

ORDINANCE NO. 16-17

AN ORDINANCE REPEALING ORDINANCES 09-03, 04-01, 11-08, 12-05, 09-05, 04-17, 09-07, 05-03 AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH, AUTHORIZING THE REGULATING, THE KEEPING AND CONTROL OF COMPANION / DOMESTIC ANIMALS / CREATURES IN THE CITY OF GREENWOOD ARKANSAS AND FOR OTHER PURPOSES.

WHEREAS, The City of Greenwood, Arkansas, has heretofore enacted Ordinance No. 09-03, 04-01, 11-08, 12-05, 09-05, 04-17, 09-07 and 05-03. The Regulating the Keeping and Control of Companion/Domestic Animals in the City of Greenwood, Arkansas, and for Other Purposes within the City Limits of the City of Greenwood; and

WHEREAS, The City Council of the City of Greenwood, Arkansas, has determined that Ordinance No. 09-03, 04-01, 11-08, 12-05, 09-05, 04-17, 09-07 and 05-03 are in need of further clarification and for ease of references, the prior ordinances should be repealed, with this current ordinance replacing the same; and

NOW THEREFORE, be it ordained that:

- SECTION 1: Ordinance No. 04-01 is hereby repealed.**
- SECTION 2: Ordinance No. 09-03 is hereby repealed.**
- SECTION 3: Ordinance No. 11-08 is hereby repealed.**
- SECTION 4: Ordinance No. 12-05 is hereby repealed.**
- SECTION 5: Ordinance No. 09-05 is hereby repealed.**
- SECTION 6: Ordinance No. 04-17 is hereby repealed.**
- SECTION 7: Ordinance No. 09-07 is hereby repealed.**
- SECTION 8: Ordinance No. 05-03 is hereby repealed.**
- SECTION 9: Definitions:**

Abandon/Abandonment means leaving an animal for a period in excess of 24 hours, without the animal's owner or the owners' designated caretaker providing all provisions of necessity as defined in this ordinance and checking on the animal's condition.

Altered/Unfertile (Sterilized) Animal means an animal that has been spayed or neutered.

Animal at Large means any animal, livestock, or fowl that is not leashed or tethered and under the direct control of the owner and/or a responsible person over ten (10) years of age. If any animal, livestock, or fowl is on the owner's property, it is at large if it is not contained on the property by means of invisible fence with appropriate signage, fence, chain, owner's direct supervision, leash or other visible means of restraint sufficient to protect pedestrians on public or private property.

Animal/Domestic Animal means a member of the kingdom Animalia, Domestic Animal is one that has been tamed, kept or supported by humans. To include any animal subject to the rabies vaccination mandate pursuant to A.C.A § 20-19-305 and 406(a). Although for the purpose of this ordinance the City of Greenwood has further defined Animal/Domestic Animal as a dog, cat, wolf, wolf-dog hybrid or ferret. All dogs, cats, wolves, wolf-dog hybrids and/or ferrets shall be vaccinated against rabies as required by the State Board of Health.

Animal Control Officer means any person employed by the City of Greenwood Enforcement Agency/Authority to investigate and enforce this ordinance or law enforcement officer employed by the City of Greenwood, Sebastian County or the State of Arkansas that may assist in the enforcement of this ordinance.

Animal Unfit for Purchase and/or Adoption means any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this ordinance, veterinary findings of internal and external parasites shall not be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition. An animal shall not be found unfit for purchase on account of injury sustained or illness contracted subsequent to the consumer's taking possession thereof.

Animal Neglect/Abuse means the deliberate abuse or simply a failure by an owner or the owner's designee to take care of an animal by failing to provide basic care required for an animal to thrive.

Application for Domestic Animal means a form that shall be in writing on blanks provided by the City of Greenwood or it's designee and shall state the breed, sex, age, color, name of the animal, means of identification, address, phone number, and signature of the owner. Such application shall also state the fee category as defined in Sections 11, 12, 13 and 14 the date of the most recent rabies vaccination and rabies tag number, any sex alterations and any micro chip information.

Attack means to bite, scratch, tear clothing, chase, or to approach in a menacing fashion; any human, animal or fowl.

Bite means the penetration of skin with teeth and saliva has contacted a break or an abrasion of the skin; of any human, animal or fowl.

Cat means any feline animal, species Felis Catus.

Companion/Domestic Animal means any animal that lives with and about the habitat of a human and that is dependent upon that human for its survival.

Creature means any mammal, reptile, snake, lizard or fowl.

Dangerous Animal means any domesticated animal that has been declared dangerous as a result of investigation by the Enforcement Agency/Authority its Officers and/or representatives acting alone or in consent with public health or public safety agencies because the domestic animal has aggressively bitten, attacked, endangered or inflicted an injury, severe injury or death of a human being or another animal or fowl whether on public or private property; or has been used primarily or in part for the purpose of domestic animal fighting or is a domestic/animal trained for fighting or has when unprovoked, chased or approached a human, animal or fowl upon the streets, sidewalks, or any public grounds and schools in a menacing fashion, or displays an apparent attitude of attack, or previously injured or killed a human, animal or fowl.

Exemptions: Domestic animals trained to serve in public safety agencies, domestic animals protecting or defending a human being, or mother domestic animals in protection of their offspring, or domestic animals that

have been teased, tormented, abused or assaulted by humans, or domestic animals whose victims are perpetrators of a criminal act are exempt from this definition.

Dangerous Temperature means the Estimated Vehicle Interior Air Temperature v. Elapsed Time. Chart Prepared by the Department of Geosciences, San Francisco State University.

Estimated Vehicle Interior Air Temperature v. Elapsed Time						
Elapsed time	Outside Air Temperature (F)					
	70	75	80	85	90	95
10 minutes					109	114
20 minutes			109	114	119	124
30 minutes		109	114	119	124	129
40 minutes	108	113	118	123	128	133

Distressed Animal means the critical temperature where a companion/domestic animal experiences heat stroke when the animal’s internal body temperature is around 106.F and/or where multiple organ failure and impending death may occur around 107F to 109F.

Domestic Animal Sales Permit means a permit issued by the City that allows a person or persons to engage in selling street side any animal within the city limits in designated areas identified by the City.

Enforcement Agency/Authority means the agency appointed by or contracted with the City of Greenwood to provide the services and responsibilities of the enforcement of this ordinance.

Exigent Circumstances means when an officer reasonably believes an immediate and warrantless entry into a residence or property is required to aid a human or live animal in distress. Where an officer reasonably believes an animal or human on the property is in immediate need of aid due to injury or mistreatment, the exigent circumstances exception to the search or seizure warrant requirement of the Fourth Amendment may be invoked to permit a warrantless entry to aid the human or animal.

Exotic Species means any animal born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

Feral Animal means any animal that is born wild or has reverted to the wild and that is not socialized, untamed, or unable to be approached or handled.

Feral Animal Caregiver means any person who intentionally provides food, protection, water or other forms of sustenance or care to a feral animal or feral animal colony.

Ferret means a domestic ferret. *Mustela Putorius Furo*.

Fish means any of numerous cold-blooded aquatic vertebrates characteristically having fins, gills, and a streamlined body and including the bony fishes, such as catfishes and tunas, and the cartilaginous fishes, such as sharks and rays and including various jawless aquatic craniates, including the lampreys and hagfishes.

Fowl means (1) Any of various birds of the order Galliformes, such as a duck, goose, turkey, or pheasant and especially the common, widely domesticated chicken (*Gallus domesticus*). (2) A bird of any kind.

Humane Euthanasia means an injection that causes immediate and painless death as defined by the Board of Veterinary Medicine and the Humane Society of the United States.

Humane Trap means a trap that captures animals alive and in a manner that does not injure the animals.

Injury means any damage to the body of a human, animal or fowl caused by an animal that resulted in broken skin or lacerations that require medical attention or observation.

Intact / Fertile (Un-sterilized) Animal means any animal that has not been spayed or neutered.

Kennel means an establishment wherein any person engages in the business of boarding, breeding, buying, grooming, and letting for hire, training for a fee, or selling domestic animals or other animals. Kennels are only allowed in a zone authorized by the zoning ordinance of the City of Greenwood.

Leash means a leash, cord, or chain that is mobile and that is no longer than ten feet.

Legal Guardian means a person lawfully invested with the power, and charged with the obligation, of taking care of and managing the property and rights of a person who, because of age, understanding, or self-control, is considered incapable of administering his or her own affairs.

Liability Insurance means any type of insurance policy that protects an individual or business from the risk that they may be sued and held legally liable for something such as malpractice, injury or negligence. Liability insurance policies cover both legal costs and any legal payouts for which the insured would be responsible if found legally liable. Intentional damage and contractual liabilities are typically not covered in these types of policies.

Livestock means cattle, sheep, swine, goats, horses, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, lagomorph, caprine, or equine species, deer and elk, whose regulatory requirements are under the Arkansas Livestock and Poultry Commission, as well as poultry, fowl, ratites, and cervine, that are privately owned and raised in a confined area for breeding stock, food, fiber, and other products.

Micro Chipped means to implant (an animal) with a microchip tag (integrated circuit) linked to a national computer network for purposes of identification.

Numeric Registration means to complete **one form Exempt from Fees**, that identifies the number of animal/livestock/fowl that may reside within the City of Greenwood which provides the City with the type and numeric count of such animals/livestock/fowl (i.e.: goat/horse/cow/chicken), owner, residence, contact information.

Owner means any person for the purpose of this ordinance the City of Greenwood has further defined owner as being eighteen (18) years of age or older who, has a right of property in a dog, cat, fowl, creature or other animal, keeps, harbors, cares for, or acts as the custodian of a dog, cat, fowl, creature or other animal; or knowingly permits a dog, cat, fowl, creature or other animal to remain on or about any premises occupied by him or her, pursuant to A.C.A § 20-19-302(5).

Parent means a person that is the biological or foster mother or father, who is lawfully invested with the power, and charged with the obligation, of taking care of and managing the property and rights of a person who, because of age, understanding, or self-control, is considered incapable of administering his or her own affairs.

Permit means an official document issued by a government entity with lawful authority that shows that a person is allowed to do or have something.

Physical Control means immediate and continuous control of an animal, livestock or fowl by a competent person, through the use of a leash, tether or enclosure, which prevents the escape of the domestic animal.

Property means anything that is owned by a person or entity for the purpose of this ordinance the City of Greenwood has further defined property as being the interest in any land, real estate, structure, moveable object, animal, livestock or fowl.

Public Nuisance Animal means a companion/domestic animal, livestock or fowl that: deposits feces on public or private property other than the owner's, trespasses on public or private property other than the owner's, causes damage to another person's property, creates a danger, or is perceived to create a danger to the public health or safety, disturbs or turns over garbage containers, chases or molests vehicles, bicycles, persons or the companion/domestic animals, livestock or fowl of other persons, or creates foul odors or creates noise disturbances between the hours of 22:00 and 06:00 that may interfere with the peace or sleep of a reasonable person who may reside within reasonable proximity of a place where such companion/domestic animal, livestock or fowl is kept.

Quarantine means a state, period or place of isolation for an animal that is suspected to be dangerous, or that may have been exposed to an infectious or contagious disease.

Rabies means a viral disease that causes acute inflammation of the brain in humans and other mammals. Rabies is caused by lyssaviruses including: rabies virus and Australian bat lyssavirus. Rabies is spread when an infected animal scratches or bites another animal or human. Saliva from an infected animal can also transmit rabies if the saliva comes into contact with the eyes, mouth, or nose.

Rabies Vaccination Mandate means any animal subject to the rabies vaccination mandate pursuant to A.C.A § 20-19-305 and 406(a), for the purpose of this ordinance the City of Greenwood has further defined Domestic Animal as a dog, cat, wolf, wolf-dog hybrid or ferret. All dogs, cats, and other animals shall be vaccinated against rabies as required by the State Board of Health.

Rabies Tag means a metal or composite disk, hereafter, which is inscribed with the year of issue and an identification number, and may include the issuing veterinary office. The tag is to be visibly displayed to verify that a domestic animal has received a current rabies vaccine.

Registration means to complete and file a form with the City of Greenwood, that identifies a specific domestic animal that may reside within the City of Greenwood which provides the City with the domestic animal's owner, residence, contact information, personal identifiers of the animal, such as: name, micro-chip number, tattoo number, distinctive features breed, sex, color, other markings and rabies vaccination information.

Registration Tag for the City of Greenwood means a metal or composite disk, which is inscribed with City of Greenwood, year of issue, and a registration number. The tag is to be visibly displayed to verify that a domestic animal has been registered with the City of Greenwood, Arkansas. (To be issued after January 01, 2017)

Reptile means any of various cold-blooded vertebrate animals that have skin covered with scales or horny plates, breathe air with lungs, and usually have a three-chambered heart. Reptiles include the crocodiles, snakes, turtles, and lizards.

Responsible Party for the purpose of this ordinance the City of Greenwood has further defined that Responsible Party means any person or entity who has been given a right of property in a dog, cat, fowl, creature or other animal, keeps, harbors, cares for, or acts as the custodian of a dog, cat, fowl, creature or other animal; or knowingly permits a dog, cat, fowl, creature or other animal to remain on or about any premises occupied by him or her.

Search Warrant means a judicial document issued only by a Judge or Magistrate, that authorizes police officers or other authorities and their agents to search a person or place to obtain (seize) evidence for presentation in judicial proceedings.

Senior Citizen for the purpose of this ordinance the City of Greenwood has further defined means a person sixty-two (62) years of age and over.

Service Animal means a domestic animal which provides a person with a service or assistance related to a medical and/or emotional condition, regardless whether the animal is fertile or infertile.

Severe Injury means any physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures, continued medical observation or reconstructive surgery.

Spayed or Neutered means an animal having had its gonads or sexual organs removed as to not produce sexual hormones or fertility.

State of Fear means an unpleasant emotion caused by the belief that an animal is dangerous, likely to cause pain, or a threat to a human, animal or fowl.

Straw Buyer/Owner means a person who makes a purchase and/or registration on behalf of another person for the purposes of fraud and/or misrepresentation.

Tether means a cord or chain that is anchored at one end and of appropriate weight and length for the species and prevents escape and injury to the animal and allows the animal accessibility to food, water and shelter as needed.

Unprovoked Attack means an attack that occurs even though a person or animal is acting peacefully and lawfully.

Vaccinations means the injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Secretary of the Cabinet for Health and Family Services.

Veterinarian means a licensed practitioner of veterinary medicine, accredited by the Arkansas Board of Veterinary Examiners.

Veterinary Hospital or Clinic means any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

Vicious Animal means any animal: (1) which has attacked a human being, domestic animal or fowl one or more times, without provocation. (2) With a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings, domestic animals or fowl. (3) That snaps, bites, or manifests a disposition to snap or bite. (4) That has been trained for fighting, animal fighting or animal baiting or is owned or kept for such purposes. (5) Any animal trained to attack human beings or domestic animals, upon command or spontaneously in response to human activities, except animals owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States.

Wild Animal/Fowl/Creature means any mammal, reptile, snake, lizard or fowl that has not been domesticated or tamed and which are usually living in a natural environment, including both game and non-game species.

Working Animal means an animal, which is a working member of the military, law enforcement or public safety agency, regardless whether the animal is fertile or infertile.

Wolf means any domesticated canine animal, species *Canis lupus*, family Canidae.

Wolf-Dog Hybrid means any animal which is publicly acknowledged by its owner as being the offspring of a wolf and domestic dog. No animal may be judged to be a wolf or wolf-dog hybrid based strictly on its appearance, pursuant to A.C.A. § 20-19-402.

SECTION 10: City of Greenwood Registration and Issued Tag for Domestic Animals

The owner of every companion/domestic animal within the city limits of Greenwood, Arkansas is required to register such animals with the City of Greenwood. The registration will be an annual process renewable on January first (1) through March first (1) of each year. The cost of each companion/domestic animal registration, renewal of registration and registration tag will be defined in Sections 11, 12 and 13. The proof of current Rabies vaccination will be required of all companion/domestic animals. In an effort to reduce and prevent the spread of disease, reduce the number of unwanted animals within the City of Greenwood and as an incentive to owners of domestic animals to have their animals micro-chipped, sterilized, and vaccinated.

There shall be no citation issued for failure to register an animal or display an animal registration tag from January first (1) through March first (1) of each year. During that designated time period a warning may be issued. On or after March second (2), the Enforcement Agency/Authority, its officer and/or representative, shall review any warnings issued during that period to ensure compliance with this ordinance.

SECTION 11: The Requiring of a City Registration for Domesticated Animals/Livestock/Fowl

- (1) An owner of any domestic animal (4) four months of age or older, must obtain registration for such animal within thirty (30) days after the domestic animal is acquired.
- (2) New residents shall have thirty (30) days to register any domesticated animal. Failure to register within the proper time period may result in a fine and registration fee.
- (3) The registration of all domesticated animals may require payment of an annual registration and tag fee, which shall be assessed based upon whether or not the animal is fertile and/or a hazard to the public.
- (4) Therefore, there is hereby imposed an annual application/registration and tag fee (hereinafter referred to as "registration fee") on the privilege of keeping all domestic animals within the City of Greenwood as outlined below in Sections 12, 13 and 14.
- (5) The City of Greenwood, Code Enforcement/Animal Control Officer and/or their designee, shall:
 - (a) Enter all registration information into a retrievable data system within a reasonable period of time.
 - (b) Maintain all records of the registered animals, livestock, or fowl for the City of Greenwood.
 - (c) Receive registration applications, collect registration fees and issue a City of Greenwood registration tag (if required pursuant to Section 44 of this Ordinance).
- (6) The City of Greenwood may enlist the assistance of a licensed veterinarian within the city limits of Greenwood, Arkansas, to make receipt of a domestic animal registration application, collect the registration fee and issue a City of Greenwood domestic animal registration tag provided by the City of Greenwood.
 - (a) For this service provided by the licensed veterinarian, compensation shall be in the form of an administrative fee not to exceed \$3.00 per application/registration and tag issued.
 - (b) All applications/registration forms and fees collected shall be deposited with the City of Greenwood, Code Enforcement/Animal Control Officer and/or their designee the (1) first day of each month and no later than the (7) seventh day of each month.
- (7) It shall be unlawful for any person to use for any purpose a proof of registration tag issued for any domestic animal other than the animal for which the registration tag was issued.
- (8) It shall be unlawful for any owner of any domestic animal to fail to provide any domestic animal with a current City of Greenwood registration and registration tag as provided in this section. Such failure shall constitute a violation of this Ordinance.

- (9) No registration or registration tag will be issued to any domestic animal unless written proof of current rabies vaccination is shown at the time of application of a domestic animal for registration and/or renewal.
- (10) It shall be unlawful for any owner of a domestic animal to fail to provide said animal with a collar or harness to which a current City of Greenwood registration tag issued under this section is securely attached. The collar or harness, with attached registration tag, must be worn by the animal at all times, except while the animal is on the owner's private property, participating in a bona fide animal show, obedience trials, tracking tests, field trials, training events or training schools, or other events sanctioned and supervised by a recognized organization, or except while the animal is involved in lawful hunting activities, provided that the animal's owner or keeper has the tag in his or her actual possession at these times.
- (11) No person shall act as a straw person, one who makes a purchase/registration on behalf of another person. A straw person is used when the real buyer cannot or will not complete the transaction for some reason. It is unlawful for a person to falsely represent ownership of another's animal for the purposes of fraud and misrepresentation.
- (12) Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 45 of this Ordinance.

SECTION 12: Domestic Animal Registration and Registration Tag Fee

Animal registration for domestic animals residing within the city limits is mandatory. Such registration and the displayed tags are very important in getting lost animals back to their owner.

The application/registration and registration tags may be obtained at the Greenwood Police Department through the Code Enforcement/Animal Control Officer, their designee or participating licensed veterinarian within the city limits of Greenwood, Arkansas. The fees and monies received under the provisions of this ordinance shall be paid to the City of Greenwood and shall be used for defraying the cost incurred in connection with the initial and future implementation and enforcement of the provisions of this ordinance.

(1) New residents shall have thirty (30) days to register any domestic animal. Failure to register a domestic animal within the proper time period may result in a fine and/or a late registration fee, which shall be 50% of the annual registration and tag fee.

(2) Registration of a domestic animal that is identified as:

(a)	being;			
		(A)	Micro Chipped & Unfertile (Sterilized) - - - - -	\$ 5.00
		(B)	Unfertile (Sterilized) - - - - -	\$ 10.00
		(C)	Fertile (Un-sterilized) - - - - -	\$ 25.00
		(D)	Dangerous Domestic Animals - - - - -	\$ 50.00
		(E)	An Animal Defined in Sections 13 and 44 - - -	\$ 0.00

(b)	Belonging to a senior citizen 62 years of age and older, and identified as being;			
		(A)	Micro Chipped & Unfertile (Sterilized) - - - - -	\$ 1.00
		(B)	Unfertile (Sterilized) - - - - -	\$ 5.00
		(C)	Fertile (Un-sterilized) - - - - -	\$ 10.00
		(D)	Dangerous Domestic Animals - - - - -	\$ 50.00
		(E)	An Animal Defined in Sections 13 and 44 - - -	\$ 0.00

SECTION 13: Registration Payment Exemptions

Owners of the following domestic animals, livestock, or fowl must complete an application for a domestic animal registration and renewal, but are exempt from paying the annual registration and registration tag fee.

- (1) An animal, which is a working member of the military, law enforcement or public safety agency, regardless whether the animal is fertile or infertile.
- (2) Any animal in the care and custody of a not-for-profit 501(c) 3 animal welfare organization or its representative that requires sterilization before adoption.
- (3) Any livestock/fowl pursuant to Section 44.

SECTION 14: Registration Tags

The registration tags (if required pursuant to Section 44) may be obtained/issued at the Greenwood Police Department through the Code Enforcement/Animal Control Officer, their designee, or participating licensed veterinarian within the city limits of Greenwood, Arkansas. The Code Enforcement/Animal Control Officer their designee or participating licensed veterinarian shall determine if an animal is in compliance with this ordinance and shall issue and record an identifiable numbered metal or composite tag.

- (1) The tag shall be color coded by year of issuance.
- (2) The colored tag shall display an impression of a registration number and year of validity.
- (3) The previous year's colored tag shall expire on the first (1) day of January and shall be renewed no later than the first (1) day of March.
- (4) The registration tag must be worn by the animal at all times, any exemption shall be in accordance with Section: 11 (10).
- (5) Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 45 of this Ordinance.

SECTION 15: Limit of Animals

A person, entity or household within the City of Greenwood, Arkansas shall not own, harbor or keep more than a total of (4) four dogs, cats, wolves, wolf-dog hybrids or ferrets, that are (4) four months of age or older, without having obtained a special permit from the City of Greenwood, Arkansas. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

This section shall not apply to a litter of any such dog, cat, wolf, wolf-dog hybrid or ferret not having attained the age of (4) four months.

Any request for a special permit shall be made in writing to the City of Greenwood Arkansas Police Department, Code/Animal Control Enforcement Officer at no cost to the applicant. The City of Greenwood Arkansas Police Department, Code/Animal Control Enforcement Officer or his/her designee shall review and issue and/or deny such special permit. Any adverse decision may be appealed in precedence to the (1) Assistant Chief of Police, (2) Chief of Police, (3) Mayor, (4) City Council at a scheduled meeting.

SECTION 16: Owning Animals that are Primary Vectors of Rabies

A person within the City of Greenwood, Arkansas shall not own, harbor, keep, display, exhibit, sell or intentionally breed animals which are primary vectors of rabies, including but not limited to; skunks, raccoons, foxes, bats, coyotes, unless permitted by the Arkansas Game and Fish Commission and/or Section 17(2). Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

SECTION 17: The Keeping of Certain Animals / Creatures / Exotic Species

No person shall own, keep or harbor within the City: any listed animal, creature or exotic species as a "pet" within corporate limits of the city.

- (1) **Certain Animals / Creatures / Exotic Species**
 - (a) Any snake, reptile, lizard that could injure a person by bite, poison or constriction.
 - (b) Any lion, tiger, cougar, jaguar, panther, bobcat, mountain lion, lynx, ocelot, leopard, jackal, fox, bear, wild Animal, or hybrid thereof.
 - (c) Any monkey, gorilla, chimpanzee or ape-like primate.
- (2) **Exemptions:** (1) Institutions accredited by the American Zoo and Aquarium Association or the Zoological Association of America; (2) Registered nonprofit humane societies; (3) Animal control officers or law enforcement officers acting under lawful authority; (4) Veterinary hospitals or clinics; (5) A person or organization with a U.S. Department of Agriculture Wildlife Exhibition permit; (6) Employees of the Arkansas State Game and Fish Commission in the performance of their duties; (7) A licensed circus or exhibitor (8) Persons or organizations with and Arkansas Game and Fish Commission Wildlife Breeder/Dealer permit. Pursuant to A.C.A § 20-19-503 & 605.
 - (a) An application for a special permit to possess any snake, reptile, lizard that could injure a person by bite, poison or constriction may be sought in writing to the City of Greenwood Arkansas Police Department, Code/Animal Control Enforcement Officer at no cost to the applicant. The City of Greenwood Arkansas Police Department, Code/Animal Control Enforcement Officer or his/her designee shall review and issue and/or deny such special permit. Any adverse decision may be appealed in precedence to the (1) Assistant Chief of Police, (2) Chief of Police, (3) Mayor, (4) City Council at a scheduled meeting.
 - (b) An individual permit to possess any lion, tiger, cougar, jaguar, panther, bobcat, mountain lion, lynx, ocelot, leopard, jackal, fox, bear, wild Animal, or hybrid thereof, shall be issued by the Sebastian County Sheriff pursuant to A.C.A § 20-19-504 and such permit shall be filed with the City of Greenwood Arkansas.
 - (c) An individual permit to possess any monkey, gorilla, chimpanzee or ape-like primate and shall be issued by the Sebastian County Sheriff pursuant to A.C.A § 20-19-605 and shall be filed with the City of Greenwood Arkansas.
- (3) Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

SECTION 18: Rabies Vaccination of Domestic Animals

1. The owner of a domestic animal four (4) months of age or older shall employ a veterinarian to vaccinate the domestic animal against rabies and thereafter according to the time frame established by the veterinarian or the current national Compendium on Animal Rabies Control or in consensus with the local health department regulatory authority. The veterinarian giving such vaccination shall issue to the owner of such domestic animal a vaccination certificate describing such domestic animal giving the date of vaccination and the name and address of the owner. The vaccination certificate shall be signed by the veterinarian. If a veterinarian determines for any medical reason that the domestic animal would be harmed from the vaccine at any time, the domestic animal is exempt from this provision during the time period that would be injurious. Rabies vaccine administered by anyone to a domestic animal other than a licensed veterinarian is not recognized in the City of Greenwood.

2. The owner to whom a rabies tag has been issued shall securely fasten the tag by a safe collar device, appropriate for the size, weight and type of domestic animal, around the neck so the tag is clearly visible at all times other than during grooming in an enclosed area or in the direct care of a veterinarian. An owner, whose domestic animal is participating in any organized exhibition or field trial or organized training for these events, may remove the domestic animal's tag during the activity. When a domesticated animal that is required to display a registration tag is on the owner's property, the owner may remove the city tag.

3. Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 45 of this Ordinance or the laws of the State of Arkansas relating to Animal Control, Animal Welfare and Animal Cruelty.

SECTION 19: Quarantine of Animals Suspected of Rabies

When a domestic animal has allegedly bitten (as defined in Section 9) any human, animal or fowl within the corporate limits of the City of Greenwood, the Enforcement Agency/Authority its officer and/or representative **shall** take the domestic animal into custody and confine the domestic animal under the supervision of a veterinarian. Any veterinarian who is given custody of a domestic animal under the provision of this section shall keep the domestic animal in quarantine for a period of (10) days, the veterinarian shall make documented notification that the veterinarian has complied with the observation procedures of A.C.A. Statutes 20-19-307; and the domestic animal appears to be free of rabies.

The veterinarian supervising the quarantine of any domestic animal under this section shall issue notification to the owner of such domestic animal to reclaim custody of the animal shall tender to the veterinarian and the Enforcement Agency/Authority its officers and/or representatives their customary and reasonable fees for impounding, boarding and care of the animal. When a person who has been bitten by a domestic animal that is current on rabies vaccine and is in compliance with the at large provision of this ordinance and the animal is subsequently found to be free of rabies, then the owner shall pay the fees and charges for the city registration, impounding, boarding and care of the animal. This animal may be recorded as a dangerous animal.

Any domestic animal determined to be rabid shall be immediately surrendered by the owner to the Enforcement Agency/Authority its officer and/or representatives and said animal will be euthanized and handled in accordance with Arkansas State Law 16-10-211. Any and all fees will be the responsibility of the owner.

SECTION 20: Impoundment and Seizure of Animals

(1) The Enforcement Agency/Authority, its officer and/or representatives, may impound any domestic animal at large, not under physical control of the owner, owner's property and on the property of another without consent to be on such property to include public property, where the domestic animal is found.

(2) The Enforcement Agency/Authority, its officer and/or representative, is hereby authorized to seize and impound any animal not at large, pursuant to a search/seizure warrant, bearing any exigent circumstances in which the officer has a reasonable belief that any evidence may be destroyed or that animal(s) may be subject to cruel treatment as deemed by Arkansas State law or by the keeping of the animal in an inhumane manner, or any domestic animal not vaccinated for rabies as required by this ordinance, or any domestic animal not registered with the City of Greenwood as required by this ordinance, or any domestic animal which fails to display a tag as proof of rabies vaccination and registration as required by this ordinance, or any animal which has attacked, bitten or scratched a person or inflicted severe injury to a person, or any animal carrying or suspected of carrying rabies or any other zoonotic disease when not under the care and treatment of a veterinarian for the disease, or any animal found in distress, including but not limited to a sick, injured, abandoned or neglected animal for which the owner cannot be found after reasonable effort to do so, or for which the owner is unable or unwilling to provide proper care, or any domestic animal suspected of being dangerous/vicious, or any companion domestic animal that is creating a public nuisance, or any domestic animal in estrus and not properly confined, or for any other reason as outlined in this section. The Enforcement Authority may impound any feral animal or colony in the interests of public health and safety and to prevent a public nuisance or if the feral

animal caregiver fails to cooperate with the Enforcement Agency/Authority its officer and/or representative. The animal so impounded shall not be adopted out without direction of the Court in which such charges may be pending, or the animal may be humanely euthanized without the medical advice of a veterinarian. When the impoundment is solely for evidentiary purposes, the owner of the animal shall nevertheless be responsible for payment of all upkeep charges and other costs associated with the impoundment, care and treatment of the animal if so found by the Court in criminal proceedings against said owner.

Fines and Impoundment fees are established pursuant to Section 45 of this Ordinance.

SECTION 21: The Keeping of Animals in a Humane Nature, Neglect or Abandonment

(1) All animals within the city limits of Greenwood shall be kept in a humane manner. Livestock raised in production for purposes of food and regulated by government agencies for acceptable husbandry standards are exempt from this provision. An owner shall treat an animal in a humane manner and shall provide humane care for the animal. Humane care includes, but is not limited to, providing adequate food, adequate water, adequate shelter, adequate space and veterinary care to maintain health, to prevent pain and stabilize injury and to prevent or cure diseases or impairments of health from internal or external parasites.

(2) Adequate food means food, which is of sufficient quantity and nutritive value to maintain each animal in good health. The owner shall ensure that adequate food is accessible to each animal, is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal, is provided in a clean and sanitary manner, is placed so as to minimize contamination by excrement and pests, and is provided at suitable intervals for the species, age and condition of the animal, which is at least once daily except as directed by a veterinarian.

(3) Adequate water means clean, fresh, potable water of a drinkable temperature. The owner shall ensure that adequate water is provided in a suitable manner, in sufficient volume, and at suitable intervals, to maintain normal hydration for the age, species, condition, size and type of each animal, except as directed by a veterinarian, and that the water is provided in a clean, durable receptacle, which is accessible to each animal and is placed so as to prevent spillage and contamination of the water by excrement and pests.

(4) Adequate shelter means a shelter that is suitable for the species, age, condition, size and type of each animal, and provides adequate space for each animal and protects each animal from injury, direct sunlight, other weather elements, adverse effects of heat and cold, physical suffering, and impairment of health. The owner shall ensure that the shelter is properly cleaned, enables each animal to be clean and dry, and for domestic animals and domestic animals provides a solid surface and resting platform, pad, floor mat or similar device that is large enough for the domestic animal or domestic animals to lie on in a normal manner and can be maintained in a sanitary manner.

(5) Adequate space means space that allows an animal to easily sit, stand, lay, turnabout and make other normal body movements in a comfortable, normal position for the animal. The owner shall ensure that adequate space exists so an animal can interact safely with other animals in the enclosure, unless specified by a veterinarian. Veterinary care that temporarily restricts movement that would endanger a companion/domestic animal is exempt from this provision.

(6) No person or entity shall restrain an animal using a tether, chain, tie, trolley, or pulley system: (a) that is less than 12 ft. in length, (b) that fails to allow the animal to move at least 12 ft., (c) that allows the animal to reach a fence or other object in which it could become entangled, (d) that uses a prong, pinch, or choke collar, (e) during inclement or extreme weather, or (f) for a period not to exceed more than 20 hrs. in a 24-hr. period

(7) Veterinary care may include humane euthanasia if a companion/domestic animal is beyond the abilities of veterinary medicine to treat or cure and the animal is suffering, or if the owner is unable or unwilling to provide veterinary care and/or surrenders the animal to the Enforcement Agency/Authority its officer and/or

representatives or Sebastian County Humane Society.

(8) A violator found supporting feral animals, shall cooperate with the Enforcement Agency/Authority, its officer and/or representative, in an effort, to protect the public against rabies, and to stabilize and/or reduce the feral population and prevent their predation on indigenous wildlife.

(9) An owner or responsible person shall use a collar or harness appropriate for the age and size and species of a companion/domestic animal.

(10) A person shall not crop the ears or dock the tail of any domestic animal unless the person employs a veterinarian to perform the cropping or docking. If a person possesses a domestic animal with an ear or ears cut off or cropped or tail docked and with an unhealed wound, then that possession is prima facie evidence of a violation of this section, unless the person can verify that a veterinarian performed the procedure.

(11) A person shall not castrate a domestic animal unless that person employs a veterinarian to perform the castration. Section 21(11) of this ordinance shall not apply to livestock.

(12) No person or entity who has custody or temporary custody of any animal or creature, shall intentionally release any such animal or creature within the City of Greenwood, Arkansas.

(13) Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 45 of this Ordinance or the laws of the State of Arkansas relating to Animal Control, Animal Welfare and Animal Cruelty.

SECTION 22: Adoption of State Statutes by Reference

The City Council adopts by reference as a part of this ordinance, all laws of the State of Arkansas relating to Animal Control, Animal Welfare and Animal Cruelty. To include, but not limited to the Arkansas Code Annotated, Titles 2, 5, 15, 20 and 27.

SECTION 23: Enforcement Agency/Authority Designation

The Enforcement Agency/Authority is designated as the City of Greenwood agency responsible for the proper enforcement of this ordinance, and is assigned the administrative and enforcement functions of carrying out the provisions of this ordinance, and other authorized duties. In carrying out the duties of this ordinance, the agency may employ officers, persons and equipment necessary to maintain professional standards relating to the capture, registration, impoundment, seizure, humane care, shelter and disposition of animals. In addition the Enforcement Agency/Authority may call on the assistance of the Sebastian County Animal Control Officer, Arkansas Game and Fish employee/officer, Health and Public Safety Agencies and any Law Enforcement Officer when a cooperative enforcement effort is necessary in the interests of the City of Greenwood.

SECTION 24: Enforcement Agency/Authority Officers and Representatives Immunity and Authority

When in good faith, an officer or representative of the Enforcement Agency/Authority implements enforcement procedures or enters property to perform the duties of this ordinance: the Enforcement Agency/Authority its officers and/or representatives are immune from civil liability and criminal prosecution for trespass. An Enforcement Agency/Authority's officer and /or its representative may issue a citation to a person and/or make an arrest (if such officer/representative is a certified Law Enforcement Officer) when the officer or its representative has probable cause to believe that the person has violated a provision of this ordinance. Arkansas State Statutes apply in the civil and/or criminal penalties resulting from the citation process. An enforcement officer/representative may, but shall not be required to, issue a written warning and/or an Order to Provide Care prior to the issuance of a citation in incidents of violation of this ordinance and any applicable State Statutes. If a

person refuses to pay the civil penalty, fails to appear in court to contest the citation or fails to appear in court as may be required, then the Court may issue an Order to Show Cause upon the request of the Enforcement Agency/Authority. The person shall be required by the court order to appear before the Court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive, the person may be held in contempt of court.

Pursuant to ACA: 12-9-108(b) (3), Inspectors and Code enforcement officers of cities are not required to be a certified law enforcement officer to issue a citation to a person when the officer or its representative has probable cause to believe that the person has violated a provision of this ordinance for violations of municipal codes, ordinances, or regulations of which they are charged by their city with the duty of enforcing.

SECTION 25: Obstruction of Enforcement

A person shall not refuse to surrender an animal upon lawful demand by the Enforcement Agency/Authority or its officer/representative. A person shall not interfere with the Enforcement Agency/Authority or its officer/representative in the lawful performance of its duties. A person shall not hold, hide or conceal any animal, which the Enforcement Agency/Authority or its officer/representative is investigating or deems to be in violation of this ordinance. A person shall not take or attempt to take any animal from the Enforcement Agency/Authority or its officer/representative, its vehicles, shelters, traps, equipment or its animal carriers. A person shall not willfully refuse to sign and accept a citation issued by an enforcement officer/representative. If a person violates this section, the person shall be guilty of a misdemeanor, punishable as provided in Arkansas State Statutes.

SECTION 26: Confinement of Domestic Animal in Heat (Estrus)

An owner shall humanely and securely confine a domestic animal in heat (estrus) indoors or in an enclosed and locked structure, which prevents the entry of a male domestic animal and prevents the female in heat from escaping. Confinement solely by a leash, tether or other similar restraint or within a fence, open kennel, open cage, or run is not presumed to be in compliance with this section. Acceptable reasons for release from confinement during the estrus period are limited to excretion or visits to a veterinary clinic, upon which the owner shall maintain physical control of the animal to prevent contact with a male domestic animal. A person intentionally breeding a domestic animal in a controlled environment with permission of the owner of the male domestic animal is exempt from this section during breeding. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

SECTION 27: Animal, Livestock or Fowl at Large

No person who owns keeps or harbors a companion/domestic animal, livestock, or fowl shall cause or permit such animal, livestock, or fowl to run at large within the city. Any domestic animal, livestock, or fowl running at-large is hereby declared a public nuisance, whether currently licensed, registered or not, and may be promptly impounded as provided in this ordinance. Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 45 of this ordinance.

SECTION 28: Physical Control of Domestic Animals, Livestock or Fowl

No domestic animal, livestock or fowl shall be permitted to run at large within the City limits of Greenwood at any time. A domestic animal shall be considered to be running at large when the domestic animal is off the property of the owner and the owner does not have physical control of the domestic animal. An owner of a domestic animal shall have physical control of a domestic animal at all times when off the owners property and shall be restricted by a leash or tether at all times, unless the property holder or the designee, or lessee consents to the removal of physical control. Off the owners property means on any public or private property included, but not limited to, streets, sidewalks, schools, parks or private property of others. For property owned or

controlled by a government entity, it is presumed that consent is not given unless posted or provided for by the designation of an off leash fenced park area. Domestic animals which are exempt from this section include law enforcement domestic animals in the performance of their duties, trained and certified assistance domestic animals used to assist persons with physical and/or emotional disabilities, domestic animals involved in organized training or exhibiting including obedience trials, conformation shows, field trials, hunting trials and herding trials or a domestic animal involved in any legal hunt in the authorized area and when the owner possesses a valid hunting license. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

SECTION 29: Removal of Animal or Livestock Feces

The owner of any animal or livestock shall remove any feces deposited by the animal on any property other than the owners, including but not limited to public property, streets, sidewalks, schools parks and private property. The owner of an animal or livestock shall carry adequate waste removal devices or disposal bags while off the owner's property unless the waste removal devices are provided. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

SECTION 30: Animals/Livestock/Fowl Creating a Public Nuisance

An owner shall prevent any animal, livestock or fowl from becoming a public nuisance. It is unlawful for any owner and/or responsible person of an animal, fowl to allow such animal, fowl to **bark, howl, cry, or make other frequent noise to disturb the peace and quiet of any place, family, person or neighborhood, between the hours of 22:00 and 06:00.** The Enforcement Agency may impound any animal/livestock/fowl creating a public nuisance. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

SECTION 31: Nuisance Feeding Prohibited

Feeding of any feral and/or wild animal, fowl or creature by any means, including hand feeding or setting out of food left attended or unattended will be declared a public nuisance. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

This restriction shall not apply to any Enforcement Agency/Authority its officers and/or representatives, nor to any enforcing agency, both as defined in this Act, or any person acting upon the authority of such officer or representative. Such individuals are hereby specifically authorized to engage in the trapping of any feral and/or wild animal, fowl or creature which may create a nuisance or danger to the public within the city limits of the City of Greenwood, Arkansas, or any animal, fowl or creature as may be determined by the Mayor or the City of Greenwood Arkansas government body, who has determined that the destruction/removal of such animals and/or wildlife is necessary.

SECTION 32: Animal/Fowl Fighting

It is unlawful for any owner of any companion/domestic animal or fowl from becoming a participant in any fighting of animals or fowl or maintaining a premise where animals or fowl fight and is prohibited. No person should attend any activity involving a fight, for the purpose of sport, wagering or entertainment. The Enforcement Agency/Authority its officer and/or representative may impound any companion/domestic animal or fowl suspected of or involved in such activity. Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 45 of this Ordinance or the laws of the State of Arkansas relating to Animal Control, Animal Welfare and Animal Cruelty.

SECTION 33: Classified as a Dangerous or Vicious Animal and the Requirements for Keeping of a Dangerous/Vicious Domestic Animal

The Enforcement Agency/Authority its officers and/or representatives shall investigate reported incidents involving any domestic animal that may be dangerous or vicious and shall interview the owner (if known) and require an affidavit from any person desiring to have the domestic animal classified as dangerous/vicious. After the investigation, the Enforcement Agency/Authority its officers and/or representatives shall determine if a domestic animal is to be classified as dangerous and/or vicious and shall provide notification to the owner that their domestic animal is or has been classified as a dangerous/vicious animal.

The City may establish Hearing and Appeal Procedures should an owner request an appeal of the decision of the Enforcement Agency/Authority its officers and/or representatives.

The Enforcement Agency may impound any domestic animal under investigation in the interest of public safety. The owner of a domestic animal that is under investigation shall not refuse, under criminal penalty, to surrender such animal to the Enforcement Agency/Authority its officers and/or representative for impoundment.

Following the domestic animal being classified as dangerous/vicious, the Enforcement Agency/Authority its officers and/or representatives may dispose of such animal by means of humane euthanasia or establish criteria for how the animal may be kept. The requirements for the keeping of a dangerous/vicious domestic animal are, but not limited to, maintaining the domestic animal indoors or within a proper enclosure that is designed to prevent the entry of any person and designed to prevent the dangerous/vicious domestic animal from escaping or from theft. Such enclosure, pen or structure shall have secure sides and a secure top to prevent the dangerous/vicious domestic animal from escaping over, under or through the structure and shall also provide protection from the elements. The owner of the dangerous/vicious domestic animal shall display a sign on the enclosure easily readable by a competent person with the words "Dangerous/Vicious Domestic Animal", "Bad Domestic Animal" or any such wording with the approval of the Enforcement Agency/Authority its officers and/or representatives. The dangerous/vicious domestic animal may be allowed periodic freedom from the enclosure for purposes of exercise and socialization time with its owner, while on the owners property and under physical control of the owner being over the age of eighteen (18) years, and for trips to the veterinarian. Dangerous/Vicious domestic animals shall be spayed or neutered and micro-chipped at a veterinarian's clinic within thirty (30) days and all charges associated with the micro-chipping and surgical sterilization procedures will be born by the owner. The owner shall comply with the liability insurance requirement and shall provide documented proof of such liability insurance, which specifically addresses coverage of the domestic animal to the Enforcement Agency/Authority its officer and/or representatives pursuant to Section 34.

The owner of a dangerous/vicious animal that allows a repeat of the dangerous/vicious domestic animals behavior may be subject to additional criminal charges of negligence and endangerment. Should the dangerous/vicious domestic animal inflict injury on a person, animal or fowl, then in such case the dangerous/vicious domestic animal shall be euthanized.

The owner of any domestic animal shall not be liable for damages when the person attacked or bitten was an adult having acquired the age of eighteen (18) and present without lawful authority on the property of the owner and that person, mischievously or carelessly provoked or aggravated the domestic animal that inflicted such damage, or the domestic animal was a mother in the protection of her puppies, and "Bad Domestic Animal" or "Dangerous/Vicious Domestic Animal" sign was properly displayed on the enclosure. Domestic animals that have been classified as dangerous/vicious must be under the physical control of the owner at all times when off the owners property and muzzled with a safe face device that does not restrict the domestic animal from breathing, panting, seeing or hearing.

The domestic animal that has been classified as dangerous/vicious must be restrained by a leash, cord or chain used for a dangerous/vicious animal and shall be no longer than four feet. The Enforcement Agency/Authority its officers and/or representatives may require the owner of a dangerous/vicious domestic animal to attend canine obedience behavior training classes, as a requirement to keep the domestic animal, and the owner shall bear the costs of the training. The owner of a dangerous/vicious domestic animal may not sell or give away the dangerous/vicious domestic animal without the knowledge and documented consent of the Enforcement

Agency/Authority its officer and/or representative, this is necessary in order to notify the animal control agency in the jurisdiction in which the dangerous/vicious domestic animal shall reside. If the new residence is out of the city limits of the City of Greenwood the owner shall not use the dangerous/vicious domestic animal for hunting purposes.

If any domestic animal is under investigation and prior to being classified as a dangerous/vicious domestic animal, bites any person, animal or fowl while such person, animal or fowl is on or in a public place, or lawfully on private property, including the property of the owner of such domestic animal under investigation. The owner shall be liable for damages suffered by the person, animal or fowl bitten, regardless of the former behavior of such domestic animal or the owner's knowledge of such propensity. A person or animal lawfully upon private property in performance of any duty imposed by the City of Greenwood or laws of this state, or postal regulations of the United States, or when the person is on the property upon invitation, expressed or implied, by the owner is exempt from this provision. Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 45 of this Ordinance or the laws of the State of Arkansas relating to Animal Control, Animal Welfare and Animal Cruelty.

SECTION 34: Insurance on Dangerous/Vicious Animals

The owner of every animal which is defined as dangerous/vicious under Section 33 of this ordinance shall maintain insurance as set forth in Section 33 of this ordinance. The owner shall be required to present to the Enforcement Agency/Authority its officers and/or representatives a certificate of insurance issued by an insurance company licensed to do business in the State of Arkansas, providing personal liability insurance coverage that specifically addresses coverage relating to such domestic animal, as in a homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or their agents, in the keeping or owning of such dangerous/vicious animal, if not exempt from such policy. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current animal insurance policy or homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that an animal is dangerous/vicious; however, if after 30 days a certificate of insurance or a policy has not been submitted or if the required insurance is cancelled during the license year, the animal shall be deemed unlicensed and subject to Sections 11 and 20, as applicable. Any person and/ or interest violating this Section may be subject to a fine pursuant to Section 45 of this Ordinance.

SECTION 35: Liability of Owner for Property Damages and Injuries Caused by an Animal

The owner of any animal, or the parent or legal guardian if the owner is a minor, is liable for property damages and injuries inflicted on any property, person, animal or fowl by their animal, while off the owner's property, whether or not such animal has been declared dangerous or vicious.

SECTION 36: Adoption of Unclaimed and Surrendered Animals

Unclaimed animals following a three-day holding period (excluding weekends and holidays) and/or animals surrendered by owners shall become the property of the City of Greenwood, Arkansas and as such may be placed into an adoption agency/organization at the discretion of the City of Greenwood Enforcement Agency/Authority, its officers and/or representatives. As such the companion/domestic animal may be adopted by new owners, subject to the adoption policies of the State of Arkansas and the sterilization requirements of Arkansas State Law 20-19-103.

The City of Greenwood, Arkansas and/or any designated adoption agency/organization reserves the right of

refusal of an adoption when the adoption is not in the interests of the companion/domestic animal, or the public health and safety of the citizens of Sebastian County to include the City of Greenwood. The Enforcement Agency/Authority, its officers and/or representatives shall not release, sell, or give away any live animal, fowl or creature to any institution, private firm or individual for the sole purpose of nefarious activities, medical or scientific research.

SECTION 37: Humane Euthanasia of Impounded Animals

Animals not claimed by their owners after the holding period or not adopted to new owners may be humanely euthanized by the Enforcement Agency/Authority, its officers and/or representatives or by a veterinarian. Euthanized animals shall be disposed of in a dignified manner in compliance with any city regulations. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this ordinance.

SECTION 38: Disposal of Animal Carcasses by Owners

An owner of an animal, upon the death of such animal, shall dispose of the carcass by burying the carcass at sufficient depth, of at least two feet, to prevent predators from exhuming the carcass, or by recognized alternate methods of disposal such as cremation or rendering. An owner shall not dispose of the carcass of any animal by depositing such carcass on any public or private property.

A person who, upon demand, does not surrender to the Enforcement Agency/Authority, its officers and/or representatives the carcass of any dead animal exposed to rabies shall be guilty of a misdemeanor for each separate offense. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this Ordinance.

SECTION 39: Companion/Domestic Animals in Motor Vehicle

(1) A motor vehicle operator shall not place or confine a companion/domestic animal or allow it to be placed, confined, or remain in an unattended motor vehicle under conditions for such a period often as may reasonably be expected to endanger the health or well-being of the companion/domestic animal due to situations of but not limited to insufficient ventilation, heat or lack of water.

(2) Any law enforcement, code enforcement, or animal control officer who determines, or upon the request of the Enforcement Agency/Authority, its officers and/or representatives, that the companion/domestic animal is in distress and/or in imminent danger of death while in an unattended motor vehicle may use whatever force is necessary to enter the vehicle to remove the animal. The companion/domestic animal shall be delivered to the animal shelter or to a veterinarian. A written notice shall be signed and displayed prominently on the vehicle by the law enforcement, code enforcement or animal control officer or Enforcement Agency/Authority, its officers and/or representatives notifying the owner of the circumstances of entry and the location of the companion/ domestic animal. The owner or person in control of the companion/domestic animal and/or the owner, operator, or responsible party of the vehicle shall be responsible for all costs incurred resulting in any damages to the vehicle and/or property to include the impoundment, boarding and veterinary fees necessitated by any treatment or care of the companion/domestic animal.

It shall be prima-facie evidence that a companion/domestic animal shall be considered to be in distress, if the companion/domestic animal is located in an enclosure or a motor vehicle and the ambient temperature of such enclosure and/or motor vehicle may reach or exceed 106 F.

Estimated Vehicle Interior Air Temperature v. Elapsed Time						
Elapsed time	Outside Air Temperature (F)					
	70	75	80	85	90	95

10 minutes					109	114
20 minutes			109	114	119	124
30 minutes		109	114	119	124	129
40 minutes	108	113	118	123	128	133

- (a) It shall be unlawful for any person and/ or interest to willfully or with reckless disregard; keep, cause or place a companion /domestic animal in a condition identified as distress and may be fined in accordance with Section 45 of this ordinance either pertaining to Animal in Distress or Animal Cruelty, or the laws of the State of Arkansas relating to Animal Control, Animal Welfare and Animal Cruelty.
- (b) The companion/domestic animal found to be in distress may be seized and/or impounded, pursuant to emergent and/or exigent circumstances.

(3) A motor vehicle operator, operating on a public right of way, shall not transport the companion/domestic animal in or on any motor vehicle, unless the companion/domestic animal is in the passenger compartment of the vehicle, or protected by a container, cage, or other appropriate tethering device that will prevent the companion/domestic animal from:

- (a) obstructing the operator;
- (b) interfering with the operator;
- (c) causing inattentive operation;
 - (A) of a motor vehicle and such obstruction, interfering or inattention is not reasonable and prudent in maintaining vehicular control.
- (d) falling from;
- (e) being thrown from;
- (f) jumping from;
 - (A) a moving vehicle.
- (g) Any person and/ or interest violating Section 39 (3) this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this ordinance.

SECTION 40: Inspection of Animal Establishments

The City of Greenwood Enforcement Agency/Authority, its officer and/or representatives shall have the right to enter any facility and inspect the facility during reasonable hours and any records pertaining to the animals where animals are bred, boarded, sold, trained or groomed including, but not limited to pet dealerships, kennels, domestic animal, roadside zoos, parks, flea markets, fairs, circuses or performing animal exhibitions, or any other property where animals are kept as a business, for purposes of ensuring compliance with this ordinance or any applicable state laws. In conducting these inspections all City of Greenwood Enforcement Agency/Authority its officer and/or representatives shall employ reasonable precautions as to not spread disease. Veterinary clinics, research and instructional programs conducted in the interest of medical science by universities registered with the United States Department of Aquaculture (USDA) and operated under federal statutes and rules, and animal establishments where livestock are raised by a commercial enterprise regulated by governmental agencies for acceptable husbandry standards are exempt from this provision.

SECTION 41: Enforcement Agency/Authority its officer and/or representatives to assist with Wildlife and Livestock

The Enforcement Agency/Authority its officer and/or representatives is authorized to humanely trap, transport, or humanely euthanize indigenous or non-indigenous wildlife and may release to state permitted rehabilitators or relocate such animals that are not primary vectors of rabies in compliance with state regulatory agencies. The Enforcement Agency/Authority, its officer and/or representatives may also assist law enforcement agencies with situations of public health and safety involving livestock or other large companion animals, upon request, within

its ability and resources to render assistance.

SECTION 42: Humane Trapping of Injured, Bite Case or Nuisance Animals

Any person trapping an animal, under the provisions of this section, shall use a humane trap; and provide the trapped animal with protection from the direct rays of the sun and direct effects of the wind, rain, irrigation and sprinkler systems; and provide fresh water and fresh food (bait) in the trap each time the trap is set; and shall clean/disinfect the trap after each animal is removed from the trap and shall check the trap, at periodic and timely intervals to prevent injury, death or reduce stress to the trapped animal. Upon capture of the trapped animal, any person shall notify the Enforcement Agency/Authority its officer and/or representative, so that such officer may remove the trapped animal or the person may bring the trapped animal into the shelter when the person's health and safety are not threatened. Any person, not authorized by the Enforcement Agency/Authority its officer and/or representatives, or not assigned the trap, shall not tamper with or destroy a trap belonging to the Enforcement Agency/Authority or remove a trapped animal without the permission of the Enforcement Agency/Authority its officer, representative, law enforcement officer or state regulated agency. Any person trapping an animal shall make every effort, when known, to relocate the trapped domestic animal or the offspring of any lactating mother caught in the trap or notify the Enforcement Agency/Authority its officer and/or representatives that they have determined that offspring exist. The Enforcement Agency/Authority, its officer and/or representatives may require proof of residence and identification of the person setting any trap, as well as the location of any trap. The Enforcement Agency/Authority, its officer and/or representatives may assess a fee or deposit in the use of an Enforcement Agency/Authority owned trap. The Enforcement Agency/Authority, its officer and/or representatives may retain the deposit in the event of loss, theft or damage of an Enforcement Agency/Authority owned trap. No trap will be issued to a citizen for a nuisance companion/domestic animal that is not dangerous, injured or suspected of rabies under this section, when the companion/domestic animal has a known owner, without prior knowledge to the owner, to give the owner the opportunity to correct the nuisance and to comply with the provisions of this ordinance. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this ordinance.

This restriction shall not apply to any Enforcement Agency/Authority its officers and/or representatives, nor to any enforcing agency, both as defined in this Act, or any person acting upon the authority of such officer or representative. Such individuals are hereby specifically authorized to engage in the trapping of any feral and/or wild animal, fowl or creature which may create a nuisance or danger to the public within the city limits of the City of Greenwood, Arkansas, or any animal, fowl or creature as may be determined by the Mayor or the City of Greenwood Arkansas government body, who has determined that the destruction/removal of such animals and/or wildlife is necessary.

SECTION 43: Commerce of Domestic Animal in the City Limit

(1) There will be no street side selling of animals in the city limits unless seller has purchased a Domestic Animal Sales permit from the City of Greenwood and is United States Department of Aquiculture USDA approved. Seller will be required to obtain this permit from the city good for one year. USDA documentation will be required and animals can be sold on the square during the period of Farmers Market or other times deemed appropriate by city officials. Seller will be responsible for cleaning up and leaving the area in a sanitary condition. Any established kennel with permanent structure and city business license will be exempt from this ordinance. Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 45 of this ordinance.

SECTION 44: Keeping of Livestock/Fowl in the City Limit

(1) No person shall keep, raise or maintain livestock (Farm Animals) within the city limits of Greenwood on any piece of property less than five (5) contiguous acres unless provided by this ordinance or special

exemption permit granted by the mayor and/or the mayor's designee.

- (a) Such permitted livestock shall be kept, restrained to their property by a pen which must be kept clean of all unwholesome matter, i.e., feces and other forms of waste to include the area around such pen to the extent they are not considered a public nuisance by this ordinance.
 - (b) Such livestock shall be subject to (numeric) registration, without a fee, or the issuance of a registration tag.
 - (c) Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this ordinance.
- (2) Fowl, poultry or caged birds, including all species of chickens, peacocks, and water fowl shall be permitted within the city limits of Greenwood.
- (a) The permitted fowl, poultry or caged birds shall be kept, restrained to their property by a pen which must be kept clean of all unwholesome matter, i.e., feces and other forms of waste to include the area around such pen to the extent they are not considered a public nuisance by this ordinance.
 - (b) Such permitted fowl, poultry or caged birds shall be subject to (numeric) registration, without a fee, or the issuance of a registration tag.
 - (c) Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 45 of this ordinance.
- (3) Exemptions:
- (a) Animals being temporarily kept within the city of Greenwood for the purpose of:
 - (A) rodeo
 - (B) fair
 - (C) livestock/Fowl Show
 - (D) or by special exemption permit which may be sought in writing to the City of Greenwood Arkansas Police Department, Code/Animal Control Enforcement Officer at no cost to the applicant. The City of Greenwood Arkansas Police Department, Code/Animal Control Enforcement Officer or his/her designee shall review and issue and/or deny such special permit. Any adverse decision may be appealed in precedence to the (1) Assistant Chief of Police, (2) Chief of Police, (3) Mayor, (4) City Council at a scheduled meeting.

SECTION 45: Redemption of Impounded Animals, Fees and Fines

The Enforcement Agency/Authority, its officer and/or representative shall hold for redemption any companion/domestic animal which has been impounded at the shelter or Sebastian County Humane Society for no less than three (3) days after the day of impoundment. The shelter shall maintain humane care of the animal while in its custody and professional standards regarding the record keeping of those animals, separation of male domestic animals from female, larger domestic animals from smaller domestic animals, quarantined animals from other impounded animals, male companion/domestic animals separated from female companion/domestic animals and provide for separation of other species of companion/domestic animals. An owner seeking to redeem an animal shall present valid identification or any acceptable proof of ownership and pay all fees and fines.

Acceptable proof of ownership includes but is not limited to, rabies certificate, City of Greenwood registration and/or tag, veterinary records, proof of purchase, photographs, and affidavits from neighbors or other reliable and verifiable evidence. Fees include but are not limited to impoundment fee, boarding fee, vaccination/city tag fee and any veterinary charges. The Enforcement Agency/Authority Administrator may waive or reduce a fee under extenuating circumstances when the animal was not impounded under the dangerous domestic animal provision of this ordinance, is not suspected of having rabies and was not impounded for reasons of failure to register, failure to display rabies and/or registration tag, cruel treatment or failure to maintain animals in a humane manner, when the owner demonstrates efforts to comply with the provisions of this section and prevent

a repeated impoundment.

The Enforcement Agency/Authority, its officers and/or representatives will make reasonable efforts to notify owners when the companion/domestic animal is wearing the city tag, rabies tag, micro chipped, or the owner is otherwise known. No domestic animal shall be released from impoundment without a current rabies vaccination and city registration/tag. (If the domestic animal is a resident of the City of Greenwood.) The owner shall provide proof of a current rabies vaccination certificate, or a deposit of \$25.00 shall be collected and the rabies vaccine will be administered no less than the same day or no more than a three (3) day business period. If the owner fails to comply with the rabies vaccination/city tag requirement, then the owner may be cited for failure to comply, the \$25.00 deposit shall be forfeited and the animal may be subject to re-impoundment.

All fees, fines and monies received under the provisions of this ordinance shall be paid to the City of Greenwood and shall be used for defraying the cost incurred in connection with the enforcement of the provisions of this ordinance.

Fees and Fines are assessed as follows and may be changed upon future action by the City Council: The Enforcement Agency/Authority and/or Animal Control officer and/or its representative shall have the authority to issue a warning in lieu of a citation/fine based on the situation and judgment of the conditions at the scene.

City of Greenwood Resident Fees:

Impoundment Fee for Companion Domestic Animals	\$ 20.00
Second Impoundment Fee	\$ 30.00
Third and Above Impoundment Fee	\$ 40.00
Animal Transport Fee	\$ 20.00
Tranquilizer Fee	\$ 125.00
Per Day Boarding Fee	\$ 20.00
Rabies Quarantine Fee (Plus 10 day boarding fee)	\$ 75.00
Domestic Animals Sales Permit	\$ 100.00
Surrender of Animal/Creature by Owner	\$ 200.00

Non-Resident Fees:

Impoundment Fee for Companion Domestic Animals	\$ 30.00
Second Impoundment Fee	\$ 40.00
Third and Above Impoundment Fee	\$ 50.00
Animal Transport Fee	\$ 30.00
Tranquilizer Fee	\$ 150.00
Per Day Boarding Fee	\$ 30.00
Rabies Quarantine Fee (Plus 10 day boarding fee)	\$ 75.00
Domestic Animals Sales Permit	\$ 125.00

Any intact domestic animal impounded for a third offence will be transported to a veterinarian and the domestic animal will be spayed or neutered. All fees and fines will be collected from the owner before such procedures are performed. Failure to pay the medical expenses, fines and fees may expose the owner to civil and/or criminal action. In addition the companion/domestic animal shall be turned over to the Sebastian County Humane Society or euthanized.

Fines:

Violation	1 st Offense	2 nd Offense	3 rd Offense
Animal at Large Violation of Section(s) 20, 27 & 28	\$ 50.00	\$ 100 .00	\$ 150.00
Dangerous Animal at Large Violation of Section(s) 33 & 34	\$ 250.00	\$ 350.00	\$ 500.00

Failure to Register Violation of Section(s) 11(2) & (8)	\$ 30.00 +Registration Fees	\$ 40.00 +Registration Fees	\$ 50.00 +Registration Fees
Failure to Wear/Display a Registration Tag Violation of Section(s) 11(10) & 14(4)	\$ 25.00	\$ 25.00	\$ 25.00
Failure to Possess a Domestic Animal Sales Permit Violation of Section 43	\$ 125.00	\$ 150.00	\$ 250.00
Public Nuisance Violation of Section(s) 15,16, 17, 21(8), 26, 28, 29, 30, 31, 37, 38, 39(3), 42 & 44	\$ 50.00	\$ 75.00	\$ 100.00
Failure to Vaccinate for Rabies Violation of Section 18	\$ 25.00	\$ 25.00	\$ 25.00
Failure to Wear/Display Rabies Tag Violation of Section 18	\$ 25.00	\$ 25.00	\$ 25.00
False Information on Registration , Fraud (i.e. Ownership/Address) Violation of Section(s) 11(7), (11) & 18	\$ 100.00 +Registration Fees	\$ 150.00 +Registration Fees	\$ 200.00 +Registration Fees
Placing an Animal in Distress Violation of Section(s) 20(2),21,39(1)& (2)	\$ 50.00	\$ 100.00	\$ 200.00
Abandonment/Neglect/Cruelty Violation of Section(s) 20(2), 21, 32, 39(1) & (2)	\$ 100.00	\$ 200.00	\$ 300.00
(cannot exceed state fines)			

SECTION 46: Liberal Construction

This ordinance is to be liberally construed to effectively carry out the purposes, which are deemed to be in the best interest of the public health, safety and welfare of the citizens, animals, fowl, livestock and creatures within the City of Greenwood.

SECTION 47: Severability and Repealing Clause

It is the declared intent of the City Council of the City of Greenwood in the State of Arkansas that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

PASSED BY A MAJORITY OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, ARKANSAS, ON THIS 6th DAY OF December, 2016.

ATTEST: Sharla Derry
City Clerk

APPROVED: [Signature]
Mayor

