

TITLE 6

ANIMALS AND FOWL

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CHAPTER 6.04

ANIMALS, GENERALLY

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- 6.04.01 Animal distribution prohibited
- 6.04.02 City fish pond
- 6.04.03 Livestock regulations

6.04.01 Animal distribution prohibited It shall be unlawful for any person, firm or corporation to sell, give away or trade in any manner any animal on property owned or controlled by, whether by lease or other means, the city of Caraway, Arkansas. Fish will be exempt from this ordinance. (Ord. No. 1997-5.)

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and fined in an amount not less than \$500.00 for each offense. (Ord. No. 1997-5.).

6.04.02 City fish pond

A. The number of fish that may be taken by each person from the city owned and operated fish pond shall be limited to five (5) fish per day.

B. Any person, organization, group or association found guilty of violating the provisions of this ordinance shall be fined in an amount not to exceed \$100.00. (Ord. No. 1999-5.)

6.04.03 Livestock regulations See Section 14.04.02 Zoning Amendments – Ordinance Number 1971-1.

CHAPTER 6.08

DOGS

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- 6.08.01 Definitions

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6.08.01 Definitions The following words and phrases shall, for the purpose of this Ordinance, have the following meaning:

A. **Dogs** - When used herein shall include animals of all ages, both male and female, which are members of the canine family.

B. **Owner** - Every person, firm, partnership or corporation owning, keeping or harboring a dog within the corporate limits of Caraway.

C. **At Large** - Any dog not confined to the premises of the owner or within a house or other building, or enclosed or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restrict the dog to the premises, or not confined by leash or confined within an automobile when away from the premises of owner.
(Ord. No. 1987-3.)

6.08.02 Number of Dogs It shall hereafter be unlawful for any person, firm or corporation to own, keep or harbor more than 4 dogs over six months old within the corporate limits of the City, except that this provision shall not apply to the proprietor of a dog hospital or veterinarian when dogs are kept upon the premises used by dog hospitals or veterinarians as their normal place of business. Keeping on the premises of the owner of more than four dogs shall be prima facie evidence of violation of this section and the burden of proof shall be on the owner to show the ages of such dogs. (Ord. No. 1987-3.)

6.08.03 License and Registration Required All dogs kept harbored or maintained by their owners or keepers in the City of Caraway, Arkansas, shall be licensed and registered if over six months of age. Dog licenses shall be issued by the City Collector or Animal Control Officer in the City of Caraway, Arkansas, upon the owner of such dog producing a Certificate signed by a licensed veterinarian that the dog has been vaccinated against rabies within six (6) months prior to the time of application for license and upon payment of a license fee of \$2.00 for each dog. The owner shall state at the time application is-made for such license and upon forms provided for such purpose, his name and address and the name, breed, color and sex for each dog owned or kept by him. This section shall not apply to dogs whose owners are non-residents temporarily within the City nor to "seeing eye" dogs properly trained to assist blind persons when such-dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. Licenses for dogs shall be purchased on or before the first day of June of each year for the

ensuing year or immediately upon the bringing of such dogs into the city or immediately upon the dog becoming six months of age. Licenses and the right to use the particular tag shall expire on May 31st of the year following that in which the license is issued. All dogs within the City of Caraway shall be vaccinated at least once a year against rabies and it is made the duty of all owners of dogs or persons having the possession or control of dogs within the city to have such animals vaccinated with the vaccine against rabies in an amount, quantity and quality to be approved by the State Veterinarian. (Ord. No. 1987-3.)

6.08.04 Tag and Collar Upon payment of the license fee, the City Collector or Animal Control Officer shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed each year and the owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. If a dog tag is lost or destroyed, a duplicate will be issued upon presentation of a receipt showing payment for the license fee for the current year and the payment of a 50 cent fee for such duplication. Dog tags shall not be transferrable from one dog to another. (Ord. No. 1987-3.)

6.08.05 Running at Large No person owning, possessing or keeping a dog shall allow the same to run at large within the City of Caraway, Arkansas. (Ord. No. 1987-3.)

6.08.06 Confinement of Dogs Beginning any person owning, possessing or keeping a dog or dogs, whether vaccinated or not, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure or within a house, garage or other building or shall confine such dog or dogs by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. (Ord. No. 1987-3.)

6.08.07 Impounding and Redemption by Owner See Section 6.12.07.

6.08.08 Disposition of Unclaimed or Infected Dogs All dogs, whether licensed or unlicensed, that are impounded shall be kept for a period of five (5) days, and if at the expiration of five (5) days, such dogs shall not have been redeemed, they may be destroyed. During the five days of impoundment, the animal control officer or other designated official shall make diligent efforts to determine the owner of such dog and notify him of the impoundment. In the event the dog has a tag or collar which carries the owner's address, then prior to the dog being destroyed, the City shall, by certified letter, return receipt requested, or by personal contact, give the dog owner at least five (5) days notice of the proposed date of destruction of the dog. Any dog which gives an appearance of rabies shall be quarantined for a period of ten (10) days under the supervision of a qualified veterinarian before being destroyed.
(Ord. No. 1987-3.)

6.08.09 Barking and Howling It shall hereafter be unlawful for any person, firm or corporation to keep on his premises or under his control and within the City of Caraway, any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within a reasonable proximity of the place where the dog is kept.
(Ord. No. 1987-3.)

6.08.10 Condition of Pen and Premises It shall be unlawful for any person, firm or corporation keeping or harboring dogs to fail to keep the premises where such dogs are kept, free from offensive odors to the extent that such odors are disturbing to the persons residing within reasonable proximity to the premises; and it shall be unlawful to allow the premises where dogs are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.
(Ord. No. 1987-3.)

6.08.11 Penalties Any owner found violating any, provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). In the event the conviction is for failure to have a dog vaccinated within one (1) year as required by this Ordinance and state law, the fine will not exceed the sum of Twenty-Five Dollars (\$25.00) for each offense.
(Ord. No. 1987-3.)

CHAPTER 6.12

DANGEROUS ANIMALS

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6.12.05	Right to appeal
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- 6.12.08 Exceptions
- 6.12.09 Service Dogs

6.12.01 Scope This Ordinance applies to the City of Caraway. An owner living within the City of Caraway, but allowing an animal to run at large in the City limits area shall be subject to this Ordinance. (Ord. No. 2004-4.)

6.12.02 Definitions Animal Control Officer/Officers means any person charged by the City with performing the duties necessary to effectuate this Ordinance, including all police officers and workers of the City of Caraway.

"**At Large**" means any animal not confined to the property of the owner.

"**Dangerous Animal**" means any animal, particularly a dog, that:

1. Physically threatens or attacks human beings or other animals without provocation, or
2. Has previously inflicted bodily harm on a human being or other animal without provocation.

(Ord. No. 2010-2.)

"**Owner**" means any person giving ownership rights in a dog or other animal, or any person who keeps in his care, acts as custodian for, or knowingly permits a dog or other animal to remain on or about any premises occupied by him.

(Ord. No. 2004-4.)

"**Pit Bull Dog**" a dog is determined to be a Pit Bull Dog if any of the following apply:

- A. The dog is a Bull Terrier breed of dog.
- B. The dog is a Staffordshire Bull Terrier breed of dog.
- C. The dog is an American Pit Bull Terrier breed of dog.
- D. The dog is an American Staffordshire Terrier breed of dog.
- E. The dog is a mixed breed or of other breeds than above listed breed or mixed breed known as Pit Bull Dogs or Pit Bull Terrier.
- F. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as Pit Bulls, Pit Bull Dogs or Pit Bull Terriers; or a combination of any of these breeds.

A Pit Bull Dog is a dangerous animal, pursuant to the Caraway Animal Control Ordinance. (Ord. No. 2017-6.)

6.12.03 Dangerous Dogs

1. It shall be unlawful to keep, harbor, own or in any way possess a dangerous dog within the corporate limits city limits of Caraway, except when transporting to a veterinarian office (restrained and muzzled).

a. Determination

- i. An Animal Control Officer shall deem a canine to be a dangerous dog if the Animal Control Officer determines that the canine satisfies the

definition of dangerous dog, in addition to dogs specifically enumerated as dangerous dogs herein.

- ii. A dog will be considered dangerous if it is the offspring of a domestic dog and an innately wild animal. The behavior of the dog should not be considered dangerous if the dog was provoked or teased.

1. When rendering a determination pursuant to this section, any canine that reasonably resembles an innately wild animal shall be presumed to be the offspring of a domestic dog and an innately wild animal. However, this presumption may be defeated by a preponderance of evidence to the contrary. Offspring include animals that are separated by less than three reproductive generations from an innately wild animal.

(Ord. No. 2017-6.)

6.12.04 Impoundment and destruction authorized

1. The Animal Control Officer shall take into custody any animal found kept in the city that is a dangerous dog or dangerous animal and shall impound the animal in an Animal Facility or such other place as such Animal Control Officer may designate for the purpose of impoundment.
2. Such impounded animal shall be held for a period of five (5) business days, at the end of which time the animal may be destroyed unless custody of the animal is released prior thereto as provided in other portions of the Caraway Animal Control Ordinances.
3. Such animal may be destroyed prior to the expiration of such five (5) business day waiting period when such animal has been seriously injured or seriously ill and destruction would eliminate suffering on the part of the animal and would constitute the human solution to such animal's suffering.
4. Such animal may be destroyed prior to the expiration of the five (5) day waiting period when such animal presents itself in a vicious or dangerous manner that places the public or the Animal Control Officer or employees in ongoing danger and such destruction would eliminate this threat.

(Ord. No. 2017-6.)

6.12.05 Right to appeal If an animal owner who has received notice that his or her animal has been determined by the Animal Control Officer to be a dangerous animal feels that such determination was made in error, the owner may appeal the officer's decision within ten (10) days after receiving the notice by filing an appeal with the Craighead County District Court.

(Ord. No. 2004-4.)

6.12.06 Pit Bull violations and Penalties

Any person who fails to abide by any of the provisions in this Ordinance and that violation relates to a Pit Bull shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined the following:

- a. Any person violating or permitting the violation of any provision of this shall upon conviction in the District Court be fined a sum not less than two hundred dollars (\$200) and not more than two thousand five hundred dollars (\$2,500). The Court may

also sentence the defendant to imprisonment in the county jail for a period not to exceed ninety (90) days. Any such conviction shall include seizure of the animal by the Animal Control Officer or personnel, if that has not already been done, to be humanely destroyed or sent to a suitable rescue outside the corporate limits of the City of Caraway, if the dog has not already been destroyed. Additional fines shall be in accord with the Amendment to Ordinance 2004-4.

6.12.07 Redemptions - Violations A violation of this Ordinance shall be a misdemeanor, and the person or persons in violation shall be fined One hundred dollars (\$100.00) for a first offense, Three Hundred Dollars (\$300.00) for a second offense, and not less than Five Hundred Dollars (\$500.00) or more than Two Thousand Five Hundred Dollars (\$2,500) for all subsequent offenses. Furthermore, the Animal Control Officer/Officers or any individual may institute a civil action to compel compliance with this Ordinance and seek injunctive relief damages, or other civil sanctions including the award of attorney's fees and costs.
(Ord. No. 2004-4.) (Ord. No. 2017-6.)

6.12.08 Exceptions
Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:

1. Who was committing at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; or
2. Who was provoking, tormenting, or abusing the animal or who can be shown to have repeatedly, in the past, provoked, tormented, or abused the animal; or
3. Who was committing or attempting to commit a crime.
(Ord. No. 2004-4.)

6.12.09 Service Dogs No animal that is shown to be a Certified Service Animal registered with the National Service Animal Registry shall be subject to this or previous animal control ordinances. The City will comply with all laws and regulations of the Americans with Disability Act. If it is not obvious that it is a service animal, two questions will be asked of its controller: (1) is the dog a service animal required because of a disability, (2) What work or task has the dog been trained to perform. (Ord. No. 2017-6.)