

ORDINANCE NO. 1671

AN ORDINANCE ADOPTING THE RUSSELLVILLE ANIMAL CONTROL CODE, BY REFERENCE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS, THAT:

SECTION 1: Arkansas state law, A.C.A. §14-55-207, authorizes municipalities to adopt codes or regulations by reference. The document attached hereto, to be known as the Russellville Animal Control Code, is hereby adopted by reference. Copies of this Code shall be maintained at City Hall, by the City Clerk, the Mayor, and the City Attorney, and at the Animal Control facility, by the head of that department.

SECTION 2: Severability - The provisions of the Animal Control Code, adopted by this ordinance, are deemed to be severable. A finding that any part of this Code or Ordinance is invalid shall not effect the validity of the remaining provisions of the Code or Ordinance.

SECTION 3: The following Ordinances are hereby repealed: No. 549, No. 1019, No. 1310, and No. 1522.

Ordained this 18 day of May, 2000.

Raye Turner
Raye Turner, Mayor

Attest:

Helen Price
Helen Price, City Clerk

THIS ORDINANCE PREPARED BY THE RUSSELLVILLE CITY ATTORNEY, AT THE REQUEST OF THE ANIMAL CONTROL DEPARTMENT.

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RUSSELLVILLE
AMENDMENT TO ANIMAL CONTROL CODE
(ADOPTED BY ORDINANCE NO. 1674)

ANIMAL CONTROL CODE

- Art. I. In General,
- Art. II. Licensing and Vaccination,
- Art. III. Restraint,
- Art. IV. Cruelty,
- Art. V. Wild Animals,
- Art. VI. Animal Establishments,
- Art. VII. Private Kennels,
- Art. VIII. Impoundment; Adoption,
- Art. IX. Enforcement Penalties,
- Art. X. Records,
- Art. XI. Livestock

ARTICLE I. IN GENERAL

1-1-1. Short title.

This ordinance may be cited as the "Russellville Animal Control Code." This Code was adopted by reference in accordance with A.C.A. §14-55-207. (Ord. No. _____)

1-1-2. Definitions.

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

Animal: Any description of vertebrate, excluding Homo sapiens.

Animal Control Department: The officers and employees of the Russellville Animal Control Department.

Animal establishment: Any kennel, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

All commercial animal establishments must be located in commercial or industrial zones.

Animal Shelter: Any facility designated by the City for the purpose of impounding and caring for animals held under the authority of this Code.

At large: Any animal is at large when off the premises of the owner and not under the control of a responsible person.

Code: As used herein, "Code" refers to the Russellville Animal Control Code.

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

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

- (a) Abandons any animal;
- (b) Subjects any animal to cruel treatment;
- (c) Subjects any animal in his custody to cruel neglect; or
- (d) Kills or injures any animal belonging to another without legal privilege or consent of the owner.
- (e) As used in this section, "knowingly" shall mean the following:

A person acts knowingly with respect to his or her conduct or the attendant circumstances when he or she is aware that his or her conduct is of that nature or that such circumstances exist. A person acts knowingly with respect to the result of his or her conduct when he or she is aware that it is practically certain that his or her conduct will cause such a result.

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

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

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

Livestock: Animals kept or raised for use or pleasure, especially farm animals. Livestock does not include "Wild Animals" as defined in the Russellville Animal Control Code but does include, but is not limited to the following:

Domestic horses;
Asses/donkeys;
Cattle;
Sheep;
Goats;
Swine;
Poultry;
Rabbits;
Ducks, doves, and pigeons.

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

Neutered: Incapable of sexual reproduction.

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

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

Pens and Enclosures: For purposes of Article XI hereof, pens(s) and enclosure(s) shall mean any area, regardless of size, confining or intended to confine or shelter animals. Pens and enclosures shall include, but are not limited to, fenced pastures and fields, corrals, paddocks, yards, cages, pens, coops, hutches, stables, stalls, chicken houses, barns, sheds and similar facilities or areas where animals are kept.

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

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

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

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

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

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

Wild animal: "Wild animal" means any living member of the kingdom Animalia, including those born or raised in captivity, except the following:

1. Human beings;
2. Domestic dogs, including hybrids with wolves;
3. Domestic cats, excluding hybrids with ocelots or margays;
4. Domestic horses;
5. Asses/donkeys;
6. Cattle;
7. Sheep;
8. Goats;
9. Swine;
10. Poultry;
11. Domesticated rats or mice, sugar gliders, hamsters, gerbids, guinea pigs;
12. Ferrets, hedge hogs;
13. Rabbits;
14. Non-poisonous snakes, non-poisonous lizards, non-poisonous frogs, caimans, tarantula;
15. All parrots, parakeets, ducks, finches, doves, and doves and pigeons;
16. Fish, hermit crabs, turtles

ARTICLE II. LICENSING AND VACCINATION

2-1-1. Generally.

- (a) No person shall own, keep or harbor any dog within the city unless such dog is licensed and vaccinated as herein provided.

- (b) The licensing authority shall maintain a record of all certificates and licenses issued, and make such records available to the animal control department.

2-1-2. Rabies vaccination.

- (a) All dogs and cats over three (3) months of age within the city shall be vaccinated against rabies once each year by a licensed veterinarian, who will issue to the owner a durable metal tag and a certificate of vaccination approved by the animal control department. Tags must be attached to the collar or harness of the dog or cat and be worn at all times. Tags are not transferable from one dog or cat to another dog or cat.

2-1-3. Dog licenses.

- (a) All dogs over three (3) months of age shall be licensed as provided herein. Application for a dog license shall be made to the Animal Control Department 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. Applicants shall pay license fees per year of three dollars \$3.00 for any neutered dog, or five dollars (\$5.00) for any unneutered dog.
- (b) Application for a license must be made within thirty (30) days after obtaining a dog over three (3) months of age, or within thirty (30) days of establishing residence in the city. This requirement will not apply to a nonresident keeping a dog within the city for no longer than sixty (60) days.
- (c) For registered dogs serving the blind or deaf or government owned dogs used for law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.
- (d) The licensing period shall be for one year and shall be concurrent with the rabies vaccination.
- (e) The licensing authority shall include licensed veterinarians who are hereby empowered to collect the license fee and issue a dog license and a durable metal tag at the time a dog is vaccinated for rabies. Dog license receipts shall be collected from such veterinarians by the Animal Control Department at the end of each quarter.

- (f) Tags must be attached to the collar or harness of the dog and be worn at all times. Tags are not transferable from one dog to another.

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.

ARTICLE IV. CRUELTY

4-1-1. Prohibited treatment; removal of mistreated animals; payment of expenses.

- (a) It shall be unlawful for any person to:
 - (1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal; or
 - (2) Fail to provide any animal with proper food, drink, protection from the weather and veterinary care. Proper shelter shall be a barrel or a dog house consisting of 3 sides, a roof, and bottom to

prevent wind, rain, snow , and other elements from blowing in, and providing a dry place to lay and protection from extreme temperatures; or

- (3) Abandon any animal;
 - (4) Intentionally poison any animal;
 - (5) Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;
 - (6) Allow an animal to be kept in unsanitary conditions;
 - (7) Keep or confine an animal in other than a humane manner.
- (b) The animal control authority may remove any animal kept or confined under such conditions and may impound such animal pursuant to the provisions of Article VIII hereof.

ARTICLE V. WILD ANIMALS

5-1-1. Prohibitions.

- (a) No person may own, possess or have custody of any wild animal, unless the person obtains a permit from the animal control authority as provided herein.
- (b) No person may sponsor, promote or train a wild animal to participate or contribute to the involvement of a wild animal in, or attend as a spectator, in any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities, irrespective of whether or not a fee is charged to spectators and regardless of whether or not a permit to own, possess or have custody of a wild animal has been issued as provided herein.

5-1-2. Jurisdiction.

- (a) The animal control department shall enforce the provisions of this article and is authorized to issue

permits for the ownership, possession or custody of wild animals in accordance herewith.

- (b) The animal control department, with assistance from the Russellville Police Department, shall make investigations or inspections to determine whether any permit holder has violated or is violating any provisions hereof or any regulation issued hereunder, and for such purposes, the animal control department shall at all reasonable times, have access to all facilities where wild animals are held pursuant to permits issued hereunder. The animal control department is specifically authorized and directed to make random and unannounced inspections of such facilities at any reasonable time.
- (c) The Animal Control Department shall adopt rules and regulations prescribing standards for the humane handling, care, treatment and transportation of wild animals, including the standards by which the animal control authority shall determine whether to issue a permit as provided for herein.

5-1-3. Permits.

- (a) Any person applying for a permit to own, possess or have custody of a wild animal must demonstrate to the animal control authority that the applicant will be able to comply with the standards adopted by the animal control department.
- (b) Each application for issuance of a permit hereunder shall be accompanied by a fee in the sum of one hundred dollars (\$100.00).
- (c) Each permit issued hereunder shall be effective for a period of one year and must be renewed by re-application as provided for herein, together with payment of the application fee.

5-1-4. Notice required.

Any animal establishment offering a wild animal for sale shall post conspicuously, at the place of sale or display, a copy of this article and a copy of the rules and regulations adopted pursuant hereto by the animal control commission.

5-1-5. Impoundment and disposal

Notwithstanding the provisions of Article VIII hereof, the animal control authority is empowered to impound any wild animal

being kept, harbored or maintained in violation of this Code or of rules and regulations adopted by the Animal Control Department, and upon conviction of the owner or any other person for violation hereof, the court may order that the animal control authority may humanely destroy or otherwise dispose of such wild animal, including but not limited to, donating and transferring ownership of such wild animal to a zoo or other facility deemed appropriate by the Animal Control Department.

ARTICLE VI. ANIMAL ESTABLISHMENTS

6-1-1 Permit required; term; removal; one per establishment; display.

- (a) No person shall operate an animal establishment without first obtaining a permit from the animal control authority in compliance with this article, nor may any person operate an animal establishment in a manner in violation of any provision of this Code. The permit shall be in lieu of the required business permit, and the fee for this permit shall be the same as the City business permit fee.
- (b) The permit period shall begin with the first day of the calendar year and shall run for one year. Renewal application for permits shall be made thirty (30) days prior to and up to sixty (60) days after January 1st of each year. Application for a new establishment under the provisions of this Code shall be made within sixty (60) days of the start of business or operation.
- (c) Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit (e.g., two (2) kennels at different locations but owned by the same person, shall be considered as two (2) animal establishments).
- (d) Permits obtained in accordance with this article shall be displayed in a prominent location on the premises of the animal establishment.

6-1-2. Application procedure

- (a) Each animal establishment shall annually file an application for permit with the animal control authority

within the time periods provided in section 6-1-1(b) hereof, provided that all preexisting establishments shall have ninety (90) days from the effective date of this Code to file such application.

- (b) The permit application shall be made on a form provided by the animal control department.
- (c) Upon receipt of a completed application, the animal control department shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of this Code. The animal control department shall be permitted to make such inspections of any animal establishment at any reasonable time during normal business hours.
- (d) The animal control department shall either issue a permit to the applicant or, if a permit is not granted, the animal control department shall notify the applicant in writing of the specific reasons for denial.
- (e) Any animal establishment denied a permit may not reapply for a period of at least thirty (30) days. Each re-application shall describe any previous denial or revocation.
- (f) If an applicant is shown to have withheld or falsified any material information on the application, the animal control department may refuse to issue or may revoke a permit.

6-1-3. Revocation of permits.

- (a) The animal control department may revoke any permit if the person holding the permit refuses or fails to comply with this Code, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this article.
- (b) Whenever a permit is revoked for cause, or pending any proceedings to contest such action, the animal control department shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed for removal of animals from such premises, and shall state the specific reasons for revocation. In the event any such owner shall fail to remove such animals as directed, the animal control

department may impound such animals pursuant to Article VIII hereof.

6-1-4. Compliance with Code.

- (a) An animal establishment shall not sell, trade or give away any dog or cat over three (3) months of age, unless the dog or cat has been licensed and/or vaccinated as required by this Code.
- (b) The animal control department shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this article and the animal control code.

6-1-5. Standards for commercial kennels.

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

- (a) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting. Enclosures for animals must be at least 200 feet from the nearest residential structure not owned by the owner of the kennel.
- (b) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (c) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
- (d) Cages are to be of material and construction that permit cleaning and sanitizing.
- (e) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of adequate bedding.
- (f) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

- (g) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (h) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- (i) All animals shall have fresh water available at all times.

ARTICLE VII. PRIVATE KENNELS

7-1-1. Standards.

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

- (a) No person shall operate a private kennel without first obtaining an annual permit from the animal control department. Permits shall be based upon calendar years. Application for renewal of a permit shall be made between thirty (30) days prior to and sixty (60) days following January 1st of each year.
- (b) Upon receipt of a completed application, the animal control department shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the private kennel is in compliance with all provisions of this code.
- (c) Upon receiving a complaint concerning a private kennel, the animal control department may make an inspection of the facility to ensure that the facility is in compliance with all provisions of this Code.
- (d) All animals shall have adequate space for proper shelter against weather extremes, and for proper exercise.
- (e) All kennel areas shall be maintained in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Kennel areas in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person working or residing within a reasonable distance of said

premises; and the animals themselves shall be restrained in such a fashion so that noise emanating therefrom shall not be disturbing to such persons.

- (f) Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of animals shall be provided.
- (g) Fresh water shall be available at all times.
- (h) Private kennels shall not house more than 8 animals unless said kennel is located in a non residential zone, and is at least 200 feet from the nearest residential structure.

ARTICLE VIII. IMPOUNDMENT; ADOPTION

8-1-1. Impoundment.

- (a) Any animal at large or otherwise in violation of the provisions of this Code may be impounded in the animal shelter in a humane manner for a period of not less than five (5) business days; and if within such time, an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this Code, such animal shall become the absolute property of the animal control department, which may convey ownership of such animal to any responsible person, on such conditions as the animal control department may prescribe, or the animal control department may humanely destroy such animal.
- (b) The animal control department shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter that the animal has been impounded, of the manner by which the animal may be reclaimed and that the animal may be destroyed or become the property of the animal control department as provided herein.
- (c) Prior to destruction of a dog at large which carries its owner's address and which is impounded in the animal shelter, the animal control authority shall mail a letter giving the owner (5) days' notice of the proposed destruction.
- (d) Notwithstanding any provision of this Code to the contrary, the animal control department may refuse to release any animal impounded in the animal shelter for rabies or contagious disease, quarantine, or for use as evidence in a criminal prosecution, for such time period as the animal control department may determine. After a

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

- (e) Notwithstanding any provision of this Code to the contrary, the animal control department may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that destruction of the animal is necessary to prevent disease or injury to other animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, or any other condition.
- (f) Notwithstanding any provision of this Code to the contrary, the animal control department may humanely destroy any animal impounded in the animal shelter when the animal control department reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering, or death.

8-1-2. Reclaiming impounded animals.

- (a) The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control department of compliance with all provisions of this Code, and upon payment of fees and charges as hereinafter provided, credited to the account of the animal control department, and shall not be in lieu of any fine or penalty otherwise provided by law.
- (b) Fees (per animal) for reclaiming impounded animals are as follows:
 - (1) First offense \$20.00
Second offense \$40.00
Third offense \$75.00
Subsequent offense \$75.00
Lack of rabies vaccination and city license \$100.00.
 - (2) Rabbits, poultry and
birds, each offense \$15.00

- (3) Other animals,
each offense \$25.00
 - (4) Animals impounded for
rabies quarantine or for
use as evidence in
a criminal prosecution,
per day \$ 5.00
 - (5) In addition to the
foregoing fees, the
per day board for each
day the animal is
impounded in the animal
shelter \$ 5.00.
- (c) The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.

8-1-3. Adoption

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

- (a) Payment of a twenty dollar (\$20.00) adoption fee for a dog, five dollar (\$5.00) fee for a cat; and
- (b) Evidence satisfactory to the animal control department that the animal has, or will be examined by veterinarian and vaccinations against rabies and other disease administered.
- (c) Evidence satisfactory to the animal control department that the animal has, or will be, neutered.

ARTICLE IX ENFORCEMENT; PENALTIES

9-1-1. Enforcement responsibility.

The provisions of this Code shall be enforced by the animal control authority and by the Russellville Police Department, and by

the City Attorney, upon receipt of a complaint, or violations observed by them.

9-1-2. Interference.

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

9-1-3. Citations.

The employees of the animal control department and officers of the Russellville police department, are hereby authorized to issue a citation to any person for violation of any provision of this Code. The citation shall be in a form approved by the Russellville Municipal Court, shall designate the offense charged and shall require the person so charged to appear before the Russellville Municipal Court on a date certain to answer the charges therein contained.

9-1-4. Penalties for violations.

- (a) Any person who commits the offense of cruelty to animals shall be deemed guilty of a class A misdemeanor, and shall be subject to fines and penalties as prescribed in Arkansas Code Annotated Section 5-4-201 and Section 5-4-401 (the sentence shall not exceed one year and the fine shall not exceed one thousand dollars (\$1,000.00).
- (b) Any person violating any other provision of this Code shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred fifty dollars (\$150.00), nor more than five hundred dollars (\$500.00), and if such violation be continued, each day's violation shall be a separate offense. The maximum fine per day for a continuing violation shall be \$250.00.
- (c) In addition to the punishment provided in paragraphs (a) and (b) of this section the court may impose conditions that must be met by the owner of an impounded animal prior to the release of the animal as provided for in Section 8-1-1(d) of this ordinance.

9-1-5. Equipment.

The animal control department is authorized to employ any equipment it deems necessary to enforce the provisions of this Code, including, without limitation, humane wire box traps; and the animal control department may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

These traps will be loaned to persons for a \$30.00 deposit on cat traps and \$200.00 deposit on dog traps, in the form of a check. The deposit (check) will be returned to the person upon return of the trap in an undamaged condition. Failure to return a trap loaned by the City, in undamaged condition, shall result in loss of the deposit. Said trap shall be returned within 30 days of receipt thereof.

Outside cage - It is unlawful to release dogs that are in the City's after hours drop pen, or release animals or disturb any trap used.

9-1-6.

Any animal establishment or veterinary clinic existing prior to the date of adoption of this ordinance shall not be required to relocate as a result of the provisions of this ordinance. Said pre-existing animal establishments shall be required to comply with all other provisions of this ordinance.

ARTICLE X. RECORDS

10-1-1. Required to be kept.

It shall be the duty of the animal control department to keep, or to cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody. Said records will be maintained for a minimum of four (4) years.

ARTICLE XI. LIVESTOCK

11-1-1. Keeping of hooped livestock.

- (a) The keeping within the corporate limits of the city of Russellville, Arkansas, of cows, mules, horses, swine,

sheep, goats or other hoofed livestock shall be allowed subject to the provisions of this article and the applicable provisions of the City's Zoning Ordinance, as amended.

- (b) All pens or enclosures including veterinary clinics, where hoofed livestock are kept shall be not less than 100 feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business of the livestock's owner.
- (c) Pens and enclosures for hoofed livestock (except enclosures at veterinary clinics for the temporary housing of livestock) shall meet the following minimum requirements:
 - (1) Horses, cows, swine and other large hoofed livestock.
 - a. Two acres per two horses, cows, swine or other large hoofed livestock or combination thereof, minimum of two acres for first such animal; a maximum of six (6) large hoofed livestock may be kept in the City.
 - b. A minimum five-foot fence when the livestock are horses, mules, asses or donkeys; a minimum three-foot, six-inch high fence for all other livestock specified in Section 1-1-2 (Livestock). Said fence shall be of a standard design and material for the proper constraint of the type of livestock kept;
 - c. Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably; provided, however, that cows are excluded.
 - (2) Sheep, goats and other small hoofed livestock.
 - a. One acre per two sheep, goats or other small-hoofed livestock or combination thereof, minimum of one acre for first such animal. A maximum of 8 small hoofed livestock may be kept in the City;
 - b. Adequate shelter from weather elements, which provides the animals adequate space to stand, turn and stretch comfortably; and

- c. Pen or enclosure of standard design and material for the proper constraint of the type of small-hoofed livestock kept.
- (3) a. A maximum of six (6) large hoofed livestock may be kept in the City. A maximum of eight (8) small hoofed livestock may be kept in the City.
- b. Persons currently keeping livestock in the City in numbers greater than six (6) large hoofed or eight (8) small hoofed, shall be allowed to maintain said livestock, or their numerical replacement, upon applying for and receiving a written permit from the Animal Control authority. Said application must be submitted within 90 days of passage of this ordinance. The numerical limits relating to livestock contained in this ordinance shall not apply to livestock maintained on property zoned A-1 (agricultural) in the City.
 - c. There shall be no limitation on the number of livestock that may be kept in an agricultural (A-1) zone. Livestock maintained in an A-1 zone shall be enclosed in a fence or building no closer than 100 feet from the nearest residential structure, unless the keeping of livestock on said premises pre-dated the adjoining residential use.

11-1-2. Keeping of small livestock and poultry.

- (a) The keeping of small livestock and poultry such as rabbits, chickens, guineas and turkeys is permitted within the corporate limits of the city of Russellville, Arkansas, subject to provisions of this article.
- (b) Small livestock and poultry shall be confined within an area containing adequate shelter and enclosure meeting the following minimum floor space requirements:
 - (1). Rabbits. Six (6) square feet per animal over four (4) months of age;
 - (2). Turkeys. Eight (8) square feet per bird over four (4) months of age;
 - (3). Chickens and similar fowl. Four (4) square feet per bird over four (4) months of age.

- (c) All pens, houses and enclosures where small livestock or poultry are kept shall be not less than three hundred (300) feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business establishment of the livestock's or animals' owner.
- (d) No more than ten (10) animals or fowl of the small livestock and poultry type may be kept inside the City. This limitation does not apply to animals kept on property located in an A-1 (agricultural zone.) The permit requirement found in Section 11-1-1(c)(3)b shall also apply to small livestock and poultry.

11-1-3. Condition of pens and enclosures.

All livestock or poultry pens and enclosures shall be maintained and kept in such condition as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept to permit the breeding of flies or in any manner cause injury to the health or comfort of the public or any person working or residing in the vicinity of said pen or enclosure. Manure or refuse shall be promptly removed and disposed of after each cleaning in accordance with all applicable rules, regulations and laws. All large animals and premises shall be treated to prevent flies, horseflies, ticks, lice, etc.

11-1-4. Other provisions.

- (a) Any kennel or boarding facilities keeping livestock shall, in addition to the requirements of this article, comply with all regulations relative to "Animal Establishments" maintained by the Animal Control Department.
- (b) Livestock and poultry shall be subject to other applicable provisions of this ordinance (e.g., running at large, cruelty, nuisance, impoundment, etc.)
- (c) Commercial livestock establishments, including but not limited to, dairy farms, poultry farms, training farms, livestock boarding establishments, livestock display and sale facilities and feed lots, shall in addition to the requirements of this Article, be subject to the applicable provisions of the City of Russellville zoning ordinance as may now or hereinafter be adopted or amended.

11-1-5. Annual permit

The owner of any hoofed livestock shall obtain a permit for a keeping of said livestock from the Russellville Animal Control Department. The purpose of said permit shall be to ensure compliance with this Article. Said permit shall be on a form prescribed by the Animal Control Department and shall be issued upon satisfactory demonstration of compliance with this Article. The fee for said permit shall be \$20.00, except no fee shall be charged for a permit for animals confined in an A-1 zone.

11-1-6. Exceptions.

(a) The otherwise lawful keeping of any livestock within the City of Russellville, or enclosure for livestock at a veterinary clinic, existing on or before the effective date of this Ordinance or existing on or before the effective date of any subsequent annexation, may continue; provided, however, that such keeping shall not be extended or enlarged, either upon the same or adjoining property nor shall any subsequent discontinuance of such keeping be restored except in compliance with this Article.

(b) Arkansas Tech University and the Pope County Fairgrounds.
The provisions of this ordinance shall not apply to animals kept on land owned by Arkansas Tech University, or to animals kept on the Pope County Fair grounds.

12-1-1 Severability - The provisions of this code are deemed to be severable. A finding that any provision of this code is invalid shall not effect the validity of the remaining provisions of this code.