

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs
- 6.08 Livestock and Fowl
- 6.09 Noisy Animals

CHAPTER 6.04

DOGS

Sections:

- 6.04.01 Definitions
- 6.04.02 Responsibilities of the Animal Control Officer
- 6.04.03 Control or protection of animals in general
- 6.04.04 Impounding, redemption and disposition of animals at large
- 6.04.05 Observation of animals which have bitten
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6.04.01 Definitions

Person as used in this ordinance shall mean any individual, firm, association, joint stock company, syndicate, partnership or corporation.

Animals as used in this ordinance shall mean all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild mammals, reptiles or, fish or birds that have been tamed, domesticated or captivated.

Animal Shelter used in this ordinance shall mean all pens, houses or fenced enclosures where animals are confined, such as, but not limited to, hutches, cotes, lofts, kennels, warrens, feed lots, barns, stables or other buildings or enclosures.

Veterinarian as used in this ordinance shall mean a doctor of veterinary medicine licensed by the State of Arkansas.

Inhumane Treatment as used in this ordinance shall mean any treatment to any animal which deprives the animal of necessary substance, including food, water and protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment.

Harboring Any person who shall allow any animal to habitually remain or lodge or to be fed within his home, store, yard, enclosure or place of business or any other premises in which he resides or which he controls, shall be considered as keeping and harboring such animal within the meaning of this ordinance.

Running at Large. An animal shall be deemed to be running at large when not confined on the premises of the owner within a fenced enclosure or animal shelter or under the control of a person, either by lead, cord, leash, rope, or chain; provided further, that an animal may be considered confined if on a lead, rope, or chain which is securely fastened or picketed in a manner which is sufficient to keep the animal on the premises.

Bite shall mean any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal directly or indirectly, regardless of the health of the animal causing such bite. (Ord. No. 96-1, Sec. 3.)

6.04.02 Responsibilities of the Animal Control Officer The Animal Control Officer and/or Chief of Police shall be responsible for the enforcement of this ordinance and is hereby authorized to make whatever investigations and to issue such notices or directions as are necessary for enforcement of the provisions of this ordinance. (Ord. No. 96-1, Sec. 2.)

6.04.03 Control or protection of animals in general It shall be unlawful for any person to:

- A. Permit any animal to run at large within the corporate limits of the city.
- B. Permit or allow any fowl to run at large within the corporate limits of the city.
- C. Carry out any inhumane treatment against any animal.
- D. Keep or harbor a dangerous or vicious animal within the corporate limits of the city, an animal being considered vicious if it has bitten any person.
- E. Allow unspayed female dogs to be away from confinement on the premises of the owner, except on a lead and under the control of an adult person, when such dog is in season. (Ord. No. 96-1, Sec. 3.)

6.04.04 Impounding, redemption and disposition of animals at large The Mayor is hereby authorized to appoint a person as Animal Control Officer to carry out the provisions of this section, and in conjunction with the Police Department, to take up, impound, sell or destroy any animal running at large in violation of the terms of this ordinance, or any animal that has bitten a person or another animal, or any animal suspected of having a disease transmissible to human beings. Such animal may be taken up or impounded without the necessity of filing a complaint and shall be subject to the following:

- A. The Police Department and/or the Animal Control Officer shall notify the owner of an animal covered by permit impounded hereunder by telephone, personal service or certified mail posted not later than the day following such impoundment, with return receipt requested, addressed to the owner of such animal at his last known place of residence
- B. Such animal shall be confined in an approved facility for a period of at least 72 hours with such period of time beginning at 9:00 a. m. on the morning following the day of notification or of posting of the notification to the owner as herein provided in Sub-Section A, preceding. If the dog or cat is unvaccinated and/or not covered by a permit, no notice is required and such animal shall be confined for a period of 72 hours beginning at 9:00 a. m. of the morning following its capture. Such animal shall be provided with sufficient food, water and sanitary shelter
- C. Any currently vaccinated animal covered may be reclaimed by its owner upon the payment to the city of an impoundment fee of \$25.00. The Mayor is hereby authorized to designate any person to collect impoundment fees for and in behalf of the city. (Ord. No. 02-3, Sec. 1.)
- D. Any unvaccinated animal which is required by this ordinance or any other ordinance or the code of the city to be vaccinated may be reclaimed by its owner upon payment of an impoundment fee as set forth herein before to the city together with a boarding fee payable to the Madison County Pet Shelter at its prevailing rate. In addition the owner shall be required to pay for a rabies vaccination. (Ord. No. 02-3, Sec. 1.)
- E. All animals not claimed within the period above provided may be sold subject to the provisions in C and D, or destroyed.
- F. All animals impounded for reasons of suspected disease may be reclaimed by their owner upon evaluation and treatment by a veterinarian who shall certify the release of such animal. (Ord. No. 96-1, Sec. 4.)

6.04.05 Observation of animals which have bitten The Chief of Police and/or the Animal Control Officer in the course of his duties of investigation cases in which animals have bitten persons or other animals shall immediately notify the owner of such animal which has bitten any person or animal to surrender the animal to the Animal Control Officer immediately, or otherwise arrange for the Animal Control Officer to pick up and retain such animal in a separate kennel for a period of not less than 10 days after the biting of such person or other animal, during which period it shall be determined whether or not such animal is suffering from any disease. In case such animal is not suffering from any disease the animal may be released; provided further, that the Chief of Police and/or the Animal Control Officer may authorize the keeping of any such animal on the owner's premises provided that the owner produces a current certificate of rabies vaccination performed by a veterinarian showing that such animal has been vaccinated for rabies not longer than 13 months previous thereto and provided further, that the Chief of Police and/or the Animal Control Officer may authorize any such animal to be retained for a period not less 10 days after biting such person or animal in quarters supervised by a veterinarian. (Ord. No. 02-3, Sec. 2.)

6.04.06 Diseased or suspect animals If it shall be determined that any animal confined under the provisions of this ordinance is diseased, and by reason of such disease being transmissible to human beings or, in the case of rabies or ringworm, to other animals, the Animal Control Officer or owner shall upon notice thereof from a state health officer or licensed veterinarian, cause such animal to be properly treated by a veterinarian or destroyed. (Ord. No. 96-1, Sec. 6.)

6.04.07 False statements Any false statement in rabies certification or application for a dog or a cat permit shall render null and void the permit issued for such dog or cat and shall subject such dog or cat to being impounded in accordance with the rules and regulations set out in this ordinance. Any person who knowingly makes a false statement in any application, affidavit or other document required by this ordinance or any regulation prescribed thereby shall be deemed guilty of a misdemeanor. (Ord. No. 96-1, Sec. 7.)

6.04.08 Rabies vaccination required

- A. Any dog or cat maintained or harbored at any time in the city of Huntsville shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least two years and who shall issue the owner of the dog a vaccination certificate which shall be retained by such owner until the vaccination is renewed. (Ord. No. 96-1, Sec. 8.)

- B. License The owner or person responsible for any dog or cat maintained or harbored at anytime in the city of Huntsville shall be responsible for purchasing a license annually for said dog or cat. The license shall be purchased at the time said dog or cat is vaccinated for rabies if the vaccination is done locally and/or at the Madison County Pet Shelter within ten (10) days of the rabies vaccination. The cost of the annual license shall be Five Dollars (\$5.00) for each dog or cat. (Ord. No. 05-5, Sec. 1.)

6.04.09 Vaccination tag The veterinarian administering the rabies vaccination shall issue a metallic tag for the particular dog or cat vaccinated on which tag shall be distinctly marked the veterinarian's name or veterinary clinic name, address and tag identification number. The year of issuance also shall be distinctly marked, which shall be the same as the year of vaccination. (Ord. No. 96-1, Sec. 9.)

6.04.10 Dangerous or vicious animals It shall be unlawful for any person to:

- A. Keep or harbor a dangerous or vicious animals within the corporate limits of the city, an animal being considered vicious if it has bitten any person or if the animal has shown a propensity, tendency or disposition to attack without provocation, and is able or likely to inflict injury to another person or animal
- B. Provocation as used herein means taunting, striking or screaming at the animal or unauthorized entry into the premises where the animal is kept.
(Ord. No. 96-1, Sec. 10.)

6.04.11 Authorization for quarantine The Animal Control Officer and/or Chief of Police shall report to the Mayor in the event a potential outbreak of rabies is suspected in the dog or cat population to the public safety from rabid animals is reasonably imminent, the Mayor is hereby authorized and it shall be his duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation. Upon the publication of such proclamation by the Mayor, the person keeping or harboring any dog or cat shall follow the procedure as prescribed in the definition "Running-at Large" except that any such animal under the control of an adult person on a lead or under control by voice command, may do so only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the Mayor in his quarantine proclamation without being properly confined or muzzled if under the control of an adult person may be killed by any officer of the city under procedures established by the Police Department. (Ord. No. 96-1, Sec. 11.)

6.04.12 Penalty Any person who shall be convicted of violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the city jail for a period not exceeding one year or both such fine and imprisonment. Each day that a violation of this ordinance occurs shall constitute a separate offense and shall be punishable hereunder as a separate violation. (Ord. No. 96-1, Sec. 12.)

6.04.13 Running at large

- A. From and after the passage of this ordinance it shall be unlawful for any person to allow his or her dog or dogs to run at large upon the public ways of the city or the premises of any person, other than those of the owner, in the city of Huntsville, Arkansas.
- B. Any dog owned by any person residing within the limits of said city found running at large may be impounded. Upon the application of the owner of said dog having been impounded, for the release of same from the pound, the owner shall pay to the Madison County Pet Shelter a boarding fee and to the city an impoundment fee of \$25.00.

- C. If any dog owned by any person residing outside of the city limits of the city of Huntsville, Arkansas, be found running at large in said city, the officer may impound said dog and upon application of owner for releasing said dog as impounded, owner shall pay to the Madison County Pet Shelter a boarding fee and to the city an impoundment fee of \$25.00. (Ord. No. 78-1, Secs. 1-3.)

CHAPTER 6.08

LIVESTOCK AND FOWL

Sections:

- 6.08.01 Incorporation of 6.04
- 6.08.02 Horses, cows and other large-hoofed livestock
- 6.08.03 Sheep, goats, and other small-hoofed livestock
- 6.08.04 Chickens, ducks, guineas, pheasant, quail or other small fowl
- 6.08.05 Swine and large fowl
- 6.08.06 Feed lots
- 6.08.07 Other exception
- 6.08.08 Permit for livestock or fowl

6.08.01 Incorporation of 6.04 This ordinance incorporates Chapter 6.04 of the Huntsville Municipal Code, except for the provisions relating specifically to dogs and cats. (Ord. No. 06-5, Sec. 1.)

6.08.02 Horses, cows and other large-hoofed livestock

- A. It shall be unlawful for any person to keep, maintain or permit to run-at-large within the corporate limits of the city, any horses, cows or other large-hoofed livestock, except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor.
- B. The keeping of horses, cows or other large-hoofed livestock animals is permitted where they are maintained on an enclosed area containing a minimum of two (2) acres.
- C. The number of horses, cows and/or other large-hoofed animals shall not exceed one (1) per acre.

- D. The property where said animals are kept must be zoned R-E (Residential Estates) of R-1 (Low Density Residential).
- E. The area where the livestock animals are kept must have fencing of a standard design and material for the proper constraint and containment of the animal and must be well maintained at all times. (Ord. No. 06-5, Sec. 2.)

6.08.03 Sheep, goats, and other small-hoofed livestock

- A. It shall be unlawful for any person to keep, maintain or permit to run-at-large within the corporate limits of the city, any sheep, goats or other small-hoofed livestock, except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor.
- B. The keeping of sheep, goats or other small-hoofed livestock animals is permitted where they are maintained on an enclosed area containing a minimum of two (2) acres.
- C. The number of sheep, goats and/or other small-hoofed animals shall not exceed two (2) per acre.
- D. The property where said animals are kept must be zoned R-E (Residential Estates) or R-1 (Low Density Residential).
- E. The area where the livestock animals are kept must have fencing of a standard design and material for the proper constraint and containment of the animal and must be well maintained at all times. (Ord. No. 06-5, Sec. 3.)

6.08.04 Chickens, ducks, guineas, pheasant, quail or other small fowl

- A. It shall be unlawful for any person to keep, maintain or permit to run-at-large within the corporate limits of the city, any chickens, ducks, guineas, pheasant, quail or other small fowl, except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor.
- B. The keeping of chickens, ducks, guineas, pheasant, quail or other small fowl is permitted where they are maintained on an area containing a minimum of two (2) acres.
- C. The number of any combination of fowl, including chicks, shall not exceed twenty-five (25) per acre.

- D. The property where said fowl are kept must be zoned R-E (Residential Estates) or R-1 (Low Density Residential).
- E. The fowl must be kept in a suitable coop, pen or other enclosure or be fenced in such a manner that would not permit them to run-at-large, and, said coop, pen or other enclosure must not be within one hundred (100) feet of any residential dwelling except that of the owner(s). It shall be unlawful for any person keeping or harboring any animal or fowl to fail to keep the premises where such animal is kept free from unsanitary, obnoxious, unhealthful and/or offensive odors and conditions discomforting or harmful to any of the citizens of the city.
- F. Exception: A single family residence that does not meet the minimum acreage or zoning requirements of this section shall be permitted to keep up to a maximum of three (3) chickens as pets. No roosters or other kinds of fowl shall be allowed under this exception. (Ord. No. 06-5, Sec. 4.)

6.08.05 Swine and large fowl It shall be unlawful to keep swine or large fowl of any kind including, but not limited to ostrich, emus, peacocks or turkey within the city. The violation of this section is hereby declared to be a misdemeanor. (Ord. No. 06-5, Sec. 5.)

6.08.06 Feed lots It shall be unlawful for feed lots or concentrated feeding operations to be maintained on any property within the city. The violation of this section is hereby declared to be a misdemeanor. (Ord. No. 06-5, Sec. 6.)

6.08.07 Other exceptions

- A. Nothing in this ordinance shall prohibit the keeping of livestock animals or fowl at the Madison County Fairgrounds in the city during any circus, rodeo, fair or other similar event at this facility.
- B. Nothing in this ordinance shall prohibit livestock animals or fowl from participating in any lawful parade within the city.
- C. Nothing in this ordinance shall prohibit school children, who are actively enrolled in 4-H, FFA or school-related projects involving the raising of livestock animals or fowl, from keeping said livestock or fowl even if the property is not zoned R-E or F-1, but other wise meets the requirements of this chapter. (Ord. No. 06-5, Sec. 7.)

6.08.08 Permit for livestock or fowl

- A. Within ninety (90) days from the passage and approval of this ordinance, any owner of livestock animals or fowl kept within the city shall apply to the City Clerk for a permit for keeping said livestock animals of fowl.
- B. There shall not be a charge for the permit. Said permit shall be renewable annually on or before December 31 each year.
- C. The violation of this section is hereby declared to be a misdemeanor. (Ord. No. 2006-5, Sec. 8.)

CHAPTER 6.09

NOISY ANIMALS

Sections:

6.09.01	Title
6.09.02	Noisy animals restricted
6.09.03	Repeat offenders
6.09.04	Fine

6.09.01 Title This ordinance shall be known as the Noisy Animal Restriction Ordinance. (Ord. No. 2009-5, Sec. 1.)

6.09.02 Noisy animals restricted

- A. It shall be unlawful for any person to keep on his premises or under his control any noisy animal which shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept.
- B. Upon a complaint from a resident concerning a habitually noisy animal being received and verified by the Animal Control Officer and/or of police officer, the owner or harbinger of such animal shall be given written notice by the officer to take appropriate measures to control the noise. In the case of a barking or howling dog a humane “bark collar” or other devices for noise control may be required.

- C. An owner or harbinger of a noisy animal who (within 48 hours of his notice from the officer) notifies the city in writing that he is taking action to control the noise shall be allowed a reasonable time not to exceed thirty (30) days, for the noise control measures to work. During this time he shall not be subject to a citation. (Ord. No. 2009-5, Sec. 2.)

6.09.03 Repeat offenders All second and subsequent complaints concerning the same animal, upon verification by the Animal Control Officer and/or police officer, shall result in a citation being issued against the owner or harbinger of said animal for violation of this ordinance. (Ord. No. 2009-5, Sec. 3.)

6.09.04 Fine Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be liable for a minimum fine of Fifty Dollars (\$50.00) with the maximum fine being One Hundred Fifty Dollars (\$150.00) for each violation. (Ord. No. 2009-5, Sec. 4.)