

ARTICLE III. RESTRAINT

3-1-1. Maintenance of premises and disturbing noises.

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

3-1-2. Restraint in transit.

It shall be unlawful for any person to transport any animal in an open vehicle without said animal being restrained in such a manner as to prohibit such animal from leaving or being thrown out of the vehicle while in a public place or upon the public streets. If the animal is tethered, it shall be done in a manner as to prevent such animal from exiting the vehicle and from causing harm to said animal or persons. The intent of this section is to ensure that an animal in transit is humanely and adequately restrained within the confines of the transporting vehicle.

3-1-3. Confinement

- (a) An owner of a dog or, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence or enclosure or within a house, garage or other building, or shall confine such dog with a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. No dog shall be confined, on a chain that is affixed to a stationary object that is closer than 15 feet to the nearest residential structure other than the structure occupied by the animal's owner.

It shall further be the duty of any owner or keeper of any dog to keep such dog under such control so as to:

- (1) Prevent such dog from becoming a danger to persons or property, or trespassing upon another person's property without that person's permission; and
 - (2) Prevent such dog from running at large upon the streets, sidewalks, alleys, parks or other public places of the city.
- (b) An owner of a vicious animal shall confine it within a building or secure enclosure and not release it therefrom unless it is securely muzzled. Any vicious animal trespassing or running at large is hereby declared a nuisance and may be impounded pursuant to the provisions of Article VIII hereof or ordered confined by the animal control department, or killed if impoundment is not possible without risk or physical harm to any person. Further, in any prosecution of an owner or keeper of any such vicious animal for trespassing or running at large, the municipal court may, upon conviction entered, order that such animal be humanely destroyed. The court may further order that an animal seized by the Animal Control Department not be returned to the animal's owner, after the conviction of the owner in Municipal Court for a violation of state law or the provisions of this ordinance, until such time as court ordered fees are paid, or court ordered conditions are met.
- (c) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat, except for intentional breeding purposes. No more than four (4) dogs, or four (4) cats, older than three (3) months of age, may be kept at any residential structure or premises.
- (d) It shall be unlawful for any owner to allow his dog or cat to enter any food store or place where food is exhibited for sale.
- (e) It shall be unlawful for any person owning or having control of any chickens, ducks or other fowl within the city to permit them to run at large.
- (f) The owners of all cats shall maintain those animals on their own premises in a manner so as to not annoy their neighboring property owners. The owners of cats shall ensure that their cats shall not damage or soil property (flower beds, vehicles, screens, etc.) or annoy persons

with fighting or excessive noise, especially late at night. Failure to maintain a cat or cats in a manner so as to not annoy neighboring property owners, or so as to avoid property damage, shall be considered a violation of this ordinance.

3-1-4. Rabid animals or animals suspected of having rabies.

- (a) Every veterinarian shall report promptly to the health officer or animal control authority all cases of rabies in animals treated by him, giving name and address of the owner; and the name of the owner and address of any animal(s) bitten or attacked by such rabid animal, so far as known.
- (b) Any person having knowledge that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knowledge that an animal has been bitten or attacked by a rabid animal, shall promptly report such information, to the extent known, to the health officer or the animal control department.
- (c) It shall be the duty of the owner, the health department, or the person or agency gaining information that any domestic animal or person has been bitten, or is probably infected with rabies, to incarcerate or impound the animal in the institution of some licensed veterinarian within this city or county, or in the animal shelter, where the animal shall be held for observation for such period of time as may be reasonably necessary to determine whether the animal is infected with rabies.