

ORDINANCE NO. 2019-04

AN ORDINANCE TO ADOPT ANIMAL CONTROL
REGULATIONS FOR THE CITY OF FARMINGTON, ARKANSAS

WHEREAS, the city adopted Animal Control Regulations in 2006 to replace in its entirety all ordinances previously passed in the City of Farmington; and

WHEREAS, numerous statutes have been enacted in recent years and the city has entered into an Interlocal Agreement with the Lester C. Howick Animal Shelter that is owned and operated by Washington County; therefore, it is necessary to adopt new and updated regulations to replace the regulations pertaining to animal control and reflect the provisions of the Interlocal Agreement with the Washington County Shelter.

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

Section 1: That Animal Control Regulations for the incorporated boundaries of the City of Farmington are hereby adopted and attached hereto as Exhibit "A" and incorporated herein in their entirety.

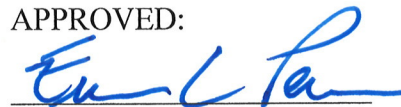
Section 2: Repealing Clause. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3: Severability Clause. In the event any part of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Section 4: Emergency Clause. That the city council of the City of Farmington, Arkansas further determines that it is necessary for the protection of health and safety of the citizens of Farmington and the general welfare of animals within the city boundaries; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the ordinance has been published as required by law.

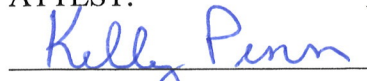
PASSED AND APPROVED this 10th day June, 2019.

APPROVED:



Ernie Penn, Mayor

ATTEST:



Kelly Penn, City Clerk

ANIMAL CONTROL REGULATIONS

ARTICLE ONE - GENERAL PROVISIONS

Definitions:

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them, unless and except where the context clearly indicates a different meaning.

Abandoned. Any person in possession of an animal who knowingly refuses to provide care or properly house an animal as defined by these provisions; and further, abandoned means to desert, surrender or relinquish ownership and control.

Animal. Any living creature, domestic, exotic or wild.

Animal control officer. Any person designated by the mayor who is qualified to perform such duties under the ordinances of the City of Farmington, the animal control regulations and the laws of this state.

Animal Control Regulations. The regulations and penalties for violations as promulgated herein, which are also referred to as the "Code".

Aggressive behavior. Animal behavior that includes growling, baring teeth, snarling and/or lunging at a person or another animal.

Attack. Aggressive behavior by an animal that culminates into biting or scratching a person or another animal.

Bite. The term "bite" or "bitten" means any actual abrasion, scratch, puncture, tear, bruise or piercing of the skin caused by any animal which is actually or is suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

Cat. A feline of either sex, including cats that have been neutered or spayed.

City. City of Farmington, Arkansas.

Consumer. Any individual purchasing an animal from a retail pet store. A retail pet store shall not be considered a consumer.

Direct point chaining. Attaching an animal directly to a stationary object by means of a leash, rope, chain, cable or other material attached to the dog's collar or harness but does not include temporary restraint of a dog for purposes of vehicular transport.

Dog. A canine of either sex, including one neutered or spayed.

Domesticated animal. An animal that has adapted to life in close association with and to the advantage of humans, such as animals that are kept by humans as pets or as livestock.

Electronic containment device. A transmitter/receiver system for the confinement of dogs which consists of (1) a boundary wire that emits a radio signal, and (2) a battery-operated electronic device on the dog's collar which receives the radio signal and emits an audible warning beep and a corrective electrical stimulus as the dog approaches the wire.

Enclosure. A fence, pen, or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping. Owners confining dogs or cats by means of an enclosure must provide a minimum space of 100 square feet (10x10) per dog or cat four (4) months of age or older.

Euthanasia. The humane killing of an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death which is administered by a licensed veterinarian or a euthanasia technician licensed by the Drug Enforcement Administration and certified by the Department of Health.

Exotic animals. An animal that is not indigenous to or characteristic of North America, but not including commonly domesticated breeds of dogs, cats, and birds.

Feral cat. A cat that is untamed and evasive that was either born in the wild and lacks socialization or a cat that is living in the wild after being abandoned by its owner, without a permanent, indoor home.

Free-roaming cats. A cat who may be cared for by one or more residents of the immediate area (also known as community cats) who is/are known or unknown; a community cat may or may not be feral.

Habitual animal offender. Any animal owner or harbinger, who within any 12-month period, is charged with five (5) violations, arising out of separate incidents of this title which pertains to animals from which conviction, guilty plea, no contest plea, deferred judgment, or plea bargain results. The controlling date is the date of each animal ordinance violation, not the date of the plea entered, or the conviction resulting therefrom.

Harbor. For a period of three days or more, to keep and care for an animal or provide premises to which the animal returns.

Hobby Kennel. A hobby kennel is a noncommercial kennel at or adjoining a private residence, where more than five (5), but no more than ten (10) adult dogs are bred or kept for exhibition, for organized shows, field, working, and/or obedience trials, or for the enjoyment of the species. Adult dogs are dogs that are over 6 months of age.

Kennel. An enterprise wherein or whereupon the business of grooming or boarding dogs, or breeding dogs for sale, and selling such dogs, is carried on, and which does not in its usual course of business acquire dogs for resale to the public.

License. A license receipt and metal tag issued by the city after remittance of the levied permit fee and providing a certification from a licensed veterinarian to prove that an animal is vaccinated against rabies in accordance with this Code and Arkansas state laws.

Owner. Any person who:

- (1) Has a right of property in a dog, cat or other animal;
- (2) Keeps, harbors, cares for, or acts as the custodian of a dog, cat, or other animal; or
- (3) Knowingly permits a dog, cat, or other animal to remain on or about any premises occupied by him or her.

Person. Any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any other legal entity.

Pet. The term “pet” shall be used interchangeably when referring to a dog, cat or other animal and used for abbreviation where so indicated in the Code.

Provocation. As used herein, provocation means causing a dog to bite or attack by:

- (1) Any intentional or accidental act of pulling, pinching, squeezing, kicking, hitting or striking the dog with an object or a part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling or baring of its teeth;
- (2) Any sudden motion toward the dog or any attempt or threat to kick, hit or strike the dog with an object or part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling, or baring of its teeth;
- (3) Any act of teasing or tormenting the dog;
- (4) Any act of grabbing, touching or holding of the dog's young or any sudden motion toward the dog's young;
- (5) Any act of holding, kicking, hitting, striking, or otherwise physically harming the dog's owner or other member of the dog owner's household;
- (6) Entry into the dog's area of confinement without the owner's presence, provided that this definition does not apply if the dog is confined in a particular manner for the purpose of causing provocation to prevent legal access to the premises in violation of this article; or
- (7) Any act of breaking and entering, or other unlawful entry, into the dog owner's residence, vehicle, or other property.

Public nuisance. Any animal or animals which:

- (1) Assaults, harasses or lashes out at passersby or passing vehicles.
- (2) Attacks other animals.
- (3) Trespasses on school grounds.
- (4) Is repeatedly at large.
- (5) Damages public or private property.
- (6) Interferes with refuse collection, spreads trash from refuse containers; or assaults, harasses or lashes out at utility meter readers.
- (7) Barks, whines, or howls in excessive, continuous, fashion or at untimely and unreasonable intervals.

Rabies quarantine services. Includes, but is not limited to, food, water, shelter, basic veterinary care during normal working hours, isolation of the animal from the public, and potential euthanasia.

Restraint. Any animal secured by leash or lead or under the control of an owner or one who harbors an animal.

Retail pet store. Any room or group of rooms, run, cage, compartment, exhibition pen, or tether, any part of which is within the State of Arkansas, wherein any animal is sold or kept, displayed, or offered for sale, to the public. It excludes kennels and catteries which sell animals directly to consumers. Also excluded are duly authorized animal shelters and duly incorporated humane societies dedicated to the care of unwanted animals which make those animals available for adoption, whether or not a fee for such adoption is charged. As used in this chapter, the term "retail pet store" includes its owners, officers, agents, operators, managers, and employees, and refers to any such enterprise whether in fact registered or not.

Running at large. Not under the physical control of the animal's owner, an authorized representative of the owner, or one who harbors the animal, either by leash, cord, chain, fence, or enclosure of sufficient strength or construction to contain the animal. An animal intruding upon the property of another person or upon public property and not under the physical control referred to herein shall be deemed "running at large." An animal within an automobile or other vehicle shall not be deemed "running at large" if the animal is physically confined to the vehicle. An animal shall not be considered "at large" when accompanied by the owner and under the physical control of the owner either by leash, cord, or chain.

Service animal. A dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, as defined by the Americans with Disabilities Act. Does not include an animal that is considered an "emotional support" animal unless it is also a trained service animal.

Shelter. The Lester C. Howick Animal Shelter in Fayetteville, Arkansas, which is owned and operated by Washington County, Arkansas to provide sheltering services for municipalities pursuant to Interlocal Agreements. When the term is used herein, it includes the shelter facilities and the personnel therein.

Sheltering Services. Includes, but is not limited to, food, water shelter, basic veterinary care during normal working hours, rabies quarantine services, impoundment, and potential euthanasia.

Stray Animal. A stray animal is defined as an animal that has no identification, such as a city tag, rabies tag or implanted microchip to allow an animal control officer or a law enforcement officer to determine the ownership of the animal; and further defined as an animal that has not been claimed by its owner.

Tether. A rope, chain, or cable of appropriate strength that is firmly anchored to the bed of an open bed pickup truck or similar vehicle in at least two places. Tether is to be used to restrain the animal and fastened to the animal by means of a harness or collar and to be the appropriate length as to afford the animal freedom to move about the vehicle, but to restrict the animal to a set radius to prevent it from reaching either side or the rear of the vehicle to prevent the animal from being thrown from, or fall from, or jump from the vehicle.

Tort. An act or omission that gives rise to injury or harm to another and amounts to a civil wrong for which courts impose liability.

Trap-Neuter-Return. The process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning free-roaming or community cats to their original location.

Trolley system. A confinement system utilizing cables and a pulley. Only one (1) dog may be on each trolley system. The cable must be attached to a properly fitting collar or harness and be at least eight (8) feet in length. The trolley cable must be fixed to two (2) permanent points and no less than ten (10) feet long and mounted four (4) to seven (7) feet off the ground. There must be a swivel on at least one (1) end of the affixed cable to prevent entanglement and have the ability to slide on the horizontal cable with a stop at each end. No obstructions shall be in the trolley area. The system shall provide adequate room for normal postural adjustments, for exercise and access to water, food, and shelter.

Vaccination: The injection, subcutaneously or otherwise, of antirabic vaccine, as approved by the United States Department of Agriculture or the State board of Health and administered by a licensed veterinarian or agent of the Department of Health.

Vicious animal. Any animal which, unprovoked, approaches in a manner or attacks any person or domestic animal upon the streets, sidewalks, any other public ground or place and private property. The term and defenses to the designation of “vicious” are further defined in this Code.;

Wild animal. Any nonhuman primate, raccoon, skunk, fox, wolf, coyote, poisonous snake, leopard, panther, tiger, lion, lynx, or any other cold- or warm-blooded animal that can normally be found in the wild state, or the offspring borne to wild animals bred with domestic dogs or cats.

ARTICLE TWO – MINIMUM CARE FOR DOGS, CATS AND OTHER ANIMALS

2.1. Animal shelter.

- (a) All dogs, and other domesticated animals (also referred to as “pet” or “pets”), shall have continuous access to a structurally sound, moisture-proof and windproof animal shelter large enough to keep the animals reasonably clean and dry.
- (b) An animal shelter which does not protect animals from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.
- (c) An animal’s shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the pet contracting disease, being injured or becoming infested with parasites.
- (d) Every owner of a pet shall maintain its pen and premises as not to constitute either a nuisance to adjoining property owners or a nuisance to the public generally. Pens or structures in which animals are confined or maintained shall be cleaned regularly so as to prevent offensive odors which would disturb a reasonable person in their residence, or at their workplace. The animals shall be confined or restrained in such a fashion that sound therefrom shall not be disturbing to such persons.

2.2. *Nutrition.*

- (a) It shall be unlawful for any person keeping or harboring any pet to fail, refuse or neglect to provide such pet with clean, fresh, potable water adequate for the pet's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighted or secured to prevent tipping.
- (b) It shall be unlawful for any person keeping or harboring any pet to fail, refuse or neglect to provide such pet with wholesome foodstuff suitable for the pet's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the pet.

2.3. *Exercise.*

- (a) The enclosure or confinement area for a pet shall encompass sufficient usable space to keep the animal in good condition.
- (b) When a pet is confined by means of a tether and cable run, the trolley system shall be configured to allow access to the maximum available exercise area.
- (c) When a dog, in particular, is confined outside by means of an enclosure or an electronic containment device, the following minimum space requirements shall be met:
 - (1) *Large dog.* For a dog that is larger than twenty (20) inches at the withers or that weighs more than fifty (50) pounds, the minimum confinement area per dog is one hundred (100) square feet.
 - (2) *Medium dog.* For a dog that is larger than twelve (12) inches at the withers and up to twenty (20) inches at the withers or that weighs over twenty (20) pounds and up to fifty (50) pounds, the minimum confinement area per dog is eighty (80) square feet.
 - (3) *Small dog.* For a dog that is twelve (12) inches or less at the withers or that weighs twenty (20) pounds or less, the minimum confinement area per dog is fifty (50) square feet.

ARTICLE THREE – NUMBER OF DOGS AND CATS

3.1. *Maximum number.* Except as set forth in the exceptions below, it shall be unlawful for more than five (5) adult dogs or five (5) adult cats, or a combination of adult dogs and adult cats that total five (5) animals, to be kept or harbored at any household or business in the city limits. Notwithstanding this provision, restrictive covenants of a subdivision and lease agreements between landlords and tenants which prohibit animals or allow less than five animals supersede this provision.

Exceptions. Section 3.1 of this Article does not apply to:

- (a) The normal place of business for animal hospitals or veterinary clinics;
- (b) Dog kennels and retail pet stores if the operator of the kennel facility or retail pet store has a city business license to operate the kennel facility or retail pet store.

ARTICLE FOUR—OTHER ANIMALS AND LIVESTOCK IN A-1, RE-1, AND RE-2 ZONING DISTRICTS

4.1. *Animals and livestock permitted.* To preserve the rural environment and character of the A-1 Agriculture, RE-1 Residential Estate Districts (two or more acres), and RE-2 Residential Estate Districts (one or more acres), livestock and other animals shall be permitted in these zoning districts within the city limits, but not in excess and beyond the following limitations and exceptions as follows:

- (a) One (1) large animal, such as a horse, mule, cow, llama, or pig per one (1) acre of land in each lot or parcel.
- (b) One (1) small animal such as a goat, sheep, or emu per one-half (½) acre of land in each lot or parcel.
- (c) Ten (10) fowl or rabbits for each lot or parcel in the A-1 Agriculture District.
- (d) Six (6) fowl or rabbits for each lot or parcel in the RE-1 or RE-2 Districts.
- (e) Hobby kennels are permitted in A-1, RE-1, and RE-2 Districts. Kennels are permitted in A-1 Districts but are prohibited in RE-1 and RE-2 Districts.
- (f) The limits on animals and livestock does not apply in the A-1 Agriculture zone when rabbits, fowl and other animals are being raised in a lawful agricultural operation.

4.2. *Setback requirements.* To help safeguard and prevent animals from becoming public nuisances and to protect citizens from potential harm in the newly formed residential estate districts, the following setback requirements must be met in order to own or harbor livestock.

- (a) The primary dwelling for large animals in the A-1, RE-1, and RE-2 Districts must be at least 100 feet from any neighbor's home.
- (b) The primary dwelling for small animals in the A-1, RE-1, and RE-2 Districts must be at least 50 feet from any neighbor's home.
- (c) The primary dwelling for fowl, and rabbits in the A-1, RE-1, and RE-2 Districts must be at least 100 feet from any neighbor's home
- (d) Fencing for any livestock must be constructed in such a manner that animals may not reach legs, necks, wings, or any other body part onto a neighbor's property, or to any shrubs or plants growing onto a neighbor's property.
- (e) Fencing shall be constructed in such a manner as to secure livestock and shall be maintained in good condition at all times.
- (f) Concentrated feed operations for confined livestock shall not be permitted in any zoning district in the city.
- (g) Manure shall not be allowed to accumulate to a point in which it creates an objectionable odor that is disturbing to any person within a reasonable proximity to the premises.

4.3. *Housing requirements for animals and livestock.*

- (a) All such animals must be provided with adequate housing. Floor space in such houses shall be in accordance with the following minimum requirements:
 - (1) For rabbits, four (4) square feet per animal over four (4) months of age.
 - (2) For turkeys, four (4) square feet per animal over four (4) months of age.
 - (3) For chickens and similar fowl, three (3) square feet per bird over four (4) months of age.
 - (4) For bantams, three (3) square feet per bird over four (4) months of age.
- (b) All pens or yards where such animals are kept shall be placed the following minimum distances from any residence other than that of the owner of same:
 - (1) Rabbits, ten (10) feet.
 - (2) All other animals referred to in paragraph (A) of this section, twenty-five (25) feet; provided, however, that chickens or similar fowls must be kept at least five (5) feet from the owner's residence as well as twenty-five (25) feet from any adjoining residence.

ARTICLE FIVE – SALE OF DOMESTIC ANIMALS PROHIBITED

5.1. *Sales.* The advertisement, display, offer for sale and sale of domestic animals is hereby forbidden along the rights-of-way of streets and roadways in the city. The term "domestic animals" shall include, but are not be limited to, the following:

- (a) Dogs;
- (b) Cats;
- (c) Rabbits; and
- (d) Birds of all kinds.

ARTICLE SIX – OWNING OR HARBORING WILD ANIMALS

6.1.

- (a) *Possession, maintenance, and keeping of wild animals are prohibited.* The possession or harboring of wild animals as a pet within the city is hereby prohibited and forbidden. The enforcement of the provisions in this section shall be the responsibility of law enforcement and animal control officers. Refusal to cooperate with law enforcement and animal control officers to remove the wild animal from the city limits shall be a separate offense, and each day in violation shall be a separate offense.

Exceptions. This section shall not apply to any safari park, circus, or sanctuary complying with applicable laws and regulations for possessing wild animals for the education and entertainment of the public.

- (b) *Possession, maintenance, and keeping of wild and nondomestic animals as exhibitions.* No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.

Exceptions. This section shall not be construed to apply to zoological or safari parks, performing animal exhibitions, or circuses.

- (c) *Shooting or killing wild animals prohibited.* It shall be unlawful for any person to hunt, shoot, chase, wound, or kill any wild animal within the corporate limits of the city.
- (d) *Fines and expenses.* Any person found guilty of harboring or keeping a wild animal in the city in violation of the Code, shall pay all reasonable expenses associated with housing, removal, and euthanizing the animal, including shelter, food, and veterinarian expenses, if any, in addition to fines.

CHAPTER SEVEN – RABIES VACCINATION REQUIRED

7.1. Arkansas law requires all dogs, cats, and other animals to be vaccinated against rabies as required by the State Board of Health. While the term “other animals” is not defined, approved rabies vaccines are available for ferrets, horses, cattle and sheep.

7.2. All dogs and cats that are owned or harbored in the city shall be vaccinated by a licensed veterinarian against rabies annually or as required by the veterinarian that administered the vaccination. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog and cat in the city.

7.3. In case a tag for the animal licensing fee is lost or destroyed, a duplicate shall be issued by the city upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag. In the event a tag for rabies vaccination is lost or destroyed a duplicate tag must be acquired from a licensed veterinarian. No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another. No refunds shall be made on any fee due to the death of the animal or because the owner leaves the city before the expiration of the license period.

7.4. Any person who shall keep any animal which is subject to rabies in the city without first having such animal vaccinated for rabies annually, or as prescribed by a veterinarian, shall be in violation of this provision. Refusing to produce for inoculation against rabies any dog or cat in his or her possession is a violation of A.C.A. § 20-19-304. Upon conviction, the person shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

ARTICLE EIGHT – ANNUAL LICENSE AND TAG

8.1. *Levy and amount of license.* An animal licensing fee shall be levied and collected in the amount hereinafter provided for each dog and cat owned or harbored within the city. Said fee shall be paid to the city.

- (a) For each neutered male or spayed female, the license fee shall be \$5.00 annually. The fee for each unspayed female or unneutered male shall be \$10.00. The license fee shall be \$5.00 for animals under six months of age.
- (b) Should a dog or cat be brought into the city, the person owning or harboring such dog or cat shall have thirty (30) days in which to pay the licensing fee levied herein. Any person failing to pay said licensing fee within the thirty (30) day period shall be required to pay an additional fee of \$10.00.

8.2. *Issuance of license.* The owner of a dog or cat must provide the certification by a licensed veterinarian that the animal received a rabies vaccination within one (1) year when applying for the annual license and tag. Upon providing proof of the vaccination, City officials shall issue a license receipt and a metal tag upon payment of the annual fee to indicate that the fee has been paid. A receipt for payment or a handwritten note from a veterinarian is not acceptable proof of vaccination. The certification must show that the animal was vaccinated by a licensed veterinarian within one (1) year when applying for a license. Upon providing proof and payment of the fee, the city shall issue a license receipt and metal tag.

8.3. *License period.* A license, if not revoked, shall be valid for one year from the date of issuance. A license fee shall be levied each year and a new license shall be issued upon proof of rabies vaccination as provided herein. An owner shall have 30 days from the date the license expires to obtain a new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of \$10.00.

8.4. *Tag to be attached to animal's collar.* It shall be the duty of the owner of a dog or cat within the city to attach the tag provided for in Section 8.2 to a collar securely fixed around the neck of the animal.

8.5. *Exceptions.* Nothing in this section shall be construed to apply to any dog or cat under the age of three months, or to dogs or cats in the city on a temporary basis for show or exhibition, or for breeding purposes.

8.6. *Service dogs for the disabled.* Dogs being raised, trained, and used to aid disabled persons shall be licensed without a fee while so owned and used, but shall not be exempt from registration or from any required vaccinations.

8.7. *Law enforcement.* Dogs used by any governmental agency for law enforcement purposes shall be licensed without fee but shall not be exempt from registration or from any required vaccinations. Verification of their status as a law enforcement dog shall be presented upon request.

ARTICLE NINE – CRUELTY TO ANIMALS

9.1. No person shall:

- (a) fail to provide his or her animals with sufficient good and wholesome food and water; shelter which provides protection from the weather including four sides with opening, roof, and floor; veterinary care when needed to prevent suffering; and with humane care and treatment.
- (b) beat, cruelly ill-treat, torment, tease, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (c) abandon any animal under circumstances subjecting it to the possibility of death, injury, starvation, dehydration or disease;
- (d) subject any animal to cruel mistreatment of any kind or by any means or device, including tying or strapping with weights or heavy chains;
- (e) subject any animal to the following if not performed by a licensed veterinarian: neutering or spaying; tail docking, ear cropping, or other surgical procedure;
- (f) subject any animal in his or her custody to neglect under circumstances exposing the animal to injury, disease, unsanitary conditions, extreme temperatures, starvation, dehydration or death;
- (g) kill or injure any animal belonging to another without legal privilege or consent of the owner; or
- (h) carries or causes to be carried in or upon any motorized vehicle or boat an animal in a cruel or inhumane manner.

9.2. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and report the accident to the animal control officer or Farmington Police Department or to the local animal control authority.

9.3. No animal shall be chained or staked to a fixed point on a permanent basis. Dogs shall be kept in an enclosure or by a trolley system so placed that the animal may not intrude on other property, whether public or private, and provide adequate room for normal postural adjustments, exercise, and access to water, food, and shelter. The area where any animal is confined must provide proper and adequate drainage.

9.4. It shall be unlawful for any person to poison any animal or to distribute poison or other toxic substance in any manner whatsoever with the intent to harm, or for the purpose of poisoning any

such animal, except for the purpose of controlling insects or rodents in accordance with accepted pest control methods.

9.5. It shall be unlawful to confine an animal in an unattended, enclosed vehicle where the outside temperature is 85° Fahrenheit or greater and the interior of the vehicle is not provided with conditioned air or adequate ventilation to maintain an internal temperature of 90° Fahrenheit or less; or where the outside temperature is 30° Fahrenheit or less and the interior of the vehicle is not provided with heated air to maintain an internal temperature of at least 30° Fahrenheit.

9.6. *Authority to remove.* In order to protect the health and safety of an animal that is left unattended in a vehicle and is exposed to extreme heat or cold temperatures and to prevent an ongoing offense of cruelty to animals, if the animal is showing signs of heat or cold distress, the animal control officer, enforcement officer or emergency personnel who has probable cause to believe that Section 9.5 above is being violated shall have authority to enter the vehicle to remove the animal by any means reasonable under the circumstances. If it reasonably appears that there is time to contact the owner, or other person present in the immediate area with access to the vehicle, without serious injury to the animal, a reasonable effort to do so shall be made prior to entry into the vehicle to remove the animal. Pursuant to procedures set forth herein, a reasonable effort shall be made to contact the owner before the rescued animal is impounded.

9.7. *Evidence of distress.* For purposes of this section, “showing signs of heat or cold distress” means that the enforcement officer, emergency personnel, or animal control officer, reasonably believes that the animal displays one (1) or more of the following:

- (a) Fast heavy panting;
- (b) Weakness;
- (c) Respiratory difficulties;
- (d) Disorientation;
- (e) Convulsions.

ARTICLE TEN – KENNEL

10.1. In this section, the term “kennel” is further defined as an establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals.

10.2. All kennels shall, in addition to the other requirements of this Code, comply with the following minimum standards of this section. Failure to meet these standards shall be grounds for denial of a business license or revocation of a business license

- (a) Enclosures must be provided which shall allow adequate protection against weather extremes. Runs and/or cages with adequate drainage must be provided. Floors of

buildings, runs and walls shall be made of an impervious material to permit proper cleaning and disinfecting.

- (b) Building temperatures shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (c) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
- (d) Cages are to be of material and construction that permit cleaning and sanitizing.
- (e) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
- (f) Runs shall provide protection from the weather. Runs shall have an impervious surface.
- (g) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (h) The food shall be free from contamination, wholesome, palatable, and of a sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- (i) All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.
- (j) Kennels and boarding facilities, except licensed veterinarian facilities, shall provide an adequate exercise area of a minimum of twenty-five (25) feet by twenty-five (25) feet.

ARTICLE ELEVEN – RETAIL PET STORE

11.1. Seller's compliance.

- (a) No person shall sell, or offer for sale, any puppy, dog, kitten, cat, or any other domestic animal within the city limits without first complying with all terms and conditions contained in this section and applicable state law.
- (b) Retail pet stores are permitted on property that is zoned C1, C2 or Industrial within the city limits. Retail pet stores are strictly prohibited in the remaining zoning districts in the city.
- (c) Any person who owns, operates or establishes a retail pet store in the city shall provide proof of valid registration (and annual renewals thereafter) from the Director of the Arkansas Department of Health as a condition to receiving a city business license.
- (d) Any person who offers for sale any puppy, dog, kitten, cat, or any domestic animal in a retail pet store (hereinafter "seller") shall obtain a city business license, as required by city ordinances.

11.2. *Consumer protections.* Any seller shall provide the purchaser (hereinafter "consumer") of any animal at the time of the sale of said animal a written statement of consumer rights, signed by the seller, which shall contain the following information and be substantially in the following form:

- (a) If, within ten days following the sale of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies such animal to be unfit for purchase due to illness, a congenital malformation which adversely affects the health of the animal or the presence of symptoms of a contagious or infectious disease, the seller, in addition to any other warranty, shall afford the consumer the right to retain the animal and to receive reimbursement from the seller for veterinary services from a licensed veterinarian of the consumer's choosing, for the purposes of curing or attempting to cure the animal.
- (b) The reasonable value of reimbursable services rendered to cure or attempt to cure the animal shall not exceed the purchase price of the animal.
- (c) The reimbursement shall not include the cost of initial veterinary examination fees and diagnostic fees not directly related to the veterinarian's certificate that the animal is unfit for purchase pursuant to this section.
- (d) The certification that an animal is unfit for purchase, which shall be provided by an examining veterinarian to a consumer upon the examination of an animal subject to the provisions of this section, shall include, but not be limited to, information which identifies the type of animal; its breed, sex, and color; the owner; the date; the diagnosis of the animal; the treatment recommended, if any; and an estimate or the actual cost of such treatment.
- (e) The reimbursement required by subsections (a) and (b) of this section shall be made by the seller not later than ten business days following receipt of a signed veterinary certification as herein required.
- (f) The reimbursement required by subsection (a) and (b) of this section shall be made by the retail pet store not later than ten (10) business days following receipt of a signed veterinary certification as herein required.
- (g) A veterinary finding of intestinal parasites shall not be grounds for declaring the animal unfit for sale unless the animal is clinically ill due to such condition.
- (h) An animal may not be found unfit for sale on account of an injury sustained or illness contracted subsequent to the consumer's taking possession thereof.
- (i) In the event that a retail pet store wishes to contest a demand for reimbursement made by a consumer pursuant to this section, such retail pet store shall have the right to require the consumer to produce the animal for examination by a licensed veterinarian designated by such retail pet store.
- (j) Upon such examination, if the consumer and the retail pet store are unable to reach an agreement within ten (10) business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain such reimbursement.

State law reference: Arkansas Retail Pet Store Consumer Protection Act of 1991 in A.C.A. §§ 4-97-101, et seq., as amended.

ARTICLE TWELVE – TRANSPORTATION OF ANIMALS

No person shall transport or carry any animal by motorized means unless the animal is safely enclosed within the vehicle or trailer, or enclosed in a portable kennel, crate, or dog box designed for this purpose, which is then fastened by a secure and appropriate means to the bed or the chassis of the vehicle. Dogs may be transported in open beds of pickup trucks provided they are secured in the vehicle by means of a humane cross tether and/or harness, or if the sides, rails, or railing and back of the pickup trucks bed are at least five feet high. In all cases where animals are transported by motorized vehicles, it must be in a safe and humane manner that will prevent the animal from falling from, being thrown from, or jumping from the motorized vehicle or trailer being pulled by such.

ARTICLE THIRTEEN – NOISY ANIMALS, WASTE AND OFFENSIVE ODORS PROHIBITED

13.1. It shall be unlawful for any person to keep on his premises or under his control any noisy animal (e.g. loud or frequent barking, howling, or whining in excessive, continuous fashion or at untimely and unreasonable intervals) which shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept. An owner or harbinger violating this section may be required to train the animal with a humane “bark collar” or other devices for noise control.

13.2. The owner of an animal shall be responsible for the removal of any excrement deposited by the animal on public walks, recreation areas, public parks, or private property.

13.3. It shall be unlawful for any person owning or harboring any animal to fail to keep the premises where such animal is kept free from offensive odors to the extent that such odors are disturbing to any person residing within a reasonable proximity of said premises; and it shall be unlawful to allow the premises where any animal is kept to become unclean and a threat to the public health by failing to diligently and systematically remove all waste material from the premises.

ARTICLE FOURTEEN – RUNNING AT LARGE PROHIBITED

14.1. It shall be unlawful:

- (a) for any person to permit or allow any dogs to run at large within the corporate limits of the city, except working dogs under control of its owner in an A-1 Agricultural zone.
- (b) for the owner or the owner's representative to permit chickens, turkeys, or other fowl of any kind to run at large within the corporate limits of the city at any time.
- (c) for the owner or the owner's representative to permit any cat to run at large within the corporate limits of the city at any time.
- (d) for the owner or the owner's representative to permit or allow any animal to become a public nuisance. The term "permit" shall include the failure of the owner or

individual(s) having charge of said animal to physically restrain the animal. The animal control officer shall be authorized to enter onto private property for the purpose of impounding an animal found running at large.

14.2. Trap-Neuter-Return programs shall not be permitted within the city limits.

14.3. *Livestock running at large prohibited.* No horse, mule, mare, colt, jack or jenny, or swine of any kind, sheep, goat, or cattle of any kind, shall be permitted to run at large. It is unlawful for the owner or person in charge of any such animals to permit any of such animals to run at large.

14.4. *Poultry.* All poultry within the corporate limits of the city shall be maintained in suitable houses, pens, or other enclosures by the owner or person having responsibility for the care and maintenance of the poultry.

14.5. *Maintenance of poultry houses.* Every poultry house maintained within the city shall be kept in a clean, sanitary condition. This provision applies to chicken coops for animals that are permitted pursuant to Article Four.

14.6. *Number of birds allowed in residential zones.*

- (a) It shall be lawful to keep poultry flocks of any size in A-1 Agricultural zones of the city, so long as it is a commercial poultry operation and the birds are confined.
- (b) It shall be lawful for any person to keep, permit, or allow any fowl within the corporate limits of the city in R-1, R-2 and R-O zones, under the following terms and conditions:
 - (1) No more than six hens shall be allowed for each single-family dwelling. No birds shall be allowed in multifamily complexes, including duplexes in MF-1 and MF-2 zones.
 - (2) No roosters shall be allowed.
 - (3) There shall be no outside slaughtering of birds.
 - (4) All fowl must be kept at all times in a secure enclosure. Secure enclosure shall include a self-contained coop and within a fenced in yard.
 - (5) Coops must be situated at least 25 feet from the nearest neighbor's residence.
 - (6) Enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odors.

14.7. Section 14.6 of this article is not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to poultry farms kept in areas of the city which are zoned A-1 Agricultural.

State law reference: Domestic fowl running at large, A.C.A. § 5-62-122.

ARTICLE FIFTEEN--VICIOUS ANIMALS RESTRICTED

15.1. It shall be unlawful for any person to keep any vicious animal within the corporate limits of the city.

- (a) *Vicious dog designation.* A dog is considered vicious for purposes of this section if it:
- (1) causes death or serious physical injury to a person engaged in a lawful activity;
 - (2) attacks or bites without provocation a person engaged in a lawful activity;
 - (3) on more than one (1) occasion, while off the property of its owner and without provocation, exhibits aggressive behavior toward a person engaged in a lawful activity;
 - (4) on more than one (1) occasion, acts in a manner that causes or should cause its owner to know that the animal is potentially vicious;
 - (5) while off the property of its owner and without provocation, seriously injures another domesticated animal; or, in the owner's presence, on his property without provocation, seriously injures another domesticated animal;
 - (6) without provocation, kills a domesticated animal;
 - (7) is trained for dog fighting or is owned or kept for the purpose of dog fighting; or
 - (8) has been declared vicious, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for vicious dog designation under the provisions of this article.
- (b) *Impoundment pending declaration.* Upon reasonable suspicion that a dog is vicious and poses a serious threat to public health or safety, the animal control officer or law enforcement officers may seek a warrant to seize the dog for quarantine or for impoundment at the Shelter, pending the vicious dog declaration process.
- (c) *Declaration of a vicious dog.*
- (1) *Notice to owner.* In instances where a dog, while off the property of its owner and without provocation, has repeatedly shown aggressive behavior toward people, but has not bitten a person or another animal, the dog shall nonetheless be declared vicious. After impounding the dog, the animal control officer shall attempt to contact the owner if the animal bears a city tag and/or a rabies tag and/or an implanted microchip. The animal control officer shall hold the dog for 24 hours. If the owner does not claim the dog within 24 hours, the dog shall be transported to the Shelter. Under the terms of an Interlocal Agreement between Washington County and the city, the dog shall receive sheltering services for three days. At the expiration of three days, the dog becomes the property of the county if it has not been reclaimed by its owner. Animals that have been impounded at the Shelter for vicious behavior are not eligible for adoption, so the animal shall be euthanized at the expiration of three days.
 - (2) *Unable to provide notice.* If, under the same circumstances above, where the owner of the impounded dog is unknown and the animal has no identification tags or

implanted microchip, the animal control officer shall hold the animal for 24 hours. If an owner does not come forth to claim the stray dog within 24 hours, the animal shall be transported to the Shelter. Under the terms of an Interlocal Agreement between Washington County and the city, the dog shall receive sheltering services for three days. At the end of three days, the dog becomes the property of the Shelter if it has not been reclaimed by its owner. Animals that have been impounded at the Shelter for vicious behavior are not eligible for adoption, so the animal shall be euthanized at the expiration of three days.

- (3) *Application of provision for cats.* Upon reasonable suspicion that a cat is vicious by its aggressive behavior and poses a serious threat to public health or safety, the same provisions apply. After impounding the cat, the owner will be notified if the cat bears a city tag and/or rabies tag and/or an implanted microchip. The provisions of the Interlocal Agreement between Washington County and the city regarding the sheltering services, reclamation and euthanizing a dog is the same for any animal that is impounded at the Shelter, including cats.

ARTICLE SIXTEEN – DEFENSES TO DETERMINATION OF ANIMAL AS VICIOUS

16.1. *Defense to determination of vicious:* It is a defense to the determination of an animal as vicious or potentially dangerous and to the prosecution of the owner of an animal:

- (a) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (b) If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal;
- (c) If the person was committing or attempting to commit a crime;
- (d) If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the animal;
- (e) If the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault;
- (f) If the animal was injured and responding to pain; or
- (g) If the animal was protecting its offspring, itself or its kennelmates.

ARTICLE SEVENTEEN -- RABIES QUARANTINE, REMOVAL OR EUTHANIZING VICIOUS ANIMALS

17.1. *Impoundment for injury to a person.*

- (a) Any animal suspected of biting a human shall be quarantined in accordance with the provisions of A.C.A. § 20-19-301 (The Rabies Control Act). Animal control officers and law enforcement personnel shall have the authority to enter private property to take into custody any animal that has bitten any person or another animal.

- (b) When an animal is suspected of biting a person, and the animal control officer is unable to verify whether the animal has been vaccinated for rabies as required by the Code, the animal shall be transported to the Shelter to receive rabies quarantine services. If the owner claims the animal but the rabies vaccination or certification has expired, the animal shall be provided rabies quarantine services for a period of ten (10) days, including the day of the bite. At the expiration of ten (10) days, the animal may be reclaimed by its owner. If the owner fails to pay all requisite expenses for impoundment or reclaim the animal at the expiration of ten (10) days, the animal will be euthanized.
- (c) When an animal is suspected of biting a person, the animal bears no form of identification, the owner is unknown, and the animal control officer is unable to verify whether the animal has been vaccinated for rabies as required by the Code, the Shelter shall provide rabies quarantine services for a period of up to three (3) days. If the animal has not been claimed by its owner, the Shelter shall declare the animal to be a stray. At the end of the three (3) day period, the animal shall be euthanized.
- (d) If a complaint has been filed in the district court against the owner or one who has harbored a vicious animal as described in Article 15.1 or obstructed any authorized officer from enforcing the provisions of this Article 17, the district court may direct the payment of all fines, costs and impoundment fees, and may, upon a finding that such animal is a vicious animal, the district court may order the animal to be euthanized in a humane manner, or permanently remove the animal from the corporate limits of the city. The failure to euthanize said animal or remove said animal from the corporate limits of the city within the time required by the court, the animal control officer shall seize the animal, and have it euthanized. Surrender of an animal by the owner or one harboring the animal to the animal control officer shall not render the individual immune from the fines, costs and impoundment fees prescribed by this ordinance.
- (e) Any person found guilty of harboring a vicious dog or other vicious animal in the city in violation of the Code, shall pay all reasonable expenses associated with housing, removal, and euthanizing the animal, including shelter, food, and veterinarian expenses, if any, in addition to fines.

ARTICLE EIGHTEEN—IMPOUNDMENT FOR OTHER OFFENCES

18.1. *Impoundment*

- (a) Animals running at large, and public nuisance and stray animals, shall be taken into custody by the animal control officer or law enforcement personnel. Whenever any animal impounded by the animal control officer or law enforcement personnel bears a city tag, and/or rabies tag and/or an implanted microchip, it shall be the duty of the animal control officer to notify the owner or the person to whom the tag was issued, if such person or owner can be located. The animal control officers and law enforcement officers are not responsible for locating owners who have failed to notify the city regarding a change of address or telephone/cell number.

- (b) The animal control authority may seize and impound any animal running at large, a public nuisance animal, a stray animal, or any animal reasonably suspected of having a disease transmittable to human beings. All such animals shall be taken into custody without necessity of a filed complaint.
- (c) The animal control officer shall keep accurate and detailed records of the licensing, impoundment and disposition of all animals coming into city custody.

18.2. *Disposition of impounded animals will be as follows:*

- (a) *Licensed animals.* If a licensed animal has not been claimed and released to the owner, impounded licensed animals shall be transported to the Shelter. The Shelter shall provide sheltering services for a period of three (3) days, after which the animal shall become the property of the Shelter. If the animal is not claimed by its owner after the expiration of three (3) days, the animal shall be eligible for adoption and, at the sole discretion of the Shelter, may be euthanized. The owner of an animal impounded in the animal shelter shall be liable for such fees and charges, notwithstanding the destruction or adoption of the animal.
- (b) *Unlicensed animals.* If an unlicensed animal has not been claimed and released to the owner, impounded unlicensed animals shall be transported to the Shelter. The Shelter shall provide sheltering services for a period of three (3) days, after which the animal shall become the property of the Shelter. If the animal is not claimed by its owner after the expiration of three (3) days, the animal shall be eligible for adoption and, at the sole discretion of the Shelter, may be euthanized.

18.3. The animal control officer shall not release to the owner, and shall humanely destroy, any impounded animal upon the written opinion of a licensed veterinarian that destruction of the animal is necessary to prevent disease or injury to other animals or to humans, or due to the presence or reasonable suspicion of contagious disease, or due to reasonable suspicion of any other public health and safety threat.

18.4. The animal control authority may humanely euthanize any impounded animal upon reasonable evidence that the animal has sustained an injury or disease which will likely result in maiming and prolonged and severe suffering or death.

ARTICLE NINETEEN -- REDEMPTION OF ANIMALS

19.1. In order to redeem an animal, the owner is required to pay the city the impound fee currently charged by the Shelter and any additional expenses incurred by the city. The impoundment fee must be paid before the Shelter will release the animal. In addition, if the impounded animal is not currently licensed in the city, payment for a license is required, along with proof that the animal has been vaccinated for rabies within the past year. The failure or refusal to provide proof within ten (10) days that the animal's rabies vaccinations are current is a separate offense for which the owner may be charged.

19.2. The receipt for payment of the impoundment fee must be presented to the personnel at the Shelter. In addition to the impound fees, the Shelter will require the payment of daily fees it charges to house an animal and any additional charges it may have incurred while housing the animal, including veterinarian expenses.

19.3. The owner of an impounded animal who refuses to reclaim his or her animal and pay the required expenses of reclamation may be prosecuted for abandonment under the provisions of Article 9.1(c).

ARTICLE TWENTY—ENFORCEMENT OF REGULATIONS

20.1. The animal control officer shall be appointed by the mayor and shall perform the duties and exercise the powers prescribed by this chapter. In addition, the animal control officer shall perform such duties as may be delegated by the mayor, the city business manager and the Farmington City Council.

20.2. Law enforcement officers are authorized to issue warnings and criminal citations to any person(s) violating any provision of this chapter.

20.3. *Citation to appear.* The citation to appear shall:

- (a) Contain a brief statement of the nature of the violation or the specific violation of the Code;
- (b) Be signed by an officer who is authorized to issue the citation; and
- (c) Be signed by the violator in which the violator promises to appear in district court on a certain date.

20.4. *Refusal to sign citation.* The citation to appear should be signed by the violator. If the violator refuses to sign the citation to appear, the officer issuing the citation may:

- (a) Indicate on the space provided for signature that the violator refused to sign, leave a copy of the citation with the person cited, and follow the usual procedure for filing the citation in district court; or
- (b) File a criminal affidavit and seek a warrant for the arrest of the offender.

20.5. *Enforcement orders.* An enforcement order is a written notice which mandates compliance with one (1) or more Code provisions by a certain date.

- (a) Law enforcement officers and animal control officers are authorized to issue an enforcement order provided that no enforcement order shall be issued if the noncompliant situation is one that presents an imminent risk of death or serious physical injury to any animal or person.
- (b) The enforcement order shall:
 - (1) Contain a brief statement of the nature of the violation;

- (2) Be signed by an officer who is authorized to issue it and who has personal knowledge of the violation; and
- (3) Contain a printed statement to be signed by the violator in which the violator promises to comply with the enforcement order by a certain date.

20.6. *Refusal to sign enforcement order.* The enforcement order should be signed by the violator. If the violator refuses to sign the enforcement order, the person issuing the enforcement order may:

- (a) Indicate the refusal of the violator to sign on the space provided for signature and leave a copy of the enforcement order with the person cited. The date of service for an unsigned order is the date the order is signed.
- (b) When an officer has personal knowledge of a violation but is unable to locate the violator, the enforcement order shall be posted at the violator's residence and a copy will be mailed to the violator by USPS First-Class mail. The date of service shall be three (3) days after the first-class letter is mailed.

20.7. *Interference with enforcement.* It shall be unlawful for any person to interfere with, assault, injure, or harass, any person authorized to enforce the Code while that person is engaged in any enforcement duties taken pursuant to the Code, or to otherwise obstruct or prevent an authorized person from the discharge of any such duty. Further, it shall be unlawful for any person to refuse to deliver any unlicensed or unvaccinated animal or any animal observed to be running at large to the animal control officer, or other authorized officer, upon demand for impounding.

ARTICLE TWENTY-ONE—PENALTIES

21.1. Whenever in this Code, an act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code, the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code shall be punished by a fine of not more than \$1,000.00; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the State of Arkansas but in no case shall any penalty be less than \$50.00. If the violation of the Code is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.

21.2. Any person convicted of violating Article 9 of this Code, which is cruelty to animals as defined herein and in A.C.A. § 5-62-103(a), shall be fined, imprisoned and required to complete a psychiatric or psychological evaluation; and if determined appropriate, psychiatric or psychological counseling or treatment for a length of time prescribed by the court in accordance with A.C.A. §§ 5-62-103(c)-(e).

21.3. Any person found guilty of harboring a vicious dog or other vicious animal, or a wild animal or reptile in the city in violation of the Code, shall pay all reasonable expenses associated

with the impoundment fees at the Shelter, and any further expenses incurred to remove, or euthanize the animal, including veterinarian expenses, if any, in addition to fines.