

ORDINANCE NO. 2140

A MODERNIZED ORDINANCE PROVIDING FOR ANIMAL CARE AND CONTROL WITHIN THE CITY OF SHERWOOD, REPEALING OUTDATED ORDINANCES, COMBINING INTO ONE ORDINANCE ALL LAWS PERTAINING TO THE CARE AND KEEPING OF ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF SHERWOOD, ESTABLISHING UPDATED PENALTIES FOR THE VIOLATION THEREOF; AND FOR OTHER PURPOSES.

WHEREAS, the City's Animal Care and Control Ordinance No. 17 as amended, is now over sixty four (64) years old, and

WHEREAS, the City's Animal Care and Control Ordinance No. 109 as amended, is now over fifty two (52) years old, and

WHEREAS, the City's Animal Care and Control Ordinance No. 804 as amended, is now over twenty seven (27) years old, and

WHEREAS, the City's Animal Care and Control Ordinance No. 904 as amended, is now over twenty five (25) years old, and

WHEREAS, the City of Sherwood wishes to combine all ordinances pertaining to the care and keeping of animals within the city limits into one modernized ordinance, therefore ordinance numbers 17, 109, 804, 815, 850, 904, 1189, 1498, 1545, 1776, and 1846 are repealed, and

WHEREAS, Federal and State laws pertaining to the care and keeping of animals have been updated, and new laws have been enacted, and

WHEREAS, The City of Sherwood Animal Care and Control Ordinance must be modernized to reflect the current standards and fees necessary to promote responsible pet ownership/guardianship, and

NOW, THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD, ARKANSAS, THAT:

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

- 1) **"Abandon"** means to desert, forsake, leave or dump an animal in any place without legal permission and/or providing for the continued humane care of the animal;
- 2) **"Animal"** means any living vertebrate creature, except human beings and fish;
- 3) **"Animal Service/Control Officer"** means an officer employed by the City of Sherwood who is responsible for animal care and control operations in its jurisdiction and is authorized to issue warnings or citations for violation of city ordinances;
- 4) **"Animal husbandry practices"** means:
 - a) The breeding, raising, production, and management of animals.
 - b) Animal husbandry practices includes without limitation dehorning, docking, and castration;
- 5) **"Animal identification"** means the use of a registered microchip, city pet licenses, owner/guardian I.D. tag, ear tipping for feral and owned cats, or any similar technology to identify the owner/guardian of an animal and that is generally accepted for the breed, species, and type of animal being identified. City pet license tags must be purchased for all dogs and cats housed in the City of Sherwood. Owner/guardians of sterilized outside cats may use a microchip for identification and have their veterinarian ear tip their cat for sterilization identification;
- 6) **"Animal At Large"** - Any animal, excluding sterilized domestic cats, that is not physically restrained on owner's or keeper's premises including motorized vehicles in a manner that physically prevents the animal from leaving the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash or other physical control device not to exceed eight feet in length and under the physical control of a capable person.
 - a) In the case of cats, any cat not tagged with proper identification (see number (5) above), and unsterilized, shall be considered at large. A nuisance cat must be confined to the owner/guardian's property;
- 7) **"Chaining"** – the use of a chain, lead, cable, or any other devise to contain an animal to a tree,

pole, stake, or other object by fastening one end to the object and one end to the animal; chaining of dogs or cats is illegal;

8) **“City”** City of Sherwood;

9) **“Commercial Breeder”** Any person that maintains an unaltered (Unsterilized) dog or cat and intentionally breeds such animal for any consideration or profit, fee, or compensation;

10) **“Cat”** When used herein shall include animals of all ages, both female and male, which are members of the domesticated feline or cat, species *Felis catus*;

11) **“Competitive activity”** means a lawful activity that is generally recognized as having an established schedule of events involving competition of animals or exhibitions of animals;

12) **“Cruel mistreatment”** means any act that causes or permits the continuation of unjustifiable pain or suffering;

13) **“Department”** means the City of Sherwood Department of Humane Animal Services;

14) **“Differential License Fee”** means a lower license fee is charged for dogs and cats that are spayed or neutered and a higher fee is charged for intact male and female dogs and cats;

15) **“Dog”** When used herein shall include animals of all ages, both female and male, which are members of the domesticated canine family, species *Canis familiaris*;

16) **“Equine”** means a horse, pony, mule, or donkey;

17) **“Equine activity”** means:

a) Equine participation in equine shows, fairs, competitions, performances, or parades that involve any breed of equine and any of the equine disciplines, including without limitation dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, pulling, cutting, polo, steeple chasing, endurance trail riding and western games, and hunting;

b) Teaching and training activities of an equine show or rodeo;

c) Boarding an equine;

d) Riding, inspecting, or evaluating an equine owned by another person, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; or

e) Any activity that involves riding or hunting;

18) **“Euthanasia”** means humanely killing an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death, and administered by a licensed veterinarian or a euthanasia technician certified by the Arkansas Department of Health;

19) **“Exotic Animals”** An animal that is not indigenous to or characteristic of Arkansas, not including commonly domesticated breeds of dogs, cats, and birds;

20) **“Has been bitten”** The skin has been penetrated by an animal’s teeth and saliva has contacted a break or abrasion of the skin;

21) **“Humanely killing”** means causing the death of an animal in a manner intended to limit the pain or suffering of the animal as much as reasonably possible under the circumstances;

22) **“Law enforcement officer”** means any public servant vested by law with a duty to maintain public order or to make an arrest for an offense;

23) **“Licensed veterinarian”** means a veterinarian licensed to engage in the practice of veterinary medicine in Arkansas in accordance with applicable Arkansas laws;

24) **“Livestock”** means a horse, mule, bovine animal, goat, sheep, swine, chicken, duck, or similar animal or fowl commonly raised or used for farm purposes;

25) **“Local law enforcement agency”** means the Sherwood Police Department, the office of the county sheriff or State Police;

- 26) **“Owner/Guardian”** this ordinance adopts an attitude that reflects and encourages greater recognition of the importance of pets in the lives of our citizens and seeks to encourage a greater awareness of the need to eliminate animal cruelty by using the term guardian or guardianship in conjunction with owner. Means a person that:
- a) Has a right of property or title in an animal;
 - b) Has an animal in his, her, or its care;
 - c) Acts as an animal's custodian; or
 - d) Harbors an animal: knowingly permits an animal to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, vehicle or building, place of business, or any other premises in which the person resides or over which the person has control for more than five days;
- 27) **“Person”** means an individual, company, partnership, Limited Liability Company, joint venture, joint agreement, mutual association or other, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other private entity;
- 28) **“Professional pest control activities”** means those activities governed by the Arkansas Pesticide Control Act, § 2-16-401 et seq., and the Arkansas Pest Control Law, § 17-37-101 et seq.;
- 29) **“Relinquishment”** To give up all ownership/guardianship rights to an animal;
- 30) **“Prohibited Dog Breeds”** Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, American Bull Dog;
- 31) **“Court Ordered Relinquishment”** The Court removes the right and privilege of ownership/guardianship over an animal;
- 32) **“Rodeo”** means an event involving a practice accepted by the Professional Rodeo Cowboys Association on January 1, 2009;
- 33) **“Secured Confinement Enclosure”** means a securely fenced yard constructed of a material and at a height that will prevent escape: five foot chain link or six foot wood privacy fencing is preferred. A permit must be obtained from the City of Sherwood Permits and Planning Department prior to installing a new fence;
- 34) **“Shelter”** a four (4) sided structure with a water proof roof that is large enough to provide the animal with enough room to stand up, turn around, and lie down with its full body extended without exiting the structure. The shelter must have a door appropriate for the size of the animal housed within it.
- 35) **“Summer shelter”** must protect the animal from sun, heat, and inclement weather; open-air shade screen must be used to provide all day protection from the sun; trees are considered open-air screens;
- 36) **“Winter shelter”** must protect the animal from wind, cold temperatures, and inclement weather.
- 37) **“Stray”** any animal that does not have a traceable means of identifying its rightful owner/guardian: unregistered microchip, tag with disconnected phone number; no I.D. tag attached to the animal's collar.
- 38) **“Vaccination against rabies”** means the injection, intramuscular or subcutaneously, of canine or feline antirabies vaccine, as approved by the United States Department of Agriculture or the State Board of Health and administered by a licensed veterinarian or agent of the Health Department.
- 39) **“Vicious Animal”** A domestic animal that without provocation attacks a person engaged in a lawful activity; A domestic animal while running at large as defined by **SECTION 6** of this ordinance that attacks another animal with such severity as to cause physical injury or death.
- 40) **“Wildlife/Wild Animal”** an animal incapable of being completely domesticated, and requiring exercise of art, force, or skill to keep it in subjection; not withstanding that their natural wildness may be intermittently dormant, as said wildness is likely to awaken at any time, suddenly and unexpectedly.

SECTION 1: MANDATORY REGISTRATION OF DOGS AND CATS WITH DIFFERENTIAL LICENSE FEE

Mandatory registration serves five functions:

1. **Protects the health and safety of the public**: a differential license fee provides an incentive to sterilize companion animals. Statistics provided by the National Canine Research Council show that unsterilized animals are more than two times more likely to bite than sterilized animals; helps reduce the number of unplanned/unwanted litters of puppies and kittens from being dumped in the city; these puppies and kittens have the potential to spread disease and parasites to both people and their pets.
2. **Stray Cat Control**: only spayed or neutered cats allowed outdoors; city pet tag identifies cat as owned, sterilized, and vaccinated; stray cats without tags or cats that are not visibly ear tipped can be easily identified and humanely trapped by the property owner and brought to the shelter for adoption evaluation.
3. **Ensures rabies vaccinations**: proof of rabies vaccination is required as a prerequisite for registering pets with the city; functions to sever the link between wild animals with rabies and the domestic animals from which people are most likely to contract the disease.
4. **Lost-Pet Recovery Service**: helps increase the numbers of lost pets returned to their owner/guardians, when possible, animals with valid identification tags picked up by animal services can be returned to their owner/guardian without being impounded although a warning or citation may still be issued because the animal was running at large.
5. **Reduces pet overpopulation in the shelter and the City**: an animal with a city pet tag spends fewer days housed at the shelter; sterilized pets cannot add to the overpopulation problem, which is a direct cause of the euthanasia of millions of adoptable pets across this nation each year.

(A) It shall be unlawful for any person to own, keep, or harbor a dog or cat within the corporate limits of the City without first having paid to the City a pet license fee. The pet license fee required by this Section shall be due and payable as soon as the dog or cat attains four (4) months of age.

(B) To secure a pet license, owner/guardian must provide proof of a valid rabies vaccination administered by a licensed veterinarian and given within the past six months. Pet License fee for an intact male or female cat or dog is thirty dollars (**\$30.00 per year**).

(C) To receive a differential license fee, proof of sterilization must be provided at the time of registration. Pet License fee for a sterilized pet is five dollars (**\$5.00 per year**).

(D) To receive a lifetime pet license, in addition to (B) and (C) above, proof that the pet has been implanted with a microchip is required at the time of registration. The microchip must be registered in the name of the pet owner/guardian prior to license purchase. Rabies vaccinations must be kept up-to-date. Lifetime pet license fee is twenty dollars (**\$20.00**).

(E) Upon payment of the pet license fee to the City or agent thereof, it shall be the duty of the Department, or agent thereof, to furnish the owner/guardian of the dog or cat with a metal tag of distinctive design with the serial number of the dog or cat. The Department, or agent thereof, shall keep this serial number on file. Every dog or cat covered by this section must wear a collar or harness of such type that the City pet license tag may be firmly attached at all times: Owner/guardians of sterilized outside cats may use a microchip for identification and have their veterinarian ear tip their cat as proof of sterilization. Failure to keep collar, with such tag attached, on the dog or cat shall be a violation of this section

(F) The pet license as referred to in this Section shall expire on the same date as the rabies vaccination and must be renewed at that time. A **\$10** penalty begins on the 31st day after the City pet licenses expires and the pet owner/guardian fails to purchase a pet license. If a pet receives a three-year rabies vaccination, the license fee is three times the fee for a one-year license.

(G) A pet license is non-transferable. Upon the death of a dog or cat, the owner/guardian shall advise the Department which shall void the registration of the animal.

(H) Dogs used as service animals by any local, state, or federal government agency shall not be required to pay a pet license fee.

(I) Dogs used primarily as service animals for people with disabilities or are trained and used in search and rescue shall not be required to pay a pet license fee but shall be required to register their pet with the City and receive a free pet license tag.

(J) The burden of proof as to vaccination and licensing shall be born by the owner/guardian of the dog or cat.

(K) Misuse and/or altering an I.D. tag is a violation of this section

A person violating this section shall be assessed a fine of no less than sixty-five dollars (\$65.00) nor more than one-thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be

deemed a separate violation for purposes of fine assessments.

State Law Reference: 14-54-1103 Taxation (2016)

SECTION 2: IDENTIFICATION OF UNSTERILIZED CATS

Pet license identification tags issued to an owner/guardian of an unsterilized cat shall be of different and distinctive color, which can be readily distinguished from such tag that would be issued for a sterilized cat.

(A) Unsterilized cats must be kept indoors at all times. Failure to license and confine unsterilized cats is a violation of this section.

A person violating this section shall be assessed a fine of no less than one-hundred fifty dollars (\$150.00) nor more than one-thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of fine assessments.

SECTION 3: RABIES CONTROL

Vaccination against rabies: The injection, intramuscular or otherwise, of canine or feline antirabies vaccine, as approved by the U.S. Department of Agriculture or Arkansas State Board of Health, and administered by a licensed veterinarian, or agent of the Health Department.

Keeping of animals for which no licensed, approved rabies vaccine is available are prohibited with the exception of rabbits, hamsters, and rodents.

(A) A person other than a licensed veterinarian or agent of the Health Department who vaccinates his own or another pet with antirabies vaccine is in violation of this section.

(B) **Initial Vaccination:** The owner/guardian of every dog or cat four (4) months of age or older shall have the animal vaccinated against rabies. Vaccination at a younger age should be in accordance with the labels of USDA licensed rabies vaccines. Unvaccinated dogs or cats more than four (4) months of age, which are acquired or moved into the City of Sherwood, must be vaccinated within ten (10) days of purchase or arrival, unless there is documented evidence of a valid rabies vaccination.

(C) **Revaccination:** The owner of every dog or cat shall have the pet revaccinated during the twelfth (12) month after initial vaccination. Thereafter, the interval between revaccinations should conform to the Compendium of Animal Rabies and Control, 2008, Part III: Rabies Vaccines Licensed and Marketed in the U.S., published by the National Association of State Public Health Veterinarians, Inc.

(D) **Confinement, quarantine and observation of dogs and cats that have bitten a person:**

1. Animal service officers, law enforcement officers, and Department of Health agents have the authority to order confinement, quarantine and observation of any dog or cat or other animal which has bitten a human.

2. Confinement may be in a licensed veterinary hospital/ clinic. In emergency situations, confinement may be necessary in the city animal shelter. If no room is available at the city animal shelter, euthanasia of a stray shelter animal may be necessary to make room for the quarantined animal. When appropriate facilities are not available, it is the owner's responsibility to prepare and maintain satisfactory confinement facilities. **State Law reference: A.C.A. 20-19-307 a2**

3. The dog or cat will be quarantined from contact with other animals and humans.

4. The dog or cat must be confined and observed for a period of ten (10) days from the date the person was bitten. Alternately, the animal may be humanely euthanized and tested for rabies at the Public Health Laboratory.

5. Quarantined animals may be treated by a veterinarian, but rabies vaccine shall not be administered to the animal until the quarantine period is complete. The dog or cat is not to be revaccinated, sold, transferred, destroyed, or otherwise disposed of. If the dog or cat dies or is killed during the 10-day observation period, intentionally or unintentionally, the head shall be shipped immediately to the Public Health Laboratory for rabies testing.

6. The owner/guardian is responsible for all costs, including confinement fees, euthanasia processing fees, veterinary fees and transportation costs.

7. At the end of the 10-day observation period, if the dog or cat shows no signs of illness compatible with rabies, and if the dog or cat does not have a record of current vaccination status, it will be vaccinated against rabies by a licensed veterinarian prior to release. Dogs or cats having current rabies vaccination need not be revaccinated upon release.

(A) Animals other than dogs and cats: The incubation period of rabies in all other animals is variable and a specific period of confinement is not practical. If there is no known incubation period, the animal may be euthanized and tested for rabies. If the other biting animal is owned, Animal Services will consult with the Department of Health and follow their recommendation.

(B) Special circumstances: Bites upon the head, face, neck or upper extremities; deep lacerations; multiple bite wounds inflicted by unvaccinated dogs, cats or other animals. These animals will be euthanized at the request of the attending physician or at the direction of the Department of Health and

tested for rabies at the Public Health Laboratory.

(C) A bite from a domestic caged pet does not constitute an exposure to rabies. Animals in this classification are guinea pigs, white rats and mice, hamsters, gerbils and rabbits.

(D) It is unlawful for any person bitten, the family, treating physician, or veterinarian that has knowledge of a person bitten by a dog or cat or other animal to refuse to notify the Department promptly.

(E) It is unlawful for the owner/guardian of the dog or cat or other animal to sell, give away, transfer, transport to another area, or otherwise dispose of the dog or cat or other animal that is known to have bitten a person until it is released from the ten (10) day quarantine.

(F) It is unlawful for the owner/guardian of the dog or cat or other animal to refuse or fail to comply with the verbal, written or printed instructions of the Department in any particular case.

HUMAN POST-EXPOSURE TREATMENT

The bite of any warm-blooded animal in Arkansas may be a potential source of rabies. An animal bite exposure to a human requires the immediate attention of a physician who must decide whether antirabies treatment is indicated. If so, the most effective treatment for the type of exposure must be administered.

For help with assessing the risk of rabies from an animal bite, the Arkansas Department of Health is always available. During normal business hours call the State Public Health Veterinarian at (501) 280-4136; after normal business hours call (800) 633-1735.

A person violating this section shall be assessed a fine of no less than sixty-five dollars (\$65.00) nor more than one-thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of fine assessments.

State law reference: Rules Pertaining To Rabies Control, Arkansas State Board of Health January 1, 2010. Acts 1968 (1st Ex. Sess.), No. 11, § 2; 1975, No. 725, § 1 §5; Acts 2009, No. 159, § 3. § 4. Act 11, § 7; Acts of 2009, Act 159, § 3, eff. July 31, 2009.

SECTION 4: NUMBER OF ANIMALS

Except as pursuant to Section 5 herein it shall be unlawful for any person or household to own, keep, or harbor more than four (4) animals (dogs and/or cats combined) over the age of three (3) months within the corporate limits of the City. This provision shall not apply to the City animal shelter, proprietors of animal hospitals, veterinarians, kennel operators, and grooming facilities when such animals are kept upon premises used by such businesses.

Keeping on the premises of more than four (4) dogs and/or cats over the age of three (3) months shall be a prima facie evidence of violation of this Section. Any person found not to be in compliance with this Section shall, at the discretion of the animal service director or her/his designee have a period of not less than ten (10) days nor more than ninety (90) days to reduce the number through legal channels. When the over limit of animals is causing a nuisance in the community, the time to remove the nuisance animals is reduced. Failure to reduce the number in the designated time is a violation of this section.

A person violating this section shall be assessed a fine not to exceed one-hundred fifty dollars (\$150) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of fine assessments.

SECTION 5: PERMIT REQUIRED FOR MORE THAN FOUR DOGS AND/OR CATS.

Any person desiring to keep more than four (4) dogs and/or cats at the same address or on the same premises shall deliver a written request to the Department for permission.

After investigation of the premises by the animal service officer, if it appears that the keeping of said animals, as set out in the request, and the manner of keeping the same shall not be inhumane, offensive, unsanitary, nor a public nuisance, the Department may issue a permit and specify therein the condition and manner in which said animals may be kept upon the location set out in the request.

- (A) The pet owner/guardian must provide proof of rabies vaccination, City pet license, and sterilization status for all animals listed on the request.
- (B) A non-refundable permit fee of **\$50.00** for sterilized dogs and/or cats, and a **\$150.00** non-refundable permit fee for intact dogs and/or cats is paid to the Department and shall be renewed each subsequent year on or before the anniversary date. A penalty of **\$10.00** is charged for failure to renew the over-limit permit. A re-inspection of the property and animals may be required prior to the renewal being approved.
- (C) If at any time the animal service officer shall find that any person to whom a permit has been issued for the keeping of more than four (4) dogs and/or cats on the same premises is keeping the same in a manner that is:

1. Unsanitary;

2. Detrimental to the health or safety of the people in the household or neighborhood;
3. Detrimental to the health of the animals or neighboring animals;
4. In violation of applicable animal care/control ordinances;
5. Not within the specifications set out within the issued permit.

The animal service officer shall revoke the permit issued to the person or household. However, no such permit shall be revoked until ten (10) days notice has been given to the person holding such permit to correct the violation or reduce the number of animals to the legal limit. Failure to correct the violation(s) and/or reduce the number of animals is a violation of this Section.

A person or household that fails to correct a violation or has a second violation of this section within a twelve (12) month period is assessed a fine of no less than one-hundred-fifty dollars (\$150.00) nor more than one-thousand dollars (\$1000.00).

SECTION 6: CONFINEMENT OF ANIMALS

All structures, enclosures, and pens erected to house animals must comply with the City of Sherwood zoning and building regulations.

- (A) All dogs and other animals, excluding domestic sterilized cats, kept in the City of Sherwood must be humanely confined within a house or other building, securely fenced yard or pasture, or physically restrained by the owner/guardian or a person capable of controlling such animal by a leash or lead. Failure to humanely confine an animal, whether on or off the owner/guardians property, is a violation of this section.
- (B) With the exception of the temporary (one hour or less) tethering of equine or large livestock, Chaining or tethering an animal to a stationary object is a violation of this section. Properly installed trolley cables may be used to contain a dog that escapes from a fenced yard.
- (C) Intact male or female dogs and dogs that endanger or threaten public safety may not be placed on a trolley system unless such system is installed behind a securely fenced yard.
- (D) An electronic or electric dog fence kit purchased from a retail store and installed on the inside of a securely fenced yard may be used to contain a dog that digs or jumps to escape confinement.
- (E) An underground invisible fence is prohibited under the following circumstances:
 1. For a dog or other animal that exhibits aggressive behavior such as barking, growling, snarling, lunging, or escapes the containment area twice within a six month period of time;
 2. For intact male or female dogs;
 3. Signage indicating an invisible fence is in use must be visible to the public.
- (F) A dog that is not physically restrained when on public or private property, or any public area, by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a capable person is considered at large.
- (G) In the case of cats, any cat not tagged with a City pet license or ear tipped by a veterinarian (universal identification of sterilized cats), unsterilized, and/or a nuisance to any Sherwood resident shall be considered at large. Ear tipped sterilized cats are not required to wear a collar but owner/guardian is required to microchip the cat as an alternate means of owner/guardian identification and a lifetime licenses may be purchased.
- (H) Humane confinement in the back of an open bed truck is defined to mean:
 1. In a crate carefully strapped down in the back of the truck.
 2. Cross-tied to the center of the bed so that the animal cannot be thrown over the side of the truck or hanged if it attempts to jump from the truck.

A person violating this section shall be assessed a fine:

1. No less than sixty-five dollars (\$65.00) nor more than one-thousand dollars (\$1000.00) for sterilized dogs and cats.
2. No less than one-hundred-fifty dollars (\$150.00) nor more than one-thousand dollars (\$1000.00) for intact male or female dogs and cats;
3. Each day of a continuing violation may be deemed a separate violation for purposes of fine assessments.

State law reference: A.C.A. § 14-54-1102 (2016)

SECTION 7: CONDITIONS OF PENS, PREMISES, AND OTHER PROPERTY

- (A) It shall be unlawful for any person to allow an animal within the person's control to defecate on public or on the private property of another person unless the person having control of the offending animal immediately removes and disposes of the animal's feces in an appropriate manner pursuant to state or local provision for the disposal of pet waste.
- (B) It shall be unlawful for any person walking a dog outside the owner/guardian's property to not carry on their person a means to remove pet feces from public or private property.
- (C) It shall be unlawful for any person owning, keeping, or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of said premises. It shall be unlawful to allow

premises where animals are kept to become unclean and a threat to the public health by failing diligently and systematically to remove all animal waste from the premises and to prevent water holding areas from breeding mosquitoes.

- (D) It shall be unlawful to allow animals or premises where animals are kept to become infested with ticks, fleas, flies or other parasites or vermin, by failing diligently and systematically to apply accepted methods of insect, parasite, rat, and mouse control.
- (E) Animal Service Officers, Police Officers, and Code Enforcement Officers have the authority to issue warnings or citations for the violation of this section. The above mentioned Officers may stop and request to see a means for picking up pet feces from the person having control over the animal while off the property of the owner/guardian.

A person violating this section shall be assessed a fine of no less than one-hundred-fifty dollars (\$150.00) nor more than one-thousand dollars (\$1000.00); each day of a continuing violation may be deemed a separate violation for purposes of fine assessments.

SECTION 8: IMPOUND, REDEMPTION, RELINQUISHMENT - ADOPTION OR EUTHANASIA OF ANIMALS

The Department is authorized to charge differential relinquishment, reclaim, and boarding fees based on sterilization status of the animal.

(A) IMPOUND

1. The animal services employees shall take into custody any dog found at large in the City and shall impound the dog in the animal shelter.
2. The animal services employees shall be allowed to take into custody any dog or cat brought to the Department by an individual provided such individual provides legal identification and completes a relinquishment form. The dog or cat must have been found at large within the City.
3. Animal Services may not be able to take into custody other species of animals: species admission will be considered on a case by case basis.
4. Stray animals are vaccinated, wormed, and treated for fleas as soon as possible after intake to prevent the spread of disease within the shelter. Owner/guardian is responsible for the cost of these services.
5. Each impounded animal which has owner/guardian identification to include home address shall be held for a period of five (5) Department business days, including Saturdays, after the owner/guardian has received verified notification that his/her animal has been impounded at the Animal Shelter.

(B) REDEMPTION

1. Schedule of fees are posted at the animal shelter; fees are subject to change.
2. During emergency situations or verification of low income eligibility, the above fees may be reduced or waved.
3. If the owner/guardian of such animal fails or refuses to reclaim or relinquish his/her animal, the Department becomes the legal guardian of the animal and will place the animal up for adoption, transfer the animal to rescue, or euthanize the animal after the five (5) day holding period. Regardless of the disposition of the animal, the owner/guardian may be fined no less than one-hundred-fifty dollars (\$150.00) nor more than one-thousand-dollars (\$1000.00) for animal abandonment. In addition to the fine imposed, the owner/guardian is responsible to pay the Department the impound fee, relinquishment fee, five (5) days maximum boarding fees, and if needed, veterinarian care expenses for abandoning his/her animal at the shelter.

(C) RELINQUISHMENT

1. Owner/guardians can legally relinquish their unwanted animal(s) to the shelter within the five (5) day holding period and pay the impound fee and standard relinquishment fee.
2. Owner/guardians may relinquish unwanted cats and dogs provided such owner/guardian provides legal identification of Sherwood residency, completes a relinquishment form, and pays to the Department the relinquishment fee posted at the shelter; Relinquishment fees are subject to change.
3. During times of overcrowding, the owner/guardian may be asked to delay relinquishment until kennel space is available.

(D) ADOPTION OR EUTHANASIA OF ANIMALS

1. If after reasonable effort to locate owner/guardian of animal, which has owner/guardian's identification, has failed, animal may be adopted, transferred to rescue, or euthanized after the five (5) day holding period.
2. Stray animals are held for a period of three (3) Department business days, including Saturdays, to give an owner/guardian time to reclaim an untagged pet. If no owner/guardian comes to the shelter to reclaim a stray animal within the three day holding period, the Department becomes the legal guardian of the stray animal. The Department will place the animal up for adoption, transfer it to rescue, or euthanize it.
3. Sherwood Humane Animal Services reserves the right to refuse to adopt any animal to any person

when it is determined that such adoption is not in the best interest of the person and/or the animal

4. Sherwood Humane Animal Services does not guarantee the health or temperament of any animal adopted from the shelter.

State Reference: A.C.A. § 14-54-1102 (2016)

SECTION 9: DISPOSITION OF DISEASED, INJURED, OR DECEASED ANIMALS

- (A) Disposition of diseased animals within the shelter shall be determined by the health and safety risk the animal might pose to the staff and other shelter animals.
- (B) Disposition of injured animals shall be determined by the extent of the injury, the pain and suffering of the animal, and if funds are available for veterinarian treatment. If the animal has tags that identify the owner/guardian or veterinarian clinic, the owned pet will be transported to the nearest veterinary clinic within Sherwood: owner/guardian is responsible to pay for emergency treatment for their pet.
- (C) It shall be unlawful to place or dispose of an animal carcass wild or domestic in a manner that is considered dumping.
 - 1. Dumping a carcass shall be described as taking a deceased animal and dumping it in part or whole in any location within the City of Sherwood.
 - 2. The Department provides and regulates the legal means for disposal of deceased animals for citizens of the City for a reasonable and cost effective fee.
 - 3. Any citizen who must dispose of a deceased dog or cat shall be subject to certain rules for handling by Animal Services to prevent the spread of infectious diseases and bacteria.
 - 4. Large animal disposal shall be regulated by: **Arkansas Livestock and Poultry Commission**
#1 Natural Resources Dr.
Little Rock, AR 72205
(501) 907-2400 Main Office
(501) 907-2430 Lab
(501) 907-2410 Lab Fax
(501) 907-2425 Admin. Fax
email: info@alpc.ar.gov
 - 5. Animal Services officers, Code Enforcement officers, and Police officers shall be authorized to issue citations to offenders of this section based on personal testimony or the testimony of witness.

A person violating this section shall be assessed a fine of no less than sixty-five dollars (\$65.00) nor more than one-thousand dollars (\$1000.00); each day of a continuing violation may be deemed a separate violation for purposes of fine assessments.

SECTION 10: INTERFERENCE WITH ENFORCEMENT

It shall be unlawful for any person to interfere in any manner with the director of the Department of Humane Animal Services or any animal services employee while they are discharging their duties or have in their custody any animals. It shall be unlawful for any person to remove from the Department an animal unless the director or other person in charge of the shelter has authorized the release of said animal.

A person violating this section shall be assessed a fine of no less than one-hundred-fifty dollars (\$150.00) nor more than one-thousand dollars (\$1000.00)

SECTION 11: STERILIZATION OF IMPOUNDED DOGS AND CATS.

In the City of Sherwood it shall be unlawful for any pound, shelter, humane organization, or animal rescue group to release to a new owner/guardian any dog or cat over three (3) months of age which has not been sterilized except as provided in this section.

(A) An animal which in the opinion of a veterinarian licensed to practice veterinary medicine in the State of Arkansas is medically compromised to the extent that it cannot withstand immediate sterilization may be temporarily released pursuant to a foster care agreement until such time as it can safely be sterilized or until two (2) veterinarians licensed to practice veterinary medicine in the State of Arkansas certify that it is unlikely that the animal will ever recover to the extent that it can safely be sterilized. At that time, ownership/guardianship of the animal may be transferred to an owner who certifies that the animal will not be used for breeding.

(B) Puppies or kittens under three (3) months of age may be released to a new owner/guardian when a promise to spay or neuter such animal has been signed by the person acquiring the animal. The sterilization shall be performed by the date stipulated, but for valid reason, the owner/guardian may request an extension of time. At the discretion of the releasing agency, up to thirty (30) days extension may be given. The signed promise shall be binding, and failure to comply is a violation of this section. In such case, the animal described therein shall be returned to the releasing agency upon demand. Ownership/Guardianship of said animal reverts to the said releasing agency, and no claim may be made to recover expenses incurred for maintenance of the animal, including the initial procurement cost.

Violations of this section are declared to be misdemeanors punishable by a fine of no less than one-hundred dollars (\$100) nor more than five-hundred dollars (\$500). **State law reference A.C.A. § 20-19-**

SECTION 12: NUISANCE ANIMALS

Nuisance animals are cats, dogs, fowl or other animals which infringe upon the rights of another animal or person, or:

- (A) Molest passersby or passing vehicles
- (B) Trespass on school grounds or public parks
- (C) Are repeatedly at large
- (D) Damage private or public property

Property owners may humanely trap nuisance cats or dogs with the following restriction:

1. Property owners must abide by the Departments trap rules and regulations.
2. Nuisance cats or dogs trapped by property owners must be delivered to the City's animal shelter between 8:30 am and 4:30 pm with the following exception: animal service employees will deliver and pick-up traps for disabled, handicapped, or elderly residents unable to lift a trap.
3. Animals trapped after 4:30 pm must be protected from sun, rain, or any adverse weather condition; animal must be delivered to the City's animal shelter between 8:30 am and 9:30 am the following business day.
4. Trapping is allowed twenty-four hours a day Monday through Thursday. Traps must be closed on Fridays no later than 4 pm.
5. Trapping is not allowed on Saturdays, Sundays, or Holidays with the exception of a bite case animal.

Owner/guardians of nuisance animals and fowl are subject to a fine of no less than sixty-five dollars (\$65.00) nor more than one-thousand dollars (\$1000.00). In addition to the penalty imposed, the owner/guardian is responsible to pay for any damages caused by their animal up to the jurisdictional limit of the court. **State law reference A.C.A. § 20-19-102 (2016)**

SECTION 13: OBSTRUCTING GOVERNMENTAL OPERATIONS

- (A) A person commits the offense of obstructing governmental operations if the person;
 1. Knowingly obstructs, impairs, or hinders the performance of any governmental function;
 2. Falsely identifies himself or herself to a law enforcement officer, a code enforcement officer, or an animal control officer;
- (B) Obstructing governmental operations by using or threatening to use physical force is a Class A misdemeanor.
- (C) A second or subsequent offense of obstructing governmental operations under subsection (A)-2 of this section is a Class A misdemeanor.
- (D) Otherwise, obstructing governmental operations is a Class C misdemeanor.

State Law Reference: A.C.A. § 5-54-102 (2016)

SECTION 14: ANIMAL CARE AND CRUELTY

A person commits the offense of cruelty to animals if he or she knowingly:

- (A) Subjects any animal to cruel mistreatment;
- (B) Kills or injures any animal owned by another person without legal privilege or consent of the owner;
- (C) Abandons an animal at a location without providing for the animal's continued care;
- (D) Fails to supply an animal in his or her custody with a sufficient quantity of wholesome food and water;
- (E) Fails to provide an animal in his or her custody with adequate shelter that is consistent with the breed, species, and type of animal; The confinement area must provide a safe and humane environment for the animal, a minimum of sixteen (16) square feet of shade from the hot sun; an insulated house large enough for the animal to stand-up, lie down, and turn around. Enclosed structures must be lighted, temperature controlled (temperature maintained between 50* and 85* degrees), and well ventilated.
- (F) Carries or causes to be carried in or upon any motorized vehicle or boat an animal in a cruel or inhumane manner or in a manner that the animal could exit the vehicle of its own accord;
- (G) Fails to provide veterinary care when needed to prevent suffering;
- (H) Transports an animal in an open bed truck or leaves an animal unattended in a vehicle during hot or extreme cold temperatures;

For purposes of this section, each alleged act of the offense of cruelty to animals committed against more than one (1) animal may constitute a separate offense.

Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals is guilty of an unclassified misdemeanor and shall be:

- (A) Fined no less than one-hundred-fifty dollars (\$150) and no more than one-thousand dollars (\$1,000); Either:
- (B) Imprisoned for no less than one (1) day and no more than one year in jail; or
- (C) Ordered to complete community service;
- (D) Ordered to complete a psychiatric or psychological evaluation; and if determined appropriate, psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a second offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

- (A) Fined no less than four-hundred dollars (\$400) and no more than one-thousand dollars (\$1,000); Either:
- (B) Imprisoned for no fewer than seven (7) days and no more than one (1) year; or
- (C) Ordered to complete no fewer than thirty (30) days of community service; and Both:
- (D) Ordered to receive a psychiatric or psychological evaluation; and, if determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a third offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

- (A) Fined no less than nine-hundred dollars (\$900) and no more than one-thousand dollars (\$1,000); Either:
- (B) Imprisoned for no fewer than ninety (90) days and no more than one (1) year; or
- (C) Ordered to complete no fewer than ninety (90) days of community service; and both:
- (D) Ordered to receive a psychiatric or psychological evaluation; and if determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals for a fourth or subsequent offense occurring within (5) five years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class D felony. For the sole purpose of calculating the number of previous offenses of this section, all offenses that are committed against one (1) or more animals and as part of the same criminal episode are a single offense.

As used in this section, "criminal episode" means an act that constitutes the offense of cruelty to animals that is committed by a person against one (1) or more animals within a period of twenty-four (24) hours.

Sherwood Police Department investigates felony offenses.

Exemptions: this Section does not prohibit any of the following activities:

- (A) Reasonably acting to protect a person or a person's property from damage;
- (B) Injuring or humanely killing an animal on the property of a person if the person is acting as a reasonable person would act under similar circumstances and if the animal is reasonably believed to constitute a threat of physical injury or damage to any animal under the care or control of the person;
- (C) Engaging in practices lawful under the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq., or engaging in activities by or at the direction of any licensed veterinarian while following accepted standards of practice of the profession, including the euthanizing of an animal;

(D) Rendering emergency care, treatment, or assistance, including humanely killing an animal, that is abandoned, ill, injured, or in distress related to an accident or disaster, or where there appears to be no reasonable probability that the life or usefulness of the animal can be saved, if the person rendering the emergency care, treatment, or assistance is:

1. Acting in good faith;
2. Acting as a reasonable person would act under similar circumstances;
3. Performing generally accepted animal husbandry practices;
4. Performing professional pest control activities in a lawful manner;

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible, and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the Department of Humane Animal Services.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances. **State law reference A.C.A. § 5-62-103 (2016)**

SECTION 15: KEEPING OF INNATELY WILD ANIMALS

As used in this Section, the term innately wild animals shall mean lions, tigers, cougars, panthers, bears, wolves, wolf-dog hybrid, and other animals of untamable disposition; notwithstanding that their natural wildness may be intermittently dormant, as said wildness is likely to awaken at any time, suddenly and unexpectedly. The failure to specifically list any animal in this section will not preclude such animal from being deemed an innately wild and domestic animal of untamable disposition.

The possession, maintenance, or keeping of innately wild animals within the City of Sherwood is hereby prohibited, however, a person may hold for up to twenty-four hours (24) an orphaned baby animal giving the person time to deliver the animal to a wildlife rehabilitator.

This section shall not apply to any veterinarian clinic, zoo, circus, or sanctuary complying with applicable Arkansas state laws and regulations and keeping said innately wild animals for the education of the public.

Violations of this section are declared to be misdemeanors punishable by a fine of no less than sixty-five dollars (\$65.00) nor more than one-thousand dollars (\$1000.00).

SECTION 16: WILDLIFE PROTECTION

Intentional or unintentional wildlife feeding has increased with urban encroachment into wildlife habitat. Such feeding can lead to conflicts between wild animals and people (including their pets and livestock) and dangerous situations for people and/or result in the wild animal being killed or injured. Unless people take responsibility to remove attractants to discourage unwanted wildlife, negative encounters will occur and wild animals will suffer or die.

We can co-exist with native wildlife if we recognize and appreciate the important role these animals play in maintaining a healthy ecosystem and ensure that our activities do not adversely alter that role. Living with the natural environment, including wildlife, greatly increases our quality of life but also requires that we take responsibility to keep wild animals wild by not introducing and habituating them to human food sources.

(A) It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any manner whatsoever catch any wildlife within the City limit, except as may be allowed by fishing, nuisance wildlife trapping, or a special hunt approved by the City of Sherwood pursuant to rules, regulations and licensing requirements of the Arkansas Game and Fish Commission. This Section shall not be in conflict in any way with the laws of the State of Arkansas and/or the laws of the Arkansas Game and Fish Commission.

(B) Wildlife feeding is prohibited with the exception of well maintained bird and squirrel feeders: excess spillage of bird and squirrel feed will attract coyotes, raccoons, opossums, and other wildlife to a neighborhood.

(C) To prevent wildlife conflicts, residents must remove the food sources: feed pets during the day and clean up leftover pet food, clean up fallen fruit, bird seed, and open compost piles; secure garbage cans; keep cats indoors (especially at night) and supervise dogs (especially small dogs) when outside.

(D) Residents may humanely trap and remove nuisance wildlife by following the rules and regulation of the Arkansas Game and Fish Commission pertaining to trapping nuisance wildlife within the State: <https://www.agfc.com> Arkansas Game and Fish Commission

2 Natural Resources Dr., Little Rock, AR 72205

E-Mail: askAGFC@agfc.state.ar.us

800-364-4263 | 501-223-6300

- (E) Wildlife trapped within the City must be relocated outside the City limits within twenty-four hours.
- (F) City owned traps may be borrowed by residents but the Department's rules and regulations must be followed.

Violations of this section are declared to be misdemeanors punishable by a fine of no less than sixty-five dollars (\$65.00) nor more than one-thousand dollars (\$1000.00). In addition to the fines imposed by this section, wildlife is protected by section 14 (Animal Care and Cruelty) of this ordinance; residents may be charged with Animal Cruelty for violations of section 14.

SECTION 17: KEEPING OF EXOTIC ANIMALS

Keeping of exotic animals without a permit is prohibited.

- (A) Owner must obtain permit before bringing an exotic animal into the City.
- (B) A person wishing to obtain a permit must be interviewed by animal services director or Department designee to determine whether they have the knowledge, skill, and experience to properly care for the animal.
- (C) The place where the animal will live must be inspected by the animal services director or Department designee and shall be inspected annually thereafter by animal services director or designee.
- (D) Permits will be issued on a case by case basis: the Department reserves the right to refuse issuance of a permit.
- (E) A permit fee of seventy-five dollars (\$75.00) is payable to the Department when issued and must be renewed annually.

Keeping of Exotic Animals without a permit is a violation of this section. A fine of no less than five-hundred dollars (\$500.00) nor more than one-thousand dollars (\$1000.00) is assessed for violations of this section; in addition to the fine, owner may be ordered to remove animal from the City of Sherwood.

SECTION 18: BARKING, HOWLING, CROWING, AND OTHER UNREASONABLE NOISES

It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog, domestic or farm animal which by loud, continued, or frequent barking, howling, crowing, yelping, or other loud or excessive noise common to its species, shall annoy or disturb any neighbor; provided, however, this section shall not apply to any animal shelter, humane society, pet store, or veterinary clinic. It shall furthermore be unlawful for any person, firm or corporation to take any direct or intentional act which shall cause, or have the intent to cause, any dog, domestic or farm animal to bark, howl, crow, yelp or make loud or excessive noise, or to otherwise cause unreasonable physical distress to such dog, domestic or farm animal by harassing said dog, domestic or farm animal or by trespassing upon the premises where such dog, domestic or farm animal is located.

- (A) To constitute a violation for dogs, the phrase "excessive noise" shall be defined as any noise which lasts for a period of more than five minutes continuously or intermittently for more than fifteen minutes; for roosters, domestic or farm animals, any noise that disturbs the sleep of neighbors over a consecutive period of seven days.
- (B) It shall not be a violation of this Section if the dog or other domestic or farm animal making noise is doing so due to harassment or injury to the dog, domestic or farm animal or due to a trespass upon the premises where the dog, domestic or farm animal is located. Any person harassing or injuring a dog, domestic or farm animal or trespassing upon the premises where the dog, domestic or farm animal is kept is in violation of this section.
- (C) For the purposes of this Section, the term "neighbor" shall mean an individual residing in a residence structure which is within two hundred feet (200') of the residence or location of the offending dog, domestic or farm animal, and who states upon forms provided by the personnel of the Sherwood Animal Shelter that he or she will testify in Court under oath to said dog, domestic or farm animal making excessive noise, as defined in (A) herein. Any complainant under this Section shall be required to identify himself or herself by name, address, and telephone number, and provide any other additional information requested by the animal services officer reasonably necessary to establish a violation hereunder.
- (D) No person shall be convicted at trial of violating this section unless two or more witnesses who do not reside at the same address testify under oath to the offending behavior of which the person on trial has been accused, or unless there is other evidence corroborating the testimony of a single witness.
- (E) The Director of the Sherwood Animal Shelter may, at his or her sole discretion, recommend mediation or other reasonable corrective measures to resolve a dispute between a person accused of violating this section and the complainant. Any such recommendation or recommendations shall be in addition to and shall not preclude any other remedy provided herein.
- (F) Animal service employees can not give legal advice concerning corroborating evidence; the legal

advice of an attorney is advised.

If any person, firm, or corporation is found guilty in a Court of law of violating this section, then it shall be deemed a misdemeanor violation with a fine of no less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00)

SECTION 19: POTENTIALLY DANGEROUS OR VICIOUS ANIMALS

For the purpose of this section, the following words and phrases are defined to mean:

- Dog Kennel or Pen: A securely locked chain link enclosure with a minimum floor space of one-hundred (100) square feet for each dog and a minimum height of six (6) feet. The enclosure must have a secure bottom or floor attached to the sides or the sides must be embedded in the ground a minimum of one (1) foot and a secure top attached to the sides. The top and bottom must be secured to the sides a minimum of every six (6) inches. Gates must be locked with keyed or combination locks.
- Prohibited Breed Permit: a permit that allows the owner/guardian to possess within the corporate limits of the City of Sherwood a Pit Bull type dog

It shall be unlawful to keep, harbor, own, sell, transport (unless securely confined inside a vehicle), or in any way possess within the corporate limits of the City of Sherwood, Arkansas any of the following:

A. Pit Bull TYPE DOGS AS DEFINED BELOW:

1. The Pit Bull Terrier breed of dog;
2. Staffordshire Bull Terrier breed of dog;
3. The American Pit Bull Terrier breed of dog;
4. The American Staffordshire Terrier breed of dog;
5. The American Bull Dog breed of dog;
6. Mixed breed dogs with similar appearance and characteristics that display aggression towards people or other dogs; these characteristics are seen in Pit Bull type dogs that have a lineage from dogs bred and trained for dog fighting or for guarding illegal activities.

Exemption: Mixed breed dog with questionable appearance but the dog does not exhibit the characteristics of human or dog aggression

B. 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, ferrets and small rodents of varieties sold in pet stores as household pets).

C. Any animal having poisonous bites.

D. Any domesticated animal that without provocation exhibits fierce or vicious behavior and poses a real threat to human or animal safety. However, the owner/guardian of a domesticated animal that exhibits fierce or vicious behavior may be allowed to keep the animal if the animal is registered in compliance with **Section 19-1** and if outside the home of the owner/guardian, confined in a Dog Kennel or Pen as defined in **Section 19**.

E. Any vicious animal:

1. A domestic animal that without provocation attacks a person engaged in a lawful activity;
2. A domestic animal while running at large as defined by **SECTION 6** of this ordinance that attacks another animal with such severity as to cause physical injury or death.
3. A Pit Bull Dog that is aggressive towards people or other dogs: an aggressive Pit Bull does not qualify for registration as allowed in **Section 19-1**.

SECTION 19-1: The owner/guardian of a Pit Bull dog kept as a companion animal that resides in an area that is annexed into the corporate city limits of the City of Sherwood is given a ninety-day (90) grace period to either remove the Pit Bull dog from the City or to register the dog with the City. The owner/guardian must keep the Pit Bull securely confined during the grace period. Failure to properly confine the animal is a violation of this section. Pit Bull registration is only permitted following an annexation, and only applies to the residents located within the annexed area. Residents who are unaware of the requirements of this section may be give additional time to register their Pit Bull dog.

Owner/Guardian must comply with all rules, regulations and registration requirements, pay a prohibited breed registration fee, and receive a Prohibited Breed Permit from the Department of Humane Animal Services; the permit must be renewed within thirty days of the expiration date of the

initial permit date and each year thereafter. The registration fee is twenty-five dollars (\$25.00) per year.

A. Pit Bull type dogs and vicious animal registration requirements:

1. Rabies Vaccination: The owner/guardian must have a licensed veterinarian vaccinate the dog against rabies as often as is required by the laws of the State.
2. City Pet License: The owner/guardian must purchase an annual city pet license. The pet license must be attached to the dog's collar or harness and the dog must wear the collar or harness at all times. Pet license expires the same day the rabies vaccination expires.
3. Microchip: The dog must be microchipped by a licensed veterinarian. The microchip must be registered in the name of the owner/guardian receiving the permit.
4. Photo: The owner/guardian must bring their dog to the Animal Shelter at the time of registration. The owner/guardian and dog will be photographed together and the photo kept in the registration file.
5. Sterilized: The owner/guardian must provide proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply to a Pit Bull dog that is a registered American Kennel Club (AKC) or United Kennel Club (UKC) show dog with points or with documentation of training for show purposes. The owner/guardian is required to purchase an annual Show/Breeders Permit; the cost of the Show/Breeders Permit is one-hundred fifty dollars (\$150.00) per year with the restriction that the Pit Bull dog shall be allowed to produce no more than one litter per calendar year.
6. Confinement and Restraint: All structures, enclosures, and pens erected to house a dog must comply with the City of Sherwood zoning and building regulations and be maintained in compliance with section 7(conditions of pens, premises, and other property). The area must provide a safe and humane environment for the dog. The dog must, at all times, have access to clean fresh water in a spill proof container, a minimum of sixteen (16) square feet of shade from the hot sun, and an insulated dog house large enough for the dog to stand-up, lie down and turn around. Enclosed structures must be lighted, temperature controlled (temperature maintained between 50* and 85* degrees), and well ventilated.

All registered Pit Bulls shall be securely confined:

- Indoors
 - In a securely fenced yard: prohibited for vicious dogs
 - In a dog kennel or pen
1. 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 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.
 2. Muzzle: vicious animals covered by this section must be muzzled when outside their confinement area. The owner/guardian must obtain a properly fitted humane wire or plastic basket muzzle that allows the animal to open its mouth several inches to pant and does not restrict respiration.

Section 19-2: Potentially dangerous or vicious animals_Rules and Regulations

- A. Permit is non-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 Department of Humane Animal Services as required hereinafter:
 1. The removal from the City or death of a registered dog.
 2. The birth of offspring of an AKC OR UKC registered breeding dog.
 3. Updated registration information when the original owner/guardian moves to a new address within the City of Sherwood.
- E. Sale or Transfer of Ownership/Guardianship Prohibited: No owner/guardian shall sell, barter or in any other way dispose of an animal registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the original owner/guardian of such animal; provided that the original owner/guardian of a pit bull may sell or otherwise dispose of a registered dog or the offspring of a registered breeding dog to persons who do not reside within the City.
- F. Animals Born of Registered Breeding Dogs: All offspring born of registered breeding dogs must

be removed from the City within eight (8) weeks of the birth of such animal(s). Failure to remove all puppies within eight weeks is a violation of this section resulting in revocation of the Show/Breeders Permit and sterilization of the breeding dog in compliance with **Section 19-1**.

Section 19-3: Dispute over Pit Bull Designation: An owner/guardian who claims their dog is not a Pit Bull type dog must, within ten (10) business days, provide statements from two (2) Veterinarians:

1. The Veterinarian must state on forms provided by the Department that in their professional opinion, the dog in question is not a Pit Bull type dog as described in **Section 19**. Animal Services cannot accept a veterinarians' statement that is vague.
2. Submit two (2) clear photographs showing the dogs' approximate size and physical characteristics signed by the two Veterinarians.

Section 19-4 Unregistered Pit Bull type dogs and vicious animals found within the corporate limits of the City of Sherwood.

- A. Animals that snarl with a growl, charge, bite or attempt to bite or display extreme fear of people pose a threat to public safety. Prohibited animals found running at large within the corporate limits of the City of Sherwood, whether owned or stray that pose a threat to the public's safety are processed as follows: stray animals are subject to humane euthanasia after two business days; animals with traceable ID tags are subject to humane euthanasia after five (5) business days to give owner/guardian time to come to the Department to discuss their options.
- B. Stray Pit Bull type dogs displaying acceptable temperaments, actions and behaviors during their stay at the Animal Shelter are available for adoption to a legitimate rescue or to a qualified person. However, it is often very difficult to find a qualified home for a Pit Bull and most Pit Bulls must be humanely euthanized.
- C. Residents who are unaware of the Prohibited breed ban and house an animal within the corporate limits of the City of Sherwood are advised of the ban. If the resident has a secure location to confine their pet, a written warning is issued giving them a fifteen (15) day grace period to allow time to relocate the animal outside of the city limits. Residents may submit a written request to the Director of Animal Services for an extension of time should they decide to move out of the City of Sherwood: approval will be determined on a case-by-case basis.
- D. Owned domestic animals covered by this section found running at large:
 1. Owner/guardian must reclaim and immediately relocate the animal to a licensed boarding facility or to an approved home in an unrestricted location or relinquish their pet within the five (5) business days after receiving notification that their dog is impounded at the Department. A Pit Bull type dog or vicious animal that goes unclaimed after owner/guardian has been notified is considered abandoned by the owner/guardian. Failure to reclaim or relinquish the animal is a violation of this section.
 2. The owner/guardian is required to provide verifiable information containing the name, address, and the daytime phone number for the person receiving the animal. The new owner/guardian must live in an area that allows Pit Bulls and assumes all legal and financial responsibility for the safe keeping of said animal.
 3. Owner/guardian must pay a relinquishment fee at the time of relinquishment. Animal Service personnel determine adoptability based on the actions, behaviors, and physical condition of the animal at the time of relinquishment. Animals that are aggressive to people or other dogs are not suitable for adoption and must be humanely euthanized.

Failure to Comply: It shall be unlawful for the owner/guardian of a Pit Bull type dog or vicious animal whether registered or unregistered to fail to comply with the requirements and conditions set forth in this section. An owner/guardian failing to comply is subject to a fine of no less than one-hundred-fifty dollars (\$150.00) nor more than one-thousand dollars (\$1000.00). In addition to the fine imposed, the court may order the animal removed from the City within twenty-four (24) hours or in the case of a vicious animal, euthanized.

Exemptions:

1. Dogs that are used regularly for law enforcement purposes shall not be subject to this section, but shall be confined and maintained in accordance with the law enforcement agency's general orders.
2. Pit Bull type dogs and other non-aggressive animal species that are trained and used as service animals for the disabled; service animals must be kept under control at all times and service dogs must wear a service vest when off the property of the owner/guardian; Pit Bull type dogs must be registered in compliance with 19-1. **Americans with Disabilities Act (ADA) for title II and title III: Service Animals**
3. Temporary Visits. A person may temporarily transport into and hold in the city limits a Pit Bull only for the purpose of transporting the animal to a veterinarian or groomer for care, or to participate in a contest, adoption event or show sponsored by the American Kennel Club, the United Kennel Club, rescue groups, or animal shelters. The person who transports a Pit Bull for

these purposes shall, at all times when the Pit Bull is being transported within the City to and from the veterinarian, groomers, or place of event, contest or show, keep the Pit Bull securely confined.
State Law reference A.C.A. 20-19-303 (2016)

SECTION 20: STANDARDS FOR PET SHOPS

All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall in addition to the other requirements of this Ordinance comply with the minimum standards of this Section. Failure to meet these standards shall be grounds for denial of a business licenses or revocation of a business licenses. A pet shop is defined as an establishment which offers to sell live animals with the intent they be kept as pets.

STANDARDS:

1. **WATER:** There shall be available hot water at a minimum temperature of 160 degrees for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be mounted so the animal cannot turn them over and be removable for cleaning.
2. **ROOM TEMPERATURE:** The room temperature of the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.
3. **CAGES AND ENCLOSURES:** All cages and enclosures are to be of a non porous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to his full length. Adequate ventilation and lighting shall be maintained. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
4. **FOOD:** shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

Pet shops may be randomly inspected during normal business hours to ensure compliance with this ordinance.

SECTION 21: KENNEL OR ANIMAL SHELTERING STANDARDS

All kennels, as defined herein, shall in addition to the other requirements of this Ordinance comply with minimum standards of this Section. Failure to meet these standards shall be grounds for denial of a business license or revocation of a business licenses. A kennel is defined as an establishment wherein any person engages in the business of boarding, breeding, buying, grooming, training for a fee, letting for hire, or selling dogs or other animals.

STANDARDS:

1. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, run and wall shall be of an impervious material to permit proper cleaning and disinfecting.
2. Building temperature shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained.
3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages and shall have a resting board and some type of bedding.
4. Enclosures where animals are kept for grooming for a short period of time (up to three (3) hours) may be smaller.
5. Cages are to be of material and construction that permits cleaning and sanitizing.
6. Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
7. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
8. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
9. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

Kennels may be randomly inspected during normal business hours to ensure compliance with this ordinance.

SECTION 22: LIVESTOCK

It shall be unlawful to keep or maintain a horse, mule, pony, donkey, burro, jackass, jenny, cattle, poultry

or other fowl, hogs, or any type of swine, sheep, goats, or any other type of livestock within the City Limits of the City of Sherwood, except hereinafter provided. Livestock may be kept as pets or for hobby farms only; no commercial livestock operations are permitted.

(A) No horse, mule, pony, donkey, burro, jackass, jenny, or cattle may be maintained, kept or stabled within the City Limits of Sherwood if said animal is maintained, or kept closer than seventy-five (75) feet to the residence of any person other than the person keeping or maintaining said animal. However, if the property where the horse, mule, pony, donkey, burro, jackass, jenny, or cattle may be maintained was developed and used for such purposes before the construction of any residence within seventy-five (75) feet of such property, then this provision nor any other similar provision of this ordinance providing any distance restriction on such property shall not apply.

1. It shall be the duty of the person keeping or maintaining said aforementioned animal to assure that said animal cannot approach closer than seventy (75) feet to the residence or dwelling house of another person by use of fences to prevent the animal from approaching.
2. For the purpose of section A, any animal remaining on the premises of any person, with the knowledge of or consent of said person, for six consecutive hours, or more, shall be deemed to be kept or maintained on the property.
3. For each aforementioned animal kept or maintained within the City of Sherwood, the person keeping or maintaining said aforementioned animal shall have under his ownership, jurisdiction, and control and available to the aforementioned animal a minimum of one acre of ground per animal exclusive of residence and dwelling houses; the area must be securely fenced to prevent the animal from running at large.
4. Animal must be provided with a barn or other structure that protects the animal from inclement weather; the structure must provide enough room for the animal to turn around freely, lie down, and walk several feet before exiting the structure; the structure must have a separate storage area that is rodent and water proof for hay and grain. The animal must have year round access to the pasture.

B. No poultry or other fowl to include but not be limited to chickens, ducks, turkeys, or geese are allowed to run at large in the City of Sherwood.

1. Peacocks and guineas are prohibited if said animals are maintained, or kept closer than six-hundred feet to the residence of any person other than the person keeping or maintaining said animal.
2. A maximum of twelve (12) fowl may be kept on residential property with less than a one acre lot; of the twelve fowl allowed, one male fowl may be kept.
3. Fowl must be provided with a minimum of three (3) square feet of space per animal inside a leak proof structure; the structure must provide excellent ventilation and protect the fowl from drafts during inclement weather; the structure must have a separate storage area that is water and rodent proof for hay and grain.
4. Fowl must have access to a year round sunny run outside their coop
5. Fowl may run free inside a fenced backyard as long as the fowl do not escape the owner/guardians property.

C. Hogs or other types of swine are prohibited in the City of Sherwood.

1. Section C does not apply to Vietnamese pot-bellied pigs; For the purpose of section C, the Vietnamese pot-bellied pig is to be considered a pet and subject to all sections of this ordinance that may apply to pets with the exception of number of animals: limit of two (2) may be kept as pets.

D. Sheep or goats may be kept as pets with the following restrictions:

1. A maximum of two (2) miniature breeds of sheep or goats may be kept on residential property with less than a one acre lot; only females (ewes and does) and wethers (castrated males) are allowed to be kept on residential property with less than a one acre lot.
2. Only polled sheep and disbudded goats (no horns) are allowed to be kept on residential property with less than a one acre lot.
3. Sheep or goats must be provided with a minimum of twenty-five (25) square feet of space per animal inside a leak proof structure; the structure must provide excellent ventilation and protect the sheep or goats from inclement weather; the structure must have a separate area that is water and rodent proof for the storage of hay and grain.

All structures, enclosures, fences and pens erected to house livestock must comply with the City of Sherwood zoning and building regulations.

Pens, corrals, chicken coops, pasture area, and barns must be kept in compliance with **SECTION 7** (conditions of pens, premises, and other property) of this ordinance.

All livestock kept in the City of Sherwood must be provided with clean fresh water at all times, food that is 100% nutritionally balanced for the type of livestock being kept, and securely confined to the owner's property.

The keeping of livestock on residential property exceeding one acre in size is permitted so long as the livestock are humanely kept and securely fenced so the livestock can not approach closer than seventy-five (75) feet from the residence or business of any person other than the person's residence where the animals are kept.

Any person, firm or corporation violating this section shall be deemed to be guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be fined in any sum of not less than six-five dollars (\$65.00) nor more than one-thousand dollars (\$1000.00); in addition to the fine imposed, the court may order the removal of the animal(s) from the City of Sherwood.

Permitting livestock to run at large is a violation of this section and upon conviction a person may be subject to a fine not to exceed one hundred dollars (\$100.00); any person who knowingly allows any hog to run at large is guilty of a violation and upon conviction is subject to a fine not to exceed five hundred dollars (\$500.00);

Each day the animal continues to run at large shall constitute a separate offense.

The owner of livestock that damages another person's property may be ordered to pay restitution for any and all damages up to the jurisdictional limits of the court. **State Law reference A.C.A. 5-4-205 (2016); A.C.A. 14-54-1101 (2016); A.C.A. 5-62-122 (2016)**

SECTION 23: Authority of the Director: The Director of Humane Animal Services or her/his designee shall promulgate rules when necessary to clarify definitions, establish procedures, and enact regulations to implement and carry out the provisions of this ordinance.

SECTION 24: PENALTIES AND FINES

The penalties and fines imposed by this ordinance are in addition to the cost and fees imposed by the Court system.

In addition to the penalties and fines imposed, the defendant may be ordered to pay restitution to the Department of Humane Animal Services for all expenses, including but not limited to: shelter, food, handling, veterinary fees and testimony necessitated by the enforcement of this ordinance.

In addition to the penalties and fines imposed, 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 one year.
- (B) The defendant ordered to pay restitution to a victim for damages or injuries caused by their [rb1] animal.
- (C) The removal of the animal from the City of Sherwood.
- (D) The relinquishment of the animal to the custody of the Department.

SECTION 25: CITATION

The Sherwood Department of Humane Animal Services and Local Law Enforcement Officers are hereby authorized to issue warnings or citations for violations of this Ordinance.

SECTION 26: SEVERABILITY CLAUSE

If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 27: DEPARTMENTAL FEES

PET LICENSE FEE PER YEAR:	
STERILIZED DOG OR CAT	\$ 5.00
INTACT DOG OR CAT	\$30.00
LIFETIME PET LICENSE	\$20.00
LICENSE FRAUD	\$150.00-\$1000.00
FAILURE TO RENEW LICENSE OR PERMIT	\$10.00
IMPOUND FEE (sterilized dog or cat)	\$10.00
IMPOUND FEE (intact male or female)	\$30.00
BOARDING PER DAY	\$10.00
BOARDING PER DAY (Rabies Quarantine or Cruelty Case)	\$20.00

Permit Fees:

KEEPING OF EXOTIC ANIMALS	\$75.00 yearly
PROHIBITED BREED	\$25.00 yearly
SHOW/BREEDER	\$150.00 yearly

RELINQUISHMENT FEES:

\$10.00 ----- IF OWNER/GUARDIAN PROVIDES VETERINARY RECORDS VERIFYING THAT THE PET IS STERILIZED AND HAS CURRENT RABIES VACCINATION;
\$10.00 ----- FEE FOR ONE PUPPY OR KITTEN UNDER FOUR MONTHS OF AGE;
\$15.00 ----- IF OWNER/GUARDIAN PROVIDES VETERINARY RECORDS VERIFYING THAT THE PET IS STERILIZED BUT IT HAS NO CURRENT RABIES VACCINATION;
\$20.00 ----- IF OWNER/GUARDIAN PROVIDES VETERINARY RECORDS VERIFYING THAT THE PET HAS A CURRENT RABIES VACCINATION BUT IS NOT STERILIZED;
\$30.00 ----- PET HAS NO RABIES VACCINATION AND IS NOT STERILIZED;
\$25.00 ----- LITTER OF PUPPIES OR KITTENS: TWO OR MORE ANIMALS;
\$100.00 ----- FEE FOR SECOND AND SUBSEQUENT LITTERS OF PUPPIES OR KITTENS FROM THE SAME HOUSEHOLD

STRAY ANIMAL VACCINATION PROTOCOL & FEES:

STRAY ANIMALS ARE VACCINATED AND WORMED AS SOON AS POSSIBLE AFTER INTAKE TO PREVENT THE SPREAD OF DISEASE. IF THE PET WAS NOT WEARING A TRACEABLE ID TAG, REIMBURSEMENT IS REQUIRED.

\$10.00 --- VACCINATIONS FOR DOGS OR CATS; OR BORDETELLA

\$5.00 --- PER WORMING AND/OR DE-FLEA

IF ANIMAL WAS SICK OR INJURED, OWNER/GUARDIAN IS RESPONSIBLE TO PAY ALL VETERINARIAN FEES.

RABIES SUSPECT PROCESSING FEE

\$60.00 ----- FEE TO PREPARE AND DELIVER ANIMAL TO STATE HEALTH DEPARTMENT LAB FOR RABIES TESTING

During emergency situations or verification of low income eligibility, the above fees may be reduced or waved.

ADOPTED on this 27th day of **February 2017**.

Virginia R. Young, Mayor

ATTEST:

Angela Nicholson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney