

That which is underlined is added and that which is stricken through is deleted.
That which is RED is a proposed revision added after 03/23 meeting.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 14 OF THE
CODE OF ORDINANCES OF THE CITY OF SPRINGDALE,
ARKANSAS.**

WHEREAS, Chapter 14 of the Code of Ordinances of the City of Springdale, Arkansas contains the regulations pertaining to animals;

WHEREAS, the City of Springdale has an overpopulation of cats and dogs in part due to unsterilized animals running at large;

WHEREAS, the overpopulation of stray and abandoned animals is a burden on the City of Springdale and its resources;

WHEREAS, city tags have become antiquated and the city employee hours involved in tracking and compiling the city tag information is more than the revenue generated.

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Chapter 14 of the Code of Ordinances of the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: Section 14-1 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

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

Animal means all dogs, cats, cattle, horses and other equines, hogs, goats, rabbits, sheep, or wild mammals, reptiles, or fish that have been tamed, domesticated or captured.

Animal shelter means 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.

Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin caused by any animal which is actually or is 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.

Breeder means any person who maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration or profit, fee, or compensation.

Cable run means a metal cable that is mounted aboveground at a designated height to two (2) stationary objects for the purpose of attaching a pulley system that moves from one end of the cable to the other and to which a dog is tied or secured by means of a rope, chain, or cable attached to the dog's collar or harness

Cat is any member of the feline family.

City means the City of Springdale, Arkansas.

Dog is any member of the canine or dog family.

Free-roaming cat means a cat that is not kept inside of a house, business or other legal occupancy structure or kept in a fenced area enclosed with a top and containing a shelter. A cat that is allowed to go outside of such structure or fenced area is considered a free-roaming cat.

Fowl means all animals that are included in the zoological class Aves.

Habitual Animal Offender means any animal owner or harborer, who within any twelve-month period, is charged with three violations, arising out of separate incidents of this title which pertains to animals from which conviction, guilty plea, no contest plea, deferred judgment, or plea bargain results. The controlling date is the date of each animal ordinance violation, not the date of the plea entered, or the conviction resulting therefrom.

Harboring means allowing any animal to habitually remain or lodge or to be fed within a home, store, yard, enclosure or place of business of any other premises in which a person resides or controls, which shall be considered as keeping and harboring such animal.

Inhumane treatment means any treatment of any animal which deprives the animal of necessary sustenance, 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 as may be determined by the animal control officer.

Potentially Dangerous Animal means any dog or other animal that has shown a propensity, tendency, or disposition to attack without provocation and is able or likely to inflict injury to another person or animal.

Provocation means taunting, striking, or screaming at the animal or unauthorized entry into the premises where the animal is kept.

Running at large (to run at large) means 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. Cat owners and harborers may only be charged with running at large if the cat is a habitual nuisance on the property of another or if they have failed to follow the conditions set forth under 14-37.

Swivel means pivoting hardware that can be used in a trolley system to attach a cable run to a tether or a tether to a dog's collar or harness in order to minimize twisting and tangling of the tether

Tether means a rope, chain, or cable that is attached to a dog's collar or harness for purposes of restraining the dog

Trolley system means a method of restraining a dog which utilizes a cable run, swivel and tether attached to a dog's collar or harness.

Vaccination means an injection of any vaccine for rabies approved by the state veterinarian and administered by a licensed veterinarian or the person authorized by law to administer such vaccine.

Veterinarian means a doctor of veterinary medicine licensed by the state.

Vicious dog or vicious animal means any dog or other animal that has bitten or attempted to bite any person, or caused serious injury to another domestic animal or livestock without provocation ~~or has shown a propensity, tendency, or disposition to attack without provocation,~~ and is able or likely to inflict injury to another person.

Sec. 14-2. Penalty.

(a) Unless otherwise stated, any person who shall be convicted of violating any provision of this chapter shall be subject to the provisions of section 1-9 of the Springdale Code of Ordinances. Each day that a violation of this chapter occurs shall constitute a separate offense and shall be punishable as a separate violation.

(b) In addition to any fine imposed, in the case of a vicious dog or other vicious animal, or a wild animal or reptile, the court may order the animal or reptile removed from the city or euthanized.

(c) Any person found guilty of harboring a vicious dog or other vicious animal, or of harboring or keeping a wild animal in the city, shall pay all reasonable expenses associated with housing, removal, or euthanizing that animal or reptile, including shelter, food, and veterinarian expenses, if any.

(d) Penalty, Running at large. Conviction for running at large in violation of this section shall result in a fine as follows:

(1) For a sterilized dog:

a. The first violation within a three-year period shall result in a **minimum** fifty dollar fine.

b. The second violation within a three-year period shall result in a **minimum** seventy-five-dollar fine.

c. The third and each subsequent violation within a three-year period shall result in a **minimum** one-hundred-dollar fine.

(2) For an unsterilized dog:

a. The first violation within a three-year period shall result in a **minimum** one-hundred-fifty dollar fine, unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized dogs in subsection (d)(1) herein shall apply.

b. The second and each subsequent violation within a three-year period shall result in a **mimumum** two-hundred-fifty dollar fine, unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized dogs in subsection (d)(1) herein shall apply.

c. The fine structure applicable to sterilized dogs in subsection (d)(1) herein shall also apply to unsterilized dogs too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's rabies vaccination by a veterinarian licensed to practice within the state.

(3) Deposit of funds.

(a) The difference in the fine for unsterilized animals pursuant to section 14-2(d)(2) shall be deposited into a fund established for the city's low cost spay and neuter efforts.

(b) The animal shelter manager shall be responsible for establishing procedures and guidelines for the utilization of the abovementioned fund.

Sec. 14-3. Enforcement.

The police department in conjunction with animal services division shall have primary responsibility for the enforcement of this chapter and is hereby authorized to make whatever investigations and to issue such notices, orders, citations, or directions as are necessary for enforcement of the provisions of this chapter. However, nothing contained herein shall prevent the code enforcement division from also enforcing the provisions set out in this chapter.

Sec. 14-4. Authorization for quarantine.

The director of animal services shall report to the mayor in the event a potential outbreak of rabies or other contagious disease is suspected in the animal or fowl population and if the mayor concurs with the director of animal services that the danger to the public safety from rabid or diseased animals or fowl 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 animal or fowl to confine it for such time as may be specified in the quarantine proclamation. Upon the publication of such proclamation by the mayor, no person keeping or harboring any animal or fowl shall allow such animal or fowl to run at large as defined in section 14-1. All dogs, cats or other animals or fowl found running at large during the time specified by the mayor in the quarantine proclamation without being properly confined may be killed by any officer of the city under procedures established by the division of animal services.

Sec. 14-5. Control, protection of animals.

It shall be unlawful for any person to:

(1) Permit or allow any animal or fowl to run at large within the corporate limits of the city, except on property of the owner of the animal located in an agricultural (A-1) zone. However, this exception does not apply if the owner's property is in a platted subdivision, even if it is an A-1 zone.

(2) Permit or allow any fowl within the corporate limits of the city, except on property of the owner of the fowl located in an agricultural (A-1) zone. However, no fowl shall be permitted in a platted subdivision, even if the platted subdivision is zoned A-1.

Exception: This provision is not intended to apply to the ducks in Murphy Park, nor to indoor birds kept as pets, such as parakeets, nor to the lawful transportation of fowl through the corporate limits of the city.

(3) Carry out any inhumane treatment against any animal.

(4) Keep or harbor any animal which by loud, frequent or habitual barking, howling, yelping or other noise disturbs any person or neighborhood within the corporate limits of the city.

(5) Keep or harbor a vicious dog or other vicious animal within the corporate limits of the city.

(6) 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.

(7) Keep or harbor a dog or cat over four months of age within the corporate limits of the city without such dog or cat having a current vaccination against rabies performed by a veterinarian and microchipping a dog or cat over six months of age. ~~and securing an annual permit issued by the city clerk for a 12-month period beginning at the date of vaccination.~~ A rabies vaccination is hereby considered current for 12 months, or per veterinarian documentation in

accordance with the State Board of Health regulations, following the date of vaccination; provided, vaccination may not be required if the owner of such dog or cat shall exhibit to the city clerk a statement from a veterinarian certifying that such vaccination would be injurious to such dog due to its health. All dogs and cats shall be provided with a collar by the owner to which shall be affixed the vaccination tag ~~and license tag issued as herein provided. The annual license fee shall be waived in the case of cats and permits issued without the payment of any fee to the city for such permit.~~

(8) Permit unsanitary conditions to exist on the premises where any animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health and safety, or would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons.

(9) Sell, distribute or give away animals from public property and from commercially and industrially zoned lands.

Exception: established animal business enterprises with permanent structures and the Springdale Animal Shelter

Sec. 14-6. Animals other than dogs required to have vaccination.

All animals lawfully allowed to be kept in the city, and maintained as domesticated pets, are required to have a yearly current vaccination against rabies administered by a veterinarian using a proper vaccine, with such animals being subject to section 14-57, except that no ~~permit~~ microchipping or registration is required for any animal except dogs or cats.

Sec. 14-7. Wild animals, reptiles.

(a) It shall be unlawful for any person to keep, maintain, sell or have in their possession or under their control within the city any poisonous reptile or any other dangerous or carnivorous wild animal or reptile.

(b) It shall be unlawful for any person to keep, maintain, sell or have in their possession or under their control within the city any of the following animals, whether the animal is pure bred, hybrid, or a mixed breed:

- (1) All poisonous animals including rear-fang snakes.
- (2) Apes; chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
- (3) Baboons (Papoi, Mandrillus).
- (4) Bears (Ursidae).
- (5) Cheetahs (Acinonyx jubatus).
- (6) Alligators or crocodilians (Crocodylia).
- (7) Snakes.
- (8) Coyotes (Canis latrans).
- (9) Elephants (Elephas and Loxodonta).
- (10) Hippopotami (Hippopotamidae).
- (11) Hyenas (Hyaenidae).

- (12) Jaguars (*Panthera onca*).
- (13) Leopards (*Panthera pardus*).
- (14) Lions (*Panthera leo*).
- (15) Lynxes (*Lynx*).
- (16) Monkey, old world (*Cercopithecidae*).
- (17) Piranha fish (*Characidae*).
- (18) Pumas (*Felis concolor*), also known as cougars, mountain lions and panthers.
- (19) Rhinoceroses (*Rhinocero tidae*).
- (20) Tigers (*Panthera tigris*).
- (21) Wolves (*Canis lupus*).
- (22) Deer.

(c) Those animals and reptiles listed in subsection (b) of this section are specific animals or reptiles prohibited, but this section is not limited to those animals or reptiles listed and any animal or reptile which meets the prohibition of subsection (b)(1) of this section, although not listed in subsection (b), is also prohibited.

(d) This section does not apply to:

- (1) Entertainment or promotional events approved by the city council in advance, such as the Rodeo of the Ozarks and the Shriner's Circus.
- (2) Medical institutions.
- (3) Educational institutions.
- (4) Veterinarian clinics in possession of the animals prohibited under this section.
- (5) Persons temporarily transporting such animals through the city, provided they remain in the transport vehicle while they are being transported through the city.

(e) The police department or the animal services division, or anyone acting under the authority of the police department or the animal services division, are authorized to take custody of any wild animal or reptile which is being kept or maintained in the city and which is prohibited under this section of the Code of Ordinances, and are further authorized to have the animal or reptile impounded and/or removed from the city.

Sec. 14-8. Swine prohibited.

It shall be unlawful to keep or maintain any swine within the corporate limits of the city, except:

- (1) When such swine are being raised in a lawful agricultural operation located in an A-1 zone, except that swine are prohibited in all platted subdivisions, even if the platted subdivision is zoned A-1.
- (2) Bona fide circuses, fairs, research or educational institutions, or veterinarian clinics complying with applicable laws and regulations.

Sec. 14-9. Trapping.

(a) No person shall set any trap to catch any animal, permit any trap owned by them or in their control to be set to catch any animal, or allow a trap to be set to catch an animal on their property unless approved by the division of animal control. When a dog or cat is so trapped, the animal control division of the public works department shall be immediately notified, and the dog or cat shall be immediately relinquished to animal control or delivered to Springdale Animal Services.

(b) This section shall not apply to the indoor trapping of rats and mice.

(c) Nothing in this paragraph shall apply to furbearing season traps authorized by the Arkansas Game and Fish Commission pursuant to Game and Fish Commission Code of Regulations, Sections 10.02 and 10.04.

(d) Any wild animals inadvertently caught by use of a trap will be the responsibility of the person setting such trap and the Arkansas Game and Fish Commission.

Sec. 14-10. Rules and regulations.

The animal services division of the city may promulgate suitable regulations, not in conflict with this article, governing the care or disposition of any dead or diseased animal found within the limits of the city.

Sec. 14-11. Diseased or injured animals.

(a) It shall be unlawful for any person to knowingly keep:

(1) Any injured animal without providing proper treatment for such injury; or

(2) Any animal infected with a disease which may contaminate other animals and which may be a health hazard.

A person acts "knowingly" when they are, or should be aware that such circumstances exist.

(b) Any such untreated injured animal or any diseased animal shall be immediately treated or, when necessary, humanely destroyed, to prevent unwarranted suffering. The disposition of such animals shall be at the direction of the police chief or a licensed veterinarian.

Sec. 14-11.1. Expense for treatment of diseased or injured animals.

An owner who reclaims or redeems an animal which has been treated under the provisions of section 14-11 of this chapter shall, prior to the release of the animal to the owners, reimburse the city or the treating veterinarian for expenses incurred. If the owner makes direct payment to the veterinarian for such treatment, the owner must provide Springdale Animal Services with a receipt of such payment before the animal is released to the owner. The payment for the expense incurred in the treatment of such animal is in addition to the redemption fees assessed, which are required to be paid to Springdale Animal Services for keeping the animal.

Sec. 14-12. Keeping of livestock.

It shall be unlawful to keep cows, goats, horses, sheep or other hoofed animals in any area except on property zoned A-1, except that no such livestock shall be allowed in any platted subdivision within the city, even if the subdivision is zoned A-1.

Sec. 14-13. Nonconforming keeping of livestock.

The lawful use of a building or a lot for keeping livestock and which was existing at the time of the annexation of the building or lot to the city may be continued although such use does not conform with the provisions in this article. If a nonconforming use of any building or lot for keeping livestock is discontinued for a period of six months, the use of such building or lot shall thereafter conform to the provisions of this article.

Sec. 14-14. Condition of pen and premises generally.

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 in the area.

Sec. 14-15. Kennels.

(a) In this section "kennel" means an establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals. Kennels are only allowed in a zone authorized by the zoning ordinance of the City of Springdale.

(b) All kennels shall, in addition to the other requirements of this chapter and the zoning ordinance, comply with the following minimum standards of this section. Failure to meet these standards shall be grounds for denial of a business license or revocation of a business license.

(1) Enclosures must be provided which shall allow adequate protection against weather extremes. Runs and/or cages with adequate drainage into a closed sewer system must be provided. Floors of building, runs and walls shall be made of impervious material to permit proper cleaning and disinfecting.

(2) Building temperatures shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(3) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.

(4) Cages are to be of material and construction that permit cleaning and sanitizing.

(5) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

(6) Runs shall provide protection from the weather. Runs shall have an impervious surface.

(7) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.

(8) The food shall be free from contamination, wholesome, palatable, and of a sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(9) All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

(10) Kennels and boarding facilities, except licensed veterinarian facilities **not engaged in boarding**, shall provide an adequate exercise area of a minimum of 25 feet by 25 feet.

Sec. 14-16. Pet shops.

(a) In this section "pet shop" means any establishment that offers to sell two or more species of live animals with intent that they be kept as pets.

(b) All pet shops, including pet shops run in conjunction with another holding facility, shall in addition to the other requirements of this chapter and other ordinances of the city, comply with the following minimum standards of this section. Failure to meet these standards shall be grounds for denial of a business license or revocation of a business license.

(1) Hot water shall be available for washing cages and disinfecting, and cold water shall be accessible at the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.

(2) The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

(3) All cages and enclosures are to be made of material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to his full length.

Sec. 14-17. Animal bites.

When any animal has bitten, scratched, or otherwise caused an abrasion, puncture, or break in a person's skin that person or any other person having knowledge of such incident shall immediately notify the police department. The animal shall be quarantined for a period of ten days from the date of the bite either in the facilities of Springdale Animal Services, in which case the owner shall pay Springdale Animal Services the daily board rate and a rabies observation fee for the period of quarantine, or at a veterinary hospital within the city limits at the expense of the owner, or in the alternative, the owner may relinquish the animal to Springdale Animal Service and the animal shall be euthanized and its head taken to the state health department for a pathological examination. Home quarantine is permitted only upon approval by the Animal Shelter supervisor.

The owner shall receive notice upon receipt of the animal that they must reclaim the animal by the end of the 10th day, or if the 10th day is a non-business day, on the next business day thereafter. If the owner fails to reclaim the animal at the end of the quarantine period, Springdale Animal Services, or its designee, may euthanize the animal provided that a representative of Springdale Animal Services attempts to contact the owner by telephone at least 48 hours before the animal is euthanized.

If the owner is unknown or an address cannot be determined for the animal after a diligent search, the animal may be euthanized at the end of the ten-day quarantine period.

Exception: The provisions of this chapter do not apply to law enforcement canines who bite a person or another animal while engaged in law enforcement related duties.

If the owner is unknown or an address cannot be determined for the animal after a diligent search, the animal may be euthanized at the end of the ten-day quarantine period.

Exception: The provisions of this chapter do not apply to law enforcement canines who bite a person or another animal while engaged in law enforcement related duties.

Sec. 14-18. Cutting and skinning of animals, game or fowl.

It shall be unlawful in public view to cut-up, skin or dress out animals, game, or fowl, and it shall further be unlawful to place on public view the carcass of any animal, game or fowl.

Exception: This section shall not apply to commercial businesses engaged in taxidermy, meat cutting or meat processing, or related businesses, provided the work on the animals, game or fowl is conducted inside such business, and such business is operating lawfully in the correct zone with a valid business license from the City of Springdale.

Sec. 14-19. Failure to Return an Animal Trap.

It shall be unlawful to fail to return an animal trap to the Springdale Animal Services on or before the date it is to be returned. A violation of this section is punishable as set out in Section 1-9 of the Code of Ordinances.

Secs. 14-20—14-30. Reserved.

ARTICLE II. DOGS AND CATS

~~Sec. 14-31. Registration.~~

~~The owner, keeper or harbinger of a dog or cat is hereby required to register such dog or cat with the city clerk, making application for a permit as provided in this article.~~

Sec. 14-31. Registration and Microchipping of Dogs and Cats

The owner, keeper, or harbinger of a dog or cat over 6 months old is hereby required to microchip such dog or cat and register by filing pet microchip information with the Springdale Animal Shelter that the animal has been implanted with a microchip.

Sec. 14-32. Rabies vaccination.

Any dog or cat maintained or harbored at any time in the city 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~~ three years and who shall issue the owner of the dog or cat a vaccination certificate which shall be retained by the owner until the vaccination is renewed.

Sec. 14-33. Vaccination tags.

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 month and year of issuance also shall be distinctly marked, which shall be the same as the year of vaccination.

Sec. 14-34. False statements in certification, permit application.

(a) Any false statement in a rabies certification or ~~application~~ false microchip information for a dog or 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 chapter.

(b) Any person who knowingly makes a false statement in any application or other document required by this chapter or any regulation prescribed thereby shall be deemed guilty of a violation of this chapter.

~~Sec. 14-35. Annual licensing/permit fee; penalty for nonpayment.~~

~~(a) The dog permit fee is established at \$5.00 for either male or female dogs covering a period of 12 months from the date of vaccination; provided, that a person owning, keeping or harboring a dog which has been retired from the U.S. Armed Forces, a dog trained to lead a blind person which is registered as a seeing eye dog, or police department or sheriff's dog shall be not be required to pay the permit fee upon the registration of such dog, but shall be subject to all other regulations and requirements. The city clerk shall impose a 25 percent per month penalty on all dog permit renewals beginning 30 days following the expiration of the previous permit, and on all dogs not previously or currently covered by permit.~~

~~(b) There is an annual animal licensing/permit fee in the amount stated above provided on each dog or cat owned or kept within the city. The fee shall be paid to the city or to a licensed veterinarian. It shall be the duty of any licensed veterinarian collecting a fee under this subsection to remit the fee to the city by the 10th of the month next following the month in which said fee is collected. The issuing veterinarian shall be permitted to keep \$1.00 of the \$5.00 permit/licensing fee collected as a handling fee.~~

Sec. 14-36. Tethering Animals prohibited.

Direct-point chaining or tethering of dogs to a stationary object is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:

(1) Only one (1) dog may be tethered to each cable run.

(2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.

(3) There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.

(4) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the animal services officer, considering the age, size and health of the dog.

(5) The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.

(6) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.

Secs. 14-37. Free Roaming Cat conditions

(a) Identification. Cat owners shall identify their free-roaming cats by means of a microchip that registers the owner with a national computer recovery network.

(b) Sterilization. All free-roaming cats shall be sterilized unless the owner's veterinarian, licensed by the state, certifies in writing that the animal is physically unable to reproduce or that the animal is medically compromised to the extent that it cannot be sterilized safely.

(c) Chaining. Direct-point chaining or tethering of cats to a stationary object is prohibited.

(d) Warning notice to comply with free-roaming requirements. Notwithstanding any other provision of this article:

(1) If the animal services division determines that the owner of a free-roaming cat is not in compliance with the microchipping and sterilization requirements of this section; and

(2) If a prior warning notice to comply with the microchipping and sterilization requirements has not been issued for that animal; then the owner shall be given a warning notice to comply with the microchipping and sterilization requirements within ten (10) days, with documented proof of such compliance or a letter to document the owner's intent to keep the animal indoors submitted to the animal services division within that ten (10) day period.

Secs. 14-38. Litter License; Dog Breeders License

(a) Litter license. Any person who resides in the city limits who owns, keeps or harbors a dog or cat that gives birth to a litter is hereby required to obtain a litter license for the litter from the Springdale Animal Shelter no later than seven days after the puppies or kittens are born. The cost of a litter license shall be \$50.00 per litter. Any person who does not obtain a litter license as required by this section shall be issued a citation for failure to obtain a litter license.

(b) Dog breeder license. Any person who resides in the city limits who owns, keeps or harbors a female dog or dogs that give(s) birth to more than one litter of puppies within a one-year period of time are hereby required to obtain a dog breeder license from the Springdale Animal Shelter. The cost of a dog breeder license shall be \$100.00. A dog breeder license shall be valid for one year from the date of issuance. A person who is the holder of a dog breeder license shall be exempt from obtaining a puppy litter license for any additional litter or litters of puppies born during the period of time that the dog breeder license is valid. Any person who does not obtain a dog breeder license as required by this section shall be issued a citation for failure to obtain a dog breeder license.

(c) Penalty. Any person convicted of failure to obtain a dog breeder license or a litter license shall be punished as provided for in section 1-9 of this Code.

(d) Deposit of funds.

(1) All funds generated from the city's dog breeder and litter licenses pursuant to section 14-38 shall be deposited into a fund established for the city's low cost spay and neuter efforts.

(2) The animal shelter manager shall be responsible for establishing procedures and guidelines for the utilization of the abovementioned fund.

(e) All people obtaining breeders licenses must comply with provision of 14-15.

Secs. 14-39. Habitual Animal Offender

It shall be unlawful to be a habitual animal offender. A habitual animal offender shall after the third conviction be precluded from owning or having animals on their property for one year from the date of the third conviction.

Sec. 14-40. Potentially Dangerous Animals.

It shall be unlawful for any person to keep within the city limits any potentially dangerous animal, except in compliance with the provisions of this section.

(1) *Permit required.* A potentially dangerous animal may be kept within the city limits only so long as the owner or custodian complies with the requirements and conditions in accordance with the potentially dangerous animal permit.

(a) The owner or custodian shall pay an annual permit fee of one hundred dollars (\$100.00) for possession of a potentially dangerous animal, in addition to all other required fees.

(2) *Conditions for keeping a potentially dangerous animal.* The requirements and conditions for keeping or maintaining a potentially dangerous animal within the city limits shall include:

(a) *Confinement.* All potentially dangerous animals shall be securely confined:

(i) Indoors; or

(ii) In an enclosed and locked pen or physical structure upon the premises of the owner. The pen or physical structure must meet the minimum space requirements of 150 square feet and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The pen or physical structure must be capable of preventing the entry of the general public, including children, and must be capable of preventing the escape or release of the dog. Electronic containment devices shall not be used to confine dangerous dogs.

(b) *Spaying or Neutering Mandatory.* All animals that are deemed potentially dangerous must be spayed or neutered within fourteen (14) days of being designated as such.

(c) *Leash and muzzle.* The owner of a potentially dangerous animal shall not allow the animal to go outside of its kennel, pen or physical structure unless the animal is muzzled, restrained by a leash sufficient to control the animal, and under the physical control of an adult. The muzzle must not cause injury to the animal or interfere with its vision or respiration, but must prevent the animal from biting any human or animal. A muzzle is not required if the animal is:

(i) In the owner's yard if the yard is enclosed by a fence that is capable of preventing uninvited entry by other animals or people; and

(ii) Is restrained by means of a leash held by an adult.

(d) *Signs.* The owner of a potentially dangerous animal shall provide public notice of the animals presence on the premises by displaying a warning sign. The sign shall be placed in a prominent place on the owner's property, clearly visible from the public highway or thoroughfare. Similar signs shall be posted on the animals kennel, pen or enclosed structure.

(e) *Photograph identification.* Within ten (10) days of the declaration of an animal as dangerous, the owner or custodian shall provide the animal services division manager with two (2) digital-quality color photographs of such animal, clearly showing the color and approximate size of the animal, or shall make the animal available for photographing by the animal services division.

(f) *Change of status.* The owner or custodian of a potentially dangerous animal shall notify the animal services division immediately if the animal is unconfined and on the loose, or has attacked a human or a domestic animal.

(g) *Change of ownership.* If the owner of a potentially dangerous animal sells, gives away, or otherwise transfers custody of the animal, the owner shall contact the animal services division within 24 hours. The owner shall, within five (5) calendar days, provide the animal services division with written documentation containing the name, address, and telephone number of the new owner or

custodian. The previous owner shall also before transferring ownership or custody of the dog, notify the new owner of the animals designation as a potentially dangerous animal and, if the new owner resides within the city limits, of the requirements and conditions for keeping a potentially dangerous animal. This notice shall be in writing and a copy shall be provided to the animal services division. Upon being notified that a potentially dangerous animal has been removed to another jurisdiction, the animal services division is authorized, but not required, to notify the appropriate governmental department in the jurisdiction where the animal has been transferred that the animal has been declared potentially dangerous by the city.

(3)Failure to comply. It shall be unlawful for the owner or custodian of a dangerous animal to fail to comply with the requirements and conditions set forth in this section. Any animal found by a police officer or animal services to kept in violation of this section shall be subject to seizure and impoundment. In addition, failure to comply shall result in the immediate revocation of the potentially dangerous animal permit for such animal. In the event of permit revocation, the owner or custodian shall remove such animal from the city limits within twenty-four (24) hours of receipt of the notice of revocation, or the animal shall become the property of the Springdale Animal Shelter. Notice of such revocation shall be mailed to the address the owner keeps updated with the animal shelter upon registering the potentially dangerous animal.

Exemptions. Dogs that are used regularly for law enforcement purposes shall not be subject to this section or the vicious animal section.

Defense to determination of vicious or dangerous animal.

It is a defense to the determination of an animal as vicious or potentially dangerous and to the prosecution of the owner of an animal:

(1) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;

(2) If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal;

(3) If the person was committing or attempting to commit a crime;

(4) If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the animal;

(5) If the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault;

(6) If the animal was injured and responding to pain; or

(7) If the animal was protecting its offspring, itself or its kennelmates.

Sec. 14-41 Maximum number of dogs.

***IF RETAINED, ADD GROOMING FACILITIES TO EXCEPTIONS**

~~No more than six (6) dogs of over the age of three (3) months shall be kept, harbored or maintained within any individual dwelling unit or on any lot or other parcel of property in the city without a permit. The number of dogs permitted above may be increased by obtaining a permit issued by the animal shelter supervisor. Such permit shall specify restrictions reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. Such permit may be~~

~~modified from time to time or revoked by the animal shelter supervisor for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such dogs.~~

~~This section shall not apply to:~~

~~(1) Animal hospitals and veterinarians when such animals are kept for normal business purposes and~~

~~(2) Animal shelters and animal rescue organizations~~

14-42---14-55. Reserved.

ARTICLE III. IMPOUNDMENT

Sec. 14-56. Duties of animal control officer.

The animal control division is part of the police department and the animal service division supervisor is supervised by the director of public works. The police department shall be responsible for enforcing provisions of this chapter. Police officers, animal control officers and the animal service division supervisor shall have the authority to issue citations, orders, notices, or directions as may be necessary to properly enforce the provisions set out in this chapter.

Sec. 14-57. Authority.

The ~~animal service director~~ police department is hereby authorized to appoint animal control officers to carry out the provisions of this article, and to take up, impound, sell or destroy any animal running at large in violation of the terms of this chapter, 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 provisions in this article.

Sec. 14-58. Notice to owner.

The animal services division shall notify the owner of an animal covered by permit impounded under this article 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.

Sec. 14-59. Time period for confinement; care.

An impounded animal that has not bitten a person or other animal, or that is not a diseased animal, shall be confined in the approved pound for a period of at least 72 hours before being disposed of, 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 provided in section 14-58. If the animal is a dog or cat that 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 before being disposed of, and said 72 hours begins at 9:00 a.m. of the morning following its capture. Such animal shall be provided with sufficient food, water and sanitary shelter.

Sec. 14-60. Impoundment, boarding, and microchip fees.

Any currently vaccinated animal ~~covered by permit~~ microchipped and registered as required in this chapter may be reclaimed by its owner upon the payment to the city of an impoundment fee and a fee for each day in which the animal has been boarded, as set out in section 14-66 of this chapter. Upon the first time an owner reclaims an animal from animal services, the owner shall also, if not previously done, be required to pay for implantation of a microchip, and such microchip and registration fee is set out in section 14-66 of this chapter. Impoundment, boarding and microchip fees shall be collected by Springdale Animal Services and paid over to the city clerk.

Sec. 14-61. Permit and vaccination fees.

Any unvaccinated animal which is required by this chapter or any other ordinance to be ~~covered by a permit~~ registered and microchipped may be reclaimed by its owner upon payment of all impoundment and boarding fees owed to the city, and the current fee being charged for a voucher to have the animal vaccinated. These fees shall be collected by Springdale Animal Services and paid over to the city clerk.

Sec. 14-62. Disposition of unclaimed animals.

All animals not claimed within the period provided by this chapter may be sold subject to the provisions of this chapter, or may be destroyed.

Sec. 14-63. Redemption of suspected diseased animals after veterinary evaluation.

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.

Sec. 14-64. Treatment or destruction of diseased animals.

If it shall be determined that any animal confined under the provisions of this article 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 after veterinary medical consultation, cause such animal to be properly treated by a veterinarian or destroyed.

Sec. 14-65. Confinement of animals that have bitten a person

The director of animal services, in the course of his duties of investigating cases in which animals have bitten persons, shall immediately notify the owner of such animal which has bitten any person to surrender the animal to Springdale Animal Services, or a licensed veterinarian, to be kept for a period of not less than ten days after the biting of such person, 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, it may be released after the ten-day observation period, provided that payment of all fees and costs associated with the confinement have been paid. Confinement in the owners home is permitted only upon approval by the animal shelter supervisor.

Sec. 14-66. Fees charged by Springdale Animal Services.

The fees charged by Springdale Animal Services are set out herein, and are subject to change by duly authorized resolution passed by the Springdale City Council. Pre-payment of sterilization by a veterinarian of adopters choice is required. The fees are as follows:

Adoption of animal . . . \$ 40.00 includes rabies voucher and microchip

Rabies voucher 10.00 (free with adoptions)

~~City tag 5.00~~

Impoundment fee redemption:

Initial 10.00

Each additional day 7.00

Incinerator disposal fee 35.00

Out of city limit drop (per animal) 50.00

Deposit on cat traps 20.00

Rabies observation fee (per day, pre-payment required) 20.00

Microchip ~~implantation~~ and Registration fee ~~10.00~~ (free with adoptions)

~~**Sterilized**~~ dog or cat: \$20 (register and microchip)

~~**Sterilized**~~ dog or cat: Free (registration only, already microchipped)

~~**Unsterilized dog or cat: \$100 (register and microchip)**~~

~~**Unsterilized dog or cat: \$80 (registration only)**~~

PASSED AND APPROVED this _____ day of _____, 2009

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney