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CERTIFICATE of RECORD



City of Conway, Arkansas
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Ordinance

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Faulkner County, Arkansas

Rhonda Wharton, Circuit Clerk

By: Diana Varner, D.C.

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AN ORDINANCE AMENDING TITLE 6 OF THE CONWAY MUNICIPAL CODE REGARDING ANIMALS AND FOWL; AMENDING ORDINANCE NO. O-04-60, THE "ANIMAL CONTROL" ORDINANCE; REPEALING ORDINANCES O-04-57, O-05-130, O-05-138, O-06-76, O-09-82, O-10-91, O-11-32, O-11-46 IN THEIR ENTIRETY; REPEALING ANY OTHER ORDINANCES AND/OR PROVISIONS OF THE CONWAY MUNICIPAL CODE IN CONFLICT TO THE EXTENT OF THE CONFLICT; AND FOR OTHER PURPOSES:

Whereas, the Conway Animal Welfare Unit desires to amend and clarify certain provisions of Title 6 of the Conway Municipal Code and Ordinance No. O-04-60, the "Animal Control" ordinance.

Whereas, the Conway City Council has determined that clear and functional regulations regarding animals and fowl within the City are essential to the protection of the public peace, health and safety.

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

Section 1. Title 6 of the Conway Municipal Code and Ordinance No. O-04-60, the "Animal Control" ordinance, are hereby amended to read in their entirety as follows:

TITLE 6
ANIMALS AND FOWL

Chapters:

- 6.04 Animals Generally
- 6.08 Fowl, Livestock, Wildlife, Wild Animals and Reptiles
- 6.12 Penalty
- 6.16 Spay/Neuter Program

CHAPTER 6.04
ANIMALS GENERALLY

Sections:

- 6.04.01 Definitions
- 6.04.02 Enforcement
- 6.04.03 Citations
- 6.04.04 Interference with animal control officers
- 6.04.05 Confinement of animals on premises of owner
- 6.04.06 Impoundment and disposition of at-large animals
- 6.04.07 Reclaiming animals; fees for reclaiming
- 6.04.08 Fraudulent redemption of domestic animals
- 6.04.09 Nuisance animals
- 6.04.10 Condition of pens and premises
- 6.04.11 Number of animals
- 6.04.12 Annual license and tag
- 6.04.13 Rabies vaccination required
- 6.04.14 Animal care
- 6.04.15 Transportation
- 6.04.16 Animal bites
- 6.04.17 Quarantine after bite

- 6.04.18 Duty to prevent attacks or harm upon, or aggressive behavior toward, persons
- 6.04.19 Dangerous dogs
- 6.04.20 Vicious dogs
- 6.04.21 Killing rabid, vicious or dangerous animals
- 6.04.22 Diseased or injured animals
- 6.04.23 Deposit of funds; assisted spay and neutering
- 6.04.24 Prohibition of sale of animals from certain locations

6.04.01 Definitions The following words and phrases shall have the following meaning for purposes of Title 6 of the Conway Municipal Code:

Animal Every vertebrate non-human species of animal, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

Animal acceptance The act of the Animal Welfare Unit accepting a dog, puppy, cat or kitten brought in to the shelter by an individual for permanent relinquishment.

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.

Animal Welfare Officer The person or persons employed by the city of Conway and designated by the city of Conway as enforcement officer or officers and having authority to carry out all provisions of this ordinance, including police officers of the city of Conway, Arkansas.

Animal Welfare Unit Any and all person persons employed by the city of Conway and designated as Animal Control Officers and any premises designated by the city of Conway for the purpose of impounding and caring for dogs and cats found running at large in violation of this ordinance.

At-large An animal is at-large within the meaning of Title 6 when it is not confined within a house, building, enclosure, or fence, or otherwise restrained on the premises of the owner, such as by a trolley system sufficiently strong to prevent the animal from escaping, or, when away from the premises of the owner, is not confined by a leash or safely within the passenger compartment of an automobile.

Cat Any domestic or feral cat (*Felis catus* or *Felis domesticus*) over the age of six (6) months.

Dog Any domestic canine or canine crossbreed (*Canis familiaris*) over the age of six (6) months.

Domestic animal Animals which are trained and kept as pets, or which commonly rely upon humans for food and shelter, including, but not limited to, dogs, puppies, cats, kittens; birds kept indoors; hamsters, gerbils and such other small rodents; chinchillas, rabbits; non-poisonous lizards, except crocodiles and alligators, and non-poisonous snakes, which animals or reptiles are capable of being maintained continuously in cages; and other living creatures generally referred to as domestic pets. The term "domestic animals" shall also mean animals of husbandry or livestock.

Euthanasia The act of humanely and painlessly putting an animal to death.

Fence A physical barrier enclosing an area of ground which is sufficient to confine the animal in question to the premises, or an electronic system which is designed to prevent, and which *actually* prevents, the animal in question from departing predefined boundaries upon the premises without the use of a physical barrier.

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.

Kitten Any domestic or feral cat (*Felis catus* or *Felis domesticus*) under the age of six (6) months.

Neutered A castrated male animal, un-sterilized dogs or cats too elderly or infirm to breed, as previously certified in writing as such, at the time of the dog or cat's licensing, by a veterinarian licensed to practice within the state.

Owner/harbinger Any person, group of persons, or corporations owning, keeping or harboring an animal or animals.

Physical injury Impairment of physical condition, infliction of substantial pain, or infliction of bruising, swelling, or a visible mark associated with physical trauma.

Puppy Any dog under the age of six (6) months

Repeatedly at large An animal is repeatedly at large within the meaning of this ordinance when it is not confined to the premises of the owner, or not within a house or other building or enclosure, or not restrained on the premises of the owner by a leash sufficiently strong to prevent the animal from escaping and restricting the animal to the premises of the owner, or not confined by a leash, or not confined in an automobile when away from the premises of the owner, more than three times within the previous year.

Restraint An animal is under restraint within the meaning of this ordinance if it is controlled by a leash, is confined safely within the passenger compartment of an automobile not on the property of its owner, or is confined on the property of its owner or keeper.

Serious physical injury Physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ.

Spayed A female animal that has undergone an ovary-hysterectomy, un-sterilized dogs or cats too elderly or infirm to breed as previously certified in writing as such, at the time of the dog's or cat's licensing, by a veterinarian licensed to practice within the state.

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.

6.04.02 Enforcement The provisions of this ordinance shall be enforced by the Animal Welfare Officers of the city of Conway's Animal Welfare Unit and by members of the Conway Police Department.

6.04.03 Citations Conway Animal Welfare Officers and members of the Conway Police Department are hereby authorized to issue citations in lieu of arrest, as described in Arkansas Rules of Criminal Procedure Rule 5.2, to any person who violates any provision of Title 6 of the Conway Municipal Code. Such citations shall be in a form approved by the District Court of Faulkner County, shall designate the offense(s) committed, and shall require the person so charged to either appear before the Court on a given date to answer the charges or present the citation to the District Court Clerk for disposition prior to that date. Should an arrest be required, whether for the violation itself or for failure to appear in response to a citation, the Animal Welfare Officer(s) shall seek the assistance of the Patrol Services Division of the Conway Police Department to affect such arrest.

6.04.04 Interference with animal control officers No person shall unlawfully hinder or interfere with an Animal Welfare Officer in the performance of his or her duties, or seek to release any animal in the custody of an Animal Welfare Officer except as herein provided. No person shall remove any animal, or assist any other person in removing any animal, from the Animal Welfare Unit except as herein provided.

6.04.05 Confinement of animals on premises of owner

- A. **Confinement required** Any person owning, possessing, or keeping an animal or animals within the corporate limits of the City of Conway, whether vaccinated or unvaccinated, licensed or unlicensed, shall at all times prevent such animal(s) from being at large.

- B. Chaining No person shall direct-point chain or tether a dog to a stationary object. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, only if the following conditions are met:
1. Only one (1) dog may be tethered to each cable run.
 2. The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
 3. There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.
 4. The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the animal welfare officer, considering the age, size and health of the dog.
 5. The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than eight (8) feet above ground level.
 6. The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object of an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.
- C. Impoundment of Animal for Chaining Violation: Upon notification by written warning of a violation of Section 6.04.05(B), the owner shall be allowed ten (10) days to correct the violation. If the violation is not corrected within ten (10) days, the dog(s) may be removed and impounded by Animal Welfare Officers.

6.04.06 Impoundment and disposition of at-large animals

- A. Any domestic animal found to be at large within the corporate limits of this city shall be impounded by an Animal Welfare Officer and confined in a humane manner.
- B. Upon impounding any at-large domestic animal, an Animal Welfare Officer shall make a reasonable effort, if possible, to notify the owner(s) of the animal of its impoundment, and to inform the owner(s) of the conditions whereby they may regain custody of the animal.
- C. Title to any impounded at-large animal that is not claimed within five (5) business days by its owner or his or her authorized representative, as identified in writing, is automatically transferred to the Conway Animal Welfare Unit, which may put the animal up for adoption or destroy it in a humane manner, at the discretion of the Director of the Animal Welfare unit or their designee.
- D. Prior to destroying any dog found running at-large which carries its owner's address, an Animal Welfare Officer shall give the dog's owner at least five (5) days' notice of the date of the proposed destruction of the dog. The notice shall be by certified letter, return receipt requested and shall otherwise conform to the requirements of A.C.A. § 14-54-1102.
- E. An Animal Welfare Officer may request that the City Attorney bring criminal charges under A.C.A. § 5-62-101, *et seq.*, against any owner of any impounded animal who refuses or fails to claim his or her animal.

- F. Upon the expiration of the five (5) business-day period stated in Section 6.04.06(C) and payment of the following adoption fees, title to any at-large animal impounded and not claimed by its owner, or owner's representative, may be transferred by the Animal Welfare Unit to another party, not including the owner or owner's representative, subject to the licensing and vaccination requirements set out in this ordinance:
1. Fifty (\$50.00) for an altered dog or cat
- (Or)
2. Twenty-Five (\$25.00) for an unaltered dog or cat, in addition to a spay/neutering fee which shall be determined by the veterinarian selected to perform the alteration and paid directly to the veterinarian
- G. Sterilization of all adopted animals shall be performed within thirty (30) days of payment of the applicable adoption and altering fees. The Animal Welfare Unit may grant an extension of the time for sterilization, not to exceed thirty (30) additional days, upon the request of the owner if, in the opinion of a veterinarian licensed to practice veterinary medicine in the state of Arkansas, the animal is medically compromised to the extent that such sterilization should not be performed at the time. A signed agreement to have the animal altered shall be binding. Failure to comply shall constitute a violation of this section. In such cases, the animal described therein shall be returned to the Animal Welfare Unit upon request and title to the animal shall revert back to the Animal Welfare Unit. No claim may be made by the owner to recover expenses incurred for maintenance of the animal including the initial procurement cost. In addition, all dogs and cats adopted shall be micro-chipped prior to being released. The expense of micro-chipping is included at no additional charge.
- H. Adoption fees on altered animals shall be equally dispersed, \$25.00 into the City of Conway operating account (001-127-4170) and \$25.00 into the Animal Welfare Spay and Neuter account (223-127-4170).

6.04.07 Reclaiming animals; fees for reclaiming

- A. Any person who owns, possesses or harbors an animal which has been seized by, or is impounded at, the Animal Welfare Unit, and which is subject to being returned to its owner, possessor or harbinger under the provisions of this Chapter, may claim and retrieve such animal from the Animal Welfare Unit by payment of:
1. A fee of Ten Dollars (\$10.00) per day that the animal has remained in custody; and
 2. A fee of Twenty Dollars (\$20.00) if the impounded animal is required by Section 6.04.12 to wear a City license tag and was not wearing such a tag at the time of its impoundment; and
 3. A fee of Twenty Dollars (\$20.00) if the impounded animal is required by Section 6.04.13 to wear a rabies vaccination tag and was not wearing such a tag at the time of its impoundment; and
 4. Any and all other costs incurred by the Animal Welfare Unit.
- B. If a dog or cat has not been vaccinated against rabies within the immediately preceding twelve (12) months and/or is not currently licensed, as applicable, said animal shall be reclaimed only after payment of all fees required for vaccination and/or licensing. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog or cat from the Animal Welfare Officer under this Section.

- C. Any person reclaiming an animal must provide a valid form of picture identification, such as a driver's license, Arkansas ID card, or school ID card containing the person's name, current address and date of birth.
- D. An additional fee of Twenty Dollars (\$20.00), plus the regular license fee, shall be assessed to the party reclaiming an unlicensed animal. An additional Twenty Dollar (\$20.00) fee shall be assessed for reclaiming a dog or cat unvaccinated for rabies within the immediately preceding twelve (12) months. If the person reclaiming the animal is a Conway resident, that person shall also cause said animal to be licensed in accordance with the regulations of the city then in force, and the costs or expense of such vaccination and/or license fee shall be paid by the party reclaiming such animal and shall be in addition to the fees hereinabove set out. It shall be the responsibility of said party to furnish proof of such vaccination to Animal Welfare within ten (10) days of the animal being reclaimed.
- E. The Animal Welfare Officer shall keep complete and accurate records of all dogs and cats impounded and, should an owner's animal be impounded a second time within an eighteen (18) month period, then in such event, the Animal Welfare Officer, prior to releasing said animal shall require a fee of Twenty Dollars (\$20.00) to be paid by such owner, possessor or keeper of said spayed/neutered dog or Seventy-Five Dollars (\$75.00) for said un-spayed/un-neutered dog or cat, in addition to the other fees and costs set forth in 6.04.07(A). In addition a citation may be issued for a nuisance dog or cat.
- F. Upon the third and each subsequent impoundment within an eighteen (18) month period, then in such event, of said owner's spayed/neutered dog or cat, the Animal Welfare Officer, prior to releasing said animal shall require an impound fee of Fifty Dollars (\$50.00) to be paid by such owner, possessor or keeper of said spayed/neutered dog or cat, or an impound fee of One Hundred Dollars (\$100.00) for an un-spayed/un-neutered dog or cat, plus Ten Dollars (\$10.00) per day board. Upon said subsequent violation, the owner, keeper or possessor of such dog/cat shall in addition, comply with the above licensing and vaccination fees. In addition a citation may be issued for a nuisance dog or cat.
- G. All fees described in this section shall be in addition to whatever penalties might be assessed for misdemeanor violations described in other sections under this ordinance.

6.04.08 Fraudulent redemption of domestic animals If any person shall obtain possession and custody of any domestic animal for, or on behalf of, the owner thereof, for the purpose of avoiding payment of the fees and penalties imposed upon the owner under this ordinance, both the owner of such animal and the person so obtaining possession and custody of the animal for the owner shall be deemed to have violated the terms of this ordinance and both shall be punished as hereinafter provided.

6.04.09 Nuisance animals

- A. Owners, keepers or harborers of nuisance animals shall be subject to a fine. Nuisance animals are any animals which infringe upon the rights of another animal or a person, or which:
 - 1. Molest passersby or passing vehicles; or
 - 2. Attack other domestic animals; or
 - 3. Trespass on school grounds; or
 - 4. Are repeatedly at large; or
 - 5. Damage private or public property; or
 - 6. Bark, whine, howl or make any other noise in an excessive, continuous, or untimely fashion; or
 - 7. Cause fouling of the air by odor and thereby create unreasonable annoyance; or
 - 8. Interfere with refuse collection or other service personnel; or
 - 9. Defecate on property other than property owned by their owner, keeper or harborer while at large or while under restraint; or

6.04.10 Condition of pens and premises

- A. All animals, excluding livestock, shall be provided with appropriate shelter and a safe, non-injurious environment, as per federal Animal Welfare Act guidelines. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are the appropriate size, strength, and material that allows the animal to stand, stretch, turn around, and lie down freely. Unless heated, animal houses shall contain proper bedding to insure protection from weather conditions. The shelters, enclosures and fenced areas for animals must be kept free of hazards such as trash, sharp edges, protruding nails, broken or splintered wood, metal or glass shards, machinery, loose wires, or any other material that may cause injury.
- B. There shall be at least one hundred (100) square feet in either pen or yard for each dog over six (6) months of age kept therein.
- C. It shall be unlawful for any person, firm or corporation owning, keeping or harboring domestic animals to fail to keep any premises where such domestic animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises.
- D. It shall be unlawful for any person, firm or corporation owning, keeping or harboring domestic animals to allow any premises where such animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.
- E. It shall be unlawful for any person, firm or corporation owning, keeping or harboring domestic animals to allow those animals to become infested with ticks, fleas, parasites or other vermin by failing to diligently and systematically apply accepted methods of insect, parasite and vermin control.

6.04.11 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 twelve (12) weeks on a single premises 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, or to holders of a valid kennel permit.

- A. No person, business, or organization may operate a kennel or animal rescue shelter, or engage in wildlife rehabilitation, without a valid and current kennel permit issued by the Conway Animal Welfare Unit. Kennel permits shall be issued annually, and at no cost. However, kennel permits shall be denied or revoked if any of the following criteria are not met:
 - 1. The operation of a kennel or animal rescue shelter or the conduct of wildlife rehabilitation upon the applicant or permit holder's premises shall comply with all applicable Conway ordinances, including the Zoning Ordinance; and
 - 2. The number of animals housed on permit holder's premises shall not exceed a number which shall be determined by the City Council in each individual case. Only animals twelve (12) weeks of age and older shall count toward the maximum number of animals on the permittee's premises; and
 - 3. The applicant or permit holder shall consent to random inspections of the kennel, animal rescue shelter or wildlife rehabilitation operation in order to insure safe, sanitary conditions and compliance with these regulations.
 - 4. The applicant or permit holder's facilities shall comply with the following minimum standards for kennels, animal rescue shelters and wildlife rehabilitation facilities:

- a. Animal housing areas shall 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; and
- b. Enclosures shall be provided which 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; and
- c. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or tops of cages; and
- d. Cages shall be so made and constructed as to allow cleaning and sanitizing; and
- e. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding; and
- f. Runs shall provide protection from the weather and be constructed of an impervious surface. Run floors must also slope toward a drain to prevent the accumulation of water and debris; and
- g. 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; and
- h. Indoor housing for domestic 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.
- i. 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 eighty five (85) degrees Fahrenheit, or higher; and
- j. Reliable and adequate electric power shall be provided. Electrical wiring must meet all requirements of city code; and
- k. The floors of the enclosures shall be constructed to prevent injury to animals' feet and legs. Enclosures for dogs and cats may have wire flooring, provided that:
 - i. the wire is of adequate gauge to prevent sagging under the weight of the animal; and
 - ii. the wire mesh is small enough to prevent their feet from falling through the mesh; and
 - iii. the animal is provided a solid surface large enough to lie down upon;

- i. Animal food shall be wholesome, palatable, free from contamination, and of a sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal to which it is provided. Food shall be stored off the floor, or in a waterproof closed container, and adequately protected against infestation or contamination by vermin; and
 - m. 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; and
 - n. 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; and
 - o. An effective program for the control of insects, parasites, and mammalian pests or vermin shall be maintained; and
 - p. Animals kept 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; and
 - q. 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; and
- B. 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 Section 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 prescribed ten (10) day period, shall result in the immediate revocation of the kennel permit.
- C. The Conway City Council may grant a variance from the minimum kennel standards set forth in Section 6.04.11(A)(4) by a two thirds (2/3) vote.
- D. The Conway Animal Welfare Unit is exempt from the provisions of Section 6.04.11(A).

6.04.12 Annual license and tag

- A. Levy of license fee There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the city. Said fee shall be paid to the city or to any authorized licensed veterinarian. Said fee shall be paid to the city via one of these methods: by mail with a self-addressed, stamped envelope enclosed; paid at the Animal Welfare Unit; or paid at any licensed veterinarian participating in the city's spay/neuter program. It shall be the duty of any licensed veterinarian collecting a fee under the provisions of this section to remit such fee to the city (less a Two Dollar (\$2.00) fee per license issued as allowed to the veterinarian issuing the annual license on the behalf of the city of Conway). It shall be a prerequisite for any licensed veterinarian to participate in the city of Conway spay/neuter program to offer for sale at their clinic the city animal annual licenses as outlined above.

- B. Amount of license fee For each neutered male or spayed female the levied fee shall be in the amount of Ten Dollars (\$10.00) annually. The fee for each unspayed female or unaltered male shall be Twenty Dollars (\$20.00) annually, except for any animal under four (4) months of age. If a dog or cat is of such age that a license is not required, the owner of the dog or cat shall obtain any durable tags which state the name of the owner, the address, and a telephone number whereby the owner, keeper or harbinger can be contacted.
- C. Time to obtain license Should a dog or cat be brought into the city, the person owning or keeping such dog or cat shall have thirty (30) days in which to pay the licensing fee levied hereby. Any person bringing a dog or cat into the city on a temporary basis (less than thirty (30) days) is not subject to city of Conway licenses.
- D. Issuance of license receipt and tag The city official or a licensed veterinarian to whom the fee levied by subsections (A) and (B) above is paid shall issue a receipt therefore and shall issue to each person paying said fee a metal tag indicating that said fee has been paid. No tag shall be issued for any dog or cat unless a certificate is presented from a licensed veterinarian indicating that said dog or cat has been vaccinated for rabies within one year prior thereto.
- E. License period A license, if not revoked, shall be valid for one year from the date of rabies vaccination. Every owner shall obtain a new license each year. An owner shall have ten days from the date the license expires to obtain a new license.
- F. Tag to be attached to animal's collar It shall be the duty of the owner, keeper or harbinger of every dog or cat within the city to attach the applicable tag provided for in this section to a collar securely fixed around the neck of said dog or cat.
- G. Service dogs All owners of seeing-eye dogs, hearing-ear dogs, assistance dogs, or guide dogs, such dogs being used to aid sensory impaired citizens, or other citizens who, upon medical advice, require the use of an assistance dog, shall not be required to pay an annual city license fee, but shall be required to obtain a license tag and identification tag.
- H. Lost or destroyed tag In case a tag for the animal licensing fee required by this ordinance is lost or destroyed, a duplicate shall be issued by the city upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag.

6.04.13 Rabies vaccination required

- A. All dogs, cats and other domestic animals in the city which are capable of contracting rabies shall be annually vaccinated against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every such animal in the city.
- B. No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another.
- C. No refunds shall be made on any fee because of the death of the animal or because the owner leaves the city before the expiration of the license period.
- D. The provisions of section 6.04.13 shall not apply to any dog or cat under the age of four (4) months.

6.04.14 Animal care

- A. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.
- B. No person shall fail to provide his animals with sufficient, good, wholesome and nutritious food, water in sufficient quantities, proper air, shelter which complies with the requirements of Section

6.04.10, veterinary care when needed to prevent suffering, and humane care and treatment. No dog or cat may be kept on flooring of suspended wire grid except those which are kept in a kennel or animal rescue shelter pursuant to a valid kennel permit issued under Section 6.04.11 of the Conway Municipal Code and under conditions compliant with Section 6.04.11(A)(4)(I).

- C. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals and/or humans.
- D. No owner, keeper or harbinger of an animal shall abandon such animal.
- E. No person shall confine any animal in a parked vehicle if the outside air temperature is higher than 80 degrees Fahrenheit, unless the vehicle is running and the air-conditioner is working properly. Animal Welfare Officers or other law enforcement officers shall not be liable for damage caused or resulting to any vehicle when they have reason to believe that an animal confined to that vehicle must be removed for their safety and well-being.
- F. Any person who violates any provision of this Section is guilty of Animal Mistreatment and shall, upon conviction, be fined as provided in Section 6.12.01.
- G. An Animal Control Officer who has probable cause to believe that an animal is or has been subject to Animal Mistreatment as described in this Section may immediately remove and impound the animal. When an animal is impounded under this section, it shall not be released to its owner, keeper or harbinger unless and until:
 - 1. The attorney having authority and jurisdiction to prosecute elects not to charge the owner, keeper or harbinger with any crime related to the acts or events which led to the animal's impoundment under this Section, and the animal is reclaimed as provided in Section 6.04.07; or
 - 2. The owner, keeper or harbinger of the animal is found not guilty of all offenses for which he or she is charged related to the acts or events which led to the animal's impoundment under this Section, and the animal is reclaimed as provided in Section 6.04.07.
- H. When any person pleads guilty or nolo contendere to, or is found guilty of, Animal Mistreatment, any impounded animals formerly owned, kept or harbored by that person shall become the property of the Conway Animal Welfare Unit and shall be made available to the public for adoption unless, in the judgment of the Director of the Conway Animal Welfare Unit, abuse or neglect has rendered the animal(s) unfit for adoption. Such adoptions shall be subject to those provisions of Section 6.04.06(F) and (G) which establish the requirements, procedures and fees for adoption of unclaimed at-large animals.
- I. When any owner, keeper or harbinger of an animal pleads guilty or nolo contendere to, or is found guilty of, Animal Mistreatment, or she shall be ordered to pay restitution for all costs incurred by the Animal Welfare Unit related to the impounding and care of the animal.

6.04.15 Transportation No person shall transport or carry any animal by motorized means unless the animal is safely enclosed within the vehicle or trailer, or enclosed in a portable kennel, crate, or dog box designed for this purpose, which is then fastened by a secure and appropriate means to the bed or the chassis of the vehicle. Dogs may be transported in open beds of pick-up trucks provided they are secured therein by means of a humane cross-tether and/or harness which prevents the dog from leaving, falling or being thrown from the truck bed. In all cases where animals are transported by motorized vehicles, it must be in a safe and humane manner that will prevent the animal from falling from, being thrown from, or jumping from the motorized vehicle or trailer being pulled by such.

6.04.16 Animal bites

- A. When any animal has bitten, scratched or otherwise attacked a person or another domestic animal, any person having knowledge of such incident shall immediately notify the Conway Animal Welfare Unit.
- B. Animal Welfare Officers have authority to impound any animal which has bitten, scratched or otherwise attacked a person or another domestic animal. Upon impoundment, such animals may remain in the custody of Animal Welfare until all applicable provisions of Title 6 of the Conway Municipal Code and state law are met.

6.04.17 Quarantine after bite

- A. Any animal which has bitten a person is a rabies suspect. The owner, keeper or harbinger of such animal shall immediately release it for quarantine confinement in a veterinary hospital approved by the City. If the Director of the Animal Welfare Unit or his or her designee determines that space is available, such quarantine may also be carried out at the Animal Welfare Unit. All quarantines shall be for a period of ten (10) days.
- B. Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the city (or by a parent or legal guardian of a person bitten who is under a disability), the Animal Welfare Officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine and quarantine same under the provisions of 6.04.17(A) or under the supervision of a licensed veterinarian, who shall keep such dog or animal in quarantine until he shall issue his certificate that:
 - 1. The veterinarian has complied with the observation provisions of Section 3 of Act 11, First Extraordinary Session of the 1968 Arkansas General Assembly (Rabies Control Act) and that the dog or other animal appears to be free of infection of rabies (hydrophobia).
- C. When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under subsection (A) and (B) issues the certificate provided for in subsection (B)(1), the owner of such dog or animal may retake custody of it upon tender to such veterinarian or the city Animal Welfare Officer of their customary and reasonable fees and charges for impounding, boarding, lodging, observation and testing; except a person who is bitten by an animal while baiting, teasing, or molesting said animal or while trespassing on the premises of the owner or keeper of said animal shall pay all customary and reasonable charges and fees resulting from his request to have said animal confined and quarantined.
- D. The fee for quarantining an animal at the Conway Animal Welfare Unit shall be three hundred dollars (\$300), and must be paid in full at the beginning of the quarantine period. In addition to the quarantine fee, the owner, keeper or harbinger of any animal quarantined at the Conway Animal Welfare Unit shall, before reclaiming the animal, pay the following fees:
 - 1. A fee of Twenty Dollars (\$20.00) if the quarantined animal is required by Section 6.04.12 to wear a City license tag and was not wearing such a tag at the time its quarantine began; and
 - 2. A fee of Twenty Dollars (\$20.00) if the impounded animal is required by Section 6.04.13 to wear a rabies vaccination tag and was not wearing such a tag at the time its quarantine began.
- E. If any animal quarantined under this section is not reclaimed by its owner within five (5) business days of the end of the quarantine period, the animal shall be released by any veterinarian supervising its quarantine to an Animal Welfare Officer, who shall treat such animal as one found running at-large in accordance with the provisions of Section 6.04.06.

- F. Any dog or other animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or animal to an Animal Welfare Officer, who shall confine such dog or animal in quarantine, as provided for above.

6.04.18 Duty to prevent attacks or harm upon, or aggressive behavior toward, persons Any person who owns, keeps, harbors, or possesses any animal(s) within the corporate limits of the City of Conway shall at all times prevent such animal(s) from attacking any person, causing harm of any kind to any person, and from exhibiting any aggressive behavior towards any person. It shall be an affirmative defense to this offense that the animal was provoked or teased by the alleged victim. In the event any person is convicted of violating this Section, the convicting court may, in its discretion, order that the animal(s) in question be humanely destroyed.

6.04.19 Dangerous dogs

- A. Generally No person shall own, possess or keep any dangerous dog within the corporate limits of the City, except in compliance with the provisions of this Section.
- B. Grounds for dangerous dog designation A dog is considered a dangerous dog for purposes of this section if:
1. Without provocation, it attacks, bites or causes physical injury to a person engaged in a lawful activity; or
 2. While off the property of its owner and without provocation, it causes serious physical injury to another domestic animal; or
 3. Without provocation and while not on a leash and under the control of its owner or custodian, it chases, confronts or approaches a person on a street, sidewalk or other public property in a menacing fashion such as would put a reasonable person in fear of attack; or
 4. Acts in a manner which the owner knows, or reasonably should know, is an indication that the dog is dangerous and is not merely being protective in a particular set of circumstances; or
 5. Has been declared dangerous, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for dangerous dog designation under the provisions of this Section.
- C. Dangerous dog designation.
1. Designation If the Director of the Animal Welfare Unit or any Animal Welfare Officer has cause to believe that a dog is a dangerous dog, the Director or their designee may find and declare such dog a dangerous dog and may seize and impound the dog. At the time of any such seizure, the officer shall leave written notice of the seizure at the owner, keeper or harborer's last known residence, which notice shall provide instructions for reclaiming the dog.
 2. Notice of designation Upon designating a dog as a dangerous dog, the Animal Welfare Unit shall give notice of the declaration and the reasons for it in writing to the person who owns, keeps, or harbors the dog. Such notice shall be effective upon being mailed to the owner, keeper or harborer's last known address via certified mail, return receipt requested.

3. Opportunity to contest designation The notice of dangerous dog designation shall also inform the dog's owner, keeper or harbinger that a hearing to contest the designation shall be held before the Chief of Police of the Conway Police Department, or their appointed designee, if a written request for a hearing is received by the Director of the Animal Welfare Unit within seven (7) working days of the mailing of the notice of dangerous dog designation, or before title to the animal is transferred to the Animal Welfare Unit pursuant to this Section, whichever occurs first.
 4. Status pending hearing Once notice of a dangerous dog designation has been given, the dog so designated shall be considered a dangerous dog for purposes of this Section unless and until such time as that designation is overruled by the Chief of Police of the Conway Police Department or their appointed designee.
 5. Hearing Hearings required pursuant to this Section shall be held no more than seven (7) working days from the date of receipt of the request. The Chief of Police of the Conway Police Department, or their appointed designee, shall act as the appeal hearing officer and shall make their ruling on the basis of a preponderance of the evidence presented at the hearing. The hearing shall be an informal proceeding, and each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the party. Either party may call the owner/custodian as a witness. The decision of the hearing officer regarding a dangerous dog designation shall be final.
 6. Compliance If the person owning, keeping, possessing or otherwise maintaining a dog designated a dangerous dog fails to request a hearing within the time allowed, or if the Chief of Police of the Conway Police Department, or their designee, determines that the dangerous dog designation shall stand, the owner or custodian shall comply with all requirements of this section for the keeping of dangerous dogs within the City limits.
- D. Requirements generally Every person who owns, keeps or harbors a dangerous dog within the corporate limits of the City shall at all times comply with the following requirements:
1. A dangerous dog shall be microchipped, to include its owner or keeper's name and contact information, within fourteen (14) days of being designated a dangerous dog by the Animal Welfare Unit.
 2. A dangerous dog shall not be permitted to go outside its kennel or pen unless such dog is securely maintained with a leash no longer than four feet in length.
 3. A dangerous dog shall not be kept on a chain, rope or other type of leash outside its kennel or pen, unless a person is in direct physical control of the leash.
 4. Any person in control of a dangerous dog must be of sufficient size and strength to adequately maintain control of the dog at all times.
 5. Dangerous dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc.
 6. Any dangerous dog on a leash outside its kennel must be muzzled by a device sufficient to prevent the dog from biting people or other animals.
 7. A dangerous dog shall be kept in compliance with all other applicable provisions of this ordinance, Title 6 of the Conway Municipal Code

- E. Confinement All dangerous dogs shall be securely confined indoors or in a securely enclosed kennel, except when leashed and muzzled as provided above. The pen, kennel or structure must have secure sides and a secure top, which is attached to the sides. All structures used must be locked with a key or combination lock when the animals are within the structures. The pen or kennel must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground at a depth of no less than two feet. All structures used to house dangerous dogs must also comply with all zoning and building regulations of the city. Kennels must be adequately lighted and ventilated and be kept in a clean and sanitary condition.
- F. Indoor confinement No dangerous dog may be kept on a porch, patio or in any part of a house or building that would allow the dog to exit of its own volition, or in a building in which the windows are open, or in which window screens or screen doors are the only obstacles preventing the dog from exiting the structure, unless the dog may only exit directly into a kennel as described in Section B above.
- G. Signs Within fourteen (14) days of their dog designated a dangerous dog, any owner, keeper or harbinger of a dangerous dog shall display, in a prominent place on their premises, a sign easily readable by the public bearing the words "Beware of dog." In addition, a similar sign shall be posted on the dangerous dog's kennel or pen.
- H. Insurance Within fourteen (14) days of their dog being designated a dangerous dog, all owners, keepers or harborers of dangerous dogs shall provide proof to the Animal Welfare Unit of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000.00) for A) bodily injury or death of any person or persons, and B) damage to property owned by any persons, which may result from the keeping or maintenance of the dangerous dog. The insurance policy shall provide that no cancellation shall be made without ten (10) days written notice being provided to the Animal Welfare Unit. Proof of the continuation of the above described insurance coverage shall be provided to the Animal Welfare Unit once every six (6) months by the owner, keeper or harbinger of a dangerous dog.
- I. Inspection All owners, keepers or harborers of dangerous dogs shall:
1. Consent, upon request, to an inspection of their premises by members of the Animal Welfare Unit, to include any and all areas in which the dangerous dog is or may be confined, to determine compliance with this section; or
 2. Immediately remove the dangerous dog from the corporate limits of the City of Conway and prevent its return, unless and until any owner, keeper or harbinger of the dangerous dog consents to the requested inspection.
- J. Notification of death or relocation All owners, keepers or harborers of dangerous dogs must within ten (10) days notify in writing the Animal Welfare Unit of any of the following:
1. The death of the dog.
 2. The removal of the dog from the city.
 3. The new address of the owner if the owner moves within the corporate city limits of Conway.
- K. Sale or transfer of ownership Any person may sell, barter or in any other way dispose of a dangerous dog by transferring it to another person within the corporate limits of the City of Conway, provided that the seller or transferor shall notify the Animal Welfare Unit of the sale or transfer no less than three (3) days prior to the date thereof, and provided that the buyer or transferee complies at all times with the requirements of this section after receiving the dangerous dog.

- L. Failure to comply; impoundment Failure of the owner, keeper or harbinger of any dangerous dog to comply with any provision of this Section shall result in the immediate seizure and impoundment of the dangerous dog by the Conway Animal Welfare Unit and the revocation of the dog's city license, necessitating the dog's immediate removal from the City. The Animal Welfare Officer shall, at the time of such seizure, leave written notice of that seizure at the owner, keeper or harbinger's last known residence, which notice shall provide instructions for reclaiming the dog.
- M. Reclaiming dangerous dogs No dangerous dog in the custody or control of the Animal Welfare Unit shall be returned to its owner, keeper or harbinger unless and until:
1. the owner, keeper or harbinger of the dangerous dog establishes to the satisfaction of the director of the Animal Welfare Unit, or that person's designee, that the dog will be kept and handled as required by this Section; and
 2. the owner, keeper or harbinger of the dangerous dog has complied with the requirements of Section 6.04.07 for reclaiming impounded animals; and
 3. the dangerous dog has been microchipped by a licensed veterinarian of the owner's choosing located within the corporate limits of the City of Conway.
- N. Removal from the city When any person pleads guilty or nolo contendere to or is found guilty of any violation of this Section, the Court shall, in addition to assessing fines pursuant to Section 6.12.01, order the dog in question to be immediately removed from the City. Should the defendant refuse to remove the dog from the city, the District Court Judge may find the defendant in contempt and order immediate confiscation of and impoundment of the dog.
- O. Disposition of unclaimed dangerous dogs If the owner, keeper, or harbinger of a dangerous dog impounded under this Section, or his or her representative as identified in writing, fails to reclaim the dog by compliance with the requirements of subsection (M) of this Section within five (5) business days of the date of its seizure, title to that dog is automatically transferred to the Conway Animal Welfare Unit, which may, at the discretion of the Director of the Animal Welfare unit or their designee, transfer title to another party, not including the former owner, keeper or harbinger or their representative, or destroy the dog in a humane manner.
- P. Separate violations Each day on which a violation of this Section continues shall be deemed a separate offense. In addition to the penalties set forth in Section 6.12.01, any person who violates the provisions of this Section shall pay all expenses incurred by the Conway Animal Welfare Unit as a result of the violation, including shelter, food, handling, veterinary care and testimony.

6.04.20 Vicious dogs

- A. Prohibited No person shall own, possess or keep any vicious dog within the corporate limits of the City.
- B. Grounds for vicious dog designation A dog is considered a vicious dog for purposes of this Section if it:
1. Causes death or serious physical injury to a person engaged in a lawful activity; or
 2. On two (2) or more occasions, without provocation, attacks, bites or causes physical injury to a person engaged in a lawful activity; or
 3. On more than one (1) occasion, while off the property of its owner and without provocation, causes serious physical injury to another domestic animal; or
 4. Without provocation, kills a domestic animal; or

5. Has been trained for dog fighting or is owned or kept for the purpose of dog fighting; or
6. Has been declared vicious, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for vicious dog designation under the provisions of this Section.

C. Vicious dog designation.

1. Designation If the Director of the Animal Welfare Unit or any Animal Welfare Officer has cause to believe that a dog is a vicious dog, the Director or their designee may find and declare such dog a vicious dog and shall, when practicable, immediately seize and impound the dog. At the time of any such seizure, the officer shall leave written notice of the seizure at the owner, keeper or harborer's last known residence, which notice shall provide instructions for reclaiming the dog.
2. Notice of designation Upon designating a dog as a vicious dog, the Animal Welfare Unit shall give notice of the declaration and the reasons for it in writing to the person who owns, keeps, or harbors the dog. Such notice shall be effective upon being mailed to the owner, keeper or harborer's last known address via certified mail, return receipt requested.
3. Opportunity to contest designation The notice of vicious dog designation shall also inform the dog's owner, keeper or harborer that a hearing to contest the designation shall be held before the Chief of Police of the Conway Police Department, or their appointed designee, if a written request for a hearing is received by the Director of the Animal Welfare Unit within seven (7) working days of the mailing of the notice of vicious dog designation, or before title to the animal is transferred to the Animal Welfare Unit pursuant to this Section, whichever occurs first.
4. Status pending hearing Once notice of a vicious dog designation has been given, the dog so designated shall be considered a vicious dog for purposes of this Section unless and until such time as that designation is overruled by the Chief of Police of the Conway Police Department or their appointed designee.
5. Hearing Hearings required pursuant to this Section shall be held no more than seven (7) working days from the date of receipt of the request. The Chief of Police of the Conway Police Department, or their appointed designee, shall act as the appeal hearing officer and shall make their ruling on the basis of a preponderance of the evidence presented at the hearing. The hearing shall be an informal proceeding, and each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the party. Either party may call the owner/custodian as a witness. The decision of the hearing officer regarding a vicious dog designation shall be final.
6. Compliance If the person owning, keeping, possessing or otherwise maintaining a dog designated a vicious dog fails to request a hearing within the time allowed, or if the Chief of Police of the Conway Police Department, or their designee, determines that the vicious dog designation shall stand, the owner or custodian shall comply with all requirements of this section regarding vicious dogs.

D. Impoundment and removal by the Animal Welfare Unit Failure of the owner, keeper or harborer of any vicious dog to comply with any provision of this Section shall result in the immediate seizure and impoundment of the vicious dog by the Conway Animal Welfare Unit. The Animal Welfare

Officer shall, at the time of such seizure, leave written notice of the seizure at the owner, keeper or harborer's last known residence, which notice shall provide instructions for reclaiming the dog.

- E. Reclaiming vicious dogs No vicious dog in the custody or control of the Animal Welfare Unit shall be returned to its owner, keeper or harborer unless and until:
1. The owner, keeper or harborer of the vicious dog has complied with the requirements of Section 6.04.07 for reclaiming impounded animals; and
 2. The vicious dog has been microchipped by a licensed veterinarian of the owner's choosing located within the corporate limits of the City of Conway; and
 3. The owner, keeper or harborer of the vicious dog, or his or her representative as identified in writing, provides a location outside, but within 20 miles of, the corporate limits of the City of Conway to which the dog may be transported by the Animal Welfare Unit for return to its owner, keeper or harborer or their representative.
- F. Return to the city prohibited After a vicious dog has been removed from the corporate limits of the city as required by this Section, no person shall return that dog to the City. The owner, keeper or harborer of a vicious dog which has been removed from the city as required by this Section shall not fail to prevent the vicious dog from returning to the City.
- G. Disposition of unclaimed vicious dogs If the owner, keeper, or harborer of a vicious dog impounded under this Section, or his or her representative as identified in writing, fails to reclaim the dog by compliance with the requirements of subsection (E) of this Section within five (5) business days of the date of its seizure, title to that dog is automatically transferred to the Conway Animal Welfare Unit, which may, at the discretion of the Director of the Animal Welfare unit or their designee, transfer title to another party outside the corporate limits of the city, not including the former owner, keeper or harborer or their representative, or destroy the dog in a humane manner.
- H. Separate violations Each day on which a violation of this Section continues shall be deemed a separate offense. In addition to the penalties set forth in Section 6.12.01, any person who violates the provisions of this Section shall pay all expenses incurred by the Conway Animal Welfare Unit as a result of the violation, including shelter, food, handling, veterinary care and testimony.

6.04.21 Killing rabid, vicious or dangerous animals

- A. A police officer may kill, without notice to the owner, any dog, cat, or any other animal, domestic or wild, if such animal is reasonably suspected of being rabid, whether it bears the tag provided for or not.
- B. A police officer may kill any animal, without notice to the owner, if it is reasonably suspected by the officer to be a vicious or dangerous animal and is putting persons or property in immediate and unreasonable danger.

6.04.22 Diseased or injured animals

- A. It shall be unlawful for any person to knowingly keep any injured animal without providing proper treatment for such injury, or 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 animal or any diseased animal shall be immediately treated or, when necessary, humanely destroyed, to prevent unwarranted suffering. The disposition of such animals shall be at the discretion of the Director of the Animal Welfare Unit or a licensed veterinarian.

- C. Animal Welfare will transport deceased animals for licensed veterinarians who participate in the sales of city animal license tags and collection of fees for same, and the city's spay/neuter program, as provided in 6.04.12(A), free of charge as requested. The animals will be disposed of in the same manner as any animals that are euthanized at the Animal Welfare Unit.

6.04.23 Deposit of funds; assisted spay and neutering All fees paid to the city of Conway for the licensing of dogs or cats collected after this ordinance becomes effective shall be set aside for an assisted spay and neuter program and other animal health needs.

6.04.24 Prohibition of sale of animals from certain locations The sale, distribution or giving away of animals from public property, or property with a commercial office or industrial zoning, is prohibited. Established animal business enterprises with permanent structures, livestock auction facilities, and the Conway Animal Welfare Unit are exempt from this prohibition.

CHAPTER 6.08

FOWL, LIVESTOCK, WILDLIFE, WILD ANIMALS AND REPTILES

Sections:

- 6.08.01 Deposit on streets
- 6.08.02 Running at-large – fowl
- 6.08.03 Running at-large – stock
- 6.08.04 Keeping of livestock prohibited
- 6.08.05 Hunting and trapping
- 6.08.06 Keeping of innately wild animals, non-human primates or venomous reptiles
- 6.08.07 Keeping of hogs

6.08.01 Deposit on streets Every dead cow, horse, or other animal found lying on any of the streets, alleys or any other place is declared to be a nuisance and whoever shall deposit the same in such place shall upon conviction thereof be fined not greater than Five Hundred Dollars (\$500.00)

6.08.02 Running at-large – fowl It shall be unlawful for any chicken, guinea, duck, goose or other fowl to stray beyond the enclosure of its owner or owners, keeper of keepers, within the city limits of the city of Conway, Arkansas.

6.08.03 Running at-large – stock The running at-large or in the public streets, alleys, sidewalks, commons or unenclosed grounds or public or private property within the corporate limits of the city of Conway, of any cattle, horses, mules, asses, swine, sheep, goats or any other animals of like kind, is hereby made unlawful.

6.08.04 Keeping of livestock prohibited

- A. It shall be unlawful for any person to keep, maintain, or permit to run at-large within the corporate limits of the city, any livestock, except as provided herein.
- B. The keeping of livestock, including horses, cows, donkeys, mules, goats, sheep, or ratites (flightless birds such as ostriches, emus, etc.) is permitted only where they are maintained on an enclosed pasture with a minimum of three acres for each animal. Such enclosures shall be kept in a sanitary, healthful, and secure condition so as to prevent any nuisance to citizens.
- C. The keeping of horses is permitted only where a shelter or shelters are accessible to each horse on the property. Such shelters shall consist of a solid, impermeable roof and at least two contiguous, solid, impermeable walls, and shall be sufficient in size or number so as to allow each horse on the property to obtain shelter from the elements.
- D. Adequate supplemental feed shall be supplied in such quantities as shall maintain the good health and proper condition of each head of livestock.

- E. Water vessels appropriately constructed and located must be available so that each head of livestock will have twenty-four hour access to wholesome water.
- F. For any other animals commonly referred to as farm animals including but not limited to chickens, guinea, goose and ducks, space allotment and food and water must be adequate enough for each animal to be maintained in a comfortable, healthy and stress-free manner. Pens shall be designed to prevent run off of feces to adjacent property owners and maintain in such a way to prevent undue odors.

6.08.05 Hunting and trapping

- A. It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any other manner whatsoever catch any wildlife within the city limits of Conway, except pursuant to the rules, regulations and licensing requirements of the Arkansas Game and Fish Commission. However, should it be determined by Conway Animal Welfare Unit that a wild or domestic animal is causing a nuisance or creating verifiable property damage, humane live traps may be used to capture and trans-located or impound such animal.
- B. Hunting on property owned by the city of Conway is prohibited. Provided, the Mayor's office may, in cooperation with the Arkansas Game and Fish Commission, issue hunting permits for nuisance wildlife on property owned by the city of Conway.
- C. No person shall set any trap, to catch any animal, permit any trap owned by them or in their control to be set to catch any animal, or allow a trap to be set to catch an animal on their property unless approved by the Animal Welfare Unit. Any animal so trapped shall be immediately relinquished to the Animal Welfare Unit.
- D. This section shall not apply to the indoor trapping of rats and mice.
- E. Nothing in this paragraph shall apply to fur bearing season traps authorized by the Arkansas Game and Fish Commission pursuant to Game and Fish Commission Code of Regulations, Section 10.02 and 10.04.

6.08.06 Keeping of innately wild animals, non-human primates or venomous reptiles

- A. As used in this section, the term "innately wild animals" shall mean lions, tigers, cougars, leopards, panthers, bears, wolves and other non-domestic animals or carnivore, notwithstanding that their natural wildness may be intermittently dormant, as such wildness is likely to be awakened at any time, suddenly and unexpectedly. The failure to specifically list any animal in this subsection will not preclude such animal from being deemed an innately wild and non-domestic animal.
- B. Innately wild animals shall include all members of the order Carnivora which are all meat-eating animals, excluding domestic breeds of dogs and cats.
- C. Keeping of prohibited animals in this section:
 - 1. Carnivora shall include, but not be limited to, the following families, with representative of those families as indicated:
 - a. Ursidae: Bears
 - b. Canidae: Wolves, coyotes, foxes, or the hybrid offspring of such canidae (including, but not limited to, domestic dog – canidae crosses)
 - c. Hyaenidae: Hyenas
 - d. Filidae: Lions, tigers, leopards, American lions (commonly known as pumas, cougars, and panthers), cheetahs, bobcats, ocelots, jaguars, African panthers, lynx, margays
 - e. Procyonidae: Raccoons and relatives
 - f. Mustelidae: Weasels, skunks and relatives

- g. Viverridae: Binturongs, civets, and relatives
- 2. Non-human primates shall include, but not be limited to, the following families:
 - a. Monkeys: Spider monkeys, squirrel monkeys, marmosets, baboons and relatives.
 - b. Great apes: Gorillas, orangutans, gibbons, siamangs, chimpanzees and relatives.
- 3. Venomous reptiles shall include, but not be limited to, the following families:
 - a. Colubridae: (two genera only), Dispholidus (boomslang) and Thelotornis (twin snakes).
 - b. Elapidae: Cobras, kraits, coral snakes and relatives.
 - c. Hydorphilidae: Sea snakes.
 - d. Viperidae: Vipers, adders.
 - e. Crotalidae: Pit vipers (commonly known as rattlesnakes, water moccasins, copperheads).
 - f. Helodermatidae: Gila monsters.
- D. The possession, maintenance or keeping of innately wild animals within the city is hereby prohibited.
- E. There shall be a three (3) day grace period after notice for removal of the innately wild animal from the City before any penalty for violation of this section shall be imposed.

6.08.07 Keeping of hogs It shall be unlawful for any person or persons to keep or confine any hog or swine within any lot, pen, building, or enclosure of any kind within the City of Conway; provided this ordinance shall not apply to the keeping or confining of hogs or swine for a period not longer than eight (8) days, within the City of Conway by any person or persons in pens or other enclosures owned or leased by and adjacent to the premises of any auction company or for the purpose of exhibit at the Faulkner County Fair when said hogs or swine are confined for the purpose of sale at auction.

CHAPTER 6.12
PENALTY

Sections:

6.12.01 Penalty

6.12.01 Penalty Any person, firm or corporation who violates any provision of this ordinance, Title 6 of the Conway Municipal Code, shall, upon conviction, be guilty of a misdemeanor and be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Thousand Dollars (\$1,000.00), and if such violation be continued, each day's violation shall be a separate offense.

CHAPTER 6.16
SPAY/NEUTER PROGRAM

Sections:

6.16.01 Guidelines

6.16.01 Guidelines The city of Conway recognizes the necessity of creating guidelines to the Spay/Neuter program as follows:

- A. In order to participate in the Spay/Neuter Voucher Program, participating veterinarians must agree to offer City animal tags for sale to their client base, as mentioned in Section 6.04.12(A) of the Conway Municipal Code.
- B. Any licensed veterinarian within Faulkner County may be eligible to participate in this program provided full compliance and participation with (A) above.

- C. Vouchers shall be redeemed for the following amounts by participating licensed veterinarians:
1. Not to exceed \$120 for dogs owned by residents of the City of Conway and kept within the corporate limits of the City.
 2. Not to exceed \$80 for cats owned by residents of the City of Conway and kept within the corporate limits of the City.
- D. This voucher shall be applied for the sterilization of the animal, and rabies vaccination only. Any other fees will be the sole responsibility of the adoptee.

Section 2. Ordinances O-04-57, O-05-130, O-05-138, O-06-76, O-09-82, O-10-91, O-11-32 and O-11-46, are hereby repealed in their entirety.

Section 3. All ordinances and/or provisions of the Conway Municipal Code in conflict herewith are hereby repealed to the extent of that conflict.

Passed this 23rd day of August, 2016.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer

