

Sec. 14-1. - Definitions.

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

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

Animal shelter means all pens, houses or fenced enclosures where animals are confined, such as, but not limited to, hutches, cotes, lofts, kennels, warrens, feed lots, barns, stables or other buildings or enclosures.

Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin caused by any animal which is actually or is suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

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

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

Cat is any member of the feline family.

City means the City of Springdale, Arkansas.

Dog is any member of the canine or dog family.

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

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

Habitual animal offender means any animal owner or harborer, who within any 12-month period, is charged with three violations, arising out of separate incidents of this title which pertains to animals from which conviction, guilty plea, no contest plea, deferred judgment, or plea bargain results. The controlling date is the date of each animal ordinance violation, not the date of the plea entered, or the conviction resulting therefrom.

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

Inhumane treatment means any treatment of any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, abandoning, or other abnormal treatment as may be determined by the animal control officer.

Potentially dangerous animal means, regardless of breed:

- (1) Any dog or other animal that has shown a propensity, tendency, or disposition to attack without provocation and is able or likely to inflict injury to another person or animal; or
- (2) Without justification, behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death; or
- (3) Without provocation, threatens to attack a person or domestic animal; or
- (4) Approaches a person or domestic animal on a street, sidewalk or public or private property in a menacing fashion such as would put a reasonable person in fear of attack.

Running at large (to run at large) means not confined on the premises of the owner within a fenced enclosure or animal shelter or under the control of a person, either by lead, cord, leash, rope or chain; provided, further, that an animal may be considered confined if on a lead, rope or chain which is securely fastened or picketed in a manner which is sufficient to keep the animal on the premises. Running at large shall also include an animal not properly confined in a motor vehicle (for example, pick-up truck beds).

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

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

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

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

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

Vicious dog or *vicious animal* means, regardless of breed, any dog or other animal that has bitten or attempted to bite any person, or caused serious injury to another domestic animal or livestock without provocation and is able or likely to inflict injury to another person.

(Ord. No. 4409, § 1, 4-13-10; Ord. No. 4770, § 2, 2-11-14; Ord. No. 4811, § 1, 7-22-14)

Sec. 14-2. - Penalty.

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

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

- (c) Any person found guilty of harboring a vicious dog or other vicious animal, or of harboring or keeping a wild animal in the city, or harboring a potentially dangerous animal in violation of section 14-39, shall pay all reasonable expenses associated with housing, removal, or euthanizing that animal or reptile, including shelter, food, and veterinarian expenses, if any.
- (d) Penalty, running at large. Conviction for running at large in violation of this section shall result in a fine as follows:
 - (1) The first conviction within a three-year period shall result in a minimum \$50.00 fine.
 - (2) The second conviction within a three-year period shall result in a minimum \$75.00 fine.
 - (3) The third and each subsequent conviction within a three-year period shall result in a minimum \$100.00 fine.
 - (4) Deposit of funds.
 - a. The fine assessed for animals running at large shall be deposited into a fund established for the city's low cost spay and neuter efforts.
 - b. The animal shelter manager shall be responsible for establishing procedures and guidelines for the utilization of the abovementioned fund.

(Ord. No. 4409, § 1, 4-13-10; Ord. No. 4770, § 3, 2-11-14; Ord. No. 4811, § 2, 7-22-14)

Sec. 14-3. - Enforcement.

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

(Ord. No. 4409, § 1, 4-13-10)

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

It shall be unlawful for any person to:

- (1) Permit or allow any animal or fowl to run at large within the corporate limits of the city, except on property of the owner of the animal located in an agricultural (A-1) zone. However, this exception does not apply if the owner's property is in a platted subdivision, even if it is an A-1 zone.
- (2) Permit or allow any fowl within the corporate limits of the city, except on property of the owner of the fowl located in an agricultural (A-1) zone. However, no fowl shall be permitted in a platted subdivision, even if the platted subdivision is zoned A-1.

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

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

- (5) Keep or harbor a vicious dog or other vicious animal within the corporate limits of the city.
- (6) Allow unsprayed female dogs to be away from confinement on the premises of the owner, except on a lead and under the control of an adult person, when such dog is in season.
- (7) Keep or harbor a dog or cat over four months of age within the corporate limits of the city without such dog or cat having a current vaccination against rabies performed by a veterinarian and microchipping a dog or cat over six months of age. A rabies vaccination is hereby considered current for 12 months, or per veterinarian documentation in accordance with the State Board of Health regulations, following the date of vaccination; provided, vaccination may not be required if the owner of such dog or cat shall exhibit to the city clerk a statement from a veterinarian certifying that such vaccination would be injurious to such dog due to its health. All dogs and cats shall be provided with a collar by the owner to which shall be affixed the vaccination tag.
- (8) Permit unsanitary conditions to exist on the premises where any animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health and safety, or would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons.
- (9) Sell, distribute or give away animals from public property and from commercially and industrially zoned lands.

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

- (10) Keep or harbor any potentially dangerous animal, except as provided in section 14-39.

(Ord. No. 4409, § 1, 4-13-10; Ord. No. 4770, § 4, 2-11-14)

Sec. 14-17. - Animal bites.

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

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

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

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

If the owner is unknown or an address cannot be determined for the animal after a diligent search, the animal may be euthanized at the end of the ten-day quarantine period. However, any vicious animal or potentially dangerous animal shall be impounded until otherwise directed by the Springdale District Court.

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

(Ord. No. 4409, § 1, 4-13-10; Ord. No. 4770, § 5, 2-11-14)

Sec. 14-20. - Defenses to determination of vicious or dangerous animal.

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

- (1) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (2) If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal;
- (3) If the person was committing or attempting to commit a crime;
- (4) If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the animal;
- (5) If the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault;
- (6) If the animal was injured and responding to pain; or
- (7) If the animal was protecting its offspring, itself or its kennelmates.

(Ord. No. 4770, § 9, 2-11-14)