

TITLE 6

ANIMALS AND FOWL

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- 6.08 Other Animals and Fowl
- 6.12 Control and Protection of Wild Animals and Reptiles
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CHAPTER 6.04

ANIMAL CONTROL

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6.04.01 Authorization This ordinance is enacted pursuant to the general police power, the authorities granted to cities and towns by the Arkansas State Constitution, and Sections 14-55-102 and 14-54-1102 of the Arkansas State Code. (Ord. No. 2001-5, Sec. 1.)

6.04.02 Purpose and intent The purposes of this ordinance are to promote the public health, safety, and general welfare of the citizens of the city of Mayflower (the "City") and to ensure the humane treatment of animals by regulating the care and control of animals within the City. (Ord. No. 2001-5, Sec. 2.)

6.04.03 Definitions When used in this ordinance, the following word terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicate a different meaning:

Abandon means any person, partnership, firm, corporation in possession and having custody of any animal who knowingly refuses to provide care for the animal.

Animal means any live creature, both domestic and wild, except humans. "Animal" includes fowl, fish and reptiles.

Animal Control Officer means an employee or agent of the City, designated by the Chief Executive to administer and enforce the licensing, inspection and enforcement requirements contained within this ordinance.

Animal hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

Animal nuisance means any nuisance arising out of the keeping, maintaining or owning, or failure to exercise sufficient control of an animal.

Animal shelter means any facility operated by the City for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private facility authorized by the Chief Executive or his designee to impound, confine, detain, care for or destroy any animal.

At heel means a dog is directly behind or next to a person and obedient to that person's command.

At large means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

Cruelty means any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in siphoned quantity. In the case where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

Disposition means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

Domestic animal includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, pheasants, and other birds and animals raised and/or maintained in confinement.

Exotic animal means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

Guard or attack dog means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

Impoundment means the taking into custody of an animal by any police officer, Animal Control Officer, or any authorized representative thereof.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

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 another animal.

Owner means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to any animal covered by this ordinance. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

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 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 that of its owner;
- D. Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- E. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- F. Any animal in heat that is not confined so as to prevent attractions or contact with other animals;
- G. 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;
- H. Any animal that chases motor vehicles in a public right-of-way;
- I. Any animal that attacks domestic animals;
- J. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- K. 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.

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

Under restraint means that an animal is secured by a leash, lead 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.

Vicious or dangerous animal means any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, of which, because of temperament or training, has a known propensity to attack, bit, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be *prima facie* presumed vicious or dangerous.

Wild animal means any live monkey, non-human primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. (Ord. No. 2001-5, Sec. 3.)

6.04.04. Nuisances It shall be unlawful for any a person to keep any animal on any property located within the corporate limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety. (Ord. No. 2001-5, Sec. 4.)

6.04.05. Keeping of exotic animals. It shall be unlawful for anyone to own, harbor, or permit at large any exotic animal without the written permission of the Animal Control Board. Such permission shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety. (Ord. No. 2001-5, Sec. 5.)

6.04.06. Keeping of numerous animals

- A. It shall be unlawful for any person to keep more than a total of four (4) dogs, cats or other animals within the City; except that a litter of pups, kittens or other young animals may be kept for a period of time not exceeding five (5) months from birth. This subsection shall not apply to any establishment where animals are kept for breeding, sale, sporting purposes, or boarding.
- B. In areas where kennels are permitted, no kennel shall be located closer than fifteen (15) feet from the property line of the nearest adjacent residential lot. (Ord. No. 2001-5, Sec. 6.)

6.04.07. Caring for animals

- A. It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water,

veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.

- B. No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.
- C. No person shall transport or carry an animal by motorized vehicle unless the animal is safely enclosed within the vehicle, protected by a cab or other fixed container designed for the purpose, protected by a portable kennel, crate, or cage designed for this purpose that is fastened or attached to the vehicle in a safe and appropriate manner, safely and humanely cross-tethered or harnessed or restrained by some other device. 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 from, or jumping from the motorized vehicle.
- D. No person shall confine any animal in a parked vehicle if the temperature is higher than seventy degrees (70°) Fahrenheit or twenty-one degrees (21°) Celsius. Animal Control Officers or other law enforcement officers shall not be liable for any damage resulting to the vehicle when such confined animal(s) are removed. (Ord. No. 2001-5, Sec. 7.)

6.04.08 Sanitation

- A. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:
 - 1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
 - 2. Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.
- B. No person owning, harboring or keeping an animal within the City shall permit any waste matter from the animal to collect and remain on the property of the owner so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

- C. No person owning, harboring, keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities. (Ord. No. 2001-5, Sec. 8.)

6.04.09 Cruelty to animals

- A. It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal, except that reasonable force may be used to drive away vicious or trespassing animals.
- B. No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents. (Ord. No. 2001-5, Sec. 9.)

6.04.10 Restraint and confinement-generally

- A. It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the City.
- B. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.
- C. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.
- D. Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding. (Ord. No. 2001-5, Sec. 10.)

6.04.11 Restraint of guard dogs

- A. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely

surrounded by a fence at least six (6) feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three (3) strands of equally separate barbed wire stretched between them.

- B. All anti-climbing devices shall extend inward at an angle of not less than forty-five (45) degrees nor more than ninety degrees (90°) when measured from the perpendicular.
- C. The areas of confinement shall all have gates and entrances thereto securely closed and locked and all fences properly maintained and escape proof.
- D. The provisions of this section shall not apply to dogs owned and controlled by government law enforcement agencies. (Ord. No. 2001-5, Sec. 11.)

6.04.12 Restraint of vicious of dangerous animals Every vicious animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than three (3) feet in length, or caged. Every person harboring a vicious animal is charged with an affirmative duty to confine the animal in such a way that children do not have access to such animal. (Ord. No. 2001-5, Sec. 12.)

6.04.13 Property owners may impound Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Department of Animal Control. The property owner shall provide a description of the animal and the name of the owner if known. The department shall dispatch an Animal Control Officer to take possession of the animal. (Ord. No. 2001-5, Sec. 13.)

6.04.14 Return of animal to owner If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall return the animal to the residential address of the owner. If there is no one present, the officer shall leave written notice of which the owner must contract to reclaim the animal. The officer shall then remove the animal to the nearest animal hospital or shelter that will accept the animal. (Ord. No. 2001-5, Sec. 14.)

6.04.15 Disposition of large animals Any Animal Control Officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. (Ord. No. 2001-5, Sec. 15.)

6.04.16 Licensing of dogs and cats

- A. License required No person shall own, keep, or harbor any dog or cat over the age of four (4) months within the City unless such dog is licensed as provided in this ordinance.
- B. Application Application for such license shall be made by the owner on a form to be provided by the Department of Animal Control within ten (10) days after acquiring any dog or cat over four (4) months of age or within ten (10) days after a dog or cat becomes four (4) months of age, provided that any owner moving to the City for the purpose of establishing residence or becoming a resident as a result of any annexation, and otherwise required to obtain a license, shall have until ten (10) days after moving or annexation to obtain such a license.
- C. Proof of rabies vaccination required All owners applying for a license must show to the satisfaction of the licensing authority that the animal for which the license is being obtained has been inoculated against rabies within the last year.
- State Law Reference - A.C.A. 20-19-201
- D. Proof of sterilization Any owner claiming that his dog or cat has been spayed or neutered must show to the satisfaction of the licensing authority that such operation has been performed.
- E. Payment of license fee A license fee shall be paid at the time of making application. The license fee for both dogs and cats shall be Ten Dollars (\$10.00) for each altered dog or cat and Twenty Dollars (\$20.00) for each unaltered dog or cat.
- F. Exemption from license fee License fees shall not be required for Seeing Eye dogs, government police dogs or dogs belonging to a non-resident of the City and kept within the boundaries of the City for not longer than thirty (30) days, provided that all dogs of non-residents shall at the time of entry into the City be properly vaccinated against rabies, and while kept within the City, meet all other requirements of this ordinance. Any owner claiming any of these exemptions has the burden of proving to the satisfaction of the licensing authority that the dog in question is entitled to such exemption.
- G. Penalties Any owner of a dog or cat over the age of four (4) months who fails to obtain a license within the time period specified in this ordinance shall be subject to a fine of Twenty-Five Dollars (\$25.00). (Ord. No. 2001-5, Sec. 16.)

6.04.17 License tags; identification

- A. Upon payment and acceptance of the license fee, the licensing authority shall issue a durable license tag (or collar), stamped with an identification number for the animal for which the license has been obtained. Any license issued for the keeping of a dog or cat shall take effect on the date of issuance and shall be valid for a period of one (1) year. Every dog for which the owner is required to obtain a license must wear a valid license tag (or collar) at all times when the animal is off the premises of its owner.
- B. No person may use for any animal other than the animal for which the license was issued. It shall also be unlawful for any person to remove from the neck of any dog or cat the license tag (or collar) issued pursuant to this section or alter such tag in any manner. (Ord. No. 2001-5, Sec. 17.)

6.04.18 Impoundment

- A. In addition to any other remedies provided in this ordinance, an Animal Control Officer or a police officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:
1. Any dog or cat without a valid license tag;
 2. Any animal at large;
 3. Any animal constituting a public nuisance or considered a danger to the public;
 4. Any animal that is in violation of any quarantine or confinement order of an appropriate health official;
 5. Any unattended animal that is ill, injured or otherwise in need of care;
 6. Any animal that is reasonably believed to have been abused or neglected;
 7. Any animal that is reasonably suspected of having rabies;
 8. Any animal that is charged with being potentially dangerous where an Animal Control Officer, the Animal Control Board, or the Chief Executive determines that there is a threat to public health and safety;
 9. Any animal that a court of competent jurisdiction has ordered impounded or destroyed;

10. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.
- B. An Animal Control Officer or police officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a penalty of Twenty-Five Dollars (\$25.00) that may, at the discretion of the animal owner, be paid to any agency designated by the licensing authority within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a warrant shall be initiated before a magistrate and, upon conviction for violation of this ordinance, the owner shall be punished as provided in 6.04.25 of this ordinance. (Ord. No. 2001-5, Sec. 18.)

6.04.19 Notice to owner and redemption

- A. Upon impoundment of an animal, the Department of Animal Control shall immediately attempt to notify the owner by telephone or certified mail. If the owner is unknown, the department shall post written notice for five (5) days at three (3) or more conspicuous places in the City describing the animal and the time and place of taking. Any notice to the owner shall also include the location of the shelter or hospital where the animal is confined, hours during which the animal can be reclaimed, and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.
- B. An owner reclaiming an impounded animal shall pay a fee of Twenty-Five Dollars (\$25.00) plus, Ten Dollars (\$10.00) per day for each day the animal has been impounded, and the appropriate license fee (city tag and/or rabies tag) if applicable. The daily rate charged for any subsequent impoundment occurring within twelve (12) months shall to be double that which was charged for each day of confinement during the first impoundment. After the ^{yd} violation, the animal will be altered, at the owner's expense by a licensed veterinarian chosen by the impounding agency before being returned to the owner.
- C. Any animal not reclaimed by its owner within five (5) working days shall become the property of the City and shall be placed for adoption in a suitable home or euthanized in a manner prescribed either by state law or the American Board of Medicine.
- D. Any owner surrendering an impounded animal for disposition shall pay a fee of Twenty-Five Dollars (\$25.00) plus Ten Dollars (\$10.00) per day for each day the

animal has been impounded. In the event that such penalty is not paid within the time period prescribed, a warrant shall be initiated before a magistrate and, upon conviction for violation of this ordinance, the owner shall be punished as provided for in 6.04.25 of this ordinance. (Ord. No. 2001-5, Sec. 19.)

6.04.20 Animal Control Board - established

- A. There is hereby established a city Animal Control Board.
- B. The Animal Control Board shall consist of six (6) members which will include the Animal Control Officer, three (3) city Aldermen and two (2) citizens. In addition, there shall be one (1) alternate member who shall be empowered to sit on the Board in the absence of any member of the Board. In the absence of the alternate, the City Council may designate a temporary alternate.
- C. The term of each member shall be two (2) years, or until a successor takes office.
- D. One of the members of the Animal Control Board shall be appointed Chairperson by the Chief Executive subject to confirmation by the City Council. (Ord. No. 2001-5, Sec. 20.)

6.04.21 Animal Control Board- powers and duties

- A. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and the conduct of hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of the City Council. Three (3) copies of the Board's rules and regulations shall be available for inspection by the public in the office of the City Clerk.
- B. The Board shall also have the authority to do the following:
 - 1. Receive petitions alleging violations of this ordinance, conduct hearings thereon, issue summonses, compel the attendance of witnesses and the production of documents and other evidence, administer oaths, take testimony under oath, receive evidence, and conduct investigations when necessary and appropriate to execute the duties enumerated in this section;
 - 2. Render decisions on petitions to declare that there has been a violation of this ordinance and/or that an animal nuisance exists, issue orders and take action as needed to correct the violation and eliminate such nuisance, including revocation of a dog license;

3. Impose administrative fines for violations of this ordinance in accordance with any schedule of fines that may be established by the Chief Executive and Council; and
 4. Receive requests for permission to own exotic animals, and hold hearings in conjunction with such investigation. The Board may grant, in writing, special permission for the keeping of exotic animals and impose any condition on such permission that it deems necessary to protect the animal, owner, and the general public.
- C. The Board shall meet at the call of the Chairperson to take the following actions:
1. Recommend to the Chief Executive rules and regulations concerning the operation of the City animal shelter, standards for the custody, care and disposition of animals running at large and public nuisance animals and standards for the maintenance of holding facilities.
 2. Review the proposed budget of the City animal shelter and make recommendations to the Mayor in accordance with required City budget procedures;
 3. Prepare and present the Animal Control Board budget to the Mayor;
 4. Upon written complaint, conduct a public hearing to determine if an animal or holding facility is a public nuisance;
 5. Upon written request hear and decide appeals of licensees whose licenses have been revoked by the Department of Animal Control; and
 6. Recommend to the City Council changes in the law regarding the control of animals. (Ord. No. 2001-5, Sec. 21.)

6.04.22 Administrative sanctions and remedies As part of any order issued pursuant to this ordinance, the Animal Control Board shall have the authority to order the following administrative sanctions and remedies:

- A. Obedience training for the animals(s) in question;
- B. Muzzling of an animal while off the property of the owner;
- C. Confinement of an animal indoors;
- D. Confinement of an animal in a secure enclosure;

- E. Reduction of the number of animals kept at any one location;
- F. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty;
- G. The sterilization of an animal;
- H. A ban on maintaining other animals in the City; and
- I. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public. (Ord. No. 2001-5, Sec. 22.)

6.04.23 Appeals Any person aggrieved by any decision of an Animal Control Officer or other enforcement officer, except the issuance of a municipal infraction citation, may appeal the same to the Animal Control Board by filing an appeal with the Board within five (5) days of receiving notice of the decision. Any person aggrieved by any decision or order of the Animal Control Board may appeal the same to the City Court for the city of Mayflower, Faulkner County by filing an appeal with the court within five (5) days of receiving notice of the decision. (Ord. No. 2001-5, Sec. 23.)

6.04.24 Enforcement Animal Control Officers or other designees of the Chief Executive shall be the enforcement officials for this ordinance. These officials, along with police officers, shall have the authority to act on behalf the city and the Animal Control Board in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this ordinance. It shall be a violation of this ordinance to interfere with any Animal Control Officer or other enforcement official in the performance of his/her duties. (Ord. No. 2001-5, Sec. 24.)

6.04.25 Violations and penalties

- A. It shall be a violation of the ordinance to:
 - 1. Fail to comply with any provision of this ordinance;
 - 2. Fail to comply with any lawful order of the Animal Control Board, an Animal Control Officer or police officer unless such order is lawfully stayed or reversed; or
 - 3. Fail to pay any fines, civil penalties or costs imposed by the Animal Control Board or Animal Control Officer within fifteen (15) days of the imposition of such fines or costs, unless payment thereof is lawfully stayed.

- B. Any person who violates any provision of this ordinance shall be deemed guilty of a municipal infraction (or misdemeanor) and shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). If a violation continues, each day's violation shall be deemed a separate offense. (Ord. No. 2001-5, Sec. 25.)

6.04.26 Conflicting ordinances All other ordinances of the city of Mayflower that are in conflict with this ordinance are hereby repealed to the extent of such conflict. (Ord. No. 2001-5, Sec. 26.)

6.04.27 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. (Ord. No. 2001-5, Sec. 27.)

6.04.28 Effective date This ordinance becomes effective thirty (30) days after its approval and passage. Approved and pass this 9th day of October, 2001. (Ord. No. 2001-5, Sec. 28.)

6.04.29 Appropriating Donation Funds The Mayor and City Recorder are hereby authorized to, and will do so in the future, transfer all funds donated to the City of Mayflower for animal welfare purposes to the Animal Control for the uses the donors intended. (Ord. No. 2016-03, Sec. 1)

6.04.30 Livestock That Title 6 of the Mayflower Municipal Code be amended to allow the Mayflower School District to keep livestock for the betterment of education at the high school. (Ord. No. 2018-04, Sec. 1)

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

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6.08.08	Livestock

6.08.01 Horses and cows

- A. It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city, any cows and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.
- B. The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one acre for each animal.
- C. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

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

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

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

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

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

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

6.08.07 Penalty any person violating any provisions of this section shall be deemed guilty of a misdemeanor and punished by a reasonable fine of not less than _____ and not more than ____* and if such violation be a continuing one, each day's violation shall be deemed a separate offense.

Note: typically, \$5.00 to \$100.00.

6.08.08 Livestock That Title 6 of the Mayflower Municipal Code be amended to allow the Mayflower School District to keep livestock for the betterment of education at the high school. (Ord. No. 2018-04, Sec. 1)

CHAPTER 6.12

CONTROL AND PROTECTION OF WILD ANIMALS AND REPTILES

Sections:

- | | |
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| 6.12.01 | Prohibited in the city limits |
| 6.12.02 | Specific animals or reptiles enumerated |
| 6.12.03 | Further prohibitions |
| 6.12.04 | Exceptions |
| 6.12.05 | Violations; penalties |

6.12.01 Prohibited in the city limits It shall be unlawful for any person to keep, maintain, sell or have in his possession or under his control within the city, any poisonous reptile or any other dangerous or carnivorous wild animal or reptile. (Ord. No. 2000-06, Sec. 1.)

6.12.02 Specific animals or reptiles enumerated It shall be unlawful for any person to keep, maintain, sell or have in his possession or under his control within the city, any of the following animals:

1. All poisonous animals including rear-fang snakes.
2. Apes: chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamongs (Symphalangus).
3. Baboons (Papoi, Mandrillus).
4. Bears (Ursida).
5. Cheetahs (Acinonys jubatus).
6. Alligators or crocodilians (Crocodilia).
7. Snakes.
8. Coyotes (Canis latrans).
9. Elephants (elephas and Loxodonta).
10. Hippopotami (Hippopotamidae).
11. Hyenas (Hyaenidae).
12. Jaguars (Panthera onca).
13. Leopards (panthera pardus).
14. Lions (Panthera leo).
15. Lynxes (Lynx).
16. Monkey, old world (Cercopithecidae).
17. Piranha fish (Characidae).
18. Pumas (Felis concolor), also known as cougars, mountain lions and panthers.
19. Rhinoceroses (Rhinocero tidae).
20. Tigers (Panthera tigris).

- 21. Wolves (Canis lupus).
- 22. Skunks.
(Ord. No. 2000-06, Sec. 1.)

6.12.03 Further prohibitions Those animals and reptiles listed in the previous subsection (6.12.02) are specific animals or reptiles prohibited, but this section is not limited to those animals or reptiles listed and any animal or reptile which meets the prohibitions of subsection (6.12.01 of this ordinance, although not listed in subsection (6.12.02) is also prohibited. (Ord. No. 2000-06, Sec. 1.)

6.12.04 Exceptions This section does not apply to entertainment events approved by the City Council in advance or any veterinarians that operate within the corporate limits of the city of Mayflower. (Ord. No. 2000-06, Sec. 1.)

6.12.05 Violations: penalties Any person, firm or corporation violating the provisions of this ordinance shall be subject to the penalties as set forth below. In addition, after seven (7) days' written notice has been given to the owner of any such wild animal or reptile, the Mayor and Police Department are authorized to have the animal or reptile removed from the city limits.

Penalties Any person convicted of a violation of this ordinance shall be punished by a fine not to exceed \$500.00, or double such sum for each repetition thereof. That the violation is in its nature, continuous in respective time, the penalty for allowing the continuance thereof, is a fine not to exceed \$250.00 for each day that the violation is unlawfully continued. (Ord. No. 2000-06, Sec. 1.)

CHAPTER 6.16

BANNING OF PIT BULLS

Sections:

6.16.01 Banned breeds

6.16.01 Banned breeds

- A. Banned pit bull breeds of dogs are banned entirely and may not be owned or kept with the city. Banned breeds of pit bull dogs are any of the following:

1. American Pit Bull Terrier.
2. Staffordshire Bull Terrier, unless they meet the requirements of subsection (B) herein below.
3. American Staffordshire Terrier, unless they meet the requirement of subsection (B) herein below.
4. American Bull Dog.
5. Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this section.
6. Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a banned breed.
7. Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier or American Bull Dog as defined by the United Kennel Club or American Kennel Club.
8. Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such.

- B. Exemption of registered AKC show dogs An AKC American Staffordshire Terrier or Staffordshire Bull Terrier may be exempted from the ban in subsection (A) provided that the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier Staffordshire Bull Terrier show/performance dog.

The documentation to prove that a dog is an AKO American Staffordshire Terrier or Staffordshire Bull Terrier show dog/performance dog, must include:

1. An AKC registration;
2. AKC three-generation pedigree;
3. Proof of the dog being used as a show dog once the dog reaches the age of six months; and
4. The first five numbers of the AKC registration tattooed on the abdomen on the upper side of the left rear leg.

The exemption provided for in the subsection will not apply to any AKC registered dog discussed above that is found to be vicious pursuant to Mayflower Municipal Code Section 6-14, *et. seq.*

- C. Publication For any breed which is banned by subsection (A) of this section, a copy of the standards of the American Kennel Club and United Kennel Club shall be kept on file in triplicate in the City Clerk's office, and prior to the passage of any ban of such breed, the Clerk shall advertise the incorporation by reference of the standards of such breed of dog and shall state that copies of the standards will be on file for public review in the Clerk's office prior to passage of the ban of such breed.
- D. Grandfathering The owner of a pit bull dog will have thirty (30) days after passage of this section to register the animal with Mayflower Animal Control pursuant to the following criteria:
1. The animal was licensed prior to the effective date of this section.
 2. The owner shall provide proof of rabies vaccination.
 3. The owner and/or handler must be at least twenty-one (21) years of age as of January 1, 2005.
 4. The owner shall, at his/her own expense, have the animal spayed or neutered and shall present to the Mayflower Animal Control documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a prohibited dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would put the dog's life at risk or if the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as required by subsection (B).
 5. The owner shall bring the animal to the Mayflower Animal Shelter where authorized person (Mayflower Animal Control personnel or licensed veterinarian) shall cause a registration number assigned by the department to be tattooed on the animal (said number to be one inch in height and located on the abdomen near the upper inside of the right rear leg), or a micro-chip identification shall be attached at the owner's expense. Mayflower Animal Control shall maintain a file containing the registration numbers and names of the animals and the names and addresses of the owners. The owner shall notify Mayflower Animal Control of any change of address. (Ord. No. 2008-10, Sec. 1.)

6. The owner shall provide proof of, and agree to maintain in effect, a policy of liability insurance which will provide insurance coverage for any damages or injury caused by any animal permitted under this subsection, in an amount not less than One Hundred Thousand Dollars (\$100,000.00) umbrella policy. (Ord. No. 2008-10, Sec. 1.)

E. Keeping of registered Pit Bull dogs under subsection (D) of this section

1. No owner and/or handler shall permit a registered Pit Bull to go outside its kennel or enclosure unless such dog is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a Pit Bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings without the permission of the Mayflower Animal Control.
2. All registered Pit Bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or fenced area, which includes a secure top, except when leashed as provided in sub-section (E)(1). All structures used to confine registered Pit Bull dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house Pit Bull dogs must comply with all zoning and building regulations of the city of Mayflower. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. No Pit Bull dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. All owners, keepers or harborers of registered Pit Bull dogs within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
5. All owners, keepers or harborers of registered Pit Bull dogs must within ten (10) days of the incident, report the following information in writing to the Mayflower Animal Control Officer as required hereinafter:

- a. The removal from the city or death of a registered Pit Bull dog.
 - b. The new address of a registered Pit Bull dog owner should the owner move within the corporate city limits.
6. No person shall sell, barter or in any other way dispose of a Pit Bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a Pit Bull dog may sell or otherwise dispose of a registered dog to persons who do not reside within the city and will, therefore, remove the dog outside the city. Upon notification to Mayflower Animal Control that the dog has been sold to a person residing outside the city, Mayflower Animal Control will make a notation in its files, and the animal will no longer be allowed in the city.
 7. There shall be an irrebuttable presumption that any dog registered within the city as a Pit Bull dog or any of those breeds prohibited by the city code is, in fact, a dog subject to the requirements of this section.
 8. It shall be unlawful for the owner, keeper or harbinger of a Pit Bull dog registered with the city of Mayflower to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in revocation of the license of such animal, and initiation of the procedures set forth in subsection (G) below.
- F. Exceptions A banned breed of dog shall not be considered owned or kept in the city if the dog is only brought into the city to a licensed doctor of veterinary medicine located in the city for the purpose of veterinary care, as is necessary for the completion of veterinary care or for special event dog shows sanctioned by the city. Additionally, any dog used for law enforcement or other governmental purposes, by the Police Department, military, FDA or USDA are exempt from this section. However, the dog at all times shall be subject to all applicable restrictions by virtue of the breed of dog also being defined as a vicious animal in Chapter 6-14, *et seq.*
- G. Procedure for dealing with violators The owner or possessor of any dog found to be in violation of this ordinance shall be guilty of a violation and be subject to punishment as provided for pursuant to Mayflower Municipal Code Section 6-14. Additionally, the Animal Shelter shall handle dogs in violation of this section as follows:

1. The animal will be seized by Mayflower Animal Control and held for three business days for the owner to reclaim the dog with a reclaim fee of One Hundred Dollars (\$100.00). The owner must sign an affidavit agreeing to immediately move the animal out of Mayflower city limits. The animal must be marked with a Mayflower Animal Control number and spayed or neutered prior to its release to the owner.
 2. If the animal is not reclaimed within three business days as prescribed by subsection (G) (1), it shall be humanely destroyed by Mayflower Animal Control personnel.
 3. If the animal is found within the city limits a second time, the owner shall, upon conviction in the Mayflower City Court, be fined as provided for pursuant to Mayflower Municipal Code 6-14. Any such order of conviction shall include seizure of the animal by Mayflower Animal Control personnel to be humanely destroyed.
- H. Enforcement This section may be enforced by either the Mayflower Animal Control or the Police Department. (Ord. No. 2007-10, Sec. 1.)