

ORDINANCE NO. 303

AN ORDINANCE AMENDING TITLE 6, ANIMALS AND FOWL OF THE GREENLAND MUNICIPAL CODE AND FOR OTHER PURPOSES.

WHEREAS, Title 6, of the Greenland Municipal Code has never been strictly enforced by the City in respect to registration and tagging of dogs and cats;

WHEREAS, the City is going to enter into an Animal Sheltering Agreement with Washington County during 2012 in order to have a safe, healthy place to take animals that are picked up in Greenland;

WHEREAS, the fee to be paid to the County under the Sheltering Agreement will be on a "per animal" basis it is important for the City to be able to pass that expense along to an owner of a loose animal when they are determined.

BE IT ORDAINED BY THE CITY COUNCIL OF GREENLAND, ARKANSAS, That,

Section 1: That effective with the passage and approval of this ordinance Title 6, Animals and Fowl of the Greenland Municipal Code shall be amended in its entirety as set forth in Section 2 below.

Section 2: Title 6, Animals and Fowl, shall be as follows:

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs and Cats
- 6.08 Other animals and fowl

CHAPTER 6.04

ANIMAL CONTROL

Sections:

6.04.01	Definitions
6.04.02	Prohibited Conduct
6.04.03	Confinement
6.04.04	Vicious Dogs
6.04.05	Impoundment
6.04.06	Enforcement

6.04.01 Definitions

Animal shall mean any dog, cat or domesticated wild creature, however, livestock maintained on a farm are exempt.

At large shall be construed to mean not under the control of the owner or a member of his immediate family by fencing, leash, cord, chain or other physical restraining device.

Livestock This term shall include horses, cows, sheep, pigs, and other non domesticated creatures kept/maintained by a person within the City.

Owner as used herein shall mean an individual, partnership, firm or corporation or association which

- A. Professes to own, in the common sense definition, a particular animal or animals;
- B. Exercises primary control and dominion over a particular animal or animals, or
- C. Keeps or owns or occupies real estate which serves as a principal abode or shelter for a particular animal. Presence of an implanted chip/seed, a numbered license on the collar or body of a particular animal registered to an owner, shall be prima facie evidence of ownership.

Person as used herein shall mean any natural person, firm, partnership, corporation, limited liability company, unincorporated association or other legal entity.

6.04.02 Prohibited Conduct

- A. It shall be unlawful for the owner or person having charge of any dog to permit or allow such dog to run at large within the corporate limits of the City of Greenland, Arkansas, at any time.
- B. It shall be unlawful for any person to carry out any inhumane treatment against any animal. This shall include the restraint of an animal in such a way as to deny the animal access to water, food and shelter.
- C. It shall be unlawful for any owner or person to keep or harbor any animal which by loud frequent or habitual barking, howling, yelping or other noise or actions disturbs any persons or neighborhood within the corporate limits of the City of Greenland, Arkansas.

6.04.03 Rabies Vaccination/Confinement

- A. All animals in the City shall have current vaccinations against rabies by a veterinarian licensed by the state. Upon request by a police officer or animal control officer, the owner of every such animal shall provide proof that the rabies vaccination is current. It shall be unlawful for any person or owner to possess any animal above the age of six (6) months without having such animal vaccinated for rabies; provided that there shall be no prosecution of such owner unless the animal shall have been owned or kept within the City limits for fifteen (15) days.
- B. Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the City (or by a parent or legal guardian of a person so bitten who is under a disability), a city police officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of biting, into custody and turn such animal or animals over to the County for quarantine as provided by law. The owner of such animal shall be liable for all expenses of the quarantine/confinement.
- C. Any animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such animal to a city police officer who shall confine such dog or animal in quarantine as provided above.
- D. When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under this section shall issue his certificate declaring the animal to be free of rabies, the owner of such dog or other animal may retake custody of it upon payment to such veterinarian for his customary and reasonable fees and charges for impounding, boarding, lodging, testing and observation; except a person who is bitten by an animal while trespassing on the premises of the owner or keeper of said animal shall pay all customary and reasonable charge and fees resulting from his request to have said animal

confined and quarantined.

- E. If any dog or other animal confined under this provision is not reclaimed by its owner within five (5) days of having turned over to the county, the animal shall be forfeited to the county. If the owner of the animal does not retake the animal after such confinement and the veterinarian's certificate, and the City is required to pay the expenses of such, then the City may pursue reimbursement from the owner either as restitution in any criminal proceeding or by bringing a civil action against the owner.

6.04.04 Vicious Dogs

- A. It shall be unlawful for any person to own, keep or harbor within the corporate limits of the City any vicious dog unless said dog is muzzled or confined in a substantial enclosure or tied in such a manner that it cannot bite mail carriers, delivery men, meter readers or other licensees or invitees coming on the premises. Any vicious dog found outside the above specified locations may be seized or destroyed pursuant to the procedure set out in this ordinance.
- B. For the purpose of this section, a vicious dog is hereby defined to be a dog which has a disposition to bite humans and any dog which has bitten or attempted to bite any person within the twelve (12) months immediately past; however, the fact that a dog has bitten or attempted to bite some person when that person was teasing or molesting said dog shall not cause that dog to be considered a vicious dog within the sense of this section.
- C. Nothing in this section shall be construed to apply to any dog trained and used as a guard dog when appropriately confined/restrained.

6.04.05 Impoundment

- A. Greenland Police Officers, or their designee, are authorized to take into custody any dog or animal found running at large within the corporate limits of the City in violation of the terms and provisions of this ordinance and to impound the same in the facility under contract with the City. Humane animal traps or tranquilizers may be used.
- B. Five (5) days after any animal has been impounded, the animal shall be forfeited to the county. For the purpose of this section, the day of taking up shall count as the first day of the impoundment period herein provided.
- C. The Greenland Police Department, or its designee shall make reasonable attempts to notify/locate the owner of any animal picked up and impounded to include posting pictures/description on the City website and provide notice of when the animal shall be forfeited to the County.

- D. The owner of an impounded dog or other animal may, at any time before the animal is destroyed, claim the animal upon payment of the costs of impoundment which shall include the per animal fee charged the City for turning the animal into the facility. In addition to the other charges for impoundment, there shall be a charge of Fifty Dollars (\$50.00) for each subsequent pickup of the same animal within a calendar year. In addition, the owner shall pay the current daily charge for the cost of keeping the animal for the number of days of impoundment and the cost if needed for vaccination.

6.04.06 Enforcement

- A. The members of the City Police Department are authorized to issue citations ordering persons suspected of violating any portion of this chapter to appear in Court.
- B. City police officers shall make a reasonable effort to catch and identify animals found running at large. If the animal cannot be caught or cannot be identified, a city police officer or such other persons as may be appointed by the City Council shall, in the most humane manner practicable in the circumstances, destroy the animal.
- C. It shall be unlawful for any person to interfere with or attempt to prevent a city police officer or other authorized person, from seizing and impounding any animal which is authorized to be impounded under the provisions of this Ordinance.
- D. Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred Dollars (\$100.00) per occurrence, per animal.

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

6.08.01 Horses and Cows

- 6.08.02 Hogs, Goats and Sheep
- 6.08.03 Diseased Animals
- 6.08.04 Releasing Animals
- 6.08.05 Fowl
- 6.08.06 Cruelty to Animals

6.04.01 Horses and Cows

- A. It shall be unlawful for any person or persons to keep, maintain or permit to run at large within the corporate limits of the City, any cows and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.
- B. The keeping of horses or cows within the corporate limits of the City of Greenland, Arkansas, is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.
- C. The harboring and/or keeping of horses and cows in enclosures as provided herein, within the corporate limits of the City of Greenland, Arkansas, shall be under the supervision and control of the proper law enforcement official. Should the aforesaid enclosures become breeding places for flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and discomforting to any of the citizens of the City because of conditions created by the owner keeping said animals, the proper law enforcement official, upon investigating such enclosures and thus finding any such conditions to exist, shall serve written notice upon the owners or occupants of such premises as to the conditions thereof by delivering a copy of such notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of such notice said owner or keeper has not corrected the conditions the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

6.08.02 Hogs, Goats and Sheep It shall be unlawful for any person to keep any hogs, goats or sheep within the City or to permit any such animals to run at large within the City; except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.


6.08.03 Diseased Animals No person shall be allowed to transport into this City any animal infected with a contagious disease.

6.08.04 Releasing Animals It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the City.

6.08.05 Fowl It shall be unlawful for any person owning or having control of any chickens, turkeys or other fowl to allow the same to run at large within the City.

6.08.06 Cruelty to Animals If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor. All laws of the State of Arkansas regarding animals are hereby adopted.

PASSED AND APPROVED this 15 day of May, 2012.



BILL GROOM, Mayor

ATTEST:



DONNA CHEEVERS, Recorder-Treasurer