

ORDINANCE NO. 906

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF ANIMALS IN THE CITY OF NASHVILLE, ARKANSAS

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

WHEREAS, The City of Nashville, Arkansas, seeks to improve the quality of life within the city limits of the City of Nashville, Arkansas, and

WHEREAS, Animals and other livestock can contribute to the spread of infectious diseases which the City of Nashville, Arkansas, seeks to avoid, and

WHEREAS, the City of Nashville, Arkansas, desires to abate any nuisances caused by animals, wild or domestic.

NOW, BE IT RESOLVED by the City Council of Nashville, Arkansas, as follows:

SECTION 1. Licensing

- (a) Any person owning, keeping, harboring, or having custody of any animal over four (4) months of age within this municipality must obtain a yearly dog license as herein provided.
- (b) Application for a city dog license shall be made to the licensing authority and shall state the name, address and telephone number of the owner(s); the name, breed, color, age and sex of the dog; and a certificate of rabies vaccination issued by a certified veterinarian. Applicants shall pay a license fee of five dollars (\$5.00) per year.
- (c) Application for a license must be made within five (5) days after obtaining the dog or within five (5) days after the dog becomes four (4) months of age.
- (d) Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag, stamped with an identifying number and the year of issuance. It shall be the duty of the owner or harbored of every dog with the City to attach the tag securely to the dog's collar or harness.
- (e) Dogs must wear identification tags at all times when off the premises of the owners.
- (f) The Animal Control authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times.

(g) Persons who fail to obtain or renew a license as required within the time period specified in this section will be subjected to a fine up to \$100.00 plus costs.

(h) Animal Control may elect to have the local veterinarian sell the city dog tags and if doing so, the veterinarian will keep one (1) dollars out of the five (5) dollars for each tag sold.

(i) No person may use any license for any animal other than the animal for which it was issued.

(j) Nothing in this section shall be construed to apply to any dog under four (4) months, or to dogs brought to the city on a temporary basis for show, exhibit or visit.

SECTION 2. Rabies Vaccination Required

(a) All dogs, cats, and other animals in the City which are subject to rabies shall be vaccinated at least annually against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog in the City, and shall be attached to every cat in the City by a reasonable method. Any person who shall keep any pet which is subject to rabies in the City without first having such pet vaccinated for rabies, at least once a years, shall be guilty of a misdemeanor and upon conviction fined not less than twenty-five dollars (\$25.00) nor more than one-hundred dollars (\$100.00) for each offense plus costs. Each day may be considered a separate offense. (ACA §20-19-202)

(b) No tag shall be transferable from one animal to another.

SECTION 3. Number of dogs owned

(a) No person shall own, keep or harbor more than four (4) dogs over the age of six (6) months within the corporate limits of the city.

(b) Any person requesting to maintain a dog hospital or kennel within the City limits, must first receive permission from the City Council and make such sanitary arrangements and pay any such fees as the Council may require. Violation of this Section is subject to a fine not exceeding \$100.00 plus costs.

SECTION 4. Restraint

(a) All dogs shall be kept under restraint or from running at large.

(b) No owner shall fail to exercise proper care and control of their animals to prevent them from becoming a public nuisance.

(c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(d) Any person owning dog(s) shall confine such animals within an adequate fence or enclosure or within a house, garage or other appropriate structure. Animals may be chained with no less than ten (10) feet of adequate chain. Adequate is defined as appropriate for the size, breed and temperament of the animal confined, and is of sufficient height and strength that a reasonable person shall perceive them self to be safe from the animal confined. If a dog is confined by chain, rope, or cable, the restraint so placed that the animal may not intrude on other property, whether public or private, and provide adequate room for normal postural adjustments and for exercise. The area where the animal is confined must provide proper and adequate drainage, be free from toxic substances, and be free of items that could cause injury. Adequate water and shelter must be available at all times to the animal confined by such restraint.

(c) No dog shall be tied or chained to any utility poles or meters.

(d) Violation of a dog running at large is punishable by fine of \$100.0 plus court costs.

SECTION 5. Impoundment

(a) Unrestrained dogs and nuisance animals shall be taken by the Animal Control Officer and impounded in the animal shelter and there be confined in a humane manner.

(b) Impounded dogs and cats shall be kept for not fewer than five (5) days for owners to reclaim.

(c) If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or certified mail.

(d) An owner reclaiming an impounded dog or cat shall pay a fee of five dollars (\$5.00) for each day the animal has been impounded. Each subsequent violation, boarding costs will be doubled to ten dollars (\$10.00) for each day the animal has been impounded.

(e) Any animal not reclaimed by its owner within five (5) days shall become property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized.

SECTION 6. Animal Care

(a) No owner shall fail to provide his animals with sufficient, good, wholesome and nutritious food, water in sufficient quantities, proper air, shelter which provides protection from the weather, including four sides with opening, roof, and floor; veterinary

care when needed to prevent suffering, and humane care and treatment. No animal may be kept on flooring of wire grid.

(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals to humans.

(c) No owner of an animal shall abandon such animal. Abandoning an animal is considered cruelty to animals under ACA §5-62-102, and subjects the offender to a Class A misdemeanor punishable by up to one (1) years in the City jail and/or a fine not exceeding \$1000.00 plus court costs.

SECTION 7. Livestock

(a) Livestock are animals kept or raised for use or pleasure, especially farm animals. Livestock does not include "wild animals", but does include, but is not limited to the following:

The species *Equus caballus* (domestic horses);
The species *Equus asinus* (asses/donkey);
The species *Bos Taurus* (cattle);
Domesticated races of; the species *Gallus gallus* or *Meleagris gallopavvo* (poultry);
Domesticated races of the species *Oryctolagus cuniculus* (rabbits); and
All captive-bred members of the families Anatida (ducks(and Columbidae (doves and pigeons).

(b) Pens and enclosure(s) shall mean any area, regardless of size, confining or intended to confine or shelter livestock. Pens and enclosures shall include, but are not limited to fence pastures and fields, corrals, yards, cages, pens, coops, hutches, stables, stalls, chicken houses, barns, sheds and similar facilities or areas where livestock are kept.

(c) Keeping cows, mules and horses within the corporate limits of the city shall be allowed subject to the provisions of this section and applicable provisions of the Zoning Code.

(d) Keeping hogs, goats and sheep within the corporate limits of the city will not be allowed; except when in transit, they must be kept for a period not to exceed twenty-four hours in an established stockyard.

(e) All pens or enclosures where livestock are kept shall be not less than one-hundred (100) feet from any residence or business establishment, and twenty-five (25) feet off the property line; that this restriction shall not apply to the residence or business of the livestock's owner.

(f) Pens and enclosures for livestock shall meet the following minimum requirements;

(1) Horses, Mules and cows

(a) Two (2) acres (87,120 square feet) per horse, cow or mule;

(b) A minimum five (5) foot high fence when the livestock are horses, mules, asses, cattle or donkeys. Said fence shall be of standard design and material for the proper constraint of the type of large livestock kept; and

(c) Adequate shelter from the weather elements which provides the animals adequate space to stand, turn and stretch comfortably. The shelter, stable, barn or stall shall have adequate light and ventilation to keep the air inside the structure pure at all times;

(d) All livestock shall be registered with animal control, which include a photo of the animal(s), location of pasture, address of the owner and phone numbers and/or point of contact.

(e) No one shall ride horses after the hours of darkness (This is a safety issue for vehicles and the rider)

(f) A horse may be tethered for no more than two (2) hours for shoeing.

(g) Small Livestock and Poultry.

(1) Keeping small livestock and poultry such as rabbits, chicken, and turkeys is permitted within the corporate limits of the city, subject to the provisions of this section and applicable provisions of the zoning code.

(2) Any area, field, pen, enclosure, barn, stall, or other structure must be well drained and kept free of trash and accumulation of manure.

(3) All food bins shall be constructed of cement, stone, metal or other material impenetrable by rats, or wood, and shall have closefitting doors. If constructed of wood, the bins shall be lined or covered with metal, and the whole so constructed so as to prevent the ingress or egress of rats. All grain, malt and other animal food, except hay, stored or kept in a stable must be kept closed at all time, except when momentarily opened to take food therefrom, or when same are being filled. No feed shall be scattered about outside such bin or in the stable, and all food found on floor or in the stalls of said stables shall be removed daily and placed in the manure receptacle. No foodstuffs intended for human consumption shall be kept or stored in any stable or any other place where animals are kept.

(4) Livestock and poultry shall be subject to other applicable provisions of this Animal Control Ordinance (e.g. running at large, cruelty, nuisances,

impoundment, etc.)

(5) No Roosters allowed.

(6) Only ten (10) poultry allowed on the property.

SECTION 8. Animal Waste

(a) The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.

(b) 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 offensive odors to the extent that such odors are disturbing to any person residing within a reasonable proximity of said premises; and it shall be unlawful to allow the premises where any animal is kept to become unclean and a threat to the animal or public health by failing to diligently and systematically remove all excreta and other waste material from the premises.

SECTION 9. Excessive Noise

It shall be unlawful for any person to keep on his premises or under his control any animal which by loud and frequent barking, howling, or other noise, shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept.

SECTION 10. Enforcement

(a) The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by the state and municipal authority. It shall be a violation of this ordinance to interfere with an animal control officer in the performance of his/her duties.

(b) The Animal Control Department is authorized to employ any equipment it deems necessary to enforce the provisions of this ordinance, including, without limitation, humane wire box traps, chemical immobilizing darts, etc.

SECTION 11. Penalties

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00), unless otherwise specified, and not more than one hundred dollars (\$100.00). If the violation continues, each day's violation shall be deemed a separate violation. If any person is found guilty by a court of violating Section 8, his license to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new license shall be issued.

SECTION 12. Conflicting Ordinances

All other ordinances of this city that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 13.

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

SECTION 14. Definitions

As used in this ordinance, the following terms re defined below:

Abandon: Any person, partnership, firm or corporation in possession and having custody of an animal, who knowingly refuses to provide care for the animal.

Animal: Any living creature, domestic or wild.

Animal-at-Large: Any animal not under the physical control of the animal's owner or harbor, or his/her authorized representative, by leash, cord, chain, fence or enclosure of sufficient strength or construction to contain the animal, or by other means of control. An animal intruding upon the property of another person or upon public property and not under the physical control referred to herein shall be deemed "running at large". Any animal within an automobile or other vehicle shall not be deemed "running at large".

Animal Shelter: Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state laws for the care, confinement, return to owner, adoption, or euthanasia.

Cat: A domestic feline of either sex.

Dangerous Animal: See Public Nuisance Animal

Dog: a domestic canine of either sex.

Enclosure: A fence or structure establishing an area suitable to confine an animal and prevent the animal from escaping.

Harbor: To keep and care for an animal; to provide a premises to which the animal return for a period of three (3) days or more.

Humane Officer or Animal Control Officer: Any person designated by the State of Arkansas, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.

Owner: Any person, firm, partnership, or corporation owning, keeping, or harboring a companion, domestic or exotic animal

Pasture: Ground covered with grass or herbage, used for the grazing of livestock; grassland.

Public Nuisance Animal and Dangerous Animal: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to any animal that:

1. Is repeatedly found at large;
2. Has not been properly vaccinated against rabies, and for which there is an approved rabies vaccine;
3. Damages the property of anyone other than its owner;
4. Molests or intimidates pedestrians or passersby;
5. Chases vehicles;
6. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
7. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
8. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
9. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
10. Attacks other domestic animals;
11. Interferes with refuse collection or spreads trash from refuse containers or

molests meter readers or other service providers.

Restraint: Any animal secured by a leash or least under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

Vicious Animal:

1. Any animal that attacks, bits, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditions, or training, has a known propensity to attach, bit, or injure human being or domesticated animals.

2. Any animal owned or harbored primarily or in part for the purpose of animal fighting, breeding fighting animals, or any animal trained for animal fighting.

3. Any animal for which there is no approved rabies vaccine.

Notwithstanding the above definition, no animal shall be declared vicious if the person attacked or bitten by said animal was teasing, tormenting, abusing, or assaulting the animal or was committing or attempting to commit a crime.

No animal shall be declared vicious if a domestic animal which was bitten or attacked was teasing, tormenting, abusing or assaulting the animal. No animal shall be declare vicious if the animal was protecting of defending a human being within the immediate vicinity of the animal from an unjustified attack or assault. No animal shall be declared vicious if the animal was protecting or defending its young or its territory from attack or assault.

Previous ordinances No. 422, 653, 661, 839, Chapter 6.08 are hereby repealed in their entirety.

This Ordinance shall be in full force and effect from and after its passage.

PASSED and APPROVED this 22nd day of March, 2011.



City Clerk



Mayor