

## TITLE 6

### ANIMALS AND FOWL

#### Chapters:

- 6.04 Dogs and Cats
- 6.05 Wild Animals
- 6.08 Other Animals and Fowl
- 6.09 Deer and Deer Hunts
- 6.12 Humane Society Contract with City Council

#### CHAPTER 6.04

### DOGS AND CATS

#### Sections:

- 6.04.01 Definitions of terms
- 6.04.02 Vicious dogs or cats
- 6.04.03 Limitations on number of dogs or cats
- 6.04.04 Vaccination
- 6.04.05 Dangerous or diseased animals
- 6.04.06 Impoundment/confinement of certain dogs or cats
- 6.04.07 Reclaiming dog or cat, fee
- 6.04.08 Notice of offense and violations, arrest
- 6.04.09 Penalty
- 6.04.10 Control

#### 6.04.01 Definitions of terms

**At Large** means any dog or cat not confined to the premises of the owner or within a house or other building or enclosure or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog or cat from escaping and restricting the dog or cat to the premises or not confined by leash or confined within an automobile when away from the premises of the owner.

**City** means all the land encompassed inside the corporate limits of Heber Springs, Arkansas.

**Dogs or Cats** includes animals of all ages, both male and female, which are members of the dog or cat family.

**Masculine gender** includes the feminine and neuter genders.

**Muzzle** when required by this ordinance, shall be of appropriate material with sufficient strength to restrain the dog or cat from biting and no muzzle employed shall be made from any material or maintained on the dog or cat in any manner so as to cut or injure the dog or cat. (Ord. No. 401, Sec. 1)

**Nuisance** means any animal which damages, soils, defiles or defecates on private property other than the owner's or public walks and recreation areas; causes unsanitary, dangerous or offensive conditions, causes a disturbance by excessive barking or other noise making, molests, attacks, or interferes with persons or their private property or in the public right-of-way or chases vehicles or attacks domestic animals. (Ord. No. 451)

**Owners** means every person owning, keeping or harboring a dog or cat or more than one (1) dog or cat.

**Person** includes a corporation, partnership or other legal entity.

**Singular** includes the plural and the plural includes the singular.

**Vaccination** means injection of any vaccine for the prevention of rabies approved by the State Veterinarian and administered by a licensed veterinarian or agent of the County Health Department or other person authorized to administer the same by law. (Ord. No. 90-4, Sec. 1)

**Vicious Dog or Cat** means any dog or cat which has a disposition to bite humans and any dog or cat which has bitten or attempted to bite any person within the twelve (12) months immediately past. However, the fact that a dog or cat has bitten or attempted to bite some person when that person was teasing the dog or cat shall not constitute the dog or cat as a vicious dog or cat within the meaning of this ordinance. (Ord. No. 2005-5, Sec. 1.)

6.04.02 Vicious dogs or cats It shall be unlawful any person to keep within the city any vicious dog or cat unless such dog or cat is muzzled or confined in a pen or tied in such a manner that he cannot bite mail carriers, delivery men or other licensees or invitees coming onto the premises where said dog or cat is kept. (Ord. No. 401, Sec. 1)

6.04.03 Limitation on number of dogs or cats It shall be unlawful for any person to own, keep or harbor more than four (4) dogs and/or cats over three (3) months old within the city, except that this provision shall not apply to proprietors of dog or cat hospitals, veterinarians, Humane Society shelters and Animal Control shelters when such dogs or cats are kept upon



premises used by such dog or cat hospitals, veterinarians, Humane Society shelters and Animal Control shelters as their normal place of business. The keeping of more than four (4) dogs and/or cats on the premises of the owner shall be prima facie evidence of violation of this section, and the burden of proof shall be on the owner to show the ages of such dogs and/or cats. (Ord. No. 2005-5, Sec. 2)

6.04.04 Vaccination No person shall own, keep or harbor any dog or cat within the corporate limits of the city of Heber Springs unless such dog or cat has been effectively immunized against rabies by vaccination. All dogs and cats shall be re-immunized annually on or before the anniversary date of the dog's or cat's first immunization. Every owner is required to secure a metallic vaccination tag at the time his/her dog or cat is immunized and to securely fasten such a tag to a collar, which must be worn by the dog or cat at all times while inside the corporate limits of the city of Heber Springs. At the time of vaccination, the animal license fee as herein provided for shall also be paid. There is hereby levied an animal license fee on each dog or cat six (6) months of age or older kept in the corporate limits of this city. The license fee shall be Three Dollars (\$3.00) for neutered male or female dogs or cats and Five Dollars (\$5.00) for unneutered male or female dogs or cats. This license may be purchased from licensed veterinarians approved by the city to issue such license and collect the fee therefore. The fees for the veterinarian's service in this regard shall be set by agreement between the respective veterinarian and the Mayor. Such license shall be valid for one (1) calendar year and shall be renewed on or before the anniversary date of the initial licensing of such dog or cat. Upon proof of vaccination within the previous year, the owner may purchase such license from the office of the City Clerk/Treasurer. (Ord. No. 90-4, Sec. 3)

6.04.05 Dangerous or diseased animals The members of the Police Department, Animal Control Officer or Licensed Veterinarians are authorized to destroy or otherwise dispose of any dangerous animal of any kind that is necessary for the protection of any person or property. The Animal Control Officer is authorized to destroy or otherwise dispose of any diseased animal upon a determination by a licensed veterinarian that the animal is diseased and that it would be inhumane to attempt veterinary treatment of such animal. (Ord. No. 90-4, Sec. 4)

6.04.06 Impoundment/confinement of certain dogs or cats When any dog or cat has bitten, scratched or otherwise attacked a person, such person or anyone having knowledge of said incident shall immediately notify the Chief of Police or Animal Control Officer. Such dog or cat shall be confined in the City Animal Shelter or other facility approved by the city for a period of ten (10) days at the expense of the owner and such dog or cat shall during such period of confinement be subject to inspection by the County Health Department, Animal Control Officer or a licensed veterinarian. (Ord. No. 90-4, Sec. 7)

6.04.07 Reclaiming dog or cat, fee Any person owning, possessing or harboring a dog or cat which has been allowed to run at large within the city and which has been impounded may claim and retrieve such dog or cat from the City Animal shelter or facility approved by the city by paying all fees incurred by the city, by paying all pound fees, and by paying any other fees required in this ordinance. (Ord. No. 90-4, Sec. 10)

6.04.08 Notice of offense and violation, arrest The City Police Department, Animal Control Officer or any authorized employee of the city are authorized, for violation of any portion of this ordinance, to give to the offender a "Notice to Appear" in the District Court of the city. Such notice to appear shall be signed by the person having knowledge of such violation and who is an official named herein. The notice shall contain a printed statement in which the violator promises to appear in the District Court without issuance of any warrant or other process and such statement is to be signed by the violator. Upon failure to sign the agreement to appear, the officer or employee shall follow the procedure required by law for the filing of criminal charges in the District Court and such procedure shall govern the arrest and trial of the suspected violator. Upon the violator's signing of the agreement to appear and his making the appearance set forth in the notice, no warrant shall be issued for the arrest of the violator. (Ord. No. 90-4, Sec. 12)

6.04.09 Penalty Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and punished by a reasonable fine of not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00) and if such violation be a continuing one, each day's violations shall be deemed a separate offense. (Ord. No. 389, Sec. 21)

#### 6.04.10 Control

##### A. Definitions

**At large** An animal is at large when the animal is:

1. Off the premises of the owner without restraint by leash or other like device attached to the animal's collar, held by a person competent to control said animal, or
2. On the premises of the owner/keeper without restraint by leash or other like device attached to the animal's collar and not under the control of a responsible person.

**Control** An animal shall be considered under control if:

1. It is on the premises of its owner, and is under the direct supervision of a responsible person having an interest in the animal, and the animal remains on the premises without becoming a threat to other persons or animals proximal to the property; or
2. It is confined to the premises of its owner by a physical structure, such as within a house, garage, fence, other building, or enclosure, or



3. It is secured by a leash/lead of sufficient strength to prevent it from escaping, or
4. When away from the premises of the owner, it is confined in an automobile with proper ventilation.

- B. Nuisance Any person owning, possessing, supervising, or keeping a dog(s) shall control said animal(s) in such a manner as to keep the animal(s) from constituting either a private nuisance to the adjoining property owners or to the public in general.
- C. At large No person shall permit any dog which they own, possess, are supervising or keeping, to be at large as set forth in this ordinance.
- D. Penalty Failure to comply with the provisions of this section shall constitute a violation and will subject the person or persons to fines as follows: First offense: \$110.00, Second offense: \$115.00, Third and subsequent offenses: \$125.00. (Ord. No. 2010-14, Sec. 1.)

HEBER SPRINGS ANIMAL SHELTER

ADOPTION \_\_\_\_\_ REDEMPTION \_\_\_\_\_

IN ADOPTING THIS ANIMAL, I DO SO WITH THE KNOWLEDGE THAT IT IS A  
STRAY AND THE HEBER SPRINGS ANIMAL SHELTER DOES NOT GUARANTEE ITS  
HEALTH. IF ADOPTED OR REDEEMED, I AGREE TO FOLLOW ALL CITY AND STATE  
ORDINANCES CONCERNING OWNERSHIP OF ANIMALS.

SIGNATURE

ADDRESS

PHONE

BREED \_\_\_\_\_ MALE \_\_\_\_\_ FEMALE \_\_\_\_\_ AGE \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ SHELTER TAG \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ RECEIPT# \_\_\_\_\_

OFFICER \_\_\_\_\_

HEBER SPRINGS ANIMAL SHELTER

BREED \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

MALE \_\_\_\_\_ FEMALE \_\_\_\_\_ AGE \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

NAME \_\_\_\_\_ SHELTER TAG# \_\_\_\_\_

LOCATION \_\_\_\_\_

COMPLAINT \_\_\_\_\_ ON VIEW \_\_\_\_\_ RELEASE \_\_\_\_\_ STRAY \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

HOUSEBROKEN \_\_\_\_\_ GOOD WITH CHILDREN \_\_\_\_\_

SPRAYED \_\_\_\_\_

DISTEMPER \_\_\_\_\_ RABIES \_\_\_\_\_

REMARKS \_\_\_\_\_

DISPOSITION OF ANIMAL \_\_\_\_\_

I HEREBY SURRENDER THE ABOVE ANIMAL TO THE HEBER SPRINGS ANIMAL  
SHELTER TO BE DISPOSED OF AT THE DISCRETION OF THE CITY OF HEBER  
SPRINGS, ARKANSAS. SIGNED \_\_\_\_\_ OFFICER \_\_\_\_\_

**CHAPTER 6.05****WILD ANIMALS****Sections:**

- 6.05.01 Definition of wild animal
- 6.05.02 Prohibitions
- 6.05.03 Jurisdiction and enforcement
- 6.05.04 Penalty

6.05.01 Definition of wild animal "Wild Animal" means any living member of the animal kingdom, excluding the following:

1. Human beings;
  2. Domestic dogs, including hybrids with wolves, coyotes or jackals;
  3. Domestic cats, excluding hybrids with ocelots or margays;
  4. Domestic horses;
  5. Asses/donkeys;
  6. Cattle;
  7. Swine;
  8. Sheep;
  9. Goats;
  10. Poultry;
  11. Hamsters;
  12. Guinea pigs;
  13. Domesticated races of rats or mice (white or albino, trained, laboratory reared);
  14. Rabbits;
  15. Parrots, parakeets, ducks, finches, doves and pigeons;
  16. Canaries;
  17. Captive bred canaries;
  18. Goldfish; and
  19. Common aquarium fish.
- (Ord. No. 93-13)

**6.05.02 Prohibitions**

- A. No person, firm, corporation or organization may own, possess or have custody of any wild animal within the corporate limits of the city of Heber Springs.
- B. No person, firm, corporation or organization may sponsor, promote or train a wild animal to participate in, contribute to the involvement of a wild animal in any activity or event in which any wild animal engages in unnatural behavior or is wrestled or fought. (Ord. No. 93-13)



6.05.03 Jurisdiction and enforcement The City Police Department, Animal Control officer or any authorized employee of the city, are authorized, for violation of any portion of this chapter, to give to the offender a "Notice to Appear" in the District Court of the City. Such Notice to Appear shall be signed by the person having knowledge of such violation and who is an official named herein. The notice shall contain a printed statement in which the violator promises to appear in the District Court without issuance of any warrant or other process and such statement is to be signed by the violator. Upon failure to sign the agreement to appear, the officer or employee shall follow the procedure required by law for the filing of criminal charges in the District Court and such procedure shall govern the arrest and trial of the suspected violator. Upon the violator's signing of the agreement to appear and his making the appearance set forth in the Notice, no warrant shall be issued for the arrest of the violator. (Ord. No. 93-13)

6.05.04 Penalty Any person, firm, corporation or organization firm, corporation or organization violating any provisions of this chapter shall be deemed guilty of a misdemeanor and punished by a reasonable fine of not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00) and if such violation be a continuing one, each day's violations shall be deemed a separate offense. (Ord. No. 93-13)

## CHAPTER 6.08

### OTHER ANIMALS AND FOWL

Section:

- |         |                       |
|---------|-----------------------|
| 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 | Fowl                  |
| 6.08.06 | Penalty               |

6.08.01 Horses and cows

- 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 deemed to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.

- B. Keeping of horses and cows within the corporate limits of the city are permitted where they are maintained on and in enclosed pasture containing one (1) acre for each animal. Enclosure shall be adequate to contain the animals.
- C. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the proper law enforcement official. 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.

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; except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.

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

6.08.04 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.

6.08.05 Fowl It shall be unlawful for any person to own, possess or have control of any fowl within the corporate limits of the city of Heber Springs, Arkansas, except as specifically provided herein.

- A. Subject to the provisions of this chapter, the keeping of small chickens is permitted within the corporate limits of the city of Heber Springs.
  - 1. Residents may keep up to four (4) chickens (hens only, no roosters);
  - 2. Chickens must be kept in a pen or coop. The coop must provide for at least four (4) square feet of area per bird over four (4) months of age, and one hundred (100) feet of run in required.
- B. Chickens will not permitted if they have been declared a nuisance by the Heber Springs Police Department or Animal Control Officer.



6.09.04 Regular deer hunt A regular deer hunt (bow only) will be allowed in the corporate limits of Heber Springs, starting in, and coinciding with the Arkansas Game and Fish Commission Regular Bow Season of 2006/2007, and to be allowed every year thereafter. (Ord. No. 2006-15, Sec. 1.)

6.09.05 Regulations Regulation of deer hunting (bow only) in the corporate limits of Heber Springs shall be controlled by the regulations of the Arkansas Game and Fish Commission, including but not limited to, such matters as bag limit, season length, and penalties for violations. The City Council of Heber Springs may pass additional ordinances concerning such bow hunt to be effective within the corporate limits. (Ord. No. 2006-15, Sec. 2.)

6.09.05 Vote The issue of a deer hunt (bow only) in the corporate limits of Heber Springs, as provided for herein, shall be submitted to a vote of the citizens within the city during the Primary Election to be held in May, 2006. (Ord. No. 2006-15, Sec. 3.)

6.09.06 Application If the issue of a bow hunt within the city is approved at an election for that purpose, then the provisions of the Heber Springs Municipal Code with regard to the discharge of arrows shall not apply during the season, but only if a person is engaging in deer hunting with a bow. (Ord. No. 2006-15, Sec. 4.)

## CHAPTER 6.12

### HUMANE SOCIETY CONTRACT WITH CITY COUNCIL

#### Sections:

- 6.12.01 Spay/Neuter Program
- 6.12.02 Terms

6.12.01 Spay/Neuter Program The Mayor and Clerk of the city of Heber Springs are hereby authorized to enter into a contract with the Heber Springs Humane Society for the provision of service for the city. (Ord. No. 2007-1, Sec. 1.)

6.12.02 Terms The term of this contract shall begin upon the date of passage of this ordinance and execution of the contract, end upon Dec. 31, 2007, and may be renewed annually by the parties. (Ord. No. 2007-1, Sec. 2.)



- C. The keeping of a rooster(s) is not permitted within the corporate limits of the city of Heber Springs.
- D. All pens, houses and enclosures where small livestock or poultry are kept shall be a minimum of one hundred (100) feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business establishment of the livestock's owner. (Ord. No. 2010-24, Sec. 1.)

6.08.06 Penalty Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and punished by a reasonable fine of not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00) and if such violation be a continuing one, each day's violations shall be deemed a separate offense. (Ord. No. 90-4, Sec. 17)

## **CHAPTER 6.09**

### **DEER AND DEER HUNTS**

#### Sections:

- 6.09.01 Deer in city limits
- 6.09.02 Feeding deer
- 6.09.03 Fine
- 6.09.04 Regular deer hunt
- 6.09.05 Regulations
- 6.09.06 Vote
- 6.09.07 Application

6.09.01 Deer in city limits It shall be unlawful for any person, firm, corporation, or organization, to keep, maintain or permit to run at large within the corporate limits of the city, any deer. The violation of this section is hereby declared to be a misdemeanor and punishable as provided in this ordinance. (Ord. No. 2006-22, Sec. 1.)

6.09.02 Feeding deer It shall be unlawful for any person, firm, corporation, or organization, to provide any form of food, by any means, for the feeding of deer within the corporate limits of the city. The violation of this section is hereby declared to be a misdemeanor and punishable as provided in this ordinance. (Ord. No. 2006-22, Sec. 2.)

6.09.03 Fine Any person, firm, corporation, or organization violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not less than Twenty-Five Dollars (\$25.00), and no more than One Hundred Dollars (\$100.00). If such violation is a continuing one, each day's violation shall be deemed a separate offense. (Ord. No. 2006-22, Sec. 3.)

	2nd offense	\$115.00
	3rd offense	\$125.00
Chapter III. Section 2	Vaccination violations	\$110.00
Chapter III. Section 4	Nuisance - General violation	\$110.00
Chapter III. Section 4	Nuisance - Excess barking/howling violation	\$110.00
Chapter III. Section 5	Vicious/Dangerous Animal violation	\$125.00
Chapter IV. Section 1	Cruelty to animals (Class A misdemeanor)	\$375.00
Chapter V. Section 1	Possess wild animal in city limits	\$115.00
Chapter XI.	General livestock violations (other than those specifically listed in this section)	\$110.00
Chapter XI. Section 1	Livestock roaming on street/hwy	\$200.00
Chapter XI. Section 1	Livestock pen violation	\$175.00
Chapter XII. Section 1	Feeding deer in city limits	\$110.00

All administrative fees, including, but not limited to the following, are in addition to the fines amounts stated above: court costs, bonds fees, jail fees, probation fees, and payment plan fees.

(b) General Penalties: Any other fines for violation of this ordinance not specifically noted in this Chapter shall be established by the general penalty clause for the Heber Springs Code of Ordinances as may now or hereafter be enacted by the Heber Springs City Council.

## **SECTION 2. EMERGENCY CLAUSE**

It is hereby found and determined that the passage of this Ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and therefore, this Ordinance shall be in full force and effect from and after its passage and approval.

## **SECTION 3. PRIOR ORDINANCES REPEALED**

Ordinance numbers 389, 401, 470, 1990-4, 2005-5 (Codified in the Heber Springs Municipal Code as Title 6) are hereby repealed with the passage of this Animal Control Code.

## **SECTION 4. CODIFICATION**

This ordinance shall be codified in the Code of Ordinances, and the sections may be renumbered or relettered to accomplish such intention.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
MAYOR OF HEBER SPRINGS  
JACKIE MCPHERSON

ATTEST: \_\_\_\_\_  
CITY CLERK