

FAYETTEVILLE CODE OF ORDINANCES  
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of an non-microchipped animal, said animal shall become the property of the City, and the City shall be empowered to place for adoption or to euthanize and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to euthanize such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

(B) Redemption Fees

(1) Fees for Sterilized Animals. An owner reclaiming a sterilized impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be \$10.00 for the first impoundment if the animal is sterilized and has a microchip currently registered with up-to-date contact information on file with the City Animal Services Division; \$25.00 for the first impoundment if the animal has no microchip or the animal's microchip is not registered with up-to-date contact information on file with the City Animal Services Division. The animal shall be microchipped at the time of redemption at the owner's expense. \$50.00 for the second impoundment of a sterilized and microchipped animal within a twelve (12) month period. \$100.00 for the third impoundment of a sterilized and microchipped animal within a twelve (12) month period. \$200.00 for the fourth impoundment of a sterilized and microchipped animal within a twelve (12) month period.

(2) Fees for Unsterilized Animals. An owner reclaiming an unsterilized impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be \$100.00 for the first impoundment on an unsterilized animal with or without a microchip. The animal shall be microchipped at the time of redemption at the owner's expense. At the time of the first redemption the owner of an unsterilized animal shall be offered spay or neuter services at a reduced cost. If sterilization is performed, the impoundment fee will be reduced to \$10.00 for animals that are already microchipped and \$25.00 for animals that are not microchipped or animals whose microchips are not registered with up-to-date information on file with the City Animal Services Division. \$200.00 for the second impoundment within a twelve (12) month period. At such time the animal will be considered a public nuisance and shall be sterilized at the owner's expense. At such time that a third impoundment occurs, the owner

shall be required to pay the fees as set forth for the third impoundment of a sterilized animal.

(3) Fees for Livestock. An owner reclaiming livestock shall pay the cost for such impoundment. Said cost are hereby ascertained to be \$10.00 for the first impoundment and \$50.00 for any subsequent impoundments of that animal within a twelve (12) month period.

(4) Boarding Fees. In addition to the impoundment and sterilization fees as provided in subsections (B) (1), (2), and (3) of this section, a boarding fee of \$10.00 per day for cats, dogs, and fowl and \$25.00 per day for other livestock shall be charged for each day the animal is sheltered by the City.

(5) Rabies vaccination. The City Veterinarian may determine that an animal needs to be vaccinated for rabies and vaccinate such animal. The cost of this vaccination must be paid by the owner as part of the Redemption Fee.

(C) The owner of an impounded animal who refuses to reclaim his animal may be proceeded against for abandonment under the provisions of §92.02.

(D) Pursuant to Ark. Code Ann. § 20-19-103, no unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.24; Ord. 5002, 4-17-07; Ord. 5466, 12-6-11; Ord. 5669, 3-18-14; Ord. 5782, 7-7-15)

### 92.25 Confinement When Person Bitten

Any animal suspected of biting a human shall be quarantined in accordance with the provisions of A.C.A. 20-19-301 (The Rabies Control Act).

(Ord. 5002, 4-17-07)

### 92.26 Vicious Animals Restricted

(A) Once a citation has been issued by an Animal Services Officer or a complaint has been filed in the district court against the owner or harbinger of an animal for violation of this section, the animal shall be relinquished by the owner or harbinger to the animal services officer and kept at the animal

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shelter, the animal shall not be released except on order of the court, which order may also direct the owner or harbinger to pay a fine, all impoundment fees, and/or obtain liability insurance in amount to be determined. Upon a finding that such animal is a vicious animal, the court may order the animal to be euthanized in a humane manner. Surrender of an animal by the owner or harbinger thereof to the animal control officer shall not render the owner or harbinger immune from the fines and fees prescribed by this chapter.

- (B) Once a complaint has been filed in the Fayetteville District Court and the alleged vicious animal is impounded at the Animal Shelter, the arraignment shall be held within seven calendar days and the trial of the charges shall be held within two weeks of the arraignment date unless the defendant/owner of the impounded animal requests a continuance and pays a cash deposit into court in an amount equal to the impoundment and board fees through the requested court date.
- (C) It shall be unlawful for a vicious animal to be outside of a dwelling or locked enclosure unless it is necessary for the owner or harbinger thereof to obtain veterinary care for the vicious animal or to comply with commands or directions of an animal control officer with respect to the vicious animal; and, the owner or harbinger of an animal in violation of this section shall be subject to criminal prosecution. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, shall be collared with a blaze orange collar and shall be under the direct control and supervision of the owner or harbinger. The owner or harbinger shall not be under the age of 18 years. A vicious animal owner shall immediately notify animal services if the animal is loose or unconfined, bites or attacks a person, has been moved to a different address or dies; whereupon the owner must provide proof of death. The vicious animal shall not be sold or given away.
- (D) All vicious animals, when kept inside a dwelling shall not be allowed access to screened only windows or doors. A secure obstacle shall be in place to prevent animal from exiting the structure.
- (E) All vicious animals shall be sterilized and microchipped at the time of release from impoundment at the owner's expense.
- (F) All vicious animals shall be confined in a locked enclosure. It shall be unlawful for any person to keep or harbor a vicious animal upon any premises which does not have a locked enclosure. The

owner shall display signs stating "Beware of Vicious Animal" along with a symbol for same easily seen by children. The signs displayed shall be easily seen from the public roadway.

- (G) Failure to comply with all restrictions of this subchapter will result in forfeiture of ownership. The vicious animal will be impounded by the Animal Services Division and euthanized in a humane manner at owner's expense.
- (H) The provisions of this section shall not apply to animals owned by a law enforcement agency and used for law enforcement purposes.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.26; Ord. 5002, 4-17-07)

**Cross reference(s)**--Penalty, §92.99.

### 92.27 Abuse Of Police Dogs Prohibited

It shall be unlawful for any person to willfully strike, kick, beat, torment, torture, injure, kill or harass any dog used by the police department in the performance of any departmental functions or duties. Any person convicted of violating this section shall be punished as provided in §92.99.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.27; Ord. 5002, 4-17-07)

**Cross reference(s)**--Penalty, §92.99.

### 92.28 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.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.28; Ord. 5002, 4-17-07)

**Cross reference(s)**--Penalty, §92.99.

### 92.29 Transportation Of Animals

No person shall transport or carry any animal by motorized means unless the animal is safely enclosed within the vehicle or trailer, or enclosed in a portable kennel, crate, or dog box designed for this purpose, which is then fastened by a secure and appropriate means to the bed or the chassis of the vehicle. Dogs may be transported in open beds of pickup trucks provided they are secured in the vehicle by means of a