TITLE 6

ANIMALS AND FOWL

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Chapter 6.04

Animals, Generally

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6.04.01 Definitions

For the purpose of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. ABANDONMENT. Any person in possession of an animal who knowingly fails or refuses to provide care of the animal as defined by this ordinance shall be deemed to have abandoned the animal.
2. ANIMAL. Any living creature, domestic or wild.
3. ANIMAL CONTROL OFFICER. Any person designated by the City of Osceola who is qualified to perform such duties. ·
4. ANIMAL SHELTER. Any facility operated by a humane society, municipal agency or it's authorized agents for the purpose of impounding or caring for

animals held under the authority of this ordinance or state law. ·

5. AT LARGE. Not under the physical control of the animal's owner or harborer, or his authorized representative, either by leash, cord, chain, fence or enclosure of sufficient strength or construction to contain the animal. 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". An animal within an automobile or other vehicle shall not be deemed "running at large" if the animal is physically confined to the vehicle. An animal shall not be considered “at large" when on the premises of the owner or harborer thereof and accompanied by the owner or harborer.
6. CAT. A feline of either sex, including one neutered or sterilized.
7. CITY. Osceola, Arkansas.
8. DOG. A canine of either sex, including one neutered or sterilized.
9. ENCLOSURE. A fence or structure forming or causing an enclosure suitable to confine an animal and prevent the animal from escaping.
10. HARBOR. For a period of three days or more, to keep and care for an animal or provide a premises to which the animal returns.
11. LICENSE. A permit issued by the City to indicate that an animal is vaccinated against rabies in accordance with city ordinance and that the owner or harborer has remitted to the City the levied permit fee.
12. LIVESTOCK. The term "livestock" means all farm animals, including but not limited to cattle, horses, pigs, fowl, sheep, goats and mules owned, kept or raised for profit.
13. PUBLIC NUISANCE. Any animal or animals which

    a. Molests passersby or passing vehicles.
    b. Attacks other animals.
    c. Trespasses on school grounds.
    d. Is repeatedly at large.
    e. Damages public or private property.
    f. Interferes with refuse collection or spreads trash from refuse containers or molests meter readers.
    g. Barks, whine, or howls in excessive, continuous fashion.

14. RESTRAINT. Any animal secured by leash or lead or under the control of owner or harborer and obedient to that person's command.
15. VICIOUS ANIMAL

    a. Any animal which, when unprovoked, approaches in a manner of attack any person upon the streets, sidewalks, or any other public ground or place;
    b. Any animal with a know propensity, tendency or disposition to attack without provocation human beings or domestic animals;
    c. Any animal which. without provocation, bites or attacks a human being or domestic animal on public or private property; or
    d. 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.

e. 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 declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

16. WILD ANIMAL. A non-human primate, raccoon, skunk, fox, wolf, coyote, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state, or the offspring borne to wild animals bred with domestic dogs or cats. Ord. No. 2004-799.

6.04.02 Animal Waste, Offensive Odors Prohibited

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

2. 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 public health by failing to diligently and systematically remove all waste material from the premises. Ord. No. 2004-799.

6.04.03 Annual License And Tag

A. (1) Levy and Amount of License. There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the City. Said fee shall be paid to the City Animal Control Services.
(2) For each dog or cat owned or kept within the City the levied fee shall be in the amount of $5.00 annually.
(3) Should a dog or cat be brought into the City, the person owning or keeping such dog or cat shall have 30 days in which to pay the licensing fee levied hereby. Any person failing to pay said fee with in such period shall be required to pay an additional fee of $5.00.

B. Issuance of License Receipt and Tag. The City official to whom the fee levied by subsection (A) above is paid shall issue a receipt therefore and shall issue to each person paying said fee a metal tag indicating that said fee has been paid; provided a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies within one year prior thereto.

C. License Period. A license, if not revoked, shall be valid for one year from the date of issue. A new license shall be obtained each year by every owner and a new fee paid. An owner shall have 30 days from the date the license expires to obtain a

new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of $5.00.

D. Tag to be attached to Animal's collar. It shall be the duty of the owner or keeper of every dog within the City to attach the tag provided for in subsection (B) to a collar securely fixed around the neck of said dog; it shall be the duty of the owner or keeper of every cat within the City to attach the tag provided for in subsection (B) to said cat in a reasonable manner.

E. Nothing in this section shall be construed to apply to any dog or cat under the age of three months, or to dogs or cats brought to the City on a temporary basis for show or exhibition. Ord. No. 2004-799.

6.04.04 Rabies Vaccination Required

1. All dogs and cats in the City and other pets which are subject to rabies shall be vaccinated 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 year, shall be guilty of a misdemeanor. (Arkansas Statue 20-19-202).

2. In case a tag for the animal licensing fee or rabies vaccination required by this chapter is lost or destroyed, a duplicate shall be issued by the City upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag. No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another. No refunds shall be made on. any fee because of the death of the animal or because the owner leaves the City before the expiration of the license period. Ord. No. 2004-799.

6.04.05 Running at Large Prohibited

1. It shall be unlawful for the owner or person in charge of any livestock of any kind to permit or suffer the same to run at large within the corporate limits of the City at any time.

2. It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to run at large within the corporate limits of the City at any time.

3. It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to become a public nuisance.

4. The term "permit" shall include the failure of the owner or person having charge

of said animal to physically restrain the animal. The animal control officer shall be authorized to enter private property for the purpose of impounding an animal found running at large.

5. Every female dog or cat in heat or estrous shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding. Ord. No. 2004-799.

6.04.06 Impoundment

1. The Osceola Animal Shelter is authorized to accept from the animal control officer or City of Osceola Police Officer. and to impound, any dog or cat found running at large in violation of this subchapter. The animal control officer may use humane animal traps or tranquilizers to assist in confining the cat or dog.

2. Whenever any animal in the animal shelter bears a city tag, it shall be the duty of the animal control officer to notify the owner or person to whom the tag was issued, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or released for adoption within five days unless the fee hereinafter prescribed is paid. If the owner or person to whom the tag was issued cannot be found, the animal control officer shall, mail by certified letter, return receipt requested mail to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or adopted within five days if the fee hereinafter prescribed is not paid. If an animal is found bearing no city tag it shall be taken up and placed in the shelter and will be destroyed or released for adoption within five days. If the owner of the untagged animal comes to reclaim the animal the owner must pay the fees hereinafter prescribed. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein. Ord. No. 2004-799.

6.04.07 Redemption Of Animals

1. After the expiration of five days impoundment said animal shall become the property of the City, and the City shall be empowered to release said animal for adoption or to destroy and dispose of said animal as provided for in Section 6.0 above. The animal control officer is hereby authorized to release said animal for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.
2. An owner reclaiming an impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be $5.00 for the first impoundment if the animal bas a rabies vaccination and is currently licensed in the city; $15.00 for the first impoundment if the animal is not currently vaccinated and licensed in accordance with this ordinance; $45.00 for the second impoundment for the same animal within a twelve month period, $50.00 for the

third impoundment for the same animal within a twelve month period, and $100.00 for the fourth and subsequent impoundment's of the same animal within a twelve month period. In addition to the impoundment fees, a boarding fee of $7.00 per day per animal shall be charged for each day such animal is impounded in the Animal Shelter, together with the licensing fee on such animal, if the same has not been paid, plus the cost of having an unvaccinated animal vaccinated for rabies.

3. The owner of an impounded animal who refuses to reclaim his animal may be proceeded against for abatement under the provisions of State Law. No unclaimed dog or cat shall be released for adoption or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and an adoption fee of $15.00 for cats and $25.00 for dogs. Ord. No. 2004-799.

6.04.08 Confinement When Rabies Suspected

1. Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the City (or by a parent or legal guardian of a person bitten who is under age or disability), the animal control officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine and quarantine same under the supervision of a licensed veterinarian, who shall keep such dog or animal in quarantine until he shall issue his certificate that:

    a. He has complied with the observation provision of Section 3 of Act 11, First Extraordinary Session of the 1968 Arkansas General Assembly (Rabies Control Act, Ark. Code Ann. 20-19-307); and
    b. The dog or other animal appear to be free of infection of rabies (hydrophobia).

2. Any dog or other animal having rabies or symptoms thereof, or suspected of having rabies or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or animal to the animal control officer and the animal control officer shall confine such dog or animal in quarantine as provided for in subsection (A) above.

3. When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under subsections (A) and (B) shall issue the certificate provided for in subsection (A), the owner of such dog or animal may retake custody of it upon tender to such veterinarian or the city animal control officer of their customary and reasonable fees and charges for impounding, boarding, lodging, observation and testing; except a person who is bitten by an animal while baiting, teasing, or molesting said animal or while trespassing on the premises of the owner or keeper of said animal shall pay all customary and reasonable charges and fees resulting from his request to have said animal confined and quarantined.

4. The fee for quarantining an animal in the Osceola Animal Shelter shall include board of $10.00 per day, impound fee of $25.00, cost of rabies vaccination and city license if applicable.

5. If any dog or other animal confined under subsections (A) and (B) is not reclaimed by its owner, such dog shall be released by the veterinarian to the animal control officer who shall treat such dog or animal as one found running at large within the corporate limits of the City. Ord. No. 2004-799.

6.04.09 Vicious Animals Restricted

1. No person owning, harboring or having the care of a vicious animal shall allow or permit such animal to be kept of brought within the corporate limits of the City. or
2. If a complaint has been filed in the Municipal Court against the owner or harborer of an impounded animal for violation of this section the animal shall not be released except on order of the court, which order may also direct the owner or harborer to pay a fine and all impoundment fees. Upon a finding that such animal is a vicious animal, the court may order the animal to be euthanized in a humane manner. Surrender of an animal by the owner or harborer thereof to the animal control officer shall not render the owner or harborer immune from the fines and fees prescribed by this chapter
3. The provisions of this section shall not apply to animals owned by law enforcement agencies and used for all enforcement purposes. Ord. No. 2004-799.

6.04.10 Keeping Of Wild Animals

1. No person shall keep or permit to be kept any wild animal as a pet within the corporate limits of the City.

2. No person shall keep or permit to be kept on their premises any wild or vicious animal for display or for exhibition purposes whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses. Ord. No. 2004-799.

6.04.11 Keeping Of Livestock

1. No person shall keep any horses within the corporate limits of the City, unless the horses are kept in an open area of at least one (l) acre per horse, with no part of the area lying within two hundred fifty (250) feet of any residence.
2. It shall be unlawful for any person to raise or keep cattle, pigs, fowl, sheep, goats and mules within the corporate limits of the city.
3. No person shall keep or permit to be kept on their premises any livestock for display or for exhibition purposes whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses. Ord. No. 2004-799.

6.04.12 Animal Control Officer

1. There is hereby created the office of animal control officer and shall perform the duties

and exercise the powers prescribed by this chapter. In addition, the animal control officer shall perform such duties as may be delegated to them by the Mayor or City Council.

2. The City's animal control officer is authorized to issue a citation to any person violating any provision of this chapter in the presence of said animal control officer. Ord. No. 2004-799.

6.04.13 Interference with Animal Control Officer Prohibited

It shall be unlawful for any person to forcibly interfere or forcibly attempt to interfere with the animal control officer or authorized persons in order to hinder him in the performance of their duties. Further, it shall be unlawful for any person to refuse to deliver any unlicensed or unvaccinated animal or any animal observed to be running at large to the animal control officer, or some authorized officer, upon demand for impounding. Ord. No. 2004-799.

6.04.14 Penalty

Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such chapter the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this chapter shall be punished by a fine of not more than $500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed $250.00 for each day that the same in unlawfully continued. Ord. No. 2004-799.

Chapter 6.08

Vicious Dogs

Sections:

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6.08.02	Publication
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6.08.05	Exceptions
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6.08.01 BANNING OF PIT BULL BREEDS OF DOGS

1. Banned pit bull breeds of dogs are banned entirely and may not be owned or kept within the city. Banned breeds of pit bull dogs are any of the following:
   a. American Pit Bull Terrier.
   b. Staffordshire Bull Terrier
   c. American Staffordshire Terrier
   d. American Bull Dog.
   e. Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this section.
   f. Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a banned breed.
   g. Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier or American Bull Dog as defined by the United Kennel Club or American Kennel Club. ·
   h. Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such. Ord. No. 2006-831.

6.08.02 Publication

For any breed which is banned by subsection (1) of this section, a copy of the standards of the American Kennel Club and United Kennel Club shall be kept on file at the Animal Shelter office and City Hall. Ord. No. 2006-831.

6.08.03 Grandfathering

The owner of a pit bull dog will have 60 days after passage of the Ordinance to register the animal with the City of Osceola Animal Control pursuant to the following criteria:

1. The owner shall provide proof of rabies vaccination.

2. The owner and/or handler must be at least twenty-on (21) years of age.
3. The owner shall, at his/her own expense, have the animal spayed or neutered and shall present to the Osceola Animal Control documentary proof from a licensed veterinarian that this sterilization has been performed.
4. The owner shall pay an additional $150.00 annual fee to acquire a City License and Tag. The owner shall notify Osceola Animal Control of any change of address. Licenses may be denied to anyone who has been convicted of a criminal offense or animal cruelty, as well. as anyone who lives with someone convicted of those crimes. Ord. No. 2006-831.

6.08.04 Keeping of registered pit bull dogs under subsection "3" of this section

1. No owner and/or handler shall permit a registered pit bull to go outside its kennel or enclosure unless such dog is securely muzzled and leashed with a leash no longer than 3 feet in length and must be approved by an animal control officer. Chain leashes will not be permitted. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings without the permission of animal control.
2. All registered pit bull dogs shall be securely confined indoors or in a permanent securely enclosed locked pen and a 6 ft. fenced area, except when leashed as provided in subsection (4)(A). All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City of Osceola. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. All property confining pit bull dogs are subject to monthly inspection by animal control.
3. No pit bull dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen window or screen doors are the only obstacles preventing the dog from exiting the structure.
4. All owners, keepers or harborers of registered pit bull dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog”. In addition a similar sign is required to be posted on the kennel or pen of such animal.
5. Owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to animal control as required hereinafter:
6. The removal from the city or death of registered pit bull dog.
7. The new address of a registered pit bull dog owner should the owner move within the corporate city limits.
8. No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides

permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog to persons who do not reside ·within the City and will, therefore, remove the dog outside the City. Upon notification to animal control that the dog has been sold to a person residing outside the City, animal control will make a notation in its files, and the animal will no longer be allowed in the City.

9. There shall be an irrebuttable presumption that any dog registered within the City as a pit bull dog or any of those breeds prohibited by the City code is, in fact, a dog subject to the requirements of this section.
10. Owners, keepers or harborers of registered pit bull dogs within the City are required to carry liability insurance.

    a. It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Osceola to fail to comply with the requirements and conditions set forth in this Ordinance. Any dog found to be the subject of a violation of the Ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in revocation of the license of such animal, initiation of the procedures set forth in subsection (6) below. Ord. No. 2006-831.

6.08.05 Exceptions

A banned breed of dog shall not be considered owned or kept in the city if the dog is only brought into the City to a licensed doctor of veterinary medicine located in the city for the purpose of veterinary care, as is necessary for the completion of veterinary care. Ord. No. 2006-831.

6.08.06 Procedure for dealing with violators

The owner or possessor of any dog found to be in violation of this ordinance shall be guilty of a violation and be subject to punishment of $500 fine for each violation. Additionally, the Animal Shelter shall handle dogs in violation of this ordinance as follows: Ord. No. 2006-831.

1. The animal will be seized by Animal Control and held for (3) days for the owner to reclaim the dog with a reel rum fee of $100.00. The owner must sign an affidavit agreeing to immediately move the animal out of the Osceola city limits.
2. If the animal is not reclaimed within 3 days as prescribed by Section 1 (6)(a) it shall be humanely destroyed or adopted out of the Osceola city limits.
3. If the animal is found within the city limits a second time, the owner shall, upon conviction be fined up to $1,000.00 and shall include seizure of the animal by animal control personnel to be humanely destroyed or adopted out of the Osceola city limits.

6.08.07 Enforcement

This Ordinance may be enforced by either the City of Osceola Animal Control or Police Departments. Ord. No. 2006-831.