND CARE FOR DOGS AND ANIMALS WITHIN THE CITY; PROVIDING CIVIL AND CRIMINAL PENALTIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council values and desires to uphold the health, safety and welfare of the constituents of the City of East Camden; and

WHEREAS, the City Council values the health, safety and beautification efforts of the City of East Camden and its constituents; and

WHEREAS, the City Council is concerned about the employment rate, industrial recruitment and expansion, and the moral of its constituents; and

WHEREAS, the City Council finds that health, safety, welfare and beautification are concerns to its constituents and to industrial prospects.

NOW, THEREFORE, BE AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST CAMDEN, ARKANSAS, THAT:

ARTICLE I. - GENERAL PROVISIONS

Section 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means relinquishing custody of an animal without making alternative arrangements for its care and protection, or leaving an animal confined without providing water or minimum nutrition as required under this chapter.

At large means, with reference to a dog, not confined or restrained as required under this chapter.

Breeder means any person who maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration of profit, fee or compensation.

City means the City of East Camden, Arkansas.

Collector means the city revenue collector or his duly authorized agent.

Dog means any domesticated breed within the canine family.

Domesticated animal means an animal that has adapted to life in close association with and to the advantage of humans, such as animals that are kept by humans as pets or as livestock.

Emergency communications means the city office of emergency services, which serves as the 911 public safety answering point on a continuing basis.

Sterilize means the surgical alteration of an animal through spaying or neutering so that it is incapable of reproduction.

Vaccination means an injection of any vaccine for rabies approved by the state veterinarian board and administered by a licensed veterinarian.

Section 2. Penalty for violations

(a)

In this section "violation of this Code" means:

(1)

Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;

(2)

Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or

(3)

Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b)

In this section "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c)

Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed five hundred dollars (\$500.00) for each day that the same is unlawfully continued.

(d)

If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.

(e)

The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(f)

Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a "penalty" however does not prevent the simultaneous granting of equitable relief in appropriate cases.

Section 3. Enforcement

(a)

Creation of the division of animal services. The division of animal services is hereby created. The mayor is directed to assure that this division is placed under the auspices of the appropriate city department and that any necessary regulations are promulgated and published to assure compliance with the terms of this animal services code, as it may be amended, including, but not limited to, provisions which govern the care of any animal found within the corporate limits of the city.

(b)

Authority to issue citations. The mayor shall designate the division of city government, in addition to certified law enforcement officers,

permitted to issue citations for the violation of any provision of the animal services code. The names of the persons authorized to issue citations shall be on file with the city clerk. No person shall be authorized to issue citations pursuant to this section until the person has successfully completed an appropriate training program to assure: an understanding of the provisions of this Code; and awareness of the policies, procedures, and regulations of the division of city government primarily charged to assure compliance with this Code; and an appreciation of the statutory and constitutional rights of any person alleged to have violated this Code.

(c)

Citation to appear. The citation to appear shall:

(1)

Contain a brief statement of the nature of the violation;

(2)

Be signed by a person who is authorized to issue it and who has personal knowledge of the violation; and

(3)

Contain a printed statement to be signed by the violator in which the violator promises to appear in municipal court on a certain date.

(d)

Refusal to sign citation. The citation to appear should be signed by the violator. If the violator fails to sign the citation to appear, the person issuing the citation may:

(1)

Indicate on the space provided for signature that the violator refused to sign, leave a copy of the citation with the person cited, and follow the usual procedure for filing the citation in municipal court; or

(2)

File a criminal affidavit and seek a warrant for the arrest of the offender.

(e)

Enforcement orders. An enforcement order is a written notice which mandates compliance with one (1) or more Code provisions by a certain date.

(1)

A person authorized to issue a citation for failure to comply with the provisions of this animal services code shall also have the authority to issue an enforcement order provided that no enforcement order shall be issued if the noncompliant situation is one that presents an imminent risk of death or serious physical injury to any animal or person.

(2)

The enforcement order shall:

a.

Contain a brief statement of the nature of the violation;

b.

Be signed by a person who is authorized to issue it and who has personal knowledge of the violation; and

c.

Contain a printed statement to be signed by the violator in which the violator promises to comply with the enforcement order by a certain date.

(f)

Refusal to sign enforcement order. The enforcement order should be signed by the violator. If the violator fails to sign the enforcement order, the person issuing the enforcement order may:

(1)

Indicate the refusal of the violator to sign on the space provided for signature and leave a copy of the enforcement order with the person cited or posted at their residence and mail a copy of the enforcement order to the violator by any form of delivery for which a return receipt is used; or

(2)

Mail a copy of the enforcement order to the violator by first class mail and by any form of delivery for which a return receipt is used.

The date of service for a signed enforcement order, or for an unsigned order that is posted and mailed to the violator, is the date the order is signed, or the date the order is posted. The date of service for an unsigned enforcement order that is mailed pursuant to subsection (b) above is the date a return receipt is signed by the violator, or three (3) days after the first class letter is mailed, whichever occurs first.

(g)

Interference with enforcement. It shall be unlawful for any person to interfere with, molest, injure, or harass, any person authorized to enforce the animal services code while that person is engaged in any enforcement duties taken pursuant to the Code, or to otherwise obstruct or prevent an authorized person from the discharge of any such duty.

Section 4. Sanitary conditions.

(a)

It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept free from unsanitary conditions which encourage the breeding of parasites, insects and flies or cause odors that are offensive to a person of reasonable sensibilities.

(b)

It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal fecal matter from the premises a minimum of once every forty-eight (48) hours.

(c)

It shall be unlawful for any person to allow an animal within the person's control to defecate on public property or on the private property of another person unless the person having control of the offending animal immediately removes and disposes of the animal's feces.

(d)

All animal fecal matter shall be disposed of in accordance with state regulations.

(e)

It shall be unlawful for any person keeping or harboring any animal to keep the animal in premises on which there is garbage, trash, or debris of any nature, including broken glass and cans, that could subject the animal to injury or disease.

Section 5. Animal cruelty.

(a)

Except as authorized by law, no person shall knowingly:

(1)

Abandon any animal under circumstances subjecting it to the possibility of death, injury, starvation, dehydration or disease;

(2)

Subject any animal to cruel mistreatment of any kind or by any means or device, including tying or strapping with weights or heavy chains;

(3)

Subject any animal to the following if not performed by a licensed veterinarian: neutering or spaying; tail docking, ear cropping, or other surgical procedure;

(4)

Subject any animal in his or her custody to neglect under circumstances exposing the animal to injury, disease, unsanitary conditions, extreme temperatures, starvation, dehydration or death;

(5)

Cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans;

(6)

Kill or injure any animal belonging to another without legal privilege or consent of the owner; or

(7)

Subject a dog or cat to direct point chaining as defined in this chapter.

(b)

It shall be unlawful for any person to poison any animal or to distribute poison or other toxic substance in any manner whatsoever with the intent to harm, or for the purpose of poisoning any such animal, except for the purpose of controlling insects or rodents in accordance with accepted pest control methods.

Section 6. Diseased or injured animals.

(a)

Proper treatment required. It shall be unlawful for any person to knowingly keep any injured animal without providing proper, timely treatment, including treatment by a veterinarian when appropriate, for such injury.

(b)

Isolation for illness. It shall be unlawful for any person to knowingly keep any animal infected with a fatal disease that is contagious to other animals unless the sick animal is isolated to prevent spread of the disease to other animals. This subsection shall not apply to rabid animals. Any animal showing positive signs of rabies shall be euthanized and laboratory-confirmed in accordance with Arkansas law.

(c)

Injured or diseased animals. Any injured or diseased animal within the city shall be subject to seizure if a court of competent jurisdiction issues a warrant for such seizure upon a determination that there is probable cause to believe that:

(1)

The animal is injured and is not receiving proper and timely treatment for the injury;

(2)

The animal is diseased, and

a.

Is not receiving proper and timely treatment for the disease; or

b.

Is not being cared for in a manner designed to assure that the animal poses no threat to the health or well being of humans or animals.

(d)

Emergency seizure. Any injured or diseased animal within the city shall be subject to immediate seizure if the city has a reasonable suspicion that an emergency exists and such seizure is necessary to protect the animal from an imminent threat of death, infectious disease, or serious physical injury.

(e)

Appropriate treatment. Any diseased or injured animal seized pursuant to the provisions of this animal services code shall be appropriately treated for the injury or disease by the division of animal services or, where necessary, by a veterinarian licensed to practice in the state.

(f)

Disposal of remains. The remains of any dead animal are subject to seizure and disposal if, within a reasonable period after death, the owner has not disposed of the remains as required by the city solid waste ordinance, or by state law dealing with the remains of animals tested for the presence of rabies.

(g)

Euthanasia. Any diseased or injured animal shall be subject to being euthanized when it is determined by a veterinarian licensed to practice in Arkansas, or by the head of the animal services division, acting pursuant to protocols approved by a veterinarian licensed to practice in Arkansas, that such disposition is necessary to prevent unwarranted suffering by the animal. Best efforts shall be made by the animal services division to contact the animal's owner before such animal is euthanized. The disposition of the euthanized animal shall be in accordance with regulations promulgated pursuant to the provisions of this animal services code.

(h)

Expense for treatment of diseased or injured animals. Any owner who reclaims or redeems an animal which has been treated under the provisions of this animal services code shall, prior to the release of the animal, reimburse the city or the treating veterinarian for any expenses incurred, unless the owner shows proof that the animal was undergoing treatment for the disease or injury at the time it was seized. If the owner makes direct payment to the veterinarian for such treatment, the owner must provide the division of animal services with a receipt of such payment before the animal is released. The payment for the expense incurred in the treatment of such animal is in addition to any redemption fees assessed pursuant to this animal services code.

Section 7. Rabies control.

(a)

Animal bites.

(1)
When any animal has bitten a person, that person or anyone having knowledge of such incident shall immediately notify East Camden Emergency Communications or the East Camden Animal Services Division.

(2)
The animal shall be quarantined at the expense of the owner for a period of ten (10) days from the date of the bite, at a veterinary facility in Ouachita County under the care and custody of an Arkansas-licensed veterinarian.

(3)
As an alternative to quarantine of the animal, the owner may relinquish the animal to animal services division to be euthanized for pathological examination.

(b)
Rabies vaccinations. No person shall own, keep, harbor, or have control over any dog or cat over the age of five (5) months unless the animal has been vaccinated with antirabies vaccine by a licensed veterinarian in accordance with state law. For purposes of this subsection, "five (5) months" shall be attained at the end of the fourth month since birth or when the animal's canine teeth appear, whichever occurs first.

(c)
Annual license fee and tags for individual dogs and cats.

(1)
It shall be unlawful for any person to own or possess a dog or cat within the city without first having paid to the city an annual license fee as follows:

a.

For a sterilized animal, or an unsterilized animal too elderly or infirm to breed, certified as such in writing by a veterinarian licensed to practice in the state at the time of licensing of the animal, ten dollars (\$10.00) each on all dogs and cats five (5) months of age or over;

b.

For an unsterilized animal not within the exception in subsection a. above, thirty-two dollars fifty cents (\$32.50) each on all dogs and cats five (5) months of age or over.

- (2)
The license fee shall be due and payable upon the dog attaining five (5) months of age.
- (3)
Upon request by the division of animal services, its designees, or an animal services officer, the owner or person having control of the dog or cat must provide a copy of the rabies vaccination registration form for dogs and cats as proof of the license and tag. The owner or person having control of any dog or cat which is unvaccinated shall, upon proper request, provide proof of the age of each dog or cat which is unvaccinated.
- (4)
Every dog covered by this section must have and wear a collar or harness with a current license tag firmly attached. The tag, when issued, shall at all times be securely attached to the dog's or cat's collar or harness, and failure to keep such tag on the dog's or cat's collar or harness shall be unlawful.
- (5)
Any untagged dog found running at large shall be considered as a stray or as an unowned animal for the purpose of enforcement of this chapter and shall become the property of the city.
- (6)
The license required by this subsection shall be effective for the year ensuring its issuance and must be renewed in each subsequent year during the same month it was originally issued.
- (7)
Owners of guide dogs or service dogs, such dogs being used to aid the blind or disabled, and owners of police dogs, such dogs being used regularly for law enforcement purposes, are not required to pay an annual city license fee as required by this subsection at the time the dog receives a rabies vaccination, although such owners shall have their dogs vaccinated for rabies and shall provide records of such vaccination upon request of an animal services officer.
- (8)
The city will furnish registration forms and tags to all veterinarians who shall register dogs and cats kept within the city limits. Each veterinarian shall remit to the city all monies collected for licenses

at the end of each month with one (1) copy of each completed registration form.

(9)

Any licensed veterinarian may, in addition to the annual license fee, impose a handling charge of up to one dollar (\$1.00) for the collection of the annual license fee.

ARTICLE II. - DOGS

Section 8. Definitions.

Attack means aggressive behavior by an animal that involves repeatedly biting or shaking its victim.

Cable run means a metal cable that is mounted aboveground at a designated height to two (2) stationary objects for the purpose of attaching a pulley system that moves from one end of the cable to the other and to which a dog is tied or secured by means of a rope, chain, or cable attached to the dog's collar or harness.

Dangerous dog means a dog that has been designated as dangerous pursuant to the standards and administrative procedures identified in this chapter or that has been designated as dangerous or vicious pursuant to similar standards and procedures in another jurisdiction.

Direct point chaining means attaching an animal directly to a stationary object by means of a leash, rope, chain, cable or other material attached to the dog's collar or harness but does not include temporary restraint of a dog for purposes of vehicular transport.

Electronic containment device means a transmitter/receiver system for the confinement of dogs which consists of (1) a boundary wire that emits a radio signal, and (2) a battery-operated electronic device on the dog's collar which receives the radio signal and emits an audible warning beep and a corrective electrical stimulus as the dog approaches the wire.

Privilege license means the city license that is required to carry on a business, profession or occupation within the city.

Provocation means causing a dog to bite or attack by:

a.

Any intentional or accidental act of pulling, pinching, squeezing, kicking, hitting or striking the dog with an object or a part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling or baring of its teeth;

b.

Any sudden motion toward the dog or any attempt or threat to kick, hit or strike the dog with an object or part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling, or baring of its teeth;

c.

Any act of teasing or tormenting the dog;

d.

Any act of grabbing, touching or holding of the dog's young or any sudden motion toward the dog's young;

e.

Any act of holding, kicking, hitting, striking, or otherwise physically harming the dog's owner or other member of the dog owner's household;

f.

Entry into the dog's area of confinement without the owner's presence, provided that this definition does not apply if the dog is confined in a particular manner for the purpose of causing provocation to prevent legal access to the premises in violation of this article; or

g.

Any act of breaking and entering, or other unlawful entry, into the dog owner's residence, vehicle, or other property.

Swivel means pivoting hardware that can be used in a trolley system to attach a cable run to a tether or a tether to a dog's collar or harness in order to minimize twisting and tangling of the tether.

Tether means a rope, chain, or cable that is attached to a dog's collar or harness for purposes of restraining the dog.

Trolley system means a method of restraining a dog which utilizes a cable run, swivel and tether attached to a dog's collar or harness.

Vicious dog means a dog that has been designated as vicious pursuant to the standards and administrative procedures identified in this chapter or that has been designated as dangerous or vicious pursuant to similar standards and procedures in another jurisdiction.

Section 9. Maximum number.

(a)

Maximum number. Except as set forth in subsection (b), it shall be unlawful for more than four (4) dogs to be kept or harbored at any household or business in the city limits.

Section 10. Confinement.

(a)

General. Any person owning, possessing or keeping a dog shall keep the dog securely confined behind a fence or otherwise restrained upon the person's property by adequate means to prevent the dog's escape; or shall effectively control the dog, whether on or off the person's property, by means of a leash or other proper method of supervised restraint from which the dog cannot escape.

(b)

Dog parks. Confinement of a dog in a fenced area designated by the East Camden Parks and Recreation Department as a "park dog run" shall be considered adequate confinement under this section if the dog owner or caretaker supervises the dog's activity and adheres to applicable parks rules and regulations pursuant to East Camden Ordinances.

(c)

Confinement to prevent legal access. Dogs shall not be confined in any manner for the purpose of preventing legal access to public utility facilities or for the purpose of causing the dog to be provoked by visitors in areas accessible to and commonly used by visitors for legal access to the premises.

(d)

Chaining. Direct-point chaining or tethering of dogs to a stationary object is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:

(1)
Only one (1) dog may be tethered to each cable run.

(2)
The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.

(e)
Electronic containment devices. An electronic containment device may be used as a primary containment measure if signs stating "pet contained by electronic device" or similar language using a trade name, are conspicuously posted at the front and back of the enclosed area for purposes of public notice. Such signs shall be a minimum of six (6) inches by eight (8) inches and one (1) of the signs shall be visible from the roadway or entry to the premises. The property owner is responsible for posting the signs in accordance with the East Camden Sign Ordinance, and the failure to post or maintain such signs is a violation of this section.

(f)
Confinement during transportation.

(1)
It shall be unlawful for any person to place or confine or allow a dog to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such conditions for such periods of time as may endanger the health or well-being of the dog due to heat, lack of food or water, or any circumstances which might cause suffering, disability, or death.

(g)
Penalty, failure to confine. Conviction for failure to confine a dog in violation of this section shall result in a fine as follows:

(1)
a.
The first violation within a three-year period shall result in a fine of Eighty-Five Dollars (\$85.00), plus court costs.

- b. The second violation within a three-year period shall result in a fine of One-Hundred and Thirty-Five Dollars (\$135.00) plus court costs.
- c. The third and each subsequent violation within a three-year period shall result in a fine of One-Hundred and Sixty Dollars (\$160.00), plus court costs.

Section 11. Minimum care.

(a)

Shelter.

(1)

All dogs shall have continuous access to a structurally sound, moisture-proof and windproof shelter large enough to keep the dog reasonably clean and dry.

(2)

A shelter 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 shelter 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. This water supply shall be either free flowing or provided in a removable receptacle that is weighted or secured to prevent tipping.

(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.

(c)

Exercise.

(1)

The enclosure or confinement area for a dog shall encompass sufficient usable space to keep the animal in good condition.

(2)

When a dog is confined by means of a tether and cable run, the trolley system shall be configured to allow access to the maximum available exercise area.

(3)

When a dog is confined outside by means of an enclosure or an electronic containment device, the following minimum space requirements shall be met:

(i)

Large dog. For a dog that is larger than twenty (20) inches at the withers or that weighs more than fifty (50) pounds, the minimum confinement area per dog is one hundred (100) square feet.

(ii)

Medium dog. For a dog that is larger than twelve (12) inches at the withers and up to twenty (20) inches at the withers or that weighs over twenty (20) pounds and up to fifty (50) pounds, the minimum confinement area per dog is eighty (80) square feet.

(iii)

Small dog. For a dog that is twelve (12) inches or less at the withers or that weighs twenty (20) pounds or less, the minimum confinement area per dog is fifty (50) square feet.

Section 13. Barking, howling.

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 reasonable peace and quiet of any person.

Section 14. Potentially dangerous breeds.

(a)

General.

(1)

There shall be a recognized category of dogs designated as potentially dangerous breed.

(2)

Beginning on the ninety-first day after passage of this section, it shall be unlawful for any person to keep within the city limits any potentially dangerous breed, except in compliance with the provisions of this section.

(3)

A potentially dangerous breed shall include the following:

(i)

A pit bull, which is defined as any dog that is an American pit bull terrier, a Staffordshire terrier, or American Staffordshire terrier, and any dog of mixed breeding that has the primary characteristics of an American pit bull terrier, a Staffordshire terrier, or an American Staffordshire terrier. The American Kennel Club and United Kennel Club standards for the above breeds shall be on file for viewing at the city's animal shelter.

(ii)

Any other breed that is so declared by ordinance.

(4)

For purposes of this section an "owner" is defined as any person who owns, keeps, exercises control over, maintains, or harbors a potentially dangerous breed.

(5)

Notwithstanding the special provisions set forth below as to keeping a potentially dangerous breed within the city limits:

(i)

Any such animal is also subject to the provisions for designation as a dangerous dog or as a vicious dog.

(ii)

Any such animal declared to be a vicious dog shall be euthanized once process to declare the animal a vicious dog has been completed.

(iii)

The city's animal services division may temporarily harbor and transport any potentially dangerous breed for purposes of enforcing the provisions of this section.

(iv)

An owner may transport into and temporarily hold in the city limits a potentially dangerous breed for the purpose of transporting the dog to a veterinarian or groomer for care, or to participate in a contest or show sponsored by the American Kennel Club or the United Kennel Club.

(b)

Permit required.

(1)

Permit. A potentially dangerous breed may be kept within the city limits only so long as the registered owner or custodian complies with the requirements and conditions of the potentially dangerous breed permit.

(2)

Permit fee. The owner or custodian shall pay an annual permit fee established by the mayor, in addition to all other required fees, for each year that a potentially dangerous breed is kept within the city limits.

(c)

Registration requirements . The owner of any potentially dangerous breed shall be allowed to keep such dog within the East Camden city limits only if the owner registers the dog with the city's animal services division on an annual basis and obtains a potentially dangerous breed permit and a window sticker with each annual registration. As a condition of registration, the owner shall at the time of application provide sufficient evidence that the owner is in compliance with all of the following requirements:

(1)

Rabies vaccination. The dog must be vaccinated against rabies by a licensed veterinarian on an annual basis.

(2)

Current city license. The owner must purchase an annual city license for the dog, and the dog must wear the city license tag on its collar at all times.

(d)

Permit conditions.

(1)

Place of confinement. A potentially dangerous breed must reside at the owner's residence or place of business.

(2)

Confinement. A potentially dangerous dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape. Potentially dangerous dogs shall not be confined by means of an electronic containment device, or invisible fence. When outside of an area of confinement, a potentially dangerous breed must be restrained by means of a secure leash held by an adult who has the ability to control the dog.

(3)

Maximum number. The number of potentially dangerous breed dogs kept, maintained or harbored at one residence shall not exceed two (2).

(e)

Breed designation appeals. The owner of a dog that has been identified as a potentially dangerous breed under this section shall have the right to an administrative appeal of the breed designation by submitting a request for a hearing to the animal services division manager in writing within five (5) days of the division manager's designation of the owner's dog as a potentially dangerous breed. A hearing to consider disputes and to view the dog's physical characteristics and pedigree shall be conducted by a committee appointed by the mayor and comprised of at least the animal services veterinarian, a member of the animal services advisory board and a East Camden citizen. The committee shall make a final determination of the dog's breed or predominant breed characteristics. If the committee determines that the dog is a potentially dangerous breed, as defined by this section, the owner shall have ten (10) days to meet all registration requirements and to comply with all permit conditions.

(f)

Compliance period. Within ten (10) days after acquiring a potentially dangerous breed, or after moving to the city with a potentially dangerous breed, or after a potentially dangerous breed designation has been affirmed on appeal, or after noncompliance under this section has been brought to the attention of animal services, the owner of a potentially dangerous breed must register their dog and comply with all potentially dangerous breed regulations.

(g)

Enforcement.

(1)

Dangerous breed regulation violations. Failure to comply with any potentially dangerous breed registration requirement or permit condition within the allotted ten (10) day time period shall constitute a violation of this chapter and may result in the issuance of a citation and a warrant to seize the owner's dog if it is not removed from the city limits pending adjudication of the citation.

(2)

Noncruelty violations. Permits to keep a potentially dangerous breed within the city may be revoked by the animal services division upon the owner's second conviction for violation of the city's noncruelty animal code provisions. If the permit(s) is revoked, a warrant to seize the potentially dangerous breed may be served on the owner if the dog is not removed from the city limits. In addition, the owner shall lose their right to register any potentially dangerous breed within the city for a period of two (2) years.

(3)

Cruelty violations. Upon conviction for any animal cruelty charge, the owner of a potentially dangerous breed shall lose their potentially dangerous breed permit(s) and shall lose their right to register any potentially dangerous breed within the city for a period of ten (10) years. A warrant may be obtained to seize the owner's potentially dangerous breed dog(s) pending adjudication of the cruelty violation citation. Upon conviction for animal cruelty and revocation of the potentially dangerous breed permit, the owner's potentially dangerous breed dog(s) must be removed from the city

limits or surrendered to the East Camden Animal Services Division.

(h)

Authority to euthanize potentially dangerous breed declared to be a vicious animal. Notwithstanding any provision of this Code of Ordinances, if a potentially dangerous breed is declared to be a vicious animal pursuant to the provisions of section 15(b) the dog shall be euthanized within seventy-two (72) hours of the final vicious dog declaration.

Section 12. Dangerous dog designation.

(a)

General. It shall be unlawful for any person to keep within the city limits any dangerous dog, except in compliance with the provisions of this section.

(b)

Grounds for dangerous dog designation. A dog is considered dangerous for purposes of this section if:

(1)

Without provocation, it attacks or bites a person engaged in a lawful activity;

(2)

While off the property of its owner and without provocation, it seriously injures another domesticated animal;

(3)

Without provocation while not on a leash and under the control of its owner or custodian, it chases, confronts or approaches a person on a street, sidewalk or other public property in a menacing fashion such as would put a reasonable person in fear of attack;

(4)

Acts in a manner which the owner knows, or reasonably should know, is an indication that the dog is dangerous and is not merely being protective in a particular set of circumstances; or

(5)

Has been declared dangerous, or has been given some other designation, by another governmental body under circumstances

that would meet the grounds for dangerous dog designation under the provisions of this ordinance.

(c)

Impoundment pending declaration. Upon reasonable suspicion that a dog is dangerous and poses a serious threat to public health or safety, the animal services division manager, or appointed designee, may seek a warrant to seize the dog for quarantine at a veterinary clinic or for impoundment at the animal services facility, pending the dangerous dog declaration process.

(d)

Dangerous dog designation.

(1)

Designation. If the animal services division manager has cause to believe that a dog is dangerous, the division manager may find and declare such dog a dangerous dog.

(2)

Notice. Within three (3) days of declaring a dog dangerous, the animal services division manager shall give notice of the declaration and the reasons for it in writing to the person who owns, keeps, or otherwise maintains the dog. The notice shall inform the owner or custodian that a permit is required to keep such dangerous dog within the city limits.

(3)

Opportunity to contest designation. The notice shall also inform the owner or custodian of the dog that a hearing to contest the declaration shall be held before the mayor, or appointed designee, if a request for a hearing is submitted in writing to the animal services division manager within five (5) working days from receipt of the notice of dangerous dog declaration.

(4)

Status pending hearing. Once notice of dangerous dog designation has been given, the dog shall be considered dangerous unless, and until such time as, the declaration is overruled by the mayor or appointed designee. If a hearing is requested, the owner shall not be required to obtain a dangerous dog permit unless, and until such time as, the declaration is upheld by the mayor or appointed designee.

(5)

Hearing. Hearings required pursuant to this subsection shall be held no more than five (5) working days from the date of receipt of the request. The mayor, or appointed designee, shall act as the appeal hearing officer and shall make his ruling on the basis of a preponderance of the evidence presented at the hearing. The hearing shall be an informal proceeding, and each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the party. Either party may call the owner/custodian as a witness. The decision of the hearing officer is final.

(6)

Compliance. If the person owning, keeping, possessing or otherwise maintaining the dog fails to request a hearing, or if the hearing officer determines that the dangerous declaration stands, the owner or custodian shall comply with the requirements of this section in order to keep such dog within the city limits.

(e)

Conditions for keeping a dangerous dog. The requirements and conditions for keeping or maintaining a dangerous dog within the city limits shall include:

(1)

Confinement. All dangerous dogs shall be securely confined:

(i)

Indoors; or

(ii)

In an enclosed and locked pen or physical structure upon the premises of the owner. The pen or physical structure must meet the minimum space requirements of this chapter and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The pen or physical structure must be capable of preventing the entry of the general public, including children, and must be capable of preventing the

escape or release of the dog. Electronic containment devices shall not be used to confine dangerous dogs.

(2)

Minimum care. All shelter and minimum care standards required by this chapter shall apply to dangerous dog confinement.

(3)

Leash and muzzle. The owner of a dangerous dog shall not allow the dog to go outside of its kennel, pen or physical structure unless the dog is muzzled, restrained by a leash sufficient to control the dog, and under the physical control of an adult. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal. A muzzle is not required if the dog is:

(i)

In the owner's yard if the yard is enclosed by a fence that is capable of preventing uninvited entry by other dogs or people; and

(ii)

Is restrained by means of a leash held by an adult.

(4)

Signs. The owner of a dangerous dog shall provide public notice of the dog's presence on the premises by displaying a warning sign provided by the animal services division. The sign shall be placed in a prominent place on the owner's property, clearly visible from the public highway or thoroughfare. Similar signs shall be posted on the dog's kennel, pen or enclosed structure.

(5)

Photograph identification. Within ten (10) days of the declaration of a dog as dangerous, the owner or custodian shall provide the animal control officer with two (2) digital color photographs of such dog, clearly showing the color and approximate size of the animal, or shall make the dog available for photographing by the animal control officer.

(6)

Change of status. The owner or custodian of a dangerous dog shall notify the animal services division immediately if the dog is unconfined and on the loose, or has attacked a human or a domestic animal.

(7)

Change of ownership. If the owner of a dangerous dog sells, gives away, or otherwise transfers custody of the dog, the owner shall, within five (5) calendar days, provide the animal services division with written documentation containing the name, address, and telephone number of the new owner or custodian. The previous owner shall also, within five (5) calendar days of transferring ownership or custody of the dog, notify the new owner of the dog's designation as a dangerous dog and, if the new owner resides within the city limits, of the requirements and conditions for keeping a dangerous dog. This notice shall be in writing and a copy shall be provided to the animal services division. Upon being notified that a dangerous dog has been removed to another jurisdiction, the animal services division is authorized, but not required, to notify the appropriate governmental department in the jurisdiction where the dog has been transferred that the dog has been declared dangerous by the city.

(g)

Failure to comply. It shall be unlawful for the owner or custodian of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be kept in violation of this section shall be subject to seizure and impoundment. In addition, failure to comply shall result in the revocation of the dangerous dog permit for such dog. In the event of permit revocation, the owner or custodian shall remove such dog from the city limits within twenty-four (24) hours of receipt of the notice of revocation, or the dog shall be humanely destroyed.

(h)

Exemptions. Dogs that are used regularly for law enforcement purposes shall not be subject to this section, but shall be confined and maintained in accordance with the law enforcement agency's general orders.

Section 13. Vicious dog designation.

(a)

General. It shall be unlawful for any person to keep within the city limits any vicious dog.

(b)

Grounds for vicious-dog designation. A dog is considered vicious for purposes of this section if it:

- (1) Causes death or serious physical injury to a person engaged in a lawful activity;
- (2) On two (2) or more occasions, attacks or bites without provocation a person engaged in a lawful activity;
- (3) On more than one (1) occasion, while off the property of its owner and without provocation, seriously injures another domesticated animal;
- (4) Without provocation, kills a domesticated animal;
- (5) Trains for dog fighting or is owned or kept for the purpose of dog fighting; or
- (6) Has been declared vicious, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for vicious dog designation under the provisions of this article.

- (c) *Impoundment pending declaration.* Upon reasonable suspicion that a dog is vicious and poses a serious threat to public health or safety, the animal services division manager, or appointed designee, may seek a warrant to seize the dog for quarantine at a veterinary clinic or for impoundment at the animal services facility, pending the vicious dog declaration process.

- (d) *Declaration of a vicious dog.*

- (1) *Notice to owner.* In instances where the dog is declared vicious, the division of animal control shall, within forty-eight (48) hours, notify the owner of the dog in writing posted at the owner's or custodian's last known address, that the dog has been determined to be a vicious animal, the reasons for the declaration and, if

applicable, that the dog has been quarantined or impounded by animal services. The owner shall have five (5) days from delivery of the notice to contact the division of animal services and comply with the ordinance by removing the dog from the city limits or by having the dog euthanized.

(2)

Opportunity to contest vicious designation. The notice shall also inform the owner or custodian of the dog that a hearing to contest the declaration shall be held before the mayor, or appointed designee, if a request for a hearing is submitted in writing to the animal services division manager within five (5) working days from receipt of the notice of vicious-dog declaration.

(3)

Status pending hearing. Once notice of vicious-dog designation has been given, the dog shall be considered vicious unless, and until such time as, the declaration is overruled by the mayor or appointed designee.

(4)

Hearings. Hearings required pursuant to this subsection shall be held no more than five (5) working days from the date of receipt of the request. The mayor, or appointed designee, shall act as the appeal hearing officer and shall make his ruling on the basis of a preponderance of the evidence presented at the hearing. The hearing shall be an informal proceeding, and each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the party. Either party may examine the owner/custodian. The decision of the hearing officer is final.

(5)

Change of status. The owner or custodian of a vicious dog shall notify the division of animal control immediately if the dog is unconfined and on the loose, or has attacked a human or a domestic animal.

(6)

Failure to comply. If the person owning, keeping, possessing or otherwise maintaining the dog fails to request a hearing, or if the hearing officer determines that the vicious declaration stands, the owner or custodian shall comply with the ordinance by removing the dog from the city limits or by having the dog euthanized. If the dog owner/custodian does not comply with the ordinance, the animal services division manager, or appointed designee, may seek a court order to impound the dog, if necessary, and may have such dog euthanized.

(e)

Exemptions. Dogs that are used regularly for law enforcement purposes shall not be subject to this section, but shall be confined and maintained in accordance with the law enforcement agency's general orders.

ARTICLE III. MISCELLANEOUS PROVISIONS

Section 14. Keeping of prohibited animals.

(a)

The sale, possession, maintenance or keeping of carnivora, innately wild animals, nonhuman primates and venomous reptiles within the city is unlawful.

(b)

There shall be a three-day grace period after notice for removal of the innately wild animal from the city before the penalty for violation of this section shall be imposed.

Section 15. Pet shops.

(a)

In this section "pet shop" means any establishment that offers to sell two (2) or more species of live animals with intent that they be kept as pets.

(b)

All pet shops, including pet shops run in conjunction with another holding facility, shall in addition to the other requirements of this chapter comply with the following minimum standards of this section.

Failure to meet these standards shall be grounds for denial of a privilege license or revocation of a privilege license.

(1)

There shall be available hot water at a minimum temperature of one hundred sixty (160) degrees for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be mounted so the animal cannot turn them over and be removable for cleaning.

(2)

The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

(3)

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 his full length.

Section 16. Livestock or fowl running at large prohibited.

(a)

No horse, mule, mare, colt, jack or jenny, or swine of any kind, sheep, goat, or cattle of any kind, or any other livestock, shall be permitted within the City.

(b)

No chickens, roosters, ducks, geese, turkeys, peacocks, guineas, or any other similar fowl, shall be permitted within the City.

Section 17. Release of unaltered (unsterilized) animals.

(a)

It shall be unlawful for any animal control shelter or animal humane organization to release any unaltered dog or cat to a new owner unless a written agreement to spay or neuter such animal has been signed by the person acquiring the animal and an officer/agent for the animal control shelter or animal humane organization.

(b)

The sterilization shall be performed by the date stipulated, but if an extension of time is necessary for a valid reason, the owner shall request and must receive approval for such extension. In the event an extension is granted, a written extension agreement must be signed by the owner and an officer/agent of the animal control shelter or the animal humane organization. The maximum extension that may be granted is thirty (30) days. A copy of the signed written agreement and any extension agreement must be provided to the division of animal control and must be kept on file by the division of animal control. The signed written agreement shall be binding and failure to comply is unlawful. Upon failure to comply:

(1)

The animal shall be returned by the owner to the animal control shelter or animal humane organization which released the animal; and

(2)

Ownership of the animal reverts to the agency which released the animal;

(3)

No claim may be made by the owner to recover expenses incurred for maintenance of the animal, including the initial procurement cost.

(c)

This section does not prevent the manager of the division of animal control from establishing clinics for the purpose of sterilization.

Section 18. Impoundment, redemption, etc. of dogs.

(a)

The animal control officer shall take into custody any dog found at large in the city and shall impound the dog in the animal control center. Each impounded dog shall be held for a period of five (5) business days at the end of which time the dog shall become the property of the division of animal control, unless custody of the dog is released prior to such time under the following conditions:

(1)

During the first three (3) business days of such impoundment, the animal control officers shall make diligent efforts to determine the owner of the dog and notify the owner of the impoundment.

(2)

If the owner of the dog fails or refuses to claim and repossess the dog by the payment of the proper fee as prescribed in subsection (c) of this section, then the animal control officer may deliver custody and possession of the dog to any person other than the owner upon the payment of the adoption fee as prescribed in subsection (e) of this section.

(3)

The owner of the impounded dog who fails or refuses to claim and repossess the dog must pay the board rate of Twenty-Five Dollars (\$25.00) per day for the days during which the animal control center has maintained the dog for the owner to reclaim and repossess the dog.

(b)

No dog that has not been licensed and vaccinated shall be released unless the person redeeming the dog and an officer/agent of the division of animal control signs a written agreement to have the dog licensed and vaccinated. The division of animal control shall keep the original written agreement for the licensing and vaccination of the dog.

(c)

The fees for redemption of a dog by its owner are as follows:

(1)

For an owner who has failed to license and vaccinate the dog as prescribed in this chapter within one (1) year:

First impoundment \$ 52.50*

Second impoundment 97.50*

Each subsequent impoundment 225.00*

(2)

For an owner who has licensed and vaccinated the dog as prescribed in this chapter within one (1) year:

First impoundment \$ 37.50*

Second impoundment 52.50*

Third impoundment 97.50*

Each subsequent impoundment 150.00*

*Plus daily board rate as provided in subsection (d) of this section.

(d)

The daily board rate for the care and maintenance of the dog is six dollars (\$6.00).

ARTICLE IV. EMERGENCY DECLARED

Section 19. Emergency declared.

This ordinance is necessary to protect the health, safety, and welfare of the residents of the City of East Camden, Arkansas. Therefore, an emergency is declared to exist and this ordinance shall be in full force and effect immediately upon the passage and approval hereof by the City Council of the City of East Camden, Arkansas.

Passed and approved this 22 day of June, 2017.

Angie McAdoo
HON. ANGIE MCADOO
MAYOR

ATTEST:

Amanda Harcrow
AMANDA HARCROW
CITY RECORDER

