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**ORDINANCE NO. O-05-138**

**AN ORDINANCE AMENDING TITLE 6 OF THE CONWAY MUNICIPAL CODE; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and City Council desire to amend Title 6 of the Conway Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1. Title 6 shall be amended as follows:

Section 6-04-01 is amended to alter the definition of "Kennel" and adding definitions for "Animal Rescue Shelters" and "Wildlife Rehabilitators" in the proper alphabetized sequence and adjusting the section encoding accordingly

(\*) Kennel. An establishment wherein any person, business, or organization engages in the practice of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals.

(\*) Animal Rescue/Shelter. An establishment wherein a person, business, government or organization engages in the practice of providing temporary homes for stray, surrendered, or abandoned pet animals. Animals are kept at the shelter until it is reclaimed by the owner, adopted to a new owner, placed with another organization, or euthanized.

(\*) Wildlife Rehabilitator. Is a person, business, or organization who provides aid to injured, orphaned, displaced, or distressed wild animals in such a way that they may survive when released to their native habitats. Activities may include direct care of wildlife and arranging suitable release sites. Rehabilitators must possess current licensing from the Arkansas game and Fish department and must comply with all state, county, and municipal laws and ordinances.

Section 6-04-08 is amended to read as follows:

Number of Animals. It shall hereafter be unlawful for any person, to own, keep, or harbor more than a total of four (4) dogs and/or cats over the age of 12 weeks on one premise within the corporate limits of the city. This provision shall not apply to proprietors of animal hospitals and veterinarians when such animals are kept upon premises used by such business. This provision shall not apply to persons who hold a kennel permit.

(a) Kennel permits will be required of any person, business, or organization that engaged in the operation of a kennel and will also be required of any person, business, or organization engaged in the operation of animal rescue shelters and/or wildlife rehabilitation. All holders of kennel permits shall be subject to the following criteria:

- 1) Property must be zoned properly according to Conway Zoning Ordinances and must comply with any further regulations therein included, and;
  - 2) The number of animals that can be housed on premises shall be limited to a reasonable number, agreed upon by the permittee and the City Council on a case by case basis, and;
  - 3) Kennel permittees must comply with the city minimum standards for kennel operations. The City Council has the right to grant a variance from the minimum kennel standards by a two thirds (2/3) vote, and;
  - 4) Numbers of animals are counted beginning at birth in determining the quantity present on site, and;
  - 5) The cost of the permit shall be set at \$ 500 per breed, and is renewable annually & nonprofit wildlife rehabilitators are exempt from this fee.
  - 6) The Animal Welfare Unit shall be responsible for notifying the permittee of his/her renewal date. The permittee shall be responsible for completing the renewal procedure in a timely manner.
- (b) All kennel permittees shall, in addition to the other requirements of this chapter, comply with the following minimum standards of this section. Failure to meet these standards shall be grounds for denial of a kennel permit or revocation of a kennel permit. An appeal of the denial or revocation of a kennel permit may be made to the city council within ten (10) days of the notice of such denial or revocation. In the case of revocation, appeal to the city council shall suspend enforcement of this action until such time as the appeal is acted upon by the council. The council shall take up the appeal at the next regularly scheduled council meeting. Denial of the appeal by the city council or the failure to appeal such a notice of revocation of a permit within the proscribed ten (10) day period shall result in the immediate revocation of the permit and the termination of all activities authorized by such permit.
1. Animal housing areas must be physically separated from areas in which food and/or drink for human consumption is prepared, served or stored and from any living and/or sleeping areas of kennel personnel.
  2. Enclosures must be provided which shall allow adequate protection against weather extremes. If drains are used, they shall be properly constructed and kept in good repair. If closed drainage systems are used, waste water shall be disposed of by connection to a sanitary sewer of any approved sewage disposal system in compliance with city code.
  3. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or tops of cages.
  4. Cages are to be of 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 protection from the weather and be constructed of an impervious surface. Floor of the run must also slope toward a drain to prevent the accumulation of water and debris.
7. All animal quarters and runs are to be kept clean, dry and in a sanitary condition. Animal waste shall be removed from enclosures daily and/or as often as may be necessary to prevent contamination of the animals and to reduce disease hazards and odors. All surfaces shall be washed with a detergent solution followed by a safe and effective sanitizer. Animals must be removed from the enclosures during the cleaning process and precautions taken to avoid cross contamination.
8. Indoor housing for pet animals shall be sufficiently heated when necessary to protect animals from cold, and to provide for their health and comfort. The ambient temperature shall be made consistent with the requirements of the particular species.
9. Indoor housing of animals shall be adequately ventilated with fresh air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.
10. Adequate lighting must be provided a minimum of eight hours per day. Such lighting shall provide a minimum of 25 foot candles of illumination for 30 inches above floor level and must be uniformly distributed. Enclosures must be positioned to protect animals from excessive illumination.
11. Reliable and adequate electric power shall be provided. Electrical wiring must meet all requirements of city code.
12. The floors of the enclosures shall be constructed to prevent injury to animal's feet and legs. Enclosures for dogs and cats may have wire flooring provided they have a solid rest surface, however, that (1) the wire is of adequate gauge to prevent sagging under the weight of the animals and (2) the wire mesh is small enough to prevent their feet from falling through the mesh.
13. The food shall be free from contamination, wholesome, palatable, and of a sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food shall be stored off the floor or in a waterproof closed container and adequately protected against infestation or contamination by vermin.
14. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type. Backflow preventers shall be installed on any threaded faucet.
15. Water and food containers and all other utensils shall be cleaned and sanitized using generally acceptable methods such as the use of heat or chemical sanitizing solution.

These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.

16. An effective program for the control of insects, parasites, and mammalian pest shall be maintained.
17. Animals maintained in the same enclosure shall be maintained in compatible groups. Females in season shall not be housed in the same primary enclosure with males, except for breeding purposes. Puppies and kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies. Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.
18. Animals under treatment for a communicable disease shall be physically separated from other susceptible animals to minimize spread of the disease. Sick animals shall be provided with access to veterinary care.

(c) City Animal Welfare unit is exempt from the provisions of this section.

#### **6-04-16**

- (i) Animal Welfare Officers have the authority to remove any animal subject to cruelty and impound such animal. The animal shall be impounded and not released unless:
  - (1) The owner of the animal, who wasn't charged, claims the animal from the animal shelter; or
  - (2) The owner of the animal, who was charged is found not guilty, claims the animal from the Animal Welfare Unit.

If any owner of such impounded animal pleads guilty, nolo contendere, or is found guilty of cruelty to animals, the animal shall become the property of the Conway Animal Welfare Unit and be available to the public for adoption, unless such abuse and neglect has rendered the animal unfit for adoption at the discretion of the Animal Welfare Supervisor. Owner of such impounded animal shall be responsible for all reasonable medical costs incurred.

#### **6-04-18**

- (a) When any animal has bitten, scratched, or otherwise attacked a person or another domestic animal, the person or anyone having knowledge of such incident shall immediately notify Animal Welfare.
- (c) Animal Welfare Officers have the authority to impound such an animal described in section (a) and that animal may remain in the custody of Animal Welfare until all provisions of 6.04.22 are met. Animals impounded under this authority shall be retained in

the city shelter or, at the written request of the owner, at a duly licensed veterinary clinic.  
Owner shall have sole liability for the costs.

**SECTION 2.** That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**SECTION 3:** That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.


**PASSED** this 11<sup>th</sup> day of October 2005

**Approved:**



**Mayor Tab Townsell**

**Attest:**

  
**Michael O. Garrett, City-Clerk/Treasurer**