

## **TITLE 6**

### **ANIMALS AND FOWL**

#### **Chapters:**

- 6.04 Dogs and Cats
- 6.06 Unlawful Dog Breeds
- 6.08 Other Animals and Fowl
- 6.12 Vicious Dogs

#### **CHAPTER 6.04**

#### **DOGS AND CATS**

#### **Sections:**

- 6.04.01 Vaccination for dogs and cats
- 6.04.02 Running at large
- 6.04.03 Hydrophobia
- 6.04.04 Barking and public nuisance
- 6.04.05 Registration
- 6.04.06 Waivers

**6.04.01 Vaccination for dogs and cats** Every person owning or keeping any dog(s) or cat(s) within the city limits of Briarcliff shall have the dog(s) or cat(s) annually vaccinated against rabies by a regularly licensed veterinary surgeon and the certificate presented to the City Clerk's office for registration. It shall be unlawful for any person or persons residing in the same household to own or possess more than two (2) dogs and/or two (2) cats at any time unless a waiver has been approved by the Briarcliff City Council. (Ord. No. 2015-03, Sec. 1.)

- A. The certificate of vaccination or license tag of such surgeon shall be presented to the City Clerk who will register the animal and shall keep a register of the certificate/tag number, date, veterinary name, breed of dog(s) or cat(s), sex, color, and owner's name and address.
- B. If a licensed veterinarian deems any animal not requiring a rabies vaccination, such statement from the veterinarian must be on file in the city office.

- C. If the City Clerk's office is notified of a new dog(s) or cat(s) in Briarcliff and the owner is located, a letter will be sent out by the Clerk's office to the owner informing them of the animal ordinance requiring all dog(s) or cat(s) to be registered in the city office with proof of vaccination and also notifying them that they have thirty (30) days from that date or letter to take care of this matter or they will be subject to a citation and a fine of Fifty Dollars (\$50.00) plus court costs for each animal not vaccinated and registered in the City Clerk's office.
- D. After the resident responds to the City Clerk's office, or have complied with this ordinance and has their dog(s) or cat(s) registered with proof of rabies vaccination in the city office, failure to have dog(s) or cat(s) vaccinated for rabies on an annual basis will result in a citation and a fine of Fifty Dollars (\$50.00) plus court costs for each animal not in compliance. The City Clerk's office will send out one reminder letter that re-registration is due, and needs to be taken care of within thirty (30) days from the date of the letter. If not done, it will result in a citation and a Fifty Dollars (\$50.00) fine plus court costs for each animal not vaccinated and registered in the City Clerk's office.
- E. Failure to comply with time constraints set by court order to provide proper registration will result in the animal being removed by Animal Control. (Ord. No. 1-12-2013)
- F. If a citation is issued for owning or possessing more than two (2) dogs and/or two (2) cats, the fine shall be Twenty-Five Dollars (\$25.00) plus court costs for each animal for the first offense, with a Fifty Dollar (\$50.00) fine plus court costs for each animal for the second offense, and so forth.

#### 6.04.02 Running at large

- A. Any person owning or harboring animals, whether or not vaccinated or licensed, shall confine such animal/s within an adequate fence or enclosure or within a building on the owner's property, or shall otherwise confine such animals by chain or leash affixed to the animal's collar and firmly attached to some substantial stationary object in a humane manner adequate to prevent said animal from running at large. If an animal is confined by rope, chain, or cable, the restraint must be not less than ten (10) feet long and so placed that the animal may not intrude on the property of another person, whether public or private. It shall further be the duty of any owner or keeper of any animal to keep such animal under control so as to prevent said animal from becoming a public nuisance.
- B. Every female dog or cat in heat shall be confined in a building or secure enclosure so as to prevent said female animal from coming in contact with a male of the species except for planned breeding.

- C. Any person riding or walking any animal shall keep the animal on a leash or bridle, or under firm voice control. The said person riding or walking the animal shall also be responsible for the removal of any excreta deposited by such animal on any resident's private property, on any public recreation area, or on any public street. The excreta must be removed on the same day it is deposited. (Ord. No. 2016-06, Sec. 1.)
- D. Any person owning or harboring animals that damage the property of anyone other than its owner, molests or intimidates pedestrians or other passers-by or chases vehicles shall be cited as noted herein.
- E. No animals shall be kept in such a manner so as to interfere with meter readings or service work by utility companies' personnel.
- F. The Mayor or the Briarcliff Marshal, at their discretion, may issue a written complaint to any animal owner who violates this ordinance. (Ord. No. 2014-009, Sec. 1.)
- G. After one written complaint, subsequent violations will result in a citation to appear being issued to the violator, requiring an appearance in the Baxter County District Court – Briarcliff Department. If found guilty, a Fifty Dollar (\$50.00) fine plus court costs will be imposed, with a Seventy-Five Dollar (\$75.00) fine for a second offense, a One Hundred Dollars (\$100.00) fine for a third offense, and so forth. (Ord. No. 2014-009, Sec. 2.)

6.04.03 Hydrophobia In the event of the prevalence of hydrophobia to such an extent as, in the discretion of the city of Briarcliff, Arkansas, makes such action advisable, said city may by proclamation require that all dogs or cats owned, kept or harbored in the city be kept confined upon the premises of the owners, keepers, or harborers of such dogs or cats for such time as may be designated in such proclamation, and such proclamation to take effect upon publication thereof by such city in a newspaper having a general and bona fide circulation in the city of Briarcliff, Arkansas, and any dog or cat not so confined after the effective date of such proclamation shall be taken up by said city and disposed of.

6.04.04 Barking and public nuisance Any dogs, cats, or fowl that unreasonably annoy humans, endanger the life of other animals or persons, or substantially interfere with the right of citizens other than their owners, to enjoyment of life or property shall be declared a "public nuisance." The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- A. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- B. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or to others in close proximity to the premises where the animal is kept or harbored.
- C. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- D. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.
- E. All animal complaints will be in writing, and will be submitted to the City Clerk's office or to the Mayor for appropriate action. (Ord. No. 5-14-2006)
- F. A written ten (10) day notice to comply will be sent, after which, a citation to appear will be issued for the violator to appear in the Briarcliff District Court. If he/she is found guilty of a misdemeanor, a Fifty Dollar (\$50.00) fine plus court costs will be assessed, second offense fine will be assessed at Seventy-Five Dollars (\$75.00) plus court costs and an additional Twenty-Five Dollars (\$25.00) to be added for each day that the violation continues. (Ord. No. 3-10-2007)

6.04.05 Registration All animals over the age of six (6) months must be registered in the city office by proof of a rabies vaccination from a qualified veterinarian. (Ord. No. 4-14-2007)

6.04.06 Waivers

- A. Any resident who has proven to be a pet owner in good standing may request a waiver to own or possess a third dog and/or a third cat by submitting an application in writing to the City Clerk's office or to the Mayor for review by the City Council at the next regularly scheduled monthly meeting. The application must include a written and signed consent from any and all residents whose homes are within three hundred (300) feet of the requesting resident's property lines. If the City Council grants approval for the waiver, the resident must abide by all city ordinances which regulate the keeping of similar animals within the city limits of Briarcliff.

- B. Applications for waivers for more than three (3) dogs and/or three (3) cats will not be accepted, nor will such waivers be granted.
- C. Any resident already owning or possessing more than three dogs and/or cats at the time this ordinance is passed will be allowed to retain possession of said animals. When the said dogs and/or cats have died or otherwise are no longer owned or possessed, the resident will not be allowed to have more than two dogs and/or two cats. (Ord. No. 2016-01, Sec. 1.)

**CHAPTER 6.06**

**UNLAWFUL DOG BREEDS**

Sections:

- 6.06.01 Breeds
- 6.06.02 Definition
- 6.06.03 Risk of attack
- 6.06.04 Fine

6.06.01 Breeds It shall be unlawful to own or keep a Pit Bull Terrier, Cane Corso, Bull Mastiff or Wolf-Dog Hybrid breed of dog, or any dog which contains an element of these breeds, within the city limits of Briarcliff. (Ord. No. 2014-010, Sec. 1.)

6.06.02 Definition

**Pit Bull Terrier** – Any American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains an element of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier. (Ord. No. 2014-010, Sec. 2.)

6.06.03 Risk of attack This ordinance is a necessary control to eliminate the risk of attack by Pit Bull Terriers, Cane Corsos, Bull Mastiffs or Wolf-Dog Hybrids in the city of Briarcliff, Arkansas. Lack of knowledge or lack of intent is not a defense. (Ord. No. 2014-010, Sec. 3.)

6.06.05 Fine Whoever is found guilty of violating this ordinance shall be assessed a fine of One Hundred Dollars (\$100.00) plus court costs for the first offense, Two Hundred and Fifty Dollars (\$250.00) plus court costs for the second offense, and an additional fine of Two Hundred and Fifty Dollars (\$250.00) shall be assessed per day that the violation continues. (Ord. No. 2014-010, Sec. 4.)

## **CHAPTER 6.08**

### **OTHER ANIMALS AND FOWL**

Sections:

- 6.08.01 Horses and cows
- 6.08.02 Hogs, goats and sheep

6.08.03	Diseased animals
6.08.04	Releasing animals
6.08.05	Rabbits and fowl
6.08.06	Cruelty to animals
6.08.07	Public nuisance
6.08.08	Wild animals
6.08.09	R1-S zone

6.08.01 Horses and cows 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. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.

Whoever is found violating these ordinances shall be fined not less than Seventy-Five Dollars (\$75.00) plus court costs, nor more than Two Hundred and Fifty Dollars (\$250.00) plus court costs. Two or more offenses may be fined not less than Two Hundred and Fifty Dollars (\$250.00) plus court costs, nor more than Five Hundred Dollars (\$500.00), and an additional fine of Fifty Dollars (\$50.00) shall be assessed for each day that the violation continues. (Ord. No. 3-10-2007)

6.08.02 Hogs, goats and sheep It shall be unlawful for any person to keep any hogs, goats or sheep within the city or to permit any such animals to run at large within the city.

Whoever is found violating these ordinances shall be fined not less than Seventy-Five Dollars (\$75.00) plus court costs, nor more than Two Hundred and Fifty Dollars (\$250.00) plus court costs. Two or more offenses may be fined not less than Two Hundred and Fifty Dollars (\$250.00) plus court costs, nor more than Five Hundred Dollars (\$500.00), and an additional fine of Fifty Dollars (\$50.00) shall be assessed for each day that the violation continues. (Ord. No. 3-10-2007)

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

Whoever is found violating these ordinances shall be fined not less than Seventy-Five Dollars (\$75.00) plus court costs, nor more than Two Hundred and Fifty Dollars (\$250.00) plus court costs. Two or more offenses may be fined not less than Two Hundred and Fifty Dollars (\$250.00) plus court costs, nor more than Five Hundred Dollars (\$500.00), and an additional fine of Fifty Dollars (\$50.00) shall be assessed for each day that the violation continues. (Ord. No. 3-10-2007)

6.08.04 Releasing animals

A. It shall be unlawful to abandon any animal within the city limits of Briarcliff

- B. The city of Briarcliff will offer and pay a reward of One Hundred Dollars (\$100.00) to anyone providing information leading to the arrest and conviction of any individuals/s abandoning any animals within the city limits.
- C. Any individual/s found guilty of abandoning any animal within the Briarcliff city limits shall be fined no less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for each such abandonment. (Ord. No. 5-14-2004)

6.08.05 Rabbits and fowl

- A. It shall be unlawful for any person to keep, maintain or permit to run at large any fowl including chickens, guinea fowl, ducks, geese, etc. within the city limits of Briarcliff unless a waiver has been approved by the Briarcliff City Council. Any resident requesting such a waiver must submit an application in writing to the City Clerk's office or to the Mayor for review by the City Council at the next regularly scheduled monthly meeting. The waiver shall be for no more than six (6) fowl and shall not include roosters. The fowl must be enclosed in pens which must be kept clean and without offensive odors. Any resident requesting a waiver must include a written and signed consent from any and all residents whose house is within a 300 foot of the requesting resident's property lines.
- B. Rabbits may be kept, but must be kept in pens. Pens must be kept clean and without offensive odors.
- C. No more than six (6) adult rabbits may be kept at any residence at any one time. In the event of any babies being born, they must be disposed of within sixty-ninety (60-90) days.
- D. Any person in violation of this ordinance will be sent a written notice or be notified by the Mayor or City Marshal that they must comply within ten (10) days. The first offense for failure to comply with this ordinance will result in a fine of Twenty-Five Dollars (\$25.00) per chicken or rabbit. Each subsequent violation thereafter will result in a Fifty Dollar (\$50.00) fine per chicken or rabbit. (Ord. No. 9-10-2011)

6.08.06 Cruelty to animals

- A. Any person who shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal shall be guilty of a misdemeanor.

- B. Any owner or keeper who shall fail to provide his animals with sufficient, wholesome, and nutritious food, potable water in sufficient quantities, proper air and shelter which provides protection from the weather including four sides with a opening, roof, and floor, veterinary care when needed to prevent suffering, and otherwise humane care and treatment shall be guilty of a misdemeanor. No animal may be kept on flooring of wire grid.
- C. Any person found guilty of a misdemeanor will be fined no less than Five Hundred Dollars (\$500.00) plus court costs, nor more than One Thousand Dollars (\$1,000.00) for each offense. (Ord. No. 6-10-2006.)

6.08.07 Public nuisance Any dogs, cats or fowl that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property shall be declared a “public nuisance.” The term “public nuisance animal” shall mean and include, but is not limited to, any animal that:

- A. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- B. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or to others in close proximity to the premises where the animal is kept or harbored.
- C. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- D. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.
- E. All animal complaints will be in writing, and will be submitted to the City Clerk’s office or to the Mayor for appropriate action. (Ord. No. 5-14-2006)
- F. A written ten (10) days’ notice to comply will be sent, after which, a citation to appear will be issued for the violator to appear in the Briarcliff Municipal Court. If he/she is found guilty of a misdemeanor, a Fifty Dollar (\$50.00) fine plus court costs will be assessed, second offense fine will be assessed at Seventy-Five Dollars (\$75.00) plus court costs and an additional Twenty-Five Dollars (\$25.00) to be added for each day that the violation continues. (Ord. No. 3-10-2007)

6.08.08 Wild animals Any living member of the animal kingdom other than cats, dogs, (registered wolves), and domestic farm animals (e.g., mountain lions, lions, tigers, bears, etc.) shall be classified as wild animals including those born or raised in captivity. No wild animals will be kept or maintained within the city limits.

6.08.09 R1-S zone In R1-S no animals, livestock, or poultry of any kind shall be raised bred or kept on any lot except that dogs, cats, and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. (Ord. No. 4-8-2006)

## **CHAPTER 6.12**

### **VICIOUS DOGS**

#### **Sections:**

6.12.01	Definitions
6.12.02	Warning signs
6.12.03	Enforcement
6.12.04	Seizing and impoundment
6.12.05	Proper facility
6.12.06	Written notice
6.12.07	Trespass
6.12.08	Lethal force
6.12.09	Fine

6.12.01 Definitions The following words and phrases shall for purposes of this ordinance have the following meanings:

**Dogs** – when used herein shall include animals of all ages, both female and male, which are members of the canine or dog family;

**Livestock** – goats, sheep, swine, cattle, horses, mules and domestic fowl;

**Owner** – every person, firm, partnership or corporation owning, keeping or harboring a dog within the city of Briarcliff;

**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.

**Vicious dog** – a dog that has an aggressive disposition to bite humans or any dog which has bitten or attempted to bite any person. This definition shall also include any dog which kills or attempts to catch, injure or kill any livestock or other dogs or cats. It shall be a defense to prosecution under this ordinance if the person the dog has bitten or attempted to bite was teasing the dog prior to the bite or attempted bite. (Ord. No. 2014-011, Sec. 1.)

6.12.02 Warning signs It shall hereafter be unlawful for any person, firm, partnership or corporation to keep within the city of Briarcliff any vicious dog unless warning signs are posted, and the said dog is muzzled and is confined in a pen such that he cannot run at large and thereby constitute a danger to other persons or animals.

In order to assure public safety, the animal owner shall provide a pen with a padlock locked in place consisting of a strong high chain link fence enclosure constructed so that the animal cannot climb, jump over, dig under or escape. If these measures are deemed insufficient, then the animal shall be destroyed. (Ord. No. 2014-011, Sec. 2.)

6.12.03 Enforcement The Mayor, the Briarcliff Marshal and other law enforcement officials authorized by the state are hereby authorized to enforce this ordinance. (Ord. No. 2014-011, Sec. 3.)

6.12.04 Seizing and impoundment Officers authorized to enforce the provisions of this ordinance are also authorized to seize and impound any dog deemed to be a vicious dog within the meaning of this ordinance under the following circumstances:

- A. The dog shall be seized and impounded when the dog has caused serious physical injury or death to a person; or
- B. The dog may be seized and impounded when the dog is running at large and causing public alarm because of its aggressive disposition and the owner cannot be immediately located to take possession and control of the dog; or
- C. The dog may be seized and impounded when the dog has injured or killed livestock, another dog or cat and the owner cannot be immediately located to take possession and control of the dog. (Ord. No. 2014-011, Sec. 4.)

6.12.05 Proper facility Seized and impounded animals shall be kept at some facility designed for the maintenance and care of such animals, and the costs thereof shall be chargeable to the owner of the animal if so ordered by the District Court of Baxter County – Briarcliff Department.

- A. If the vicious dog has been seized and taken to a facility as authorized herein, and if the dog has not caused serious physical injury or death to any person, then the owner of the dog may within fifteen (15) consecutive days reclaim the dog and the dog will be released to the owner upon payment of all daily maintenance fees in the usual amount charged by the facility. The facility having custody and care of the dog shall require government-issued photo identification to be presented by the owner of the dog, and such information shall be appropriately logged and recorded at the facility. The facility shall also require the owner to submit proof of current rabies vaccination for the animal that has been administered by a veterinarian.
1. If the owner fails or refuses to pay said fees, fails or refuses to provide photo identification or proof of current rabies vaccination, or if the owner does not appear to claim the dog within fifteen (15) consecutive days, the the Briarcliff Attorney shall petition the District Court to request a hearing to divest ownership of the dog from the owner and confer ownership to the city of Briarcliff.
  2. If ownership of the dog is transferred to the city by the District Court, the city may then dispose of the dog in the manner prescribed by the policies and procedures of the facility where the dog is being held or as otherwise ordered by the District Court.
- B. If the vicious dog, as defined in 6.12.01, has caused serious physical injury or death to any person, then the dog shall be seized by the appropriate officer or official and taken to a facility as authorized herein for the protection of the public health and safety. Upon proper notification to the Briarcliff Attorney by the officer having seized and impounded the dog, the Briarcliff Attorney shall immediately file a petition with the District Court to request a hearing to divest ownership of the dog from the owner and confer ownership to the city of Briarcliff, with dog then being disposed of in a manner provided for by the policies and procedures of the facility where it is being held or as otherwise ordered by the District Court. (Ord. No. 2014-011, Sec. 5.)

6.12.06 Written notice A vicious dog that has been seized by any authorized officer or official shall be taken to and shall remain at the appropriate place of custody or facility for a period of at least fifteen (15) consecutive days, including weekends and holidays, after written notice is given to and received by the owner. The written notice shall:

- A. Be given to the owner, if known, or shall be left at the last known address of the owner; and
- B. Contain a description of the dog seized, the date seized, the name and contact information of the law enforcement or Animal Control Officer seizing and impounding the dog, the location of the dog, and the reason for the seizure.
- C. If the owner of the dog cannot be determined, a written notice regarding the seizure of the dog shall be conspicuously posted where the animal is seized at the time the seizure occurs if practicable.
- D. After written notice is received by the owner or conspicuously posted under this section, the owner within fifteen (15) business days may claim the dog at the facility where it is being held in the manner prescribed under 6.12.05(A) herein, except if the dog has caused serious physical injury or death to another person, then the owner may not reclaim the dog from the facility, and the Briarcliff Attorney shall proceed in the manner prescribed under 6.12.05(B) herein.
- E. A diseased or injured dog seized under this ordinance may be appropriately treated for injury or disease without a court order, and it is subject to be euthanized without a court order when it is determined by a licensed veterinarian that euthanizing is necessary to prevent the suffering of the animal.
- F. Otherwise, the appropriate place of custody shall not alter or modify a dog in any manner, including without limitation the neutering, spaying or castration of the dog without either
  - 1. A written court order that is issued after a petition is filed by the Briarcliff Attorney requesting alteration or modification and a hearing involving all interested parties is held; or
  - 2. The written consent of the owner. (Ord. No. 2014-011, Sec. 6.)

6.12.07 Trespass It shall be a defense to prosecution under this ordinance if the person who has been attacked or bitten by a vicious dog has entered upon the property or premises of the owner of the dog for the purpose of committing any offence or criminal act punishable by law. (Ord. No. 2014-011, Sec. 7.)

6.12.08 Lethal force If, in the discretion of the Mayor, the Briarcliff Marshal or any other law enforcement official authorized by the state, capture of an animal believed to be vicious, uncontrolled and a threat to human safety poses too great a danger to the capturing officer or other human beings, lethal force may be used in order to prevent harm to human beings, livestock or domesticated animals. (Ord. No. 2014-011, Sec. 8.)

6.12.09 Fine Any person violating any portion of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the District Court of Baxter County-Briarcliff Department, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor in excess of Five Hundred Dollars (\$500.00) and/or the disposal of the vicious dog in the manner prescribed in this ordinance, provided that the District Court finds the dog to be a danger to other persons, property, livestock or other dogs or cats. (Ord. No. 2014-011, Sec. 9.)