

## **TITLE 6**

### **ANIMALS**

#### **Chapters:**

- 6.04 Dogs
- 6.08 Other Animals and Fowl
- 6.12 Condition of Enclosures
- 6.16 Sale of Animals
- 6.20 Regulation of Dangerous Dogs
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### **CHAPTER 6.04**

#### **DOGS**

#### **Sections:**

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- 6.04.02 Definitions
- 6.04.03 Exception
- 6.04.04 Animal Control Division of the Stuttgart Police Department
- 6.04.05 Duties
- 6.04.06 Animal Control Center
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6.04.01 Running at large It shall be unlawful for any person owning or having in charge, care, control or custody any dog to cause, allow or permit such dog to run at large upon any public way in the city or upon any lot or premises within the city, which lot or premises is the property of another without the knowledge, consent and approval of the other person. (Ord. No. 740, Sec. 1)

6.04.02 Definitions

- A. The term "to run at large" as used in this chapter shall mean running loose or free and not under the direct control of some person by leash or other device attached to the dog. (Ord. No. 740, Sec. 2)
- B. The term "dog" shall be interpreted to mean both male and female. (Ord. No. 269, Sec. 1)

6.04.03 Exceptions

- A. Seeing-eye dogs for use and ownership of blind persons shall be exempt from each and every provision hereof. (Ord. No. 740, Sec. 3)
- B. Any dog which may follow or be led by any country-man or traveler through the city while with its owners or keeper shall not be impounded. (Ord. No. 269, Sec. 9)

6.04.04 Animal Control Division of the Stuttgart Police Department That the duties and responsibilities of the Animal Control Center, an agency of the city of Stuttgart, Arkansas, are hereby transferred to the Stuttgart Police Department, and shall hereinafter be referred to as the Animal Control Division of the Stuttgart Police Department. (Ord. No. 1011, Sec. 1)

6.04.05 Duties The office of the Animal Control Center Superintendent is hereby abolished and all of his duties and responsibilities shall be transferred to the Chief of Police of the Stuttgart Police Department and/or to anyone so designated by said Chief of Police, and the Mayor, with Council approval. (Ord. No. 1011, Sec. 2)

6.04.06 Animal Control Center

- A. The city shall provide suitable premises and facilities to be used as a City Animal Control Center. It shall be the duty of the Superintendent to take care of such premises and to keep them in a clean and orderly condition. (Ord. No. 740, Sec. 6 as amended by Ord. No. 715)

- B. Residents of Stuttgart desiring to use Stuttgart Animal Control equipment to catch wild or loose animals may request the use of the available equipment, however the requesting resident of such equipment shall be responsible for any losses or damages to such equipment, and shall be required to make a \$25.00 deposit toward the rental fee or damage to such property. The rental fee is to be at the rate of \$2.00 per day. The equipment shall consist of but not necessarily be limited to control poles, trap cages, transport cages, or other equipment that may be available for use by the Animal Control Center. (Ord. No. 1535, Sec. 2.)
- C. Residents desiring the use of such equipment, or desiring that their animals be disposed of as above provided, will be required to execute an agreement with the city of Stuttgart to hold the city of Stuttgart free and harmless for any damages or legal fees that may result because of the use of such equipment or the destruction of such animals. (Ord. No. 1535, Sec. 2.)

6.04.07 Enforcement It shall be the duty of any Police Officer to assist the Superintendent in the apprehension of dogs when requested to do so, and it shall be unlawful for any person to interfere with any Police Officer or the Superintendent and his assistants in the discharge of the duties imposed by this chapter. (Ord. No. 775)

6.04.08 Fees From and after the passage and approval of this ordinance, the following fees will be in full force and effect:

City tag	\$5.00
Boarding fee	\$5.00 per day
Pick-up fees for animals at large	\$20.00 for first offense; double each offense thereafter
Pick-up fees for unwanted animals	\$20.00
Trap rental	\$25.00 deposit with first night free, then \$5.00 per day thereafter
Disposal of wild animals	\$10.00 per animal
Fee for animals brought to the shelter to be euthanized because of health or temperament	\$20.00
Fee for animals brought to shelter from the country	\$20.00
Fee for picking up dead, owned animals	\$10.00 for animals dead under 12 hrs \$25.00 for animals in decay
Drop off fee for health, adoptable animals is waived	
Cost of replacement – city tags	\$5.00

(Ord. No. 1807, Sec. 1, amended by Ord. No. 1886, Sec. 3.)

6.04.09 Impounding; destroying It shall be the duty of the Superintendent to keep all licensed dogs whose owner is known for a period of five (5) days from the date of notice to the owner. If the dog is not redeemed by the owner in said period, it may be destroyed.

Unlicensed dog or dogs not wearing a collar or identification or whose owner is unknown, if not redeemed by the owner within three (3) days after impoundment, may be destroyed.

Any dog which is suffering from mange, distemper or other serious disease, may be released to the care of a veterinarian at the request of the owner. If such dogs are strays, they may not be sold, but must be destroyed.

Any dog which appears to be suffering from rabies shall not be released, but shall be kept under observation for two (2) weeks, at the expense of the owner, after which, if found not to be rabid by a qualified veterinarian, it may be destroyed or released to the owner.

Any dog which is not redeemed within the required time may be sold by the Superintendent to any person desiring to purchase such dog. The buyer, in addition to paying the charges set forth, shall before receiving the dog, pay \$15.00 plus the license fee and rabies vaccination fee. (Ord. No. 972, Sec. 2)

Such charges shall be as fixed in Section 6.04.08, which amount shall be the minimum

charge. Charges higher than the minimum may be assessed by the Superintendent based on the time involved in catching and impounding and on the cost of feeding and care during such impoundment.

6.04.10 Confinement required after biting When any person is bitten by a dog, it shall be his duty to notify the Chief of Police.

Upon receiving and verifying such report, the Chief of Police shall have the duty of notifying the owner of the dog, and to cause such animal to be impounded in a place provided by order of the Mayor, where the animal shall be kept for a period of not less than ten (10) days. During such period of impoundment, the dog shall be examined and observed by a veterinarian licensed to practice in the State of Arkansas, and if after the expiration of the ten (10) days the animal is deemed to be free of disease harmful to humans, the animal shall be released and returned to its owner. If the veterinarian determines that additional observation and examination is necessary or desirable to protect the health and welfare of the person so bitten, the animal shall be retained and its impoundment continued until it shall be adjudged free of the disease. (Ord. No. 553, Secs. 1 & 2)

6.04.11 Right to destroy Should any animal display symptoms which lead such veterinarian to determine that the animal should be destroyed, he shall report such findings to the owner of the animal and to the Mayor and shall proceed to destroy the animal, and shall have no liability either civilly or criminally for such act of destruction. (Ord. No. 553, Sec. 3)

6.04.12 Cost of confinement All costs of impoundment and veterinarian fees for examination and observation of animals shall be borne by the owner of the animal, and he shall be entitled to redeem the animal after the impoundment period (provided the animal is found free of disease) only upon payment of costs and fees to the City Clerk.

The owner shall be liable for the payment of costs and fees whether or not the animal is redeemed from impoundment, found to be free of disease or shall have to be destroyed. The indebtedness shall be paid within five (5) days after notification of the veterinarian's findings, and the City may collect by appropriate court proceedings. (Ord. No. 553, Sec. 4)

6.04.13 Penalty for violation of 6.04.10 - 6.04.12 Any person violating Section 6.04.10 - 6.04.12 shall, upon conviction, to be fined in any sum not exceeding One Hundred (\$100.00) Dollars. (Ord. No. 553, Sec. 5)

6.04.14 Vaccination required The City Clerk shall issue no dog license unless the owner present at the time of application a valid veterinarian's certificate showing the animal has been vaccinated against rabies within twelve (12) months preceding such application. (Ord. No. 543, Sec. 1 (d))

6.04.15 Veterinarian to vaccinate All rabies vaccinations shall be administered by veterinarians licensed by the state of Arkansas. (Ord. No. 543, Sec. 1(a))

6.04.16 Certification Every veterinarian who vaccinates any dog, shall collect his fee from the owner of the dog and shall issue a certificate of vaccination to the owner stating the name of the owner, a brief description of the dog, the date of vaccination and the fee collected by him. (Ord. No. 269, Sec. 5)

Dogs should be vaccinated against rabies annually. (Ord. No. 1886, Sec. 2.)

6.04.17 License, vaccination charge On and prior to the fifteenth (15th) day of April of each year, the city shall charge and receive the sum of One Dollar (\$1.00) as a license fee for each dog kept within the city limits which sum shall be in addition to the veterinarian's fee for rabies vaccination. The veterinarian's fee shall be determined on a bid basis, the low bidder will be awarded the contract for vaccinations during the city-wide vaccination and licensing campaign period. (Ord. No. 543, Sec. 1 (b))

6.04.18 Additional charge On and after April 16th of each year, the city shall charge and receive the sum of One Dollar and Fifty Cents (\$1.50) as a license fee for each dog kept within the city limits which sum shall be in addition to the veterinarian's fee for rabies vaccination and the owner of the dog shall pay to the veterinarian his usual and ordinary fee for such vaccination. (Ord. No. 543, Sec. 1 (c))

6.04.19 Amendment to dates The dates specified in Sections 6.04.18 and 6.04.19 may be changed from time to time either by resolution of the City Council or by proclamation of the Mayor. (Ord. No. 513, Sec. I(e))

6.04.20 Barking and howling No person shall own, keep or harbor any dog which by loud and frequent or habitual barking, whining, howling or other noises shall annoy or disturb the peace and quiet of any neighborhood, family or person. (Ord. No. 269, Sec. 8)

6.04.21 Penalty for violation of 6.04.21 - 6.04.22 Any person violating Sections 6.04.21 - 6.04.22 shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 1302, Sec. I)

## CHAPTER 6.08

### OTHER ANIMALS AND FOWL

#### Sections:

6.08.01	Cruelty to animals
6.08.02	Unlawful to allow vicious animal to run at large
6.08.03	Disturbing the peace
6.08.04	Running at large, impounding, feeding
6.08.05	Right to kill animals
6.08.06	Condition of stables
6.08.07	Number of animals
6.08.08	Reptiles
6.08.09	Running at large, impounding
6.08.10	Reclaiming animals
6.08.11	Disposal of animals
6.08.12	Penalty
6.08.13	Exterminator authorized
6.08.14	Duties and authority of exterminator
6.08.15	Means employed
6.08.16	Livestock

6.08.01 Cruelty to animals. No person shall cruelly treat any animal in the City in any way; any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this chapter. (Concept Ord. No.4 )  
STATE LAW REFERENCE - See A.C.A. 20-19-303 and 20-19-310.

6.08.02 Unlawful to allow vicious animal to run at large. It shall be unlawful to permit any dangerous or vicious animals of any kind to run at large within the City. Exhibition of parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the City.

6.08.03 Disturbing the peace. It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

6.08.04 Running at large, impounding, feeding. It shall be unlawful to permit any cattle, horse, mule, sheep, goat, rabbit or poultry to run at large in the City; any such animal running at large in any public place shall be impounded in the manner provided in this chapter. It shall further be unlawful to picket or tie any such animal in any of the streets for the purpose of grazing or feeding. (Ord. No. 139 and 181)

6.08.05 Right to kill animals. The members of the Police Department or any other person so authorized are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

6.08.06 Condition of stables. No person shall cause or allow any stable or place where any animal or fowl is or may be kept to become unclean, or unwholesome, and it shall be unlawful to keep any live horses, mules, cattle, goats or sheep in the city. (Concept Ord. No. 83)

6.08.07 Number of animals. It shall be unlawful for any person to keep, harbor or have custody of more than two (2) rabbits, chickens, geese, ducks and other domestic fowl solely as pets. This section shall not apply to the keeping of small caged birds solely as pets.

6.08.08 Reptiles. No dangerous or poisonous reptiles may be maintained by any person other than bona fide educational or medical institutions for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the Chief of Police.

6.08.09 Running at large, impounding. Any animal or fowl that is found running at large within the city is declared to be a nuisance and shall be impounded in some suitable place designated by the Mayor.

6.08.10 Reclaiming animals. The owner or owners of any animals or fowl impounded may redeem the same by paying all the costs, charges and penalties assessed, if any, that have accrued up to the time of making the redemption and when the same are paid, the animal shall be released to the owner.

6.08.11 Disposal of animals. Immediately after impounding any animal or fowl it shall be the duty of the Animal Control Center Superintendent to enter in a book to be kept by the Superintendent the date of impounding and a description of the animal or fowl impounded.

Public notice of the impounding of such animal or fowl shall be given by posting a description of such animal or fowl and date of impounding on the bulletin board in the Police Department at the City Hall. Any such animal or fowl not redeemed by the owner within five (5) days after the posting of such notice shall be declared to be a public nuisance. The Superintendent shall immediately dispose of the animal or fowl by public sale with the proceeds being first applied to the cost of impoundment and the balance deposited in the City Treasury.

6.08.12 Penalty. Any person, firm or corporation violating any provision of this chapter, upon conviction, shall be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.



6.08.13 Exterminator authorized. The City Council of the City of Stuttgart, Arkansas, is hereby authorized and empowered to designate a person or persons who shall be responsible for the extermination of birds, rodents or other animals deemed to be hazardous to the public health, safety or general welfare. (Ord. No. 1167, Sec. 1)

6.08.14 Duties and authority of exterminator. Such person or persons so appointed shall be vested with the duty and authority to engage in all necessary activities, separately or in cooperation with appropriate health and sanitation agencies of Arkansas County, the State of Arkansas, the Federal Government of the United States, or any other persons or agencies having expertise in the area of health, sanitation and eradication of health endangering pests or species, for the purpose of controlling or eradicating birds, rodents or other animals deemed to be hazardous to the public health. In addition, such person or persons shall be authorized and empowered to enlist the assistance of such other persons as may be necessary to achieve the purposes stated herein. A listing of all persons so selected shall be provided to the City Clerk and the City Council and shall be subject to the approval of the Council. (Ord. No. 1167, Sec. 2)

6.08.15 Means employed. Such persons so enlisted or appointed shall be authorized to employ such means or methods including, but not limited to, the use of traps, poisons, firearms or other substances or implements deemed necessary and appropriate for the eradication of health endangering pests or species, PROVIDED, HOWEVER, that the names of such persons, the means to be employed and the dates and times of such planned eradication or usage shall first be approved by the City Council and filed with the City Clerk. The authority of such persons to employ traps, poisons, firearms or other substances or implements shall be terminated at the expiration of the period designated and/or approved by the City Council. (Ord. No. 1167, Sec. 3)

6.08.16 Livestock.

A. Definitions: As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"Livestock" means any domestic animal except a house pet.

"Enclosure" means any enclosed area, including buildings, fenced-in areas, pens, cages and pastures.

"Sanitation Officer" means any person designated and authorized by the City, the County or the State to make inspections and enforce regulations for the protection of public health. (Ord. No. 1417, Sec. I)

B. Prohibited; Exceptions: From the date of passage of this section, it shall be unlawful for any citizen to keep livestock within the city limits of Stuttgart, Arkansas, except for at those locations where livestock are currently housed prior to the enactment of this section. Persons allowed to keep livestock under this "grandfather provisions"

must do so in accordance with all requirements, standards and restrictions set forth in this section.

If, for any reason, a person housing or keeping livestock within the Stuttgart City Limits prior to this section's enactment shall cease to do so for a period of ninety (90) days, any subsequent keeping of livestock on the said land will be prohibited. (Ord. No. 1417, Sec. II)

C. Permit Required:

1. Date of effect. Within sixty (60) days from the passage and approval of this section, any current owner of livestock kept within the city limits of Stuttgart, Arkansas, shall apply for a permit at no charge for the keeping of said livestock.

2. Renewable. Said permit shall be renewable upon application each year on or before December 31 beginning in the year 1993.

3. Non-transferrable. Said livestock permits non-transferrable to any other person, heir, successor or assign of the original owner/permit-holder. (Ord. No. 1417, Sec. III)

D. Enclosures: Enclosure requirements and number of livestock allowed on land currently housing livestock within the corporate city limits of the City of Stuttgart, Arkansas, area as follows:

1. Stabled Livestock. All stabled livestock shall be housed in a stable containing no less than one hundred (100) square feet per animal, excluding any area essential for the storage of tack, feed, etc. All stables shall be required to be connected to city water and shall have electricity. Roaming space requirements shall be the same as those for non-stabled livestock.

2. Non-stabled Livestock. All non-stabled livestock shall be enclosed in an area containing not less than one (1) acre per animal in addition to one (1) lot meeting the standard minimum requirements for the zoning classification of that area as set out in the Zoning Regulations for the City of Stuttgart, Arkansas. (Ord. No. 1417, Sec. IV)

E. Applicable Laws:

1. All provisions of Chapter 6.12 of the Stuttgart Municipal Code and other sections and laws thereto appertaining shall apply to the conditions of enclosures of livestock kept within the City limits of Stuttgart, Arkansas.

2. Any enclosure with a man-made floor shall have a sanitary sewer drain connected to the city sewer system in an approved manner. (Ord. No. 1417, Sec. V)
- F. Inspections: In compliance with Stuttgart Municipal Code Section 6.12.05, a Sanitation or Animal Control Officer is authorized to enter upon any premises, public or private, for the purpose of making inspections to determine whether the sanitation requirements of Section D of this Section are being complied with. (Ord. No. 1417, Sec. VI)
- G. Penalty for Non-Compliance:
1. Should any owner of livestock kept within the city limits of Stuttgart, Arkansas, fail to comply with any of the requirements or provisions set out in this Section or the relevant Municipal Code(s), a warning letter will be sent to the last known address of said livestock owner giving the owner fifteen (15) days from the date of the letter to correct the violation.
  2. If said livestock owner fails to come into compliance with the violation set out in the warning letter within the fixed time limit, a hearing date will be set by the Stuttgart District Judge. If said livestock owner is found to be guilty of any violation of this Chapter after the hearing upon the matter, then a fine of up to Twenty-Five Dollars (\$25.00) per offense may be imposed; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 1417, Sec. VII)

## CHAPTER 6.12

### CONDITION OF ENCLOSURE

Sections:

6.12.01	Definition
6.12.02	Neglect
6.12.03	Cleaning
6.12.04	Disinfecting
6.12.05	Size
6.12.06	Inspection
6.12.07	Enforcement
6.12.08	Failure to comply
6.12.09	Penalty
6.12.10	Tethering

**6.12.01 Definition** Definition of terms as used in this ordinance, the following definitions of terms shall apply:

**Adequate care** shall mean the animal must be provided with sufficient food, water, shelter, sanitary conditions, exercise and veterinary medical attention in order to maintain that animal in a state of good health.

**Animal** shall mean any and all types of animals, both domesticated and wild, male and female, singular and plural.

**Disinfectant** shall mean a product recognized and marketed as a germicidal disinfectant compound.

**Enclosure** shall mean any enclosed area, including buildings, fenced-in areas, pens, cages, and pastures.

**Food** shall mean an approved brand of dog food and fed at least once daily with the appropriate amount so the dog does not go hungry during the feeding schedule or once in the morning and once in the evening. If table scrapes are fed, they must be fresh and not left out long enough to start decaying or fro bacteria to form.

**Fowl** shall mean any and all fowl, domesticated and wild, male and female, singular and plural.

**Neglect** shall mean failing to have sufficient and proper care for an animal to the extent that the animal's health or well-being is in jeopardy.

**Sanitary conditions** shall mean the animal's space (pen, or tethered area) must be free from health hazards, including excessive animal waste, over-crowding of animals or other conditions that endanger the animal's health.

**Sanitation Officer/Animal Control Officer** shall mean any person designated and authorized by the city, the county, or the state to make inspections and enforce regulations for the protection of public health.

**Shelter** shall mean adequate protection from the elements and weather conditions suitable for the age, species and physical condition of the animal so as to maintain the animal in a state of good health. Shelter for barnyard animals are to have a roof and at least three sides to protect from wind. Shelters for dogs shall include:

- A. the residence of the dog's owner or other individual S-38
- B. a dog house that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog (carry kennels are not allowed) and the dog house shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing; and
- C. a structure including, but not limited to, a garage, barn or shed that is sufficiently insulated and ventilated to protect the dog from extreme temperatures.

**State of good health** shall mean free of disease and illness, and in a condition of proper body weight for the age and species of the animal, unless the animal is undergoing appropriate treatment as prescribed by a licensed veterinary.

**Water** shall mean potable (fresh, drinkable) water (not frozen) and shall be readily available unless otherwise directed by a licensed veterinary. (Ord. No. 1734, Sec. 1.)

6.12.02 Neglect Any owner or possessor having the charge or custody of an animal shall not do any of the following: fail to provide the animal with adequate care, abandon an animal or cause an animal to be abandoned, willfully or neglectfully allowing any animal including one who is aged, diseased, maimed, hopelessly sick, disabled or non-ambulatory to suffer unnecessary neglect, torture or pain. (Ord. No. 1734, Sec. 2.)

6.12.03 Cleaning Every enclosure wherein animals or fowls are confined or kept in the city of Stuttgart shall be regularly cleaned at least one (1) time each calendar week by the owner, operator or custodian or such premises. (Ord. No. 1734, Sec. 3.)

6.12.04 Disinfecting Every such enclosure wherein animals or fowl are kept in the city of Stuttgart, if such enclosure has a man-made floor, shall be cleaned with an approved disinfectant at least once each calendar month. If such enclosure has no man-made floor, such enclosure shall be cleaned and disinfected, as specified above, by the removal of all solid animal wastes and the application of lime to the ground. (Ord. No. 1734, Sec. 4)

6.12.05 Size No owner, operator, or custodian of any such enclosure shall house, keep or harbor dogs therein unless such enclosure shall provide an adequate space for exercise based on a dimension of at least 150 square feet of floor or around area per dog so owned, kept, housed or harbored. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons that have custody of such dogs shall provide an enclosure for such dogs meeting the 150 square foot per dog dimension. Such enclosure shall be constructed of chain link or similar type materials as approved by the State Health Department with all four sides enclosed. The enclosure shall be sufficient height to prevent the dog from escaping from such enclosure and provide access to water, food and adequate shelter to protect the dog from the elements. This Section shall not apply to licensed veterinarians keeping dogs in small enclosures in connection with their practice of veterinary medicine. (Ord. No. 1922, Sec. 3)

Further, active police dogs and their handlers shall not be subject to these size regulations. (Ord. No. 1930, Sec. 2).

6.12.06 Inspection A Sanitation Officer/Animal Control Officer is hereby authorized to enter upon any premises, public or private, for the purpose of making inspections to determine whether the sanitation requirements of this ordinance are being complied with; such Sanitation/Animal Control Officer may enter upon any premises at any reasonable hour, and such Sanitation/Animal Control Officer, in making such inspection, shall in no way be deemed guilty of trespass and shall not be personally liable to any property owner by reason of such action. (Ord. No. 1734, Sec. 6)

6.12.07 Enforcement If, upon inspection, the Sanitation/Animal Control Officer finds that the provisions of this ordinance have not been or are not being complied with, he shall give written notice to the owner, operator, or custodian of such enclosure and such owner, operator, or custodian shall, within five (5) days after the receipt of such notice, proceed to fully comply with the provisions hereof; provided that no Sanitation/Animal Control Officer shall give more than two (2) successive notices requiring compliance with sanitation standards to any such owner, operator, or custodian notwithstanding compliance with previous notices by such owner, operator, or custodian; the specific purpose of this section is to require full and complete compliance with the sanitation regulations herein contained without the necessity for or the entitlement to any such notice; any owner, operator, or custodian failing to fully comply with the provisions hereof after the receipt of two (2) successive notices, shall be deemed to be in violation. (Ord. No. 1734, Sec. 7)

6.12.08 Failure to comply Failure to comply with written notice issued by a Sanitation/Animal Control Officer within five (5) days shall be a violation of this ordinance. Failure to comply with the provisions of this ordinance after two (2) successive written notices as hereinabove provided, shall be a violation. Interference with any Sanitation/Animal Control Officer in the performance of his inspection duties shall be a violation. (Ord. No. 1734, Sec. 8)

6.12.09 Penalty Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than Fifty Dollars (\$50.00), nor more than Two Hundred Fifty (\$250.00), and each day that violation shall continue shall be deemed a separate offense. (Ord. No. 1734, Sec. 9)

6.12.10 Tethering "Tethering" shall mean the restraint used such as a chain or rope and is regulated as follows. Direct point chaining or tethering of dogs to a stationary object is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:

- (1) Only one (1) dog may be tethered to each cable run.

(2) The tether must be attached to a properly fitting buckle type collar made of nylon or leather and not less than one inch wide or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choice collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.

(3) The tether has the following properties:

(A) It Is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail.

(B) It terminates at both ends with a swivel.

(C) It does not weigh more than one-fourth (1/4) of the dog's weight.

(D) It Is free of tangles

(4) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size of the tether must not be massive, as determined by the animal services officer, consideration the age, size and health of the dog and the weight of the tether may not exceed 25% of the dogs weight.

(5) The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.

(6) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to food, water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.

(7) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, or tornadoes.

(8) The dog has access to water, food, shelter and dry ground.

(9) The dog is at least six (6) months of age. Puppies shall not be tethered.

(10) The dog is not sick or injured.

(11) A trolley may not be used during the hours of 6 P.M. to 6 A.M.

(12) The area where any animal is confined must provide proper and adequate drainage.

(13) The owner or responsible party for the animal shall be on the premises and in visual range when the animal is confined to the trolley system. (Ord. No. 1922, Sec. 2).

**CHAPTER 6.16**

**SALE OF ANIMALS**

**Sections:**

- 6.16.01 Prohibited
- 6.16.02 Penalties

6.16.01 Prohibited Animals may not be sold in the city of Stuttgart corporate limits unless authorized by and inspected by Stuttgart Animal Control. A one-time permit will be issued upon inspection and must be signed by the Chief of Police or his designee. An inspection form will be available from Stuttgart Animal Control. Permits will cost Five Dollars (\$5.00). (Ord. No. 1730, Sec. 1.)



6.16.02 Penalties Any person violating or permitting the violations of this ordinance shall upon conviction in District Court, be fined a sum of not less than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars (\$500.00). In addition to the fine, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the animals may be impounded. In addition to fines, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinarian care and testimony necessitated by the enforcement of this ordinance. (Ord. No. 1730, Sec. 2.)

## CHAPTER 6.20

### REGULATION OF DANGEROUS DOGS

Sections:

- |         |                                     |
|---------|-------------------------------------|
| 6.20.01 | Dangerous breeds within city limits |
| 6.20.02 | Keeping dangerous breeds of dogs    |
| 6.20.03 | Irrefutable presumptions            |
| 6.20.04 | Failure to comply                   |
| 6.20.05 | Penalties                           |

6.20.01 Dangerous breeds within city limits No dangerous breed dog may be kept within the corporate limits of the city unless registered with the city within ten (10) days of being brought into the corporate limits and kept subject to the standards and requirements set forth in 6.20.02.

**Dangerous breed dog** is defined to mean:

- A. The Staffordshire bull terrier breed of dog;
- B. The American pit bull terrier breed of dog;
- C. The American Staffordshire terrier breed of dog;
- D. Any dog which has the appearance and characteristics of being predominantly of the breeds listed above or a combination of any of these breeds;
- E. Any dog that bites or attempts to bite will be considered a dangerous breed of dog.

Any breed of dog may be added to the list as deemed necessary. (Ord. No. 1729, Sec. 1.)

6.20.02 Keeping dangerous breeds of dogs The keeping of named dogs shall be subject to the following standards:

- A. Leash and muzzle No person shall permit a dangerous breed dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. The leash must be made of heavy leather construction or heavy braided construction. No person shall permit a dangerous breed 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, buildings, etc. In addition all dangerous breed dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- B. Confinement All dangerous breed dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered dangerous breed dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be in the ground no less than two (2) feet. All structures erected to house dangerous breed dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and kept in a clean sanitary condition. The pens must be constructed of chain link or equivalent material. The pens cannot be welded wire.
- C. Confinement indoors No dangerous breed 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 buildings on its own violation. 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 obstacles preventing the dog from exiting the structure.
- D. Signs All owner, keepers or harborers of dangerous breed dogs within the city shall within thirty (30) days of the effective date of this ordinance display in a prominent place on their premises a sign readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be placed on the kennel or pen of each animal which shall be visible from the street and alley.
- E. Permits Permits must be purchased from Stuttgart Animal Control within ten (10) days of the effective date of this ordinance. You must have photos of the animal, along with a copy of the shot record, rabies vaccination, and city licenses, address

of where the dog will be kenneled, and your name and photo, ID. Permits will be issued for Twenty-Five Dollars (\$25.00) per dog and permit must remain with the owner or whomever had to dog out in public. If the dog is in public, if approached by Animal Control or any city police officer, you must be able to show the permit for the dog or a citation will be issued and the animal may be impounded. No person under the age of eighteen (18) years, or lacking in physical strength to control the dog from getting loose may have the dog in any public area.

- F. Identification photographs All owners, keepers or harborers of dangerous breed dogs must, within ten (10) days of the effective date of this ordinance, provide to the Stuttgart Animal Control two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal. One photograph shall show from head to tail from the front, and one photograph shall be from side showing ground to full height.
- G. Reporting requirements All owner, keepers or harborers of dangerous breed dogs must, within ten (10) days of the incident, report the following information in writing to the Stuttgart Animal Control Officer as required hereinafter:
1. The removal from the city or death of a dangerous breed dog.
  2. The birth of offspring of a dangerous breed dog.
  3. The new address of a dangerous breed dog owner should the owner move within the corporate limits of the city.
- H. Breeding No dangerous dog breeds or any dog deemed vicious or dangerous shall be used for breeding purposes and must be spayed or neutered and with certification of such procedure be provided to the Stuttgart Animal Control. (Ord. No. 1886, Sec. 4.)

6.20.03 Irrefutable presumptions There shall be an irrefutable presumption that any dog registered with the city as a dangerous breed dogs or any of those breeds prohibited by 6.20.01 is in fact a dog subject to the requirements of the ordinance. (Ord. No. 1729, Sec. 3.)

6.20.04 Failure to comply It shall be unlawful for the owner, keeper or harborer of a dangerous breed dog within the city 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 the revocation of the license for such animal resulting in the immediate removal of the animal from the city. (Ord. No. 1729, Sec. 4.)

6.20.05 Penalties Any person violating or permitting the violation of any provision of this ordinance shall, upon conviction in District Court, be fined a sum not less than Two Hundred Dollars (\$200.00) and no more than One Thousand Dollars (\$1,000.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the registration of the subject dangerous breed dog shall be revoked and the dog removed from the city. If the owner shall refuse to remove said animal from the city, the District Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinarian care and testimony necessitated by the enforcement of this ordinance. (Ord. No. 1729, Sec. 5.)

## **CHAPTER 6.24**

### **CATS**

Sections:

6.24.01	Vaccination
6.24.02	Micro-chipping
6.24.03	Running at large
6.24.04	Feral cats
6.24.05	Feeding feral/non-feral cats
6.24.06	Ownership
6.24.07	Creating a nuisance
6.24.08	Housing of cats at Animal Shelter
6.24.09	Fines to be levied
6.24.10	Cat colonies

6.24.01 Vaccination All cats located within the city limits of Stuttgart must be vaccinated for rabies and distemper. (Ord. No. 1800, Sec. 1.)

6.24.02 Micro-chipping All cats allowed to roam outside must be micro-chipped. To allow for identification and owner notification, the Stuttgart Animal Shelter will provide micro-chipping at a cost of Ten Dollars (\$10.00) per animal. (Ord. No. 1800, Sec. 2.)

6.24.03 Running at large Cats must not be allowed to run at large. Cats roaming at large may be considered a nuisance and can be trapped and brought to the Animal Shelter. (Ord. No. 1800, Sec. 3.)

6.24.04 Feral cats Feral or loose roaming cats must be altered. Spaying/neutering a cat shall be considered a humane act and does not constitute ownership of the animal. However, providing food, water or shelter will be proof of ownership. Feral cats that have been altered must be ear tipped for identification. (Ord. No. 1800, Sec. 4.)

6.24.05 Feeding feral/non-feral cats It shall be unlawful to feed feral or loose roaming cats unless they are on your property and have been altered if over the age of four (4) months old. Feeding of cats off property will be considered a violation of this ordinance. (Ord. No. 1800, Sec. 5.)

6.24.06 Ownership If a cat is fed on or frequents your property, it will for the purpose of this ordinance be considered property of the owner/tenant. The cat can be trapped and removed at the owner/tenants request. (Ord. No. 1800, Sec. 6.)

6.24.07 Creating a nuisance Cats must not be allowed to roam on another's property without consent for the property owner. Any cat that is free roaming may be trapped and taken to the Stuttgart Animal Shelter for identification and owner notification. (Ord. No. 1800, Sec. 7.)

6.24.08 Housing of cats at Animal Shelter All cats that are healthy will be held at the Stuttgart Animal Shelter for 72 hours and then placed for adoption. Any cat that is micro-chipped will be held for five (5) days and then placed for adoption. Any cat that is determined to be sick will be euthanized without regard to holding period. This is an effort to keep other cats from getting sick also. (Ord. No. 1800, Sec. 8.)

6.24.09 Fines to be levied All fines that are in effect for dogs shall now include cats (loose roaming, no rabies vaccination, no micro-chip, and all cruelty and neglect ord.). Fines for feeding cats off premises: First offense - \$25.00, plus court costs; second offense - \$75.00, plus court costs; third offense - \$250.00, plus court costs and a maximum of 40 hours community service. (Ord. No. 1800, Sec. 9.)

6.24.10 Cat colonies Cat colonies will have a 100% spay/neuter policy and must not become a nuisance to surrounding houses. The colony must follow guidelines set forth by Animal Control. Failure to do so shall be considered a violation and the colony removed and a fine of Three Hundred Fifty Dollars (\$350.00) to One Thousand Dollars (\$1,000.00) will be levied. The judge may also assign a maximum of forty (40) hours community service. (Ord. No. 1800, Sec. 10.)