

TITLE 6

ANIMALS AND FOWL

Chapters:

6.04 Animal Control Regulations

CHAPTER 6.04

ANIMAL CONTROL REGULATIONS

Sections:

6.04.01	In general
6.04.02	Rabies control
6.04.03	Animal bites
6.04.04	Dogs
6.04.05	Running at large; impoundment
6.04.06	Vicious dogs
6.04.07	Animal establishments
6.04.08	Fowl
6.04.09	Livestock

6.04.01 In general The Sections of the Animal Control Regulations attached to this ordinance are hereby amended to read as attached hereto. Any prior regulation, resolutions, or ordinance in conflict with this ordinance is hereby repealed. Any animal regulations not attached to this ordinance and not in conflict with this ordinance shall remain in full force and effect.

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

Animal means any vertebrate excluding homo sapiens.

Animal Control Officer means the person responsible for enforcing this code.

Animal establishment means a kennel, a private kennel or a pet shop.

Animal running at large means off the premises of the owner, or off the premises of any person having charge of an animal, and not under the control of the owner or person in charge, or

a member of his immediate family, by leash, cord or otherwise. All dogs must be under the physical control of their owner at all times.

Physical control is defined as behind an enclosed area, whether visible or invisible, inside the residence, or on a leash or chain. Any animal found running at large, off the premises of any person having charge of that animal, may be impounded by an animal control officer. If the animal is impounded it must be claimed at the shelter, and a fee must be paid, any person who fails to claim an impounded animal within five days may be charged pursuant to and in accordance with section 6.02 of this code.

Humane manner means care of an animal to include but not limited to adequate heat, ventilation and sanitary consisting of a structure with a floor, four walls, roof, and an entrance. Wholesome food and access to fresh water at all times. Veterinary care must be provided for any animal with an injury or condition, which causes it suffering.

Indoor kennel means an animal establishment that houses the kennel area within an area completely enclosed by walls and a roof.

Kennel means an operation for the purpose of boarding, training, breeding, sale or exchange of animals, excluding private kennels.

Nuisance an animal shall be considered a nuisance if it damages, soils, defiles or defecates on private property other than the owner's, or public walks and recreation areas; causes unsanitary or offensive conditions; causes a disturbance by excessive barking or other noisemaking; molests, attacks or interferes with persons on private property or in the public right-of-way; or chases vehicles or attacks domestic animals.

Outdoor kennel means an animal establishment other than an indoor kennel.

Private kennel means any operation, excluding kennel, pet shops, veterinary clinics and hospitals, where more than three dogs or three cats over the age of six (6) months are kept, harbored or knowingly permitted to remain on or about the premises. Private kennels shall also include operations of householders where dogs are kept and the householder is actively engaged in the hobby of showing dogs either in conformation, obedience or field trials. Such hobby kennels are permitted the occasional raising of litters of puppies, and the occasional sale of puppies and/or dogs. Litters are limited to two litters per kennel per year. (Amended by Ord. No. 19-05, Sec. 1.1)

Vicious animal means any animal that bites or attempts to bite indiscriminately or has been involved in more than one biting incident and is a potential danger to the public. This phrase shall not be construed to include dogs that are part of a governmental operation, nor a trained guard dog in the performance of his duties while confined to the property of the owner or person in charge. (Ord. No. 19-05, Sec. 1.1)

Penalty

- A. Violation of any provision of this chapter shall be punished by a fine of no less than \$5.00 nor greater than \$500.00 and/or community service hours at the City of Decatur.
- B. The owner of an animal which has been impounded has five working days from the date of reclaim to obtain a valid current rabies vaccination and city license. If the owner or person in control is found to be in violation, an additional fine between \$25.00 to \$50.00 will be levied. (Ord. No. 19-05, Sec. 1.2)

Animal Control Officer

- (a) Office created- the office of animal control officer is hereby created, full-time, part-time or additional duties.
- (b) Appointment - the animal control officer(s) shall be appointed by the Chief of Police.
- (c) Compensation, Full time or Part time; The animal control officer shall receive such salary as may be from time to time prescribed by the City Council. If the animal control officer is an additional duty position, the employee's current rate of pay will apply.
- (d) Power and duties generally.
 - (1) The animal control officer shall catch and dispose of stray animals found within the city limits of Decatur and shall exercise such other duties and responsibilities relating to animals found running at large as have been or shall be imposed on the police department.
 - (2) The animal control officer shall have the power to issue citations to the owners of the animals violating any of the provisions of this chapter and to summons such person(s) to appear in the District Court for such violations. (Ord. No. 19-05, Sec. 1.3)

Records It shall be the duty of the City Administrator to keep, or cause to be kept, accurate and detailed records of all moneys belonging to the city, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and shall be audited by the city annually in the same manner as other city records are audited. (Ord. No. 19-05, Sec. 1.4)

Right of entry For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control officer or any police officer is empowered to enter upon any premises, with reasonable cause to believe a violation of this ordinance has occurred, upon which a dog is kept or harbored and to demand the exhibition by the owner of the dog or the license for the dog. (Ord. No. 19-05, Sec. 1.5)

Burying dead animals No person shall bury any dead animal within the city excluding A-1 zoned properties. *State law references: Cremation of dead animals, A.C.A. 2-40-302. (Ord. No. 19-05, sec. 1.6)

Possession, maintenance, keeping of innately wild and nondomestic animals

- (a) Definition - For purposes of this section, the term “innately wild animals” shall mean lions, tigers, cougars, leopards, panthers, bears and wolves and other nondomestic animals of an untamable disposition notwithstanding that their natural wildness may be intermittently dormant as the wildness is likely to be awakened at any time, suddenly and unexpectedly. Further, failure to specifically list any animal in this definition shall not preclude such animal from being deemed an innately wild and nondomestic animal of untamable disposition.
- (b) Probation - The possession, maintenance or keeping of innately wild animals within the city is hereby prohibited and forbidden. The enforcement of the provision in this section shall be the responsibility of the police department and code compliance/animal control officer.
- (c) Exceptions, this section shall not apply to any zoo, circus or sanctuary complying with applicable laws, and regulations and keeping innately wild animals for the education and entertainment of the public.
- (d) Dogs duly licensed and vaccinated. No provision of this section shall apply to dogs duly licensed and vaccinated.
- (e) Penalty, any person possessing, maintaining or keeping of innately wild animals in the city in violation of this section shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$100.00 or imprisonment of not more than ten days or both. Further, it is hereby provided that each additional day of possessing, maintaining or keeping an innately wild animal shall constitute an additional and separate violation of this section, punishable by the aforementioned penalties.
- (f) Any person in possession of such a wild animal must remove the animal from the city immediately. (Ord. No. 19-05, Sec. 1.7)

Keeping of skunks prohibited The keeping of skunks as pets within the city limits shall not be permitted. (Ord. No. 19-05, Sec. 1.8)

6.04.02 Rabies control

Rabies vaccination required All dogs or cats one year of age or older within the city shall be vaccinated each year by a licensed veterinarian, in accord with the State Board of Health, who will issue to the owner a durable metal tag and a certificate of vaccination. Tags must be attached to the collar or harness of the dog at all times. Tags are not transferable from one dog or cat to another dog or cat. *State law reference: Similar provisions, A.C.A. 20-19-202 & 20-19-305. (Ord. No. 19-05, Sec. 2.1)

Duty to report rabies suspect It shall be the duty of the owner, the health department or the person or agency gaining information that any domestic animal or person has been bitten or is probably infected with rabies, to incarcerate or impound the animal in the institution of a licensed veterinarian within this city or county, or in the animal shelter, where the animal shall be held for observation for such period of time as may be reasonably necessary to determine whether the animal is infected with rabies. There shall be a \$15.00 per day fee for housing the animal during the observation period. This is in addition to any other fees.

Should the animal control officer decide that it is not safe or compatible with current conditions at the shelter, the city may refuse to monitor a potentially rabid animal. *State law reference: Control of contagious diseases, A.C.A. 20-19-302, et seq; Rabies Control Act, A.C.A. 20-19-301 et seq; vaccination defined, A.C.A. 20-19-302. Illegal acts when person bitten, A.C.A. 20-19-306. (Ord. No. 19-05, Sec. 2.2)

Dog licenses

- (a) All dogs over the age of three months shall be licensed yearly within the city.
- (b) Applicants shall pay an annual fee in accord with the following schedule:

The annual fee shall be:

- (a) Spayed female or neutered male.....\$10.00
 - (b) Unspayed female or unneutered male.....\$25.00
- (c) Application for a license must be made within 30 days after obtaining a dog over three months of age, or within 30 days after the dog is three months of age, or within 30 days of the owner or person in control establishing residence in the city.
- (d) The license shall be valid for a period of one year from the date of its issuance and shall run concurrent with the rabies vaccination.

- (e) Owners of dogs whose dogs are actively serving a visually or hearing-impaired person as an accompanying guide or hearing-ear dog are not required to pay the license fee required by this section but are required to comply with all other provisions of this article. (Ord. No. 19-05, Sec. 2.3)

6.04.03 Animal Bites

Definitions The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; Animal means any animal other than dogs, which may be affected by rabies. Dogs mean all members of the canine family. Has been bitten means has been seized with teeth or jaws, so that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and includes contact of saliva with any break or abrasion of the skin. Owner means any person having a right of property in a dog or other animal or keeps or harbors a dog or other animal, or has it in his care, or acts as its custodian, or knowingly permits a dog or other animal to remain on or about any premises occupied by him. (Ord. No. 19-05, Sec. 3-1)

Notification of police Any person who has been bitten by a dog or other animal shall immediately notify the police department, or the family of such person, the treating physician or a veterinarian that has knowledge of a person bitten by a dog or other animal shall notify the city police department. (Ord. No. 19-05, Sec. 3.2)

Procedure after biting incident If a person is bitten by a dog or other animal, the following action shall be taken regarding the dog or other animal:

- (1) A dog or other animal that has bitten a person and whose owner cannot be immediately identified or cannot be confirmed to have current immunization for rabies, shall be delivered to a licensed veterinarian within 24 hours. The animal's head shall be delivered to an appropriate laboratory to determine if the animal was rabid.
- (2) If the owner can be identified and provide proof of current immunization, the animal will be delivered to a licensed veterinarian or approved detention facility for confinement and observation for at least ten days at the owner's expense.
- (3) If the owner or other person having the care, custody or control over the animal shall fail or refuse to deliver it to a licensed veterinarian or approved detention facility as aforesaid, the animal control officer shall take the animal into custody and deliver it immediately to a licensed veterinarian or approved detention facility for confinement and observation as aforesaid at the owner's expense. (Ord. No. 19-05, Sec. 3.3)

Return of non-rabid animal to owner If a dog or other animal confined under this division does not develop rabies, it shall be returned to the person from whose custody it was taken, upon payment of the veterinarian's fee for the observation and care. (Ord. No. 19-05, Sec. 3.4)

Notice of rabid animal If a dog or other animal in confinement under this division develops rabies, the person bitten by it and the Animal Control Officer shall be notified immediately by the licensed veterinarian who made the finding of the rabid condition of the dog or other animal. (Ord. No. 2009-1, Sec. 3.5)

6.04.04 Dogs

Confinement

- (a) An owner of a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence or enclosure or within a house, garage or other building, or shall confine such dog by chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. It shall further be the duty of any owner or keeper of any dog to keep the dog under such control so as to:
 - (1) Prevent the dog from becoming a danger to person or property or trespassing upon another person's property.
 - (2) Prevent the dog from running at large upon the streets, sidewalks, alleys, parks or other public places in the city.
- (b) An owner of a vicious animal as defined in these regulations shall confine it within a building or secure enclosure and not release it therefrom unless it is securely muzzled. Any vicious animal trespassing or running at large may be impounded pursuant to the provisions of this chapter or ordered confined by the animal control authority.
- (c) Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog cannot come into contact with another dog except for intentional breeding purposes.
- (d) Any dog seen running at large by an animal control officer on more than one occasion may be declared a nuisance and impounded subject to the provisions of these regulations. A nuisance dog shall be considered one which is a safety or health hazard, which damages or destroys the property of another (including

garden and flower beds and trees), which creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such a person's home or which urinates or defecates upon private property not owned or exclusively occupied by the owner or keeper or upon public property if the feces deposited by the pet animal are not immediately removed by the owner or keeper. In addition, a nuisance dog shall also be a dog that jumps on a person or persons, or that runs after and vocalizes at horses, joggers, pedestrians, bicyclists, or any vehicle being ridden or driven upon the roads or any public grounds or place within the City.

- (e) **Animal Cruelty** – No owner or keeper of a dog shall fail to provide that dog with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care, when necessary, and such other care as is customary and necessary for the dog's health and well-being, considering the species, breed and type of animal. No person shall beat, cruelly ill-treat, torment, overload, overwork, otherwise abuse or needlessly kill a dog or cause, instigate or permit any dogfight, or other combat between dogs or between dogs and humans, nor shall any person transport or confine a dog in or upon any vehicle in a cruel or reckless manner. No dog shall be left for any length of time on an outside leash or lead that is tethered to the ground in a manner that does not provide access to shelter appropriate for the current weather conditions, and access to food and water. The length of tether or leash shall be a minimum of ten feet and no more than twenty feet in length to allow the dog adequate range of motion for exercise and defecation and urination away from its sleeping and eating area. The Animal Control Officer may remove any animal kept or confined under such conditions and may impound such animal.
- (f) **Abandonment** – No owner or keeper of a dog shall abandon the dog. The Animal Control Officer may impound any such animal and impose a fine for abandonment of the dog. (Ord. No. 19-05, Sec. 4.1)

Maintenance of premises; prevention of disturbing noise An owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which disturb any person residing within a reasonable distance of the premises, and the animal themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons. (Ord. No. 19-05, Sec. 4.2)

6.04.05 Running at large; impoundment

Running at large prohibited It shall be unlawful for the owner of any dog, or for any person having charge of any dog, to allow or to permit such dog to run at large within the corporate limits of the city at any time. *State law references: Dogs running at large, A.C.A. 14-54-1102 (Ord. No. 19-05, Sec. 5.1)

FINE SCHEDULE:

	Animal at large:	Nuisance:
1 st offense	\$50.00	\$100.00
2 nd offense	\$100.00	\$200.00
3 rd offense	\$150.00	\$300.00

The animal control officer shall make the determination if a given animal is running at large or is a nuisance as defined herein and shall apply the appropriate fine. These fines are in addition to with any fees charged by the shelter for picking up the dog.

There shall be a \$250.00 for abandonment of an animal if a person knowingly refused to pick up the animal from the shelter after having been notified that the animal is there. (Ord. No. 19-05, Sec. 5.1)

Presumption Any dog found running at large shall be presumed to have been allowed or permitted to do so by the owner or person having charge of the dog. (Ord. No. 19-05, Sec. 5.2)

Prosecutions If the animal control officer should find a dog running at large, and if any such dog should flee to the premises of its owner or the person having control; of the dog, the animal control officer is hereby authorized and empowered to summon the owner or person having control of the dog into court for allowing the dog to run at large. (Ord. No. 19-05, Sec. 5.3)

Designation of dog pound Pursuant to the provisions of A.C.A. 14-58-303, by ordinance, the Mayor or the Mayor's duly authorized representative are hereby authorized to contract for the disposition of captured stray dogs with a privately operated facility, upon such terms and provisions as the City Council may prescribe, without advertising for bids. (Ord. No. 19-05, Sec. 5.4)

Impounding authorized The animal control officer shall take into custody any dog that may be found running at large within the city in violation of the provisions of this article and place the dog in the city animal shelter. (Ord. No. 19-05, Sec. 5.5)

Notice to owner Whenever any dog which has been delivered to the city animal shelter by the animal control officer has a collar or other form of identification showing the name and address of the owner or person in charge of the dog, the animal control officer shall notify the owner or person in charge thereof, if such person can be found by certified letter. Return receipt requested, that the dog has been taken up and delivered to the city animal shelter and that the animal shall become the property of the city animal shelter within five (5) days of its impoundment, unless the fee, together with such other costs as may be applicable, is paid within such time. State law references: Notice to owner of impounded dog, A.C.A. 14-54-1102 (Ord. No. 19-05, Sec. 5.6)

Redemption of impounded dogs The owner or person in charge of any dog impound under the article may, within the five days provide for, before the dog becomes the property of the city animal shelter, redeem or claim the dog by picking the dog up at the shelter upon the payment of the cost of such taking up, which is ascertained and declared to be \$15.00 per day that the dog has been in the possession of the city animal shelter, after the day the dog was impounded, together with the cost of the notice and any fines for violation of the provisions of this article which may be applicable, Such amount shall be paid to the city animal shelter.

Surrendering of owned animals If a resident of the city of Decatur desires to surrender an animal (pet), a fee of \$100.00 must be paid upon delivery of said animal to the City of Decatur Animal Shelter. In addition, prior to delivery of an animal for surrender, a time for delivery must be obtained from an employee of the animal control authority. *State law references: Similar provisions, A.D.A. 14-54-1102 (Ord. No. 19-05, Sec. 5.7)

Unredeemed dogs After the expiration of five calendar days after a dog has been impounded, the dog shall become the property of the city animal shelter, to be disposed of at its discretion, be death or adoption. *State law references: Authority for destruction of dogs, A.C.A. 14-54-1102.

There shall be a \$50.00 fee for adopting a dog. After the dog has been the property of the city for sixty (60) days, the adoption fee shall decrease to \$25.00, and shall decrease to \$15.00 after the dog has been held for ninety (90) days. The Mayor and/or animal control officer shall have the right to waive the adoption fees to reputable non-profit organizations that can assist with rapid placement of animals. The Mayor and/or animal control officer shall also have the discretion to waive or reduce the redemption and adoption fees charged to anyone for up to thirty (30) days to alleviate an overcrowding or related situation which necessitates such action to reduce the number of unadopted animals as quickly as possible. (Ord. No. 2022-09, Sec. 1)

Reclaiming impounded animals

- (a) The owner of an animal impounded in the city animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this chapter, and upon payment of fees and charges as hereinafter provided, credited to the account of the animal control authority, and shall not be in lieu of any fine or penalty otherwise provided by law.

(b) Fees for reclaiming animals are as follows:

(1) **Licensed and vaccinated dogs:**

- a. First offense.....\$15.00
- b. Second offense.....\$25.00
- c. Third offense.....\$50.00
- d. Subsequent offense.....\$75.00

(2) **Unlicensed or unvaccinated dogs:**

- a. First offense.....\$25.00
- b. Second offense.....\$50.00
- c. Third offense.....\$150.00
- d. Subsequent offense.....\$150.00

- (3) Rabbits, poultry and birds, each offense.....\$25.00
- (4) Other animals, each offense.....\$15.00
- (5) Animals impounded for rabies quarantine or for use
as evidence in a criminal prosecution, per day...\$10.00

(c) The owner of an animal impounded in the city animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal. *State law references: Authority of city to prevent the running at large of dogs, A.C.A. 14-54-1102; animals generally, A.C.A. 20-19-102

6.04.06 Vicious dogs

Definitions The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context indicates a different meaning: Owner means any person possessing or harboring or having the care of a dog unconfined, A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the side, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals.

- (2) Any dog which because of its vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this article.
- (3) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal.
- (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting. (Ord. No. 19-05, Sec. 6.1)

Exemptions The provisions of this division shall not apply to animals owned by public safety agency and used for public safety purposes. (Ord. No. 19-05, Sec. 6.2)

Confinement The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (Ord. No. 19-05, Sec. 6.3)

Leash; muzzle The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal. (Ord. No. 19-05, Sec. 6.4)

Posting of signs The owner of a vicious dog shall display in a prominent place on his premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. (Ord. No. 19-05, Sec. 6.5)

Dog fighting, attack training No person shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals. (Ord. No. 19-05, Sec. 6.6)

Liability insurance Owners of vicious dogs must provide proof to the city of public liability insurance in the amount of at least \$100,000.00, insuring the owner for any personal injuries by his vicious dog. (Ord. No. 19-05, Sec. 6.7)

Penalty Whoever violates any provision of this division shall be guilty of a misdemeanor and may be punished by a fine of not less than \$25.00 and not more than \$500.00 or imprisonment of not more than 30 days in jail, or by both fine and imprisonment. In addition thereto, the court may order the owner to cause the vicious dog to be destroyed or order the vicious dog destroyed with the costs thereof charged to the owner. (Ord. No. 19-05, Sec. 6.8)

6.04.07 Animal establishments

Operation generally; permit required

- (a) No person shall operate an animal establishment without first obtaining approval by the Decatur Planning Commission and all establishments shall comply with the Decatur Zoning Ordinance. If approved, a permit must be obtained at City Hall.
- (b) The permit period shall begin with the first day of the calendar year and shall run for one year. Renewal application for permits shall be made 30 days prior to and no later than 60 days after January 1 of each year. Application for a new establishment under the provisions of this division shall be made within 60 days of the start of business or operation.
- (c) Every facility regulated by this division shall be considered a separate enterprise, requiring an individual permit (e.g., two kennels at different locations, but owned by the same person, shall be considered as two animal establishments).
- (d) Permits obtained in accordance with this division shall be displayed in a prominent location on the premises of the animal establishment.
- (e) An outdoor kennel shall not be constructed or permitted within 200 feet of the closest adjoining residential dwelling.
- (f) An indoor kennel shall not be constructed or permitted within 100 feet of the closest adjoining dwelling.
- (h) A kennel owner's primary residence cannot be used as the location for a kennel if the number of animals in the kennel is more than five (5).
- (i) No kennel shall house more than ten (10) adult dogs. Puppies that are whelping or up to the age of six (6) months shall not be included in the maximum number of dogs. (Ord. No. 19-05, Sec. 7.1)

Application procedure

- (a) Each animal establishment shall annually file an application for permit with the city within the time periods provided in 7.1, provided, that all pre-existing establishments shall have 90 days from the effective date of the ordinance from which this division is derived to file such application.
- (b) The permit application shall be made on a form provided by the city and available from the animal control authority.

- (c) Upon receipt of a completed application, the animal control officer shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of this division. The animal control officer shall be permitted to make such inspection at any reasonable time during normal business hours.
- (d) The animal control officer shall cause a permit to be issued to an applicant or, if a permit is not granted, the animal control officer shall notify the applicant in writing of the specific reasons for denial.
- (e) Any animal establishment denied a permit may not reapply for a period of at least (30) days. Each reapplication shall describe any previous denial or revocation.
- (f) If an application is shown to have withheld or falsified any material information on the application, the animal control officer may refuse to issue or may revoke a permit. (Ord. No. 19-05, Sec. 7.2)

Revocation of permit

- (a) The animal control officer may revoke any permit if the person holding the permit refuses or fails to comply with this division, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this division.
- (b) Whenever a permit is revoked for cause, or pending any proceedings to contract such action, the animal control officer shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed for removal of animals from such premises, and shall state the specific reasons for revocation. If any such owner shall fail to remove the animals as directed, the animal control authority may impound the animals. (Ord. No. 19-05, Sec. 7.3)

Compliance with code

- (a) An animal establishment shall not sell or trade or exchange any dog or cat over three months of age unless the dog or cat has been licensed and/or vaccinated as required by this chapter.
- (b) The animal control officer shall be permitted to inspect any animal establishment, and all animals and the premises where such animals are kept, at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter. (Ord. No. 19-05, Sec. 7.4)

Kennels All kennels shall, in addition to the other requirements of this Code, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for kennels are as follows:

- (1) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
- (2) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (3) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
- (4) Cages are to be of a type material and construction that permit cleaning and sanitizing.
- (5) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
- (6) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
- (7) All animal quarters and runs are to be kept clean, dry and in sanitary condition.
- (8) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- (9) All animals shall have fresh water available at all times.
- (10) Kennel owner is responsible for keeping records on all vaccinations (in accordance with state law), purchase records, and sales records of the animals in their possession and they are required to present them upon request to the animal control officer. Failure to do so will result in the kennel license being revoked. (Ord. No. 19-05, Sec. 7.5)

Pet shops All pet shops, including pet shops operated in conjunction with another holding facility, shall in addition to the other requirements of this code comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of the permit. Standards for pet shops are as follows:

- (1) Water. There shall be available hot water at a minimum temperature of 160⁰ for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.
- (2) Room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- (3) Cages and enclosures. All cage and enclosures are to be of a non-porous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to his full length. (Ord. No. 19-05, Sec. 7.6)

Private kennels All private kennels shall, in addition to the other requirements of this Code, comply with the minimum standards of this section. Standards for private kennels are as follows:

- (1) No person shall operate a private kennel without first obtaining an annual permit from the animal control authority. Permits shall be based upon calendar years. Application for renewal of a permit shall be made between 30 days prior to and 60 days following January 1 of each year.
- (2) Upon receipt of a completed application, the animal control authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the private kennel is in compliance of this Code.
- (3) Upon receiving a complaint concerning a private kennel, the animal control authority may make an inspection of the facility to ensure that the facility is in compliance with all provisions of this Code.
- (4) All animals shall have adequate space for proper shelter against weather extremes, and for proper exercise.
- (5) All kennel areas shall be maintained in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Kennel areas in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing within a reasonable distance of the premises, and the animals themselves shall be restrained in such a fashion so that noise emanating from there shall not be disturbing to such person.
- (6) Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of animals shall be provided.

- (7) Fresh water shall be available at all times.
(Ord. No. 19-05, Sec. 7.7)

Kennel license fees Applicants for kennel licenses shall pay fees annually in accordance with the following schedule:

- (1) Private kennel:
 - (a) All animals spayed or neutered.....\$40.00
 - (b) Otherwise.....\$80.00
- (2) Kennel, per kennel.....\$25.00
- (3) The kennel operator shall not be required to purchase city licenses for each animal housed in the kennel if he purchases a kennel license.(Ord. no. 19-05, Sec. 7.8)

6.04.08 Fowl

Keeping of poultry generally

- A. The city council shall issue a permit to all individuals, firms or corporations who shall desire to keep any poultry of whatsoever kind or nature within the city limits of the City of Decatur.
- B. No firms or corporation poultry houses of any kind shall hereafter be constructed on a plot of ground less than one acre in size or within 150 feet of any dwelling. This section shall also apply to rebuilding of any house to contain poultry.
- C. The city council retains unto itself the right to have condemned for removal any poultry house which may be unsanitary or in such physical condition as to be a menace to the health or wellbeing of the citizens. (Ord. No. 16-13, Sec. 8.1)

Purpose and Intent- Backyard Chickens

Backyard Chickens will be defined as follows: The purpose of this sub section in this ordinance is to provide appropriate standards and regulations for keeping chickens for non-commercial purposes . The ordinance establishes standards and limitations so as to avoid adverse impacts on neighboring properties and residents , and to provide for the health and safety of the chickens.

Definition for Backyard CHICKENS and Rules of Operation along with building Construction:
Backyard Chickens shall be allowed within the City Limits of Decatur, Arkansas as follows:

Total Land required for permitted use: The following requirements are for single-family dwellings on less than 1 acre.

Number Permitted: Maximum permitted 6 hens will be permitted per single-family dwelling. No birds will be allowed on the property of multi-family dwellings.

Roosters Prohibited. No Roosters will be permitted.

Chickens must be kept within the coop or enclosure at all times.

Chickens shall be kept for personal use only. The selling of chickens, eggs or chicken manure, or the breeding of chickens for commercial purposes is prohibited.

Slaughter. There shall be no outside slaughter of birds

Placement of enclosures. All hen enclosures shall be placed at least 25 feet from neighboring dwellings and property lines. This enclosure must be located in a back yard.

Size of enclosure. Standard space required for 6 hens would be 110 sq. ft. The enclosure must meet this requirement. Larger than 110 sq. ft. is not permitted. This requirement will be monitored by the Decatur Code Enforcement Officer. Any violation will void any past or present permits and the owner will be given 10 days to remove all Backyard Chickens and pens from property.

Construction of enclosure. Within the 110 sq. ft. there must be 90 sq. ft. for a run and 20 sq. ft. for the hen roosting area. The enclosure must be built with wire mesh of 1 inch by 1-inch openings.

Removal of permitted enclosure: In the event owners vacate property for any reason it will be the permitted owner responsibility to remove enclosures from property. The Decatur Code Enforcement Officer will verify.

Condition of enclosure. All enclosures must be kept in a neat and sanitary condition at all times. The enclosures must be cleaned on a regular basis to prevent odors.

Food Containers. All food containers shall be kept in a suitable container with a tight fitting lid to prevent all rodents from accessing the feed. This includes mice, rats, raccoons, etc.

Applicability: These regulations are not intended for indoor birds. (Ord. No. 2016-13, Sec. 1, 8-2.)

Enforcement

- A. Any animal control code enforcement officer or any other such law enforcement officer authorized to enforce the provisions of this article shall have access to and shall have the right to inspect the premises during the investigation of a complaint(s) from any resident(s) of the county residing in the vicinity of the animal(s) may issue citations for noncompliance based upon that investigation.
- B. In a public health emergency declared by the Director of the Benton County Health Department, including but not limited to an outbreak of Avian Flu or West Nile virus, immediate corrective action may be required, in accordance with applicable public health regulations and procedures and in conjunction with Animal Services.
- C. person convicted as a repeat violator of Sections 8 1-3 of this Code may be permitted to, or continues to, keep chickens on their premises. Repeat violators are defined in Section 8-2 of this Code. (Ord. No. 2016-13, Sec. 1, 8-3.)

***If you have an overabundance of livestock, fowl , or animals of any type on your property you can be denied permission to have chickens as provided above- this is for the safety of all the animals.*

6.04.09 Livestock

Livestock within city limits

- A. Livestock shall include but not be limited to horses, cattle, goats, hogs, sheep and mules.
- B. No livestock shall be kept, housed or penned within the corporate city limits over night, on a plot of ground less than one (1) acre in size excepting those offered for public sale or auction. (One acre being 43,560 square feet)
- C. Any individual or firm or corporation offering for sale to the public raw milk, shall have a permit and to obtain such permit the applicant must submit a certificate from a duly qualified and state licensed veterinarian showing said animal from which the milk is secured, to be free from T.B. and Bangs disease, and also to be free of Mastitis.
- D. Anyone desiring to comply with section (C), shall be required to furnish said certificate from a veterinarian at least once annually and more often if required by action of the City Council.

- E. It shall be unlawful for any person to permit any such livestock to run at large within the city. (Ord. No. 2009-1, Sec. 9.1) A.C.A. 14-54-1101

Diseased animals No person shall be allowed to transport into the city any animal affected with a contagious disease. (Ord. No. 2009-1, Sec. 9.2)

Releasing animals It shall be unlawful for any person to knowingly release any animal in any public place within the corporate city limits of the city. (Ord. No. 2009-1, Sec. 9.3)