

CITY OF COTTER
ORDINANCE NO. 2019-05

AN ORDINANCE AMENDING ORDINANCE 2002-05 IN REFERENCE TO THE PIT BULL TERRIER BREED OF DOGS AND VICIOUS ANIMALS WITHIN THE CITY OF COTTER, ARKANSAS,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS;

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

SECTION 1: DESCRIPTION

A. PIT BULL TERRIER: As used herein, is defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

B. VICIOUS DOG / DANGEROUS DOG:

(1) An owner or handler may not keep or permit a dog to be in the city if the dog has:

(a) On at least three separate occasions that a dog has attempted to attack or attempted to bite a human being or domestic animals without provocation in the city. However, the fact that a dog has bitten or attempted to bite someone when that person was teasing the dog shall not constitute a vicious dog.

(b) On at least one occasion bitten or injured a person or owner's pet to an extent that treatment was required by a physician/veterinarian and has presented an affidavit stating that the person and/or pet's life may have been endangered by the dog; or has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(c) On at least one occasion killed another dog, cat, or other domestic pet, fowl, or livestock; or seriously injured another animal to an extent that an attending veterinarian has presented an affidavit to the health authority stating that the injured animal's life was seriously endangered or taken by the dog, or that the dog caused a significant permanent impairment of the injured animal's basic bodily functions or mobility; provided, however, that when the incident occurred, the injured animal was not in violation of a provision of this or any other ordinance in the City.

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SECTION 2: PIT BULL TERRIER AND VICIOUS DOG

A. No person shall own or keep a Pit Bull Terrier or any mix of Pit Bull Terrier within the municipal limits of the City of Cotter, Arkansas.

B. No one may keep a vicious dog in the City of Cotter, Arkansas.

C. This ordinance is a necessary control to eliminate the risk of attack by Pit Bull Terrier and vicious dogs on human beings in the City of Cotter, Arkansas. Lack of knowledge or lack of intent is not a defense.

D. Whoever is found guilty of violating this ordinance shall be fined not less than \$250.00 (two hundred fifty dollars) and no more than \$500.00 (five hundred dollars) per violation. Two or more offenses may be fined \$1000.00 (one thousand dollars) and an additional fine of \$250.00 (two hundred fifty dollars) shall be assessed per day that the violation continues, plus court costs.

SECTION 3. SEVERABILITY:

If any part of this ordinance shall be held void such part shall be deemed severable, and the invalidity there of shall not affect the remaining parts of the ordinance.

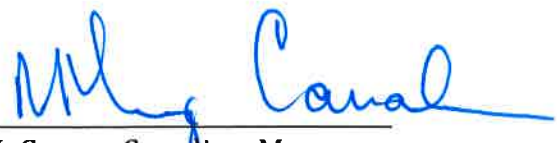
SECTION 4.

This Ordinance amends Ordinance 2002-05 in its entirety.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF COTTER, ARKANSAS:

THIS ORDINANCE ADOPTED THIS 21st DAY OF November, 2019

APPROVED:


McGeorge Caradine, Mayor

ATTEST:


Andrea Kray, Recorder/Treasurer

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CITY OF COTTER

ORDINANCE NO. 2019 -04

AN ORDINANCE AMENDING ORDINANCE 93-01 REGULATING ANIMALS AT LARGE, THE KEEPING, TAKING UP, IMPOUNDMENT, QUARANTINING AND DESTRUCTION OF ANIMALS AND MAKING VIOLATIONS A MISDEMEANOR:

BE IT ORDAINED By THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS:

SECTION 1. Definitions:

As used in this ordinance the following terms when used singularly shall include the Plural and shall mean:

OWNER: Any person, firm, or corporation owning, keeping or harboring an animal. ‘

ANIMAL: Dog or cat, male or female.

KENNEL: Any person, firm, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals.

AT LARGE: Any animal shall be deemed to be at large when it is off the property of its owner or person in charge; not under control of a competent person or under reasonable control of a competent person/owner; not carried by such person; or kept in effective closure; or under control by means of a leash.

RESTRAINT: An animal is under restraint within the meaning of this ordinance if it is controlled by a leash; or at "heel" beside a competent person/owner and under reasonable control/obedient to that person's commands; or within a vehicle being driven or parked on the streets; or confined within the property limits of its owner or keeper.

ANIMAL SHELTER: Any premises designated by action of the City for the purpose of impounding and caring for all animals in violation of this ordinance.

ANIMAL CONTROL: The Person or persons employed or contracted by the City as its enforcement officer.

HAS BEEN BITTEN: Mean the skin has been penetrated by an animal's teeth and saliva has contacted a break or abrasion of the skin.

VACCINATION AGAINST RABIES: Means the injection, subcutaneously or otherwise, of antirabbit vaccine, as approved by the United States Department of Agriculture or the State board of Health and administered by a licensed veterinarian or agent of the Department of Health.

EXPOSED TO RABIES: An animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by or been exposed to any animal known to have been infested with rabies shall comply with Arkansas Statue 20-19-301.

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CONFINED WITHIN THE PROPERTY LIMITS: Meaning an animal must be confined by means of a fence, chain/rope, invisible fence, in command of a person/owner while on the property or trained to stay within the property boundaries.

SECTION 2. Enforcement:

The provisions of this ordinance shall be enforced by the City of Cotter.

SECTION 3. License Fee and Tag;

- (a) The quartering, keeping and maintaining of any animal within the corporate limits of the City of Cotter, Arkansas, shall be a privilege exercisable only by the purchase of an annual license for such purpose, from the City, for each calendar year.
- (b) *Amount of license fee.* For each neutered male or spayed female, the levied fee shall be in the amount of five dollars (\$5) annually. The fee for each unspayed female or unaltered male shall be ten dollars (\$10.00) annually, except for any animal under four (4) months of age. The fine for animals without tags shall be no less than \$100.00 pursuant to Section 13 Penalty.
- (c) The license and appropriate metal tag showing assigned number, shall be issued by the City of Cotter, or agent designated for that purpose upon payment of the fee set out above, and proof that the animal for which said license has been inoculated against rabies pursuant to Arkansas Statue 20-19-302 (6) and any other vaccinations required by the state of Arkansas for the current calendar year.
- (d) Rabies is required for dogs and cats 4 months or older in age. Rabies is given at 4 months or 16 weeks of age and annually thereafter. Owner shall provide proof of neutering, spaying, and breed of dog by a licensed veterinarian. Owner upon applying for license shall provide a picture of animal at time of application. In addition, a listing of the animal's chronic medical disabilities, if any, may be noted in the license file, to assist the Animal Control in the performance of his duties.
- (e) The identifying metal tag shall be attached to the animal for which it was obtained by appropriate and reasonable means. This tag may not be transferred to any other animal. Cost to replace a lost tag shall be \$5.00.

SECTION 4. Restraint / At Large / Nuisance Animals

The owner shall keep their animals under restraint at all times and not permit such animal to be at large.

Any loose animal inside the city limits of Cotter without its owner shall be in violation of said ordinance and shall receive a citation of not less than \$100.00 plus any Baxter County Animal Control impoundment fees incurred and plus court cost.

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Nuisance animals:

- a) Owners of nuisance animals shall be subject to fine. Nuisance animals are any animals which infringe upon the rights of another animal or a person, or:
- (1) Chase passersby or passing vehicles;
 - (2) Attack other domestic animals;
 - (3) Trespass on school grounds;
 - (4) Are repeatedly at large;
 - (5) Damage private or public property;
 - (6) Bark, whine, or howl in an excessive, continuous, or untimely fashion;
 - (7) Cause fouling of the air by odor and thereby create unreasonable annoyance;
 - (8) Interfere with refuse collection or other service personnel;
 - (9) Repeatedly defecating on property other than property owned by their owner, keeper or harborer while at large or while under restraint, with the exception of persons with guide dogs.

For purposes of this section, each day that a violation occurs shall be considered a separate offense, and if a separate citation is issued for each offense, each such separate offense may be punished separately.

SECTION 5 . Impoundment:

- (a) Any animal found running at large shall be picked up by the Baxter County Animal Control and the Owner shall be charged per the Baxter Animal Control Agreement with the City of Cotter. Any fees charged for services by Animal Control and/or Animal Shelter shall be a separate offense and shall be added to any other violation of said ordinance.
- (b) When animals are found running at large, and their ownership is known, such animal need not be impounded, but upon notifying the Owner, the City of Cotter Police Department may, at its discretion issue a warning or a citation for violation of this ordinance.
- (c) Immediately upon impoundment of an animal, the Baxter County Animal Control and/Animal Shelter or the City of Cotter shall make every possible effort to notify the owners.
- (d) In the case of an animal injured while at large, all effort should be made to notify the Owner, and if necessary, transport the animal to the closest Doctor of Veterinary Medicine to determine the extent of the injuries. All related veterinary

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charges shall be borne by the Owner of the animal involved. The owner shall be entitled to resume possession of any impounded animal, except as hereinafter provided in cases of certain animals, upon payment of impoundment fees set forth herein.

SECTION 6. Impoundment Fees:

Any animal impounded hereunder billed to the City of Cotter shall be added to the fine if not reimbursed by the owner of the animal impounded.

SECTION 7. Confinement of Certain Animals:

- (a) Every female animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with another animal, except for intentional breeding purposes.
- (b) No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the City of Cotter, provided however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions in accordance with such regulations as shall be established by the City of Cotter.

SECTION 8. Rabies Control and Confinement of animal when person is bitten

- (a) Whenever the health authorities, county sheriff's office, or municipal police officers in cooperation with health authorities receive information that any person has been bitten by a dog or cat or other animal, these local public officials acting in cooperation shall have the dog or other animal confined and observed.
- (b) If there is no local facility available for confining the dog or cat or other animal, it shall be the owner's responsibility to make satisfactory arrangements or to prepare a facility for the purpose of confinement.
- (c) The offending dog or cat shall be confined for a period of ten (10) days by a veterinarian or owner or public pound.
- (d) The veterinarian, owner, or public pound management personnel shall notify the local public health authorities of the disposition of the dog or animal at the termination of the confinement.
- (e) Any confinement and observation expense incurred in the handling of any dog or cat or other animal under this subchapter shall be borne by the owner.
- (f) If the dog or cat or other animal is a stray and has no owner, the confinement and observation expense shall be borne by the person bitten or, if a minor, by the head of the family.
- (g) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, or remove same from the city limits without written permission

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from the Cotter Police Department upon written recommendation from a veterinarian and/or Department of Health.

SECTION 9. Contract for Services

The Mayor of the City of Cotter shall be and is hereby authorized to contract with any person, firm or corporation for services as an Animal Control and/or Animal Shelter, terms, conditions and compensation for such services shall be mutually agreed to by the Mayor.

SECTION 10. Investigation:

For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, only in the company of a police officer, may enter upon any premises, using proper legal procedure, upon which an animal is kept or harbored or where any animal is kept or harbored or where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in their opinion, it requires humane treatment.

SECTION 11. Interference:

No person shall interfere with, hinder or molest the Cotter Police Department or Baxter County Animal Control in the performance of his duties.

SECTION 12. Records:

- (a) It shall be the duty of Animal Control/Animal Shelter to keep accurate and detailed records of the disposition of all animals coming into his custody.
- (b) It shall be the duty of the Animal Control/Animal Shelter to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.
- (c) It shall be the duty of the Cotter Police Department to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them, and their investigation of same.
- (d) It shall be the duty of the Animal Control/Animal Shelter to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City of Cotter, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the City and shall be audited by the City.

SECTION 13. Penalty:

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not less than \$100.00 nor more than \$350.00 plus court costs and if such violation be continued, each day's violation shall be a separate offense.

SECTION 14. Severability:

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If any part of this ordinance shall be held void such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of the ordinance.

SECTION 15. This Ordinance amends Ordinance 93-01 in its entirety.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF COTTER, ARKANSAS:

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