

**ANIMAL CONTROL ORDINANCE
CITY OF HAMPTON
ORDINANCE # 2021-001
REGULATING ANIMAL CONTROL**

SECTION:

In General

- 4-201 Authorization
- 4-202 Purpose & Intent
- 4-203 Definitions
- 4-204 Prohibited Animals
- 4-205 Poisoned Meat
- Sections 4-206 - 4-219 reserved

Dog Licenses & Rabies Control

- 4-220 Vaccination mandatory
- 4-221 Vaccination tag attached to dog
- 4-222 Permit required for dangerous &/or vicious dogs
- 4-223 Suspected rabid animals
- 4-224 Quarantine
- Sections 4-225 - 4-239 reserved

Dog Control

- 4-240 Pound master - Appointed
- 4-241 Pound master - Authority
- 4-242 Pound master - Records
- 4-243 Noisy dogs
- 4-244 Dogs at large; prohibited; impoundment
- 4-245 Destruction of impounded dogs
- 4-246 Humane conditions of pen and premises
- 4-247 Dangerous &/or Vicious dogs
- 4-248 Keeping of dangerous &/or vicious dogs
- Sections 4-249 - 4-259 reserved

Livestock

- 4-260 Stock pens prohibited; exceptions
- 4-261 Running at large
- 4-262 Impoundment
- 4-263 Sale of impounded animal
- 4-264 Fees
- 4-265 Conflicting Ordinances
- 4-266 Severability

*State law reference - Authority to legislate on municipal affairs, A.C.A. - 14-43-601 et

An ordinance providing for the classification, licensing and keeping of dangerous &/or vicious dogs, loose dogs, and other animals within the corporate limits of the City of Hampton, authorizing the impounding and disposition of such dogs and animals, and repealing all ordinances in conflict therewith.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMPTON:

GENERAL

SECTION 4-201 AUTHORIZATION

This Ordinance is enacted pursuant to the general police power, the authorities granted to cities and towns by the Arkansas State Constitution and Arkansas law.

SECTION 4-202 PURPOSE & INTENT

The purposes of this Ordinance are to promote the public health, safety, and general welfare of the citizens of the City of Hampton. It is intended to be applicable to "dangerous" and "vicious" dogs, as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance. Also, to regulate other dogs and animals as herein stated.

SECTION 4-203 DEFINITIONS

When used in this Ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) Animal Control Officer means any person employed or appointed by the City who is authorized to investigate and enforce violations relating to animal control or cruelty under the provision of this Ordinance.
- (b) At Large means that a dog is not under the direct control of the owner.
- (c) Direct Control means immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in training or in an official showing, obedience, or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.
- (d) Director means director of the Department of Animal Control.

(e) Impoundment means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this Ordinance.

(f) Muzzle means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(g) Owner/caregiver means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(h) Sanitary Condition means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(i) Under Restraint means that an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

SECTION 4-204 PROHIBITED ANIMALS

(a) Carnivora shall include, but not be limited to, the following families, with representation of those families as indicated:

(1) Ursidae: Bears

(2) Canidae: Wolves, coyotes, foxes, or the hybrid offspring of such Canidae including but not limited to, domestic dog - Canidae crosses.

(3) Hyaenidae: Hyenas.

(4) Felidae: Lions, tigers, leopards, American lions (commonly known as pumas, cougars, and panthers), cheetahs, bobcats, jaguars, African panthers, lynx and margays.

(5) Procyonidae: Raccoons and relatives.

(6) Viverridae: Binturongs, civets and relatives.

(7) Innately wild animals shall include all members of the order Carnivora, which are all meat-eating animals, excluding domestic breeds of dogs and cats.

(8) Wild deer. Captured from the wild and held in pens.

(b) The sale, possession, maintenance or keeping of Carnivora and innately wild animals within the city is unlawful. This section does not apply to a bona fide circus or carnival.

STATE LAW REFERENCE - Authority to legislate on municipal affairs, A.C.A. - 14-43-601 at seq.

SECTION 4-205 POISONED MEAT

It shall be unlawful for any person to throw or deposit any poisoned meat or other substance in any of the streets, alleys or other public places of the city for the purpose of destroying any animal.

STATE LAW REFERENCE - Authority to prevent cruelty to animals, A.C.A. - 14-54-103(7); cruelty to animals, A.C.A. - 5-62-101.

SECTIONS 4-206 - 4-219 RESERVED

DOG LICENSE & RABIES CONTROL

SECTION 4-220 VACCINATION MANDATORY

No dog shall be permitted within the limits of the city unless it has been given the rabies vaccine within one year and wears a metal tag showing vaccination as approved by the health officer.

SECTION 4-221 VACCINATION TAG ATTACHED

It shall be unlawful for the owner or keeper of any dog to suffer or permit such dog to run at large or remain on his premises without a substantial collar of leather, brass, iron, copper, or other durable material to which shall be attached a license check and a vaccination tag showing vaccination against rabies.

SECTION 4-222 PERMIT & TAG REQUIRED DANGEROUS &/OR VICIOUS DOGS

- (a) The owner of a dangerous and/or vicious dog, as hereinafter defined, shall, within three (3) business days after the classification of the dog as a dangerous and/or vicious dog or upon acquisition of such a dog, obtain an annual permit from the Department of Animal Control to harbor the dog. The fee for such permit shall be \$25 per year.
- (b) At the time the permit is issued, a red circular tag shall be issued to the owner of the dangerous and/or vicious dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a dangerous and/or vicious dog.
- (c) The permit for maintaining a dangerous and/or vicious dog shall be presented to an animal control officer upon demand.

SECTION 4-223 SUSPECTED RABID ANIMALS

Any animal running at large which has any of the symptoms of rabies or is suspected by the state health department, animal control or law enforcement officials of having rabies may be impounded by said officials for a period of ten (10) days.

- (1) The dog, cat or other domestic animal shall be released to the owner if said officials determine the animal is healthy from rabies. The owner shall be required to pay all fees incurred.
- (2) If such an animal, cat or dog, develops rabies or other communicable disease (as determined by state health department officials or a licensed veterinarian) during the period of confinement, the animal shall be destroyed by animal control or law enforcement officials.

SECTION 4-224 QUARANTINE

- (1) Quarantine of dog, cat or domestic animal is at the discretion of the state health department, law enforcement officials or animal control. Such quarantine may be on the premises of the owner, city animal shelter or a veterinary clinic at the owner's expense and option.
- (2) Monitoring quarantine. In those instances where the dog, cat or other domestic animal is quarantined on the premises of the owner, the animal control officials shall have the authority to monitor the conditions of the quarantine and the state of the animal at irregular intervals.
- (3) Failure to Comply. If the owner or caretaker/custodian fails or refuses to comply with the proper quarantine of the animal in such a manner as to protect others from contact with it, the animal control or law enforcement officials may impound said animal and quarantine it at the city animal shelter until a court date is scheduled.

SECTIONS 4-225 - 4-239 RESERVED

DOG CONTROL

SECTION 4-240 POUNDMASTER - APPOINTED

The person or persons employed by the city and designated by the mayor of the city as an enforcement officer shall have authority to enforce all provisions of this article.

SECTION 4-241 POUNDMASTER - AUTHORITY

It shall be the duty of the pound master to catch and impound any dog found running at large in the city.

SECTION 4-242 POUNDMASTER - RECORDS

The pound master shall keep an accurate record of all stock impounded and shall show the disposition made of each animal as well as amounts collected. The records shall be open for inspection at all times.

SECTION 4-243 NOISY DOGS

- (a) It shall be unlawful for any person to keep on his premises or under his control and within the city any dog which, by loud and frequent barking or howling, shall unreasonably disturb the peace and quiet for any person who may reside within reasonable proximity of the place where such dog is located.
- (b) Violation of this section is hereby considered a misdemeanor with all penalties relating thereto. In addition, a second violation of this section by the same person shall be grounds for removal and destruction of the dog.

SECTION 4-244 DOG AT LARGE; PROHIBITED; IMPOUNDMENT

- (a) **Prohibited.** It shall be unlawful for any person to permit any dog owned by him or under his custody or control to run at large within the limits of the city. A dog shall be considered running at large unless it is in an adequate "humane" enclosure or securely chained with a metal chain at least six feet (6') in length or unless it is upon a leash under the control of some competent person.
- (b) **Cost of Impounded Animals.** All domestic animals impounded as provided in section 4-241 shall be properly fed and cared for by the city, for which the owner or custodian shall pay the city the sum as posted in the public works department. All such animals impounded shall be released to the owner or custodian upon the payment to the city of the sum of the balance for each day the animal is at the city pound/shelter.
- (c) **Notification of Impoundment.** The owner or custodian of such dog impounded under the provisions of Section 4-241 shall be notified if such owner is known to the pound master, and the pound master shall make a reasonable effort to determine ownership of all dogs so impounded. If the dog is not redeemed within five days, it shall be the duty of the impounding officer to dispose of the dog.
- (d) **Forfeiting ownership; surrender form**
 - (1) If the owner of an impounded dog does not reclaim said animal after five days of impoundment or upon conviction of a violation of this section by a district court ruling and such owner has been properly notified of the proposed date of destruction or adoption or destruction of said animal, then the owner shall forfeit ownership of the impounded dog.
 - (2) Unless the circumstances or other provisions of this ordinance dictate otherwise, the animal control division will be required to obtain a surrender form signed by said owner or custodian prior to adoption or destruction of said animal.
 - (3) The dog's owner may reclaim the dog at the city pound by reimbursing the municipality for the cost of the notice plus other costs of keeping the dog.

(4) The dog's owner must physically appear at the city pound to make claim for the dog prior to the date set for destruction or adoption.

- (e) **Authority to Destroy.** The pound master or other authorized representative has the authority to destroy any wild or tame dogs in packs that are a threat to the health and safety of the citizens of the city, only after all other avenues of capture have been exhausted. The animal control division must show a reasonable effort was made to locate any owner or custodian prior to destruction of said dogs.

STATE LAW REFERENCE - Authority to prohibit dogs from running at large, A.C.A. - 11-14-1102.

SECTION 4-245 DESTRUCTION OF IMPOUNDED DOGS

- (a) The animal control officer shall be authorized to euthanize any dog which remains in impound and unclaimed for a period of five (5) days or more.
- (b) The animal control officer shall be authorized to euthanize any dog which he finds or which has been reported to him as having been injured to such an extent that it is suffering with little hope of recovery and the owner of which is unknown or not readily available to assume responsibility for the dog.
- (c) The animal control officer shall be authorized to euthanize any stray or dog at large which he takes into custody that has no identity of ownership and which, in the opinion of the animal control officer, is so disease ridden or physically impaired as to be suffering and the impoundment of which would only prolong the condition.

SECTION 4-246 HUMANE CONDITIONS OF PEN & PREMISES

- (a) The term "kennel" means an establishment wherein any person engages in the business of breeding, buying, or selling dogs or other animals. "Kennel" shall also mean any lot or premises on which are kept four or more dogs, more than six months of age.
- (b) It shall be unlawful for any person, firm or corporation 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 the 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 to diligently and systematically remove all animal waste every 24 hours from the premises and to lime when necessary.
- (c) It shall be unlawful for any person, firm or corporation to keep or confine an animal in other than a humane manner.
- (1) Sufficient space should be provided to stand up, lie down and turn around without touching sides and top of animal shelter.

- (2) Animal pens or runs shall provide adequate exercise areas for said animals.
 - (3) If a dog is on a chain or leash, it must not be less than six feet in length
 - (4) All animals must have access to fresh, plentiful water, present at all times.
 - (5) All animals must have fresh, wholesome food daily.
 - (6) The animal shelter must include adequate light, ventilation, and protection from the elements. The enclosed structure shall be kept in a clean and sanitary condition.
 - (7) Any person owning or possessing a domestic animal or livestock in his custody shall not neglect or fail to render medical aid to said animal.
 - (8) It is unlawful for any person to abandon, cast out, leave or discard any dog which they own or possess because such dog has become unwanted, ill or aged or to misrepresent their intent and purpose in order to obtain the services of the city animal control facilities and personnel or avoid financial responsibility associated with the humane treatment of an animal.
- (d) The animal control authority may remove any animal kept or confined under such conditions and may impound such animal pursuant to the provisions of the city. The violation of any provision of this section is a class A misdemeanor.
- (e) No dog shall be kept on a chain or leash (no homemade or ropes allowed), unless it is under the direct control of a competent person. It has been determined that keeping dogs on cables, chains, ropes, or runners is cruel treatment and leads to needless animal suffering.

STATE LAW REFERENCE - Authority to prevent cruelty to animals, A.C.A. - 14-54-103(7); cruelty to animals A.C.A. - 5-62-101.

SECTION 4-247 DANGEROUS DOGS AND/OR VICIOUS DOGS

- (a) Definitions; prohibited. It shall be unlawful for any person to own or keep any dog that becomes dangerous or vicious. Such dog may, in the discretion of the court, be destroyed immediately. The following words, terms or phrases, which used in this section, shall have the meanings herein ascribed to them, except where the context clearly indicates a different meaning.

DANGEROUS DOG means any dog which

- (1) Without provocation, attacks or bites a person on public or private property;
- (2) While off the property of its owner and without provocation, kills or seriously injures another animal;
- (3) Without provocation, chases, confronts, or approaches a person on a street, sidewalk or on public property or private property in a menacing fashion such as would put a reasonable person in fear of attack;

- (4) Acts in a manner that causes or should cause its owner to know that it is potentially dangerous.

VICIOUS DOG means any dog which:

- (1) Causes death or serious injury to a person on public or private property;
- (2) On two occasions within a 12-month period, attacks or bites without provocation a person on public or private property;
- (3) On more than one occasion within a 12-month period, while off the property of its owner and without provocation, kills or seriously injures another animal.

- (b) **Dangerous Dog Permit Required.** The owner or custodian, if found guilty by a district court ruling, shall pay a fine in the amount established by the city, annual permit fee to the city, in addition to all other fees, for possession of a dangerous or vicious dog.

SECTION 4-248 KEEPING OF DANGEROUS AND/OR VICIOUS DOGS

The keeping of a dangerous and/or vicious dog as defined in Section 4-247 shall be subject to the following requirements:

- (a) **NUMBER OF DOGS ALLOWED**--Only 2 dangerous/vicious dogs per owner, caregiver or property will be allowed.
- (b) **CONFINEMENT** - All dangerous and/or vicious dogs shall be securely confined;
 - (1) **Indoors** - No dangerous and/or vicious dog shall 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. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.
 - (2) In an enclosed and locked pen or physical structure upon the premises of the owner. This shelter should be suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:
 - (a) The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;
 - (b) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground;
 - (c) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.

(3) LEASH

No person having charge, custody, control, or possession of a dangerous and/or vicious dog shall allow the dog to exit its pen or other confinement. No such person shall permit a dangerous and/or vicious dog to be kept on a chain, rope or other type leash outside its pen or other confinement unless a person capable of controlling the dog is in physical control of the leash not more than four (4) feet in length.

(4) MUZZLE

It shall be unlawful for any owner or keeper of a dangerous and/or vicious dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinarian care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(5) SIGNS

The owner, keeper or harborers of a dangerous and/or vicious dog shall display, in a prominent place on the owner's premises, a clearly visible warning sign easily readable by the public using the words "BEWARE OF DOG," showing that there is a dangerous and/or vicious dog on the premises. The sign must be at least one square foot in area and be easily read from the public highway or street.

(6) CHANGE OF STATUS

The owner or custodian of a dangerous and/or vicious dog shall notify the division of animal control immediately that the dog is unconfined and on the loose or has attacked a human being or domestic animal.

(7) CHANGE OF OWNERSHIP

If the owner of a dangerous and/or vicious dog sells, gives way or otherwise transfers custody of the dog, the owner shall, within five (5) calendar days, provide the division of animal control with the name, address and telephone number of the new owner or custodian.

(8) FAILURE TO COMPLY

It shall be unlawful for the owner or custodian of a dangerous and/or vicious dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply shall result in the revocation of the dangerous and/or vicious dog permit for such dog. In the event of the revocation of the permit, the owner or custodian shall remove such dog from the city within five (5) calendar days or the dog shall be destroyed.

(9) LIABILITY INSURANCE OR SURETY BOND

The owner of a dangerous and/or vicious dog shall present to the Department of Animal control proof that he has procured liability insurance or a surety

bond in the amount of not less than one hundred thousand dollars (\$100,000.00) covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the City be notified immediately by the agent issuing the policy in the event that the insurance policy is cancelled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous and/or vicious dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought unless he ceases to own or keep the dog prior to the expiration date of the permit period. In the event that the owner proves to the satisfaction of the Department of Animal Control that insurance is not available, he may pay a non-refundable cash fee in the amount of one thousand dollars (\$1,000.00) the City.

(10) ANIMALS BORN OF REGISTERED DOGS

All offspring born of dangerous and/or vicious dogs registered with the Department of Animal Control also must be registered with the Department within six (6) weeks of birth.

(11) NOTIFICATION OF ESCAPE

The owner or keeper of a dangerous and/or vicious dog shall notify the Department of Animal Control immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

(12) FAILURE TO COMPLY

It shall be unlawful and a misdemeanor for any owner of a dangerous and/or vicious dog registered with the Department of Animal Control to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this Ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such animal.

SECTIONS 4-249 - 4-259 RESERVED

LIVESTOCK

SECTION 4-260 STOCK PENS PROHIBITED; EXCEPTIONS

- (a) Horses, jacks, asses, jennies, mules, donkeys, burros, ponies and zebras and zebra mixed (hereinafter called "equines") and cows (hereinafter called "bovines") may **NOT** be kept within the City Limits of Hampton, Arkansas;

- (1) It shall be unlawful for any person to maintain or operate within the city limits any stock barn, stock pen or other facilities for the purpose of keeping

for sale, trade, or hire, exhibition for disposing of any cattle, horses, mules, hogs, sheep, goats, or other livestock.

- (2) Livestock kept and maintained at the city pound and livestock brought to and exhibited at the county fair, or at any other legally authorized live-stock or horse show or exhibition held within the corporate limits of the city shall be exempt from the operation and effect of this section.

SECTION 4-161 RUNNING AT LARGE

- (1) It shall be unlawful for any person who owns or has control of any equine or bovine to allow them to run at large upon any of the streets, alleys, public parks and public playgrounds, or other unenclosed grounds within the corporate limits of the city.

STATE LAW REFERENCE - Authority to prevent livestock from running at large, A.C.A. - 11-54-1102

SECTION 4-262 IMPOUNDMENT

If any of the animals named are found running at large upon the street's alleys, public parks or public playgrounds or other unenclosed grounds within the corporate limits of the city, they shall be taken in charge by the pound master of the city and impounded.

SECTION 4-263 SALE OF IMPOUNDED ANIMAL

Whenever any pound master shall take charge of any animal and shall impound the animal under the provisions of this section, he shall at once notify the owner if known to him that the stock has been impounded and if the owner is unknown to him he shall post in at least three public places written notices and by publishing in some newspaper published in the city a notice giving a description of the animals, giving any marks, brands or flesh marks and calling upon the owner of such animals to prove ownership within ten days after publication of such notice, he shall deliver the animals to the owner thereof. If the owner shall fail or refuse to provide proof of ownership within ten days from the publication of the notice, then the pound master shall sell the animals to the highest and best bidder for cash, and after deducting the fees provided for in the section and the cost of advertising the animals, he shall turn the balance over to the city treasurer, who shall hold it subject to the call of the owner of such animals as are sold. They may obtain the balance, if any by submitting proof of ownership of the animals sold.

SECTION 4-264 FEES

The fees for impoundment and care of animals shall be established by the city council of the City of Hampton.

SECTION 4-265 CONFLICTING ORDINANCES

All other ordinances of the City of Hampton, or parts thereof, that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4-266 SEVERABILITY

The provisions of this ordinance are declared to be severable. If any section, sentence, clause, or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

This ordinance shall be in full force and effect from and after the date of its passage and approval.

DONE AND PASSED THIS _____ day of _____ 2021.

Mayor - Rick Shirron

Attest: _____
Brooke Parker - Recorder/Treasurer