

TITLE 6

ANIMALS AND FOWL

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CHAPTER 6.04

DOMESTIC ANIMALS

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6.04.01 Animal control No dog, cat, or other domestic animal shall be permitted to be or remain in the city of Foreman, Arkansas, without being properly confined either on a leash or in a suitable pen. It shall be the duty of all persons owning or in custody of dogs, cats, or other domestic animals to keep said dogs, cats, or other domestic animals properly confined, either by leash or pens. (Ord. No. 239, Sec. 1.)

6.04.02 Vaccination It shall be the duty of the owner or person in custody of any dog, cat, or other domestic animal kept in the city of Foreman, Arkansas, to have the dog, cat, or other domestic animal inoculated against rabies at least once each year, and the owner or person in custody of such domestic animal shall, upon request, exhibit a certificate by a veterinarian or other person authorized by the city of Foreman, Arkansas, to administer such inoculations, showing compliance with the provisions of this section. (Ord. No. 239, Sec. 2.)

6.04.03 Dangerous animals The Dog Catcher or other law enforcement official is hereby authorized to immediately kill any dangerous or vicious dog, cat, or other domestic animal when necessary for the protection of any person or property. In all other circumstances, prior to

destroying the dog, cat, or other domestic animal, the city of Foreman, Arkansas, shall give the owner of such domestic animal at least ten (10) days notice of the date of the proposed destruction of the dog, cat, or other domestic animal, and notice shall be by certified mail, return receipt requested. The owner of such domestic animal may claim their dog, cat, or other domestic animal at the municipal area where such domestic animals are held by reimbursing the city of Foreman, Arkansas, for the cost of the notice, plus other costs and requirements, so that the city of Foreman, Arkansas, may be reimbursed for all costs incurred. The provisions herein for notice to the dog, cat, or other domestic animal owner shall apply only in instances where the dog, cat, or other domestic animal carries its owner's address. (Ord. No. 239, Sec. 3.)

6.04.04 Nuisance and complaints No owner of any dog, cat, or other domestic animal shall allow said dog, cat, or other domestic animal to create a nuisance to the citizens of Foreman, Arkansas, through the level of noise or odor from said dogs, cats, or other domestic animals. The level of noise or odor from said dogs, cats, or other domestic animals shall constitute a nuisance, per se, in the event that there shall be received by the officers of the city of Foreman, Arkansas, at least two (2) written complaints concerning such level of noise or odor. (Ord. No. 239, Sec. 4.)

6.04.05 Maintaining animals Any land or place of confinement for any dog, cat, or domestic animal shall be maintained in sanitary conditions to avoid odor, the attraction of flies or other insects, and spread of ticks and/or disease. All fences and places of confinement for any domestic animal shall be properly and adequately maintained to keep said domestic animals under control and to prevent them from escaping. All such dogs, cats, or other domestic animals kept within the city limits of the city of Foreman, Arkansas, shall be kept free of disease and maintained in a sanitary condition. (Ord. No. 239, Sec. 5.)

6.04.06 Penalty Any person violating a provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction in the District Court shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). (Ord. No. 239, Sec. 6.)

6.04.07 Enforcement The City Marshal upon receipt of two (2) written complaints, shall enforce this ordinance by first giving written notice to the person in violation of this ordinance. The person in violation of this ordinance shall be deemed to be the person in control of said dog, cat, or other domestic animal. After allowing the person in violation of this ordinance ten (10) days to comply with this ordinance, such person shall be deemed guilty of violation of this ordinance. Each day of continuing violation of this ordinance after said ten (10) day period shall be considered a separate offense. (Ord. No. 239, Sec. 7.)

CHAPTER 6.08

VICIOUS DOGS

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6.08.01	Definition
6.08.02	Deeming a dog vicious
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6.08.04	Release of dog
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6.08.06	Regulations
6.08.07	Violations and penalties
6.08.08	Liability
6.08.09	Enforcement

6.08.01 Definition For the purposes of this section, the term vicious dog shall mean any member of the canine (dog) family that has exhibited fierce or vicious behavior toward a person or that has attacked a person or another animal with such severity as to cause physical injury or property damage. However, any of the above described actions or behaviors should not be considered vicious if such dog was provoked or teased. (Ord. No. 277, Sec. 1a.)

6.08.02 Deeming a dog vicious After investigating an incident involving the possibility of a dog exhibiting fierce or vicious behavior, an Animal Control Officer shall deem the dog vicious if the Animal Control Officer has determined that the dog acted in a manner or exhibited the behavior described in subsection (A). Upon deeming a dog vicious the Animal Control Officer shall notify the owner that the dog has been deemed vicious by hand delivery or by mailing a notice by certified mail to the owner. After deeming the dog vicious the officer shall apprehend the dog and impound the dog at the animal shelter until a final determination has been made as to the status of whether the dog is vicious. (Ord. No. 277, Sec. 1b.)

6.08.03 Right to appeal If an owner of a dog who has received notice that his or her dog has been deemed vicious feels that such a determination was made in error, the owner may appeal the officer's decision to the Mayor. An appeal must be made within ten (10) days after receiving the notice by filing a written request for an appeal with the Animal Control Officer. Upon receiving an appeal the Mayor shall promptly have a hearing within ten (10) days to determine whether or not to uphold the decision of the officer. An appeal from the decision of the Mayor may be made to a court of competent jurisdiction. (Ord. No. 277, Sec. 1c.)

6.08.04 Release of dog A dog that has been apprehended pursuant to 6.08.01 shall be released by the animal shelter after one of the following has occurred:

- A. A final determination has been made as to whether or not the dog is vicious;

- B. The owner signs an affidavit acknowledging that the dog is vicious and that the owner is not appealing a decision deeming the dog vicious; or
- C. The owner signs an affidavit, suitable to the appealing authority, acknowledging that they will confine the dog as required by 6.08.06 pending the outcome of an appeal. (Ord. No. 277, Sec. 1d.)

6.08.05 Failure to retrieve dog If a final determination has been made as to whether or not a dog is vicious, the animal shelter shall notify the owner by hand delivery or by certified mail that the dog must be retrieved from the animal shelter within seven days. If the owner of the dog fails to retrieve the animal within seven days the dog shall be humanely destroyed if it has been deemed vicious or shall be put up for adoption if the dog has not been deemed vicious. (Ord. No. 277, Sec. 1 e.)

6.08.06 Regulations Once a dog that has been deemed vicious is released from the Foreman Animal Shelter any person who owns, keeps, harbors, or possesses, the dog within the city limits shall:

- A. Keep the dog confined within (inside) a dwelling unit or a commercial building;
- B. Keep the dog on a leash under the control of a responsible handler when outdoors with muzzle applied; or
- C. Keep the dog in a secured enclosure with a covered top and a secure bottom when outdoors and unattended. (Ord. No. 277, Sec. 1 f.)

6.08.07 Violations and penalties It is hereby declared to be unlawful for a person who owns, possesses, keeps, or harbors a dog that has been deemed vicious pursuant to this section or any prior city ordinance to fail to follow the requirements stated in 6.08.06. Any person convicted of violating this section shall be fined not more than Five Hundred Dollars (\$500.00). If the violation in its nature is continuous n respect to time, the fine shall not exceed more than Five Hundred Dollars (\$500.00) per day. Additionally, the convicting court may, in the courts discretion, order that the dog to be humanely destroyed. (Ord. No. 277, Sec. 1g.)

6.08.08 Liability Any person who owns, keeps, harbors, or possesses a dog that attacks, a person causing harm to property or body or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It shall be an affirmative defense to this offense if the dog was provoked or teased. Any person convicted of violating this section shall be fined not more than Five Hundred Dollars (\$500.00). Additionally, the convicting court may, in the court's discretion, order that the dog to be humanely destroyed. (Ord. No. 277, Sec. 1h.)

6.08.09 Enforcement This ordinance may be enforced by either the Animal Control Officer or City Marshal, or their designated agents. (Ord. No. 277, Sec. 2.)

CHAPTER 6.12

PIT BULL BREEDS

Sections:

6.12.01	Banning breeds
6.12.02	Exemption of registered AKC show dogs
6.12.03	Publication
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6.12.06	Exceptions
6.12.07	Violators
6.12.08	Enforcement

6.12.01 Banning breeds Banned pit bull breeds of dogs are banned entirely and may not be owned or kept within the city. Banned breeds of pit bull dogs are any of the following:

- A. American Pit Bull Terrier.
- B. Staffordshire Bull Terrier, unless they meet the requirement of 6.12.02.
- C. American Staffordshire Terrier, unless they meet the requirement of 6.12.02.
- D. American Bull Dog.
- E. Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this section.
- F. Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a banned breed.
- G. Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier or American Bull dog as defined by the United Kennel Club or American Kennel Club.
- H. Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such. (Ord. No. 278, Sec. 1a.)

6.12.02 Exemption of registered AKC show dogs An AKC American Staffordshire Terrier or Staffordshire Bull Terrier may be exempted from the ban in 6.12.01 provided that the

owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove that a dog is an AKC American Staffordshire Terrier or Staffordshire Bull Terrier show dog/performance dog must include:

- A. an AKC registration;
- B. AKC three (3) generation pedigree;
- C. proof of the dog being used as a show dog once the dog reaches the age of 6 months; and
- D. the first five numbers of the AKC registration tattooed on the abdomen on the upper side of the left rear leg.

The exemption provided for in the subsection will not apply to any AKC registered dog discussed above that is found to be vicious pursuant to previous ordinances. (Ord. No. 278, Sec. 1b.)

6.12.03 Publication For any breed which is banned by 6.12.01 of this section, a copy of the standards of the American Kennel Club and United Kennel Club shall be kept on file in triplicate in the City Clerk's office; and prior to the passage of any ban of such breed, the Clerk shall advertise the incorporation by reference of the standards of such breed of dog and shall state that copies of the standards will be on file for public review in the Clerk's office prior to passage of the ban of such breed. (Ord. No. 278, Sec. 1c.)

6.12.04 Grandfathering The owner of a pit bull dogs will have 30 days after passage of this ordinance to register the animal with Animal Control Officer pursuant to the following criteria:

- A. The animal was licensed prior to the effective date of this ordinance.
- B. The owner shall provide proof of rabies vaccination.
- C. The owner and/or handler must be at least twenty-one (21) years of age as of January 1, 2005.
- D. The owner shall, at his/her own expense, have the animal spayed or neutered and shall present to the Animal Control Officer documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a prohibited dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would put the dog's life at-risk or if the owner produces documentation showing that the dog

is registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as required by 6.12.02.

- E. The owner shall bring the animal to the Foreman Animal Shelter where an authorized person (Animal Control Officer personnel or licensed veterinarian) shall cause a registration number assigned by the department to be tattooed on the animal (said number to be one inch in height and located on the abdomen near the upper inside of the right rear leg.) Animal Control Officer shall maintain a file containing the registration numbers and names of the animals and the names and addresses of the owners. The owner shall notify Animal Control Officer of any change of address. (Ord. No. 278, Sec. 1d.)

6.12.05 Keeping of registered pit bulls

- A. No owner and/or handler shall permit a registered pit bull to go outside its kennel or enclosure unless such dog is securely leashed with a leash no longer than six (6) feet in length and with muzzle applied. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings without the permission of Animal Control Officer.
- B. All registered pit bull dogs shall be securely confined indoors or in a secured enclosed, with covered top and locked pen, except when leashed as provided in subsection (A). All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city of Foreman. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- C. No pit bull dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- D. All owners, keepers or harborers of registered pit bull dogs within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- E. All owner, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Animal Control Officer as required hereinafter:

1. The removal from the city or death of a registered pit bull dog.
 2. The new address of a registered pit bull dog owner should the owner move within the corporate city limits.
- F. No person shall sell, barter or in any way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog to persons who do not reside within the city and will, therefore, remove the dog outside the city. Upon notification to Animal Control Officer that the dog has been sold to a person residing outside the city, Animal Control Officer will make a notation in its files, and the animal will no longer be allowed in the city.
- G. There shall be an irrefutable presumption that any dog registered within the city as a pit bull dog or any of those breeds prohibited by the city code is, in fact, a dog subject to the requirements of this section.
- H. It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered within the city of Foreman to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in revocation of the license of such animal, and initiation of the procedures set forth in 6.12.06. (Ord. No. 278, Sec. 1e.)

6.12.06 Exceptions A banned breed of dog shall not be considered owned or kept in the city if the dog is only brought into the city to a licensed doctor of veterinary medicine located in the city for the purpose of veterinary care, as is necessary for the completion of veterinary care or for special event dog shows sanctioned by the city. Additionally, any dog used for law enforcement or other governmental purposes, by the marshal's office (police), any Military, FDA or USDA are exempt from this section. However, the dog at all times shall be subject to all applicable restrictions by virtue of the breed of dog also being defined as a vicious animal in Ord. No. 277. (Ord. No. 278, Sec. 1f.)

6.12.07 Violators The owner or possessor of any dog found to be in violation of this ordinance shall be guilty of a violation and be subject to punishment as provide for pursuant to law. Additionally the Animal Shelter shall handle dogs in violation of this ordinance as follows:

- A. The animal will be seized by Animal Control Officer and held for three (3) business days for the owner to reclaim the dog with a reclaim fee of One Hundred Dollars (\$100.00). The owner must sign an affidavit agreeing to immediately move the animal out of Foreman city limits. The animal must be marked with an Animal Control Officer number and spayed or neutered prior to its release to the owner.

- B. If the animal is not reclaimed within three (3) business days as prescribed by (A), it shall be humanely destroyed by Animal Control Officer personnel.
- C. If the animal is found within the city limits a second time, the owner shall, upon conviction in the proper court, be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Any such order of conviction shall include seizure of the animal by Animal control Officer personnel to be humanely destroyed. (Ord. No. 278, Sec. 1g.)

6.12.08 Enforcement This ordinance may be enforced by either the Animal Control Officer or City Marshal, or their designated agents. (Ord. No. 278, Sec. 2.)

CHAPTER 6.16

PROHIBITIONS ON CERTAIN ANIMALS

Sections:

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6.16.06	Processing plant
6.16.07	Fencing
6.16.08	Sanitary conditions
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6.16.10	Enforcement

6.16.01 Animal list It shall be unlawful for any person to keep one or more cow, horse, goat, hog, mule, cattle, donkey or other similar livestock animal within the corporate limits of the city of Foreman, Arkansas, on any tract of land less than one acre in size. (Ord. No. 238, Sec. 1.)

6.16.02 Acreage for livestock On tracts of land of greater than one acre in size, but less than ten acres in size, it shall be unlawful to keep more than one and one-half (1 ½) head of such livestock per acre, nor shall any livestock be allowed to graze within fifty (50) feet of any adjacent residential dwelling or commercial building.

On tracts of land of ten acres or more, there shall be no restrictions on the number of head of livestock, nor distance from adjacent dwellings or commercial buildings, so long as such livestock be allowed to openly graze. (Ord. No. 238, Sec. 2.)

6.16.03 Distance from dwelling No such livestock animal shall be confined to any stable, shed, barn or other structural enclosure at a distance nearer than 200 feet from any adjacent residential dwelling or commercial building. (Ord. No. 238, Sec. 3.)

6.16.04 Poultry or fowl No poultry or fowl shall be kept by any person or family unless such poultry or fowl are kept confined in such a manner that escape is impossible, and so that the noise or level of odor from such fowl shall not constitute a nuisance to any of the citizens of Foreman, Arkansas, further provided that such confinement be no closer than seventy-five (75) feet from any residential dwelling or commercial building owned by persons other than the owner of said poultry or fowl. The noise level or odor from said poultry or fowl shall constitute a nuisance per se in the event that there shall be received by the officers of the city of Foreman, Arkansas, at least two written complaints concerning said noise or odor level. (Ord. No. 238, Sec. 4.)

6.16.05 Poultry or fowl in city limits No livestock, poultry or fowl shall be allowed to be maintained within the city limits of Foreman, Arkansas, wherein the odor levels shall exceed the odor levels established by the Arkansas Health Authorities. Nor shall the waste from any such livestock, poultry or fowl be disposed of in any manner that is not in full compliance with the Arkansas Health Authorities. (Ord. No. 238, Sec. 5.)

6.16.06 Processing plant No livestock feed lot nor commercial raising of poultry or fowl for either meat or eggs, nor processing plant for either livestock or poultry shall be within the corporate limits of the city of Foreman, Arkansas, unless a written permit is obtained from the City Council. A permit can be issued by the City Council for such activity only if the Council determines that the nature and location of a particular feed lot or other activity of raising or processing of meat or eggs will not be harmful to the health and welfare of residents of the city of Foreman, Arkansas. In the event of any application for such permit, and upon receipt of such application notice shall be posted concerning such application for permit at the City Hall and placed on the agenda for the next regular meeting for the determination by the City Council. (Ord. No. 238, Sec. 6.)

6.16.07 Fencing Any land or place of confinement for any animal shall be maintained in sanitary conditions to avoid odor, the attraction of flies or other insects, and spread of ticks and disease. All fences and places of confinement for any animal shall be properly and adequately maintained to keep animals under control and to prevent them from escaping. (Ord. No. 238, Sec. 7.)

6.16.08 Sanitary conditions All livestock animals, poultry and fowl kept in the corporate limits of Foreman, Arkansas, shall be kept free of disease and maintained in a sanitary condition. (Ord. No. 238, Sec. 8.)

6.16.09 Fine Any person violating a provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in the District Court shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). (Ord. No. 238, Sec. 9.)

6.16.10 Enforcement The City Marshal, upon receipt of a written complaint, shall enforce this ordinance by first giving written notice of violation to the person in violation of this ordinance and allowing that person ten (10) days to comply with this ordinance. After the expiration of ten (10) days from the date of such written notice, and the failure of such person to comply with such ordinance, such person shall be deemed guilty of violation of this ordinance. Each day of continuing violation of this ordinance, after said ten (10) day period, shall be considered a separate offense. (Ord. No. 238, Sec. 10.)