

TITLE 6

ANIMALS AND FOWL

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- 6.08 Other Animals and Fowl
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CHAPTER 6.04

DOGS

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6.04.01 Definitions The following words and phrases shall for purposes of the ordinance have the following meanings:

Dogs- When used herein shall include animals of all ages, both female and male, which are members of the canine or dog family.

Cats- When used herein shall include animals of all ages, both female and male, which are members of the feline or cat family.

Owner- Every person, firm, partnership, or corporation owning, keeping or harboring an animal within the corporate limits of the city. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) days or more. The term “guardian” shall be substituted for the term “owner.” (Ord. No. 1545, Sec. 1.)

Wild Animals- An animal incapable of being completely domesticated, and requiring exercise of art, force or skill to keep it in subjection.

Exotic Animal- An animal that is not indigenous to or characteristic of Arkansas; not including commonly domesticated breeds of dogs, cats and birds.

Vaccination- An injection of any vaccine for rabies approved by the State Veterinarian, and administered by a licensed veterinarian or agent of the health officer.

Muzzle- When required by this ordinance, a muzzle shall be of appropriate material with sufficient strength to restrain the animal from biting and so such muzzle employed shall be made from any material or maintained on the animal in any manner so as to cut or injure the animal.

Vicious Animal- See Ordinance No. 781. This ordinance (781) is not amended by this Ordinance but in addition to this Ordinance.

Stray- Any animal which does not have affixed to it a collar with an identification tag with owners name, address, and phone number or a current city of Sherwood License tag.

Breeder- Any person, partnership, or corporation which maintains an unaltered (Unsterilized) dog or cat and breeds such animal for any consideration or profit, fee, or compensation. (Commercial Breeder).

At Large- Any dog not confined within a house or other building or secure enclosure or restrained by the owner or responsible person by a leash or lead. In the case of cats, any cat not tagged with proper identification or unsterilized shall be considered at large. (Ord. No. 804, Sec. 1.)

6.04.02 License It shall be unlawful for any person, firm or corporation to own, keep or harbor a dog or cat within the corporate limits of the city without first having paid to the city an annual license fee as scheduled in Section 27 for all dogs and cats six (6) months of age or over. The license fee required by this Section shall be due and payable as soon as the dog or cat attains six (6) months of age. To secure a license, owner must provide proof of legal rabies vaccination within the previous ninety (90) days. Upon payment of the license fee to the City Clerk of Sherwood or Animal Control, or agent thereof, it shall be the duty of the city to furnish the owner of the dog or cat with a metal tag of distinctive design with the serial number of the dog or cat. This serial number shall be kept on file by the city of Sherwood. Every dog or cat covered by this article must have and wear a collar of such type that the city license tag may be firmly attached at all times to the dog or cat's collar or harness. Failure to keep such tag on the dog or cat's collar shall be unlawful. The license as referred to in this Section shall be effective for the year ensuing its issuance, and must be renewed each subsequent year on or before the anniversary date of the issuance of the said tag. This license shall be non transferable. Upon the death of a dog or cat, the owner shall advise the Animal Control Center which shall void the registration of the animal. All owners of seeing eye dogs or guide dogs, such dogs being used to aid the blind, shall not be required to pay an annual city license fee; but shall be required to obtain a license and identification tag. (Ord. No. 804, Sec. 1.)

6.04.03 Identification of sterile/unsterile cats Each identification tag issued to a guardian of a sterile cat shall be of different and distinctive color, which can be readily distinguished from such tag that would be issued for an unsterilized cat. Penalty for misuse and/or altering an I. D. tag shall be deemed as License Fraud and the fine assessed as set out in Section 27. (Ord. No. 804, Sec. 2.)

6.04.04 Vaccination No person shall own, keep, or harbor, or have control over any dog or cat in the city of Sherwood; or obtain a license for any dog or cat over the age of six (6) months unless said animal shall have been vaccinated with an anti-rabies vaccine. All such dogs and cats shall be vaccinated against rabies annually in accordance with Arkansas Rabies Rules and Regulations. The provisions of this Section shall in no way be construed to limit the director of Animal Control from establishing clinics for the purpose of vaccinating dogs and cats. A person other than a veterinarian or agent of the health officer who vaccinates his own or another pet with anti-rabies vaccine in the state of Arkansas has committed a misdemeanor. (Refer to Section 27) (Ord. No. 804, Sec. 3.)

6.04.05 Number of animals It shall be hereafter unlawful for any person, firm, corporation, or household to own, keep, or harbor more than four (4) animals over the age of six (6) months within the corporate limits of the city. This provision shall not apply to proprietors

of animal hospitals, and veterinarians when such animals are kept upon premises used by such businesses. This provision also shall not apply to owners of animals who are animal breeders or kennel operators, who hold a license from the city of breeding or kennel operation.

Keeping on the premises more than four (4) dogs and/or cats over the age of six (6) months shall be a prima facie evidence of violation of this Section. (Refer to Section 27). Any person found not to be in compliance with this section of this ordinance shall, at the discretion of the animal director have a period of not less than ten (10) days nor more than ninety (90) days to reduce the number through legal channels. (Ord. No. 804, Sec. 4.)

6.04.06 Permits required for more than four animals Any person desiring to keep more than four (4) animals at the same address or on the same premises shall file an application with the animal shelter for permission. After immediate investigation of the premises by the animal control officer, it appears that the keeping of said animals, as set out in the application, and the manner of keeping the same shall not be offensive, nor a public nuisance, nor unsanitary, they may issue a permit therefore and specify therein the condition and manner in which said animals may be kept upon the location set out in the application. The permit shall be renewed each subsequent year on or before the anniversary date.

If at any time the Animal Control Officer shall find that any person to whom a permit has been issued for the keeping of more than four (4) animals on the same premises is keeping the same in a manner that is:

1. Offensive
2. Unsanitary
3. Detrimental to the health of the people in the neighborhood.
4. Detrimental to the health of the animals or neighboring animals.
5. A public nuisance.
6. In violation of applicable ordinances (running at large, failure to license, etc.).
7. Not within the specifications set out within the issued permit, the animal control officer shall revoke the permit issued to the person. However, no such permit shall be revoked until ten (10) days notice has been given to the person holding such permit. (Ord. No. 804, Sec. 5.)

6.04.07 Confinement of animals From and after the passage of this ordinance any person owning animals whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal within an adequate fence or enclosure, or within a house, garage or other building in conformance with other city of Sherwood ordinances. Sterilized cats are exempt from confinement if in conformance with Section One (1) and Section Three (3) of this Ordinance. (Ord. No. 804, Sec. 6.)

6.04.08 Conditions of pens and premises 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 said premises. It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing diligently and systematically to remove all animal waste from the premises. It shall be unlawful to allow animals or premises where animals are kept to become infested with ticks, fleas or other parasites or vermin, by failing diligently and systematically to apply accepted methods of insect and parasite control. (Ord. No. 804, Sec. 7.)

6.04.09 Impounding - release or euthanasia of animals The Animal Control Officers or assistants shall take into custody any dog found at large in the city or cat found at large in the city that is unsterilized, untagged, or unidentified and shall impound the dog or cat in the Animal Control Center. In addition, the Animal Control Officers or assistants shall be allowed to take into custody any animal brought to the Animal Control Center by an individual provided such individual signs an affidavit stating that the animal was found at large and is untagged, or unidentified. Each impounded stray animal shall be held for a period of forty-eight (48) hours or two (2) working days after owner has received verified notification that his animal has been impounded at the Animal Control Center. If after reasonable effort to locate owner of animal, which has guardian's identification, has failed, animal may be released to a suitable person or euthanized after the tenth (10th) day of impoundment. If the guardian of such animal fails or refuses to claim and repossess such animal then City Animal Control may deliver custody and possession such animal to a suitable person other than the guardian. If the event such penalty is not paid within the time period prescribed, a criminal arrest warrant shall be initiated before a magistrate. Upon conviction of the violation of this Section, the guardian shall be punished as provided in this ordinance. (Ord. No. 804, Sec. 8, as amended by Ord. No. 850, Sec. 1.)

6.04.10 Disposition of injured or diseased stray animals Disposition of injured or diseased animals shall be at the discretion of the Animal Control Director with the direction of a state licensed veterinarian. (Ord. No. 804, Sec. 9.)

6.04.11 Release or adoption of animals Animals not claimed by guardian within prescribed period of time become the property of Sherwood Animal Control and may be placed by Animal Control with a responsible person who will provide a suitable home for the animal in compliance with this Ordinance. If such person when cannot keep the animal, animal must be returned to Sherwood Animal Control. Any animal which becomes the property of Sherwood Animal Control may not be sold or given to persons or medical laboratories for experimental purposes. Sherwood Animal Control does not guarantee the health of any animal adopted from the shelter. (Ord. No. 804, Sec. 10.)

6.04.12 Release of unaltered animals

It shall hereafter be unlawful for any pound, shelter, or humane organization to release any unaltered dog or cat to a new owner unless a promise to spay or neuter such animal has been signed by the person acquiring the animal. The sterilization shall be performed by the date

stipulated, but for valid reason, the guardian may request an extension of time. At the discretion of the releasing agency, up to thirty (30) days extension may be given and Animal Control shall be advised. A copy of the signed promise shall be sent to Animal Control to be kept on file at the center. In addition, the person acquiring the animal must return to the Animal Center, within five days of the date stipulated, an affidavit signed by a veterinarian stating that said animal has been spayed or neutered. Failure to comply with the above requirements is unlawful. In such case, the animal described therein shall be returned to the releasing agency upon demand and/or said individual fined under Section 27. Guardianship of said animal reverts to the said releasing agency, and no claim may be made to recover expenses incurred for maintenance of the animal, including the initial procurement cost. (Ord. No. 804, Sec. 11 as amended by Ord. No. 850)

6.04.13 Nuisance animals Guardians of nuisance animals shall be subject to fine. (Refer to Section 27) Nuisance animals are any animals which infringe upon the rights of another animal or person, or:

1. Molest passers-by or passing vehicles.
2. Attack other animals.
3. Trespass on school ground.
4. Are repeatedly at large.
5. Damage private or public property.
6. Bark, whine, or howl in an excessive continuous, or untimely fashion.
(Ord. No. 804, Sec. 12.)

6.04.14 Animal bites Any animal which has bitten a person or other animal of a domesticated species is a rabies suspect. The animal, after biting a person, if not current on rabies vaccination shall be immediately released to Animal Control authorities to be quarantined at the Animal Control Facility or if no room there, then a licensed veterinarian of guardian's choice for a ten day observation period. When the biting animal does have the current rabies vaccination, it shall be the victim's right to have the animal quarantined, regardless, as a rabies vaccine is only a preventative and not a cure for rabies. An animal that bites or attacks another domesticated animal shall be quarantined, if the biting animal does not have the current rabies vaccination; however, if the animal is current on rabies vaccination, it need not be quarantined. (Ord. No. 804, Sec. 13 as amended by Ord. No. 1189, Sec. 1.)

Unclaimed stray animals may be humanely euthanised after forty-eight (48) hours or two (2) working days and the head removed and taken to the lab for pathological examination. (Ord. No. 804, Sec. 13.)

6.04.15 Animal care No guardian shall fail to provide his animals with sufficient, good and wholesome food and water, in suitable containers, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No one shall abandon an animal in Sherwood.

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 guardian. In the event the guardian cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the Animal Control Center or a local humane society.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances. (Ord. No. 804, Sec. 14.)

6.04.16 Keeping of innately wild animals As used in this Section, the term innately wild animals shall mean lions, tigers, cougars, panthers, bears, wolves, and other nondomestic animals of untameable disposition; notwithstanding that their natural wildness may be intermittently dormant, as said wildness is likely to awaken at any time, suddenly and unexpectedly. The failure to specifically list any animal in this subsection will not preclude such animal from being deemed an innately wild and domestic animal of untameable disposition.

The possession, maintenance, or keeping of innately wild animals within the city of Sherwood is hereby prohibited. This section shall not apply to any zoo, circus, or sanctuary complying with applicable laws and regulations and keeping said innately wild animals for the education of the public. (Ord. No. 804, Sec. 15.)

6.04.17 Wildlife protection It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any manner whatsoever catch any wildlife within the city limits of Sherwood, except as may be allowed by fishing pursuant to rules, regulations and licensing requirements of the Arkansas Game and Fish Commission.(Ord. No. 804, Sec. 16.)

6.04.18 Keeping of exotic animals Guardian must obtain permit after being interviewed by Animal Control Director to determine whether or not they have the knowledge, skill and experience to properly care for the animal. The place where they will live must be inspected by the Animal Control Director and shall be inspected annually thereafter by Animal Control Director. (Ord. No. 804, Sec. 17.)

6.04.19 Keeping of animals for which no licensed, approved rabies vaccine is available Shall be prohibited with the exception of rabbits, hamsters, and rodents.(Ord. No. 804, Sec. 18)

6.04.20 Relinquishment of unwanted animals If a guardian of an unwanted animal is unable to find a suitable home, or dispose of animal through legal channels, ownership of animal may be relinquished to the Sherwood Animal Control Center at the discretion of the Animal Control Director. (Ord. No. 804, Sec. 19.)

6.04.21 Standards for pet shops All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall in addition to the other requirements of Sherwood Ordinances 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. A pet shop is defined as an establishment which offers to sell live animals with the intent they be kept as pets.

STANDARDS:

- A. Water: There shall be available hot water at a minimum temperature of 160 degrees 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 mounted so the animal cannot turn them over and be removable for cleaning.
- B. Room temperature: The room temperature of the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.
- C. Cages and enclosures: All cages and enclosures are to be of a non porous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to his full length. Adequate ventilation and lighting shall be maintained. (Ord. No. 804, Sec. 20.)

6.04.22 Kennel or animal shelter standards All kennels, as defined herein, shall in addition to the other requirements of this ordinance comply with minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. A kennel is defined as 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.

STANDARDS:

- A. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, run and wall shall be of an impervious material to permit proper cleaning and disinfecting.
- B. Building temperature shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained.
- C. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages and shall have a resting board and some type of bedding.
- 4. Enclosures where animals are kept for grooming for a short period of time (up to three (3) hours) may be smaller.

5. Cages are to be of material and construction that permits cleaning and sanitizing.
6. Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
7. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
8. 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.
9. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

These provisions will not be in effect until August 1, 1988.
(Ord. No. 804, Sec. 21.)

6.04.23 Enforcement It shall be the duty of Sherwood Animal Control to enforce the animal cruelty laws of the state of Arkansas. Any Police Officer or Health Department Officer may enforce this ordinance. (Ord. No. 804, Sec. 22.)

6.04.24 Interference with enforcement It shall be unlawful for any person to interfere in any manner with the Director of the animal shelter or any Animal Control worker while they are discharging their duties or have in their custody any animals. It shall also be unlawful for any person to remove from the Animal Control Center an animal unless the director or other person in charge of the center has authorized the release of said animal. (Ord. No. 804, Sec. 23.)

6.04.25 Penalties and fines Any person violating any portion of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction by assessment of a fine according to schedule of fines. (refer to Sec. 27.)

6.04.26 Citation The Police Department, Health Department, and Animal Control Workers are hereby authorized to issue citations for violations of this Ordinance. (Ord. No. 804, Sec. 25.)

6.04.27 Severability clause If any part or parts of this ordinance shall be held invalid, such part or parts shall be deemed severable and invalidity thereof shall not affect the remaining parts of this ordinance. (Ord. No. 804, Sec. 26.)

6.04.28 Fees and fines

	<u>Annual License</u>	<u>Found at Large</u>	<u>2nd Offense</u>	<u>3rd & Subsequent Offenses</u>
Unsterilized dog male/female	\$3.00	\$30.00	\$50.00	\$100.00
Sterilized dog male/female	\$3.00	\$10.00	\$25.00	\$50.00
Unsterilized cat male/female	\$3.00	\$30.00	\$50.00	\$100.00
Sterilized cat male/female	\$3.00	N/A	N/A	N/A
Room and Board (minimum of one day charge)				\$5.00
Failure to wear tag off premises, per I.D. /License				\$20.00
Failure to possess city license - 1st offense				\$10.00
- 2nd offense				\$50.00
License Fraud				\$100.00
Public Nuisance				\$5.00 - \$50.00
Over limit of number of pets without permits				\$25.00
Keeping of innately wild animals				\$100.00
Permit fee to keep exotic animals (Ord. No. 804, Sec. 27.)				\$35.00
Failure to spay or neuter an animal released under Sec. 11				\$100.00
Failure to return affidavit provided for under Sec. 11 (Ord. No. 850, Sec. 3.)				\$25.00

6.04.29 Barking of dogs

- A. It shall be unlawful for any person, firm, or corporation to own, keep or harbor any dog or domestic animal which by loud, continued, or frequent barking, howling, or yelping, or other loud or excessive noise common to its species, shall annoy or disturb any neighbor, person or persons; provided, however, this section shall not apply to any animal shelter, humane society, pet store, or veterinary

clinic. It shall furthermore be unlawful for any person, firm or corporation to take any direct or intentional act which shall cause, or have the intent to cause, any dog or domestic animal to bark, howl, yelp or make loud or excessive noise, or to otherwise cause unreasonable physical distress to such dog or domestic animal by harassing said dog or domestic animal or by trespassing upon the premises where such dog or domestic animal is located.

- B. To constitute a violation under Section (A) herein, the phrase “excessive noise” shall be defined as any noise which lasts for a period of more than five (5) minutes continuously, or intermittently for more than fifteen (15) minutes. It shall not be a violation of Section (A) of this ordinance if the dog or other domestic animal making noise is doing so due to harassment or injury to the dog or domestic animal or due to a trespass upon the premises where the dog or domestic animal is located.
- C. For the purposes of this ordinance, the term “neighbor” shall mean an individual residing in a residence structure which is within two hundred (200) feet of the residence or location of the offending dog or domestic animal, and who states upon forms provided by the personnel of the Sherwood Animal Shelter that he or she will testify in court under oath to said dog or domestic animal making excessive noise, as defined in Section (B) herein. Any complainant under this ordinance shall be required to identify himself or herself by name, address, and telephone number, and provide any other additional information requested by the Animal Control Officer reasonably necessary to establish a violation hereunder.
- D. No person shall be convicted at trial of violating this ordinance unless two or more witnesses who do not reside at the same address testify under oath to the offending behavior of which the person on trial has been accused, or unless there is other evidence corroborating the testimony of a single witness.
- E. The Director of the Sherwood Animal Shelter may, at his or her sole discretion, recommend mediation or other reasonable corrective measures to resolve a dispute between a person accused of violating this ordinance and the complainant. Any such recommendation or recommendations shall be in addition to and shall not preclude any other remedy provided by this ordinance.
- F. If any person, firm, or corporation is found guilty in a court of law or violating this ordinance, then it shall be deemed a misdemeanor violation with a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), plus all applicable court costs. (Ord. No. 1846, Secs. 1-6.)

6.04.30 Addition to animal shelter There is to be transferred \$53,000 from the General Fund to the Animal Control Department, for the purpose of constructing and furnishing an addition to the present animal shelter. The 1997 Budget Ordinance shall be amended to reflect this transfer. (Ord. No. 1361, Sec. 1.)

6.04.31 Disposition of dog waste It shall be unlawful for any individual to allow a dog in their control to defecate upon the property of another, upon any public road or right-of-way or upon a public park. Individuals in control of dogs that defecate in prohibited areas shall be responsible for the removal of all waste left by said animal. Individuals found to be in violation of this ordinance shall be fined not less than \$25.00 nor more than \$100.00 for each offense. (Ord. No. 1498, Secs. 1-3.)

CHAPTER 6.06

OTHER ANIMALS AND FOWL

Sections:

- 6.08.01 Horses and cows
- 6.08.02 Hogs, goats and sheep
- 6.08.03 Diseased animals
- 6.08.04 Releasing animals
- 6.08.05 Fowl
- 6.08.06 Cruelty to animals
- 6.08.01 Horses and cows, other

6.08.01 Horses and cows

- 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 cows, horses, mules, ponies, donkeys, burros, jackasses, etc., except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.

- B. The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.
- C. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance. (See also, Ord. No. 904.)

6.08.02 Hogs, goats and sheep It shall be unlawful for any person to keep any hogs, goats or sheep within the city or to permit any such animals to run at large within the city, except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.

STATE LAW REFERENCE - See A.C.A. 14-54-1101

6.08.03 Diseased animals No person shall be allowed to transport into this city any animal affected with a contagious disease.

6.08.04 Releasing animals It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city.

6.08.05 Fowl It shall be unlawful for any person owning or having control of any chickens, turkeys or other fowl to allow the same to run at large within the city.

6.08.06 Cruelty to animals If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

CHAPTER 6.12**ANIMAL SERVICES DEPARTMENT****Sections:**

6.12.01 New position

6.12.01 New position A new position of Animal Control Officer I is hereby created in the Animal Services Department. The budget ordinance shall be amended to transfer \$2,083.00 from the General Fund to the Animal Services Department to cover the expenses. (Ord. No. 1550, Secs. 1-2.)

CHAPTER 6.16**VICIOUS ANIMALS****Sections:**

6.16.01 Definitions
 6.16.02 Within city limits
 6.16.03 Owner responsibility
 6.16.04 Prohibited Breed rules and regulations
 6.16.05 Vicious animals found within city
 6.16.06 Failure to comply
 6.16.07 Enforcement
 6.16.08 Authority of the Director
 6.16.09 Penalties

6.16.01 Definitions For the purpose of this revised ordinance, the following words and phrases are defined to mean:

Court ordered relinquishment The court removes the right and privilege of owner/guardianship over an animal.

Dog kennel or pen A securely locked chain link enclosure with a minimum floor space of 80 square feet for each dog and a minimum height of six (6) feet. The enclosure must have a secure bottom or floor attached to the sides or the sides must be embedded in the ground a

minimum of one (1) foot and a secure top attached to the sides. The top and bottom must be secured to the sides a minimum of every six (6) inches. Gates must be locked with keyed or combination locks.

Owner/guardian Any person, firm, partnership, or corporation, who owns, possesses, keeps, exercises control over, maintains, harbors, transports, or sells a Pit Bull dog or other domestic animal of a vicious nature.

Pit Bull

- A. The Pit Bull Terrier breed of dog;
- B. Staffordshire Bull Terrier breed of dog;
- C. The American Pit Bull Terrier breed of dog;
- D. The American Staffordshire Terrier breed of dog;
- E. The American Bull dog breed of dog;
- F. A new registered breed created from foundation stock of any of the listed breeds having similar appearance and characteristics;
- G. Any dog, whether registered or mixed, which has the appearance and characteristics of being predominantly of the breed of Pit Bull.

Prohibited breed permit A permit that allows the owner/guardian to possess within the corporate limits of the city of Sherwood a Pit Bull or other domesticated animal of a vicious nature as described in 6.16.02(C) and (D).

Relinquishment To give up all owner/guardianship rights to an animal.

Secure transport enclosure An enclosure used for transporting a Pit Bull dog or other domesticated animal of a vicious nature away from its home. The enclosure must include a top and bottom permanently attached to the sides except for a door. The enclosure must be made of such material and the door secured in such a manner that the animal couldn't exit the enclosure of its own accord.

Secured containment enclosure A securely fenced yard constructed of a material and at a height that will prevent escape: five foot chain link or six foot wood privacy fencing is preferred. Chicken or rabbit wire fencing is prohibited. Entry gates must be locked with keyed or combination locks. (Ord. No. 1776, Sec. 1.)

6.16.02 Within city limits It shall be unlawful to keep, harbor, own, sell, transport (unless in a secure transport enclosure), or in any way possess within the corporate limits of the city of Sherwood, Arkansas, any of the following:

- A. Any warm-blooded carnivorous or omnivorous wild or exotic animal (including, but not limited to, non-human primates, raccoons, skunks, foxes and wild or exotic cats, but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).
- B. Any animal having poisonous bites.
- C. Pit Bull Dog. However, the owner/guardian of a Pit Bull Dog kept as a companion animal that resides in an area that is annexed into the corporate city limits of the city of Sherwood is given a ninety-day (90) grace period to either remove the Pit Bull Dog from the city, or to register the dog with the city. The owner/guardian must keep the Pit Bull securely confined during the ninety-day (90) grace period. Failure to properly confine the animal is a violation of this ordinance.
- D. Any domesticated animal that without provocation exhibits fierce or vicious behavior and poses a real or perceived threat to human or animal safety. However, the owner/guardian of a domesticated animal that exhibits fierce or vicious behavior may be allowed to keep the animal if the animal is registered in compliance with 6.16.03 and confined in a dog kennel or pen as defined in 6.16.01(E).
- E. Any vicious animal:
 - 1. A domestic animal that without provocation attacks a person engaged in a lawful activity;
 - 2. A domestic animal while off the property of its owner/guardian that attacks another animal with such severity as to cause physical injury or death.
 - 3. A Pit Bull Dog that is aggressive toward people or other animals: an aggressive Pit Bull does not qualify for registration as allowed in 6.16.02(C). In addition a Pit Bull Dog that has scars or has open wounds to the extent that in the opinion of two (2) licensed veterinarians, the dog received the scars or wounds because of dog fighting. (Ord. No. 1776, Sec. 2.)

6.16.03 Owner responsibility Owner/guardian must comply with all rules, regulations and registration requirements, pay a prohibited breed registration fee, and purchase prohibited breed permit from the Department of Humane Animal Services. The permit must be renewed annually. Registration and permit fees are determined by the Sherwood City Council and are subject to change.

A. Pit Bull and vicious animal registration requirements:

1. Rabies vaccination The owner/guardian must have a licensed veterinarian vaccinate the dog against rabies annually.
2. City pet license The owner/guardian must purchase an annual city pet license. The pet license must be attached to the dog's collar or harness and the dog must wear the collar or harness at all times. Pet license and Prohibited Breed Permit expire the same day the rabies vaccination expires.
3. Microchip The dog must be microchipped by a licensed veterinarian.
4. Photo The owner/guardian must bring his/her dog to the animal shelter at the time of registration. The owner/guardian and dog will be photographed together and the photo kept in the registration file.
5. Sterilized The owner/guardian must provide documentary proof from a licensed veterinarian that heir dog has been spayed or neutered. This requirement shall not apply to a Pit Bull Dog who is a registered American Kennel Club (AKC) or United Kennel Club (UKC) show dog with points or with documentation of training for show purposes. The owner/guardian is required to purchase an annual Show/Breeders Permit for a fee established by the Sherwood City Council and with the restriction that the Pit Bull Dog shall be allowed to produce no more than one litter per calendar year.
6. Financial responsibility The owner/guardian must provide proof of liability insurance, or other financial responsibility in the form of a bond, in the amount of \$100,000.00 per occurrence in the event that his/her dog causes injury or damage. The policy or bond shall contain a provision requiring the insurance company or surety to provide written notice to the Department of Humane Animal Services not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy or bond. Proof of insurance is required to renew the annual Prohibited Breed Permit.

- B. Confinement and restraint All structures, enclosures, and pens erected to house a dog must comply with the city of Sherwood zoning and building regulations and be maintained in compliance with Ord. No. 804-7 (condition of pens and premises). The area must provide a safe and humane environment for the dog. The dog must, at all times, have access to clean fresh water in a spill proof container, a minimum of sixteen (16) square feet of shade from the hot sun, and an insulated dog house large enough for the dog to stand-up, lie down and turn around. Enclosed structures must be lighted, temperature controlled (temperature maintained between 50⁰ and 85⁰) and well-ventilated.

All registered animals shall be securely confined

- * Indoors
 - * In a secured containment enclosure
 - * In a dog kennel or pen.
1. Confinement indoors No 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. No animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
 2. Secured containment enclosure See 6.16.01(D)
 3. Dog kennel or pen See 6.16.01(E)
 4. Muzzle Domestic animals covered by this ordinance must be muzzled when outside their confinement area. The owner/guardian must obtain a properly fitted humane wire or plastic basket muzzle that allows the animal to open its mouth several inches to pant and does not restrict respiration. A Pit Bull Dog that is awarded an AKC Good Citizens Certificate will not be subject to this muzzle requirement: include a copy of the AKC Good Citizens Certificate with the dog's other registration documents.
 5. Leash No person shall permit a domesticated animal that is covered by this ordinance to go outside its containment area unless such animal is muzzled and securely leashed with a leash no longer than four (4) feet in length and held by an adult who has the ability to control the dog. No person shall permit any breed of dog to be tied or chained to inanimate objects such as trees, posts, buildings, etc. The owner/guardian who ties or chains his/her dog to inanimate objects is in violation of this ordinance. (Ord. No. 1776, Sec. 3.)

6.16.04 Prohibited Breed rules and regulations

- A. A Prohibited Breed Permit is only valid for the person who purchased the permit and for the dog that it registers.
- B. No more than two (2) animals may be housed at one address.
- C. Owner/guardians of registered dogs shall display in a prominent place on their premises and on all gates entering a dog's confinement area a sign easily readable by the public using the words "Beware of Dog."
- D. Owner/guardians of registered dogs must within ten (10) days of the incident report the following information in writing to the Department of Humane Animal Services as required hereinafter:
 - 1. The removal from the city or death of a registered dog.
 - 2. The birth of offspring of an AKC or UKC registered breeding dog.
 - 3. Updated registration information when the original owner/guardian moves to a new address within the city of Sherwood.
- E. No owner/guardian shall sell, barter or in any other way dispose of an animal 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 original owner/guardian of such animal; provided that the original owner/guardian of a Pit Bull may sell or otherwise dispose of a registered dog or the offspring of a registered breeding dog to persons who do not reside within the city.
- F. All offspring born of registered breeding dogs must be removed from the city within eight (8) weeks of the birth of such animal(s). Failure to remove all puppies within eight weeks is a violation of this ordinance resulting in revocation of the Show/Breeders Permit and sterilization of the breeding dog in compliance with 6.16.03(A) (5).
- G. There shall be an irrefutable presumption that an animal registered with the city as required by this ordinance is in fact an animal subject to the requirements of this ordinance.
- H. An owner/guardian who claims his/her dog is not a Pit Bull must, within five (5) business days, provide statements from two (2) veterinarians:

1. The veterinarian must state that in his/her professional opinion, the dog in question is not a Pit Bull type or a mix of any of the Pit Bull types as described in ordinance 781 revised. Animal Services cannot accept a veterinarian's statement that is vague.
 2. Submit two (2) clear photographs showing the dog's approximate size and characteristics signed by the two (2) veterinarians.
- I. Pit Bull registration is only permitted during the ninety-day (90) grace period following an annexation, and only applies to the residents located within the annexed area. (Ord. No. 1776, Sec. 4.)

6.16.05 Vicious animals found within city

- A. Prohibited animals found running at-large within the corporate limits of the city of Sherwood, whether owned or stray, that pose a threat to the public's safety are subject to humane euthanasia after two (2) business days: (see 6.16.05 (C) (1). Stray Pit Bulls displaying acceptable temperaments, actions and behaviors during their stay at the animal shelter are available for adoption to a legitimate rescue or to a qualified person. However, often it is impossible to find a qualified home for a Pit Bull and most Pit Bulls must be humanely euthanized.
- B. Residents who are unaware of the Prohibited Breed ban and house an animal within the corporate limits of the city of Sherwood are advised of the ordinance. If the resident has a secure location to confine his/her pet, a written warning is issued giving them a fifteen (15) day grace period to allow time to relocate the animal outside of the city limits. Residents may submit a written request to the Director of Animal Services for an extension of time should they decide to move out of the city of Sherwood. Approval will be determined on a case-by-case basis.
- C. Owned domestic animals covered by this ordinance found running at large:
1. Ord. No. 804-8 contains the procedures governing animals wearing identification tags.
 2. Owner/guardian must reclaim and immediately relocate the animal to a licensed boarding facility or to an approved home in an unrestricted location or relinquish his/her pet during the two (2) day holding period. A Pit Bull or other vicious animal that goes unclaimed is considered abandoned by the owner/guardian. Failure to reclaim or relinquish the animal is a violation of this ordinance.

3. The owner/guardian is required to provide verifiable information containing the name, address, daytime phone number and a copy of the state issued identification card for the person receiving the animal. The new owner/guardian must live in an area that allows Pit Bulls and assumes all legal and financial responsibility for the safe-keeping of said animal.
4. Owner/guardian must pay a relinquishment fee or a euthanasia fee at the time of relinquishment. Animal Service personnel determine adoptability based on the actions, behaviors, and physical condition of the animal at the time of relinquishment. Animals that are aggressive to people or other animals are not suitable for adoption and must be humanely euthanized. (Ord. No. 1776, Sec. 5.)

6.16.06 Failure to comply It shall be unlawful for the owner/guardian of a Pit Bull Dog or other animals of a vicious nature whether registered or unregistered to fail to comply with the requirements and conditions set forth in this ordinance. An owner/guardian failing to comply is subject to prosecution and the animal is subject to immediate seizure and impoundment. (Ord. No. 1776, Sec. 6.)

6.16.07 Enforcement It is unlawful to interfere with the Director or his/her designees while they are enforcing this ordinance. (Ord. No. 1776, Sec. 7.)

6.16.08 Authority of the Director The Director of Animal Services or his/her designee shall promulgate rules when necessary to clarify definitions, establish procedures, and enact regulations to implement and carry out the provisions of this ordinance. (Ord. No. 1776, Sec. 8.)

6.16.09 Penalties Any person violating or permitting the violation of any provision of this ordinance shall, upon conviction in a court of competent jurisdiction be fined a sum not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00) In addition to the fine imposed, the defendant shall pay restitution to the Department of Humane Animal Services for all expenses, including but not limited to: shelter, food, handling, veterinary fees and testimony necessitated by the enforcement of this ordinance. Each animal kept in violation of this ordinance and each day that violation of this ordinance continues shall be deemed a separate offense. Upon conviction for violations of this ordinance, the dog must be removed from the city within twenty-four (24) hours or relinquished to the Department of Humane Animal Service.

In addition to the foregoing penalties, the court may order any one or all of the following additional penalties:

- A. The defendant sentenced to imprisonment in the county jail for a period not to exceed thirty (30) days.

- B. The revocation of a Prohibited Breed or Show/Breeders Permit.
- C. The relinquishment of the animal to the custody of Animal Services.
- D. The euthanasia of a vicious animal.

Should the defendant refuse to remove a dog from the city, the court judge shall find the defendant in contempt and order the immediate confiscation, impoundment, and relinquishment of the animal. (Ord. No. 1776, Sec. 8.)