

## TITLE 6

### ANIMALS AND FOWL

#### Chapters:

- 6.04 Dogs
- 6.05 Domestic Fowl
- 6.06 Domestic Fowl Standards of Enclosures
- 6.08 Other Animals
- 6.12 Condition of Enclosures
- 6.16 Bow and Arrow
- 6.18 Exotic and Wild Animals

#### CHAPTER 6.04

#### DOGS

#### Sections:

- 6.04.01 Definitions
- 6.04.02 Penalties
- 6.04.03 Hunting unlawful
- 6.04.04 Leg traps prohibited
- 6.04.05 Animal care
- 6.04.06 Running at large
- 6.04.07 Disturbing the peace
- 6.04.08 Licensing
- 6.04.09 License issuance and revocation
- 6.04.10 Restraint
- 6.04.11 Impoundment and violation notice
- 6.04.12 Vicious animals
- 6.04.13 Sterilization
- 6.04.14 Enforcement
- 6.04.15 Penalties
- 6.04.16 Cruelty to animals

6.04.01 Definitions The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abandon** means to desert, forsake or give up absolutely and knowingly doing so an animal on public or private property. (Ord. No. 2150, Sec. 1, 2-27-12)

**Animal** means any and all type of animals, both domesticated and wild, male and female, singular and plural.

**Animal Control Officer** means an officer employed by or under contract with an agency of the state, county, municipality or other governmental or political subdivision of the state who is responsible for animal control operations in its jurisdiction and approved by the City Council who shall exercise the powers prescribed by this chapter. (Ord. No. 2150, Sec. 1, 2-27-12)

**Animal shelter** means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

**At large** means not under the physical control of the animal's owner or harbinger, or his authorized representative, either by leash, trolley system or enclosure. An animal intruding upon or damaging the property of another person or upon public property, trespassing on school grounds, harassing passersby or passing vehicles, or interfering with refuse collection, harassing meter readers, and not under the control referred to herein shall be deemed "at large." An animal within an automobile or other vehicle shall not be deemed running "at large" if the animal is physically confined by the vehicle. An animal shall not be considered "at large" when properly leashed or in an enclosure as defined herein. (Ord. No. 2150, Sec. 1, 2-27-12)

**Auction** means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sales of animals by owners.

**Circus** means a commercial variety show featuring animal acts for public entertainment.

**Commercial animal establishment** means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel.

**Dangerous animal** means any animal which, when unprovoked, approaches in a manner of attack any person or domesticated animal upon the streets, sidewalks or other public ground or place. (Ord. No. 2150, Sec. 1, 2-27-12)

**Dog** means a canine of either sex, including one neutered or sterilized. (Ord. No. 2150, Sec. 1, 2-27-12)

**Enclosure** means a fence, pen or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping. Owners confining dogs by means of an enclosure must provide a minimum space of 100 square feet (10 x 10) per dog six (6) months of age or older. (Ord. No. 2150, Sec. 12-27-12)

**Exotic animal** means any animal that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced or was introduced from abroad.

This term specifically includes animals such as, but not limited to lions, tigers, leopards, elephants, camels, antelopes, anteaters, kangaroos, water buffalo, and species of foreign domestic cattle such as Ankole, Gayal and Yak. (Ord. No. 2224, Sec. 2, 3-19-15)

**Fowl** means any and all fowl, domesticated and wild, male and female, singular and plural.

**Grooming shop** means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

**Harborer** means to provide or one who, for a period of three (3) days or more keeps and cares for an animal or provides premises to which the animal returns. (Ord. No. 2150, Sec. 1, 2-27-12)

**Humane officer** means the Animal Control Officer. (Ord. No. 2150, Sec. 1, 2-27-12)

**Juvenile** means any animal from weaning to seven (7) months of age. (Ord. No. 1841, Sec. 1, 8-17-00)

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

**License** means a permit and numbered animal tag issued by the city to indicate that an animal is vaccinated against rabies in accordance with city ordinance and that the owner or harborer has remitted to the city the levied permit fee. (Ord. No. 2150, Sec. 1, 2-27-12)

**Mobile or traveling housing facility** means a transporting vehicle such as a truck, trailer, or railway car, used to house animals while traveling for exhibition or performances. (Ord. No. 2224, Sec. 2, 3-19-15)

**Owner** means any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

**Performing animal exhibition** means any spectacle, display, act or event, other than circuses, in which performing animals are used.

**Pet** means any animal kept for pleasure rather than utility.

**Pet shop** means any person, whether operated separately or in connection with another business enterprise except for a licensed kennel, who buys, sells or boards any species of animal.

**Public nuisance** means any animal which:

- A. Molests passers-by or passing vehicles
- B. Attacks other animals

- C. Trespasses on school grounds
- D. Is repeatedly at large
- E. Damages private or public property
- F. Barks, whines or howls in an excessive, continuous or untimely fashion

**Restrained** means any animal secured by a leash and under the physical control of the owner/harbinger.

**Tether** means a rope, chain or cable of appropriate strength that is firmly anchored to the bed of an open-bed pickup truck or similar vehicle in at least two places. Tether is to be used to restrain the animal and is to be fastened to the animal by means of a harness or collar and to be the appropriate length as to afford the animal freedom to move about the vehicle, but to restrict the animal to a set radius to prevent it from reaching either side or the rear of the vehicle so the animal cannot be thrown from, fall from or jump from the vehicle. (Ord. No. 2150, Sec. 1, 2-27-12)

**Veterinary hospital** means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals. (Ord. No. 1260, Sec. 1, 10-14-86)

**Vicious animal** means

- A. Any animal which, without provocation, bites or attacks a human being or domestic animal on public or private property excluding the animal owner's private property and enclosures when properly restrained; or
- B. Any animal owned or harbored primarily or in part for the purpose of animal fighting; or any animal trained for animal fighting.
- C. Any animal with a known propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans, domestic animals on any public or private property.

Notwithstanding the definition of Vicious Animal, no animal shall be declared vicious if the person attacked or bitten by said animal was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

**Wild animal** means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions.

This term includes, but is not limited to animals such as deer, skunks, opossums, raccoons, minks, armadillos, coyotes, squirrels, foxes and wolves. (Ord. No. 2224, Sec. 2, 3-9-15)

**Zoological park** means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person or governmental agency. (Ord. No. 1260, Sec. 1, 10-14-86)

#### 6.04.02 Penalties

- A. Whenever in this chapter an act is prohibited or is made or declared to be unlawful or to be an offense or a misdemeanor, or whenever in such chapter the doing of an act is required, or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of this chapter shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or double that sum for each repetition of such offense or violation, provided no penalty shall be greater or less than the penalty provided for under the laws of the state. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued.
- B. Any person who resides in the city convicted of violating or who pleads guilty to state law A.C.A. 5.62.101, Cruelty to Animals, may lose the privilege of owning animals with the city limits for up to one (1) year in addition to applicable fines assessed.
- C. Any person violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). Each day's violation shall be considered a separate offense.
- D. Any animal determined to be a vicious animal by the District Court shall, after thirty (30) days of the entry of judgment ordering the animal destroyed, be humanely put to death unless the owner shall have made provision to keep the animal outside the corporate limits of the city. All costs of maintaining the animal shall be charged to the owner if he is convicted of maintaining a vicious animal within the corporate limits of the city. (Ord. No. 2150, Sec. 4, 2-27-12)

#### 6.04.03 Hunting unlawful

- A. It shall be unlawful for any person to hunt animals within the corporate limits of the city.

- B. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) or by imprisonment for a term not to exceed thirty (30) days or both. (Ord. No. 1801, Sec. 1, 10-24-98)

#### 6.04.04 Leg traps prohibited

- A. It shall be unlawful to place or set any steel jaw (also referred to as leg hold) trap within the city limits of Eureka Springs, Arkansas.
- B. Violation of this ordinance is a Class A misdemeanor, punishable by a fine of not less than Five Hundred Dollars (\$500.00), and up to a year in jail. (Ord. No. 1403, Sec. 6.14.02, 9-11-90)

#### 6.04.05 Animal care

- A. No owner shall fail to provide his animals with sufficient good and wholesome food and water proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- B. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- C. No owner of an animal shall abandon such animal.
- D. No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.
- E. No person shall give away any live animals, fish, reptile or bird as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was the purpose of attracting trade.
- F. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; if the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

- G. No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be liable to be eaten by any animal; however, it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances. (Ord. No. 1260, Sec. 6, 10-14-86)

6.04.06 Running at large

- A. It shall be unlawful to permit any animal to run at large within the city. (Ord. No. 2150, Sec. 5. 2-27-12)
- B. Any animal or fowl that is found running at large within the city is declared to be a nuisance and shall be impounded in some suitable place designated by the Mayor. (MC 1978, 6.08.09)
- C. It shall be unlawful to permit any cattle, horse, mule, sheep, goat, rabbit or poultry to run at large in the city. Any such animal running at large in any public place shall be impounded in the manner provided in this chapter. It shall further be unlawful to picket or tie any such animal in any of the streets for the purpose of grazing or feeding. (MC 1978, 6.08.04)
- D. It shall be unlawful for the owner or person having charge of any dog to permit or allow such dog to be without proper restraint while on public property or at public events.
- E. The term “permit” shall include failure of the owner or person having charge of said animal to physically restrain them. The Animal Control Officer shall be authorized to enter onto private property for the purpose of impounding an animal found running at large.
- F. Every female dog in heat or estrous (coming into the next cycle for breeding purposes) shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding. (Ord. No. 2150, Sec. 6, 2-27-12)

6.04.07 Disturbing the peace It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night. ( MC 1978, 6.08.03)

6.04.08 Licensing

- A. Any person owning, keeping, harboring or having custody of any animal over three (3) months of age within the city must obtain a license. This provision may not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets. (Ord. No. 1260, Sec. 2, 10-14-86)
- B. If not revoked under any of the provisions of this chapter, licenses for dogs and cats shall be for a period of three (3) years from date of issuance ending December 31 of applicable year that coincides with the three (3) year rabies vaccination certificate. There is no pro rating of any license fee. (Ord. No. 2150, Sec. 7, 2-27-12)



- C. If not revoked, licenses for the keeping of dogs and cats shall be for a period of one (1) year. (Ord. No. 1260, Sec. 2c, 10-14-86)
- D. Application for a license must be made within thirty (30) days after obtaining a dog or cat over three (3) months, except that this requirement will not apply to a non-resident keeping a dog or cat within the city for not longer than sixty (60) days.
- E. License fees shall not be required for dogs used by the visually or hearing impaired or governmental police dogs.
- F. Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- G. Dogs and cats must wear identification tags at all times when off the premises of the owners.
- H. The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public when owner identification is necessary. (Ord. No. 1260, Sec. 2 d-h, 10-14-86) The licensing authority will send renewal notices ninety (90) days prior to the expiration month. (Ord. No. 2150, Sec. 8, 2-27-12)
- I. Fees:   Dogs: Unaltered: \$30.00                      Spayed/neutered: \$10.00  
              Cats: Unaltered: \$30.00                      Spayed/neutered: \$10.00  
              (Ord. No. 2150, Sec. 10, 2-27-12)

In order to receive the fee advantage for altered dogs and cats, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal. (Ord. No. 1841, Sec. 3 i-j, 8-17-00)

- K. A duplicate license may be obtained upon payment of a \$1.00 replacement fee.
- L. No person may use any license for any animal other than the animal for which it was issued. (Ord. No. 1260, Sec. 2 k-l, 10-14-86)

#### 6.04.09 License issuance and revocation

- A. The licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulation promulgated by the licensing authority or any law governing the protection and keeping of animals.
- B. Any person whose permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept or harbored; and no part of the permit or license fee shall be refunded.
- C. It shall be a condition of the issuance of any permit or license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.
- D. If the applicant withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license.
- E. No person who has been convicted of cruelty to animals shall be issued a license.
- F. Any person having been denied a license may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by the appropriate fee. (Ord. 1260, Sec. 3, 10-14-86)

#### 6.04.10 Restraint

- A. When on public property where other people might be/are present, leashes shall be of sufficient strength and a maximum length of six (6) feet.
- B. All dogs shall be properly restrained when outside of any appropriate enclosure or on public property.
- C. It shall be illegal to maintain any vicious dog or cat within the corporate limits of the city, regardless of whether or not it is kept under restraint by its owner. (Ord. No. 2150, Sec. 11, 2-27-12)

#### 6.04.11 Impoundment and violation notice

- A. Unrestrained dogs and nuisance animals shall be taken by the police, Animal Control Officers or humane officers and impounded in an animal shelter and there confined in a humane manner.

- B. Impounded dogs and cats shall be kept for not less than five (5) working days.
- C. If by a license tag or other means the owner of an impounded animal can be identified, the Animal Control Officer shall immediately, upon impoundment, notify the owner by telephone or mail. (Ord. No. 1260, Sec. 5a-c, 10-14-86)
- D. The owner of any dog or cat impounded under this chapter may redeem said dog or cat within five (5) days from time of impounding by paying to the animal control officer the appropriate redemption fee.
  - 1. The first time a dog or cat is impounded within a one-year period, the redemption fee is Twenty-Five Dollars (\$25.00); for the second impound within a one (1) year period the redemption fee is Fifty Dollars (\$50.00; for the third and subsequent impounds within a one (1) year period the redemption fee is Seventy-Five Dollars (\$75.00), except that:
  - 2. If a dog or cat is wearing a current pet license at the time of the first impound, no redemption fee will be collected. If the dog or cat is licensed but not wearing a current pet license at the time of the first impound, the redemption fee will be abated upon proof of licensing. If the dog or cat is not licensed at the time of the first impound, the redemption fee will be refunded if the owner licenses the dog or cat within seven (7) days and provides proof of licensing to the animal control officer within fourteen (14) days. Except that, if a dog or cat is unaltered at the time of the first impound, the redemption fees shall not be waived, abated, or refunded.
  - 3. If a dog or cat is unaltered at the time of the second or subsequent impounds within a one-year period, the owner shall be responsible for a redemption fee of Twenty-Five Dollars (\$25.00) in addition to the redemption fees enumerated in subsection 1.

- E. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring and keeping of such dog or cat, the sum of Ten Dollars (\$10.00) per day for each day, including the first and last days that the animal has been impounded. This boarding charge will be collected for the first time impound whether the animal is licensed or not. (Ord. No. 1841, Sec. 4d-e, 8-17-00)
- F. Any animal not reclaimed by its owner within five (5) working days shall become the property of the city or the humane society and shall be placed for adoption in a suitable home or humanely euthanized. (Ord. No. 1620, Sec. 5f, 10-14-86)
- G. In addition to or in lieu of impounding an animal found running at large, the animal control officer, humane officer or police officer may issue to the known owner of such animal a citation requiring the owner to appear in District Court or post a cash bond in lieu of appearance. Said cash bond shall be in the amount of One Hundred Dollars (\$100.00) and shall be posted at the police department. Any person found guilty of violating this section shall be subject to a fine of not less than One Hundred Dollars (\$100.00). (Ord. No. 1841, Sec. 4g, 8-17-00)
- H. The owner of an impounded animal may also be proceeded against for violation of this chapter.
- I. The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a 12 month period. (Ord. No. 1260, Sec. 5h-i, 10-14-86)

#### 6.04.12 Vicious animals

##### **A. Procedure for declaration of vicious animal**

1. The Animal Control Officer shall classify vicious animals. The animal control officer may find and declare an animal to be a vicious animal if the officer has probable cause to believe that the animal falls within the definition set forth in 6.04.01.
2. The finding must be based upon:
  - a. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of 6.04.01; or
  - b. Bite reports filed with the animal control officer or any law enforcement officer; or

- c. Actions of the animal witnessed by the animal control officer or any law enforcement officer or humane officer.
- B. The declaration of vicious animal shall be in writing and shall be served on the owner in one (1) of the following methods:
  1. Certified mail to the owner's last known address; or
  2. Personally; or
  3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
- C. The declaration shall state at least:
  1. The description of the animal.
  2. The name and address of the owner of the animal, if known.
  3. The whereabouts of the animal if it is not in the custody of the owner.
  4. The facts upon which the declaration of vicious animal is based.
  5. The availability of a hearing in case the person objects to the declaration, if a request is made within ten (10) days.
  6. The restrictions placed on the animal as a result of the declaration of vicious animal.
  7. The penalties for violation of the restrictions, including the possibility of destruction of the animal and fining of the owner.
- D. If the owner of the animal wishes to object to the declaration of vicious animal:
  1. The owner may request a hearing by the District Court by submitting a written request and payment of Twenty-Five Dollars (\$25.00) court fees to the District Court Clerk within ten (10) days of receipt of the declaration, or within ten (10) days of the publication of the declaration.
  2. If the judge of the District Court finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.

3. If the judge of the District Court finds sufficient evidence to support the declaration, the owner may appeal such decision to Circuit Court within thirty (30) days of the date of the District Court decision.
4. During the entire hearing and appeal process, it shall be unlawful for the owner appealing the declaration of vicious animal to allow or permit the animal to:
  1. Be unconfined on the premises of the owner; or
  2. Go beyond the premises of the owner unless such animal is securely leashed and humanely muzzled or otherwise securely restrained. (Ord. No. 1841, Sec. 61-d, 8-17-00)

- B. Permits and fees** Following a declaration of vicious animal and the exhaustion of the appeal therefrom, the owner of an animal which has been declared to be vicious shall obtain a permit for such animal from the licensing authority, and shall be required to pay the fee for such permit in the amount of Two Hundred Fifty Dollars (\$250.00). In addition, the owner of such vicious animal shall pay an annual renewal fee for such permit in the amount of Fifty Dollars (\$50.00).

Should the owner of a vicious animal fail to obtain a permit for such animal or to successfully appeal the declaration of vicious animal, the animal control officer is authorized to seize and impound such animal and, after notification to the owner, hold the animal for a period of no more than five (5) days before destruction of such animal.

**C. Confinement and identification of vicious animal**

1. Following a declaration of vicious animal and the exhaustion of the appeal therefrom, it shall be unlawful for the person owning or harboring or having care of such vicious animal to allow and/or permit such animal to:
  - a. Be unconfined on the premises of such person; or
  - b. Go beyond the premises of such person unless such animal is securely leashed and humanely muzzled or otherwise securely restrained.
2. Animals which have been declared to be vicious animals must be tattooed or have a microchip implanted for identification. Identification information must be on record with the animal control officer and the Good Shepherd Humane Society Shelter.

D. **Notification of status of vicious animal** The owner of an animal that has been declared a vicious animal shall immediately notify the animal control officer when such animal:

1. Is loose or unconfined; or
2. Has bitten or otherwise injured a human being or attacked another animal or livestock; or
3. Is sold or given away or dies; or
4. Is moved to another address.

Prior to a vicious animal being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control officer. The new owner shall comply with all of the requirements of this chapter.

E. **Penalty for violation** Any person who violates a provision of 6.04.12 of this chapter shall, upon conviction thereof, be found guilty of a misdemeanor. In addition, any person found guilty of violating 6.04.12 of this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any animal for the protection of the public, and such other expenses as may be required for the destruction of any such animal. Provided, that any vicious animal which is in violation of the restrictions contained in 6.04.12 B or restriction imposed as part of a declaration as a vicious animal, shall be seized and impounded.

Furthermore, any animal which has been declared to be a vicious animal which attacks a human being, domestic animal, or livestock may be ordered destroyed when, in the court's judgment, such vicious animal represents a continuing threat of serious harm to human beings or domestic animals. (Ord. No. 1841, Sec. 6, 8-17-00)

6.04.13 Sterilization No unclaimed pet dog or cat shall be released for adoption without a written agreement from the adopter guaranteeing that such animal will be sterilized.

6.04.14 Enforcement The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this chapter to interfere with a humane officer in the performance of his duties. (Ord. No. 1260, Sec. 7-8, 10-14-86)

6.04.15 Penalties Any person violating any provision of this ordinance shall be deemed guilty of a 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), with the exception of Section 6.04.05G. If any violation be continuing, each day's violation shall be deemed a separate violation. (Ord. No. 1260, Sec. 9, 10-14-86)

6.04.16 Cruelty to animals No person shall cruelly treat any animal in the city in any way; any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this chapter. (MC 1978, 6.08.01)

STATE LAW REFERENCE – A.C.A. 14-54-1102.

## **CHAPTER 6.05**

### **DOMESTIC FOWL**

#### Sections:

- 6.05.01 Lawful domestic fowl
- 6.05.02 Number of domestic fowl
- 6.05.03 Re-claiming domestic fowl
- 6.05.04 Disposal of domestic fowl

6.05.01 Lawful domestic fowl Subject to the standards of this chapter it shall be lawful to keep domestic fowl within the city limits of Eureka Springs. Any other fowl not listed as lawful shall be considered as unlawful to keep within the city limits of Eureka Springs. (Ord. No. 2139, Sec. 1, 8-4-11)

6.05.02 Number of domestic fowl It shall be unlawful to keep, harbor, possess and/or have custody of any male birds or more than ten (10) domestic chickens/chicks; twenty-five (25) pigeons or quail. The maximum number of total domestic fowl shall not exceed twenty-five (25) of all species combined. This section shall not apply to the keeping of small caged birds solely as pets. (Ord. No. 2139, Sec. 2, 8-4-11)

6.05.03 Reclaiming domestic fowl The owner of any domestic fowl impounded may redeem them by paying all the costs, charges and penalties assessed, if any, that have accrued up to the time of making the redemption; and when they are paid, the domestic fowl shall be released to the owner. (MC 1978, 6.08.10) (Ord. No. 2139, Sec. 3, 8-4-11)



6.05.04 Disposal of domestic fowl

- A. Immediately after impounding any domestic fowl, it shall be the duty of the Animal Control Officer or designee to enter, in a book to be kept by the Animal Control Officer, the date of impounding and a description of the domestic fowl impounded.
- B. Public notice of the impounding of such domestic fowl shall be given by posting a description of such domestic fowl and date of impounding on the bulletin board in the City Hall at 44 S. Main St. Any such domestic fowl not redeemed by the owner within five (5) days after the posting of such notice shall be declared to be a public nuisance and may be disposed of in a humane and appropriate manner. (Ord. No. 2139, Sec. 4 8-4-11)

**CHAPTER 6.06**

**DOMESTIC FOWL STANDARDS OF ENCLOSURES**

Sections:

- 6.06.01 Definitions
- 6.06.02 Location and number
- 6.06.03 Disinfected
- 6.06.04 Enclosure specifics and animal welfare
- 6.06.05 Permits Required
- 6.06.06 Inspection
- 6.06.07 Enforcement
- 6.06.08 Penalty

6.06.01 Definitions The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Chick** means a fowl of unknown sex up to the age of three (3) months.

**Disinfectant** means a product recognized and marketed as a germicidal disinfectant compound.

**Domestic fowl** means adult chicken hens, pigeons or quail.

**Domestic improvement** means a dwelling, patio, gazebo, deck, hot tub, pool, or sauna.

**Enclosure** means any enclosed area, including buildings, fenced-in areas, pens, cages and pastures.

**Hen** means an adult female fowl.  
(Ord. No. 2139, Sec. 1 8-4-11)

6.06.02 Location and number

- A. Domestic fowl may be kept in the following locations; subject to all other standards in this chapter:
  - 1. On a single household parcel(s)
  - 2. On a parcel(s) under unitary ownership with more than one dwelling on site
  - 3. On residential parcels under common ownership
- B. The number of domestic fowl authorized per permit shall comply with the following, subject to all other standards in this chapter:
  - 1. For the first one thousand six hundred (1,600) square feet of any residential parcel, up to four (4) chickens or 20 pigeons or quail;
  - 2. For each additional one thousand (1,000) square feet of an residential parcel two (2) additional hens or two (2) pigeons or two (2) quail, as long as a maximum of ten (10) hens or twenty-five (25) pigeons or quail is not exceeded. The number of allowed domestic fowl is exclusive to each permit and may not overlap. This may restrict the number of permits issued on a given parcel. (Ord. No. 2139, Sec. 2, 8-4-11)

6.06.03 Disinfected Every enclosure wherein fowl are kept in the city shall be kept clean, sanitary, and regularly disinfected. (Ord. No. 2139, Sec. 3, 8-4-11)

6.06.04 Enclosures and animal welfare

- A. No domestic fowl shall be allowed to run at large ( free range ) within the corporate limits of the city of Eureka Springs. All domestic fowl must be contained within the enclosed area on the permitted property at all times.
- B. The permittee shall provide the domestic fowl with a covered, predator-proof, adequately ventilated coop of sufficient size to allow free movement of the

domestic fowl. The coop must be adjacent to and provide free access to the domestic fowl enclosure. Any heat source or electrical facilities installed in a domestic fowl coop must comply with all adopted building and electrical codes of the city of the Eureka Springs and the Eureka Springs Historic District Guidelines where applicable.

- C. Standards for the size and location of domestic fowl enclosures:
1. Coops shall be located within the normal setback requirements of the permitted property, except when written permission is obtained from an owner of vacant adjacent land to encroach on the side or rear boundary of permitted property. If such vacant land becomes inhabited or designated for any other domestic use, all standard setback provisions of this section shall be immediately in force, and enclosures must be brought into compliance.
  2. Coops can be located in any portion of the permitted rear yard, but may not be located in the front yard, except under specific conditions such as the prime structure being located at the extreme rear of parcel. In such cases, any part of the domestic fowl enclosure must be located no less than three (3) times the distance of the property front setback requirements. All other requirements of this ordinance shall remain intact.
  3. Enclosures for domestic fowl may be movable, but must comply with all standards of this section.
- D. Domestic fowl enclosures shall be kept in good repair, maintained in a sanitary condition, free of vermin, obnoxious smells, and waste substances. Enclosures shall be constructed and maintained to prevent rodents from being harbored underneath, within or within the walls of the enclosures and to prevent entrance by any other bird or animal.
- E. Food and fresh water containers shall be kept in the coop with adequate access.
- F. Leftover feed, trash and manure shall be removed weekly. Stored feed must be kept in a rodent- and predator-proof container.
- G. Domestic fowl shall be maintained in a healthy condition. Ill domestic fowl shall either receive appropriate medical care or be disposed of in a humane, legal manner. (Ord. No. 2139, Sec. 4, 8-4-11)

6.06.05 Permits required Prior to the keeping of any domestic fowl an owner, operator or custodian wanting to keep domestic fowl shall obtain a permit from the City Clerk for the city of Eureka Springs. A permit fee of ten dollars (\$10) will be due with the permit application. The permit fee may be revised from time to time by the City Council. Only one (1) permit for domestic fowl shall be issued per owner, operator or custodian of a parcel of land.

- A. The owner, operator or custodian of the domestic fowl shall keep a copy of all signed approval documents for inspection upon request from an Animal Control Officer or designee.
- B. A permit for domestic fowl under this section does not relieve any party from any requirement to obtain any other permit or other necessary approvals for any structure, fence, lighting, heat source, etc., as required by the Eureka Springs Municipal Code.
- C. The application shall contain the following:
  - 1. Identify on a sketch, the property boundaries, the location of all structures on the property and distances between said structures and between the property boundaries. The sketch must also indicate the location(s) of the domestic fowl coop.
  - 2. The number of domestic fowl to be kept.
  - 3. A description of the enclosure or roofed coop, including materials used and square footage(s).
  - 4. A statement that all information contained in the application is true and that the permit holder shall keep the domestic fowl in compliance with the terms of the permit, application and Ordinance #2139
- D. Applicant requirements and responsibility:
  - 1. A permit to keep domestic fowl is specific to the permit holder and the location of the permit. A person wishing to move domestic fowl to a different property shall obtain a new permit.
  - 2. A new resident of a property who intends to keep domestic fowl shall obtain a new permit regardless of whether domestic fowl were kept on the property or continue to be kept on the property.

3. Approval of a permit to keep domestic fowl authorizes the permit holder to keep the number of domestic fowl in the manner described on the application and permit. Any increase to the number of domestic fowl allowed or a significant change to the manner of keeping, shall require a new permit.
4. Where the person seeking to keep domestic fowl is not the fee owner of the property upon which the domestic fowl will be kept, the applicant shall obtain the property owner's consent in writing to keep domestic fowl on the property. The owner's consent shall be submitted with the permit application. For the purposes of this section, when a party seeks to keep domestic fowl on a property owned as a condominium, the consent of the property owners' association must be obtained. An officer of the association may sign as the land owner. (Ord. No. 2139, Sec. 5, 8-4-11)

6.06.06 Inspection The Animal Control Officer or designee is authorized to enter upon any premises, public or private, for the purpose of making inspections to determine if the provisions of this article are being violated. (Ord. No. 2139, Sec. 6, 8-4-11)

6.06.07 Enforcement If, upon inspection, the Animal Control Officer or designee finds that the provisions of this article have not been or are not being complied with, he shall:

- A. Give written notice of the non-compliance to the owner, possessor or custodian of such domestic fowl; and such owner, possessor or custodian shall, within thirty (30) days after the receipt of such notice, proceed to fully comply with the provisions of this article.
- B. If the non-compliance as notified is not corrected within the thirty (30) day allowance, a second notice to comply within fifteen (15) days shall be issued and a re-inspection fee of twenty five dollars (\$25.00) shall be charged.
- C. If the second notice is not complied with, and/or the re-inspection fee is not paid within the fifteen (15) days allowed, a Notice of Permit Revocation shall be issued and the removal of all the domestic fowl shall be undertaken by the designated officer or their assignee. Failure to comply with the fifteen (15) day notice of non-compliance shall be considered a violation of this ordinance.
- D. Any expense incurred by the city for the removal of the domestic fowl under this provision may be levied against the permit holder or the said property owner.
- E. The issuance of three (3) or more notices of non-compliance pertaining to this ordinance within any twelve (12) month period to any owner, possessor or custodian of domestic fowl shall be grounds for revocation of a permit to keep domestic fowl and the owner, possessor or custodian of such domestic fowl shall be in violation of this ordinance. Each additional notice, after the third notice within twelve (12) months shall be a separate violation.

- F. A new permit shall not be issued to any person who has had a permit revoked until the passage of one (1) year after such revocation and all fees for previous violations have been satisfied.
- G. Interference with the Animal Control Officer and/or his designee in the performance of his duties with regard to this ordinance, shall be a violation. (Ord. No. 2139, Sec. 7, 8-4-11)

6.06.08 Penalty Any person convicted for a violation of this ordinance shall be adjudged to pay a fine of not more than One Hundred Dollars (\$100.00) plus appropriate court costs for each violation. (Ord. No. 2139, Sec. 8, 8-4-11)

## **CHAPTER 6.08**

### **OTHER ANIMALS**

Sections:

6.08.01	Condition of stables
6.08.02	Number of animals
6.08.03	Reptiles
6.08.04	Reclaiming animals
6.08.05	Disposal of animals
6.08.06	Feeding deer

6.08.01 Condition of stables Except in A zones, no person shall cause or allow any stable or place where any animal or fowl is or may be kept to become unclean or unwholesome; and it shall be unlawful to keep any hogs, horses, mules, cattle, goats or sheep in the city. (MC 1978, 6.08.06)

6.08.02 Number of animals It shall be unlawful to keep, harbor and have custody of more than two (2) rabbits provided they are confined at all times in a suitable enclosure. This section shall not apply to the keeping of small-caged birds solely as pets. (MC 1978, 6.08.07)

6.08.03 Reptiles No dangerous or poisonous reptiles may be maintained by any person other than bona fide educational or medical institution for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the Chief of Police. (MC 1978, 6.08.08)

6.08.04 Reclaiming animals The owner of any animals impounded may redeem the animal by paying all the costs, charges and penalties assessed, if any, that have accrued up to the time of making the redemption; and when they are paid, the animal shall be released to the owner. (MC 1978, 6.08.10)

6.08.05 Disposal of animals

- A. Immediately after impounding any animal, it shall be the duty of the Animal Control Officer to enter, in a book to be kept by the superintendent, the date of impounding and a description of the animal impounded.
- B. Public notice of the impounding of such animal shall be given by posting a description of such animal and date of impounding on the bulletin board at the City Hall. Any such animal not redeemed by the owner within five (5) days after the posting of such notice shall be declared to be a public nuisance. The Superintendent shall immediately dispose of the animal by public sale with the proceeds being first applied to the cost of impoundment and the balance deposited in the city treasury. (MC 1978, 6.08.11)

6.08.06 Feeding deer

- A. It is unlawful for any person, firm or corporation to feed non-domesticated deer on either public or private property within the city limits of Eureka Springs, Arkansas.
- B. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of One Hundred Dollars (\$100.00) for the first offense and Two Hundred Dollars (\$200.00) for a second or subsequent offense occurring within one (1) year from conviction of the previous offense, plus court costs. (Ord. No. 2123, Secs. 1-2, 7-26-2010)

**CHAPTER 6.12**

**CONDITION OF ENCLOSURES**

Sections:

- 6.12.01 Definitions
- 6.12.02 Cleaned
- 6.12.03 Disinfected
- 6.12.04 Size
- 6.12.05 Inspection
- 6.12.06 Enforcement
- 6.12.07 Failure to comply
- 6.12.08 Penalty

6.12.01 Definitions the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Disinfectant** means a product recognized and marketed as a germicidal disinfectant compound.

**Enclosure** means any enclosed area, including buildings, fenced-in areas, pens, cages and pastures.

**Sanitation officer** means any person designated and authorized by the city, the county or the state to make inspections and enforce regulations for the protection of public health. (MC 1978, 6.12.01)

6.12.02 Cleaned Every enclosure wherein animals are confined or kept in the city shall be regularly cleaned at least one (1) time each calendar week by the owner, operator or custodian of such premises. (MC 1978, 6.12.02)

6.12.03 Disinfected Every enclosure wherein animals are kept in the city, if such enclosure has a manmade floor, shall be cleaned with an approved disinfectant at least once (1) each calendar month. If such enclosure has no manmade floor, such enclosure shall be cleaned and disinfected by the removal of all solid animal wastes and the application of lime to the ground. (MC 1978, 6.12.03)

6.12.04 Size No owner, operator or custodian of any enclosure shall house, keep or harbor dogs in the enclosure unless such enclosure shall provide a minimum of 100 square feet of floor or ground area for each dog, or in the alternative, shall have a pen or enclosure of such type and construction as approved by the State Health Department. This section shall not apply to licensed veterinarians keeping dogs in small enclosures in connection with their practice of veterinary medicine. (MC 1978, 6.12.04)

6.12.05 Inspection A sanitation officer is authorized to enter upon any premises, public or private, for the purpose of making inspections to determine whether the sanitation requirements of this article are being complied with. He may enter upon any premises at any reasonable hour, and in making such inspection, shall in no wise be deemed guilty of trespass and shall not be personally liable to any property owner by reason of such action. (MC 1978, 6.12.05)

6.12.06 Enforcement If, upon inspection, the sanitation officer finds that the provisions of this article have not been or are not being complied with, he shall give written notice to the owner, operator or custodian of such enclosure; and such owner, operator or custodian shall, within five (5) days after the receipt of such notice, proceed to fully comply with the provisions of this article. No sanitation officer shall give more than two (2) successive notices requiring compliance with sanitation standards to any such owner, operator or custodian notwithstanding compliance with previous notices by such owner, operator or custodian. The specific purpose of this section is to require full and complete compliance with the sanitation regulations contained in this article without the necessity for or the entitlement to any such notice. Any owner, operator or custodian failing to fully comply with the provisions of this article after the receipt of two (2) successive notices shall be deemed to be in violation. (MC 1978, 6.12.06)



6.12.07 Failure to comply Failure to comply with written notice issued by a sanitation officer within five (5) days shall be a violation of this article. Failure to comply with the provisions of this article after two (2) successive written notices shall be a violation. Interference with any sanitation officer in the performance of his inspection duties shall be a violation. (MC 1978, 6.12.07)

6.12.08 Penalty Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Five Dollars (\$5.00), nor more than Twenty-Five Dollars (\$25.00). If any violation be continuing, each day's violation shall be deemed a separate violation. (MC 1978, 6.12.08)

## **CHAPTER 6.16**

### **BOW AND ARROW**

#### Sections:

- |         |          |
|---------|----------|
| 6.16.01 | Unlawful |
| 6.16.02 | Harm     |
| 6.16.03 | Penalty  |

6.16.01 Unlawful It shall be unlawful for any person to discharge a bow and arrow within the city limits of Eureka Springs, Arkansas, other than for stationary target practice directed at non-living targets unless it is in conjunction with regulations promulgated by the Arkansas Game and Fish Commission (the "AGFC") within the area prescribed by the AGFC, in their constitutional authority to regulate the game and fish population anywhere in the state of Arkansas, for a one-time bow hunt deer harvesting season from December 1, 2002, through February 28, 2003. (Ord. No. 1900, Sec. 1, 9-16-02)

6.16.02 Harm It shall also be unlawful to recklessly or maliciously discharge a bow and arrow so as to cause possible harm or danger to persons or property. (Ord. No. 1900, Sec. 2, 9-16-02)

6.16.03 Penalty Any person, firm or corporation violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 1900, Sec. 3, 9-16-02)

**CHAPTER 6.18**

**EXOTIC AND WILD ANIMALS**

Sections:

6.18.01 Unlawful

6.18.01 Unlawful No individual, partnership, corporation, exhibitor and/or other entity may allow for the participation of any exotic and/or wild animal(s), including non-human primates, in an animal act or exhibition within the Corporate City Limits of Eureka Springs, Arkansas, if during the fifteen (15) day period preceding such participation, such animal traveled more than fifty (50) miles, whether in one or multiple segments, in a mobile or traveling housing facility. (Ord. No. 2224, Sec. 1, 3-9-15)