

Title 9

Animals*

Chapters:

9.04 Animals

* Prior ordinance history: Ords. 370, 425, 432, 700, 757, 774, 1388, and 1555 are Superseded by Ord. 1867 which established a new Title 9.

Chapter 9.04

Animals

Ordinances 1867 & 2147

Sections:

Article I. General Provisions

| | |
|----------|---|
| 9.04.10 | Definitions (Amended 07-06-06) |
| 9.04.20 | Animal Care (Amended 07-06-06) |
| 9.04.30 | (Reserved) |
| 9.04.40 | Sale of diseased animals---Kennel and pet shop regulations |
| 9.04.50 | Noisy animals prohibited |
| 9.04.60 | Animal waste, offensive odors prohibited |
| 9.04.70 | Annual license and tag |
| 9.04.80 | Rabies vaccination required |
| 9.04.90 | Running at large prohibited |
| 9.04.100 | Impoundment |
| 9.04.110 | Redemption of animals |
| 9.04.120 | Confinement when rabies suspected |
| 9.04.130 | Vicious dogs (Amended Section 9.04.130 & Repealed section 9.04.135 on 07-06-06) |
| 9.04.140 | Abuse of police dogs prohibited |
| 9.04.150 | Keeping of wild animals |

Article II. Enforcement

| | |
|----------|---|
| 9.04.160 | Animal Control Officer |
| 9.04.170 | Interference with animal control officer prohibited |
| 9.04.180 | Penalty |

Article I. General Provisions

9.04.10 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires different meaning:

“Abandon” means any person in possession of an animal who knowingly refuses to provide care for the animal as defined by this chapter.

“Animal” means any living creature, domestic or wild

“Animal Control Officer” means any person designated by the state of Arkansas or a municipal government as a law enforcement officer who is qualified to perform such duties under the laws of this state.

“Animal Shelter” means any facility operated by a municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

“At large” means not under the physical control of the animal’s owner or harborer, or his authorized representative, either by leash, cord, chain, fence or enclosure of sufficient strength or construction to contain the animal. An animal intruding upon the property of another person or upon public property and not under the physical control referred to herein shall be deemed running at large. An animal within an automobile or other vehicle shall not be deemed running at large if the animal is physically confined to the vehicle. An animal shall not be considered at large when on the premises of the owner or harborer thereof. The term “premises” shall not include unfenced curtilage.

“Cat” means a feline of either sex, including one neutered or sterilized.

“City” means the City of West Memphis, Arkansas.

“Dog” means a canine of either sex, including one neutered or sterilized.

“Enclosure” means a fence or structure forming or causing an enclosure suitable to confine a vicious animal and prevent the animal from escaping.

“Farm Animal” means any animal used to create food for consumption, including, but not limited to chickens, ducks, geese, guinea fowl, turkeys, hogs (pigs), goats and cows.

“Harbor” means, for a period of three days or more, to keep and care for an animal or provides premises to which the animal returns.

“Humane Society” means specifically the Humane Society of Eastern Arkansas, Inc., or its successor, or any other organization existing under the laws of the state of Arkansas for the prevention of cruelty to animals.

“Kennel” and/or “Pet Shop” means and includes any individual or establishment for the raising, training, boarding or selling of dogs, cats, birds, mice, rats, reptiles, fowl or fish or other small animals for hire or profit.

“License” means a permit issued by the city to indicate that an animal is vaccinated against rabies in accordance with city ordinance and that the owner or harborer has remitted to the city the levied permit fee.

“Public nuisance” means any animal or animals which:

1. Molests passersby or passing vehicles;
2. Attacks other animals;
3. Trespasses on school grounds;
4. Is repeatedly at large;
5. Damages public or private property;
6. Interferes with refuse collection or spreads trash from refuse containers or molests meter readers;
7. Barks, whines, howls in excessive, continuous, untimely fashion.

“Restraint” means any animal secured by leash or lead or under the control of owner or harbinger and obedient to that person’s command.

“TETHER” means a rope, chain, or cable that is attached to the dog’s collar or harness for the purpose of restraining the animal. **PASSED AND APPROVED** this 6th day of July, 2006.

“Vicious animal” means:

1. Any animal which, when unprovoked, approaches in a manner of attack any person upon the streets, sidewalks or any other public ground or place;
2. Any animal with a known propensity, tendency or disposition to attack without provocation human beings or domestic animals;
3. Any animal which, without provocation, bites or attacks a human being or domestic animal on public or private property; or
4. Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting.

Notwithstanding the above definition, no animal shall be declared vicious if the person attacked or bitten by such animal was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

No animal shall be declared vicious if a domestic animal which was bitten or attacked was teasing, tormenting, abusing or assaulting the animal. No animal shall be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

“Wild Animal” means any nonhuman primate, raccoon, skunk, fox, wolf, coyote, poisonous snake, leopard, panther, tiger, lion, lynx or any other warm blooded animal which can normally be found in the wild state, or the offspring borne to wild animals bred with domestic dogs or cats. (Ord. 1867 π 1, 1999.)

9.04.020 Animal Care

A. No owner shall fail to provide his animals with sufficient good and wholesome food and water; shelter which provides protection from the weather including four sides with opening, roof and floor; veterinary care when needed to prevent suffering; and with humane care and treatment.

B. No person shall cruelly treat any animal in violation of the laws of the state of Arkansas.

C. No owner of an animal shall abandon such animal.

D. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall, within a reasonable time, report the accident to the appropriate law enforcement agency or to the local humane society.

E. No person shall expose any known poisonous substance or toxic chemical, whether mixed with food or not, so that the same shall be liable to be eaten by any animal; provided that it is not unlawful for a person to expose, on his property, common rat poison mixed only with vegetable substance.

If any animal is confined by chain, rope, or cable, the restraint must be no less than 10 feet long and so placed that the animal may not intrude on other property, whether public or private, and provide adequate room for normal postural adjustments and for exercise. The area where any animal is confined must provide proper and adequate drainage. The restraint must be placed in a clear area, so animal cannot be injured. (Ord. 1867 π 2, 1999.)

F. No person owning, possessing or keeping a dog shall keep the dog securely confined behind a fence or otherwise restrained upon the person's property by adequate means to prevent the dog's escape; or shall effectively control the dog, whether on or off the person's property, by means of a leash or other proper method of supervised restraint from which the dog cannot escape.

G. Chaining. Direct-point chaining or tethering of dogs to any object is prohibited **PASSED AND APPROVED** this 6th day of July, 2006.

9.04.30 (RESERVED).

9.04.40 Sale of diseased animals—Kennel and Pet Shop Regulation.

A. It is unlawful for any person, pet shop or kennel to sell, offer to sell, or expose any diseased or poisonous animal or any animal the sale of which is prohibited by federal law.

B. Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste materials shall be allowed to remain thereon for more than twenty-four hours. The owner or operator of a kennel or pet shop shall properly treat any diseased animal and shall properly isolate those animals having a disease contagious to animal or human life; provided, any animal which is diseased past recovery shall be destroyed. All animals in a kennel or pet shop shall be humanely treated and properly nourished. Animals shall not be confined in one area in such numbers that access to food and water is not readily available. (Ord. 1867 π 4, 1999.)

9.04.50 Noisy Animals Prohibited

It shall be unlawful for any person to keep on his premises or under his control any animal which by loud or frequent; barking, howling, whining, or otherwise shall disturb the peace and quiet of any person who may reside within a reasonable proximity of the place where such animal is kept. (Ord. 1867 π 5, 1999.)

9.04.60 Animal Waste, Offensive Odors Prohibited

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

It is unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept free from offensive odors to the extent that such odors are disturbing to any person residing within a reasonable proximity of such premises, and it is unlawful to allow the premises where any animal is kept to become unclean and a threat to the public health by failing to remove waste material from the premises. (Ord. 1867 π 6, 1999.)

9.04.70 Annual License and Tag

A. Levy and Amount of License

1. There is levied and there shall be collected an annual animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the city. Such 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 the provisions of this section to remit such fee to the city by the tenth of the month next following the month in which such fee is collected unless otherwise stated by written contract or agreement with the city.
2. For each animal the levied fee shall be in the amount of six (6) dollars annually.
3. Should a dog or cat be brought into the city, the person owning or keeping such dog or cat shall have thirty days in which to pay the licensing fee levied in this section. Any person failing to pay such fee within such period shall be required to pay an additional fee of five dollars.
4. Veterinarians shall purchase annual animal license forms and tags from the city at a cost of fifty percent of the annual animal license fee. Veterinarians shall be permitted to retain fifty percent the annual animal license fee for their expenses. All completed receipt books for previously issued animal license shall be returned to the city prior to the purchase of additional animal license forms and tags.

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

C. **License Period.** A license, if not revoked, shall be valid for one year from the date of issue. A new license shall be obtained each year by of issue. A new license shall be obtained each year by every owner and a new fee paid. An owner shall have thirty days from the date the license expires to obtain a new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of five (5) dollars.

- A. **Tag to be attached to animal's collar.** It shall be the duty of the owner or keeper of every dog within the city to attach the tag provided for in subsection B of this section to a collar securely fixed around the neck of such dog. Cats are not required to wear tags. Dogs, specifically Greyhounds, who are actively used for racing, are exempt from wearing tags during racing.
- D. Nothing in this section shall be construed to apply to any dog or cat under the age of four months, or to dogs or cats brought to the city on a temporary basis for show or exhibition. (Ord. 1867 π 7, 1999.)

9.04.80 Rabies Vaccination Required

- B. All dogs and cats in the city and other pets which are subject to rabies shall be vaccinated annually against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog in the city, by a reasonable method. Any person who shall keep any pet which is subject to rabies in the city without first having such pet vaccinated for rabies, at least once a year, shall be guilty of a misdemeanor.
- C. In case a tag for the animal licensing fee or rabies vaccination required by this chapter is lost or destroyed, a duplicate shall be issued by the city upon presentation of a receipt or other verification showing payment of such fee or receipt of such duplicate tag. Cost of such replacement tag is two (2) dollars. No tag shall be transferable from one animal to another. No refunds shall be made on any fee because of death of the animal or because the owner leaves the city before the expiration of the license period. (Ord. 1867 π 8, 1999.)

9.04.90 Running At Large Prohibited

- A. It is unlawful for the owner or person in charge of any horse, mule, colt, sheep, cow, calf bull, jack, jennet, goat, how or swine of any kind to permit or suffer the same at run at large within the corporate limits of the city at any time.
- B. It is unlawful for any person owning or having control of any chickens, turkeys or other fowl to permit the same to run at large within the city.
- C. It is unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to run at large within the corporate limits of the city at any time.
- D. It is unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to become a public nuisance.
- E. The term "PERMIT" shall include the failure of the owner or person having charge of such animal to physically restrain the animal. The animal control officer shall be authorized to enter onto private property for the purpose of impounding an animal found running at large. (Ord. 1867 π 9, 1999.)

9.04.100 Impoundment

- A. The West Memphis Animal Shelter is authorized to accept from the animal control officer or any resident of the city, and to impound, any dog or cat found running at large in violation of this subchapter. The animal control officer shall not be required to respond to requests to pick up unconfined cats until the person making the request has confined or restrained the animal so that it can readily be taken into custody by animal control officer. The animal control officer may use humane animal traps or tranquilizers to assist in confining the cat.
- B. Whenever any animal in the animal shelter bears a current city tag, it shall be the duty of the animal control officer to notify the owner or the person to whom the tag was issued, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or released to the humane society after ten (10) days unless the fees hereinafter prescribed are paid. If the owner or person to whom the tag was issued cannot be found, the animal control officer shall, be certified mail send to such person's last known address, notify such person that the animal has been impounded at the animal shelter, and will be destroyed or released to the humane society after ten days if the fee hereinafter prescribed is not paid. Unlicensed animal may be destroyed (i) if space is limited or (ii) if animal is suffering from disease or injury with the approval of the animal control officer in charge and one other party. (Ord. 1867 π 10, 1999.)

9.04.110 Redemption of Animals

- A. After the expiration of ten days' impoundment in the case of a licensed animal, or the expiration of six days' impoundment in the case of an unlicensed animal, such animal shall become the property of the city, and the city shall be empowered to release such animal to the humane society or to destroy and dispose of such animal as provided for in Section 9.04.100. The animal control officer is authorized to release such animal to the humane society or to destroy such animal and dispose of the carcass. For the purpose of this section, the day and precise time of taking up shall be counted as the first day of the impoundment and the time shall run based on six twenty-four hour periods.
- B. An owner reclaiming an impounded animal shall pay the cost of such impoundment. Such cost are ascertained to be five dollars for the first impoundment if the animal has a rabies vaccination and is currently licensed in the city; fifteen dollars for the first impoundment if the animal is not currently vaccinated and licensed in accordance with this chapter; twenty-five dollars for the second impoundment for the same animal within a twelve-month period; fifty dollars for the third impoundment for the same animal within a twelve-month period. In addition to the impoundment fees, a boarding fee of five (5) dollars per day shall be charged for each day such animal is impounded in the animal shelter, if the same has not been paid, plus the cost of having an unvaccinated animal vaccinated for rabies.
- C. The release of any animal to the humane society pursuant to this chapter shall be subject to such terms and conditions as established by the animal control commission.

- D. No unclaimed dog or cat shall be released by the humane society for placement without being sterilized, or without a written agreement from the recipient guaranteeing that such animal will be sterilized.
- E. All fees or costs assessed pursuant to this chapter shall be received by the city for deposit into the city's general fund and subject to appropriation by the West Memphis city council. (Ord. 1867 π 11, 1999.)

9.04.120 Confinement When Rabies Suspected

- A. Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the city (or by a parent or legal guardian of a person bitten who is under a disability), the animal control officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine and quarantine same under the supervision of a licensed veterinarian, who shall keep such dog or animal in quarantine until he shall issue his certificate that:
 - 1. He has complied with the observation provisions of Section 3 of Act 11, First Extraordinary Session of the 1988 Arkansas General Assembly (Rabies Control Act); and
 - 2. The dog or other animal appears to be free of infection of rabies (hydrophobia).
- B. Any dog or other animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or other animal to the animal control officer and the animal control officer shall confine such dog or other animal in quarantine as provided for in subsection A of this section.
- C. When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under subsections A and B of this section shall issue the certificate provided for in subsection A of this section, the owner of such dog or animal may retake custody of it upon tender of such veterinarian or the city animal control officer of their customary and reasonable fees and charges for impounding, boarding, lodging, observation and testing; except a person who is bitten by an animal while baiting, teasing or molesting such animal or while trespassing on the premises of the owner or the keeper of such animal shall pay all customary and reasonable charges and fees resulting from his request to have such animal confined and quarantined.
- D. The fee for quarantining an animal at the West Memphis Animal Shelter shall include board of ten dollars per day; impound fee of twenty five dollars, cost of rabies vaccination and city license if applicable.
- E. If any dog or other animal confined under subsections A and B of this section is not reclaimed by its owner, such dog shall be released by the veterinarian to the animal control officer who shall treat such dog or animal as one found running at large within the corporate limits of the city. If animal is vicious it can be destroyed before quarantine time is over, for the protection of shelter staff. (Ord. 1867 π 12, 1999.)

Vicious Dogs

A. "Vicious dogs" means:

1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or any domestic animals as evidenced by its habitually or repeated chasing, snapping or barking.
2. Any dog which attacks a human being or any domestic animal without provocation.
3. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
4. Any dog which has been declared vicious, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for vicious dog designation under the provisions of this chapter.

Nothing contained herein shall be construed as requiring the actual infliction of a physical injury prior to a determination that a dog is a vicious dog.

B. ~~(REPEALED 07-06-06)~~—~~(RESERVED)~~—"Registered vicious dog" means one which is registered with the city clerk in accordance with the standards set forth in Section 9.04.135. (Ord. 1867 π 1, 2000.)

C. INITIAL DETERMINATION:

An animal control officer shall deem a dog to be a vicious dog if the animal control officer determines that the dog satisfies the definition of a vicious dog as described in subsection (A). Upon deeming the dog to be a vicious dog, the animal control officer shall notify the owner, as evidenced by any current city tag, by hand delivery or by mailing a notice by any form of mail requiring a signed receipt to the owner at such person's last known address. The officer shall also apprehend the dog and shall not release it until the requirements of subsection (E) have been met or until so ordered by a court of competent jurisdiction.

D. APPEAL OF DETERMINATION.

Any person who has received a notice that his or her dog has been deemed a vicious dog may appeal such decision to the Chairman of the West Memphis Animal Control Commission. The appeal must be made by providing notice to the West Memphis City Hall within ten days of the day the notice was made in accordance with subsection (C).

Upon receiving an appeal, the Chairman, or the Chairman's designated representative, shall schedule and hold a hearing within ten (10) days to determine whether the initial determination was rendered in error. The decision of the Chairman, or the designated representative, shall be considered the final decision of the city as to whether the dog is a vicious dog. 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 dog is a vicious dog. An appeal from the decision of the Chairman, or the designated representative, may only be made to a court of competent jurisdiction. During the time a dog remains in the custody of the West Memphis Animal Control Commission, the owner of the dog shall be responsible for all fees, costs and expenses as set out in Section 9.04.110.

E. RELEASE.

A dog that has been apprehended pursuant to subsection (C) shall only be release by the animal shelter if al the following conditions have been met:

1. The owner has signed a written agreement that unless and until the dog is determined to no longer be a vicious dog by the Animal Control Commission or a court of competent jurisdiction, the dog shall be euthanized or removed from the City of West Memphis. Any vicious dog released upon condition that it will be removed from the City of West Memphis shall not be permitted to return to the City of West Memphis and if such vicious dog is subsequently apprehended with the city limits such vicious dog shall be euthanized.
2. No vicious dog in the possession of the Animal Control Commission shall be released to any person other than to the owner.

F. FAILURE TO RETRIEVE.

The Animal Control Commission may humanely destroy any vicious dog that is not retried by the owner, as evidenced by any current city tag, within five (5) days of the day the owner is notified that a final decision has been reached deeming the dog a vicious dog or within five (5) days of the day that the owner is notified that the vicious dog has been impounded whichever is later. A dog 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 Commission that generally apply to all impounded dogs.

SECTION 5.

Section 9.04.135 of the West Memphis Municipal Code, entitled Keeping of Registered Vicious Dogs, is hereby repealed in its entirety.

SECTION 6.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 7. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, or phrase of this ordinance or the application thereof to any person or circumstances is held invalid, such decision shall not affect the validity of the remaining portions of this ordinance or application of this ordinance which can be given effect without the invalid section, subsection, sentence, clause, or phrase, and to this end the provisions of this ordinance are declared severable.

PASSED AND APPROVED this 6th day of July, 2006.

Keeping of Registered Vicious Dogs (APPEALED July 6, 2006)

From and after the effective date of the ordinance codified in this section, the following standards shall apply to the keeping of vicious dogs within the city limits, whether such dog is at the time of the effective date of the ordinance within the city limits or so exits at a future date.

Registration Requirements. Within thirty days from the effective date of this ordinance, or within thirty days from the date any vicious dog is born within or brought into the city, the owner of said vicious dog shall register same with the city clerk on such registration forms as may be prepared by the city clerk.

Leash and Muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless dog is securely leashed with a leash no longer than four feet in length. No person shall permit a vicious 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, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

Confinement. All registered vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel or structure which must have secure sides and a secure top attached to the sides. All structures used to confine registered vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two feet. All structures erected to house vicious dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean sanitary condition.

Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of 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.

Signs. All owners, keepers or harbors of registered vicious dogs within the city shall within ten days of the effective date of this ordinance 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.**

Insurance. All owners, keepers or harbors of registered vicious dogs must within ten days of the effective date of this ordinance provide proof to the city clerk of public liability insurance in a single incident amount of fifty thousand dollars for bodily injury to or death of any person or persons and for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days' written notice if first given to the city clerk.

Identification Photographs. All owners, keepers or harborers of registered vicious dogs must within ten days of the effective date of this ordinance provide to the city clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

Reporting Requirements. All owners, keepers or harborers of registered vicious dogs must within ten days of the incidents below, report the following information in writing to the city clerk as required hereinafter:

1. The removal from the city or the death of a registered vicious dog;
2. The birth of offspring of a registered vicious dog;
3. The new address of a registered vicious dog owner should the owner move within the city limits.

Sale or Transfer of Ownership Prohibited. No person shall sell, barter, or in any other way dispose of a vicious dog registered with the city to any person within the city unless the recipient person first complies with registration and other requirements herein.

Rebuttable Presumption. There shall be a rebuttable presumption that any dog registered with the city as a vicious dog is in fact a dog subject to the requirements of this section.

Failure to Comply. It is unlawful for the owner, keeper or harborer of a vicious dog registered with the city to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the registration of such animal resulting in the immediate removal of the animal from the city.

Violations and Penalties. Any person violating or permitting the violation of any provision of the ordinance codified in this section shall, upon conviction, be fined a sum not less than two hundred dollars and not more than one thousand dollars. In addition to the fine imposed the court may sentence the defendant to imprisonment for a period not to exceed thirty days. In addition the court shall order the registration of the subject vicious dog revoked and the dog removed from the city.

Should the defendant refuse to remove the dog from the city the court may find the defendant in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of the ordinance codified in this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates the ordinance codified in this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of the section. (Ord. 1867 π 2, 2000.)

9.04.140 Abuse of Police Dogs Prohibited

It is unlawful for any person to willfully strike, kick, beat, torment, torture, injure, kill or harass any dog used by any law enforcement agency in the performance of any departmental functions or duties. Any person convicted of violating this section shall be punished as provided in Section 9.04.180. (Ord. 1867 π 14, 1999.)

9.04.150 Keeping of Wild Animals

- A. No person shall keep or permit to be kept any wild animal as a pet within the corporate limits of the city.
- B. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
- C. No farm animal shall be allowed to live within the city limits other than those that are pets. Farm animals considered to be pets are limited to a maximum of two adults of the same species. Farm animals considered as pets are required to meet all other aspects of this chapter. Nothing within this subsection shall prohibit or limit the keeping of horses or ponies within the city limits. (Ord. 1867 π 15, 1999.)

Article II. Enforcement

9.04.160 Animal Control Officer

- A. There is created the office of animal control officer. Candidates for the animal control officer shall be interviewed by the animal control commission and shall be interviewed by the animal control commission and shall be recommended to the mayor for hiring. The animal control officer shall perform the duties as prescribed by the animal control commission and shall further exercise the powers prescribed by this chapter. In addition, the animal control officer shall perform such duties as may be delegated to him/her by the animal control commission and the mayor.
- B. The city's animal control officers are authorized to issue a citation to any person violating any provision of this chapter in the presence of such animal control officer. (Ord. 1867 π 16, 1999.)

Interference with Animal Control Officer Prohibited

It is unlawful for any person to forcibly interfere or forcibly attempt to interfere with the animal control officer in order to hinder him/her in the performance of his/her duties. Further, it is unlawful for any person to refuse to deliver any unlicensed or unvaccinated animal or any animal observed to be running at large to the animal control officer, or some authorized officer, upon demand for impounding. (Ord. 1867 π 17, 1999.)

(B) The City's animal control officers are authorized to issue a citation to any person violating any provision of this chapter in the presence of said animal control officer.

17.00 INTERFERENCE WITH ANIMAL CONTROL OFFICER PROHIBITED.

It shall be unlawful for any person to forcibly interfere or forcibly attempt to interfere with the animal control officer in order to hinder him in the performance of his duties. Further, it shall be unlawful for any person to refuse to deliver any unlicensed or unvaccinated animal or any animal observed to be running at large to the animal control officer, or some authorized officer, upon demand for impounding.

18.00 PENALTY.

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

(B) Any person violating or failing to comply with any of the provisions of Section 4.00 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$25.00 or more than \$100.00. Each day's violation shall constitute a separate offense.

(C) Any person convicted of violating Section 14.00, Abuse of Police Dogs Prohibited, shall be punished as provided in subsection (A) of this section or imprisoned in the appropriate jail for up to 30 days, or both.

19.00 REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 6th day of May 1999.

By William Johnson
MAYOR WILLIAM H. JOHNSON

ATTEST:

By: 
CITY CLERK PHILLIP PARA

SPONSORED BY:

RECEIVED
CITY CLERKS OFFICE AS
DATE 5-3-99 (Amended) @ 10:30 AM
FROM D. Wallace *clg*