

## **TITLE 6**

### **ANIMALS AND FOWL**

#### **Chapters:**

- 6.04 Dogs
- 6.08 Other Animals and Fowl
- 6.12 Vicious Animals

### **CHAPTER 6.04**

#### **DOGS**

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**6.04.01 Definitions.** The following words and phrases shall for purposes of this ordinance have the following meanings:

- A. Dogs: When used herein shall include animals of all ages, both female and male, which are members of the canine or dog family.
- B. Owner: Every person, firm, partnership or corporation owning, keeping or harboring a dog within the corporate limits of the city.

- C. At large: Any dog not confined to the premises of the owner or within a house or other building or enclosure or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting the dog to the premises, or not confined by leash or confined within an automobile when away from the premises of the owner.
- D. Vaccination: An injection of any vaccine for rabies approved by the State Veterinarian and administered by a licensed veterinarian or pharmacist or agent of the Health Officer.
- E. Vicious dog: A dog which has a disposition to bite humans and any dog which has bitten or attempted to bite any person within six (6) months immediately past; however, the fact that a dog has bitten or attempted to bite some person when that person was teasing the dog shall not constitute the dog a vicious dog within the sense of this ordinance.
- F. Muzzle: When required by this ordinance, a muzzle shall be of appropriate material with sufficient strength to restrain the dog from biting and no such muzzle employed shall be made from any such material or maintained on the dog in any manner so as to cut or injure the dog.
- G. Collector: The Cross County Veterinarian Clinic and the Wynne Friends of Animals are duly authorized agents of the city for the purpose of this amended ordinance. (Ord. No. 493, Sec. 1.)

6.04.02 Vicious dogs It shall hereafter be unlawful for any person, firm or corporation to keep within the corporate limits of the city any vicious dog unless the said dog is muzzled or confined in a pen or tied in such a manner that he cannot bite mail carriers, delivery men or other licensees or invitees coming onto the premises. (Ord. No. 493, Sec. 2)

6.04.03 Number of dogs It shall be unlawful for any person, firm or corporation to own, keep or harbor more than two (2) dogs over three (3) months old within the corporate limits of the city except that this provision shall not apply to proprietors of dog hospitals and veterinarians when such dogs are kept upon premises used by such dog hospital and veterinarians as their normal place of business. Keeping on the premises of the owner of more than two (2) dogs shall be *prima facie* evidence of violation of this section and the burden of proof shall be on the owner to show the ages of such dogs. (Ord. No. 702, Sec. 3)

6.04.04 License fees and tags All dogs kept in the city of Wynne immediately upon becoming twelve (12) weeks of age shall be registered with the City Collector as to sex, breed, name and address of the owner and name of the dog each year at the time the dog is vaccinated. At the time of such registration, such owner shall obtain a license for the dog and shall pay a fee of \$5.00 for each dog. At the time of such registration, such owner shall present satisfactory

evidence by exhibiting to the City Collector a valid certificate and metal tag showing that such dog has been duly vaccinated for rabies for the year for which such license is to be issued. The license for such dog shall expire and be subject to renewal during the same month the rabies vaccine is due to be administered the next year. It shall be the duty of said owner to cause such license and vaccination tag to be securely attached around the dog's neck and kept there at all times during the license period. (Ord. No. 493 amended 1999.)

6.04.05 Vaccination All dogs from twelve (12) weeks of age kept in the city of Wynne, shall be vaccinated at least once a year against rabies, and it is made the duty of all owners of dogs, or persons having the possession or control of dogs within the city to have such animals vaccinated with vaccine against rabies in an amount, quantity and quality to be approved by the State Veterinarian. It shall be the duty of said owner or person having the control of said dog to cause a metal vaccination tag to be securely attached around the dog's neck and kept there at all times. (Ord. No. 493 amended 1999)

6.04.06 Confinement of dogs Commencing January 1, 1985, after the passage of this ordinance, any person owning, possessing, or keeping a dog or dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure or within a house, garage or other building or shall confine such dog or dogs by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog or dogs from running at large. (Ord. No. 493, Sec. 6)

6.04.07 Confinement other than on premises of owner At all times when not confined as stated in Section 6.04.06, the owner of any dog or dogs shall confine such dog or dogs within an automobile or by having one end of a rope or leash affixed to a substantial stationary object, or held by some person competent to control such dog or dogs. (Ord. No. 493, Sec. 7)

6.04.08 Running at large No person owning, possessing, or keeping a dog shall allow the same to run at large within the city of Wynne. (Ord. No. 493, Sec. 8)

6.04.09 Animal Control Officer

- A. There is hereby created the office of Animal Control Officer whose salary shall be fixed by the City Council.
- B. Appointment of the Animal Control Officer shall be appointed by the Mayor. The Animal Control Officer shall exercise the powers and duties as provided in this ordinance and in addition thereto shall perform such duties as may be delegated to him by the Mayor and/or City Council.
- C. It is hereby made the duty of the Mayor and Animal Control Officer to provide a suitable place to be known and designated as the "City Dog Pound" to carry out

the provisions of this ordinance, and including the construction of a suitable number of individual pens where particular dogs may be kept separate and apart from the remainder. (Ord. No. 493, Sec. 9)

6.04.10 Impounding of dogs; destroying of dogs The Animal Control Officer of the city of Wynne shall take into custody any dog found at large in the city of Wynne and shall impound the dog in the city dog pound or such other place as such Animal Control Officer may designate for purpose of impoundment. Such impounded dog shall be held for a period of five (5) days at the end of which time the dog shall be destroyed unless custody of said dog is released prior thereto under the following conditions: During the first four (4) days of such impoundment, the Animal Control Officer of the city of Wynne shall make diligent effort to determine the owner of such dog and notify him of such impoundment. If the owner of such dog fails or refuses to claim and repossess such dog by the payment of the proper fee as prescribed herein within the first four (4) days of such impoundment, then the Animal Control Officer of the city of Wynne, may deliver custody and possession of such dog to any person other than the owner upon such payment of the fee as prescribed herein after the fourth day of impoundment. (Ord. No. 493, Sec. 10)

6.04.11 Reclaiming dogs, fee for reclaiming Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded may claim and retrieve such dog from the city pound by payment of a fee of Ten Dollars (\$10.00) if the dog has been vaccinated within the year next preceding such impoundment and is currently licensed as required by law or by a fee of Twenty-Five Dollars (\$25.00) in the event the dog has not been vaccinated within the year preceding the impoundment, and is not currently licensed. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog from the Animal Control Officer under this ordinance. In addition to above fees, the city of Wynne may assess a board bill (for feeding) up to Five Dollars (\$5.00) per day. This board bill is an expense and may be changed by resolution of the City Council. Any person claiming unvaccinated and unlicensed dogs shall after payment of the fee assessed herein, and prior to the release of the dog, sign a promise, in writing, to the Animal Control Officer that such person will within five (5) days have the dog vaccinated and licensed if the animal is released to him. The Animal Control Officer shall keep such statements in a safe place and on the fifth (5th) day, the person to whom the animal is released shall bring to the Animal Control Officer or the Chief of Police, proof that the animal is vaccinated and licensed. Failure to provide such proof on or before the fifth (5th) day after the release of the animal shall constitute a violation of this ordinance subjecting the person to whom the animal was released to criminal prosecution. (Ord. No. 493, Sec. 11)

6.04.12 Dogs suspicioned rabid Any dog or dogs having rabies, or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall immediately be released by the owner or custodian of such dog or dogs to the Chief of Police or Animal Control Officer of the city of Wynne, for disposal or confinement in the dog pound of the city of Wynne or in a

Veterinary Hospital approved by the Animal Control Officer or Chief of Police. Such dog or dogs shall be immediately and securely confined by the attachment of a chain of good quality and kept under the supervision of the Animal Control Officer for a period of fifteen (15) days or for a longer period of time if, in the opinion of the veterinarian, additional confinement is determined necessary or for a period of time as specified by the Arkansas State Health Department or the physician who treats the bite victim, whichever period is longer. (Ord. No. 493, Sec. 12)

6.04.13 Barking and howling It shall hereafter be unlawful for any person, firm or corporation to keep on his premises or under his control, any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept. (Ord. No. 493, Sec. 13)

6.04.14 Inspection and confinement of vaccinated and licensed dogs In the event that any person is bitten, scratched or attacked by a dog which has been properly vaccinated and licensed, said dog may be impounded with the city as hereinabove set forth or may at the election of the owner thereof, be penned or chained at the premises of the owner. The period of such confinement shall be for a ten (10) day period or longer if specified by the Arkansas State Department of Health or the physician who treats the bite victim. (Ord. No. 493, Sec. 14)

6.04.15 Condition of pen and premises It shall be unlawful for any person, firm or corporation keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive dog odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises; and it shall be unlawful to allow premises where dogs are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises. (Ord. No. 493, Sec. 15)

6.04.16 Notice of offenses and violations, arrest The Police Department and Animal Control Officer or persons employed by such departments are authorized, for violation of any portion of this ordinance to give to the offender a notice to appear in the District Court, Criminal Division, of the city of Wynne. Such notice to appear shall state the name and address of the violator and the date of the violation, shall contain a statement of the nature of the violation, and be signed by the person having knowledge of such violation and who is also a member of one of the departments of the city of Wynne before

mentioned. The notice shall contain a printed statement in which the violator promises to appear in the Municipal Court, Criminal Division, without issuance of any warrant or other process and which statement is to be signed by the violator. Upon failure to sign the agreement to appear, the officer or employee shall swear out a complaint and the usual procedure upon the filing of complaints in the Municipal Court shall govern the arrest and trial of the violator. Upon the violator's signing the agreement to appear and his appearance as set out in the notice, no warrant shall issue for the arrest of the violator. (Ord. No. 493, Sec. 16)

6.04.17 Extension of time to reduce number of dogs. The provisions of Section 6.04.03 of this ordinance shall be enforceable commencing January 1, 1985, after the adoption of this ordinance, thereby allowing the owners ample time to provide for quartering and care of dogs elsewhere than on owners premises, in the event owner owns five (5) or more dogs covered by this ordinance. (Ord. No. 493, Sec. 17)

6.04.18 Dogs running at large. Any dog running at large in the City of Wynne which is untagged and cannot be caught by reasonable means, shall be presumed to be a stray dog and may be summarily destroyed by the Animal Control Officer or a member of the Wynne Police Department. (Ord. No. 493, Sec. 18)

6.04.19 Penalties and fines. Any person violating any portion of this ordinance shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by assessment of a fine of from Ten Dollars (\$10.00) to One Thousand Dollars (\$1,000.00). (Ord. No. 493, Sec. 19)

6.04.20 Officers may use drugs to debilitate dogs

A. The animal control officers as defined by Ord. 493 and the Wynne Police Department are hereby empowered and authorized to employ drugs designed to humanely debilitate dogs running at large and any other wild animal not normally kept as a household pet within the City of Wynne.

B. The animal control officers and/or officers of the Wynne Police Department are authorized to administer such debilitating drugs as set forth in Section 1 above by means of a dart gun designed for such purpose.

C. This ordinance shall amend and become a part of Ord. 493 of Wynne, Arkansas, and all other provisions of said Ord. 493 shall remain in full force and effect. (Ord. No. 574, Secs. 1-3.)

Chapter 6.08OTHER ANIMALS AND FOWLSections:

6.08.01	Horses and cows
6.08.02	Hogs, goats and sheep
6.08.03	Diseased animals
6.08.04	Releasing animals
6.08.05	Fowl
6.08.06	Cruelty to animals
6.08.07	Possession of wild, poisonous or dangerous animals or reptiles
6.08.08	Animals listed
6.08.09	Exceptions
6.08.10	Rodeos and circuses
6.08.11	Penalties

6.08.01 Horses and cows. (a) It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city, any cows and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.

(b) The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.

(c) The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

6.08.02 Hogs, goats and sheep. It shall be unlawful for any person to keep any hogs, goats or sheep within the city or to permit any such animals to run at large within the city; except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.

STATE LAW REFERENCE-See A.C.A. 14-54-1101

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

6.08.04 Releasing animals. It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city.

6.08.05 Fowl. It shall be unlawful for any person owning or having control of any chickens, turkeys or other fowl to allow the same to run at large within the city.

6.08.06 Cruelty to animals. If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

6.08.07 Possession of wild, poisonous or dangerous animals or reptiles It shall be unlawful for any person to keep, maintain, sell or have in his possession or under his control within the city any poisonous reptile or any other dangerous or carnivorous wild animal or reptile. (Ord. No. 553, Sec. 1.)

6.08.08 Animals listed It shall be unlawful for any person to keep, maintain, sell or have in his possession or under his control within the city any of the following animals:

1. All poisonous animals including rear-fang snakes.
2. Apes: chimpanzees (pan); gibbons (Hylobates), gorillas (Gorilla); orangutans (Pongo) and siamangs (Symphalangus).
3. Baboons (Papoi, Mandrillus)
4. Bears (Ursidae)
5. Cheetahs (Acinonyx jubatus)
6. Alligators or crocodilians (Crocodilia)
7. Snakes
8. Coyotes (Canis latrans)
9. Elephants (Elephas and Loxodonta)
10. Hippopotami (Hippopotamidae)
11. Hyenas (Hyaenidae)
12. Jaguars (Panthera onca)
13. Leopards (Panthera pardus)
14. Lions (Panthera leo)
15. Lynxes (Lynx)
16. Monkey, old world (Cercothecidae)
17. Piranha fish (Characidae)
18. Pumas (Felis concolor), also known as cougars, mountain lion and panthers
19. Rhinoceroses (Rhinocerotidae)
20. Tigers (Panthera tigris)
21. Wolves (Canis lupus)

(Ord. No. 553, Sec. 2.)



6.08.09 Exceptions Those animals and reptiles listed in 6.08.02 are specific animals or reptiles prohibited, but this section is not limited to those animals or reptiles listed and any animal or reptile which meets the prohibition of 6.08.01 is also prohibited. (Ord. No. 553, Sec. 3.)

6.08.10 Rodeos and circuses This section does not apply to entertainment events approved by the City Council in advance, such as rodeos or circuses. (Ord. No. 553, Sec. 4.)

6.08.11 Penalties Any person violating any provisions of this ordinance shall be deemed guilty of a Class A Misdemeanor and subject to such penalties. In addition, after notice is given to the owner of any such wild animal or reptile, the Mayor and police department are authorized to have the animal or reptile removed from the city limits. (Ord. No. 553, Sec. 5.)

## **CHAPTER 6.12**

### **VICIOUS ANIMALS**

Sections:

6.12.01	Definitions
6.12.02	Within city limits
6.12.03	Owner responsibility
6.12.04	Prohibited Breed rules and regulations
6.12.05	Unregistered Pit Bull and other vicious animals in the city
6.12.06	Failure to comply
6.12.07	Enforcement
6.12.08	Authority of the Director
6.12.09	Penalties

6.12.01 Definitions For the purpose of this revised ordinance, the following words and phrases are defined to mean:

**Court-ordered relinquishment** The Court removes the right and privilege of owner/guardianship over an animal.

**Escape-proof dog kennel or pen** A secure chain link or approved metal enclosure with a minimum height of six (6) feet and a minimum floor space of no less than sixty-four (64) square feet (Ex. 8'x8'). Should the animal be a climber, and exhibit the ability to escape by climbing, a chain link top will be required to be attached to the sides. Six (6) foot of wooden

privacy fences are allowed, however, proper steps must be taken to prevent escape by either digging, or climbing. Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of wooden fences, gaps between boards shall not be more than two (2) inches. Any gate or entry to the kennel shall be locked with a keyed or combination lock. (Feb. 2, 2012)

**Owner/guardian** Any person, firm, partnership, or corporation who owns, keeps, possesses, exercises control over, maintains, harbors, transports, or sells a Pit Bull or other domestic animal of a vicious nature.

**Pit Bull**

- A. The Pit Bull Terrier breed of dog;
- B. Staffordshire Bull Terrier breed of dog;
- C. The American Pit Bull Terrier breed of dog;
- D. The American Staffordshire Terrier breed of dog;
- E. The American Bull Dog breed of dog;
- F. A new registered breed created from foundation stock of any of the listed breeds having similar appearance and characteristics;
- G. Any dog, whether registered or mixed, which has the appearance and characteristics of the breed of dog commonly referred to as "Pit Bull" and is recognizable and identifiable as such.
- H. Any dog conforming or substantially conforming to any of the above listed breed of dogs as defined by the United Kennel Club or the American Kennel Club.

**Prohibited breed permit** A permit that allows the owner/guardian to possess within the corporate limits of the city of Wynne a Pit Bull or other domesticated animal of a vicious nature as described in 6.12.02(C) and (D).

**Relinquishment** To give up all owner/guardianship rights to an animal.

**Secure containment enclosure** A yard securely fenced with the fence being constructed of a material and at a height that will prevent escape: five (5) foot chain link or six (6) foot wooden fence is preferred. Chicken or rabbit wire fencing is prohibited and is barbed wire fencing. Entry gates must be locked with keyed or combination locks.

**Secure transport enclosure** An enclosure used for transporting a Pit Bull dog or other domesticated animal of a vicious nature away from its home. The enclosure must include a top and bottom permanently attached to the sides except for a door. The enclosure must be made of such material and the door secured in such a manner that the animal couldn't exit the enclosure of its own accord. The enclosure must be large enough that when the animal is standing in a normal position that no part of the animal touches the enclosure.

**Tied out** No person shall tie any breed of dog to inanimate objects including but not limited to trees, posts, buildings, etc. by way of chain, rope, strap, leash, or by any other method. The owner/guardian who ties or chains their dog to inanimate objects is in violation of this ordinance. (Ord. No. 750, Sec. 1.)

6.12.02 Within city limits It shall be unlawful to keep, harbor, own, sell, transport (unless in a secure transport enclosure), or in any way possess within the corporate limits of the city of Sherwood, Arkansas, any of the following:

- A. Any warm-blooded carnivorous or omnivorous wild or exotic animal (including, but not limited to, non-human primates, raccoons, skunks, foxes and wild or exotic cats, but excluding fowl, birds, ferrets and small rodents of varieties used for laboratory purposes).
- B. Any animal having poisonous bites.
- C. Pit Bull dog The owner/guardian of a Pit Bull Dog kept as a companion animal that resides in an area that is annexed into the corporate limits of the city is given a sixty-day (60) grace period to either remove the dog from the city, or to register the dog, acquire a permit, and conform to all parts of the ordinance. During this sixty (60) days, or until all requirements of this ordinance are met, the animal must be securely confined. Failure to properly confine the animal is in violation of the ordinance. (Feb. 2, 2012)
- D. Any breed of dog that without provocation exhibits fierce or vicious behavior and poses a threat, either real, or perceived as real to human or animal safety. Any dog, regardless of breed, deemed fierce, and vicious by the Department of Animal Control, shall be required to meet all requirements of this ordinance. (Feb. 2, 2012)
- E. Any vicious animal:
  - 1. A domestic animal that without provocation attacks a person or displays overly aggressive behavior to a person engaged in a lawful activity;

2. A domestic animal while off the property of its owner/guardian that attacks another animal with such severity as to cause physical injury or death to that animal.
3. A Pit Bull Dog that exhibits fierce, aggressive, or vicious behavior toward either people or other animals does not qualify, and will be refused, both a registration, and a permit, as otherwise allowed in this ordinance. In addition a Pit Bull dog that has scars or has open wounds to the extent that in the opinion of a licensed veterinarian received the scars or wounds because of dog fighting.
4. Any Pitt Bull dog exhibiting scars to the extent that in the opinion of a licensed veterinarian, received the scars as a result of dog fighting. (Ord. No. 750, Sec. 2. as amended by Feb. 2, 2012.)

6.12.03 Owner responsibility Owner/guardian must comply with all rules, regulations and registration requirements, pay a registration fee if applicable, and purchase prohibited breed permit from the Department of Animal Control. The permit must be renewed annually. Registration fee is set at Five Dollars (\$5.00), and permit fee is set at Fifteen Dollars (\$15.00) and will approved by Wynne City Council upon the adoption of this ordinance. These fees will be retained by the Wynne Animal Shelter. These fees are subject to change. Pit Bull and vicious animal registration requirements:

- A. Rabies vaccination The owner/guardian must have a licensed veterinarian vaccinate the animal and provide proof of the same upon registration and/or permit renewal.
- B. Confinement and restraint All structures, enclosures, and pens erected to house a dog must provide a safe and humane environment for the dog. The dog must, at all times, have access to clean fresh water and food and a minimum of sixteen (16) square feet of shade, and a dog house large enough for the dog to stand-up unrestricted, lie down and turn around. All registered dogs must be securely confined indoors in a secured containment enclosure or in a kennel or pen. No dog may be tied out with a chain, rope, leash, strap or any other method that is in violation of this ordinance.
- C. Confinement indoors No 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. No animal may be kept in a structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

- D. Secured containment enclosure See 6.12.01(D)
- E. Dog kennel or pen See 6.12.01(E)
- F. Muzzle Any dog, regardless of breed, required to meet the requirements of this ordinance, due to fierce, aggressive, or vicious behavior, and deemed vicious by the Department of Animal Control, shall be required to wear a muzzle at all times when outside their secure confinement area. The muzzle must be properly fitted, made of either wire or plastic, and allow the animal to open its mouth to pant, and not restrict respiration. (Feb. 2, 2012.)
- G. Leash Any dog, regardless of breed, covered by this ordinance, is required to wear a harness, and be securely leashed with a leash no longer than four (4) feet in length, and walked or controlled by an adult with the strength, and ability to control the dog. (Feb. 2, 2012.)
- H. Tied out See 6.12.01 (I)
- I. Photo The owner/guardian must bring their dog to the Animal Shelter at the time of registration where the owner/guardian will be photographed together and the photo kept in the registration file.
- J. Show/breeders permit A show or breeders permit will be allowed. This will be in addition to all other required fees. This fee is set at One Hundred Fifty Dollars (\$150.00). To receive a show/breeders permit, an application must be filled out, and submitted to the Department of Animal Control. If such application is approved a permit will only be allowed after a home visit, with inspection and approval of all kennels, and breeding and litter areas by the Department of Animal Control. Any acquired show/breeders permit will allow inspection at any time by the Department of Animal Control, and may be immediately revoked should it be determined that conditions are inhumane, unhealthy to either humans or animals, or in any way do not meet AKC standards for the housing of multiple animals. (Feb. 2, 2012.)
- K. Identification tags All domestic animals presented for registration under this ordinance must wear an identification tag providing the owners/guardians name, address and daytime phone number. (Ord. No. 750, Sec. 3.)

#### 6.12.04 Prohibited breed rules and regulations

- A. Permit is not transferable A prohibited breed permit is only valid for the person who purchased the permit and for the dog that it registers.

- B. Maximum number No more than two (2) animals may be housed at one address.
- C. Signs Owner/guardians of registered dogs shall display in a prominent place on their premises and on all gates entering a dog's confinement area a sign easily readable by the public using the words "Beware of Dog."
- D. Reporting requirements Owner/guardians of registered dogs must within ten (10) days of the incident report the following information in writing to the Animal Shelter as required hereinafter:
1. The removal from the city of Wynne or death of a registered dog.
  2. The birth of offspring of a registered dog.
  3. Updated registration information when the original owner/guardian moves to a new address within the city of Wynne.
- E. Sale of transfer of ownership/guardianship prohibited No owner/guardian shall sell, barter or in any other way dispose of an animal registered with the city of Wynne to any person within the city of Wynne unless the recipient person resides permanently in the same household as the original owner/guardian. The original owner/guardian of a registered dog may sell or otherwise dispose of a registered dog or the offspring of a registered dog to persons who do not reside within the city of Wynne.
- F. Animals born of registered breeding dogs All offspring born of registered breeding dogs must be removed from the city of Wynne within eight (8) weeks of the birth. Failure to remove all puppies within eight (8) weeks is a violation of this ordinance.
- G. Dispute over Pit Bull designation An owner/guardian who claims his/her dog is not a Pit Bull must, within five (5) business days, provide statements from two (2) veterinarians. The veterinarian must state that in his/her professional opinion, the dog in question is not a Pit Bull as described in the ordinance. The statements must be accompanied by two (2) clear photographs signed by the veterinarians depicting the dog's approximate size and characteristics.
- H. Pit Bull registration of annexed area Pit Bull registration is only permitted during the sixty-day (60) grace period following an annexation, and only applies to the residents located within the annexed area. (Ord. No. 750, Sec. 4.)

6.12.05 Unregistered Pit Bull and other vicious animals in the city

- A. Animals that growl, charge, bite or attempt to bite or display extreme fear of people pose a threat to the public's safety. Prohibited animals found running at-large within the corporate limits of the city of Wynne, whether owned or stray, that pose a threat to the public's safety are captured by Animal Control and taken into the Animal Shelter are subject to euthanasia after two (2) days. Stray Pit Bulls and other animals displaying acceptable temperaments, actions and behaviors during their stay at the Animal Shelter may be available for adoption to a legitimate rescue or to a qualified person. These animals will be held for a period of no less than five (5) days. If adoption is not possible, the animal must be humanely euthanized.
  
- B. Resident owner/guardian of an unregistered Pit Bull who are unaware of the Prohibited Breed ban and house the animal within the corporate limits of the city of Wynne are advised of the ordinance upon discovery. If the resident has a secure location to confine his/her pet, a written warning will be issued to the owner/guardian giving them fifteen (15) days' grace period to become compliant with all provisions of the ordinance or relocate the animal outside the city limits. If the resident does not have a secure location to confine their pet, the animal must be relocated outside the city limits immediately or taken into custody of Animal Control to be placed in the Animal Shelter.
  
- C. Owned unregistered domestic animals covered by this ordinance found running at large that are captured and taken to the Animal Shelter:
  - 1. Owner/guardian must reclaim and immediately relocate the animal to a licensed boarding facility, to an approved home outside the city limits of Wynne, or relinquish his/her pet within the five (5) day holding period. A Pit Bull or other vicious animal that goes unclaimed or is claimed outside the five (5) days' holding period is considered abandoned by the owner/guardian and they will relinquish ownership/guardianship of the dog. Failure to reclaim or relinquish the animal is a violation of this ordinance.
  
  - 2. The owner/guardian reclaiming an animal is required to provide verifiable information containing the name, address, daytime phone number and a copy of the state-issued identification card for the person reclaiming the animal.

3. Any person adopting a Bit Bull must provide verifiable information containing name, address and a daytime phone number. The person adopting the animal must live in an area that allows and assumes all legal and financial responsibilities for the safekeeping of said animal.
4. Owner/guardian must pay a relinquishment fee of Twenty-Five Dollars (\$25.00) or a euthanasia fee at the time of relinquishment. The relinquishment fee is approved by the Wynne City Council upon the adoption of this ordinance. The euthanasia fee will be determined by what a licensed veterinarian charges the city of Wynne to euthanize an animal. The relinquishment fee will be retained by the Wynne Animal Shelter. Animal Service personnel will determine adoptability of an animal based on the actions, behaviors, and physical condition of the animal at the time of relinquishment. Animals that are aggressive to people or other animals are not suitable for adoption and must be humanely euthanized. (Ord. No. 750, Sec. 5.)

6.12.06 Failure to comply It shall be unlawful for the owner/guardian of a Pit Bull Dog or other animal of a vicious nature whether registered or unregistered to fail to comply with the requirements and conditions set forth in this ordinance. An owner/guardian failing to comply is subject to prosecution and the animal is subject to immediate seizure and impoundment. (Ord. No. 750, Sec. 6.)

6.12.07 Enforcement It is unlawful to interfere with the Animal Control Officer or the Director of the Animal Shelter or his designees while they are enforcing this ordinance. (Ord. No. 750, Sec. 7.)

6.12.08 Authority of the Director The Director of Animal Shelter or his/her designee shall promulgate rules when necessary to clarify definitions, establish procedures, and enact regulations to implement and carry out the provisions of this ordinance. (Ord. No. 750, Sec. 8.)

6.12.09 Penalties Any person violating or permitting the violation of any provision of this ordinance shall, upon conviction in a court of competent jurisdiction be fined a sum not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00). In addition to the fine, the defendant shall pay restitution to the Animal Shelter including but not limited to: food, shelter fees, handling fees, and veterinary fees necessitated by the enforcement of this ordinance. Each animal kept in violation of this ordinance shall be deemed a separate offense. Upon conviction for violations of this ordinance, the dog must be removed from the corporate limits of the city of Wynne within twenty-four (24) hours or relinquish ownership/guardianship of the animal to the Animal Shelter.

In addition to the foregoing penalties, the court may order any one or all of the following additional penalties:



- A. The defendant sentenced to imprisonment in the county jail for a period not to exceed thirty (30) days.
- B. The revocation of a Prohibited Breed or Show/Breeders Permit.
- C. The relinquishment of the animal to the custody of Animal Services.
- D. The euthanasia of a vicious animal.

Should the defendant refuse to remove a dog from the corporate limits of the city of Wynne, the court judge shall find the defendant in contempt and order the immediate confiscation, impoundment, and relinquishment of the animal. (Ord. No. 750, Sec. 8.)