

DIAMOND CITY, BOONE COUNTY, ARKANSAS

Ordinance 10-2021

AN ORDINANCE TO REPEAL ALL PREVIOUS ORDINANCES PERTAINING TO DOGS AND CATS VACCINATION, LICENSING DOGS AND CATS, ANIMALS AT LARGE, VICIOUS AND DANGEROUS DOGS, KENNELS AND BARKING DOGS AND FINES FOR DOG AND CATS, WITHIN THE CITY LIMITS OF DIAMOND CITY, ARKANSAS.

WHEREAS; Numerous Ordinances have been written to amend the original ordinance and this is to clarify all charges and new statutes.

WHEREAS; The City Council of Diamond City is vested with the authority and the responsibility to set policy and enact ordinances for the public peace, health, safety and welfare of the citizen of the City of Diamond City.

WHEREAS; The City Council of Diamond City has determined the need to advise all residents of Diamond City the requirements of dog and cat ownership and the penalties for violations.

WHEREAS; the requirements, fees and fines as set forth herein are in accordance with Arkansas State Statutes.

Section 1; Any person wishing to own or keep a dog or cat over the age of 4 months in the City of Diamond City shall within 10 days after the dog or cat becomes 4 months old or within 10 days after the dog or cat is brought within the City, must procure from City Hall a license authorizing the keeping of such dog or cat. The license shall be renewed annually.

A: There shall be a limit of 3 dogs and or 3 cats in a single family residence. This will be a detriment to public health, safety and general welfare of the animals and the public in a residential area to control from an overabundance of dogs and cats in a residential area.

Section 2; The fee for the license will be \$7.00 for each neutered male dog or cat and altered female dog or cat. The fee for each non-neutered male dog or cat or non-spayed female dog or cat is \$10.00.

Section 3; Vaccination for dogs and cats are required by the State Board of Health (AR 20-19-305). No City license will be issued for any dog or cat unless it has been vaccinated against rabies within the current year. Upon proof of vaccination and payment of the required fee, City Hall shall deliver to the person paying the fee a metal tag, numbered to correspond with the number of the license issued and showing the year for which the fee has been paid. Such tag shall be attached to the collar or harness of the dog for which the fee has been paid.

Section 4; All dogs and cats within the City of Diamond City shall be vaccinated once each year or as prescribed by a veterinarian for rabies. Refusing to produce for inoculation against rabies any dog or cat in his or her possession is a violation of A.C.A 20-19-304. Such inoculation shall be performed by a State Licensed Veterinarian and the dog shall display a tag on the collar or harness. All pet owners will be required to register their pets each year with the City. Cats are exempt of the collar requirement, but the owner must have in his possession evidence of the annual rabies inoculation and the current animal license. Where a certificate of vaccinations shows that a dog should not be vaccinated due to infirmity or other disability, the nature of the infirmity and or other reason for non-vaccination must be provided to the City. If pet owners purchase their own vaccines the vaccinations have to be administered under the supervision of a legally licensed veterinarian. Before the City of Diamond City will register the pet, the owner will still be required to present the proper vaccination certificate signed by the licensed veterinarian.

Section 5; After passage of this Ordinance it shall be unlawful for any person to allow their dog or cat to run at large within the City limits of Diamond City. At the residence of the Owner all dogs must be kept in an enclosed area such as a fenced or an invisible fence. On a chain/ tethering whereas the chain must be at least 10 feet in length. The chain/ tethered must be mounted on a cable so as not to interfere or become entangled with the animal or objects on the property. The tethering system used shall not allow the dog to leave the property of the owner or weigh more than one/eighth the dogs body weight. Any chain or tether shall be attached to a properly fitted collar or harness worn by the dog. Chained or tether dog must have constant access to necessary shelter and water. The animal must be under the control of an owner or one who harbors an animal. Cats are exempt of the collar requirement, but the owner must have in his possession evidence of current rabies vaccination tag and City tag. Any dog or cat not having current rabies vaccination tag and City license tag will be impounded and an attempt will be made to notify the owner. If the dog or cats owner is identified he or she may reclaim the dog or cat after paying a fee of \$25.00 and \$10.00 for food and care and any other expense incurred by the City. If the dog or cat has no proof of vaccination or City tag the owner will have a period of 2 working days to obtain both requirements. If a dog or cat owner cannot be identified or claimed the animal will be subjected to disposal or released to a responsible party. If the dog or cat is reclaimed by its owner and is again found at large within a 30 day period the fee and care expense will be \$60.00 and \$10.00 for food, together with any other expense to the City of Diamond City.

Section 6; Any person who keeps a dog or cat within the City limits of Diamond City which has not been vaccinated or can show proof from a State Licensed Veterinary why it cannot be vaccinated, in accordance with this ordinance shall, upon conviction, be subject to a \$25.00 fine for each offense.

Section 7; Any dog or cat found to be running at large; which is defined as not on a leash and person has to be in control of animal on the leash, not in a fenced enclosure or immediate voice control to follow command can be fined no less than \$50.00 and no more than \$500.00 per incident.

Section 8; It shall be unlawful for any person to bring in to the City of Diamond City any dog(s) and or cat(s) and release or abandon (any person in possession of an animal who knowingly refuses to provide care or properly house an animal and means to desert, surrender, or relinquish ownership and control), the same to run at large within the City limits of Diamond City, Arkansas, shall be a fine of \$50.00 up to \$500.00 for each animal.

Section 9; It shall be unlawful for any person to own or keep in the City of Diamond City a dog or cat which 1) Has unlawfully attacked or bitten a person (bite or bitten means actual abrasion, puncture, tear, bruise or piercing of the skin caused by an animal.) 2) Is being kept under unsanitary conditions and is creating a vile smelling nuisance to the public and vicinity. Animals that have bitten, scratched, clawed, or otherwise attacked a human being, shall be seized and held for a minimum of ten days at and under the supervision of a licensed Veterinarian, and the cost of such detainment is to be borne by the owner.

Section 10; Vicious or dangerous dogs; Definition means any member of the canine dog family that has exhibited fierce or vicious behavior towards a person or that has attacked a person or another domestic animal with such severity as to cause physical injury or property damage. However and of the above described actions or behaviors should not be considered vicious if the dog was provoked or teased.

Keeping of such dogs shall be subject to: no person shall permit a vicious dog to go outside its home or pen unless such dog is securely maintained by a muzzle or muzzled by a device sufficient to prevent the dog from biting people or animals, with a leash no longer than 4' in length under the control of a responsible handler. No person shall permit a vicious or dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or house unless a responsible handler is in physical control of the leash. Such dogs may not be leashed to inanimate objects, such as trees, post or buildings, ect. The person in control of the animal must be of size and strength to adequately maintain control of the dog.

- A) **Confinement:** all dogs designated vicious or dangerous shall be securely confined indoors or in a securely enclosed kennel, except when leashed and muzzled as provided above. The pen, kennel or structure must have secured sided and a secure top, which is attached to the sides. All structure used must be locked with a key or combination lock when the animal is within the structure. The pen or kennel must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded on the ground at a depth of no less than 2 feet. All structures used to house

dangerous or vicious dogs must also comply with all zoning and building regulation of the city. Kennels must be adequately lit and ventilated and be kept in a clean and sanitary condition.

- B) **Confinement Indoors:** No dangerous or vicious dog may be kept on a porch, patio or in any part of the house or building that would allow the dog to exit on its own volition unless a kennel as describe above Section 9 A. In addition no such animal may be kept in a building when the windows are open or screen windows, or screen doors are the only obstacles prevent the dog from exiting the structure unless the exit into the proper enclose area.
- C) **Signs:** All owners or keeper of a dangerous or vicious dog within 10 days of so being designated shall display in a prominent place on their premises a sign easily readable by the public, using the word "Beware of dog". In addition, a similar sign will be posted on the kennel or pen.
- D) **Insurance:** All owners of dangerous or vicious dogs wthin 10 days of being so designated provide proof to the Police Officers of the public liability insurance in a single incident amount of fifty Thousand Dollars, \$50,000.00 for bodily injury or death of any person or persons for the damage to property owned by any person which may result from the keeping or maintenance of the dog. The insurance policy shall provide that no cancellation shall be made without 10 days written notice being provided to the City of Diamond City.
- E) All owners or keeper of the dangerous or vicious dog within 10 days, notify in writing to the Diamond City Police Department of any of the following: 1) The death of the dog. 2) Removal of the dog from the City. 3) New address of the owner or keeper moves within the City of Diamond City.
- F) **Sale or transfer of ownership:** Any person may sell, barter or in any other way dispose of the dangerous or vicious dog to any person within the City limits of the City provide that the seller notifies the City of Diamond City on the day of the sale and provide that the buyer complies with all the requirements set forth in this Ordinance.
- G) **Failure to Comply;** It is unlawful for the owner or keeper of a dangerous or vicious dog registered in the City to fail to comply with the requirements set forth In Section 9 will be subject to immediate seizure and impoundment of the animal. Any person violating or permitting the violatlon of any provisions of this section shall be fined a sum of not less the \$250.00 no more than \$1000.00.
- H) **Each day that a violatlon of this Ordinance continues shall be deemed a separate offense.** In addition to the foregoing penalties, any person who

violates this section shall pay all expenses, including shelter, food, handling, veterinary care necessitated by the enforcement of this section.

- l) **Once a Citation has been issued**, by a Police Officer or a complaint has been filed against the owner or harbinger of an animal for a violation, the animal shall be relinquished by the owner or harbinger and kept and may only be released by an Order of the Court, which order may also require the owner to pay all fines, all impoundment fees and or obtain liability insurance to be determined. Upon finding the animal to be dangerous or vicious may be euthanized in a humane manner. Surrender of the animal by the owner or harbinger to the Officer shall not render the owner or the harbinger immune from the fines and fees prescribed by this Section.

Section 11; Kennels Prohibited; It shall be unlawful In any area In the City limits, zoned residential, for any person to place or cause to be placed on their property a kennel for the maintenance of dogs, whether for boarding or breeding purposes. A kennel shall be defined as any lot or premises on which are kept six or more dogs more than 6 months of age.

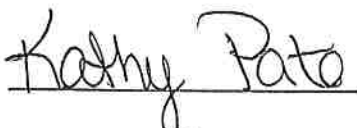
Section 12; Barking dogs prohibited; It shall be unlawful for any person, to keep on their premises, or under their control, any dog which by loud and frequent barking and or howling disturb the peace and quiet of any person who may reside within hearing distance of the place where the dog(s) are kept.

Section 13; Penalties for any persons found guilty of violating any of the above provisions will be deemed a misdemeanor and in addition to specific fines may be punished or assessed court cost and fines up to \$1000 by the Court. Each day the violation continues shall constitute a separate offense with cumulative fines assessed.

Section 14; The provisions of the Ordinance are hereby declared to be servable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of the Ordinance.

Emergency Clause: Time is of the essence and the City Council deems the immediate effect of these Ordinances to be in the best interest of the citizens of Diamond City, and the Ordinance shall be in full force and effect upon its approval.

Passed and approved August 24, 2021



Recorder/ Kathy Pate



Mayor/ Jaime Nuessner