

**TITLE IX GENERAL REGULATIONS
CHAPTER 92: ANIMALS**

ARTICLE I GENERAL PROVISIONS

92.01 DEFINITIONS..... 3

92.02 ANIMAL CARE 4

92.03 SHOOTING, KILLING OR MOLESTING WILD ANIMALS PROHIBITED 4

92.04 SALE OF DISEASED ANIMALS; KENNEL AND PET SHOP REGULATION 5

92.05 NOISY ANIMALS RESTRICTED..... 5

92.06 ANIMAL WASTE, OFFENSIVE ODORS PROHIBITED 5

92.07-92.19 REPEALED..... 5

92.20 ANNUAL LICENSE AND TAG 5

92.21 RABIES VACCINATION REQUIRED..... 6

92.22 RUNNING AT LARGE PROHIBITED..... 6

92.23 IMPOUNDMENT 6

92.24 REDEMPTION OF ANIMALS 7

92.25 CONFINEMENT WHEN PERSON BITTEN..... 7

92.26 VICIOUS ANIMALS RESTRICTED 7

92.27 ABUSE OF POLICE DOGS PROHIBITED 8

92.28 KEEPING OF WILD ANIMALS..... 8

92.29 TRANSPORTATION OF ANIMALS 8

92.30 PROHIBITION OF SALE OF ANIMALS FROM CERTAIN LOCATIONS 9

92.31 DANGEROUS ANIMALS RESTRICTED 9

92.32 ANIMALS AT SPECIAL EVENTS PROHIBITED..... 9

92.33 ANNUAL HOBBYIST PERMIT 9

92.34-92.39 RESERVED 10

ARTICLE II ENFORCEMENT

92.40 ANIMAL CONTROL OFFICER..... 10
92.41 INTERFERENCE WITH ANIMAL CONTROL OFFICER PROHIBITED 10
92.42-92.98 RESERVED 10
92.99 PENALTY..... 10

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

CHAPTER 92 ANIMALS

ARTICLE I
GENERAL PROVISIONS

92.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandon. Any person who knowingly deserts an animal on public or private property.

Animal. Any living creature, domestic or wild.

Animal shelter. Any facility operated by a humane society, municipal agency or its authorized agent(s) for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large. Not under the physical control of the animal's owner or harboring, or his authorized representative, either by leash, trolley system, or enclosure. An animal intruding upon or damaging the property of another person or upon public property, trespassing on school grounds, harassing passersby or passing vehicles, or interfering with refuse collection, harassing meter readers and not under the physical control referred to herein shall be deemed "running at large." An animal within an automobile or other vehicle shall not be deemed "running at large" if the animal is physically confined to the vehicle. An animal shall not be considered "at large" when on the premises of the owner or harboring thereof and accompanied by the owner or harboring.

Cat. A feline of either sex, including one neutered or sterilized.

City. City of Fayetteville, Arkansas.

Dangerous Animal. Any animal which, when unprovoked, approaches in a manner of attack any person or domestic animal upon the streets, sidewalks, or any other public ground or place.

Dog. A canine of either sex, including one neutered or sterilized.

Enclosure. A fence or pen, or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping. Owners confining dogs or cats by means of an enclosure must provide a minimum space of 100 square feet (10x10) per dog or cat four (4) months of age or older.

Harbor. For a period of three days or more, to keep and care for an animal or provide a premises to which the animal returns.

Hobbyist means a person whose unsterilized dogs or cats are registered with the American Kennel Club, United Kennel Club, Cat Fanciers' Association, The International Cat Association or similar group and who competes or shows their animals at least annually. A 'hobbyist' is also a person who holds a current Arkansas hunting license and uses his or her dogs to hunt at least annually. A 'hobbyist' may not allow his or her animals to produce more than one total litter annually regardless of the number of unsterilized animals owned. A second litter within a hobbyist's property within a twelve month period shall invalidate the hobbyist's permit for twelve months.

Kennel means a structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility used for commercially boarding more than three dogs or cats or combination thereof at any time shall be considered a 'Kennel'.

License. A permit and animal tag issued by the city to indicate that an animal is vaccinated against rabies in accordance with city ordinance and that the owner or harboring has remitted to the city the levied permit fee.

Locked Enclosure. A fence or pen, or structure with all gates or entrances locked with a key or combination device. The structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping.

Noisy Animals. Any domestic animal which barks, whines, or howls in an unwarranted, or continuous, or loud, or frequent fashion.

Pet Shop means a commercial establishment or facility which regularly sells pets such as dogs, cats, birds, rodents, reptiles and/or fish to the general public. Pet Shops are only allowed in C-1, C-2, C-3, Downtown Core, Mainstreet Center, Downtown General and by Conditional Use in R-O Districts

Restrained. Any animal secured by leash and under the control of owner or harboring. At public events of 100 persons or more, leashes shall be a maximum length of 6 feet. The animal must be within 4 feet of the owner or harboring.

Special Event. A specified or designated public occurrence, affair, or event at which more than three

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

hundred (300) persons are reasonably expected by the organizer or sponsor thereof to be in attendance.

Tether. A rope, chain, or cable of appropriate strength that is firmly anchored to the bed of an open bed pickup truck or similar vehicle in at least two places. Tether is to be used to restrain the animal and fastened to the animal by means of a harness or collar and to be the appropriate length as to afford the animal freedom to move about the vehicle, but to restrict the animal to a set radius to prevent it from reaching either side or the rear of the vehicle so that the animal cannot be thrown from, fall from, or jump from the vehicle.

Trolley System. A confinement system utilizing cables and a pulley. Only one dog may be on each trolley system. The cable must be attached to a properly fitting collar and of at least 8 feet in length. The trolley cable must be fixed to two permanent points and no less than 10 feet long and mounted 4 to 7 feet off the ground. There must be a swivel on at least one end of the affixed cable to prevent entanglement and have the ability to slide on the horizontal cable with a stop at each end. No obstructions shall be in the trolley area. The system shall provide adequate room for normal postural adjustments, for exercise and access to water, food, and shelter.

Vicious Animal.

- (1) Any animal which without provocation, bites or attacks a human being or domestic animal on public or private property excluding the dog owner's private property and enclosures: or
- (2) Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting.
- (3) Notwithstanding the above definition, no animal shall be declared vicious if the person attacked or bitten by said animal was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.
- (4) No animal shall be declared vicious if a domestic animal which was bitten or attacked was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

Wild animal. Any nonhuman primate, raccoon, skunk, fox, wolf, coyote, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state, or the offspring borne to wild animals bred with domestic dogs or cats.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.01; Ord. No. 4378, §1, 3-5-02; Ord. 5002, 4-17-07)

92.02 Animal Care

- (A) No owner shall fail to provide his animals with sufficient good and wholesome food and water; shelter which provides protection from the weather including four sides with opening, roof, and floor; veterinary care when needed to prevent suffering; and with humane care and treatment.
- (B) No person shall beat, cruelly ill-treat, torment, tease, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (C) No owner of an animal shall abandon such animal.
- (D) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and report the accident to the appropriate law enforcement agency or to the local animal control authority.
- (E) No person shall expose any known poisonous substance or toxic chemical 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 property, common rat poison mixed only with vegetable substance.
- (F) No dog shall be chained or staked to a fixed point. Dogs shall be kept in an enclosure or by trolley system, so placed that the animal may not intrude on other property, whether public or private, and provide adequate room for normal postural adjustments, exercise, and access to water, food, and shelter. The area where any animal is confined must provide proper and adequate drainage. The owner or harbinger of the animal shall be on the premises when the animal is confined to the trolley system.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.02; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.03 Shooting, Killing Or Molesting Wild Animals Prohibited

It shall be unlawful for any person to shoot, hunt, kill, chase, wound, or molest any wild animal within the corporate limits of the city.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.03; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

**92.04 Sale Of Diseased Animals; Kennel
And Pet Shop Regulation**

- (A) It shall be unlawful for any person, pet shop, or kennel to sell, offer to sell, or expose any diseased or poisonous animal or any animal the sale of which is prohibited by federal law.
- (B) Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste materials shall be allowed to remain thereon for more than 24 hours. The owner or operator of a kennel or pet shop shall properly treat any diseased animal and shall properly isolate those animals having a disease contagious to animal or human life; provided, any animal which is diseased past recovery shall be destroyed. All animals in a kennel or pet shop shall be humanely treated and properly nourished. Animals shall not be confined in one area in such numbers that access to food and water is not readily available.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.04; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.05 Noisy Animals Restricted

It shall be unlawful for any person to keep on his premises or under his control any noisy animal which shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept. An owner or harbinger violating this section may be required to train the animal with a humane "bark collar" or other devices for noise control. The owner or harbinger shall be notified of the opportunity to appeal this requirement within 10 days upon issuance of such requirements to the Animal Services Superintendent.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.05; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

**92.06 Animal Waste, Offensive Odors
Prohibited**

- (A) The owner of an animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, public parks, or private property.
- (B) It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept free from offensive odors to the extent that such odors are disturbing to any person residing within a reasonable proximity of

said premises; and it shall be unlawful to allow the premises where any animal is kept to become unclean and a threat to the public health by failing to diligently and systematically remove all waste material from the premises.

(Ord. No. 3588, §1, 1-21-92; Code 1991, §92.06; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.07-92.19 Repealed

92.20 Annual License And Tag

- (A) Levy and amount of license. There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the city. Said fee shall be paid to the city or to a licensed veterinarian. It shall be the duty of any licensed veterinarian collecting a fee under the provisions of this section to remit such fee to the city by the 10th of the month next following the month in which said fee is collected. The issuing veterinarian shall be permitted to keep twenty percent (20%) of the licensing fee collected as a handling fee.

- (1) For each neutered male or spayed female the levied fee shall be in the amount of \$5.00 annually. The fee for each unspayed female or unneutered male shall be \$75.00, with exceptions for any animal under six months of age, the fee shall be \$5.00 or the unspayed or unneutered animal is licensed under the hobbyist's permit.

- (2) Medical Exemption of Spay and Neuter Surgery .

If an actively licensed and practicing veterinarian believes it would be unwise to subject the animal to the sterilization procedure for medical reasons, a medical exception will be granted. In this case, the veterinarian who makes this determination must provide a signed statement which:

- (a) Describes the medical condition that provides grounds for the medical exemption.
- (b) Includes his or her opinion as to whether the medical condition is temporary or permanent.
- (c) If the condition is temporary, includes a prognosis of the date on which the sterilization can be performed safely.

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

- (3) Should a dog or cat be brought into the city, the person owning or keeping such dog or cat shall have 30 days in which to pay the licensing fee levied hereby. Any person failing to pay said fee within such period shall be required to pay an additional fee of \$5.00.
- (B) Issuance of license receipt and tag. The city official or a licensed veterinarian to whom the fee levied by subsection (A) above is paid shall issue a receipt therefore and shall issue to each person paying said fee a metal tag indicating that said fee has been paid; provided a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies according to state law.
- (C) License period. A license, if not revoked, shall be valid for one year from the date of issue. A new license shall be obtained each year by every owner and a new fee paid. An owner shall have 30 days from the date the license expires to obtain a new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of \$5.00.
- (D) Tag to be attached to animal in a reasonable manner. It shall be the duty of the owner or keeper of every dog or cat within the city to attach the tag provided for in subsection (B) to said dog or cat in a reasonable manner.
- (E) Nothing in this section shall be construed to apply to any dog or cat under the age of three months, or to dogs or cats brought to the city on a temporary basis for show or exhibition.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.20; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.21 Rabies Vaccination Required

- (A) All dogs and cats in the city and other pets which are subject to rabies shall be vaccinated against rabies according to state law by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog in the city, and shall be attached to every cat in the city by a reasonable method. Any person who shall keep any pet which is subject to rabies in the city without first having such pet vaccinated for rabies, at least once a year, shall be guilty of a misdemeanor.
- (B) In case a tag for the animal licensing fee or rabies vaccination required by this chapter is lost or

destroyed, a duplicate shall be issued by the city upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag. No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another. No refunds shall be made on any fee because of the death of the animal or because the owner leaves the city before the expiration of the license period.

(Ord. No. 3557, 7-16-91; Ord. No. 3588, §2, 1-21-92; Code 1991, §92.21; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

State law reference(s)--"Rabies Control Act", A.C.A. §20-19-301 et seq; Vaccination dogs & cats required, A.C.A. §20-19-305.

92.22 Running At Large Prohibited

- (A) It shall be unlawful for the owner or person in charge of any horse, mule, colt, sheep, cow, calf, bull, jack, jenny, goat, hog, or swine of any kind to permit or suffer the same to run at large within the corporate limits of the city at any time.
- (B) It shall be unlawful for any person owning or having control of any chickens, turkeys, or other fowl to permit the same to run at large within the city.
- (C) It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to run at large within the corporate limits of the city at any time.
- (D) It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to be without proper restraint at a public event.
- (E) The term "permit" shall include the failure of the owner or person having charge of said animal to physically restrain the animal. The animal control officer shall be authorized to enter onto private property for the purpose of impounding an animal found running at large.
- (F) Every female dog or cat in heat or estrous shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.22; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.23 Impoundment

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

- (A) The Fayetteville Animal Shelter is authorized to accept from the animal control officer or any private citizen, and to impound, any dog or cat found running at large in violation of this subchapter. The animal control officer shall not be required to respond to requests to pick up unconfined cats until the person making the request has confined or restrained the animal so that it can readily be taken into custody by the animal control officer. The animal control officer may use humane animal traps or tranquilizers to assist in confining the cat.
- (B) Whenever any animal in the animal shelter bears a city tag, it shall be the duty of the animal control officer to notify the owner or the person to whom the tag was issued, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or placed for adoption within 10 days unless the fee hereinafter prescribed is paid. If the owner or person to whom the tag was issued cannot be found, the animal control officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or placed for adoption within 10 days if the fee hereinafter prescribed is not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.23; Ord. 5002, 4-17-07)

92.24 Redemption Of Animals

- (A) After the expiration of 10 days impoundment in the case of a licensed animal, or the expiration of five days' impoundment in the case of an unlicensed animal, said animal shall become the property of the city, and the city shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.
- (B) An owner reclaiming an impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be \$10.00 for the first impoundment if the animal has a rabies vaccination and is currently licensed in the city with current city license and rabies tags attached; \$25.00 for the first impoundment if the animal is not currently vaccinated and licensed in accordance with this chapter; animal shall be microchipped at time of

redemption at the owner's expense. \$50.00 for the second impoundment for the same animal within a 12 month period; at the time of the 1st or 2nd redemption the owner of an intact animal shall be offered spay or neuter services at a reduced cost. If sterilization is performed, the city licensing fee will be reduced to \$5 at the first impound. \$100.00 fee for the third impoundment for the same animal within a 12 month period, and at such time an intact animal shall be considered a public nuisance and shall be spayed/neutered at the time of redemption at the owner's expense; and \$200.00 for the fourth and subsequent impoundments of the same animal within a 12 month period. In addition to the impoundment fees, a boarding fee of \$10.00 per day per animal shall be charged for each day such animal is impounded in the animal shelter, together with the licensing fee for such animal, if the same has not been paid, plus the cost of having an unvaccinated animal vaccinated for rabies.

- (C) The owner of an impounded animal who refuses to reclaim his animal may be proceeded against for abandonment under the provisions of §92.02.
- (D) No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. A voucher will be issued to the adopter and said voucher may be used at the time the animal is sterilized. An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.24; Ord. 5002, 4-17-07)

92.25 Confinement When Person Bitten

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

(Ord. 5002, 4-17-07)

92.26 Vicious Animals Restricted

- (A) Once a citation has been issued by an Animal Services Officer or a complaint has been filed in the district court against the owner or harbinger of an animal for violation of this section, the animal shall be relinquished by the owner or harbinger to the animal services officer and kept at the animal shelter, the animal shall not be released except on order of the court, which order may also direct the owner or harbinger to pay a fine, all impoundment fees, and/or obtain liability insurance in amount to be determined. Upon a finding that such animal is a

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

vicious animal, the court may order the animal to be euthanized in a humane manner. Surrender of an animal by the owner or harbinger thereof to the animal control officer shall not render the owner or harbinger immune from the fines and fees prescribed by this chapter.

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

(G) Failure to comply with all restrictions of this subchapter will result in forfeiture of ownership. The vicious animal will be impounded by the Animal Services Division and euthanized in a humane manner at owner's expense.

(H) The provisions of this section shall not apply to animals owned by a law enforcement agency and used for law enforcement purposes.

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

Cross reference(s)--Penalty, §92.99.

92.27 Abuse Of Police Dogs Prohibited

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

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

Cross reference(s)--Penalty, §92.99.

92.28 Keeping Of Wild Animals

(A) No person shall keep or permit to be kept any wild animal as a pet within the corporate limits of the city.

(B) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

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

Cross reference(s)--Penalty, §92.99.

92.29 Transportation Of Animals

No person shall transport or carry any animal by motorized means unless the animal is safely enclosed within the vehicle or trailer, or enclosed in a portable kennel, crate, or dog box designed for this purpose, which is then fastened by a secure and appropriate means to the bed or the chassis of the vehicle. Dogs may be transported in open beds of pickup trucks provided they are secured in the vehicle by means of a humane cross tether and/or harness, or if the sides and back of the pickup truck's bed are at least five feet high. In all cases where animals are transported by motorized vehicles, it must be in a safe and humane manner that will prevent the animal from falling from, being thrown

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

from, or jumping from the motorized vehicle or trailer being pulled by such.

(Ord. No. 4378, §2, 3-5-02; Ord. 5002, 4-17-07)

92.30 Prohibition Of Sale Of Animals From Certain Locations

Except for established animal business enterprises with permanent structures, and the Fayetteville Animal Shelter, the sale, distribution and giving away of animals from public property and from commercially and industrially zoned land is prohibited.

(Ord. 4513, 09-16-03; Ord. 5002, 4-17-07)

92.31 Dangerous Animals Restricted

- (A) Once a complaint has been filed with the Animal Services division against the owner or harborer of an animal and based on the behavioral observation of the animal by an Animal Services Officer, may result in finding the animal dangerous as defined in 92.01 Dangerous Animals. The animal shall be kept and confined in accordance with this section.
- (B) All dangerous animals shall be confined in a locked enclosure. It shall be unlawful for any person to permit a dangerous animal out of a locked enclosure unless said animal is securely leashed with a leash no longer than 4 feet in length. Said person shall have physical control of the leash and of 18 years of age or older. When not on the property of the owner, the animal shall be muzzled. After finding said animal dangerous, the owner of said animal shall immediately notify animal services if the animal is loose, unconfined, bites or attacks a person, has been moved to a different address or dies; whereupon the owner must provide proof of death. The dangerous animal shall not be sold or given away.
- (C) All dangerous animals, when kept inside a dwelling shall not be allowed access to screened only windows or doors. A secure obstacle shall be in place to prevent animal from exiting the structure.
- (D) The owner shall display signs stating "Beware of Dangerous Animal" along with a symbol for same easily seen by children. The signs displayed shall be easily seen from the public roadway.
- (E) All dangerous animals shall be sterilized and micro-chipped at the owner's expense at the time the animal has been determined to be dangerous.
- (F) The owner shall be notified of the ability to appeal within 10 days upon issuance of such requirements to the Animal Services Superintendent.

- (G) Any owner or harborer violating the requirements of this section shall be issued a citation to court for violation of this section.

(Ord. 5002, 4-17-07)

92.32 Animals at Special Events Prohibited

- (A) The Chief of Police may prohibit the bringing of animals to Special Events as defined herein, if in his or her judgment, their presence would constitute an unreasonable hazard to public safety or health.
- (B) Service animals, recognized performing animals and police dogs shall be exempt from the provisions of this section.

(Ord. 5002, 4-17-07; Ord 5045, 8-07-07)

92.33 Annual Hobbyist Permit

- (A) Levy and amount of permit. There is hereby levied and there shall be collected an annual permit fee in the amount hereinafter provided on each dog or cat owned or kept within the city for the purposes of breeding, competing, or hunting. Said permit fee shall be paid to the city animal services division along with a \$25 non-refundable application fee. For each unneutered male or unsprayed female over six months of age the levied fee shall be in the amount of \$25.00 annually.
- (B) Issuance of permit and tag. The city animal services division to whom the fee levied by subsection (A) above is paid shall issue a permit after the following requirements have been documented and a successful inspection of the hobbyist's premises is complete.
 - (1) Hobbyist permit application is filed with the animal services division stating hobbyist's intent with said dog or cat.
 - (2) Documentation for breeding purposes testifying that said animal is registered with the AKC, UKC, CFA, or TICA as a purebred. The hobbyist holds membership within the past 12 months in a national, regional or local kennel club; provides a signed copy of the Code of Ethics for the breed club of which the hobbyist belongs; provides documentation of all necessary health clearances for breeding specific type of breed and health records for litter.
 - (3) Documentation for competing purposes

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

testifying that said animal has competed in at least one dog show or sporting competition sanctioned by a national or regional registry within the past 12 months. The hobbyist holds membership within the past 12 months in a national, regional or local kennel club.

- (4) For hunting purposes hobbyist holds a current state hunting license with the Arkansas Fish and Game Commission and the hobbyist can successfully perform obedience commands with said animal.
- (C) License period. A license, if not revoked, shall be valid for one year from the date of issue. A new permit shall be obtained each year by every hobbyist and a new fee paid. An owner shall have 30 days from the date the license expires to obtain a new license without penalty. Any hobbyist failing to obtain a license within such period shall be required to pay an additional fee of \$10.00.
- (D) Revocation of Permit. A permit may be revoked if the animal services division determines that any of the following conditions exist:
- (1) The hobbyist has been convicted of or pleads guilty to cruelty to animals;
 - (2) The hobbyist has failed to comply with the conditions of the permit;
 - (3) The hobbyist has violated the provisions of this Chapter twice in one permit year;
- (E) Nothing in this section shall be construed to apply to any dog or cat under the age of three months, or to dogs or cats brought to the city on a temporary basis for show or exhibition.

(Ord. 5002, 4-17-07)

92.34-92.39 Reserved

**ARTICLE II
ENFORCEMENT**

92.40 Animal Control Officer

- (A) There is hereby created the office of animal control officer. The animal control officer shall be appointed by the mayor and shall perform the duties and exercise the powers prescribed by this chapter. In addition, the animal control officer shall perform such duties as may be delegated to him by the mayor or the City Council.
- (B) The city's animal control officers are authorized to

issue a citation to any person violating any provision of this chapter in the presence of said animal control officer.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.40; Ord. 5002, 4-17-07)

92.41 Interference With Animal Control Officer Prohibited

It shall be unlawful for any person to forcibly interfere or forcibly attempt to interfere with the animal control officer or other authorized persons in order to hinder him in the performance of his duties. Further, it shall be unlawful for any person to refuse to deliver any unlicensed or unvaccinated animal or any animal observed to be running at large to the animal control officer, or police officer, upon demand for impounding.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.41; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.42-92.98 Reserved

92.99 Penalty

- (A) Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such chapter the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this chapter shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.
- (B) Any person who resides in the city convicted of violating or pleads guilty to state law ACA section 5.62.101. Cruelty to Animals, may lose the privilege of owning animals within the city limits for up to one year in addition to fines.

- (C) Any person violating or failing to comply with any of the provisions of §92.04 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$25.00 or more than \$100.00. Each day's violation shall constitute a separate offense.
- (D) Any person convicted of violating §92.27, Abuse of

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

police dogs prohibited, shall be punished as provided in subsection (A) of this section or imprisoned in the city jail for up to 30 days,

(Ord. No. 3588, §1, 1-21-92; Code 1991, §92.99; Ord. 5002, 4-17-07)