

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A CHAPTER ON ANIMAL CONTROL AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING CERTAIN CODE SECTIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of North Little Rock is authorized by Ark. Code Ann. § 14-55-207 to adopt regulations by reference; and

WHEREAS, the City of North Little Rock is authorized by Ark. Code Ann. § 14-55-701 to codify all or part of its ordinances; and

WHEREAS, the City of North Little Rock presently regulates the control of animals through several ordinances and code sections; and

WHEREAS, it is in the best interests of the citizens and residents of North Little Rock that more a comprehensive chapter (as outlined in the Executive Summary attached hereto as Exhibit “A”) be adopted to create uniformity in rules adopted over several years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the Animal Control Chapter, attached hereto as Exhibit “B” and incorporated herein by reference, is hereby adopted in its entirety.

SECTION 2: That three (3) copies of this ordinance shall be filed with the Office of the City Clerk and on the City web site for inspection and view by the public prior to adoption.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. Specifically, Chapter 10 of the old North Little Rock Municipal Code is hereby repealed in its entirety.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It is hereby found and determined that the adoption of this Ordinance is immediately necessary to insure the proper and orderly growth of the City of North Little Rock, Arkansas and is necessary for the immediate preservation of the

public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Patrick H. Hays

SPONSORS:

ATTEST:

Alderman Beth White

Diane Whitbey, City Clerk

Alderman Linda Robinson

Alderman Maurice Taylor

Alderman Cary Gaines

Alderman Sam Baggett

Alderman Charlie Hight

Alderman Murry Witcher

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

**Executive Summary of Proposed
Animal Control Regulations for NLR**

The proposed comprehensive animal control regulations reflect an attempt to create uniformity in rules that have been adopted over several years. This proposal has been developed through a series of meetings and/or conversations with staff from the City’s Animal Control Department, City Attorney’s Office and members of the City Council.

- 1) Section 1.5.1 et seq. provides for appeal process of administrative determinations and appeal of final determinations. This new section informs the public how to appeal an administrative determination and procedures for appeals.
- 2) Section 3.1.10 Fees has been changed. Reclaiming fees are now \$10.00 per day, up from \$7.50 per day. Dead animal disposal fees are \$10.00 if animal is brought to shelter and \$15.00 if the animal is picked up. Animal Control requested these amounts which had not been changed in a long time. Previously the cost per day was \$7.50 which caused problems because they were always having to track down 50¢ in change.
- 3) Section 10-207 Standards for private kennels has been struck. The director of Animal Control feels that this is a way for people to circumvent the limit on numbers of animals.
- 4) The term “owner” in section 2.1.2, Definitions, has been changed to include those who feed animals. Animal Control has a problem with enforcement when people feed animals on a daily basis.
- 5) Section 5.1.6 amends the section which had previously placed time limits on trolley systems as dog confinement. Now trolleys are allowed 24 hours a day. Animal control has requested this change.
- 6) Section 5.1.5 has added the requirement for kitten litter licenses. Animal control feels that this is necessary to control the population.
- 7) Section 7.1.2 has changed the previous code in that the director of animal control now inspects premises for fowl permits. Previously the “city health officer” inspected. The director of animal control says that it would be best if he was the one doing the inspections.
- 8) Section 2.1.2 now changes the definition of “animal establishment” to include those selling or giving away animals in a public area. Animal control feels that this will help control the pet population and also will help with the shelter’s adoption efforts.
- 9) Section 7.1.4 bans chicken coops in front yards of homes or businesses. There was previously no ban.

10) Section 6.1.7 adds to the definition of a “nuisance animal” the following: “animals that defecate or urinate on public property of another person. It shall be a defense to this section if the owner of the animal immediately cleans up the fecal matter left by the animal.” This is better known as a pooper scooper law. 6.1.8 also requires people to carry with them something to clean up after the dog with.

11) Section 3.1.4 now provides for the animal shelter the ability to euthanize an animal after 5 days when notice has been given to the owner that the animal is at the shelter.

12) Section 6.1.10, Animal mistreatment or neglect, has been amended to include people who abandon an animal or refuse to pick up their animal from the shelter.

13) Section 7.1.6, bans roosters within the city. This was requested by an alderman and Animal Control.

14) Section 7.1.2, increases fowl permit fee to \$10. This was requested by animal control.

EXHIBIT “B”

**NORTH LITTLE ROCK, ARKANSAS
MUNICIPAL CODE**

Chapter 2

ANIMAL CONTROL

TABLE OF CONTENTS

	Page
ARTICLE ONE – ADMINISTRATION	1
Section 1 – Introduction	1
1.1.1 General	1
1.1.2 Applicability	1
1.1.3 Authority	1
Section 2 – Animal Control Officers	1
1.2.1 General	1
1.2.2 Identification	1
1.2.3 Rule-making Authority	1
1.2.4 Modifications	2
Section 3 – Violations	2
1.3.1 Violations declared to be strict liability violations	2
1.3.2 Fines	2
1.3.3 Citations	2
1.3.4 Appeals	2
Section 4 – Administrative Determinations	2
1.4.1 Administrative determinations	2
1.4.2 Persons entitled to notice	3
1.4.3 Method of notice	3
1.4.4 Notice by mail	3
1.4.5 Finality of decision	3
1.4.6 Effect on Citations	3
Section 5 – Administrative Appeals	4
1.5.1 Administrative appeal	4
1.5.2 Contents of Appeal	4
1.5.3 Notice of hearing	4
1.5.4 Actions pending appeal	4
1.5.5 Conduct of hearing	4
1.5.6 Final Determination	4
1.5.7 Costs of appeal of Administrative Determination	5
 ARTICLE TWO – DEFINITIONS	 6
Section 1 – General	6
2.1.1 General	6
Section 2 – Definitions	6
2.1.2 Definitions	6
 ARTICLE THREE – ANIMAL SHELTER OPERATION	 9
Section 1 – General	9
3.1.1 Scope	9
3.1.2 Impoundment authorized	9
3.1.3 Euthanasia	9

3.1.4 Issuance of license	9
3.1.5 Sterilization of impounded dogs and cats	10
3.1.6 Receipts	10
3.1.7 Reclaiming impounded dogs	11
3.1.8 Deposit of funds	12
3.1.9 Acceptance of unwanted dogs	12
3.1.10 Fee schedule for animal shelter	12
ARTICLE FOUR – ANIMAL ESTABLISHMENTS	14
Section 1 – General	14
4.1.1 Scope	14
4.1.2 General	14
4.1.3 Permit-Required; term; renewal; one per establishment	14
4.1.4 Application procedure; inspection; issuance or denial	15
4.1.5 Revocation	15
4.1.6 Compliance with chapter	16
4.1.7 Standards for kennels	16
4.1.8 Standards for pet shops	17
4.1.9 Veterinarians to report cases of rabies to health officer	17
ARTICLE FIVE – CATS AND DOGS	18
Section 1 – General	18
5.1.1 Scope	18
5.1.2 Dog or cat license required	18
5.1.3 Dogs and cats-vaccination; penalties	19
5.1.4 Dogs and cats-numbered owned, kept or harbored	19
5.1.5 Litter license; breeder license	19
5.1.6 Dog confinement	20
Section 2 – Vicious Dogs	21
5.2.1 Vicious Dogs	21
5.2.2 Vicious Dogs-Initial Determination	22
5.2.3 Appeal of determination	22
5.2.4 Release	23
5.2.5 Failure to Retrieve	23
5.2.6 Control of vicious dogs	23
5.2.7 Transfer of care or ownership	24
5.2.8 Destruction of vicious dog	24
5.2.9 Liability for dogs	25
Section 3 – Banned Breeds	25
5.3.1 Banning of pit bull breeds of dogs	25
ARTICLE SIX – UNLAWFUL ACTS	29
Section 1 – General	29
6.1.1 Scope; strict liability violations	29
6.1.2 Barking and howling	29
6.1.3 Condition of premises	29

6.1.4 Animal mistreatment or neglect	29
6.1.5 Interference with enforcement	30
6.1.6 Keeping of innately wild animals	30
6.1.7 Nuisance animals	31
6.1.8 Releasing animals in public places	32
6.1.9 Running at large prohibited	32
6.1.10 Clean-up Required	32
ARTICLE SEVEN – OTHER ANIMALS	34
Section 1 – Fowl	34
7.1.1 Running at large prohibited	34
7.1.2 Permit to keep fowl; investigation; fee	34
7.1.3 Distance from residences	34
7.1.4 Keeping of fowl in front yards prohibited	34
7.1.5 Pens and enclosures, sanitary requirements	34
7.1.6 Roosters Banned	35
Section 2 – Cattle and Livestock	35
7.2.1 Certain stables declared nuisance	35
7.2.2 Keeping of horses and cattle	35
7.2.3 Keeping of hogs, goats or sheep	35
7.2.4 Livestock running at large	35

ARTICLE ONE ADMINISTRATION

Section 1 INTRODUCTION

1.1.1 General. These regulations shall be known as the *North Little Rock Animal Control Code* and may be referred to herein as “*the Code*” or “*this Code*”. These regulations are intended to protect the public health, safety and welfare of citizens of North Little Rock by regulating animals in such a manner as to minimize disease, aggression, and nuisances associated with animals.

1.1.2 Applicability. The provisions of this Code shall apply to any person that owns, harbors, keeps, feeds or provides for any animal within the municipal limits of North Little Rock. The provisions of this Code shall also apply to any animal found within the municipal limits of North Little Rock when the owner cannot reasonably be ascertained.

1.1.3 Authority. For the establishment of this Code, the City of North Little Rock relies upon following statutory authority: Ark. Code Ann. §§ 14-43-601, 14-54-103, 14-54-1101 – 1104, and Chapter 19 of Title 20 of the Arkansas Code.

Section 2 ANIMAL CONTROL OFFICERS

1.2.1 General. This Code shall be enforced by all Animal Control Officers of the City of North Little Rock. For the purposes of this Code, an Animal Control Officer shall be defined as any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to the ownership and possession of animals, standards for the care of animals, licensing and vaccinations of animals, inspections, issuances of permits, certifications and licensing of animals within the municipal boundaries of the City. All Animal Control Officers shall be employed within the Department of Animal Control under the direction and authority of the Director of Animal Control. This Code may also be enforced by any and all duly sworn law enforcement officers of the North Little Rock Police Department when required by necessity.

1.2.2 Identification. All Animal Control Officers shall carry proper identification and present the same upon request when performing duties under this Code.

1.2.3 Rule-making authority. The Director of Animal Control shall have authority as necessary in the interest of public health, safety and general welfare, to conduct administrative determination hearings, to adopt and promulgate administrative and procedural rules, and to interpret and implement the provisions of this Code in a manner

consistent with the intent thereof concerning animals within the municipal boundaries of the City.

1.2.4 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Director of Animal Control shall have the authority to grant modifications for individual cases, provided the Director of Animal Control shall first make written findings that a special condition or circumstance exists such that the strict letter of this Code is impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

Section 3 VIOLATIONS

1.3.1 Violations declared to be strict liability violations. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who violates this Code shall be guilty of a violation which shall be deemed a strict liability offense.

1.3.2 Fines. Except as otherwise provided in this Code, a person convicted of violating any provision of this Code shall be punished by a fine not to exceed \$1000.00, or double such sum for each repetition thereof. If the violation is continuous in nature, the penalty for allowing the continuance thereof is a fine not to exceed \$500.00 for each day that the violation is unlawfully continued.

1.3.3 Citations. Animal Control Officers are hereby authorized to issue citations to any person, firm or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations must comply with the Arkansas Rules of Criminal Procedures. North Little Rock District Court shall have exclusive jurisdiction over citations issued pursuant to this Code.

1.3.4 Appeals. Any person, after being found guilty of a violation or after entering a plea of guilty or *nolo contendere* to a violation, shall have those appellant rights granted under the Laws of the State of Arkansas, US Constitution, Arkansas Constitution and Arkansas Rules of Criminal Procedure. Appeals of convictions of a violation will be in the Pulaski County Circuit Court.

Section 4 ADMINISTRATIVE DETERMINATIONS

1.4.1 Administrative determinations. Every administrative decision rendered under this code shall be on a standardized form by an Animal Control Officer with the following information:

- (A) The name of the person affected by the decision, if known;

- (B) An address of the person affected by the decision, if known;
- (C) A narrative of the determination;
- (D) A statement of the right to appeal as stated under section 5 of this Article;
- (E) The statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City; and
- (F) The statement that the City has a right to cause repairs or demolition to be made and that the costs may cause an animal to be humanely euthanized as a result of the administrative decision; and
- (G) Notice that an appeal of the administrative decision must be made within 5 days of the administrative decision.

1.4.2 Persons entitled to notice. If one or more persons are known to have a direct legal interest in an administrative decision, then that decision will not be effective until notice is provided to at least one such person using the methods described in this section.

1.4.3 Method of notice. Notice of administrative decisions may be issued by any Animal Control Officer or other person authorized by law using one or more of the following methods:

- (A) By personal service executed by an Animal Control Officer or other person authorized by law;
- (B) By regular mail or certified mail, return receipt requested; or
- (C) By any other method authorized under the Arkansas Rules of Civil Procedure.

1.4.4 Notice by Mail. Notice by mail shall be sent to such address as is indicated by records maintained by the Department of Animal Control. When sent to the proper address with proper postage, notice by mail shall be deemed served without regard as to whether the recipient accepted the mail or the mail was otherwise returned. When notice by mail is used, notice shall be deemed to be made two (2) days after depositing the notice at a United States Post Office with proper postage attached.

1.4.5 Finality of Decision. Unless appealed, an administrative decision shall be deemed to be the final administrative determination by the City five (5) days after notice, if required under section 1.4.2, has been made, excluding weekends and holidays.

1.4.6 Effect on Citations. The administrative decision requirements of this section shall not apply to, nor have any bearing upon, the issuance of a citation. If a final administrative determination disposes of one or more factual issues that form the basis for a citation, the appropriate judge shall be delivered an official copy of the final administrative determination for consideration as the judge may deem appropriate. Issuance of citations shall comply with the procedures described in subsection 1.3.3.

Section 5
ADMINISTRATIVE APPEALS

1.5.1 Administrative appeal. Administrative determinations made under this Code may be appealed by submitting a written application to the Director of Animal Control within five (5) days, excluding weekends and holidays, after notice of the determination has been made. Citations heard in North Little Rock District Court are *not* subject to administrative appeal and shall be appealed in the manner provided by law.

1.5.2 Contents of Appeal. A request for an administrative appeal must be made upon forms approved by the Director of Animal Control or in any written form that contains the following information:

- (A) The date the appeal is submitted;
- (B) The name, address and phone number of the appellant;
- (C) A description of the administrative decision being appealed; and
- (D) The results desired from the appeal.

1.5.3 Notice of Hearing. After receiving a notice of appeal, the Director of Animal Control shall schedule a hearing to consider the appeal as soon as possible but no later than 30 days from the date of the notice. The appellant shall be provided notice of the hearing by first class mail sent to the address shown on the request for administrative appeal no less than five (5) days, excluding weekends and holidays, prior to the hearing.

1.5.4 Actions pending appeal. No action may be taken based upon an administrative decision while that decision is being appealed unless authorized by the Director of Animal Control as necessary to prevent or mitigate injury (for example, any determination regarding the diagnosis of rabies).

1.5.5 Conduct of Hearing. Hearings shall be conducted in an open forum and in a manner to be determined by the Director of Animal Control with only such rules as are needed to render a speedy and fair decision. No administrative decision may be overturned unless the Director of Animal Control determines that:

- (A) The true intent of this Code or the rules legally adopted there under have been incorrectly interpreted;
- (B) The provisions of this Code do not fully apply; or
- (C) The requirements of this Code are adequately satisfied by other means.

1.5.6 Final Determination. After the conclusion of the hearing, the Director of Animal Control shall timely issue a written opinion to dispose of the appeal which shall be deemed a final administrative determination by the City. Notice of this determination shall be made in accordance with section 4 of this article and may be appealed in accordance with District Court Rule 9. If the decision of the Director of Animal Control is to be appealed, notice must be given to the Director of Animal Control within 5 days of the administrative hearing. This notice to the Director of Animal Control is in

addition to the requirements of District Court Rule 9 for appealing the determination to Circuit Court. No action may be taken upon a final administrative determination by the City for five (5) days after notice is made *unless* authorized by the Director of Animal Control as necessary to prevent or mitigate injury. This five (5) day period shall be extended as is reasonably necessary upon receipt of service of an appeal.

1.5.7 Costs of appeal of administrative determination. If an animal that is the subject of an appeal of administrative determination or an appeal in accordance with District Court Rule 9, is impounded during the appeal, the appellant shall pay the costs of impoundment at the per day board rate as established by this chapter. If the appellant is successful on appeal, the appellant shall not pay for costs of impoundment.

ARTICLE TWO DEFINITIONS

Section 1 PURPOSE

2.1.1 General. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 2 LIST OF DEFINITIONS

2.1.2 Definitions.

Administrative Decision. Any determination made by anyone with authority of the North Little Rock Animal Control.

Animal Control Officer. Any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to the ownership and possession of animals, standards for the care of animals, licensing and vaccinations of animals, inspections, issuances of permits, certifications and licensing of animals within the municipal boundaries of the City.

Animal Establishment. Means any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of animals. An animal establishment also includes any person who upon a public place, sells or gives away dogs or cats within the city. Licensed veterinarians, veterinary clinics and hospitals performing only those functions that are necessary or incidental to the practice of veterinary medicine are expressly excluded and are not intended to be considered as an animal establishment within the context of this definition. Municipal Animal Control departments and those organizations that are non-profit organizations under section 501 (c) 3 of the Internal Revenue Code are expressly excluded and are not intended to be considered as an animal establishment within the context of this definition.

At Large Dog. Means any dog that is not under the direct control of the owner.

Barking and Howling Dog. Means any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept.

Cat. Means any animal of all ages, both female and male, which are members of the feline or cat family that are not listed as innately wild animals.

Currently Vaccinated. Means that a dog or cat shall be vaccinated annually or on a three (3) year basis. These vaccinations shall be re-given before the expiration of one year for an annual vaccination and within three years for a three year vaccination.

Direct Control. Means immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating or in an official showing, obedience, or field event and the person exerting voice control is a certified dog trainer. Direct Control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.

Director of Animal Control. Means the person who is appointed to supervise all animal control activities the City of North Little Rock, Arkansas.

Dog. Means animals of all ages, both female and male, which are members of the canine or dog family.

Final Administrative Determination. A determination made by the Director of Animal Control or a determination made by an Animal Control Officer for which the time period for an appeal has passed.

Front Yard. Means an open space, other than a court, on the same lot with a building, between the front line of the building and the front property line, including the full width of the lot to its side line.

Innately Wild Animals. Means any mammal, marsupial, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or other characteristics, is dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, bears, wolves, cougars, coyotes, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys of a species whose average adult weight is 20 pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles, caymans, fowl larger than a macaw, all forms of venomous reptiles, any snake that will grow to a length greater than eight feet, and any animal administratively determined to be an innately wild animal. The term shall also include any animal listed as an "endangered species" under the federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act. The term innately wild animal shall not include domesticated dogs or cats, gerbils, hamsters, guinea pigs, mice, domesticated rabbits or any livestock animals.

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.

Livestock. Animals kept or raised for use or pleasure, especially farm animals. Includes Livestock does not include “ innately wild animals “ as defined in chapter 6.1.7 of this code but does include, but is not limited to the following:

- (A) The species *Equus caballus* (domestic horse);
- (B) The species *Equus asinus* (asses/donkeys);
- (C) The species *Bos taurus* (cattle);
- (D) The subspecies *Ovis ammon aries* (sheep);
- (E) The species *Capra hircus* (goats);
- (F) The subspecies *Sus scrofa domestica* (swine).

Neutered or Spayed. Means any type of animal incapable of sexual reproduction.

Owner. Means any person or persons, firm, association, partnership or corporation claiming, keeping, caring, exercising control over, knowingly permitting any animal to remain on premises owned or occupied by the owner, harboring or feeding any type of animal within the city. If the owner or keeper of the animal is a minor, the parent or guardian of that minor shall be responsible for compliance with this code.

Veterinarian. Means any person who is properly licensed to practice veterinarian medicine in the State of Arkansas under Chapter 101 of Title 17 of the Arkansas Code.

Vicious Dog. The term vicious dog shall have the meaning given by section 5.2.1.

ARTICLE THREE

ANIMAL SHELTER OPERATION

Section 1 GENERAL

3.1.1 Scope. This chapter is intended to establish specific procedures and guidelines for certain operations of the North Little Rock Animal Shelter and to establish the schedule of fees charged for specific services.

3.1.2 Impoundment authorized. The Director of Animal Control shall take reasonable steps to ensure that Animal Control Officers are trained in common methods to impound animals. In all cases where impoundment is authorized, but cannot be performed without undue risk of harm to any person or property, the destruction of the animal to be impounded is hereby authorized. Animal Control Officers are authorized to seize and impound any animal within the city when the Animal Control Officer reasonably believes that such animal:

- (A) Poses undue risk of harm to any person or property;
- (B) Shows evidence of a violation of this Code; or
- (C) Constitutes a nuisance as defined by section 6.1.7.

3.1.3 Euthanasia. The Director of Animal Control shall ensure that the Animal Shelter is staffed with personnel who are trained in the humane euthanasia of animals. When euthanizing animals, Animal Shelter personnel shall use the most humane method that is reasonably available at the time euthanasia is required. Animals may be euthanized under the following conditions:

- (A) Animals that are seriously ill or injured shall be euthanized when, in the sole discretion of the Director of Animal Control, euthanasia is humanely necessary.
- (B) Animals that are not seriously ill or injured shall be euthanized when, in the sole discretion of the Director of Animal Control, euthanasia is necessary to prevent damage to property or injury to any person or other animal.
- (C) Except as provided in subsection (A) and (B), impounded dogs shall be held for a period of five (5) days, after which time the dog may be humanely euthanized.

3.1.4 Issuance of license. The Director of Animal Control or a licensed veterinarian is hereby authorized to issue a city dog or cat license to the owners of dogs or cats provided that the owner can provide proof that the dog or cat has been rabies

vaccinated. Such licenses shall be furnished by the city and any of the abovementioned authorized issuers shall maintain a proper record and accounting of the amount of each license issued and the date that each license was issued.

3.1.5 Sterilization of impounded dogs and cats. It shall be unlawful for any pound, shelter, or humane organization supported wholly or partly by public funds to release any dog or cat which has not been sterilized to a new owner unless, as provided in this section, a promise to spay or neuter the animal has been signed by the person acquiring the animal.

- (A) The sterilization agreement shall bear a date by which the sterilization must occur, except that the releasing agency may grant an extension of time not to exceed 30 days upon the request of the owner.
- (B) The sterilization agreement shall be binding, and failure to comply shall constitute a violation of this section.
- (C) If the sterilization agreement is violated, then, in addition to any other remedy provided by law, ownership of the animal shall revert to the releasing agency and the animal described therein shall be returned to the releasing agency. No claim may be made by the owner to recover expenses incurred for maintenance of the animal, including the initial procurement cost.
- (D) An animal which in the opinion of a veterinarian licensed to practice veterinary medicine in the State of Arkansas is medically compromised to the extent that it cannot withstand immediate sterilization may be temporarily released pursuant to a foster care agreement until such time as it can safely be sterilized or until two veterinarians licensed to practice veterinary medicine in the State of Arkansas certify that it is unlikely that the animal will ever recover to the extent that it can safely be sterilized. At that time, ownership of the animal may be transferred to an owner who certifies that the animal will not be used for breeding.
- (E) Violations of this section are declared to be misdemeanors punishable by a fine of not less than \$100.00 nor more than \$500.00.

3.1.6 Receipts.

- (A) The Director of Animal Control shall have duplicate receipts prepared and shall ensure that the Animal Control Officer furnish a receipt to the owners of all dogs picked up or impounded by the city's animal shelter.
- (B) The receipts to be furnished to the owners of impounded dogs shall contain the following information:

- (1) The name, address and telephone number of the dog owner, if known.
- (2) The place and/or address where the dog was picked up.
- (3) The date and time the dog was taken into custody.
- (4) The type or breed of dog.
- (5) The sex of the dog.
- (6) The license number of the dog.
- (7) A general description of the dog.
- (8) The reason why the dog was impounded.
- (9) The name and signature of the Animal Control Officer issuing the receipt.
- (10) The place where the dog can be recovered by its true owner.
- (11) The date when the dog will be eligible for release.
- (12) The date the dog will be humanely euthanized if the owner does not make arrangements to recover the dog and pay all charges.

(C) The receipts for impounded dogs shall be numbered and prepared in duplicate; the original shall be furnished to the owner of the animal, and the copy shall be maintained at the animal shelter for a period of not less than 90 days, after which time the duplicate receipts may be destroyed at the discretion of the Director of Animal Control.

(D) If the owner of the impounded dog is not at home or cannot be located at the time such animal is impounded, the Animal Control Officer shall post the original copy of the receipt in a conspicuous place upon the dog owner's premises.

(E) Should the Animal Control Officer be unable to determine the identity or locate the address of the impounded animal, the execution of a receipt shall not be required.

(F) It shall not be necessary to provide a receipt for an animal when a citation is provided the owner in accordance with section 1.3.3.

3.1.7 Reclaiming impounded dogs.

(A) The owner of a dog which has been allowed to run at large and which has been impounded may claim and retrieve such dog from the city animal shelter after payment of required fees. The burden of proof as to vaccination, sterilization and licensing shall be upon the party attempting to claim the dog from the Animal Control Officer under this article.

(B) If the owner of an impounded dog fails or refuses to reclaim such dog within five days after impoundment, the city animal shelter is hereby authorized to

release such dog to a person other than the owner upon the payment of required fees or to humanely euthanize the dog.

3.1.8 Deposit of funds. There shall be a fund established for the City's low cost spay and neuter efforts. Funds from certain licenses shall be deposited into the fund as follows:

- (A) All funds generated from the city's dog breeder and puppy litter licenses pursuant to section 5.1.5 shall be deposited into a fund established for the city's low cost spay and neuter efforts.
- (B) Twenty dollars of every \$30.00 dog or cat license purchased pursuant to spay and neuter efforts shall be deposited into the fund.
- (C) Two dollars of every five dollar dog or cat license purchased pursuant to section 5.1.2 shall be deposited into the fund.
- (D) The mayor shall be responsible for establishing procedures and guidelines for the utilization of the abovementioned fund.

3.1.9 Acceptance of unwanted dogs. The following shall be the procedure for accepting unwanted dogs at the Animal Shelter:

- (A) Animal Control Officers` shall accept unwanted dogs from city residents upon the payment by such resident of the required relinquishment fee therefore; and
- (B) All dogs accepted by the city animal shelter as provided in this section shall become the property of the city.

3.1.10 Fee schedule for animal shelter. The following fee schedule shall be implemented by the city animal shelter:

- (A) Reclaiming fees for sterilized animals:
 - (1) Ten dollars for all animals; plus \$10.00 per day board
 - (2) Reclaiming fee shall be \$20.00 for each recurring offenses; plus \$10.00 per day board.
- (B) Reclaiming fees for un-sterilized or intact animals:
 - (1) One hundred dollars for all animals; plus \$10.00 per day board.
 - (2) Reclaiming fee shall be \$200.00 for each recurring offenses; plus \$10.00 per day board.
 - (3) The fee shall be waived by the Director of Animal Control if the owner has permitted the animal to be sterilized before departing the Animal Shelter.

(C) Adoption fees: No adoption fees shall exist.

(D) Relinquishment fees: \$20.00 per animal.

(E) Board: \$10.00 per day.

(F) Private pet cremation: \$75.00.

(G) Animal disposal fees: \$10.00 if brought to shelter, \$15.00 if picked up.

ARTICLE FOUR ANIMAL ESTABLISHMENTS

Section 1 GENERAL

4.1.1 Scope. The provisions of this chapter shall govern the minimum responsibilities for animal establishments within the City of North Little Rock and the responsibilities and duties of the North Little Rock Animal Control Shelter regarding thereto.

4.1.2 General. Animal establishment means any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of animals. An animal establishment also includes any person who upon a public place, sells or gives away dogs or cats within the city. Licensed veterinarians, veterinary clinics and hospitals performing only those functions that are necessary or incidental to the practice of veterinary medicine are expressly excluded and are not intended to be considered as an animal establishment within the context of this definition. Municipal Animal Control departments are expressly excluded and are not intended to be considered as an animal establishment within the context of this definition.

4.1.3 Permit – Required; term; renewal; one per establishment.

Animal establishments shall operate under the following guidelines:

- (A) No person shall operate an animal establishment without first obtaining a permit from an Animal Control Officer in compliance with this article, nor may any person operate an animal establishment in a manner in violation of any provision of this chapter.
- (B) The permit period for a permit under this article shall be 30 days prior to and up to 60 days after January 1 of each year. Application for a new establishment under the provisions of this article shall be made within 60 days of the start of business or operation.
- (C) Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit (e.g., two kennels at different locations but owned by the same person shall be considered as two animal establishments).
- (D) Issuance of permits is at the discretion of the Director of Animal Control. The Director of Animal Control may deny a permit where it is deemed that there is no commercial purpose for the kennel and that the only purpose of the application is to own more animals than allowed by section 5.1.4.

4.1.4 Application procedure; inspection; issuance or denial.

- (A) Each animal establishment shall annually file an application for permit with the Director of Animal Control within the time periods provided in Section 4.1.3.
- (B) The application for a permit under this article shall be made on a form provided by the Director of Animal Control and available from the Animal Shelter or the city clerk's office.
- (C) Upon receipt of a completed application for a permit under this article, the Director of Animal Control shall cause an inspection to be made of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of this chapter. An Animal Control Officer shall be permitted to make such inspection at any reasonable time during normal business hours.
- (D) After inspection, an Animal Control Officer shall either issue a permit to the applicant or notify the applicant in writing of the specific reasons for denial.
- (E) Any animal establishment denied a permit may not reapply for a period of at least 30 days. Each reapplication shall describe any previous denial or revocation.
- (F) If an applicant for a permit under this article is shown to have withheld or falsified any material information on the application, an Animal Control Officer may refuse to issue or may revoke a permit.
- (G) The Director of Animal Control may deny a permit where it is deemed that there is no commercial purpose for the kennel and that the only purpose of the application is to own more dogs than allowed by Section 5.1.4.

4.1.5 Revocation.

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

such animals as directed, an Animal Control Officer may impound any and all animals at the premises.

4.1.6 Compliance with chapter.

- (A) An animal establishment shall not sell, trade or give away any dog or cat over four months old unless the dog or cat has been licensed and vaccinated as required by this chapter.
- (B) Any Animal Control Officer shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this article and the animal control code.

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

- (A) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
- (B) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (C) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
- (D) Cages are to be of material and construction that permit cleaning and sanitizing.
- (E) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
- (F) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
- (G) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (H) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- (I) All animals shall have fresh water available at all times.

4.1.8 Standards for pet shops. All pet shops, including pet shops operated in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for pet shops are as follows:

- (A) **Water; containers.** There shall be available hot water for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.
- (B) **Room temperature.** The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- (C) **Cages and enclosures.** All cages and enclosures are to be of a sufficient size that the animal will have room to stand, turn and stretch out to its full length.

4.1.9 Veterinarians to report cases of rabies to health officer. Every veterinarian shall report promptly to the health officer all cases of rabies in all animals treated by him in the city, giving the name and address of the owner and owners' addresses of any animals bitten, as far as is known.

ARTICLE FIVE CATS AND DOGS

Section 1 GENERAL

5.1.1 Scope. The provisions of this chapter shall govern the minimum responsibilities and requirements of persons and owners for the maintenance and care of dogs and cats within the City of North Little Rock and the responsibilities and duties of the North Little Rock Animal Control Shelter thereto.

5.1.2 Dog or cat license required.

- (A) Any person who owns, keeps, or harbors a dog or cat in the city that is at least 16 weeks old shall obtain a city dog or cat license. This license shall be on an annual basis. Any city dog or cat license issued by a city official or an authorized veterinarian shall be valid for one year from the date of issuance. No dog or cat license shall be issued for a dog or cat unless the animal has been currently vaccinated against rabies by a licensed veterinarian. If a dog or cat is found without the required license the owner shall be charged with the offense of failure to license a dog or cat.
- (B) The cost of a city dog or cat license shall be \$5.00 for an annual license for sterilized dogs or cats and \$30.00 for unsterilized dogs or cats. However, the cost of an annual city dog or cat license for an unsterilized dog or cat, which based upon a written opinion of a duly licensed veterinarian, is not capable of being sterilized due to a serious medical risk or a serious medical condition, shall be \$5.00. In the prosecution for failure to license a dog or cat, it shall be presumed that an unsterilized dog or cat does not have an abovementioned serious medical risk or condition.
- (C) Any person required to obtain a dog or cat license pursuant to subsections (A) and (B) above has the option, in lieu of said annual license, to obtain a lifetime dog or cat license if their dog or cat is sterilized. To be eligible for a lifetime license, the owner must purchase and implant an approved microchip from a qualified veterinarian. There shall be no cost for a lifetime license for a sterilized dog or cat. It shall be the burden of the owner to prove that a lifetime license has been obtained. Any person obtaining a lifetime animal license pursuant to this section shall still be required to have his or her pet vaccinated pursuant to Section 5.1.3.
- (D) A person convicted of failure to license a dog or cat shall be punished as provided for in Section 1.3.2 of this chapter of this code, and the dog or cat that was not properly licensed may become the property of the North Little

Rock Animal Shelter and be made available for adoption to the public by order of the convicting court.

5.1.3 Dogs and cats--Vaccination; penalties.

- (A) All dogs and cats within the City of North Little Rock shall be at all times currently vaccinated against rabies and it is made the duty of all owners of dogs or cats, or persons having the possession or control of dogs or cats within this city to have the animals vaccinated with vaccine against rabies.
- (B) Any owner of any dog or cat or any person having the care and control of any dog or cat who fails to have the dog or cat vaccinated according to the terms of this section shall be deemed guilty of a violation and upon conviction shall be punished as provided for in section 1.3.2 of this chapter of this code. Any dog or cat termed a stray that is not vaccinated is subject to humane euthanasia.

5.1.4 Dogs and cats--Number owned, kept or harbored.

- (A) For the purpose of this section, an animal shall be defined as a dog or a cat.
- (B) It shall be unlawful for any person to own, keep, harbor or feed more than four animals which are over 12 weeks old within the city limits. Keeping on the premises of the owner of more than four animals outside of their dwelling shall be prima facie evidence of a violation of this section, and the burden of proof shall be on the owner to show the age of such animals.
- (C) This section shall not apply to:
 - (1) Animal hospitals and veterinarians when such animals are kept for normal business purposes; and
 - (2) Cats that are indoor pets.

5.1.5 Litter license; breeder license.

- (A) Puppy litter license. Any person who resides in the city limits who owns, keeps or harbors a dog that gives birth to a litter of puppies is hereby required to obtain a puppy litter license for the litter from the North Little Rock Animal Shelter no later than seven days after the puppies are born. The cost of a puppy litter license shall be \$25.00 per litter. Any person who does not obtain a puppy litter license as required by this section shall be issued a citation for failure to obtain a puppy litter license.
- (B) Kitten litter license. Any person who resides in the city limits who owns, keeps or harbors a cat that gives birth to a litter of kittens is hereby required to obtain a kitten litter license for the litter from the North Little Rock Animal Shelter no later than seven days after the kittens are born. The cost

of a kitten litter license shall be \$25.00 per litter. Any person who does not obtain a kitten litter license as required by this section shall be issued a citation for failure to obtain a kitten litter license.

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

- (C) **Penalty.** Any person convicted of failure to obtain a dog or cat breeder license or a puppy kitten litter license shall be punished as provided for in section 1.3.2.

5.1.6 Dog confinement.

- (A) **Dog pens.** Unless otherwise permitted under subsection (D), outdoor dog pens shall be located 75 feet from any dwelling other than the person owning or controlling the dog. If there is not a location in the yard which is 75 feet away from any dwelling other than the person owning or controlling the dog, the location shall be at a location as far as possible away from the property of another. There shall be at least 100 square feet in such pen for each dog kept therein which is over six months of age.

- (B) **Tethering.** Unless otherwise permitted under subsections (C) and (D), it shall be unlawful for any person to tether a dog to any inanimate object as a means of confinement.

- (C) **Trolley systems.** A trolley system is a method to confine a dog by tethering the dog to a cable that is no less than ten feet in length and elevated four to seven feet off the ground in a manner that allows the tether to move freely along the length of the cable. Unless otherwise permitted under subsection (D), it shall be unlawful for any person to confine a dog through the use of a trolley system:
 - (1) That is located within 75 feet from any dwelling other than the person owning or controlling the dog or is located in a place that allows the dog to trespass on a neighbor's property (If there is not a location in the yard which is 75 feet away from any dwelling other than the person owning or controlling the dog, the location shall be

at a location as far as possible away from the property of another.);
or

- (2) To which more than one dog is attached; or
- (3) In a manner that poses harm to the dog including, without limitation:
 - (a) The use of a collar or harness that is ill-fitting or constructed of any material other than leather or nylon;
 - (b) The use of a tether that exceeds 25 percent of the body weight of the dog; or
 - (c) The use of a trolley system in an area that contains hazards to the dog or deprives the dog of food, water, or shelter.

(D) *Permit.* The Director of Animal Control is hereby authorized to issue permits to allow the confinement of a dog in a manner that would otherwise be prohibited by this section.

- (1) *Criteria.* No permit shall be issued unless the Director of Animal Control determines that:
 - (a) unusual circumstances warrant confinement of the dog in this manner;
 - (b) the welfare of the dog will not be harmed by the confinement; and
 - (c) the neighborhood will not be adversely impacted by the confinement.
- (2) *Inspection.* All permits issued under this subsection shall require consent to both scheduled and unscheduled inspections of the animal and confinement area.
- (3) *Revocation.* The Director of Animal Control shall revoke a permit issued under this subsection if:
 - (a) the holder of the permit is convicted of any offense under local, state, or federal law involving animal cruelty; or
 - (b) an inspection indicates that the criteria authorizing the permit are no longer met.

(E) Nothing in this section shall be construed to prohibit walking dogs with a hand-held leash.

Section 2 VICIOUS DOGS

5.2.1 Vicious dogs.

(A) For the purposes of this section, the term vicious dog shall mean any member of the canine (dog) family that:

- (1) Has exhibited fierce or vicious behavior toward a person;

- (2) Has attacked a person or another domestic animal or livestock with such severity as to cause physical injury or property damage;
 - (3) Is the offspring of a domestic dog and an innately wild animal;
 - (4) Any dog owned or harbored primarily or in part for the purposes of dogfighting or any dog trained in dogfighting; or
 - (5) Has a known propensity, tendency or disposition to attack unprovoked or to cause injury to or otherwise endanger the safety of human beings or domestic animals or livestock.
- (B) Provided that, the behavior of a dog should not be considered vicious if the dog was provoked or teased.
- (C) When making the determination whether an animal is the offspring of a domestic dog and innately wild animal, the Animal Control Officer shall consider both appearance and behavior. When used in this section, the term "offspring" includes animals that are separated by less than three reproductive generations from an innately wild animal.
- (D) The propensity to be vicious shall be "known" if the owner has any notice that the dog has, on any occasion, inflicted bites or attacked a human being or other animal., either in public or private property, or, in a vicious or terrorizing manner, approached any person in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places when the person is lawfully on private or public property.
- (E) The term *vicious dog* does not include a dog that bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

5.2.2 Vicious Dogs, Initial Determination. An Animal Control Officer shall deem a canine to be a vicious dog if the Animal Control Officer determines that the canine satisfies the definition of a vicious dog as described in this section. Upon deeming the canine to be a vicious dog, the Animal Control Officer shall notify the owner by hand delivery or by mailing a notice by certified mail to the owner. The Animal Control Officer shall also apprehend the canine and shall not release it until the requirements of Subsection 5.2.4 have been met or until so ordered by a court of competent jurisdiction.

5.2.3 Appeal of determination. Any person who has received notice that his or her canine has been deemed a vicious dog may appeal such decision to the Director of Animal Control in accordance with Article 1, Section 5 of this chapter. If the initial determination is not appealed or if the right to appeal is waived, the initial determination shall be considered the final decision of the city as to whether the canine is a vicious dog.

5.2.4 Release. A dog that has been apprehended pursuant to this section shall only be released by the animal shelter if all of the following conditions have been met:

- (A) The owner has signed a written agreement that unless and until the canine is determined to no longer be a vicious dog by the animal control department or a court of competent jurisdiction, the canine shall be controlled in a manner consistent with this section when it is within the municipal limits of North Little Rock.
- (B) The canine has been permanently identified by the animal control department by a unique identifying mark “tattoo” as a vicious dog or the owner has signed a written agreement to have such mark affixed to the canine within 20 days or until all appeals have expired.
- (C) The animal control department shall establish and maintain standardized forms to implement the requirements of this subsection. No vicious dog in the possession of the animal control department shall be released to any person other than the owner.

5.2.5 Failure to retrieve. The Animal Control Department may humanely destroy any vicious dog that is not retrieved by the owner within five days of the day the owner is notified that a final decision has been reached deeming the canine a vicious dog or within five days of the day that the owner is notified that the vicious dog has been impounded, whichever is later. A canine that is found to not be a vicious dog shall be retrieved, destroyed, or adopted in accordance with the ordinances, rules, and regulations of the city and the animal control department that generally apply to all impounded dogs.

5.2.6 Control of vicious dogs.

- (A) Vicious dogs shall be kept secure at all times. Any person who owns, possesses, keeps, or harbors a vicious dog within the municipal limits of North Little Rock shall:
 - (1) Keep the vicious dog confined within a dwelling unit or a commercial building;
 - (2) Keep the vicious dog on a leash under the control of a responsible handler; or
 - (3) Keep the vicious dog in a secured enclosure with a covered top and a secure bottom when outdoors and unattended.
 - (4) The owner shall display a sign on the premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway, street or right of way. In addition, the owner shall conspicuously display a sign with a symbol warning minors and children of the presence of a dangerous dog.

- (5) At all times, exercise due care in safeguarding the public from attack by the dog.
- (6) No person shall possess with intent to sell, offer for sale, breed, buy or attempt to within the city any vicious dog.

(B) *Violations and penalties.* It is hereby declared that violations of this section are unlawful and that such violations are strict liability offenses. Any person convicted of violating the provisions of this section shall be guilty of a violation and shall be fined not more than \$500.00. If the violation in its nature is continuous in respect to time, the fine shall not exceed \$250.00 per day. In addition, the convicting court may, in the courts discretion, order the vicious dog that is the subject of the offense to be destroyed.

5.2.7 Transfer of care or ownership. No person who owns, possesses, keeps, or harbors a vicious dog shall knowingly allow another person to own, possess, keep, or harbor the same vicious dog without first disclosing that it has been deemed vicious, as well as the requirements associated with vicious dogs. A person who transfers ownership of a vicious dog to another person shall notify the animal control department no later than ten days after the transfer is made. It is hereby declared that violations of this section are unlawful. Any person who violates this subsection shall be subject to the penalties described in subsection (next section)

5.2.8 Destruction of vicious dog. Any vicious dog may be ordered destroyed when, in the court's judgment, the vicious dog represents a continuing threat of serious harm to human beings or other domestic animals or livestock. In making the determination the court should consider the owner's conduct in complying with the provisions of this section.

- (A) *Warning signs.* The owner shall display a sign on the premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway, street or right of way. In addition, the owner shall conspicuously display a sign with a symbol warning minors and children of the presence of a dangerous dog.
- (B) *Safeguards.* Any person owning, possessing or harboring a vicious dog shall, at all times, exercise due care in safeguarding the public from attack by the dog.
- (C) *Selling, breeding or buying.* No person shall possess with intent to sell, offer for sale, breed, buy or attempt to within the city any vicious dog.
- (D) *Violations and penalties.* Any person convicted of violating the provisions of this section shall be guilty of a violation and shall be fined not more than \$500.00. If the violation in its nature is continuous in respect to time, the fine shall not exceed \$250.00 per day.

5.2.9 Liability for dogs. Any person who owns, keeps, harbors, or possesses a dog that attacks a person causing harm to property or body or exhibits vicious or ferocious behavior towards a person shall be guilty of a violation. It shall be an affirmative defense to this offense that the dog was provoked or teased. Any person convicted of violating the provisions of this section shall be guilty of a violation and shall be fined not more than \$500.00. If the violation in its nature is continuous in respect to time, the fine shall not exceed \$250.00 per day. Additionally, the convicting court may, in the courts discretion, order the vicious dog that is the subject of the offense to be destroyed.

Section 3 BANNED BREEDS

5.3.1 Banning of pit bull breeds of dogs.

(A) *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:

- (1) American Pit Bull Terrier.
- (2) Staffordshire Bull Terrier, unless they meet the requirements of Subsection 5.3.1 (B) below.
- (3) American Staffordshire Terrier, unless they meet the requirement of Subsection 5.3.1 (B) below.
- (4) American Bull Dog.
- (5) Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this section.
- (6) Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a banned breed.
- (7) 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.
- (8) Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such.

(B) *Exemption of registered AKC show dogs.* An AKC American Staffordshire Terrier or Staffordshire Bull Terrier may be exempted from the ban in Subsection (A) provided that the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove that a dog is an AKC American Staffordshire Terrier or Staffordshire Bull Terrier show dog/performance dog, must include:

- (1) An AKC registration;
- (2) AKC three-generation pedigree;
- (3) Proof of the dog being used as a show dog once the dog reaches the age of six months; and

- (4) The first five numbers of the AKC registration tattooed on the abdomen on the upper side of the left rear leg. The exemption provide for in the subsection will no apply to any AKC registered dog discussed above that is found to be vicious pursuant to Section 5.2.1.

(C) *Publication.* For any breed which is banned by subsection (A) of this section, a copy of the standards of the American Kennel Club and United Kennel Club shall be kept on file in triplicate in the city clerk's office; and prior to the passage of any ban of such breed, the clerk shall advertise the incorporation by reference of the standards of such breed of dog and shall state that copies of the standards will be on file for public review in the clerk's office prior to passage of the ban of such breed.

(D) *Grandfathering.* The owner of a pit bull dog will have 30 days after passage of this section to register the animal with North Little Rock Animal Control (NLRAC) pursuant to the following criteria:

- (1) The animal was licensed prior to the effective date of this section.
- (2) The owner shall provide proof of rabies vaccination.
- (3) The owner and/or handler must be at least 21 years of age as of January 1, 2005.
- (4) The owner shall, at his/her own expense, have the animal spayed or neutered and shall present to the North Little Rock Animal Control documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a prohibited dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would put the dogs life at-risk or if the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as required by subsection (B).
- (5) The owner shall bring the animal to the North Little Rock Animal Shelter where authorized North Little Rock Animal Control personnel shall assign a registration number to the animal and shall direct the owner to a licensed veterinarian to cause the registration number to be tattooed on the animal (said number to be one-half inch and located on the abdomen near the upper inside of the right rear leg). A dog owner shall have the option of self-tattooing their animal in accordance with procedures established by the Director of Animal Control. North Little Rock Animal Control shall maintain a file containing the registration numbers and names of the animals and the names and addresses of the owners. The owner shall notify North Little Rock Animal Control of any change of address.

(E) *Keeping of registered pit bull dogs under subsection (D) 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 leashed

with a leash no longer than six feet in length. 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 NLRAC.

- (2) All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or fenced area, except when leashed. 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 North Little Rock. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (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 windows or screen doors are the only obstacle 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) All owners, keepers or harborers of registered pit bull dogs must within ten days of the incident, report the following information in writing to the NLRAC as required hereinafter:
 - (a) The removal from the city or death of a registered pit bull dog.
 - (b) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.
- (6) 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 NLRAC that the dog has been sold to a person residing outside the city, NLRAC will make a notation in its files, and the animal will no longer be allowed in the city.
- (7) 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.

(8) It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City of North Little Rock to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in revocation of the license of such animal, and initiation of the procedures set forth in subsection (F) below.

(F) *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 or for special event dog shows sanctioned by the city. Additionally, any dog used for law enforcement or other governmental purposes, by the police department, military, FDA or USDA are exempt from this section. However, the dog at all times shall be subject to all applicable restrictions by virtue of the breed of dog also being defined as a vicious animal in Section 5.2.1.

(G) *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 as provided for pursuant to 1.3.2. Additionally the Animal Shelter shall handle dogs in violation of this section as follows:

- (1) The animal will be seized by NLRAC and held for three business days for the owner to reclaim the dog with a reclaim fee of \$100.00. The owner must sign an affidavit agreeing to immediately move the animal out of North Little Rock city limits. The animal must be marked with a NLRAC number and spayed or neutered prior to its release to the owner.
- (2) If the animal is not reclaimed within three business days as prescribed by subsection 5.3.1 (G) (1), it shall be humanely destroyed by NLRAC personnel.
- (3) If the animal is found within the city limits a second time, the owner shall, upon conviction in the North Little Rock District Court, be fined as provided for pursuant to 1.3.2. Any such order of conviction shall include seizure of the animal by NLRAC personnel to be humanely destroyed.

(H) *Enforcement.* This section may be enforced by either the North Little Rock Animal Control or Police Departments.

ARTICLE SIX UNLAWFUL ACTS

Section 1 GENERAL

6.1.1 Scope strict liability violations. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this section of the Code. Any person who violates this Code shall be guilty of a violation, and the violation shall be deemed a strict liability offense.

6.1.2 Barking and howling. It shall be unlawful for any person to keep on his premises or under his control any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept. If the violation occurs within the presence of an Animal Control Officer he or she may issue a citation as provided for pursuant to section 1.3.3 of this code. If the alleged violation does not occur within the presences of any Animal Control Officer the complaining party at their request may file a formal written complaint with the Director of Animal Control. The report will be filed and stored for a period of one year from the initial date of the complaint. The complaining party will then be instructed to contact the City's Attorney's Office to determine if there is probable cause to issue a criminal summons or an arrest warrant against the person or persons in control of the dog.

6.1.3 Condition of premises. It shall be unlawful for any person keeping or harboring dogs or cats to fail to keep the premises where such dogs or cats are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of such premises. A diligent and systematic effort must be made to eliminate or fill any holes on the premises to avoid said holes from holding water, urine or feces. It shall be unlawful to allow premises where dogs or cats are kept to become unclean by failing to diligently and systematically remove all animal waste from the premises every 72 hours.

6.1.4 Animal mistreatment or neglect.

- (A) It shall be unlawful for any person to:
- (1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal.
 - (2) Fail to provide any animal with proper food, drink, protection from the weather and veterinary care.
 - (3) Intentionally poison any animal.
 - (4) Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control.
 - (5) Abandon any animal, and/or refuse to retrieve from animal shelter.

- (6) Allow an animal to be kept in unsanitary or unsafe conditions.
- (7) Keep or confine an animal in any other capacity than a humane manner.

(B) Animal Control Officers have the authority to remove any animal subject to mistreatment or neglect and impound such animal. The animal shall be impounded and not released unless:

- (1) The owner of the animal, who shall not be charged, claims the animal from the animal shelter; or
- (2) The owner of the animal, who was charged and is found not guilty, claims the animal from the animal shelter.

(C) If any owner of such impounded animal pleads guilty, nolo contendere, or is found guilty of animal mistreatment or neglect, the animal shall become the property of the North Little Rock Animal Shelter and be available to the public for adoption.

(D) A person convicted of animal mistreatment or neglect shall be punished under Section 1.3.2.

6.1.5 Interference with enforcement. It shall be unlawful for any person to:

(A) Interfere in any manner with the Director of Animal Control or any Animal Control Officer while they have in their custody any animal;

(B) Remove from the animal shelter any animal which is in the custody of the animal shelter unless an Animal Control Officer has authorized the release of such animal; or

(C) Knowingly obstruct, impair or hinder, directly or indirectly, the lawful performance of enforcement and animal control functions of the Director of Animal Control or any Animal Control Officer in the performance of their duties.

6.1.6 Keeping of innately wild animals.

(A) *Definition.* As used in this article, the term innately wild animal shall mean any mammal, marsupial, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or other characteristics, is dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, bears, wolves, cougars, coyotes, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys of a species whose average adult weight is 20 pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles, caymans, fowl larger than a macaw, all forms of venomous reptiles and any snake that will grow to a length greater than eight feet. The term shall also include any animal listed as an "endangered species" under the federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal

Migratory Bird Treaty Act. The term wolf shall be defined by A.C.A. § 20-19-401, et seq. The term innately wild animal shall not include gerbils, hamsters, guinea pigs, mice and domesticated rabbits.

- (B) *Violations and penalties.* It is hereby declared to be unlawful for a person to own, possess, keep, or harbor an innately wild animal within the city. Any person convicted of violating this section shall be fined not more than \$500.00. If the violation in its nature is continuous in respect to time, the fine shall not exceed more than \$250.00 per day. Additionally, the convicting court shall either:
 - (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition, or
 - (2) order the humane destruction of the animal.

- (C) *Affirmative defenses.* No person shall be convicted of violating this section if such person can establish a defense listed in this subsection by a preponderance of the evidence.
 - (1) *Zoos, circuses, etc.* This section shall not apply to any zoo, circus or sanctuary complying with applicable laws and regulations and keeping such innately wild animals for the education and entertainment of the public.
 - (2) *Domestic dogs and cats.* This section shall not apply to domestic dogs and cats that have been duly licensed and properly treated with a vaccine which the compendium of animal rabies prevention has established is capable of effectively preventing the spread of rabies in the applicable species.

- (D) *Liability for innately wild animal that attacks a person.* Any person who owns, keeps, harbors, or possesses an innately wild that attacks a person causing harm to person or property or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It is an affirmative defense to this subsection that the animal was provoked. Any person convicted of violating this subsection shall be fined not more than \$500.00. Additionally, the convicting court shall either
 - (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition, or
 - (2) order the humane destruction of the animal.

6.1.7 Nuisance animals. It shall be unlawful for any person to own, feed, harbor, care for, interfere with the capture of, or be in control of nuisance(s) animals within the city limits. A nuisance animal is described as any of the following:

- (A) Animals that molest, frighten, attack citizens, passersby or passing transportation vehicles or other animals.

- (B) Animals that deface or damage public property or the property of another person.

- (C) Animals that cause unsanitary, dangerous or offensive conditions.
- (D) Animals that disturb the peace and quiet of any person by causing loud and frequent noise.
- (E) Animals that are repeatedly at large in violation of city ordinance or repeatedly violate other city ordinances.
- (F) Animals that cause fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal or animals are kept or harbored.
- (G) Animals that interfere with refuse collections, mail delivery, meter reading, or other service personal.
- (H) Animals that trespass on public or private school grounds.
- (I) Animals that cause a disturbance by barking, whining, howling or other noise making in an excessive continuous or untimely fashion.
- (J) Animals that defecate or urinate on public property or the property of another person. It shall be a defense to this section if the owner of the animal immediately cleans up the fecal matter left by the animal.

6.1.8 Releasing animals in public places.

- (A) It shall be unlawful for any person to knowingly release any animal in any public place within the city.
- (B) As used in this section, the term "animal" shall mean any animal other than a human being; the term "public place" shall include all properties owned by the city.

6.1.9 Running at large prohibited. No person owning, possessing or keeping a dog shall allow such dog to run at large within the city.

6.1.10 Clean-up Required.

(A) Any person having the custody or control of any dog shall have the responsibility for cleaning up any feces of the animal and disposing of the same in a sanitary manner. It shall furthermore be the duty of any person having custody or control of any dog on or about any public place to have in such person's possession suitable equipment (*i.e.* plastic bags or a scooping device) for picking up, removing and disposing of feces in a sanitary manner.

(B) The provisions of this section shall not apply to a certified guide dog accompanying a blind person, a certified service dog accompanying a disabled person,

or dogs used in official police activities with the permission of the city's police department.

ARTICLE SEVEN OTHER ANIMALS

Section 1 FOWL

7.1.1 Running at large prohibited. It shall be unlawful for any person to permit any chickens, guineas, ducks, geese, livestock or other animal to run at large.

7.1.2 Permit to keep fowl; investigation; fee.

- (A) It shall be unlawful for any person to keep any poultry, duck, goose, turkey, guinea, peafowl, dove or any other fowl of any type within the city without a permit from the city clerk.
- (B) The city Director of Animal Control and his authorized agents shall make an investigation to determine whether or not the person seeking a permit under this section has met all of the requirements of this article and all other health and sanitary ordinances of the city.
- (C) Upon approval of the application for a permit under this section by the Director of Animal Control or his duly authorized agent, such approval shall be presented to the city clerk, who shall issue the permit. The cost of such permit shall be \$10 per year and shall be paid on or before July 1 of each year.

7.1.3 Distance from residences. It shall be unlawful for any person to keep or maintain or permit to be kept or maintained any fowl within 75 feet by air-line measurement of any residence or dwelling or place used for human habitation in the city, other than the dwelling of the owner of the person keeping and/or maintaining such fowl.

7.1.4 Keeping of Fowl in front yards prohibited. Where the keeping or maintaining of fowl is permitted under this article, it shall be unlawful to keep fowl in any enclosure in the front yard of a residence or business within the city.

7.1.5 Pens and enclosures, sanitary requirements.

- (A) Where the keeping or maintaining of fowl is permitted under this article, it shall be unlawful to so maintain coops, pens or enclosures where fowl are kept in an insanitary manner or in such condition that odors from such premises or enclosures thereon can be detected by persons inhabiting residences or living quarters 75 feet distant by air-line measurement. Places so maintained are hereby declared to be sanitary nuisances.
- (B) Any person who has been authorized pursuant to this article to keep or maintain fowl shall clean the pens, coops or other enclosures where such

fowl roost or are kept each 24 hours, shall spray and disinfect such areas each third day, and shall remove and destroy all refuse, droppings, feathers or other matter cleaned from such pens, coops or enclosures. All droppings from such fowl shall not be left aboveground upon any premises in the city for longer than 48 hours. Any person occupying, owning or having control of the premises where fowls are permitted to be kept shall collect and bury under six inches of dirt or soil or remove and carry away any and all such droppings and refuse each 48 hours.

7.1.6 Roosters Banned. It shall be unlawful to keep roosters at any residence located within the City. This section will not be construed to apply to the transporting of these animals through the City.

Section 2 CATTLE AND LIVESTOCK

7.2.1 Certain stables declared nuisance. All stables within the limits of this city used for the housing of livestock for sale which violate any of the provisions of this chapter are hereby declared to be public nuisances and menaces to the public health.

7.2.2 Keeping of horses and cattle.

- (A) No person shall keep any horse or cattle except in an enclosed pasture containing one (1) acre for each animal.
- (B) The keeping of horses and cattle in enclosures as provided in this section within the limits of the city shall be under the supervision and control of the Director of Animal Control.

7.2.3 Keeping of hogs, goats or sheep.

- (A) It is hereby declared to be unlawful for any person to possess, maintain or keep any hogs, goats or sheep within the limits of the city or to permit any hogs, goats or sheep to run at large within the limits of the city; except that hogs, goats or sheep in transit may be kept for a period not to exceed 24 hours in a duly established stockyard.
- (B) The enforcement of the provisions contained in this section shall be the responsibility of the police department, the city health officer, Animal Control Officers or the city code enforcement officers.
- (C) This section does not apply to Vietnamese pot-bellied pigs. For the purpose of this section, the Vietnamese pot-bellied pig is to be considered a pet and subject to any and all laws that may apply to pets, including, but not limited to, restrictions on running at large.

7.2.4 Livestock running at large.

- (A) No person owning, possessing, or keeping livestock as defined in this chapter shall allow any such animal to run at large within the city limits.

(B) Any person found to be in violation of this section shall be punished as required in section 1.3.2 of this Code.