

ORDINANCE 2005-01

AN ORDINANCE GOVERNING THE MAINTENANCE, CONTROL AND CARE OF ANIMALS; IDENTIFYING VIOLATIONS; ESTABLISHING PENALTIES AND FOR OTHER PURPOSES.

Whereas it is urgent that the keeping and care of animals within the city limits be regulated, **NOW THEREFORE BE IT ORDAINED** by the City Council of the city of Perryville, Arkansas, as follows:

SECTION 1 – Keeping of Livestock

- (A) It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the City any livestock except as provided in this section.
- (B) If not prohibited or more strictly controlled by zoning, covenants or other restrictions, the keeping of horses, cows or raites is permitted where they are maintained in an enclosed area providing sufficient space for the wellbeing of each animal. Such enclosures shall be kept in a sanitary, healthful and secure condition so as to prevent any nuisance to citizens. Additionally, adequate supplemental feed shall be provided so as to maintain good health and proper condition of each head of livestock. Water vessels appropriately constructed and located must be available so that each animal kept will have 24-hour access to wholesome water.
- (D) For any other animals commonly referred to as farm animals, including but not limited to chickens, goats, sheep and ducks, space allotment and food and water must be adequate for each animal to be maintained in a comfortable and healthy manner.
- (C) No person shall keep or raise swine in the corporate limits of the City.

SECTION 2 – Running at Large Prohibited

- (A) No horse, mule, mare, colt, jack or jenny, or swine of any kind, sheep, goat, or cattle of any kind, or any species of raites shall be permitted or suffered to run at large. It is unlawful for the owner or person in charge of any such animals to suffer or permit any of such animals to run at large.
- (B) It shall be unlawful to picket or tie any such animal in any street, alley or right-of-way for the purpose of grazing or feeding.
- (C) It shall be unlawful for any person to permit chickens and/or other domestic fowl to run at large.

SECTION 3 – Keeping of Innately Wild Animals Prohibited

- (A) As used in this section, the term "innately wild animals" means lions, tigers, cougars, panthers, bears, wolves, wolf-hybrid, cat-hybrid and other non-domestic animals of an untamable disposition, notwithstanding that their natural wildness may be intermittently dormant, as the wildness is likely to be awakened at any time, suddenly and unexpectedly.
- (B) The failure to specifically list any animal in this section will not preclude such

- animals from being deemed an innately wild animal of untamable disposition.
- (C) The possession, maintenance or keeping of innately wild animals within the city is not lawful.
 - (D) This section shall not apply to any zoo, circus or sanctuary complying with laws and regulations and keeping innately wild animals for the education of the public.

SECTION 4 – Animal Care

- (A) No owner shall fail to provide his animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (B) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- (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 stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; if the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency.
- (E) No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be liable to be eaten by any animal.

SECTION 5 - Nuisance Animals

- (A) It shall be unlawful to harbor or keep any animals which disturb the peace or constitute a nuisance to the citizenry.
- (B) Nuisance animals are any animals which infringe upon the rights of a person or another animal. Examples include but are not limited to:
 - (1) Molest passersby;
 - (2) Attack other domestic animals;
 - (3) Run at large on public or private property;
 - (4) Damage private or public property;
 - (6) Bark, whine, howl, call, crow, bray or cause other loud noises in an excessive, continuous or untimely fashion at any time day or night;
or
 - (7) Cause fouling of the air by odor and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

SECTION 6 - Conditions of Pens and Premises

- (A) It shall be unlawful for any person keeping or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the premises.
- (B) It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing to remove animal waste from the premises.

- (C) It shall be unlawful to allow animals or premises where animals are kept to become infested with ticks, fleas or other vermin by failing to diligently and systematically apply accepted methods of insect and parasite control.

SECTION 7 – Enforcement

- (A) The provisions of this Ordinance shall be enforced by law enforcement officers or law enforcement agencies designated by the City of Perryville.
- (B) It shall be a violation of this ordinance to interfere with such a designated officer in the performance of his/her duties.
- (C) Such officers shall enforce the animal laws of the City and State and shall be empowered with all enforcement measures available pursuant to this ordinance or any state or federal law or constitutional provision.

SECTION 8 – Notice and Citations

- (A) For the purposes of discharging the duties imposed by this ordinance and enforcing its provisions, any police officer or other duly designated official is authorized, for violation of any portion of this ordinance, to give to the offender a notice to appear in the court of proper jurisdiction.
- (B) Such notice to appear shall state the name and address of the violator and the date of the violation, shall contain a statement of the nature of the violation, and shall be signed by the person issuing the notice.
- (C) The notice to appear shall contain a printed statement in which the violator promises to appear in the court of proper jurisdiction, without issuance of any warrant or other process, which statement is to be signed by the violator.
- (D) Upon the violator's signing of the agreement to appear and his/her appearance as set out in the notice to appear, no warrant shall be issued for the arrest of the violator.

SECTION 9 – Additional Actions

- (A) In aggravated or complicated circumstances, the Mayor or his authorized designee may take additional actions as required to best serve the City's interests.
- (B) Such actions may include but are not limited to the impounding, quarantining, disposal and/or humane destruction of animals.
- (C) The owner of said animals shall reimburse the City for all costs incurred in the implementation of these additional actions.

SECTION 10 – Penalties

- (A) Any person who shall violate any provisions of this Ordinance shall be subject to a fine of not less than \$25.00 and not more than \$250.00 per each offense.
- (B) When applicable, each day that a violation occurs shall be considered a separate offense and each such separate offense may be punished separately.

SECTION 11 - Conflicts and Severability

- (A) Ordinance number 110 and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- (B) If for any reason any portion of this Ordinance be held invalid, such invalidity

shall in no way affect the remaining portions hereof which are valid, but such valid portions shall be and remain in full force and effect.

SECTION 12 - Emergency Declared

- (A) Confronted with several recent complaints of farm animals running at large creating a nuisance for residents and causing verifiable damage to private property and having no other remedy to rectify the situation and whereas this Ordinance is required to properly protect people and property, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its adoption and publication.

PASSED ON THIS 24th DAY OF January IN THE YEAR OF 2005 BY
A VOTE OF: 4 YES 0 NO

Kenneth Brandon
MAYOR

Jul D. Wolf
RECORDER/TREASURER

STATE OF ARKANSAS,
COUNTY OF PERRY

ORDINANCE NO. 2005-01

AN ORDINANCE REGULATING THE

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PASSED ON THIS 24TH DAY OF JANUARY IN THE YEAR OF 2005 BY A VOTE OF 4 YES 0 NO

/s/ Kenneth Brandon
Mayor
/s/ Joel D. Woolf
Recorder/Treasurer

I, Eddy B. Hodge do solemnly swear that I am the chief accountant of the Petit Jean Country Headlight, that said Petit Jean Country Headlight is a weekly newspaper printed and published in said Perry County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed advertisement in the case of

Ordinance 2005-01

pending in the _____ Court, in said County, and at the date of the several publications and of said advertisement hereinafter stated, and that during the said periods and at said dates said newspaper was printed and published and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; that said advertisement was published in the regularly weekly issues of said paper for _____ consecutive weeks, the first publication thereon

was made on the 26 day of Jan 05 19____
the second on the _____ day of _____ 19____
the third on the _____ day of _____ 19____
the fourth on the _____ day of _____ 19____
the fifth on the _____ day of _____ 19____
and the last on the _____ day of _____ 19____

Eddy B. Hodge

scribed and sworn to before me this 28 day of Jan 2005

Charlotte Hodge
OFFICIAL SEAL
Charlotte Hodge
NOTARY PUBLIC STATE OF ARKANSAS
CONWAY COUNTY
Commission Expires 03-12-2011

Commission expires _____
for printing, \$ 614.12

Total _____