

TITLE 6

ANIMALS AND FOWL

Chapters:

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CHAPTER 6.04

ANIMALS IN GENERAL

Sections:

- 6.04.01 Interference with enforcement
- 6.04.02 Cruelty to animals
- 6.04.03 Releasing animals in public places
- 6.04.04 Keeping of innately wild animals
- 6.04.05 Veterinarians to report cases of rabies
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- 6.04.07 Number of dogs and cats
- 6.04.08 Public nuisance animal

6.04.01 Interference with enforcement It shall be unlawful for any person to:

- A. Interfere in any manner with the director of the animal shelter or any animal control worker while they have in their custody any animal;
- B. Remove from the animal shelter any animal which is in the custody of the animal shelter unless the director or other person in charge of the animal shelter has authorized the release of such animal; or

- C. Knowingly obstruct, impair or hinder, directly or indirectly, the lawful performance of enforcement and animal control functions of the director or other appointed Animal Control Officer. (Ord. No. 0-2007-01, Art. 1.)

6.04.02 Cruelty to animals

- A. It shall be unlawful for any person to:

1. Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal.
2. Fail to provide any animal with proper food, drink, protection from the weather or veterinary care.
3. Abandon any animal.
4. Intentionally poison any animal.
5. Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control.
6. Allow an animal to be kept in unsanitary conditions.
7. Keep or confine an animal in any other capacity than a humane manner.
8. Any owner of a dog, when confining such dog on a chain, shall confine such dog by a chain of at least ten (10) feet, and the chain shall be affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large.
9. Molest any animal in any manner annoying, harassing or sexual.

- B. Animal Control Officers have the authority to remove any animal subject to cruelty and impound such animal. The animal shall be impounded and not released unless:

1. The owner of the animal, who shall not be charged, claims the animal from the shelter; or
2. The owner of the animal, who was charged and is found not guilty, claims the animal from the shelter. If any owner of such impounded animal pleads guilty, nolo contendere, or is found guilty of cruelty to animals, the animal shall become the property of the Ward Animal Shelter and be available to the public for adoption.

- C. A person convicted of cruelty to animals shall be punished by a fine of no more than One Thousand Dollars (\$1,000.00) and no more than one (1) year in jail. (Ord. No. 2007-1, Art. I.)

STATE LAW REFERENCE: A.C.A. 14-54-103(7); 5-62-122.

6.04.03 Releasing animals in public places

- A. It shall be unlawful for any person to knowingly release any animal in any public place within the city.
- B. As used in this section, the term “animal” shall mean any animal other than a human being; the term “public place” shall include all properties owned by the city. (Ord. No. 0-2007-01, Art. I.)

6.04.04 Keeping of innately wild animals

- A. Definition As used in this article, the term innately wild animal shall mean any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or other characteristics, is dangerous to human beings. Such animals shall include, but not to be limited to, lions, tigers, leopard, panthers, bears, wolves, cougars, coyotes, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys, foxes, elephants, rhinoceroses, alligators, crocodiles, caymans, fowl larger than a macaw, all form of venomous reptiles and any snake that will grow to a length greater than eight (8) feet. The terms shall also include any animal listed as an “endangered species” under the federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act.

The term innately wild animal shall not include gerbils, hamsters, guinea pigs, mice or domesticated rabbits.

- B. Violations and penalties It is hereby declared to be unlawful for a person to own, possess, keep, or harbor any innately wild animal within the city. Any person convicted of violating this section shall be fined not more than Five Hundred Dollars (\$500.00). If the violation in its nature is continuous in respect to time, the fine shall not exceed more than Two Hundred Fifty Dollars (\$250.00) per day.

Additionally, the convicting court shall either

1. Order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition, or
2. Order the humane destruction of the animal.

C. Affirmative defenses No person shall be convicted of violating this section if such person can establish a defense listed in this subsection by a preponderance of the evidence.

1. Zoos, circuses, etc. This section shall not apply to any zoo, circus or sanctuary complying with the applicable laws and regulations and keeping such innately wild animals for the education and entertainment of the public.

2. Domestic dogs and cats This section shall not apply to domestic dogs and cats that have been duly licensed and properly treated with a vaccine which the compendium of animal rabies prevention has established is capable of effectively preventing the spread of rabies in the applicable species.

D. Liability Any person who homes, keeps, harbors, or possesses an innately wild animal that attacks a person causing harm to a person or property or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It is an affirmative defense to this subsection that the animal was provoked.

Any person convicted of violating this subsection shall be fined not more than Five Hundred Dollars (\$500.00). Additionally, the convicting court shall either

1. Order the animal to be surrendered to competent authority for release in an appropriate habitat or for other lawful disposition, or
2. Order the humane destruction of the animal.
(Ord. No. 0-2007-01, Art. I.)

6.04.05 Veterinarians to report cases of rabies Every veterinarian shall report promptly to the Health Officer all cases of rabies in all animals treated by him from the city of Ward, giving the name and address of the owner and owners' addresses of any animal bitten, as far as is known. (Ord. No. 0-2007-01, Art I.)

6.04.06 Vaccination

A. All dogs and cats within the city of Ward shall be vaccinated at least once a year against rabies, unless indicated otherwise by a veterinarian (example: 3 year shot), and it is made the duty of all owners of dogs or cats, or persons having the possession or control of dogs or cats within this city to have the animals vaccinated with vaccine against rabies.

- B. Any owner of any dog or cat or any person having the care and control of any dog or cat who fails to have the dog or cat vaccinated according to the terms of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined Ten Dollars (\$10.00) for the first offense, Twenty-Five Dollars (\$25.00) for the second offense and will have to appear in court for a third offense. (Ord. No. 0-2007-01, Art. I)

6.04.07 Number of dogs and cats

- A. For the purpose of this section, an animal shall be defined as a dog or a cat.
- B. It shall be unlawful for any person to own, keep or harbor more than five (5) animals which are over twelve (12) weeks old within the city limits, and the burden of proof shall be the owners to show the age of such animals.
- C. This section shall not apply to animal hospitals or veterinarians when such animals are kept for normal business purposes.
- D. Any person wishing to own, keep, or harbor more than five (5) animals shall make application for a permit for each additional animal up to ten (10) animals. Each permit will cost Ten Dollars (\$10) (Example: 5 animals x \$10 = \$50) and will be renewed on a yearly basis.
- E. Any person wishing to operate an animal rescue inside the city limits may do so by making application to the city for a permit. The owner of said rescue must provide proof of being a non-profit organization with the application process and will be subject to an inspection of the facilities by the city Animal Control Officer. The number of animals shall be limited to ten (10) with a permit cost of Twenty-Five Dollars (\$25.00). (Ord. No. 0-2007-01, Art. I.)

6.04.08 Public nuisance animal It shall be unlawful for any person to own or harbor a public nuisance animal. A public nuisance animal means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term public nuisance animal shall include but not be limited to:

- A. Any animal that is repeatedly found running at large;
- B. Any dog or cat in any section of a public park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint;
- C. Any animal that damages, soils, defiles or defecates on any property other than of its owner;

- D. Any animal that causes fouling of the air by noxious or offensive odors from unsanitary conditions and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- E. Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- F. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- G. Any animal that chases motor vehicles in a public right-of-way;
- H. Any animal that attacks domestic animals;
- I. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities. (Ord. No. 0-2007-01, Art. I.)

CHAPTER 6.08

DOGS

Sections:

6.08.01	Definitions
6.08.02	Number limited
6.08.03	Running at large
6.08.04	Citations
6.08.05	Barking and howling
6.08.06	Dog pens
6.08.07	Condition of premises
6.08.08	Violations and penalties
6.08.09	Vicious dogs
6.08.10	Liability

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

At large means a dog which is not confined to the premises of the owner or within a house or other building, or enclosed or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting the dog to the premises, or not confined by leash or confined within an automobile when away from the premises of the owner.

Dog means animals of all ages, both female and male, which are members of the canine or dog family.

Owner means every person owning, keeping or harboring a dog within the city. (Ord. No. 0-2007-01, Art. II.)

6.08.02 Number limited Refer to 6.04.07.

6.08.03 Running at large No person owning, possessing or keeping a dog shall allow such dog to run at large within the city (A.C.A. 14-54-1102.) (Ord. No. 0-2007-01, Art. II.)

6.08.04 Citations The Police Department, the Health Department and Animal Control workers are hereby authorized to issue citations for violations of this article. (Ord. No. 0-2007-01, Art. II.)

6.08.05 Barking and howling It shall be unlawful for any person to keep on his premises or under his control any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept. (Ord. No. 0-2007-01, Art. II.)

6.08.06 Dog pens Outdoor dog pens shall be located seventy-five (75) feet from any dwelling other than the person owning or controlling the dog. There shall be at least 150 square feet in such pen for each dog kept therein which is over four (4) months of age. (Ord. No. 0-2007-01, Art. II.)

6.08.07 Condition of premises It shall be unlawful for any person keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of such premises. A diligent and systematic effort must be made to eliminate or fill any holes on the premises to avoid said holes from holding water, urine or feces. It shall be unlawful to allow premises where dogs are kept to become unclean by failing to diligently and systematically remove all waste from the premises every seventy-two (72) hours. (Ord. No. 0-2007-01, Art. II.)

6.08.08 Violation and penalties Any owner of a dog or any person having the care or control of any dog who fails to abide by 6.08.01 – 6.08.07 shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Twenty-Five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense and upon a third offense there will be a mandated judge appearance and a fine of no less than Five Hundred Dollars (\$500.00). (Ord. No. 0-2007-01, Art. II.)

6.08.09 Vicious dogs

- A. Definitions For the purposes of this section, the term vicious dog shall mean any member of the canine (dog) family that:
1. Has exhibited fierce or vicious behavior towards a person;
 2. Has attacked a person or another animal with such severity as to cause physical injury or property damage; or
 3. Is the offspring of a domestic dog and an innately wild animal. The behavior of the dog should not be considered vicious if the dog was provoked or teased. When rendering a determination pursuant to this section, any canine that reasonable resembles an innately wild animal shall be presumed to be the offspring of a domestic dog and an innately wild animal; however, this presumption may be defeated by a preponderance of evidence to the contrary. When used in this section, the term “offspring” includes animals that are separated by less than three (3) reproductive generations from an innately wild animal.
- B. Initial determination An Animal Control Officer shall deem a canine to be a vicious dog if the Animal Control Officer determines that the canine satisfies the definition of vicious dog as described in subsection (A). Upon deeming the canine to be a vicious dog, the Animal Control Officer shall notify the owner by hand delivery or by mailing a notice by certified mail to the owner. The officer shall also apprehend the canine and shall not release it until the requirements of subsection (D) have been met or until so ordered by a court of competent jurisdiction.
- C. Appeal of determination Any person who has received notice that his or her canine has been deemed a vicious dog may appeal such decision to the Mayor, or his/her designee (“Mayor”). The appeal must be made within ten (10) days of the day the notice was made in accordance with subsection (B). Upon receiving the appeal, the Mayor shall schedule and hold a hearing within ten (10) days to determine whether the initial determination was rendered in error.

The decision reached at the hearing shall be considered the final decision of the city as to whether the canine 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 canine is a vicious dog. An appeal from the decision of the Mayor may be made to a court of competent jurisdiction.

- D. Release A canine that has been apprehended pursuant to subsection (A) shall only be released by the animal shelter if all of the following conditions have been met:
1. The owner has signed a written agreement that unless and until the canine is determined to no longer be a vicious dog by the Mayor or a court of competent jurisdiction, the canine shall be controlled in a manner consistent with this section when it is within the municipal limits of Ward.
 2. No vicious dog in the possession of the Animal Control Department shall be released to any person other than the owner.
 3. After the canine has been deemed vicious by Animal Control and exhaustion of appeals, the owner of said vicious canine will be mandated to have insurance of warranty bond on said canine in an amount no less than One Hundred Thousand Dollars (\$100,000.00) if they wish to maintain the animal and abide by 6.08.09 (F).
- E. Failure to retrieve The Animal Control Department may humanely destroy any vicious dog that is not retrieved by the owner within ten (10) days of the day the owner is notified that a final decision has been reached deeming the canine a vicious dog or within ten (10) days of the day the owner is notified that the vicious dog has been impounded whichever is later. A canine that is found not to 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 Department that generally apply to all impounded dogs.
- F. Control of vicious dogs Vicious dogs shall be kept secure at all times. Any person who owns, possesses, keeps or harbors a vicious dog within the municipal limits of Ward shall:
1. Keep the vicious dog confined within a dwelling unit or a commercial building;
 2. Keep the vicious dog on a leash under the control of a responsible handler, and said animal must be muzzled;
 3. Keep the vicious dog in a secured enclosure with a covered or secured top and a secure bottom when outdoors and unattended;
 4. Post signs for vicious animal at twenty (20) feet of property. It is hereby declared that violations of this section are unlawful and that such violations are declared to be strict liability offenses. Any person who violates that subsection shall be subject to the penalties described in subsection (B).

- G. Transfer of care or ownership No person who owns, possesses, keeps or harbors a vicious dog shall knowingly allow another person to own, possess, keep or harbor that same vicious dog without first disclosing that it has been deemed vicious, as well as the requirements associated with vicious dogs. A person who transfers ownership of a vicious dog to another person shall notify the Animal Control Department no later than ten (10) days after the transfer is made. It is hereby declared that violations of this section are unlawful. Any person who violates this subsection shall be subject to the penalties described in subsection (B).
- H. Violations and penalties Any person convicted of violating the provisions of this section shall be guilty of a violation and shall be fined not more than One Thousand Dollars (\$1,000.00). If the violation in its nature is continuous in respect to time, the fine shall not exceed Two Hundred Fifty Dollars (\$250.00) per day. Additionally, the convicting court may, in court's discretion, order the vicious dog that is subject to the offense to be destroyed. (Ord. No. 2007-1, Art. II.)

6.08.10 Liability Any person who owns, keeps harbors or possesses a dog that attacks a person causing harm to property or body or exhibits vicious or ferocious behavior towards a person shall be guilty of a violation. It shall be an affirmative defense to this offense that the dog was provoked or teased. Any person convicted of violating the provisions of this section shall be guilty of a violation and shall be fined not more than One Thousand Dollars (\$1,000.00). If the violation in its nature continues in respect to time, the fine shall not exceed Two Hundred Fifty Dollars (\$250.00) per day. Additionally, the convicting court may, in the court's discretion, order the vicious dog that is subject to the offense to be destroyed. (Ord. No. 0-2007-01, Art. II.)

CHAPTER 6.12

IMPOUNDMENT

Sections:

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|---------|---------------------------------|
| 6.12.01 | Impoundment and destruction |
| 6.12.02 | Receipts |
| 6.12.03 | Reclaiming impounded animals |
| 6.12.04 | Acceptance of unwanted dogs |
| 6.12.05 | Fee schedule for animal shelter |

6.12.01 Impoundment and destruction The Animal Control worker shall take in custody any animal found at large in the city and shall impound the animal in the city animal shelter or such other place as such Animal Control worker may designate for the purpose of impoundment.

Such impounded animal shall be held for a period of five (5) working days, at the end of which time the animal may be destroyed unless custody of the animal is released prior thereto as provided in this division. Provided, however, that any such animal may be destroyed prior to the expiration of such five (5) working day waiting period when such animal has been seriously injured or is seriously ill and in the opinion of a qualified veterinarian such destruction would eliminate needless suffering on the part of the animal and would constitute the humane solution to such animal's suffering. (Ord. No. 0-2007-01, Art. II.)

6.12.02 Receipts

- A. The director of the city's animal shelter shall have duplicate receipts prepared and shall ensure that the Animal Control workers furnish a receipt to the owners of all animal picked up or impounded by the city's animal shelter.

- B. The receipts to be furnished to the owners of impounded animal shall contain the following information:
 - 1. The name, address and telephone number of the animal owner.
 - 2. The place and/or address where the animal was picked up.
 - 3. The date and time the animal was taken into custody.
 - 4. The type or breed of the animal.
 - 5. The sex of the animal.
 - 6. The license number of the animal.
 - 7. The color and a complete description of the animal.
 - 8. The nature of the violation for which the animal was picked up and impounded.
 - 9. The name and signature of the Animal Control worker issuing the citation as well as the receipt.
 - 10. The place where the animal can be recovered by its lawful or rightful owner.
 - 11. The amount of the penalty and/or charges the owner must pay to recover the animal.
 - 12. The date when the animal will be eligible for release from the animal shelter.
 - 13. The date the animal will be disposed of provided the owner thereof does not call and recover such animal by paying all charges.

- C. The receipts for the impounded animal shall be numbered and prepared in duplicate; the original shall be furnished to the owner of the animal, and the copy shall be maintained at the animal shelter for a period of not less than ninety (90) days, after which time the duplicate receipts may be destroyed at the discretion of the director.

- D. If the owner of the impounded animal is not at home or cannot be located at the time such animal is impounded, the Animal Control worker shall post the original copy of the receipt in a conspicuous place upon the animal owner's premises; and, in this event, the worker shall notify such owner by letter stating that the animal has been impounded at the city's animal shelter.
- E. Should the Animal Control worker be unable to determine the identity or locate the address of the impounded animal, the execution of a receipt shall not be required. (Ord. No. 0-2007-01, Art. II.)

6.12.03 Reclaiming impounded animals

- A. Any person owning, possessing or keeping an animal which has been impounded may claim and retrieve such animal from the city animal shelter by payment of the required fee. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the animal from the animal control worker under the article.
- B. Any person claiming an unvaccinated and/or unlicensed animal shall cause said animal to be vaccinated and/or licensed by the Animal Control Officer prior to, and as a condition of, release-unless the owner wishes to have their animal vaccinated by a veterinarian of their choice with return proof within five (5) working days for the license of said animal. Failure to comply within the timeframe will result in issuance of a citation to the owner with a fine no less than Fifty Dollars (\$50.00) plus cost.
- C. If the owner of an impounded animal fails or refuses to reclaim such dog within five (5) days after impoundment, the city shelter is hereby authorized to release such to a person other than the owner upon payment of the required fees (A.C.A. 20-19-103). (Ord. No. 0-2007-01, Art. II.)

6.12.04 Acceptance of unwanted dogs

- A. The Animal Control workers shall accept unwanted dogs from city residents upon the payment by such resident of the required fee therefore, provided room at the shelter for the animal is available.
- B. All dogs accepted by the city animal shelter as provided in this section shall become the property of the city. (Ord. No. 0-2007-01, Art. II.)

6.12.05 Fee schedule for animal shelter The following fee schedule shall be implemented by the city animal shelter:

- A. Reclaiming fees:
 - 1. \$10.00 for all animals, plus \$5.00 per day board.
 - 2. Reclaiming fee shall be \$20.00 for each recurring offense, plus \$5.00 per day board.
- B. Adoption fees: No adoption fees shall exist.
- C. Relinquishment fees:
 - 1. If an animal is over three (3) months old, a \$30.00 relinquishment fee is required for the first animal and \$20.00 for each additional animal over three (3) months of age.
 - 2. \$25.00 per litter if less than three (3) months old.
(Ord. No. 0-2007-01, Art. II.)

CHAPTER 6.16

LICENSE AND VACCINATION

Sections:

- 6.16.01 Dog or cat license required
- 6.16.02 Issuance of license

6.16.01 Dog or cat license required

- A. Any person who owns, keeps, or harbors a dog or cat in the city that is at least sixteen (16) weeks old shall obtain a city dog or cat license on an annual basis. Any city dog or cat license issued by a city official or an authorized veterinarian shall be valid for one (1) year from the date of issuance. No dog or cat license shall be issued for a dog or cat unless the animal has been vaccinated against rabies by a licensed veterinarian within the past sixty (60) days. If a dog or cat is found without the required license the owner shall be charged with the offense of failure to license a dog or cat.
- B. The cost of a city dog or cat license shall be Five Dollars (\$5.00) for sterilized dogs or cats and Ten Dollars (\$10.00) for unsterilized dogs or cats. However, the

cost of a city dog or cat license for an unsterilized dog or cat, which based upon a written opinion of a duly licensed veterinarian, is not capable of being sterilized due to a serious medical risk or a serious medical condition, shall be Five Dollars (\$5.00). In the prosecution for failure to license a dog or cat, it shall be presumed that an unsterilized dog or cat does not have an above mentioned serious medical risk or condition.

- C. Any person require to obtain a dog or cat license pursuant to subsections (A) and (B) above has the option, in lieu of said annual license, to obtain a lifetime dog or cat license if their dog or cat is sterilized. To be eligible for a lifetime license, the owner must purchase and implant an approved microchip from a qualified veterinarian or an animal control employee of the city.

If the owner of the dog or cat has the microchip already implanted and provides proof, the owner of the dog or cat can obtain a lifetime license for a Twenty-Dollar (\$20.00) fee. If the owner of the dog or cat wished for an animal control employee of the city to implant the microchip into the dog or cat a lifetime license can be obtained for a Forty Dollar (\$40.00) fee. Any person obtaining a lifetime animal license pursuant to this section shall still be required to have his or her pet vaccinated pursuant to 6.04.06 of Article I.

- D. A person convicted of failure to license a dog or cat shall be punished as provided for in subsection (A) of 6.16.01 of this article, and the dog or cat that was not properly licensed may become the property of the Ward Animal Shelter and be made available for adoption to the public by order of the convicting court (A.C.A. 14-54-1103). (Ord. No. 0-2007-01, Art. II.)

6.16.02 Issuance of license The Ward Animal Control or Code Enforcement Officer is hereby authorized to issue a city dog or cat license to the owners of dogs or cats provided that the owner can provide proof that the dog or cat has been rabies vaccinated within the past sixty (60) days. Such licenses shall be furnished by the city and any of the above mentioned authorized issuers shall maintain a proper record and accounting of the amount of each license issued and the date that each license was issued. (Ord. No. 0-2007-01, Art. II.)

CHAPTER 6.20

LIVESTOCK AND FOWL

Sections:

- 6.20.01 Certain stables declared nuisance
6.20.02 Keeping of horses and cows

- 6.20.03 Keeping of hogs, goats or sheep
- 6.20.04 Horses and cattle running at large
- 6.20.05 Fowl running at large

6.20.01 Certain stables declared nuisance All stables within the limits of this city used for the housing of horses, mules, cattle or livestock for sale which violate any of the provisions of this chapter are hereby declared to be public nuisances and menaces to the public health. (Ord. No. 0-2007-01, Art. III.)

6.20.02 Keeping of horses and cows No person shall keep any horse or cow except in an enclosed pasture containing one (1) acre for each animal. (Ord. No. 0-2007-01, Art. III.)

6.20.03 Keeping of hogs, goats or sheep

- A. It is hereby declared to be unlawful for any person to possess maintain or keep any hogs, goats, or sheep within the limits of the city or to permit any hogs, goats or sheep to run at large within the limits of the city, except that hogs, goats and sheep in transit may be kept for a period not to exceed twenty-four (24) hours in a duly established stockyard.
- B. The enforcement of the provisions contained in this section shall be the responsibility of the Police Department, the city Animal Control Officer or the City Code Enforcement Officers. (Ord. No. 0-2007-01, At. III.)

6.20.04 Horses and cattle running at large

- A. No person owning, possessing or keeping horses or cattle shall allow any such animal to run at large within the city limits.
- B. Any person found to be in violation of this section shall be punished as required in 6.08.08 of this ordinance. (Ord. No. 0-2007-01, Art. III.)

6.20.05 Fowl running at large It shall be unlawful for any person to permit chickens, guineas, ducks, geese or other fowl to run at large in a residential neighborhood. (Ord. No. 0-2007-01, Art. IV.)

CHAPTER 6.24

ANIMAL ESTABLISHMENTS

Sections:

6.24.01	Definitions
6.24.02	Permit
6.24.03	Application procedure
6.24.04	Revocation
6.24.05	Compliance
6.24.06	Standards for pet shops

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

Animal establishment means any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaging in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals. (Ord. No. 0-2007-01, Art. V.)

6.24.02 Permit

- A. No person shall operate an animal establishment without first obtaining a permit from the Animal Control Authority in compliance with this article, nor may any person operate an animal establishment in a manner in violation in any provision of this chapter.
- B. The permit period for a permit under this article shall begin with the first day of the calendar year and shall run for one year. Renewal applications for permits shall be made thirty (30) days prior to and up to sixty (60) days after January 1 or each year. Application for a new establishment under the provisions of this article shall be made within sixty (60) days of the start of business or operation.
- C. Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit (e.g., two pet shops at different locations but owned by the same person shall be considered as two animal establishments). (Ord. No. 0-2007-01, Art. V.)

6.24.03 Application procedure

- A. Each animal establishment shall annually file an application for the permit with the Animal Control Authority within the time periods provided in 6.24.02 (B).

- B. The application for permit under this article shall be made on a form provided by the Animal Control Authority and available from the authority or the City Clerk's office.
- C. Upon receipt of a completed application for a permit under this article, the Animal Control Authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of this chapter. The Animal Control Authority shall be permitted to make such inspection at any reasonable time during normal business hours.
- D. The Animal Control Authority shall either issue a permit to the applicant for an animal establishment or, if a permit is not granted, the Animal Control Authority shall notify the applicant in writing of the specific reasons for denial.
- E. An animal establishment denied a permit may not reapply for a period of at least thirty (30) days. Each reapplication shall describe any previous denial or revocation.
- F. If an applicant for a permit under this article is shown to have withheld or falsified any material information on the application, the Animal Control Authority may refuse to issue or may revoke a permit. (Ord. No 0-2007-01, Art. V.)

6.24.04 Revocation

- A. The Animal Control Authority may revoke an animal establishment permit if the person holding the permit refuses or fails to comply with this chapter, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this article.
- B. Whenever a permit under this article is revoked for cause, or pending any proceedings to contest such action, the Animal Control Authority shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed to for removal of animals from such premises and shall state the specific reasons for revocation. If any such owner shall fail to remove such animals as directed, the Animal Control Authority may impound such animals. (Ord. No. 0-2007-01, Art. V.)

6.24.05 Compliance

- A. An animal establishment shall not sell, trade or give away any dog or cat over six (6) months of age unless the dog or cat has been licensed and/or vaccinated as required by this chapter.

- B. The Animal Control Authority shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this article and the Animal Control Code. (Ord. No. 0-2007-01, Art. V.)

6.24.06 Standards for pet shops All pet shops, including pet shops operated in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, 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. Standards for pet shops are as follows:

- A. Water; containers 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 cleaned and disinfected each day.
- B. Room temperature The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- C. Cages and enclosures All cages and enclosures are to be of a nonporous 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 its full length. (Ord. No. 0-2007-01, Art. V.)