

# CHAPTER 1

## ANIMAL CONTROL CODE

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### ARTICLE I. IN GENERAL

#### **10-1-1. Short title.**

This chapter may be cited as the "Hot Springs Animal Control Code."

#### **10-1-2. Definitions.**

The following words and phrases have the following meanings for the purpose of this Code:

*Abandon:* The act of leaving a companion animal, or a domestic animal, or an exotic animal

- (a) without food, water, or care for twenty-four (24) hours or more; or
- (b) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

*Animal:* Any description of vertebrate, excluding Homo-sapiens.

*Animal establishment:* Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

*Animal Services:* A division of the Hot Springs Police Department with the responsibility for enforcement of this Code.

*Animal shelter:* Any facility designated by the city for the purpose of impounding and caring for animals held under the authority of this Code.

*At large:* Any animal is at large when off the premises of the owner and not under the

control of a responsible person.

*Breeder:* Any person who maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration of profit, fee or compensation.

*Caretaker:* Any person who has assumed custody, supervision, or control over an animal.

*Code:* As used herein, "Code" refers to the Hot Springs Animal Control Code.

*Companion animal:* Dogs and cats.

*Control:* Any animal shall be considered under control if it is confined to the premises of its owner or is secured by a leash or lead of sufficient strength to prevent it from escaping, or is confined in an automobile when away from the premises of the owner.

*Cruelty to animals:* A person commits the offense of cruelty to animals if, except as authorized by law, he knowingly

- (a) abandons any animal;
- (b) subjects any animal to cruel treatment;
- (c) subjects any animal in his custody to cruel neglect; or
- (d) kills or injures any animal belonging to another without legal privilege or consent of the owner.
- (e) As used in this section, "knowingly" shall mean the following:

A person acts knowingly with respect to his or her conduct or the attendant circumstances when he or she is aware that his or her conduct is of that nature or that such circumstances exists. A person acts knowingly with respect to the result of his or her conduct when he or she is aware that it is practically certain that his or her conduct will cause such a result.

*Dangerous dog:* Any dog which:

- (a) without provocation, attacks or bites a person engaged in a lawful activity;
- (b) while off the property of its owner and without provocation, kills or seriously injures another animal;
- (c) without provocation, chases, confronts or approaches a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack;
- (d) exhibits a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or
- (e) acts in a manner that causes or should cause its owner to know that it is potentially vicious.

*Euthanasia:* The humane euthanization of any animal administered by a method which causes immediate unconsciousness without visible evidence of distress to the animal or the

administrator.

*Exotic animal:* Any animal other than a domestic animal.

*Health officer:* The designated official of the state department of health or any local health official whose duties may involve conditions or investigations relevant to animal control.

*Humane manner:* Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and breeding habits of the animal's size, species and breed.

*Impound:* To seize summarily, confine, or restrain in custody.

*Kennel:* Any person who engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling animals.

*License:* The method of carrying and the information carried on an animal required to be licensed by Animal Services which identifies the owner of said animal and any other information required by Code.

*Livestock:* Animals kept or raised for use or pleasure, especially farm animals. Livestock does not include "Wild Animals" as defined in the Hot Springs Animal Control Code but does include, but is not limited to the following:

- The species *Equus caballus* (domestic horses);
- The species *Equus asinus* (asses/donkeys);
- The species *Bos taurus* (cattle);
- The subspecies *Ovis ammon aries* (sheep);
- The species *Capra hircus* (goats);
- The subspecies *Sus scrofa domestica* (swine);
- Domesticated races of the species *Gallus gallus* or *Meleagris gallopavo* (poultry);
- Domesticated races of the species *Oryctolagus cuniculus* (rabbits); and
- All captive-bred members of the families Anatidae (ducks) and Columbidae (doves and pigeons).

*Neutered, spayed, and/or sterilized:* Incapable of sexual reproduction.

*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, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; molests, attacks, or interferes with persons in the public right-of-way; or chases vehicles or attacks domestic animals.

*Owner:* Any person or persons, firm, association, partnership or corporation (1) having control or purporting to have control over a subject animal, (2) named in the licensing records as the owner of a subject animal, (3) occupying the premises where a subject animal is usually kept, or (4) possessing, harboring, or allowing a subject animal to remain about their premises for a period of seven consecutive days or more. For purposes herein, the parent or guardian of a person under the age of 18 purporting to be the owner of a subject animal shall be deemed to be the owner of same. In the event that a subject animal is purported to have more than one owner, all such purported co-owners shall be jointly and severally liable for the acts or omissions of an owner under this chapter, notwithstanding that such animal was in the possession of or under the control of a caretaker at the time of

the offense.

*Pens and enclosure(s):* For purposes of Article XI hereof, pen(s) and enclosure(s) shall mean any area, regardless of size, confining or intended to confine or shelter livestock. Pens and enclosures shall include, but are not limited to, fenced pastures and fields, corrals, paddocks, yards, cages, pens, coops, hatches, stables, stalls, chicken houses, barns, sheds and similar facilities or areas where livestock are kept.

*Person:* Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit.

*Pet shop:* Any person engaged in the business of buying or selling two (2) or more species of live animals with the intent that they be kept as pets.

*Private kennel:* Any person, excluding kennels, pet shops and veterinary clinics and hospitals, who keeps, harbors or knowingly permits to remain on or about his premises, more than four (4) dogs or four (4) cats, over four (4) months of age.

*Restraint:* An animal is under restraint if it is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.

*Restrained.* An animal is restrained if it is restricted to its caretaker's premises by means of a fence, pen, cage or other substantially similar means of confinement.

*Unrestrained.* An animal is unrestrained if it is not restricted to its caretaker's premises by means of a fence, pen, cage or other substantially similar means of confinement.

*Vaccinated:* A companion animal or a domestic animal that has been administered a vaccine or vaccines, by a licensed veterinarian, against disease or diseases harmful to itself and or communicable to others.

**State law reference-**Rabies Control Act, A.C.A. § 29-19-301, et seq.

*Veterinary clinic or hospital:* A clinic or hospital operated by a licensed veterinarian.

*Vicious animal:* Any animal that attacks or bites humans or other domestic animals, or otherwise jeopardizes the well-being of humans or other domestic animals.

*Vicious dog:* Any dog which:

- (a) without provocation causes death or serious injury to a person engaged in a lawful activity;
- (b) on two (2) or more occasions within a twelve-(12) month period, attacks or bites without provocation a person engaged in a lawful activity;
- (c) on more than one (1) occasion within a twelve-(12) month period, while off the property of its owner and, without provocation, kills or seriously injures another animal; or
- (d) trains for dog fighting, or is owned, bred or kept for the purpose of dog fighting.

*Wild animal:* "Wild animal" means any living member of the kingdom Animalia, including those born or raised in captivity, except the following:

The species *Homo-sapiens* (human beings);  
The species *Canis familiaris* (domestic dogs, excluding hybrids with wolves, coyotes, or jackals);  
The species *Felis catus* (domestic cats, excluding hybrids with ocelots or margays);  
The species *Equus caballus* (domestic horses);  
The species *Equus asinus* (asses/donkeys);  
The species *Bos taurus* (cattle);  
The subspecies *Ovis ammon aries* (sheep);  
The species *Capra hircus* (goats);  
The subspecies *Sus scrofa domestica* (swine);  
Domesticated races of the species *Gallus gallus* or *Meleagris gallopavo* (poultry);  
Domesticated races of the species *Mesocricetus auratus* (golden hamsters);  
Domesticated races of rats or mice (white or albino, trained, laboratory reared);  
Domesticated races of the species *Oryctolagus cuniculus* (rabbits);  
All captive-bred members of the families *Psittacidae*, (parrots, parakeets), *Anatidae* (ducks), *Fringillidae* (finches), and *Columbidae* (doves and pigeons);  
All captive-bred members of the species *Serinius canaria* of the class *Aves* (canaries);  
Domesticated races of the species *Carassius auratus* (goldfish);  
Captive-bred members of the superorder *Teleostei* of the class *Osteichthyes* (common aquarium fish);  
All species of the class *Insecta*.

#### **10-1-3–10-1-4. Reserved.**

### ARTICLE II. LICENSING AND VACCINATION

#### **10-1-5. Generally.**

(a) No person shall own, keep or harbor any dog or cat within the city unless such dog or cat is licensed and vaccinated as herein provided.

(b) The licensing authority shall maintain a record of all certificates and licenses issued, and make such records available to Animal Services.

#### **10-1-6. Rabies vaccination.**

(a) All dogs and cats over four (4) months of age within the city shall be vaccinated against rabies once each year by a licensed veterinarian, who will issue to the owner a durable metal tag and a certificate of vaccination approved by Animal Services. Tags must be attached to the collar or harness of the dog or cat and be worn at all times. Tags are not transferable from one dog or cat to another dog or cat.

(b) The health officer and Animal Services may adopt such other rabies control regulations as they deem necessary for the protection of the public health and safety.

#### **10-1-7. Dog and cat licenses.**

(a) All dogs and cats over four (4) months of age shall be licensed as provided herein. Application for a dog or cat license shall be made to the licensing authority and shall state the

name, address and telephone number of the owner(s); the name, breed, color, age and sex of the dog or cat; and a certificate of rabies vaccination issued by the licensing authority. Applicants shall pay the following license fees:

*Annual -- unneutered:* \$10.00 per year for each unneutered dog or cat; or

*Lifetime -- neutered:* \$20.00 for each neutered dog or cat provided the animal is vaccinated annually for rabies as evidenced by a current certificate of rabies vaccination. Failure to have the animal vaccinated annually will result in revocation of the lifetime license. Unneutered animals shall not be eligible for a lifetime license.

(b) A license must be obtained within thirty (30) days of a dog or cat attaining four (4) months of age, or within thirty (30) days of establishing residence in the city. This requirement will not apply to a nonresident keeping a dog or cat within the city for no longer than sixty (60) days. In the event that a license is lost, a replacement of same may be obtained from Animal Services for \$1.00.

(c) For registered dogs serving the blind or deaf or government owned dogs used for law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.

(d) The licensing period shall be concurrent with the rabies vaccination.

(e) The licensing authority shall include licensed veterinarians who are hereby empowered to collect the license fee and issue a dog or cat license and a durable metal tag at the time a dog or cat is vaccinated for rabies. Dog or cat license receipts shall be collected from such veterinarians by Animal Services.

(f) Tags must be attached to the collar or harness of the dog or cat and be worn at all times. Tags are not transferable from one dog or cat to another.

**10-1-8--10-1-9. Reserved.**

### ARTICLE III. RESTRAINT

#### **10-1-10. Restraint in transit.**

It shall be unlawful for any person to transport any animal in an open vehicle without said animal being restrained in such a manner as to prohibit such animal from leaving or being thrown out of the vehicle while in a public place or upon the public streets. If the animal is tethered, it shall be done in a manner as to prevent such animal from exiting the vehicle and from causing harm to said animal or persons. The intent of this section is to ensure that an animal in transit is humanely and adequately restrained within the confines of the transporting vehicle.

#### **10-1-11. 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 a 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 such dog under such control so as to:

- (1) Prevent such dog from becoming a danger to persons or property, or trespassing upon another person's property without that person's permission; and
- (2) Prevent such dog from running at large upon the streets, sidewalks, alleys, parks or other public places of the city.

(b) An owner of a vicious animal 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 is hereby declared a nuisance and may be impounded pursuant to the provisions of Article IX hereof or ordered confined by Animal Services. Further, in any prosecution of an owner or keeper of any such vicious animal for trespassing or running at large, a court of competent jurisdiction may, upon conviction entered, order that such animal be humanely euthanized.

(c) Every female dog or cat 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 or cat cannot come into contact with another dog or cat, except for intentional breeding purposes.

(d) It shall be unlawful for any owner to allow his dog or cat to enter any food store or place where food is exhibited for sale.

(e) It shall be unlawful for any person owning or having control of any chickens, ducks or other fowl within the city to permit them to run at large after notice from Animal Services that the chickens, ducks or other fowl are a menace or nuisance to his neighbors or the public in general.

#### **10-1-12. Rabid animals or animals suspected of having rabies.**

(a) Every veterinarian shall report promptly to the health officer or Animal Services all cases of rabies in animals treated by him giving name and address of the owner; and owners and addresses of any animal(s) bitten by such rabid animal, so far as known.

(b) Any person having knowledge that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knowledge that an animal has been bitten by a rabid animal, shall promptly report such information, to the extent known, to the health officer or Animal Services.

(c) 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 some competent 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.

#### **10-1-13. Nuisance, maintenance of premises and disturbing noises.**

(a) Animal owners must control their animal in a manner such that the animal is not a 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, dangerous or offensive conditions; causes a disturbance by excessive barking or other noise making; molests, attacks, or interferes with persons in the public right-of-way; or chases vehicles or attacks domestic animals.

(b) 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 would disturb any person residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons.

(c) Any person(s) that places or otherwise situates food in such a manner that causes or results in the congregation of more than four (4) stray animals shall be deemed to have created a public nuisance and, therefore, shall be in violation of this section.

#### **10-1-14. Dangerous and vicious dogs.**

(a) Unlawful keeping of dangerous or vicious dogs.

- (1) It shall be unlawful for any person to keep within the city any vicious dog.
- (2) It shall be unlawful for any person to keep within the city any dangerous dog, except in compliance with the provisions of subsections (b) and (c) of this section.

(b) Dangerous dog permit required.

- (1) If a court of competent jurisdiction has cause to believe that a dog is dangerous, the court may find and declare such dog to be a dangerous dog.
- (2) Thereafter, the court shall notify Animal Services Department to proceed with a declaration of dangerous dog and notify in writing the person who owns, keeps, or otherwise maintains the dog, of the declaration and that a permit is required to keep such dangerous dog within the city.
- (3) The owner or custodian shall pay one hundred dollars (\$100.00) annual permit fee to the city, in addition to all other fees, for possession of a dangerous dog.

(c) Conditions for keeping or maintaining a dangerous dog shall include:

- (1) *Confinement.* All dangerous dogs shall be securely confined:
  - a. Indoors; or
  - b. In an enclosed and locked pen or physical structure upon the premises of the owner.

The pen or physical structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet. All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements. Electronic containment devices shall not be used to confine dangerous dogs.

- (2) *Leash and muzzle.* The owner of a dangerous dog shall not allow the dog to go outside its kennel, pen or physical structure unless the dog is muzzled,



restrained by a chain or leash not more than four (4) feet in length, and under the physical control of a person capable of controlling the dog. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal.

- (3) *Signs.* The owner of a dangerous dog shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a dangerous dog on the premises. The sign must be at least one (1) square foot in area and be easily read from the public highway or thoroughfare. The owner shall also display a sign with a symbol which warns children of the presence of a dangerous dog. Similar signs shall be posted on the dog's kennel, pen or enclosed structure.
  - (4) *Photograph identification.* Within five (5) days of the declaration of a dog as dangerous, the owner or custodian shall provide the Animal Services Department two (2) color photographs of such dog clearly showing the color and approximate size of the animal.
  - (5) *Change of status.* The owner or custodian of a dangerous dog shall notify the Animal Services Department immediately when the dog is unconfined and on the loose, or has attacked a human being or domestic animal.
  - (6) *Change of ownership.* If the owner of a dangerous dog sells, gives away, or otherwise transfers custody of the dog, the owner shall, within five (5) days, provide the Animal Services Department with the name, address, and telephone number of the new owner or custodian if the new owner resides within the city limits. The previous owner shall notify the new owner of the dog's designation as a dangerous dog and of the requirements and conditions for keeping a dangerous dog.
  - (7) *Sterilization.* The dangerous dog shall be sterilized at the owner's expense and written confirmation of the sterilization by a veterinarian licensed in the State of Arkansas shall be provided to the Animal Services Department.
  - (8) Other reasonable conditions that may be deemed necessary by Animal Services.
- (d) *Failure to comply.* It shall be unlawful for the owner or custodian of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply shall result in the revocation of the dangerous dog permit for such dog. In the event of the revocation of the permit, the owner or custodian shall remove such dog from the city within five (5) calendar days or the dog shall be euthanized.
  - (e) *Declaration of a vicious dog.* If the Animal Services Department has cause to believe that a dog is a vicious dog as defined herein, the Animal Services Department may find and declare such dog a vicious dog.
  - (f) *Procedures for impoundment and euthanization of a vicious dog.* The Animal Services Department may declare a dog vicious and impound it if the dog poses a serious threat to the public health or safety.
  - (g) *Notice to owner of declaration of vicious dog.* In instances where the dog is

declared vicious or declared vicious and impounded, the Animal Services Department shall, within forty-eight (48) hours, notify the owner of the dog in writing posted at the owner's or custodian's last known address, that the dog has been determined to be a vicious animal and, if applicable, has been impounded by Animal Services. If the dog is impounded or if the owner retains possession of the dog, the owner shall have five (5) days from delivery of the notice to contact animal services and comply with the ordinance by removing the dog from the city limits or having the dog euthanized. If the owner does not contact Animal Services within the five (5) day period prescribed, Animal Services may apply to a court of competent jurisdiction for an order to impound and euthanize the dog.

- (h) *Court appearance.* If the owner of the dog contests the Animal Services' determination that the dog is vicious, the Animal Services shall issue to the owner a citation to appear in a court of competent jurisdiction for maintenance of a vicious dog. The dog shall remain in the custody of the Animal Services pending trial and the owner shall be responsible for boarding fees.
- (i) *Judicial determination.* If the court determines that the dog is vicious and that maintenance of the vicious dog is a danger to the public safety, the court may order, in addition to any penalty provided herein and in addition to any boarding fees owed, one of these alternatives:
  - (1) That the dog be euthanized;
  - (2) That the dog be removed from the city limits forthwith; **or**
  - (3) That if mitigating circumstances exists, such as extreme provocation of the dog, that the dog be declared dangerous and that the owner complies with the ordinance on dangerous dogs.
- (j) *Exemptions.* This section shall not apply to dogs properly kept and maintained by a police department or law enforcement agency.
- (k) *Violations and penalties.* Any person violating or permitting the violation of any provision of this section shall, upon conviction in a court of competent jurisdiction, be subject to the provisions of §1-1-15 of the Hot Springs City Code. In addition to imposing a fine, the court may order the permit of the subject dangerous dog revoked and the dog removed from the city, or in the case of a vicious dog, may order the dog removed from the city, euthanized or if mitigating circumstances are present, declared dangerous.

#### **10-1-15. Defecation on public and private property.**

Any owner, caretaker, caregiver or other responsible party, hereinafter termed responsible party, while in the act of walking, exercising or transporting any domestic animal on foot through or across private property that is not under their control or through or across public right-of ways, sidewalks or other public property must remove, pick-up or clean-up any fecal discharge from the animal that is being walked, exercised or transported at the time of the fecal discharge. In this regard, such responsible party must maintain on their person the proper equipment/supplies (collection devices) for such removal, pick-up or clean-up.

Proper equipment/supplies will be those items that would allow for complete removal of the animal's fecal discharge. Proper equipment/supplies will consist of a disposable, sealable plastic bag or container of sufficient size to hold all of the animal's fecal discharge. In the event that the animal will or could have multiple discharges during any particular "outing," the responsible party must carry sufficient collection devices to provide for complete removal for all

such discharges occurring during the outing. Collection devices containing fecal matter shall be disposed of in receptacle suitable for the disposal of solid waste.

Any person found in the act of walking, exercising, or transporting any domestic animal on foot, not in possession of adequate equipment/supplies (collection device) to remove any discharge of that animal, whether it has committed the act of “fecal discharge” or not, will be in violation of this section. Any person in the act of walking, exercising or transporting a domestic animal on foot, may be asked to produce evidence of personal possession of such equipment/supplies (collection device) by any Police Officer or Animal Control Officer.

**10-1-16. Dog parks.**

Dogs are permitted to run unleashed in any area officially designed by Animal Services as a “dog park,” subject to such rules and regulations for said park as may be established and posted by Animal Services.

**10-1-17 – 10-1-19. Reserved.**

ARTICLE IV. CRUELTY

**10-1-20. Prohibited treatment; removal of mistreated animals; payment of expenses.**

- (a) It shall be unlawful for any person to:
  - (1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal;
  - (2) Fail to provide any animal with proper food, drink, protection from the weather and veterinary care; or
  - (3) Abandon any animal;
  - (4) Intentionally poison any animal;
  - (5) Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;
  - (6) Allow an animal to be kept in unsanitary conditions;
  - (7) Keep or confine an animal in other than a humane manner.

(b) The Animal Services may remove any animal kept or confined under such conditions and may impound such animal pursuant to the provisions of Article IX hereof.

State law reference-Animal Cruelty, A.C.A. § 5-62-103

**10-1-21. Diseased or injured animals.**

- (a) It shall be unlawful for any person to knowingly keep:
  - (1) Any injured animal without providing proper, timely treatment, including

treatment by a veterinarian, when appropriate, for such injury; or

- (2) Any animal infected with a disease which may contaminate other animals and which may be a health hazard.

A person acts “knowingly” when he is aware that such circumstances exist.

- (b) Any such untreated injured or diseased animal shall be immediately treated or, when necessary, humanely euthanized, to prevent unwarranted suffering. The disposition of such animals shall be at the direction of the Animal Services Supervisor or a licensed veterinarian.

#### **10-1-22. Animal disposition upon adjudication.**

Upon conviction of a violation of this article, the court of competent jurisdiction may:

- (a) Order the animal placed for adoption until reasonable efforts to place the animal with a new owner have been made; or
- (b) Order the animal into protective custody; or
- (c) Order the animal euthanized if the condition of the animal warrants euthanasia.

#### **10-1-23–10-1-29. Reserved.**

### ARTICLE V. WILD ANIMALS

#### **10-1-30. Prohibitions.**

(a) No person may own, possess or have custody of any wild animal, unless that person obtains a permit from the Animal Services as provided herein.

(b) No person may sponsor, promote or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator in any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities, irrespective of whether or not a fee is charged to spectators and regardless of whether or not a permit to own, possess or have custody of a wild animal has been issued as provided herein.

#### **10-1-31. Jurisdiction.**

(a) The Animal Services shall enforce the provisions of this Article and is authorized to issue permits for the ownership, possession or custody of wild animals in accordance herewith.

(b) The Animal Services shall make investigations or inspections to determine whether any permit holder has violated or is violating any provisions hereof or any regulation issued hereunder, and for such purposes the Animal Services shall, at all reasonable times, have access to all facilities where wild animals are held pursuant to permits issued hereunder. The Animal Services is specifically authorized and directed to make random and unannounced inspections of

such facilities at any reasonable time.

#### **10-1-32. Permits.**

(a) Any person applying for a permit to own, possess or have custody of a wild animal must demonstrate to the Animal Services that the applicant will be able to comply with the established standards.

(b) Each application for issuance of a permit hereunder shall be accompanied by a fee in the sum of one hundred dollars (\$100.00).

(c) Each permit issued hereunder shall be effective for a period of one year and must be renewed by re-application as provided for herein, together with payment of the application fee.

#### **10-1-33. Notice required.**

Any animal establishment offering a wild animal for sale shall post conspicuously at the place of sale or display a copy of this Article and a copy of the established rules and regulations.

#### **10-1-34. Impoundment and disposal.**

Notwithstanding the provisions of Article IX hereof, Animal Services is empowered to impound any wild animal being kept, harbored or maintained in violation of this Code or the established rules and regulations, and upon conviction of the owner or any other person for violation hereof, Animal Services may humanely euthanize or otherwise dispose of such wild animal, including but not limited to, donating and transferring ownership of such wild animal to a zoo or other facility deemed appropriate by Animal Services.

#### **10-1-35–10-1-39. Reserved.**

### ARTICLE VI. ANIMAL ESTABLISHMENTS

#### **10-1-40. Permit required; term; removal; one per establishment; display.**

(a) No person shall operate an animal establishment without first obtaining a permit from Animal Services in compliance with this Article, nor may any person operate an animal establishment in a manner in violation of any provision of this Code.

(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 thirty (30) days prior to and up to sixty (60) days after January 1 of each year. Application for a new establishment under the provisions of this Code shall be made within sixty (60) days of the start of business or operation.

(c) Every facility regulated by this Article shall be considered a separate enterprise, requiring an individual permit (e.g., two (2) kennels at different locations but owned by the same person, shall be considered as two (2) animal establishments).

(d) Permits obtained in accordance with this Article shall be displayed in a prominent location on the premises of the animal establishment.

(e) An initial application fee of \$100.00 shall be paid to Animal Services upon the formal filing of an application as required by this section. Said application fee is not refundable

and shall apply to the initial application for which it was filed for a 12-month period. Applicants who wish to re-file an initial application after a 12-month period must pay a new \$100.00 application fee. Once approved, the fee for an annual renewal application shall be \$50.00 per year.

#### **10-1-41. Application procedure.**

(a) Each animal establishment shall annually file an application for permit with Animal Services within the time periods provided in section 40(b) hereof, provided that all preexisting establishments shall have ninety (90) days from the effective date of this Code to file such application.

(b) The permit application shall be made on a form provided by Animal Services.

(c) Upon receipt of a completed application, Animal Services shall inspect the facility to ensure that all animals are provided for in a humane manner and that the establishment is complying with all provisions of this Code. Animal Services shall be permitted to make such inspection at any reasonable time during normal business hours.

(d) Animal Services shall either issue a permit to the applicant or, if a permit is not granted, Animal Services 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 thirty (30) days. Each re-application shall describe any previous denial or revocation.

(f) If an applicant is shown to have withheld or falsified any material information on the application, Animal Services may refuse to issue or may revoke a permit.

#### **10-1-42. Revocation of permits.**

(a) Animal Services may revoke any permit if the person holding the permit refuses or fails to comply with this Code, 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 Article.

(b) Whenever a permit is revoked for cause, or pending any proceedings to contest such action, Animal Services 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. In the event any such owner shall fail to remove such animals as directed, Animal Services may impound such animals pursuant to Article IX hereof.

#### **10-1-43. Compliance with Code.**

(a) An animal establishment shall not sell, trade or give away any dog or cat, over four (4) months of age, unless the dog or cat has been licensed and/or vaccinated as required by this Code.

(b) Animal Services 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 Article and the Animal Control Code.

#### **10-1-44. Standards for 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:

- (a) 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.
- (b) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (c) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
- (d) Cages are to be of material and construction that permit cleaning and sanitizing.
- (e) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
- (f) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
- (g) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (h) 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.
- (i) All animals shall have fresh water available at all times.

#### **10-1-45. Standards for 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 a permit. Standards for pet shops are as follows:

- (a) *Water.* There shall be available hot water at a minimum temperature of one hundred sixty (160) degrees or use of a disinfectant 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.
- (b) *Room temperature.* The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- (c) *Cages and enclosures.* All cages and enclosures are to be of a nonporous 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.

#### **10-1-46–10-1-49. Reserved.**

## ARTICLE VII. PRIVATE KENNELS

### **10-1-50. Standards.**

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:

- (a) No person shall operate a private kennel without first obtaining an annual permit from Animal Services. Permits shall be based upon calendar years. Application for renewal of a permit shall be made between thirty (30) days prior to and sixty (60) days following January 1<sup>st</sup> of each year. An initial application fee of \$100.00 shall be paid to Animal Services upon the formal filing of an application as required by this section. Said application fee is not refundable and shall apply to the initial application for which it was filed for a 12-month period. Applicants who wish to re-file an initial application after a 12-month period must pay a new \$100.00 application fee. Once approved, the fee for an annual renewal application shall be \$50.00 per year.
- (b) Upon receipt of a completed application, Animal Services shall inspect the facility to ensure that all animals are provided for in a humane manner and that the private kennel is in compliance with all provisions of this Code.
- (c) Upon receiving a complaint concerning a private kennel, Animal Services may inspect the facility to ensure that the facility is in compliance with all provisions of this Code.
- (d) All animals shall have adequate space for proper shelter against weather extremes, and for proper exercise.
- (e) 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 said premises; and the animals themselves shall be restrained in such a fashion so that noise emanating therefrom shall not be disturbing to such persons.
- (f) Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of animals shall be provided.
- (g) Fresh water shall be available at all times.

### **10-1-51–10-1-53. Reserved.**

## ARTICLE VIII. ANIMAL-DRAWN VEHICLES

### **10-1-54. Permit required.**

No person, firm or corporation shall operate an animal drawn vehicle without first obtaining an annual permit from Animal Services. Permits shall be based upon a calendar year. An initial application fee of \$100.00 shall be paid to Animal Services upon the formal filing of an application. Said application fee is not refundable and shall apply to the initial application for which it was filed for a 12-month period. No additional permit fee shall be required for the



remainder of the calendar year in which an initial permit is approved. Applicants whose initial application is denied and who wish to re-file after 12-months must pay a new application fee (\$100.00). Once approved, the fee for an annual permit renewal shall be \$50.00 per year. Permit renewal applications shall be made and the permit fee paid within thirty (30) days prior to January 1<sup>st</sup> of each year.

#### **10-1-55. Health of the animal.**

No animal shall be permitted to pull any carriage unless the animal is in good health and meets at least the following requirements:

- (a) All draft animals must weigh at least one thousand (1,000) pounds.
- (b) The animal has no major open sores or wounds and is not lame nor has any other ailment, unless a veterinarian approves in writing.
- (c) Shoes shall be reset every six (6) weeks. The animal's feet shall be protected by neoprene pads and a silicon cushion under each shoe. Each shoe shall have tips or cleats.
- (d) The animal must be groomed daily and not have fungus, dandruff or poor or dirty coat.
- (e) The animals must have adequate flesh and muscle tones.

#### **10-1-56. Animal working conditions.**

- (a) No animal shall be worked under any of the following conditions:
  - (1) A carriage equipped with ball bearing wheels is holding more than twelve (12) people including the driver; or a carriage equipped with bushing wheels is holding more than nine (9) people including the driver.
  - (2) The animal works more than eight (8) hours in any twenty-four-hour period with fifteen-minute rest periods between each trip.
  - (3) Between the dates of June 1<sup>st</sup> and August 31<sup>st</sup>, total hours worked shall not exceed six (6) hours in a twenty-four-hour period with a fifteen-minute rest for every hour worked.
  - (4) The animal pulling a carriage is moved at a speed faster than a slow trot.
  - (5) The animal is working with equipment causing an impairment of vision other than normal blinders.
  - (6) The animal is subject to any condition which will impair the good health and physical condition of the animal.
- (b) Animal Services may order the temporary suspension of the operation of all animal-drawn vehicles upon determination that special circumstances exist which would jeopardize the safety of the animal, such as bad weather or other environmental problems.

#### **10-1-57. Equipment and facilities.**

Equipment and facilities with respect to animal-drawn vehicles must meet the following minimum standards:

- (a) The harness and bit shall be of standard construction and appropriate for the animal. It shall be properly fitted, padded and maintained, and kept free of makeshift wire, sisal rope, and chain. The harness must be oiled and cleaned so as to be soft at all times.
- (b) Carriages must be properly lubricated and wheels must spin freely.
- (c) No driver may whip an animal with more than a light touch by a light whip.
- (d) Adequate water will be provided in the working area and stables at all times.
- (e) At each break when the animal's breathing has returned to normal, and it is relaxed, clean water with electrolytes shall be offered if the temperature is seventy-five (75) degrees Fahrenheit or above.
- (f) Stalls and stables must comply with the following:
  - (1) Ceilings in stalls and stables must be at least ten (10) feet high from bedding and flooring. Bedding therein must be at least six (6) inches deep and dry enough so as not to show wetness under the pressure of the animal's hoofs. Foot and sharp surfaces shall not be permitted in any area or building where they may come in contact with the animals.
  - (2) Roofs must be kept free of leaks.
  - (3) Each animal must have a stall large enough for the animal to turn around.
  - (4) Food must be kept free of contamination.
  - (5) Animal areas must be treated to exterminate and repel insects.
  - (6) Ventilation will be provided in hot weather.
- (g) Each year during the month of May, owner(s) shall present to Animal Services a veterinarian certificate of health for each animal utilized in the provision of animal-drawn service, which certificate shall include:
  - (1) A record of vaccination for encephalitis, flu and tetanus;
  - (2) A verification of the coggins test (EIA) as negative;
  - (3) A statement that the animal is free of lice and external parasites;
  - (4) Worming for internal parasites;
  - (5) A blood count; and
  - (6) A statement that the animal is fit for the work it will perform.

#### **10-1-58. Inspections.**

Animal Services shall be permitted to inspect all animals, carriages, stalls and stables at any reasonable time to ensure compliance with all provisions of this Code. This Code shall apply to any stall or stable outside the city limits which houses animals used for drawing vehicles within the city limits.

**10-1-59. Reserved.**

ARTICLE IX. IMPOUNDMENT; ADOPTION

**10-1-60. Impoundment.**

(a) Any animal at large or otherwise in violation of the provisions of this Code may be impounded in the animal shelter in a humane manner for a period of not less than five (5) business days, except as otherwise provided below; and if within such time, an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this Code, such animal shall become the absolute property of Animal Services, which may convey ownership of such animal to any responsible person, on such conditions as Animal Services may prescribe, or may humanely euthanize such animal.

(b) Animal Services shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter that the animal has been impounded, of the manner by which the animal may be reclaimed and that the animal may be euthanized or become the property of ~~the~~ Animal Services as provided herein.

(c) Prior to euthanizing a dog at large which carries its owner's designated address and which is impounded in the animal shelter, Animal Services shall give the owner ten (10) days' notice, of the proposed euthanization by certified letter, return receipt requested to the address so designated.

(d) Notwithstanding any provision of this Code to the contrary, Animal Services may refuse to release any animal impounded in the animal shelter that has tested positive for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time period as Animal Services may determine, or as otherwise directed by a court of competent jurisdiction.

(e) Notwithstanding any provision of this Code to the contrary, Animal Services may humanely euthanize any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that euthanizing the animal is necessary to prevent disease or injury to other animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, or any other condition.

(f) Notwithstanding any provision of this Code to the contrary, Animal Services may humanely euthanize any animal impounded in the animal shelter when Animal Services reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering, or death.

**10-1-61. Reclaiming impounded animals.**

(a) The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence of ownership including photographs, microchip, veterinarian records, license records, registration papers, adoption records, or a combination thereof, along with compliance with all provisions of this Code, including a mandatory microchip, and upon the payment of fees and charges as hereinafter provided, credited to the account of Animal Services, which shall be in addition to any fine or penalty otherwise provided by law. In the event that the

owner fails to provide proof of current rabies vaccination, he/she may elect one of the following options:

- 1) Make an appointment with a veterinarian of their choice for rabies vaccination at the owner's expense, and Animal Services will deliver the animal to the chosen veterinarian at the appointed time, and thereafter the owner may take possession; or
- 2) A veterinarian of their choice may come to the Animal Shelter to administer the rabies vaccination, at the owner's expense, prior to taking possession.

(b) The following fees for reclaiming impounded animals and quarantine fees are hereby adopted:

- (1) Reclaiming fees for impounded animals by owners:

<b>CATEGORY (inside City limits)</b>	<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense</b>	<b>3<sup>rd</sup> offense</b>	<b>each additional offense</b>
Dog or Cat unsterilized, unvaccinated & unlicensed	\$100.00	\$150.00	\$200.00	\$250.00
Dog or Cat unsterilized & licensed	\$75.00	\$100.00	\$125.00	\$150.00
Dog or Cat sterile & unlicensed	\$65.00	\$85.00	\$105.00	\$125.00
Dog or Cat sterile & licensed	\$50.00	\$75.00	\$100.00	\$125.00
Rabbits, poultry and birds	\$25.00	\$25.00	\$25.00	\$25.00
All Other animals	\$35.00	\$35.00	\$35.00	\$35.00
In addition to the foregoing fees, the following boarding fee shall be charged for each day the animal is impounded in the animal shelter ..... \$ 7.50 per day.				

<b>CATEGORY (unincorporated area of Garland County)</b>	<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense</b>	<b>3<sup>rd</sup> offense</b>	<b>each additional offense</b>
Dog or Cat unsterilized & unvaccinated	\$100.00	\$150.00	\$200.00	\$250.00
Dog or Cat unsterilized	\$75.00	\$100.00	\$125.00	\$150.00
Dog or Cat sterile & unvaccinated	\$65.00	\$85.00	\$105.00	\$125.00
Dog or Cat sterile	\$50.00	\$75.00	\$100.00	\$125.00
Rabbits, poultry and birds	\$25.00	\$25.00	\$25.00	\$25.00
All Other animals	\$35.00	\$35.00	\$35.00	\$35.00
In addition to the foregoing fees, the following boarding fee shall be charged for each day the animal is impounded in the animal shelter ..... \$ 7.50 per day.				

- (2) Microchip fee of twenty dollars (\$20.00).

- (3) Animals impounded for rabies quarantine or as evidence in a criminal prosecution: \$10.00 per day not to exceed to the maximum quarantine period allowed by state law.

(c) The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the euthanizing or adoption of the animal. Provided however, the owner of an animal impounded in the animal shelter shall have the option to pay a flat fee of \$135.00 in lieu of the aggregate foregoing fees and charges that are due and payable under subparagraph (b) above if such owner agrees to have such animal sterilized, and in that event, said flat fee of \$135.00 shall cover the cost of such sterilization, rabies vaccination, microchip, city license, and daily boarding fees, but shall not be applied to any outstanding fine or penalty assessed by a court of competent jurisdiction.

### **10-1-62. Adoption.**

Animal Services may convey ownership (adoption permit) of any animal which has become the property of Animal Services to a responsible person subject to such conditions as may be prescribed, including, without limitation, the following:

- (a) Payment of any vaccination, licensing, veterinary or adoption fees.
- (b) Evidence satisfactory to Animal Services that the animal has, or will be, examined by veterinarian and vaccinations against rabies and other disease administered.
- (c) Compliance with Arkansas Act 994 of 2011 (neutered).
- (d) Animals offered for adoption shall be available to the public within the first twenty four (24) hours following the impoundment period. Thereafter, if an animal is not adopted, it may be made available to a reputable non-profit organization that operates for the placement of animals.
- (e) The adoption fees are as follows:
  - \$75.00 for each dog;
  - \$55.00 for each cat;
  - \$25.00 for each hoofed animal;
  - \$0- for each fowl or poultry animal; and
  - \$15.00 each for any other animal.

Provided further however, the City Manager is hereby authorized to amend adoption fees for animals made available to a reputable non-profit placement organization and at special events/occasions at which animals could be adopted by citizens.

### **10-1-63. Adoption conditions.**

Animal Services will monitor animals coming into the care of the Animal Shelter for tendencies to bite or attack, and render a disposition for adoption of each animal. Animal Services will not offer for adoption any animal that has been officially reported to have bitten a human being or that has displayed a disposition to bite or attack. Provided, further, that any pit bull terrier or pit bull terrier mix shall not be offered for adoption to the public. However, Animal Services is authorized to release such a pit bull terrier or pit bull terrier mix to a reputable non-profit rescue organization in good standing, such as the Humane Society of Garland County, Inc. or Out of the Ashes Pitbull Rescue (Benton, AR), who shall be responsible for making an independent assessment of such animal, and shall be subject to the provisions of 10-1-62(b)(c) and (d) prior to its release.

**10-1-64. Reserved.**

ARTICLE X. RECORDS

**10-1-65. Records to be kept.**

It shall be the duty of Animal Services to keep, or to cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody.

**10-1-66-10-1-69. Reserved.**

ARTICLE XI. LIVESTOCK

**10-1-70. Keeping of hoofed livestock.**

(a) The keeping of cows, mules, horses, swine, sheep, goats or other hoofed livestock within the corporate limits of the City of Hot Springs, Arkansas shall be allowed subject to the provisions of this Article and applicable provisions of the Zoning Code, as amended from time to time.

(b) All pens or enclosures where hoofed livestock are kept shall be not less than 100 feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business of the livestock's owner.

(c) Pens and enclosures for hoofed livestock shall meet the following minimum requirements:

(1) Horses, cows, swine and other large hoofed livestock.

a. One acre (43,560 square feet) per two horses, cows, swine or other large hoofed livestock or combination thereof, minimum of one acre for first such animal;

b. A minimum five-foot fence when the livestock are horses, mules, asses or donkeys; a minimum three-foot, six-inch high fence for all other livestock defined in subsection 10-1-2 (Livestock). Said fence shall be of a standard design and material for the proper constraint of the type of large-hoofed livestock kept;

- c. Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably; provided, however, that cows are excluded.
- (2) Sheep, goats and other small hoofed livestock.
  - a. One-half acre (21,780 square feet) per two sheep, goats or other small-hoofed livestock or combination thereof, minimum of one-half acre for first such animal;
  - b. Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably; and
  - c. Pen or enclosure of standard design and material for the proper constraint of the type of small-hoofed livestock kept.

**10-1-71. Keeping of small livestock and poultry.**

(a) The keeping of small livestock and poultry such as rabbits, chickens, guineas and turkeys is permitted within the corporate limits of the City of Hot Springs, Arkansas, subject to the provisions of this Article.

(b) Small livestock and poultry shall be confined within an area containing adequate housing meeting the following minimum floor space requirements:

- (1) Rabbits. Six (6) square feet per animal over four (4) months of age;
- (2) Turkeys. Eight (8) square feet per bird over four (4) months of age;
- (3) Chickens and similar fowl. Four (4) square feet per bird over four (4) months of age.

(c) All pens, houses and enclosures where small livestock or poultry are kept shall be not less than one hundred (100) feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business establishment of the livestock's owner.

**10-1-72. Condition of pens and enclosures.**

All livestock pens and enclosures shall be maintained and kept in such condition as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept to permit the breeding of flies or in any manner cause injury to the health or comfort of the public or any person working or residing in the vicinity of said pen or enclosure. Manure or refuse shall be promptly removed and disposed of after each cleaning in accordance with all applicable rules, regulations and laws.

**10-1-73. Other provisions.**

(a) Livestock and poultry shall be subject to other applicable provisions of the Animal Control Code (e.g., running at large, cruelty, nuisance, impoundment, etc.)

(b) Commercial livestock establishments, including but not limited to, dairy farms, poultry farms, training farms, livestock boarding establishments, livestock display and sale facilities and feed lots, shall in addition to the requirements of this Article be subject to the applicable provisions of the City of Hot Springs Zoning Code as may now or hereinafter be adopted or amended.

**10-1-74. Annual permit.**

The owner of any hoofed livestock shall obtain a permit for the keeping of said livestock from Animal Services. The purpose of said permit shall be to ensure compliance with this Article. Said permit shall be on a form prescribed by Animal Services and shall be issued upon satisfactory demonstration of compliance with this Article.

**10-1-75. Exceptions.**

(a) Nothing in this Article shall prohibit the keeping of livestock at the facilities of Oaklawn Jockey Club.

(b) The otherwise lawful keeping of any livestock within the City of Hot Springs, existing on or before the effective date of this Article or existing on or before the effective date of any subsequent annexation, may continue; provided, however, that such keeping shall not be extended or enlarged, either upon the same or adjoining property nor shall any subsequent discontinuance of such keeping be restored except in compliance with this Article.

**10-1-76–10-1-79. Reserved.**

ARTICLE XII. ANIMAL DISPOSAL

**10-1-80. Disposal.**

The following charges are hereby established for animal disposal performed by Animal Services at the request of others:

- (a) Routine disposal for residents of the City of Hot Springs ..... \$ 10.00 per animal
- (b) Routine disposal for residents of the City of Mountain Pine, Diamondhead (within Garland County), and residents of the remaining unincorporated areas of Garland County .....\$ 20.00 per animal
- (c) Disposal for veterinarians .....\$ 15.00 per animal

**10-1-81–10-1-84. Reserved**



## ARTICLE XIII. ENFORCEMENT

### **10-1-87. Enforcement responsibility.**

The provisions of this Code shall be enforced by Animal Services and by the Hot Springs Police Department.

### **10-1-86. Interference.**

No person shall interfere with, hinder or molest Animal Services in the performance of its duty or seek to release any animal in the custody of Animal Services, except as herein provided.

### **10-1-87. Citations.**

Animal Services and the Hot Springs Police Department are hereby authorized to issue a citation to any person for violation of any provision of this Code. The citation shall be in a form approved by a court of competent jurisdiction, designating the offense(s) charged, and requiring the person so charged to appear before a court of competent jurisdiction on a date certain to answer the charges therein contained.

### **10-1-88. Equipment.**

Animal Services is authorized to employ any equipment it deems necessary to enforce the provisions of this Code, including, without limitation, humane wire box traps. Animal Services may lend or lease such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large, subject to the terms and conditions contained within a lease agreement to be administered by Animal Services. There will be no fee charged under such a lease agreement. Provided, however, a deposit for such a trap shall be collected by Animal Services in the following amounts:

Cat traps:	\$50.00
Racoon traps:	\$75.00
Skunk traps:	\$75.00
Dog traps:	\$100.00

All such traps must be returned to Animal Services within seven (7) days of after the deposit is collected, in which the applicable deposit shall be refunded. In the event that any such trap is not returned within the specified seven (7) day period, the applicable deposit shall be forfeited and retained by Animal Services.

### **10-1-89. Reserved.**

## ARTICLE XIV. PENALTIES FOR VIOLATIONS

### **10-1-90. Cruelty to animals - Penalty.**

Any person who commits the offense of cruelty to animals shall be deemed guilty of a class A misdemeanor, and shall be subject to fines and penalties as prescribed in A.C.A. § 5-62-103

**State law reference**-Penalty for cruelty to animals, A.C.A., § 5-62-103.

**10-1-91. General penalty.**

Except as otherwise specified, the general penalty for violation of any ordinance codified herein shall, upon conviction in a court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

(Ord. No. 4940, §§ 1, 1-22-01)