

## **TITLE 6**

### **ANIMALS AND FOWL**

**Chapters:**

- 6.03 Offenses Against Public Health, Safety, or Welfare
- 6.04 Dogs
- 6.08 Dangerous Dogs
- 6.12 Other Animals and Fowl
- 6.16 Selling of Animals
- 6.17 Community Cats
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#### **CHAPTER 6.03**

#### **OFFENSES AGAINST PUBLIC HEALTH,**

#### **SAFETY, OR WELFARE**

**Sections:**

- 6.03.01 Offenses

6.03.01 Offenses A person commits the offense of cruelty to animals if he or she knowingly:

- (1) Subjects any animal to cruel mistreatment.
- (2) Kills or injures any animal owned by another person without legal privilege or consent of the owner.
- (3) Abandons an animal at a location without providing for the animal's continued care.
- (4) Fails to supply an animal in his or her custody with enough wholesome food and water.
- (5) Fails to provide an animal in his or her custody with adequate shelter that is consistent with the breed, species, and type of animal; or
- (6) Carries or causes to be carried in or upon any motorized vehicle or boat an animal in a cruel or inhumane manner.

For purposes of this code, each alleged act of the offense of cruelty to animals committed against more than one (1) animal may constitute a separate offense. Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals is guilty of an unclassified misdemeanor and shall be:

- (1) Fined no less than one hundred fifty dollars (\$150) and no more than one thousand dollars (\$1,000);
- (2) Either:
  - A. Imprisoned for no less than one (1) day and no more than one (1) year in jail; or
  - B. Ordered to complete community service; and
- (3) A. Both:
  - (i) Ordered to complete a psychiatric or psychological evaluation; and
  - (ii) If determined appropriate, psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

B. The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a second offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

- (1) Fined no less than four hundred dollars (\$400) and no more than one thousand dollars (\$1,000);
- (2) Either:
  - A. Imprisoned for no fewer than seven (7) days and no more than one (1) year; or
  - B. Ordered to complete no fewer than thirty (30) days of community service; and
- (3) A. Both:

- (i) Ordered to receive a psychiatric or psychological evaluation; and
- (ii) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

B. The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a third offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

(1) Fined no less than nine hundred dollars (\$900) and no more than one thousand dollars (\$1,000);

(2) Either:

- A. Imprisoned for no fewer than ninety (90) days and no more than one (1) year; or
- B. Ordered to complete no fewer than ninety (90) days of community service; and

(3)

A. Both:

- (i) Ordered to receive a psychiatric or psychological evaluation; and
- (ii) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

B. The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals for a fourth or subsequent offense occurring within (5) five years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class D felony and shall be:

- (A) Ordered to receive a psychiatric or psychological evaluation; and
- (B) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.
- (C) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person.

For the sole purpose of calculating the number of previous offenses under of this section, all offenses that are committed against one (1) or more animals and as part of the same criminal episode are a single offense. A used in this section, “criminal episode” means an act that constitutes the offense of cruelty to animals that is committed by a person against one (1) or more animals within a period of twenty-four (24) hours.” (Ord. No. 21-873, Sec. 1)

## **CHAPTER 6.04**

### **DOGS**

#### Sections:

6.04.01	Rabies vaccination
6.04.02	Reserved
6.04.03	Confinement of Dogs
6.04.04	Impoundment
6.04.05	Reclaiming impounded dogs
6.04.06	Adoption
6.04.07	Enforcement responsibility
6.04.08	Dog and Cat Number Owned
6.04.09	Breeder’s License
6.04.10	Compliance
6.04.11	Animal Establishment Standards
6.04.12	Nuisance Animals

6.04.01 Rabies vaccination All dogs over three (3) months of age which are owned, kept or harbored within the city limits of Clarksville shall be vaccinated by a licensed veterinarian against rabies once each year according to A.C.A. 20-19-202. A durable metal tag signifying a current vaccination must be attached to the dog’s collar and worn at all times, and is not transferable from one dog to another. (Ord. No. 2013-705, Sec. 1.)

6.04.02 Reserved (Ord. No. 21-873, Sec. 2)

6.04.03 Confinement of Dogs An owner of a dog or dogs shall be responsible for safe confinement or tethering of the dog.

**Confinement:** is defined as an adequate fence or enclosure or within a house garage, or other ventilated building.

**Tethering:** A dog run is defined as an elevated cable run which a leash or connector is affixed to the dog's collar and to the cable run. At all times the dog must have access to cover from the elements and clean drinking water. It shall be the duty of any owner or keeper of any dog to be present to provide overwatch of the dog and to keep such dog under such control as to prevent such dog from becoming a danger to persons or property or trespassing upon another person's property without that person's permission, and prevent such dog from running at large upon the streets, sidewalks, alleys, parks or other public places of the city. (Ord. No. 148, Art. III.) (Ord. No. 21-873, Sec. 3)

6.04.04 Impoundment

- A. Any dog at large or otherwise in violation of the provisions of this code may be impounded in the city animal shelter in a humane manner for a period of not less than five (5) days. 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 the Animal Control Authority, which may convey ownership of such animal to any responsible person as provided herein, or the Animal Control Authority may humanely destroy such animal.
- B. The Animal Control Authority shall make a reasonable effort to notify the owner of any dog impounded in the animal shelter that the dog has been impounded, the manner by which it may be reclaimed, and that the dog may be destroyed or become the property of the Animal Control Authority as provided herein.
- C. Notwithstanding any provisions of this code to the contrary, the Animal Control Authority may refuse to release any animal impounded in the shelter for rabies or contagious disease quarantine, or for use as evidence in a criminal prosecution, for such time period as the Animal Control Authority may determine.
- D. Notwithstanding any provision of this code to the contrary, the Animal Control Authority may humanely destroy any dog impounded in the animal shelter upon the written opinion of a licensed veterinarian that destruction of the animal is necessary to prevent disease or injury to other animals or humans, or due to the fact that the dog has sustained an injury or disease which will likely result in maiming prolonged or severe suffering, or death.

- E. Any dog that bites a human or pet, shall be quarantined as required by state law. If the dog is determined to be non-aggressive by the Animal Control Authority or police officer on scene, the animal may be quarantined by the owner upon verification they can meet the requirements of state code. If the owner does not meet these requirements, the dog may be quarantined by the Animal Control Authority. If the dog is believed to pose a danger to the public, the dog will be quarantined by a veterinarian or appropriate authority. All fees associated with the keeping of their dog by parties other than the owner will be responsibility of the dog's owner. These fees will be in addition to fees associated with any citation that may be issued.
  
- F. A dog that is found running at large that displays signs of aggression shall be immediately impounded and placed with a veterinarian or appropriate authority. The owner, if the owner can be identified, may immediately relinquish the dog for euthanasia. If the owner wishes to retain ownership of the dog through the hearing process, the owner will be responsible for all costs associated with the care and confinement of this animal from the date of impoundment. These fees will be in addition to fees associated with any citation that may be issued. (Ord. No. 2013-705, Sec. 4.)

#### 6.04.05 Reclaiming impounded dogs

- A. The owner of a dog impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the Animal Control Authority of compliance with all provisions of this code and upon payment of fees and charges.
  
- B. Fees for reclaiming impounded dogs shall be set by the City Council, and may be reviewed and changed from time to time.
  
- C. The owner of an animal impounded in the animal shelter shall be liable for all assessed fees and charges, notwithstanding the destruction or adoption of the animal. (Ord. No. 371, Sec. 1.)

6.04.06 Adoption The Animal Control Authority may convey ownership (permit adoption) of any dog which has become the property of the Authority as above provided, to any responsible person subject to such conditions as may be prescribed by the Animal Control Authority, including the following:

- A. Payment of all assessed fees and charges, and
  
- B. Evidence satisfactory to the Animal Control Authority that the animal will be vaccinated and identified as herein provided. (Ord. No. 148, Art. VI) (Ord. No. 371, Sec. 2)

- C. An animal establishment shall not sell, trade or give away any dog or cat over six months of age unless the dog or cat has been licensed and vaccinated as required by city ordinance.
- D. City personnel designated by the Mayor or City council shall be permitted to inspect any animal establishment, animals on premises, and the grounds where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions.
- E. All animal establishments, including animal establishments operated in conjunction with another holding facility, shall, in addition to the other requirements, comply with the minimum standards of this section:
  - 1. There shall be available hot water at a minimum temperature of 125 degrees Fahrenheit for washing cages and disinfecting, and with water easily accessible to all parts of the establishment. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.
  - 2. The room temperature of the establishment shall be maintained at ambient temperature above 45 degrees Fahrenheit and must not rise above 85 degrees Fahrenheit or IAW the animal welfare act established standards.
  - 3. 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, run and stretch out to its full length. Each cage must be separated in such a manner so that animals, bodily fluids, hair dander, etc. cannot come into physical contact with another animal. All cages must have proper drainage so as there is no runoff of cleaning or disinfecting between cages.
  - 4. Cleaning shall consist of products that are considered standard within the industry for both cleaning and disinfecting of all surfaces within the facility. (Ord. No. 21-873, Sec. 4)

#### 6.04.07 Enforcement responsibility

- A. The provisions of this code shall be enforced by the appropriate city employee or contractor, as designated by the Mayor and City Council.
- B. No person shall interfere with, hinder, or molest the Animal Control Authority in the performance of its duty, or seek to release any animal in custody of the Authority, except as herein provided.

- C. The Animal Control Authority and officers of the Clarksville Police Department are hereby authorized to issue a citation to any person or violation of any provision of this code. The citation shall be in a form approved by the Clarksville District Court, shall designate the offenses charged, and shall require the person so charged to appear before the Clarksville District Court on a date certain to answer the charges therein contained.
- D. Any person violating any provision of this code shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), and if such violation be continued, each day's violation shall be a separate offense. (Ord. No. 2013-705, Sec. 4)

6.04.08 Dog and Cat Number Owned It shall be unlawful for any person, household, or residence to own, keep or harbor more than four dogs or cats, which are 16 weeks old within the corporate city limits, and the burden of proof shall be the owners to show the age of such." (Ord. No. 21-873, Sec. 5)

6.04.09 Breeder's License It shall be unlawful for any person to engage in the breeding of dogs or cats without a breeder's license. Each breeder will be required to meet the standards of city law for care and limitations on animals. Each breeder shall apply for a breeder's license from city animal services annually and be subject to inspection of the residence as needed. Breeders shall be restricted to single-family residences with adequate outdoor facilities. Breeders shall only breed nationally recognized registered animals. (Ord. No. 21-873, Sec. 6)

6.04.10 Compliance An animal establishment shall not sell, trade or give away any dog or cat over six months of age unless the dog or cat has been licensed and vaccinated as required by city law. City animal services shall be permitted to inspect any animal establishment, animals on premises, and the grounds where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions. (Ord. No. 21-873, Sec. 7)

6.04.11 Animal Establishment Standards

**General.** All animal establishments, including animal establishments operated in conjunction with another holding facility, shall, in addition to the other requirements, comply with the minimum standards of State and Federal guidelines for sheltering operations.

**Water.** There shall be available hot water at a minimum temperature of 125 degrees Fahrenheit for washing cages and disinfecting, and with water easily accessible to all parts of the establishment. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.



**Room temperature.** The room temperature of the establishment shall be maintained at an ambient temperature above 45 degrees Fahrenheit and must not rise above 85 degrees Fahrenheit or IAW the animal welfare act established standards.

**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, run and stretch out to its full length. (Ord. No. 21-873, Sec. 8)

6.04.12 Nuisance Animals It shall be unlawful for any person, household, or residence to own or harbor a public nuisance animal. Public nuisance animals shall include, but are not limited to any animal in which by loud or frequent noise may disturb the peace and quiet of any person who may reside within reasonable proximity of the place where the animal is kept. Any claim of excessive noise must be validated by the police department or city animal services. If said claim of excessive noise cannot be witnessed by the police officer or city animal services, the person claiming such nuisance should file an affidavit with the city district court and be required to pay any court costs associated therewith. If the animal owner is found guilty of this offense on three separate occasions, city animal services after the third offense shall impound the offensive animals until a decision of the animal's fate is decided by the city district court. (Ord. No. 21-873, Sec. 9)

## CHAPTER 6.08

### DANGEROUS DOGS

Sections:

6.08.01	Identification and definition
6.08.02	Procedure for declaring a dog dangerous
6.08.03	Keeping of dangerous dogs
6.08.04	Violation of conditions by dangerous dog
6.08.05	Notification of declaration or order of destruction
6.08.06	Destruction
6.08.07	Appeal
6.08.08	Continuation of dangerous dog declaration

6.08.01 Identification and definition To respond to the increasing threat of potentially dangerous dogs, and to the failure of owners to properly control such dogs, the city hereby establishes a procedure to define, identify, and protect against dangerous dogs.

Definition

- A. **Dangerous dogs** means any dog which attacks or otherwise initiates aggressive physical contact upon any person or domestic animal, when such person or domestic animal is peaceably conducting himself in any place where he may lawfully be at the time of such contact. A dog is not necessarily dangerous when displaying normal aggression towards another animal such as a cat.

A dog may be declared dangerous as a result of attack upon meter readers, postal or delivery personnel, or trespassing children. It is the responsibility of owner or custodian of such potentially dangerous dog to protect such persons from harm by securely confining or otherwise controlling the dog.

A dog's breed shall not be considered in determining whether or not it is declared "dangerous" – further, no dog shall be declared dangerous if:

1. The dog was protecting or defending a person within the immediate vicinity from an attack or assault.

2. The person attacked was teasing, tormenting, or abusing the dog or its offspring.
3. The domestic animal attacked was on the property of the owner or custodian of the dog. (Ord. No. 2013-705, Sec. 5.)

6.08.02 Procedure for declaring a dog dangerous

- A. Any adult person, or guardian in the case of a minor, may request that a dog be classified as dangerous as defined 6.08.01, by submitting a sworn, written complaint on a form approved by the city. Any city official receiving a report of an alleged dangerous dog shall immediately inform the complainant of his right to submit such an affidavit of complaint. All records of complaints are property of the city of Clarksville and will be kept on file in the city's Administration Office.
- B. There is hereby created by this ordinance a "Hearing Panel," subject to judicial review, to receive and act upon affidavits described above. The Panel shall consist of the Mayor or his designate, the Chief of Police or his designate, and the Animal Control Authority Director or his designate.
- C. The Hearing Panel shall convene immediately upon receiving affidavit as described above. Two members may convene if the third member is not available. The Panel shall take the following steps:
  1. Determine from the facts available if the dog should be immediately impounded by the Animal Control Authority, as an imminent danger. In that instance the Panel will notify the owner to surrender the dog or request warrant to seize the dog if necessary to ensure safety.
  2. Schedule a hearing to be held within three (3) business days, to determine the declaration of "Dangerous." The owner of the dog and the complainant shall be notified on forms approved and shall sign for acknowledgment of service.
  3. At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered include, but are not limited to the following:
    - a. Provocation
    - b. Severity of attack or injury to person or domestic animal

- c. Previous aggressive history of the dog
- d. Observable behavior of the dog
- e. Site and circumstances of the incident, and
- f. Statements from interested parties.

D. At the conclusion of the hearing, the Panel may:

1. Determine that the dog is not dangerous, and, if the dog is impounded, upon payment of fees incurred and proof of vaccination by a licensed veterinarian, release the dog to its owner. If the dog is required to be quarantined, the owner will be responsible for paying all costs associated with the quarantine prior to the dog begin released.
2. Determine that the dog is dangerous and if the dog is not impounded, impound the dog immediately. Upon impoundment the following procedure shall be followed:
  - a. The owner may immediately relinquish all claims to the dog and will then be responsible for only the fees incurred for care and confinement of the animal during the time prior to the hearing.
  - b. The owner may reclaim the dog upon satisfactory proof of compliance with the requirements for keeping a dog declared dangerous, as set out in 6.08.03. The dog will be released as follows:
    - (1) When the owner notifies the Police Department and it is determined that the requirements for the keeping of a dangerous dog have been met;
    - (2) When the dog has been altered and has received all required vaccinations;
    - (3) When the owner has paid all fees associated with the altering procedure, vaccinations and care of his/her dog.
  - c. The owner must be in full compliance with the codes regarding the keeping of a dangerous dog within ten (10) days from the date of declaration or the Panel may cause the dog to be humanely destroyed. If the owner does not plan to reclaim the dog they should notify the Hearing Panel immediately so as to not incur further costs. The fees associated with impoundment, whether the dog is reclaimed or unclaimed, shall remain the responsibility of the owner.

3. Determine that the dog is dangerous and cannot be safely released and order its humane destruction according to procedures set out herein. (Ord. No. 2013-705, Sec. 6.)

6.08.03 Keeping of dangerous dog The keeping of a dog which has been declared dangerous according to procedure described herein, shall be subject to the following requirements:

- A. Leash No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exist its kennel, pen or other proper enclosure unless such dog is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person capable of controlling the dog is in physical control of the leash.
- B. Muzzle It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.
- C. Confinement Except when leashed and muzzled as provided in this section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:
  1. The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high.
  2. The structure must have a bottom permanently attached to the sides, or the sides must be embedded not less than one (1) foot into the ground; and
  3. The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own or children or other persons cannot enter the enclosure without knowledge of dog's owner.
  4. The structure shall meet city building codes as to setback and position on the lot as required for "accessory building" set out in Ord. No. 2000-402.

- D. Indoor confinement No dangerous dog shall be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such a building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- E. Signs All owner, keepers or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words “Beware of Dog.”
- F. Conditions of release A dog declared dangerous shall not be released to the owner until its identification is ensured by means of a microchip implanted by a licensed veterinarian and proof of activation and until the dog is altered. Costs of this procedure shall be added to the impoundment fees and paid by the owner before release.
- This microchip identification shall be in addition to a specific description and photograph provided by the Animal Control Authority, all of which shall be kept in the official records by the Hearing Panel.
- G. Notification of escape The owner of a dog declared dangerous shall immediately notify the Animal Control Authority, City Police, or City Hall if the dog escapes from its enclosure and is at large. Such immediate notification is also required if the dog bites or attacks a person or domestic animal.
- H. Change of ownership Any owner of a dangerous dog who sells or otherwise transfers ownership or location of the dog shall, within ten (10) business days after such change, provide written notification of the name, address, and telephone number of the new owner to the Hearing Panel, through City Hall. It shall also be the responsibility of the person transferring ownership or custody to provide written notification of the dog’s classification as dangerous and conditions for its confinement to the person receiving the dog.
- I. Failure to comply It shall be unlawful and punishable as a misdemeanor for any owner of a dog declared dangerous by the procedure set out in this ordinance to fail to comply with the requirements and conditions ordered by the Hearing Panel. Said misdemeanor shall be punishable by a fine of not less than One Hundred Dollars (\$100.00), and not more than One Thousand Dollars (\$1,000.00) and if such violation shall continue, each day’s violation shall be a separate offense. Any dog found to be in violation of such conditions shall be subject to immediate seizure and impoundment, and a second hearing will be held. (Ord. No. 2013-705, Sec. 7.)

6.08.04 Violation of conditions by dangerous dog

- A. A dangerous dog which is found to be in violation of the conditions of its initial release, or which is the subject of a complaint of further attack or injury, shall be immediately seized and impounded.
- B. The Hearing Panel shall convene, following the procedure as set out in 6.08.03 (3), and conduct a Violation Hearing. At its conclusion the Panel may:
  - 1. Determine that the circumstances warrant a conditional release to the owner, after provision of:
    - a. Evidence satisfactory to the Panel that no further violations will occur; and
    - b. Payment of all fees and costs incurred by the impoundment.
  - 2. Order the destruction of the dog, as provided by the terms of this ordinance. (Ord. No. 2001-435, Sec. 4.)

6.08.05 Notification of declaration or order of destruction

- A. The Hearing Panel, within 48 hours after its determination, shall notify the owner of the dog of its findings, conditions, or order of destruction. Notification shall be by personal service or certified letter, mailed within two (2) business days.
- B. If the Hearing Panel determines that the owner of a dog that has been seized pursuant to this ordinance, cannot be located after due diligence the Panel may order the dog impounded for at least five (5) business days. After that time if the owner fails to claim the dog, the Panel may order its humane destruction. (Ord. No. 2001-435, Sec. 5.)

6.08.06 Destruction

- A. The Hearing Panel may order the destruction of a dog that it determines to be extremely dangerous to public health or safety, based upon its vicious behavior, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.
- B. The Hearing Panel shall give written notice as set out in Section V of the order of destruction. The dog will be held for ten (10) business days after receipt of notice by owner, to allow time for appeal as provided in 6.08.07. If notice of appeal is not received within ten (10) days, the dog shall be humanely destroyed.

- C. The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the city to humanely and safely keep the dog during any legal proceeding.

6.08.07 Appeal

- A. The decision of the Hearing Panel as to declaration of dangerousness, or order of humane destruction, shall be final unless the dog owner applies to court of competent jurisdiction for any remedies that may be available within ten (10) days after receiving notice of the order.
- B. If an appeal is timely filed, the Panel shall suspend its declaration of dangerousness, or its order of destruction, pending the final determination of the court. The appeal hearing must be a trial de novo, and shall be a civil proceeding for the purpose of affirming or reversing the order of the Hearing Panel. (Ord. No. 2013-705, Sec. 8.)

6.08.08 Continuation of dangerous dog declaration

- A. Any dog that has been declared dangerous by any agency of department of this city, another municipality, county, or state shall be subject to the provisions of this ordinance for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county, or state government shall notify the Hearing Panel of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the city of Clarksville. The restriction and conditions of maintenance of any dog declared dangerous by this city, another municipality, county, or state shall remain in force while the dog remains in the city.
- B. Failure to notify the Hearing Panel as required herein shall constitute a misdemeanor and, upon conviction, a person shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). If such violation shall continue, each day's violation shall be a separate offense. Also any such dog shall be subject to immediate seizure until such time that the provisions of this code have been complied with.



## CHAPTER 6.12

### OTHER ANIMALS AND FOWL

Sections:

6.12.01	Horses, Cows, Mules, Goats and Hoofed Livestock
6.12.02	Hogs and sheep
6.12.03	Diseased animals
6.12.04	Releasing animals
6.12.05	Fowl
6.12.06	Cruelty to animals
6.12.07	Nuisance animals
6.12.08	Wild or exotic animals

6.12.01 Horses, Cows, Mules, Goats and Hoofed Livestock

- 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 cows and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a Class “C” misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.
- B. The keeping within the corporate limits of the City of Clarksville, Arkansas, of cows, horses, mules, goats, or other large hoofed domestic animals (“Livestock”) shall be allowed subject to the following provisions:
1. The owner or keeper shall provide one (1) acre of open pasture per two (2) such animals or combination thereof, with a minimum of one (1) acre for first such animal.
  2. The owner or keeper shall maintain a fence which is adequately constructed to safely contain such animals.
  3. No such animals may be kept within one hundred (100) feet of any residence or business, excluding the residence or business of the person owning or keeping the animal.
  4. Livestock shall not be housed or kept in trailers and when being transported must be provided a healthful environment to include:

- a. There shall be available water for washing cages and disinfecting, and with water easily accessible to the trailer.
  - b. Fresh water shall be available to all animals at all times.
  - c. Containers are to be cleaned and disinfected each day.
  - d. The temperature within the trailer shall be maintained at a level that is healthful for every animal kept in the trailer.
  - e. All trailers and enclosures are to be kept clean and sanitary. Trailers that transport horses and cows must be of sufficient size that the animal will have room to stand, and stretch out to its full length.
- C. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall follow the guidelines established in the Horse protection act and/or animal welfare act. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance. (Ord. No. 2011-630, Sec. 1) (Ord. No. 21-873, Sec. 10)

6.12.02 Hogs and sheep Notwithstanding any other provisions relating to animals contained herein, it shall be unlawful for any person to keep any hogs or sheep within the city limits of Clarksville, Arkansas. Violation of this section shall be a Class "C" misdemeanor. (Ord. No. 2011-631, Sec. 1.)

6.12.03 Diseased animals No person shall be allowed to transport into this city any animal infected with a contagious disease.

6.12.04 Releasing animals It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city.

6.12.05 Fowl The keeping within the corporate limits of the city of Clarksville, Arkansas, of any fowl, which includes but is not limited to chickens, ducks, guineas, geese or other fowl, shall be allowed, subject to the following provisions and restrictions:

- A. Free range chickens, ducks, guineas, pheasant, quail or other small fowl shall be kept in an area containing a minimum of two (2) acres. No such fowl may be kept within one hundred (100) feet of any residence or business, excluding the residence or business of the person owning or keeping the fowl. The fowl shall be kept in an appropriate pen with a top, bottom, and sides to prevent the fowl from running at large. (Ord. No. 21-873, Sec. 11)
- B. A single family residence that does not meet the minimum acreage requirements set out in subsection (A), shall be permitted to keep a maximum of three (3) small fowl provided they are kept in an appropriate pen. All pens must possess a top, bottom and sides to prevent running at large.
- C. No roosters may be kept under any circumstances except as provided for in the exclusions set out herein.
- D. It shall be unlawful to keep large fowl of any kind including, but not limited to ostrich, emu, peacock or turkey within the corporate limits of the city of Clarksville, Arkansas.
- E. None of the provisions or restrictions set forth in A-D above shall apply to the following, which are excluded from said provisions and restrictions:
  - 1. Any tract of land containing ten (10) or more contiguous acres.
  - 2. Any commercial operation for the processing of poultry, including chickens and turkeys.
- F. Violation of this section shall be a Class "C" misdemeanor. (Ord. No. 2012-675, Sec. 1.)

6.12.06 Cruelty to animals If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beta or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

6.12.07 Nuisance animals

- A. Nuisance animals are defined as animals which:
  - 1. Molest passersby or passing vehicles; or
  - 2. Attack other animals; or
  - 3. Trespass on any private or public property; or
  - 4. Are repeatedly found running loose; or
  - 5. Damage private or public property; or
  - 6. Bark, whine or howl in excessive, continuous, or untimely fashion disturbing the peace and quiet of any person who may reside in reasonable proximity of the place where such animal is kept.

- B. Upon a complaint from a resident concerning a nuisance animal being received and verified by the Police Department, the owner or keeper of such animal shall be given written notice by the department to take appropriate measures to ensure the behavior of the animal is modified or controlled. If the owner or keeper fails to take such measures, then said owner or keeper shall be issued a citation for failure to control a nuisance animal. Failure to control a nuisance animal shall be a Class “C” misdemeanor. (Ord. No. 2011-633, Sec. 1.)

#### 6.12.08 Wild or exotic animals

- A. It shall be unlawful for any person to keep, maintain, sell, or have in their possession or under their control, within the corporate limits of the city of Clarksville, Arkansas, any wild or exotic animal, whether the animal is pure bred, hybrid or a mixed breed, including but not limited to the following:
1. Any poisonous animals;
  2. Ape, chimpanzee, gibbon, gorilla, orangutan, and siamang;
  3. Baboon;
  4. Bear;
  5. Cheetah, tiger;
  6. Alligator, crocodile;
  7. Coyote, wolf, hyena;
  8. Elephant;
  9. Jaguar, leopard, lion, lynx;
  10. Monkey;
  11. Piranha fish;
  12. Puma, cougar, mountain lion, panther;
  13. Rhinoceros;
  14. Deer
- B. The animals listed in subsection (A) are specific animals or reptiles, but the prohibitions of this section are not limited to those animals or reptiles listed. Any wild or exotic animal or reptile, although not listed specifically in this subsection, is also prohibited. A violation of this section shall be a Class “C” misdemeanor. (Ord. No. 2011-634, Sec. 1.)

### **CHAPTER 6.16**

#### **SELLING OF ANIMALS**

##### Sections:

- |         |            |
|---------|------------|
| 6.16.01 | Prohibited |
| 6.16.02 | Penalty    |

**6.16.01 Prohibited** Except for established animal business enterprises and city recommended shelters with permanent structures the sale, distribution and giving away of animals from public property and from commercially and industrially zoned land is prohibited. (Ord. No. 2008-573, Sec. 1) (Ord. No. 21-873, Sec. 12)

**6.16.02 Penalty** Any person found to have violated this ordinance shall be guilty of a misdemeanor which shall be punishable by a fine of One Hundred Dollars (\$100.00); Two Hundred Dollars (\$200.00) for the second offense; and Three Hundred Dollars (\$300.00) for the third offense and each offense thereafter. Each day a person violates this ordinance shall be considered a separate offense. (Ord. No. 2008-573, Sec. 2.)

## **CHAPTER 6.17**

### **COMMUNITY CATS**

#### **Sections:**

- 6.17.01 Definition
- 6.17.02 Trap, Neuter, Release (TNR) Program

#### **6.17.01 Definition**

- A. Community cat is defined as any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral.
- B. Working cat means any free-roaming cat that may or may not be feral and “works” for its upkeep by hunting vermin, such as rodents and is cared for by an individual or business proprietor. (Ord. No. 21-873, Sec. 13)

**6.17.02 Trap, Neuter, Release (TNR) Program** Trap-neuter-return (TNR) is a type of program through which free-roaming cats are trapped, spayed and neutered, then returned to the outdoor locations where they were found. If those locations are deemed unsafe or otherwise inappropriate, the cats may be relocated (barn/farmyard homes are often considered ideal). Kittens young enough to be socialized and friendly adult cats may be placed in shelters or foster care for eventual adoption into homes as companion animals rather than returned to the outdoors:

#### A. Preparation:

1. Assess the cats and their environment. Do they appear to be stray or feral; are there kittens and/or nursing mothers; are there ill or injured cats? Plan ahead for the care to be provided after trapping.

2. Communicate with neighbors and any caretakers. Build good community relations, working to address the concerns of others.
3. Establish a regular feeding schedule. This may involve providing feeding stations and winter shelters.
4. Secure a holding/recovery area where the cats can wait for surgery (if not immediate) and recover after surgery.
5. Find and coordinate with a veterinarian or clinic to perform the surgery and provide other medical treatment.
6. Assemble trapping supplies, including humane traps, newspapers and other useful materials.
7. Withhold food (but not water) for about 24 hours before trapping, with the cooperation of caregivers and neighbors.

B. Trapping:

1. Bait and set the traps in a safe location, using as many traps as there are cats in the colony needing trapping.
2. Wait patiently nearby but out of sight, for cats to enter the traps and the traps to close.
3. Quickly cover each occupied trap with a cover or sheet, which helps to calm the cat within.
4. Check whether each trapped cat is already owned or neutered (ear tip; identification tattoo or microchip; lost pet databases and ads), and take appropriate action.
5. If trap occupants are wildlife, carefully release them.
6. Safely transport the cats in their traps to the clinic or holding area.
7. If a cat is too fearful or savvy of the regular box trap, try alternate traps
8. Neutering: Medical care and socialization:
  - a. Provide extra care for cats not yet ready for surgery. Cats in poor condition may need to receive medical attention, gain weight and strength before surgery. Young kittens may be socialized in foster care, which

prevents their becoming feral. Nursing mother cats may be kept with their kittens (and even other orphaned kittens) until the kittens are weaned. Kittens can be safely spayed or neutered at eight weeks, or as soon as they weigh two pounds (and are healthy).

- b. When ready, a veterinarian performs spay or neuter surgery and provides other medical attention as needed. Multiple surgeries may be done in high volume clinics.
- c. During the surgery of feral cats, ear-tipping (removing 3/8 inch or 1 cm from the tip of the left ear; proportionally smaller in a kitten) identifies that the cat has been neutered and treated, when later seen from a distance.
- d. Vaccinations are provided as arranged in advance. Common vaccines include rabies and FVRCP, “the ‘distemper’ (panleukopenia) and respiratory virus vaccine”.
- e. Cats found suffering with terminal or untreatable illness or injuries are humanely euthanized.
- f. When the vet deems that the cats are ready to leave the clinic, transport them to the recovery area, and monitor them for at least 24 hours.
- g. If needed, provide further nursing care (e.g. administering medications; providing recovery time from more complex surgery such as amputation).

C. Returning: The cats go home:

1. If the original colony location is safe, transport the feral cats there and safely release them from their traps or carriers.
2. If the location is not safe for feral cats, make other arrangements for farmyard homes.
3. Keep tame cats and kittens in foster care until they are adopted. If there are insufficient resources to foster or shelter, the cats may be returned to outdoor colony locations in the same manner as feral cats.
4. Keep detailed records of the cats assisted, and clean the traps and materials used.
5. Caregivers monitor the outdoor colony locations, providing food, shelter, and medical care, and watching for any new abandoned cats requiring trapping. Some communities with “Feral Freedom” programs return cats without ongoing monitoring by caregivers. (Ord. No. 21-873, Sec. 13)

## **CHAPTER 6.18**

### **DEFINITIONS**

#### Sections:

#### 6.18.01 Definitions

6.18.01 Definitions The following terms and definitions shall have the prescribed meanings within the context and meaning of Title 6 of the Clarksville Municipal Code:

- (1) “Abandon” means to desert, surrender, forsake, or to give up absolutely.
- (2) “Animal” means any living vertebrate creature, except human beings and fish.
- (3) “Animal control officer” means an officer employed by or under contract with an agency of the state, county, municipality, or other governmental or political subdivision of the state which is responsible for animal control operations in its jurisdiction.
- (4) “Animal husbandry practices”:
  - A. “Animal husbandry practices” means the breeding, raising, production, and management of animals.
  - B. “Animal husbandry practice” includes without limitation dehorning, docking, and castration.
- (5) “Animal identification” means the use of a microchip, tattoo, an ear tag, an ear notch, branding, or any similar technology to identify the owner of an animal and that is generally accepted for the breed, species, and type of animal being identified.
- (6) “Appropriate place of custody” means any of the following within this state and, if practicable, within twenty (20) miles of the residence of the owner or other place owned by the owner:
  - A. A nonprofit animal shelters.
  - B. An animal pound.
  - C. A location owned or managed by a society incorporated for the prevention of cruelty to animals.



- D. A location owned or managed by an agency of the state, county, municipality, or other governmental or political subdivision of the state that is responsible for animal control operations in its jurisdiction.
  - E. A location owned or managed by a public or private custodian that provides shelter, care, and necessary medical treatment to an animal; or
  - F. The residence or other place owned by the owner of the animal, if approved by written order of a court of competent jurisdiction.
- (7) “Competitive activity” means a lawful activity that is generally recognized as having an established schedule of events involving competition of animals or exhibitions of animals.
- (8) “Cruel mistreatment” means any act that causes or permits the continuation of unjustifiable pain or suffering.
- (9) “Equine” means a horse, pony, mule, donkey, or hinny.
- (10) “Equine activity” means:
- A. Equine participation in equine shows, fairs, competitions, performances, or parades that involve any breed of equine and any of the equine disciplines, including without limitation dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, pulling, cutting, polo, steeple chasing, endurance trail riding and western games, and hunting.
  - B. Teaching and training activities of an equine show or rodeo.
  - C. Boarding an equine.
  - D. Riding, inspecting, or evaluating an equine owned by another person, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; or.
  - E. Any activity that involves riding or hunting.
- (11) “Euthanizing” means humanely killing an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death, and administered by a licensed veterinarian or a euthanasia technician licensed by the federal Drug Enforcement Administration and certified by the Department of Health.

- (12) “Humanely killing” means causing the death of an animal in a manner intended to limit the pain or suffering of the animal as much as reasonably possible under the circumstances.
- (13) “Law enforcement officer” means any public servant vested by law with a duty to maintain public order or to make an arrest for an offense.
- (14) “Licensed veterinarian” means a veterinarian licensed to engage in the practice of veterinary medicine in Arkansas in accordance with applicable Arkansas laws.
- (15) “Livestock” means a horse, mule, bovine animal, goat, sheep, swine, chicken, duck, or similar animal or fowl commonly raised or used for farm purposes.
- (16) “Local law enforcement agency” means the police force of a municipality or the office of the county sheriff.
- (17) “Owner” means a person that:
- A. Has a right of property or title in an animal.
  - B. Keeps or harbors an animal
  - C. Has an animal in his, her, or its care
  - D. Acts as an animal’s custodian.
  - E. Knowingly permits an animal to remain on or about any premises occupied by him or her or it;
- (18) “Person” means an individual, company, partnership, limited liability company, joint venture, joint agreement, mutual association or other, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other private entity.
- (19) “Professional pest control activities” means those activities governed by the Arkansas Pesticide Control Act, §2-16-401 et seq., and the Arkansas Pest Control Law, §17-37-101 et seq.
- (20) “Rodeo” means an event involving a practice accepted by the Professional Rodeo Cowboys Association on January 1, 2009.

(21) "Torture" means:

- A. The knowing commission of physical injury to a dog, cat, or horse by the infliction of inhumane treatment or gross physical abuse, causing the dog, cat, or horse intensive or prolonged pain, serious physical injury, or thereby causing death.
- B. Mutilating, maiming, burning, poisoning, drowning, or starving a dog, cat, or horse. (Ord. No. 21-873, Sec. 14)