

TITLE 6

ANIMALS AND FOWL

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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.

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 for 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 Wynne, 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 these 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 a 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 be 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.)