TITLE 6

ANIMALS AND FOWL

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CHAPTER 6.04

ANIMALS AND FOWL

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6.04.01 Horses and cows-keeping. It shall be unlawful for any person 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 Police Chief to enforce the provisions hereof. STATE LAW REFERENCE-Authority of city to prevent animals running at large, Ark. Stats. 19-2503

6.04.02 Horses and cows-size of pasture. The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.

6.04.03 Horses and cows-supervision by Police Chief. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the Police Chief. Should any of said enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the Police Chief, upon investigating and finding any such conditions to exist,

shall serve written notice on the owners or keepers of said premises as to the conditions thereof by delivering a copy of the notice to the owner or the keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected said conditions, the city attorney is hereby authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

6.04.04 Hogs, goats and sheep prohibited in city. It shall be unlawful for any person to keep any hogs, goats or sheep within the limits of the city or to permit any hogs, goats or sheep to run at large within the limits of the City; except hogs, goats or sheep may be kept on real property which is equal to or greater than two and one-half (2 and ½) acres in size, provided said real property is fenced or otherwise enclosed which prevents the hogs, goats or sheep from escaping such lands. Any person owning or keeping any hogs, goats or sheep within the city limits as allowed by this ordinance shall ensure that the waste and byproducts of such hogs, goats or sheep do not create a noxious or offensive odor. It shall be a rebuttable presumption that a noxious or offensive odor exists if the air for any given 24-hour period at such real property or surrounding such real property contains average levels equaling or exceeding 25 parts per million of ammonia or 3 parts per million of hydrogen sulfide. Violation of this ordinance shall subject the offender to an unclassified misdemeanor of $100.00 per offense. (Ord. No. 2020-02, Sec. 1.)

6.04.05 Diseased animals. No person shall be allowed to transport into this city any animal affected with a contagious disease.

6.04.06 Releasing animals.

A. Definitions. As used in this section the term "animal" shall mean any animal other than a human being. The term "public place" shall include all properties owned by the city.

B. Prohibited. It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city.

6.04.07 Fowl not to run at large. 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.

6.04.08 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.

6.04.09 Cattle and hogs-keeping for market. It shall be unlawful for any person to keep any hogs or cattle in pens for market, or cause the same to be done within the City for a period of longer than forty-eight (48) hours. (Ord. No. 252, Sec. 1; Adopted July 11, 1961)

6.04.10 Penalty. Any person violating any of the provisions of the foregoing action shall be fined in any sum no less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00). (Ord. No. 252, Sec. 2; Adopted July 11, 1961)

CHAPTER 6.08

DOGS

Sections:

6.08.01	Running at large prohibited
6.08.02	Limits on number kept
6.08.03	Impoundment and disposal
6.08.04	Retrieval
6.08.05	Owner charged with violation
6.08.06	Excessive noise
6.08.07	Offensive odors
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6.08.09	Procedure for arrest of violators
6.08.10	Animal Control officer

6.08.01 Running at large prohibited. No person, firm, corporation, or other entity owning, possessing or keeping a dog shall allow said dog to run at large within the city limits of the city of Atkins. All dogs shall be deemed at large except when such dog is:

1. Constrained on a leash securely held by a competent human being.
2. Confined in a vehicle, pen or enclosure sufficient to keep the dog from escaping therefrom.

It shall be a violation of this ordinance, however, for any dog to be restrained on a leash, chain, rope, or cable which is attached to a stationary object. (Ord. No. 01-06, Sec. 1.)

6.08.02 Limits on number kept. It shall be unlawful for any person, firm or corporation to own, keep or harbor more than six (6) dogs over the age of six months within the corporate limits of the City of Atkins, Arkansas, unless such person, firm or corporation receives permission of the City Council to maintain a dog hospital or a kennel, pays such fees and the Council may establish for the keeping of a kennel or dog hospital and makes such sanitary arrangements as the council may require. (Ord. No. 32, Sec. 2)

6.08.03 Impoundment and disposal. Any dog found at large shall be impounded in the city animal shelter for a period of ten (10) days and at the end of the ten (10) days shall be disposed of unless the dog is released prior thereto under the following conditions: Upon impounding a dog, the police department of the City of Atkins, Arkansas, shall make a diligent effort to determine the owner of such dog if such dog is wearing an identification tag and to

notify the owner of such impoundment. If the owner of such dog cannot be found or refuses to claim and repossess the dog by payment of the proper fees as prescribed herein within the first seven (7) days of impoundment, the city may deliver possession of the dog to any person paying the fees prescribed herein. (Ord. No. 32, Sec. 3)

6.08.04 Retrieval. The owner, possessor, or keeper of an impounded dog may retrieve the dog from the city animal shelter by establishing proof of ownership or right to possession. Such proof may consist of, but shall not be limited to exhibiting proof of vaccination of the dog against rabies within the past year. In addition, the owner, possessor, or keeper or any other person, firm, corporation or other entity claiming the dog shall pay a Thirty Dollar ($30.00) impoundment fee. In the event the dog has not been vaccinated, the person retrieving the dog will be required to have the dog vaccinated. Any person other than the owner, possessor, or keeper of the dog seeking to obtain possession of a dog after the expiration date to claim the dog, may do so by arranging to have the dog vaccinated and paying an impoundment fee. (Ord. No. 01-06, Sec. 2)

6.08.05 Owner charged with violation. In the event any dog is observed at large, the owner, possessor, or keeper of the dog, as the case may be, if known, shall be charged with violating this ordinance. (Ord. No. 01-06, Sec. 3)

6.08.06 Excessive noise. It shall hereafter be unlawful for any person, firm or corporation to keep on his premises or under his control, any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept. (Ord. No. 32, Sec. 6)

6.08.07 Offensive odors. 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 person(s) residing within reasonable proximity to the said premises; and it shall be unlawful to allow 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. 32, Sec 7)

6.08.08 Penalty. Any person, firm or corporation or other entity violating any provision of this ordinance shall pay a fee to the city of Atkins in an amount not less than Fifty Dollars ($50.00) nor more than One Hundred Fifty Dollars ($150.00). The revenues from such fees shall be placed in the Street Fund of the city of Atkins and shall be used for street paving purpose only. A warrant shall be issued for the arrest of any person, firm or corporation or other entity who fails to pay such fee within seventy-two (72) hours of the service of the citation. Such person, firm or corporation or other entity shall be deemed guilty of a misdemeanor and shall be fined in an amount not less than Fifty Dollars ($50.00) no more than Three Hundred Dollars ($300.00) or

imprisoned in the county jail for a period not exceeding thirty (30) days or both. The revenues collected from such fines shall be placed in the General Fund of the city of Atkins. (Ord. No. 85-7, Sec. 1)

6.08.09 Procedure for arrest of violators. Any person, firm, corporation, or other entity whose person or property is damaged, harmed, inconvenienced or injured in any way as a result of any violation of this ordinance may swear out an affidavit stating the facts of the violation of this ordinance and requesting the issuance of a warrant for the arrest of the alleged violator and the usual procedure upon the filing of complaints in the Atkins Police Court shall govern the arrest and trial of the alleged violators. (Ord. No. 01-06, Sec. 5)

6.08.10 Animal Control Officer. The City Council of the City of Atkins, Arkansas, is hereby empowered to establish the position of Animal Control Officer and may appoint such person or persons to this position of Animal Control Officer as said City Council deems fit and qualified. The said Animal Control Officer shall be authorized as herein provided to collect, impound and dispose of all dogs found at large on public or private property and shall have the authority to issue citations to any person, firm, corporation or other entity violating any provisions of Chapter 6.08. (Ord. No. 90-10, Sec. 1)