

AN ORDINANCE TO BE ENTITLED:

"ANIMAL CONTROL ORDINANCE FOR THE CITY OF MONTICELLO, ARKANSAS"

Amending Ordinance #783 and #494

SECTION I: DEFINITIONS

The following words and phrases have the following meanings for the purpose of this Code:

(A) Animal: Means any description of a vertebrate creature, domestic or wild, excluding homo sapiens.

(B) Animal Control Authority: Monticello Police and employees of the City of Monticello Animal Control Officer.

(C) Animal Shelter: Any facility designated by the city for the purpose of impounding and caring for animals held under the authority of this Code including, but not limited to the City of Monticello Animal Shelter, any designated humane organization's shelter, or any foster home approved by the animal control authority.

(D) At large: Any animal is at large when off the premises of the owner or not under control of a responsible person.

(E) Control: Any animal shall be considered under control if it is confined to the premises of its owner or is secured by a leash or lead of sufficient strength to prevent it from escaping, or to keep it from trespassing upon another person's property, or is confined in an automobile when away from the premises of the owner.

(F) Cruelty to animals: A person commits the offense of cruelty to animals if, except as authorized by law, he knowingly:

- (1) Abandons any animal as defined in SECTION VI herein;
- (2) Subjects any animal to cruel treatment as defined in SECTION VI herein;
- (3) Subjects any animal in his custody to cruel neglect as defined in SECTION VI herein;
- (4) Kills or injures any animal belonging to another without legal privilege or consent of the owner, as defined in SECTION V.

(G) Dangerous dog: Means any dog which without justification, as defined in SECTION V (A) herein, attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is dangerous.

(H) Vicious dog: Any dog which has, without justification, bit or attempted to bite any person or domestic animal once having been labeled a dangerous dog.

(I) Enclosure: Means a fence or structure from which an animal cannot readily escape and into which children cannot easily trespass.

(J) Humane Care: Care of an animal to include, but not be limited to, adequate living space, heat, ventilation, sanitary shelter with at least three sides and a top, and wholesome food and water, consistent with the normal requirements and breeding habits of the animal's size, species and breed.

(K) Impounded: Means taken into the custody of the animal control authority.

(L) Kennel: Means any premises wherein any person engages in a commercial business, open to the public, of boarding or possessing any dog, cat, pet or animal (except livestock), or breeding, grooming, cleaning, buying, training, or selling dogs, but excluding veterinary clinics, animal shelters and hobby kennels.

(M) Livestock: Any farm animal kept or raised for agriculture purposes or farm animals kept for pleasure. Livestock includes, but is not limited to, the following: domestic horses, asses/donkeys, cattle, sheep, goats, swine, poultry, rabbits, ducks, doves and pigeons.

(N) Owner: Every person, firm, partnership or corporation, owning, keeping, harboring, or having custody of a dog, cat, livestock, or other animal within the corporate limits of the city.

(O) Neutered: Incapable of sexual reproduction. Including spayed females and castrated males or any animal, which has been operated upon to prevent conception.

(P) Secure pen: Means a pen with sound sides, bottom and top if necessary in order to prevent an animal from escaping by climbing, jumping or digging. When a dangerous or vicious animal is present a secure pen must be locked to prevent the entry of young children and the pen must be within a reasonable distance of a sign conspicuously warning of the presence of a dangerous dog in the pen.

(Q) Severe injury: Means any physical injury to a human being that results in muscle tears or disfiguring lacerations or necessitates corrective or cosmetic surgery.

(S) Chain for a dog: Means a chain attached to a fixed point for the purpose of confining a dog. The chain must provide a minimum of a 10 foot run radius. The chain must contain a swivel on at least one end to prevent entanglement, be of adequate strength to restrain the dog, and may not be too heavy for the dog's size. The chain must be of adequate length to prevent choking, allow adequate safe movement for the dog, and allow the dog access to food, water and shelter.

(T) Vaccination: An injection of any vaccine for rabies approved by the state veterinarian and administered by a licensed veterinarian.

(U) Abandonment: any dog left at a location without minimum care

SECTION II: CONDITIONS AND VACCINATION.

A. General Provisions:

(1) There shall be an eight (8) dog limit per household if the dogs are over three (3) months old provided there is enough space to for the dogs per minimum care as follows in Section IV.

B. Rabies Vaccination:

(1) All dogs shall have a current vaccination against rabies by a licensed veterinarian who will issue to the owner a durable metal tag and a certificate of vaccination. Tags must be attached to the collar or harness of the animal and be worn at all times unless a properly implanted, registered microchip is present in said animal. Tags are not transferable from one animal to another. The vaccination will be in accordance with the Arkansas Department of Health guidelines.

(2) The animal control authority may adopt such other rabies control regulations as they deem necessary for the protection of the public health and safety.

SECTION III: KENNELS.

A. Standards for Kennels

- (1) Pens or enclosures must provide adequate protection against weather extremes. Floors and walls of buildings, runs, pens, and cages shall be constructed so as to permit proper cleaning and disinfecting where reasonably determined by the animal control authority to be necessary to the health of the animal or to public health.
- (2) Building temperature and ventilation shall be maintained at appropriate levels to ensure the health and safety of all animals confined.
- (3) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.
- (4) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (5) Each animal's food shall be free from contamination, wholesome, palatable and of quantity and nutritive value sufficient to meet the normal daily requirements for the condition and size of the animal.
- (6) All animals shall have fresh water available at all times.

SECTION IV: RESTRAINT OF ANIMALS.

A. Maintenance of Premises and Disturbing Noises:

An owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally.

Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion that noise emanating shall not be disturbing to such persons.

B. Restraint in Transit:

It shall be unlawful for any person to transport, by any means of conveyance, an animal, unless the animal is confined or restrained in such a manner as to prohibit such animal from leaving the conveyance while in a public place or upon the public streets. If the animal is tethered, it shall be done in a manner as to prevent such animal from exiting the vehicle and from causing harm to said animal or persons. The intent of this section is to ensure that an animal in transit is humanely and adequately restrained within the confines of the transporting vehicle.

C. Confinement:

- (1) It shall be the duty of any owner, keeper, harbinger, or anyone having custody of any dog within the city limits to confine such dog within their property, fence, enclosure, house, garage, or building unless the dog is under the leashed control of a responsible handler.
- (2) Owners choosing to confine their dog by means of a pen type enclosure must adhere to the following minimum space requirements:
 - a. Dogs under 40 pounds require a minimum pen size of 10' by 6'.
 - b. Dogs 40 pounds or over require a minimum pen size of 10' by 10'.

c. For each additional dog increase the pen size by half of the total area.

(3) No dog may run at large upon the streets, sidewalks, alleys, parks or other public places in the City.

(4) Enclosures must be of adequate construction and size to maintain animals requiring confinement in order to ensure the humane treatment of any confined animals. Enclosures must meet minimum space requirements as well as any other regulation as established by this ordinance or established by the Animal Control Authority.

(5) Every female dog in estrus shall be kept confined in a secure pen, or within a house, garage or other building or in a veterinary clinic in such a manner that such female dog cannot come into contact with another dog except for intentional breeding purposes.

(6) Care:

- Food of sufficient quality and quantity to allow for normal growth or maintenance of body weight
- Access to potable water (suitable for drinking)
- Veterinary care when necessary to relieve distress from illness, injury or disease
- Access to an area kept reasonably free from excess waste or other contaminants that could affect the animal's health
- Suitable air temperature for the animal

The following are NOT adequate shelters for domestic animals:

- Crawl spaces under buildings or parts of building such as steps, decks, overhangs or stoops
- The space under a vehicle or the inside of a vehicle if kept there in a manner that would be considered detrimental to an animal's health or safety
- Shelters made from cardboard or other degradable materials Wire or plastic travel crates
- Shelters with wire or chain-link floors, unless the domestic animal is a bird
- Shelters surrounded by waste, debris, obstructions or impediments that could adversely affect an animal's health

SECTION V: DANGEROUS DOGS

A. Exclusions.

This section does not apply to any dog:

- (1) Utilized by any law enforcement agency in the performance of work; or
- (2) Causing injury or death to a domestic animal while working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper and the injury or death was to a species or type of domestic animal appropriate to the work of the dog; or

- (3) Injuring or attacking a person who, at the time of the injury or attack, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime; or
- (4) Protecting or defending a person within the immediate vicinity of the dog from an unjustified attack, assault, or other wrongful behavior; or
- (5) Causing injury or harm to a domestic animal which at the time of the injury or damage, was tormenting, abusing, or assaulting the dog; or
- (6) Reacting to pain or injury, or was protecting itself, its kennel or its offspring.
- (7) If the person or domestic animal was disturbing the dog's natural functions such as eating or sleeping.
- (8) Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."

B. Prohibited Act

It shall be unlawful for any person to keep, harbor, or maintain any dog within the city limits of Monticello, Arkansas, when that person knows or should have known the dog to be a vicious dog unless the dog is in a secure pen or an enclosed structure so as to prevent contact with animals and other human beings, or when not in an enclosed structure or secure pen the dog is muzzled and restrained on a substantial leash of not more than four feet under the control of a responsible individual at least 18 years of age. The muzzle must be constructed so that it will prevent the dog from biting any person or domestic animal while not injuring the dog or interfering with the vision or respiration of the dog.

C. Determination

- (1) If probable cause exists to believe that a vicious dog is kept, harbored, or maintained in a manner inconsistent with this ordinance, the animal control authority may seize such dog and issue the owner, keeper, harbinger, or person having custody of the dog a citation for violation of this ordinance. An available court date will be issued for the person cited and a mandatory appearance will be required before the Drew County District Court. At this time the Offender may plead guilty or not guilty to the offense charged. If the Offender pleads not guilty a trial date will be set. Despite the disposition of the cited person's case, the Animal Control Authority, upon concurrence with the City Attorney, may verbally or by affidavit petition the Court for a hearing to determine if the dog is a vicious dog. Any complaint received from a member of the public, which serves as a basis for the animal control authority to determine probable cause shall be sworn to and verified by the complainant and shall be attached to the petition.
- (2) The animal control authority will make reasonable efforts to locate and notify the owner, harbinger, or keeper, if known, of a dog impounded pursuant to this ordinance. Notice of any court hearing and copy of any petition will be made in person or by certified mail at least ten (10) working days prior to the hearing, and documented in the case file, if the owner, keeper, or harbinger is known.
- (3) Unclaimed dogs. If any dog is impounded pursuant to this chapter and its owner cannot be identified within ten (10) working days, the dog may be put up for adoption with the same provisions that would have been required if reclaimed by the owner or humanely euthanized.

(4) The hearing. If the court, based upon evidence, finds that the dog is vicious, it may make orders authorized by this chapter.

(5) Orders. After the hearing conducted pursuant to this Section, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first class mail. If a determination is made that the dog is vicious, the owner or keeper shall comply with the orders in accordance with a reasonable time schedule established by the court.

(6) Appeal. The owner or keeper of the dog may challenge the determination and order within thirty (30) business days of receipt of the notice of determination by appealing the decision of the court to a court authorized to hear the appeal or such orders, pursuant to such rules and procedures for appeals.

(7) Breed-specific determinations. No determination of a vicious dog shall be based in whole or in part on the breed of the dog or the dog's physical characteristics.

D. Impoundment.

(1) If, upon investigation, the animal control authority determines that probable cause exists that a dog poses an immediate and irreparable threat to public safety, the animal control authority may seize and impound the dog pending a hearing pursuant to this article. The owner or keeper of the dog shall be liable for the costs and expenses incurred by the Animal Control Authority for keeping the dog if the dog is later adjudicated a vicious dog.

(2) When a dog has been impounded and it is not contrary to public safety, the animal control authority may permit the animal to be confined at the owner's expense, in a department-approved kennel or veterinary facility or at the owner's home with reasonable conditions pending the hearing.

E. Disposition of Dangerous Dogs, and Conditions Placed on Owners and Keepers of Dangerous Dogs.

(1) If a court of competent jurisdiction determines by evidence that a dog is a dangerous dog and finds that the release of the dog would create a significant threat to the public health, safety, and welfare, the court may authorize the animal control authority to humanely destroy said dog.

(2) The owner of any dog adjudicated to be a vicious dog, but not ordered destroyed, shall be required to implement the following conditions:

a. Keep the dog securely confined indoors or in a secure pen from which the dog cannot escape. The confinement must be capable of preventing the dog from coming into contact with persons or other animals while on the property of its owner or keeper. The confinement must prevent accidental entry by young children or other persons. Pens are subject to minimum spacing requirements established in this code and must have secure sides and a secure top. The pen must be constructed to prevent digging or burrowing underneath.

b. When not on the property of its owner, the dog shall be muzzled and restrained on a substantial leash of not more than four feet under the control of a responsible individual at least 18 years of age. The muzzle must be constructed so that it will prevent the dog from biting any person or domestic animal while not injuring the dog or interfering with the vision or respiration of the dog.

c. The dog shall at all times wear a substantial collar or halter and shall have attached to the collar or halter a metal disk or tag bearing the owner's name, address and telephone number.

d. The owner shall conspicuously display a sign(s) on his or her premises stating "Warning, Vicious Dog on Property." The sign(s) and wording displayed shall be visible from the public roadway or thoroughfare.

e. The court may impose additional reasonable conditions upon the owner or keeper of the dog that protect the public health, safety and welfare.

(3) Appeal. The owner or keeper of the dog may challenge the finding or order of the court within thirty (30) business days by appealing the decision of the court to a court authorized to hear the appeal or such orders, pursuant to such rules and procedures for appeals.

(4) If a vicious dog dies, or is sold, transferred, or permanently removed from the locality where the owner or keeper resides, or the owner or keeper changes residence while maintaining possession of the dog, the owner or keeper shall notify the animal control department of the changed condition and new location of the dog in writing within five (5) working days of the change in location of the dog.

(5) If the vicious dog escapes its enclosure, the owner or keeper shall immediately notify the animal control authority and begin a search for the dog.

F. Miscellaneous

(1) Nothing in this chapter shall limit or abrogate any claim or cause of action any person may have under common law or statute relating to injuries or damages resulting from a dog. The provisions of this chapter shall be in addition to such common law and statutory remedies.

(2) Nothing in this chapter shall limit or abrogate any common law defenses, rights, privileges, or justifications available under applicable law to any owner or keeper of a dog.

(3) Unclaimed dogs. The animal control authority shall make reasonable efforts to determine the identity of the owner or keeper of any dog. If any dog is impounded pursuant to this chapter and its owner cannot be identified within ten (10) working days, the dog may be put up for adoption or humanely euthanized.

SECTION VI: CRUELTY TO ANIMALS

A. Prohibited treatment; removal of mistreated animals; payment of expenses.

(1) It shall be unlawful for any person to:

(a) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal;

(b) Fail to provide any animal with proper food, drink, protection from the weather and veterinary care;

(c) Abandon any animal;

(d) Intentionally poison any animal;

(e) Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;

(f) Allow an animal to be kept in unsanitary conditions;

(g) Keep or confine an animal in other than a humane manner.

(2) The animal control authority may remove any animal kept or confined in other than a humane manner and may impound such animal pursuant to the provisions of this Ordinance.

(3) Any person that has been convicted of an act of cruelty to animals shall not own, harbor or care for animals for a period of five 5 years minimum to 10 years maximum. Anyone found in violation may be fined up to one thousand dollars (\$1000.00) maximum.

B. Diseased or injured animals.

(1) It shall be unlawful for any person to knowingly keep:

(a) Any injured animal without providing proper, timely treatment, including treatment by a veterinarian, when appropriate, for such injury.

(b) Any animal infected with a disease which may contaminate other animals and which may be a health hazard. A person acts "knowingly" when he is aware that such circumstances exist.

(2) Any such untreated, injured or diseased animal shall be immediately treated or, when necessary, humanely destroyed, to prevent unwarranted suffering. The disposition of such animals shall be at the direction of the animal control authority or a licensed veterinarian.

SECTION VII: RABIES CONTROL.

A. Every animal, which bites a person, shall be promptly reported to the Animal Control authority or the Monticello Police Department, shall thereupon be securely quarantined at the direction of the Animal Control authority for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the Animal Control authority. At the discretion of the Animal Control authority, such quarantine may be on the premises of the owner, at the shelter designated as the City of Monticello Animal Shelter or, at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals whose ownership is not known, such quarantine shall be at the shelter designated as the City of Monticello Animal Shelter.

B. The owner, upon demand by the Animal Control authority or the Monticello Police Department shall forthwith surrender any animal which has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine at the owner's expense. The animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in Paragraph B of this Section IX and compliance with licensing provisions set forth in this Ordinance.

C. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, or dies while under such observation, the Animal Control authority shall immediately send the head of such animal to the Arkansas State Health Department for pathological examination and shall notify the proper public health officer of reports of human contacts and diagnosis made of the suspected animal.

D. When one or both reports give a positive diagnosis of rabies, the Animal Control authority may recommend a citywide quarantine for a period of thirty (30) days, and upon the invoking of such quarantines, no animal shall be taken into the streets, permitted to be in the streets, or be taken or shipped from the City of Monticello without written permission of the Animal Control authority during such period of quarantine.

E. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under a thirty (30) day quarantine by the owner in the same manner that other animals are quarantined.

F. In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine may be extended for an additional six (6) months.

G. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any such animal that has bitten a human, except as herein provided. Nor shall any such animal be moved outside the city limits without written permission from the Animal Control authority.

H. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Animal Control authority.

I. The Animal Control authority shall direct the disposition of any animal found to be infected with rabies.

J. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand therefore is made by the Animal Control authority or the Monticello Police Department.

K. It shall be the duty of every licensed veterinarian to report to the Animal Control authority their diagnosis of any animal observed by them as a rabies suspect.

SECTION VIII: IMPOUNDMENT AND ADOPTION OF ANIMALS.

A. Impoundment.

(1) Any animal at large or otherwise in violation of the provisions of this Ordinance may be impounded in the animal shelter in a humane manner for a period of not less than ten (10) days and if within such time, an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this Section, such animal shall become the absolute property of the animal control authority, which may convey ownership of such animal to any responsible person on such conditions as the animal control authority may prescribe, or the animal control authority may humanely destroy such animal.

(2) The animal control authority shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter and the manner by which the animal may be reclaimed.

(3) Upon impoundment of a dog at large which carries its owner's address and which is impounded in the animal shelter, the animal control authority shall give the owner notice of impoundment.

(4) Notwithstanding any provision of this Ordinance to the contrary the animal control authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine, awaiting a hearing to determine if such animal is dangerous or for use as evidence in a criminal prosecution, for such time period as the animal control authority may determine.

(5) The animal control authority may humanely destroy any animal impounded in the animal shelter when the animal control authority reasonably believes the animal has sustained an injury or disease which will likely result in prolonged and severe suffering, or death.

(6) The animal control authority may enter onto anyone's property if there is probable cause to believe a violation of this Ordinance is being committed. The animal control authority has the authority to impound any animal without the owner's permission, although contact with the owner shall be made within three (3) days, if possible.

B. Reclaiming Animals:

(1) The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this ordinance, and upon payment of fees and charges as hereinafter provided. Reclamation and boarding fees shall not be in lieu of any fine or penalty otherwise provided by law.

(2) Fees for reclaiming impounded animals are determined by the Monticello Police Department:

(3) In addition to the foregoing fees, owners shall be liable for boarding fees, as set by the Monticello Police Department

(4) Any dog being reclaimed must have or obtain and show proof of a vaccination for rabies.

(5) In addition, each owner within a 12-month period, shall pay an additional increase for each case in which a dog is re-claimed regardless if it is the same dog as long as it is the same owner. The fee will increase as a stair step in increments per incident. Additional fees will be determined by the Monticello Police Department. For recordkeeping purposes, the 12-month period will begin January 1st of each year.

C. Adoption:

The animal control authority may convey ownership (permit Adoption) of any animal which has become the property of the animal control authority. Ownership may be conveyed to a responsible person subject to such conditions as may be prescribed by the animal control authority, including, without limitation, the following:

(1) Payment of an adoption fee as determined by Monticello Police Department and any vaccination, licensing or veterinary costs including, but not limited to the cost of spaying or neutering;

(2) Evidence satisfactory to the animal control authority that the animal has, or will be, examined by a veterinarian and vaccinations against rabies and other disease administered;

(3) Evidence satisfactory to the animal control authority that the animal has, or will be spayed or neutered. (Note: State Law requires that dogs adopted from a City Animal Shelter be spayed or neutered.)

SECTION IX: ENFORCEMENT AND PENALTIES.

A. Enforcement:

Officers of the Animal Control Authority, the Monticello Police Department, and the employees of the City of Monticello, shall enforce the provisions of this Ordinance.

B. Citations:

The Animal Control Authority, City of Monticello Code Enforcement Officer and Officers of the Monticello Police Department are hereby authorized to issue a citation to any person for violation of any provision of this Ordinance. The citation shall:

- (1) Be in a form approved by the Monticello Police Department, and the Drew County District Court,
- (2) Designate the offense charged, and
- (3) Require the person so charged to appear in the Drew County District Court on a date certain to answer the charges therein contained.

C. Penalty:

- (1) Any person who commits the offense of cruelty to animals shall be deemed guilty of a Class A misdemeanor, shall be ordered to surrender their animal, pay restitution of all fees and medical expenses to the City of Monticello and shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and/or a jail term not to exceed one (1) year in the Drew County Jail.
- (2) Any person who violates any provision of this ordinance, other than the offense of cruelty to animals, shall, upon conviction, be subject to a fine not to exceed Five Hundred Dollars (\$500.00) and/or a jail term not to exceed thirty (30) days in the Drew County Jail.

SECTION X: RECORDS.

It shall be the duty of the animal control authority to keep, or to cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody.

SECTION XI: LIVESTOCK AND FOWL.

A. Keeping of Hoofed Livestock:

(1) The keeping within the corporate limits of the City of Monticello, Arkansas, of cows, mules, horses, sheep, goats or other hoofed livestock shall be allowed subject to the provisions of this article and applicable provisions of the Ordinance as amended.

(2) Pens and enclosures for hoofed livestock shall meet the following minimum requirements:

(a) Horses, cows, and other large hoofed livestock:

(i) One acre per two horses, cows, or other large hoofed livestock or combination thereof, minimum of one acre for first such animal:

(ii) A minimum five (5) foot fence when the livestock are horses, mules, asses or donkeys; a minimum three (3) foot, six (6) inch high fence for all other livestock specified in this Section. Said fence shall be of standard design and material for the proper constraint of the type of large hoofed livestock kept.

(iii) Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably.

(iv) No Livestock may be kept within 100' of any residence or business excluding the residence or business of the person possessing the animal.

(b) Sheep, goats and other small hoofed livestock.

(i) One-half acre per two (2) sheep, goats and other small hoofed livestock or combination thereof, minimum of one-half acre for first such animal.

(ii) Adequate shelter from weather elements, which provides the animal adequate space to stand, turn and stretch comfortably.

(iii) Pen or enclosure of standard design and material for the proper constraint of the type of small hoofed livestock kept.

(iv) No Livestock may be kept within 100' of any residence or business excluding the residence or business of the person possessing the animal.

B. Fowl:

The keeping within the corporate limits of the City of Monticello, Arkansas, any Fowl to include but not be limited to chickens, ducks, guineas, geese, or other fowl shall be allowed subject to the provisions of this article and applicable provisions of the Ordinance as amended.

(1) Pens and enclosures for fowl shall meet the following minimum requirements:

(i) Fowl must have a minimum of 10 square feet per animal.

(ii) All pens must meet the above listed square footage requirements; possess a top and sides to prevent running at large, be neat and clean in appearance.

(iii) Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortable.

(iv) No Fowl may be kept within 100 feet of any residence or business excluding the residence or business of the person possessing the animal.

C. Condition of Pens and Enclosures:

All pens and enclosures designed to maintain any animal shall be maintained and kept in such condition as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept to permit the breeding of flies or in any manner cause injury to the health or comfort of the public or any person working or residing in the vicinity of said pen or enclosure. Manure or refuse shall be promptly removed and disposed of after each cleaning in accordance with all applicable rules, regulations and laws.

D. Exceptions:

Nothing in this article shall prohibit the temporary storage of animals in a Veterinary Clinic, Animal Shelter, or Kennel (at all times Kennel's must be in compliance with Section III of this ordinance).

E. Swine:

It shall be unlawful to keep swine within the limits of the City of Monticello, with the exception of pot-bellied pigs.

SECTION XII: SELL AND TRANSFER OF ANIMALS.

A. No person shall, offer for sale, barter or give away, upon any street, sidewalk, or any other public or private place within the city limits, any rabbits, baby chicks, ducklings, fowl, dogs, cats, or other animal

unless the Animal Control Officer is allowed to inspect the conditions of the animals and they have adequate shade, water, space and other humane conditions.

SECTION XIII: REPEALER.

All ordinances or parts of ordinances in conflict with the terms and provisions of this ordinance are hereby repealed.

SECTION XIV: PASSAGE AND APPROVAL

This ordinance shall be in full force after passage and publication as required by law.

City approved non-profit organizations will be allowed to make decisions on animal care for veterinary expenses on a case by case basis with the permission of the Animal Control Officer in emergency circumstances only. The non-profit organization shall coordinate with the Animal Control Officer to aid in care for the animals and in locating the owners.

EMERGENCY CLAUSE.

BE IT ALSO ORDAINED by the City Council of the City of Monticello, Arkansas, that:

The City Council having determined that there is a great public need for updated regulations related to vicious dog enforcement in the City of Monticello, Arkansas, and that a large number of public are desirous and in need of such board and the public welfare, safety, and morals being in jeopardy because of the lack of said organization an emergency is hereby declared to exist and this ordinance shall be in full force and effect and after its passage and publication.

PASSED AND APPROVED on this MARCH 26, 2019



PAIGE CHASE, MAYOR



ANDREA CHAMBERS, CITY CLERK