

ORDINANCE NO. 2013-05

AN ORDINANCE TO REPEAL CERTAIN CONFLICTING ANIMAL CONTROL ORDINANCES AND TO ESTABLISH AN OMNIBUS ANIMAL CONTROL LAW

WHEREAS, the City of Mountain View, Arkansas has adopted Ordinances Nos. 2005-13, 2007-08, and 2013-03 which concern various issues regarding animal control including, but not limited to, the control of animal within the City limits, licensing and identification of animals within the City limits, the control of animals deemed vicious, and the dumping of animals within the City limits.

WHEREAS, it has been determined that these various Ordinances conflict with each other and are unable to be construed as a whole in a logical manner;

WHEREAS, it is the desire of the City to repeal these conflicting Ordinances and to enact a comprehensive Ordinance regarding animal control.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Mountain View, Arkansas:

SECTION I. REPEAL

The following Ordinances are hereby repealed:

Ordinance 2005-13

Ordinance 2007-08

Ordinance 2013-03

SECTION II. DEFINITIONS

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

1. **Abandon** means to desert, forsake or give up absolutely and knowingly doing so an animal on public or private property.
2. **Animal** means any and all type of animals, both domesticated and wild, male and female, singular and plural.
3. **Animal Control Authority** means an officer employed by or under contract with an agency of the state, county, municipality or other governmental or political subdivision of the state who is responsible for animal control operations in its jurisdiction and approved by the City Council who shall exercise the powers prescribed by this chapter.
4. **Animal shelter** means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.
5. **At large** means not under the physical control of the animal's owner or harborer, or his authorized representative, either by leash, trolley system or enclosure. An animal intruding upon or damaging the property of another person or upon public property, trespassing on school grounds, harassing passersby or passing vehicles, or interfering with refuse collection, harassing meter readers, and not under the control referred to herein shall be deemed "at large." An animal within an automobile or other vehicle shall not be deemed running "at large" if the animal is physically confined by the vehicle. An animal shall not be considered "at large" when properly leashed or in an enclosure as defined herein.
6. **Dog** means a canine of either sex, including one neutered or sterilized.
7. **Harborer** mean to provide or one who keeps and cares for an animal or provides premises to which the animal returns.
8. **License** means a permit and numbered animal tag issued by the City to indicate that the owner or harborer has remitted to the City the levied permit fee.
9. **Owner** means any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered.

10. **Public nuisance** means any animal which:

- a. Molests passers-by or passing vehicles.
- b. Attacks other animals.
- c. Trespasses on school grounds.
- d. Is repeatedly at large.
- e. Damages private or public property.
- f. Barks, whines or howls in an excessive, continuous or untimely fashion.

11. **Restrained** means any animal secured by a leash and under the physical control of the owner/harbinger.

12. **Vicious animal** means

- a. Any animal which, without provocation, bites or attacks a human being or domestic animal on public or private property excluding the animal owner's private property and enclosures when properly restrained; or
- b. Any animal owned or harbored primarily or in part for the purpose of animal fighting; or any animal trained for animal fighting.
- c. Any animal with a known propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans, domestic animals on any public or private property.

Notwithstanding the definition of Vicious Animal, 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 was bitten or attacked or said animal was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

SECTION III. RUNNING AT LARGE

No person owning, possessing, or keeping a dog shall allow the same to run at large within the City.

SECTION IV. VOLUNTARY LICENSING & IDENTIFICATION

Any person, firm, or corporation to own, keep, or harbor a dog within the corporate limits of the City may pay the City a license fee of Five and 00/100 Dollars (\$ 5.00) for each dog. It shall be the duty of the City to furnish the owner of the dog paying the license fee a tag of distinctive design with the serial number of the dog. This serial number and other identifying information, including, but not limited to, the owner's contact information and photographs of the animal, shall be kept on file by the City. Every dog covered by this Ordinance may wear a collar of such type that the city license tag may be firmly attached at all times to the dog's collar or harness. The owner may obtain a duplicate tag, if such tag is lost, by payment of a Five and 00/100 Dollar (\$5.00) fee to the City.

SECTION V. RABIES VACCINATION REQUIRED

1. Every dog and/or cat owner shall procure a rabies vaccination by a licensed veterinarian upon the dog and/or cat attaining the age of four months and at intervals not later than the expiration date on the vaccination certificate. A certificate shall be issued to the owner by the veterinarian showing the following:

- a. The veterinarian's name and business address;
- b. The name and description of the dog and/or cat;
- c. The date of the vaccination; and
- d. The expiration date of the rabies vaccination.
- e. Exemptions may be issued by a licensed veterinarian if a rabies vaccination would be detrimental to the health of the dog and/or cat. Tags must be attached to the collar or harness of the dog and/or cat at

all times. Every dog and/or cat owner shall show a copy of the vaccination certificate upon the request of an animal control officer or other enforcement officer.

SECTION VI. ANIMALS RUNNING AT LARGE

1. RUNNING AT LARGE

No person owning, possessing, or keeping a dog shall allow the same to run at large within the City.

2. IMPOUNDMENT AND SUBSEQUENT DISPOSITION OF DOGS

a. The Animal Control Authority shall take into custody any dog found at large in the city, and shall impound the dog in the city animal shelter or such other animal shelter as the City may have contracted with for purpose of impoundment. Such impounded dog shall be held for a period of five (5) days, at the end of which time the dog shall be made available for adoption or, if the dog is impounded at a contract animal shelter, shall become the sole and exclusive property of said animal shelter. During these days of impoundment, the City shall make diligent effort to determine the owner of such dog and notify him of such impoundment. Where the owner of the dog is known, at least five (5) days' notice shall be given. If the owner fails or refuses to claim and repossess such dog by the payment of the proper fee as prescribed in this chapter within the five (5) days of such impoundment, then the city animal control workers or any contracted animal shelter may deliver custody and possession of such dog to any person other than the owner upon the payment of any applicable fee.

b. When dogs are found running at large, and their ownership is known to an agent of the animal control department, such dogs may need not be impounded, and the agent may, at his discretion, cite the owners of such dogs to appear in court to answer to charges of violation of this chapter.

c. Immediately upon impounding other animals, the City shall make every possible effort to notify the owners of the animals so impounded and inform them of the conditions under which they may regain custody of such animals.

3. RECLAIMING ANIMALS

a. Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded may claim and have such dog retrieved from the contracted animal shelter by an agent of the City by payment of the fees set forth in this section.

b. Any dog, cat or other animal impounded for being a public nuisance may not be redeemed unless such redemption is authorized by a court having jurisdiction.

c. When, in the judgment of the animal control department or its agents, any animal should be destroyed for humane reasons, such animal may not be redeemed.

d. Any animal impounded under this chapter may be reclaimed upon payment by the owner to the City of the sum of Fifteen and 00/100 Dollars (\$15.00) for each dog for each day such dog is kept.

SECTION VII. ABANDONMENT OF ANIMALS

It shall be unlawful for any person to knowingly abandon any animal within the corporate limits of the City.

SECTION VIII. ANIMAL WASTE

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

SECTION IX. NUISANCE ANIMALS

Owners of nuisance animals shall be subject to a fine.

SECTION X. VICIOUS DOGS

No person owning or harboring or having the care or custody of a vicious dog shall suffer or permit such dog to go unconfined on the premises of such person. A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or a dog run area upon the premises of said person.

SECTION XI. ENFORCEMENT

The provisions of this Ordinance shall be enforced by Animal Control Authority and by the City of Mountain View Police Department. They are hereby authorized to issue a citation to any person for violation of any provision of this Ordinance.

SECTION XII. PENALTY

Any person violating any portion of this Ordinance shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine not less than Ten and 00/100 (\$10.00) nor in excess of Five Hundred and 00/100 (\$500.00), and, if the violation is continuing, each violation shall be considered a separate offense.

SECTION XIII. EMERGENCY

That this Ordinance being necessary for the health, safety, and welfare of the public, an emergency is hereby declared to exist and this Ordinance shall take effect from and after the date of its passage.

PASSED this 9th day of July, 2013.

APPROVED:



Ron Sterling, Mayor

ATTEST:



Peggy Lancaster, City Clerk

