

ORDINANCE NO. 865

"AN ORDINANCE CONCERNING DOGS, CATS AND OTHER ANIMALS RUNNING AT LARGE, PRESCRIBING PENALTIES FOR VIOLATION THEREOF, REPEALING SECTIONS 4-1 THROUGH 4-54 OF THE CODE OF ORDINANCES OF THE CITY OF MENA, ARKANSAS AND FOR OTHER PURPOSES."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENA, ARKANSAS:

Section 1. Definitions. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectfully ascribed to them:

At Large: Off the premises, controlled not by the owner or his immediate family by leash, cord, chain or otherwise and not muzzled.

Domesticated Animals: Animals which are kept as pets, such as dogs and cats.

Owner: Any person owning, keeping, or harboring any animal or fowl.

Undomesticated Animals: Horses, mules, cattle, goats, swine and other animals which are not domesticated.

Section 2: Running at Large.

No person shall allow any animal, whether domesticated or undomesticated, or fowl to roam, run, or be at large or on the premises of another within the City of Mena, Arkansas.

Section 3: Cruelty.

It shall be unlawful for any person to wrongfully abuse, cruelly treat, injure, or neglect any animal or fowl within the city limits of the City of Mena, Arkansas.

Section 4: Dogs and Cats Roaming at Large.

(a) It shall be unlawful for any owner to allow or permit a dog to run at large upon any public or private property within the City of Mena, Arkansas.

(b) For purposes of this section, the phrase "run at large" shall mean any dog not under the control of the owner either by leash, chain, cord, or other suitable material attached to the collar or harness, or not restrained securely within an enclosure or fence.

(c) Cats shall be under the total control and

responsibility of the owner at all times.

Section 5: Vaccination.

It shall be unlawful for the owner of any domesticated or animal to keep or maintain such domesticated or animal within the City of Mena unless it shall have been vaccinated with a anti-rabies vaccine, within one year preceding the date on which such domesticated animal is kept or maintained. The owner of every domesticated animal shall provide a tag, attached to a collar to be worn by each domesticated animal, showing that such domesticated animal has been vaccinated, the date of said vaccination to appear on said tag. The owner of every domesticated animal shall upon request, furnish proof of vaccination of each undomesticated animal, housed within the city limits of the Mena, Arkansas.

Section 6. It shall be unlawful for the owner or person having control over or custody of any dog or cat to transfer a vaccination or license tag from the animal for which that tag was issued to any other animal. Non-compliance with this particular provision of this Ordinance, shall constitute a violation and a penalty for said violation shall consist of a fine not to exceed \$100.00.

Section 7. License Required.

Every person owning, possessing, keeping, or harboring a dog or cat within the City of Mena shall obtain a license therefore.

Section 8. Application.

Any person desiring a license required by this provision shall make application therefore to the Office of Mayor/Clerk Treasurer, describing the dog to be licensed and the name and address of the applicant and owner.

Section 9. The fee for a license required by the provisions of this Ordinance shall be Five Dollars (\$5.00) for one animal and Two and 50/100ths Dollars (\$2.50) for each additional animal per year or as otherwise set by Resolution of the City Council from time to time.

Section 10. Tag.

Upon the issuance of a dog or cat license as required by the provisions of this Ordinance, the Clerk/Treasurer shall give the licensee a tag which shall bear the number of the license and the calendar year for which it was issued. Such license tag shall be attached at all times to the collar to be worn by the dog so licensed. It shall further be a requirement for owners of cats to retain the license issued for said cat, and to produce those upon request of the animal control officer or such other officer as designated by the City. It shall be unlawful for anyone other than the owner to remove such license tag from a dog for which said license was issued or for anyone to attach such license tag to a dog for which such tag was not issued.

IMPOUNDMENT OF ANIMALS.

Section 11. Pound Authorized.

City Animal pound is hereby authorized and shall be located at a place to be designated by the Mayor of the City of Mena.

Section 12. Supervision.

Supervision of the City Animal Pound shall be under the Chief of Police, and his successor in office, and who may delegate duties to a pound master, which position is hereby authorized and created. Said pound master is so appointed shall be responsible for all the duties regarding dogs and/or other animals as it is set out in this Ordinance.

Section 13. Authority.

It shall be the duty of the pound master to seize and impound, subject to the provisions of this article all animals, whether domesticated or undomesticated, found in violation of the provisions of this chapter within the city, whether such animals shall be in the immediate presence of its owner or custodian or otherwise.

Section 14. Right of Entry.

If a complaint is registered, the pound master is hereby authorized to enter upon any unfenced lot, track, or parcel of land for the purpose of seizing and impounding any animal found therein

within the city limits of the City of Mena, in violation of this chapter.

Section 15. Register.

The pound master upon impounding or receiving any animal under the provisions of this article, shall make a complete registry of such animal, entering the breed, color and sex of the animal and whether the animal has been vaccinated, and the time and place of taking such animal into custody and said registry or report, shall be submitted to City Hall with a copy to be also submitted to the office of Chief of Police of Mena, Arkansas.

Section 16. Right to Redeem.

The owner of any animal which has been impounded under the provisions of this Ordinance shall have the right to redeem the same upon payment of any and all fees which may be due and payable for the impoundment of such animal; providing, however, payment of such impoundment fees shall not bar the imposition of any fine which may be imposed for the violation of this chapter.

Section 17. Time for Redemption.

All impounded animals shall be redeemed within five (5) days after same was impounded. Any such animal not redeemed within such time may be sold, adopted, disposed or otherwise destroyed.

Section 18. Fees.

The following fees shall be charged for the impoundment of any animal under the provision of this article:

- (a) First redemption within the calendar year \$10.00.
- (b) Second redemption within the calendar year \$15.00.
- (c) Third redemption within the calendar year \$25.00.

Whenever any animal is impounded an additional fee of Three Dollars (\$3.00) shall be charged for each day, or fraction thereof, of impoundment for feeding and caring for such animal.

Section 19. Redemption of Unvaccinated Animals.

The owner of any impounded domesticated animal which has not been vaccinated as required by this Ordinance, upon satisfactory proof of ownership, may redeem his animal by making a deposit of \$15.00 with the pound master, and shall be allowed 24

hours to get such animal vaccinated. If such owner fails to procure a vaccination certificate within such 24 hour period, deposit shall be forfeited and the animal shall be impounded again.

Section 20. Redemption of Person Other Than the Owner.

If the owner of any animal impounded under this article shall fail to redeem his animal within the time allowed for redemption, any other person may, upon complying with all the provisions of this article, redeem the animal from the pound and be the lawful owner of the animal thereafter upon payment of such redemption fees and other fees as are provided for in this ordinance.

Section 21. Disposition of Unredeemed Animals.

All animals impounded by the pound master and reported to City Hall and to the Office of Chief of Police by the pound master shall at the expiration of the five (5) day period if yet unclaimed, be disposed of by and at the discretion of the Chief of Police and the pound master.

Section 22. Disposition of Funds.

All monies received and collected under the provisions of this article shall be deposited into the general fund of the City of Mena, Arkansas.

Section 23. The pound master shall file such reports of his activities under the provisions of this article, under oath, as are required by the Mayor and Council from time to time.

Section 24. This Ordinance, specifically repeals Ordinance No. 277, Ordinance No. 558, Ordinance No. 570, and Ordinance No. 640 in their entirety, and further, this Ordinance repeals specifically Articles I, II and III of Chapter 4 of the Code of Ordinances of the City of Mena, Arkansas as well as any and all other Ordinances with which the provisions of this Ordinance may be in conflict.

Section 25. It is ascertained and declared that the animal control problem in the City of Mena, Arkansas endangers the health, safety, life and well being of the inhabitants of the City of Mena, and that in order to protect the safety of the inhabitants and

their lives from disease and other dangers, the restrictions and provisions of this Ordinance should be implemented. It is Therefore, declared that this Ordinance shall be in full force and effect sixty days after its passage and publication thereof, as provided by Arkansas Statute.

PASSED: May 16, _____, 1989.

APPROVED: *Jerry Montgomery*
JERRY MONTGOMERY, Mayor

ATTEST: *Regina Walker*
REGINA WALKER, Clerk-Treasurer