

ORDINANCE NO. 2020-320

AN ORDINANCE AMENDING ORDINANCE NO. 184:

WHEREAS, animal control is an issue that requires constant vigilance for the City of Flippin and its citizens, and

WHEREAS, the previous legislative findings by the City Council of the City of Flippin are still applicable

THEREFORE, BE IT ENACTED by the City Council of Flippin, Arkansas:

Article 1: Section 1 of Ordinance 184, "Pit Bull Terrier" shall be amended as follows:

Vicious Dog: any dog that, through its actions, puts the public or other animals for the risk of injury or death.

Article 2: Section 10 of Ordinance 184 is amended to add the following : Strike "Pit Bull Terrier" and insert: "Vicious Dog."

Article 3: The articles of this ordinance are hereby declared to be severable.

Article 4 As the United States continues to be gripped by COVID-19, cities have a duty to do all they can to slow the spread and provide for a healthy and safe environment for its residents. For the health, safety and welfare of the residents an emergency is hereby declared and this ordinance shall be in full force and effect upon passage.

Dated this 15 day of September, 2020.

Attest:

Fabricia Roberts

Clerk

James M. By
Mayor

ORIGINAL

ORDINANCE 184

AN ORDINANCE ESTABLISHING ANIMAL CONTROL
IN THE CITY OF FLIPPIN, ARKANSAS
REQUIRING LICENSING OF ALL DOGS AND CATS,
AND OTHER PURPOSES.

BE IT ORDAINED by the City of Flippin, Arkansas:

SECTION 1: Definitions

For the purpose of this ordinance, the following words and phrases shall have the following meaning:

- A. ANIMAL: Dog or cat, both male and female.
- B. ANIMAL CONTROL OFFICER: The person(s) employed by the City as the enforcement officer for this ordinance.
- C. ANIMAL SHELTER: Any premises designated by the City for the purpose of impounding and caring for animals.
- D. AT LARGE: Any animal shall be deemed at large when he is off the property of this owner and not on a leash, or under the control of a competent person.
- E. ENCLOSURE: A fence or structure suitable to confine an animal and prevent it from escaping.
- F. EXPOSED TO RABIES: An animal has been exposed to rabies if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.
- G. KENNEL: Any person, firm, or corporation engaged in the commercial business of breeding, boarding, buying selling, grooming, letting for hire, or training for a fee.
- H. LICENSE: A metal tag and certificate issued by the City showing that the animal has been registered with the City, a licensing fee paid, proof of rabies vaccination shown, and (if applicable) proof of neutering. The Certificate will state the name, address and telephone number of the owner(s); the name, breed, color, age and sex of the animal; and date of issue and expiration.
- I. OWNER: Any person, firm, or corporation owning, keeping or harboring an animal, or responsible for its care, custody, or control.
- J. PIT BULL TERRIER: Any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog; or any mixed breed of dog which contains an element of American Staffordshire Bull Terrier.
- K. RESTRAINT: An animal is under restraint if he is controlled by

a leash, at "heel" by voice command beside a competent person, in a vehicle being driven on the streets, or within the property limits of its owner.

L. VICIOUS ANIMAL: Any animal that attacks, bites, or injures human beings or domestic animals without adequate provocation. However, the fact that an animal has bitten or attempted to bite someone when that person was teasing the animal shall not constitute a vicious animal.

SECTION II: ENFORCEMENT

The provisions of this ordinance shall be enforced by the Animal Control Officer of the City of Flippin, Arkansas.

SECTION III: CONTRACTING ANIMAL CONTROL

The Mayor of the City of Flippin is authorized to hire/contract with any person, firm, or corporation for services as an Animal Control Officer and/or Animal Shelter. Terms, conditions, and compensation for such services shall be agreed to by the Mayor and the contractor, subject to approval by the City Council.

SECTION IV: LICENSING

A. All dogs and cats over the age of six (6) months shall be licensed. Application for licenses shall be made at the City Hall, or designated place. Owner shall be required to show proof of neutering (if applicable), and proof of rabies vaccination. Licensing fees are \$5.00 per year for neutered animals, and \$10.00 per year for unneutered animals. Fees will be doubled if over 30 days delinquent. There will be a \$2.00 replacement charge for lost tags.

B. For registered dogs serving the blind or deaf or used for law enforcement purposes, the fee will be waived.

C. The licensing period will be for one year and will be concurrent with the rabies vaccination.

D. Tags must be attached to the collar and be worn at all times. Tags are not transferable from one dog or cat to another.

SECTION V: RESTRAINT

A. The owner shall keep his animal under restraint at all times and shall not permit the animal to be at large. Furthermore, the owner shall keep his animal from barking or making noise in such a manner that would constitute a nuisance.

B. There shall be no more than three (3) animals which are over six (6) months old kept in any home or on any property in the residential zone of the City.

C. No one may keep a vicious animal in the City of Flippin.

SECTION VI: INVESTIGATION

The Animal Control Officer or any police officer is empowered to enter upon any premise, using proper legal procedures, and investigate any complaint of animal cruelty. The officer may demand to examine any animal and, if necessary, take possession of the animal if it is in need of humane treatment. No person shall interfere with, hinder, or molest the Animal Control Officer in the performance of his duties, or seek to release any animal in the custody of the officer.

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

It shall be unlawful for any person to knowingly release any animal within the corporate limits of the City of Flippin. Violation of this section will be punishable of a fine up to \$250 per animal.

No person may display animals for sale or to give away in any public place. This prohibition does not apply to pet shops, licensed kennels, humane societies, veterinarian's offices or animal control facilities.

SECTION VII: IMPOUNDMENT

A. Any animal found running at large shall be taken up by the Animal Control Officer. If the animal is wearing a license tag, the Animal Control Officer will make every possible effort to notify the owners and return the animal. A \$10 fine will be assessed for a licensed animal.

B. If the at large animal is not wearing a license tag, the Animal Control Officer may impound the animal at the Animal Control Shelter. A \$20 fine will be assessed for an unlicensed animal.

C. The keeping of horses or cows within the city limits is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal. The enclosures shall not become harbors for breeding flies, mosquitoes or rats. They shall not be unsanitary, obnoxious, unhealthful or discomforting to any of the citizens of the city. Upon investigating and finding such conditions to exist, the proper law enforcement official shall serve written notice of the violation to the owners or posting the notice in a conspicuous place on the premises. The owner shall have five (5) days to correct the situation. If the situation is not corrected in five (5) days, the owner will be charged with a violation of this ordinance and scheduled for appearance in Municipal Court.

D. It shall be unlawful for any person to keep any hogs, goats or sheep within the City. Animals in transit may be kept in an

established stockyard for a period not to exceed twenty-four (24) hours.

E. No person shall be allowed to transport into this city any animal infected with a contagious disease.

F. It shall be unlawful for any person to allow chickens, turkeys or other fowl to run at large within the City limits.

G. An animal may be destroyed for humane reasons upon recommendation of a licensed veterinarian.

SECTION IX: RABIES CONTROL

A. Every animal suspected of having/being exposed to rabies which bites a person shall be promptly reported to the Animal Control Officer. The animal shall be securely quarantined at the direction of a veterinarian for a period of ten (10) days and shall not be released from quarantine except by written permission of the veterinarian. The quarantine may be on the premises of the owner.

B. No person shall kill a (suspected) rabid animal, or any animal biting a human, without written permission from the Animal Control Officer upon recommendation from a veterinarian. The animal may not be removed from the city limits without permission from the Animal Control Officer.

C. In the event of the prevalence of rabies (Hydrophobia), the City may require that all animals kept in the city be confined upon the premises of the owners for a designated time. The proclamation will be publicized in the media. Any dog not confined after the effective date of the proclamation shall be taken up by the City and impounded at the discretion of the Animal Control Officer.

SECTION X: PIT BULL TERRIER

A. No person shall own or keep a pit bull terrier within the municipal limits of the City of Flippin.

B. This section is a necessary control to eliminate the risk of attack by pit bulls on human beings in the City. Lack of knowledge or lack of intent is not a defense.

C. Whoever is found guilty of violating the provisions of this Section shall be fined not more than \$500 (five hundred dollars), or be imprisoned for not more than 30 (thirty) days. Three more offenses may be fined \$1000 (one thousand dollars) and imprisoned up to 60 (sixty) days. The fine will be mandatory and shall not be suspended or remitted.

D. Any person found guilty of violating this ordinance shall pay all expenses, including shelter, food, veterinary expenses necessitated by the seizure of the dog for the protection of the public.

SECTION XI: DESTRUCTION OF INJURED/DISEASED DOGS

Any dog taken into custody by the City that is diseased or injured may be destroyed, at the discretion of the Animal Control Officer.

SECTION XII: RECORDS

A. It shall be the duty of the Animal Control Officer to keep accurate and detailed records of any animal licensed by the City or any animal taken into custody.

B. The Animal Control Officer will keep records of all bite cases reported and investigated to him.

C. The Animal Shelter will keep records of all animals received from the City of Flippin.

SECTION XIII: PENALTY

Any person violating this ordinance, unless the section specifically states another penalty, shall be guilty of a misdemeanor and punished by a fine not less than \$10 (ten dollars) nor more than \$500 (five hundred dollars). Each day's violation shall be a separate offense.

SECTION XIV: PREVIOUS ORDINANCES

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND APPROVED THIS 4th DAY OF June, 1996.

Mary Jane Egan
MAYOR

ATTEST:

Brenda Young
RECORDER