

**City Council Agenda Items
and
Contracts, Leases or Agreements**

11/15/11
10/18/2011

City Council Meeting Date
Agenda Items Only

Justine Middleton
Submitted By

Animal Services
Division

Community Services
Department

Action Required:

Approval of proposed replacement of the pet licensing ordinance with a microchipping ordinance and alteration of current animal sheltering impoundment fees.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

King
Department Director
Date: 10/26/11
09-28-2011

Previous Ordinance or Resolution # _____


Paul A. Baker
City Attorney
Date: 9-29-11

Original Contract Date: _____

Paul A. Baker
Finance and Internal Services Director
Date: 10/27/2011
9-29-2011

Original Contract Number: _____

Don Ma
Chief of Staff
Date: 10-31-11

Received in City Clerk's Office
09-28-11 P04:59 RLV
King



David D...
Mayor
Date: 10/31/11

Received in Mayor's Office


Comments:

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; ~~Jeremy Pate, Dir. Community Development~~ 

From: Justine Middleton, Animal Services Superintendent

Date: October 25, 2011

Subject: Approval of proposed changes to the pet licensing and shelter impoundment fee ordinances

PROPOSAL:

The Animal Services Advisory Board recommended that the possibility of mandatory microchipping, as opposed to the current city licensing program, be explored for the city of Fayetteville. The benefits of microchipping are extensive. If an animal control officer finds a stray animal, he/she will scan the animal. If the animal is chipped, the officer is able to immediately have the name, address, and phone number(s) of the owner and often an emergency contact is listed as well. Being able to get the animal home directly, without ever having to come to the Shelter, reduces the workload of the staff and also is much less stressful for the pet. It also reduces the cost to the City by bypassing the need to vaccinate the animal upon intake and care for and feed the pet until the owner is able to come claim the pet. So far in 2011, we have been able to return 164 more pets to their owners than we did at this time last year. This is at least partly due to the increase in use of microchipping.

Both staff and board members spent considerable time looking at data concerning the effectiveness and the compliance rate with mandatory chipping. It was determined that more citizens already have their pets chipped than have them current on their city licenses in Fayetteville. In addition, microchips cannot be lost or misplaced like collars and tags.

The proposed ordinance changes were modeled partly on the city of Springdale's successful mandatory chipping ordinance and partly on other similar cities as well as what staff felt like would work best for Fayetteville. In addition to switching to mandatory microchipping, there are proposed changes to the animal redemption fees. These changes will help to target the animals that are the biggest concern for animal control, which are pets that are out running loose in the streets. The Shelter takes in between 4,500 and 5,000 pets each year and although many are returned to their owners or adopted, not all of them are. We want to encourage city residents to follow the leash law and keep their pets safe.

The ordinance requires that the information stored on the microchip be kept up to date both with the City and with the microchip company. In order to register a microchip with the City, a citizen will be required to fill out a simple one page form which requests the same basic information that is stored by the microchip company at the national level (name, contact information, breed of animal, etc). There are two main reasons for keeping the

information at the City level as well as the national level. One, in case a microchip company was ever to stop operating the City would still have all the required information in their software system. In addition, having the information stored in the Shelter's software system allows staff to easily access the information and get the pet home in a more timely manner. It can take several minutes to place a call to a microchip company and relay information to them so they will release the owner's information to staff. Currently Animal Control Officers do not carry City issued cell phones with them, so having the information stored in our own system will also prevent that added cost.

Although there may be an initial increased workload for staff to get the newly registered microchips in the system, the workload should drop off steeply after the first rush. The information, once entered, is good for the life of the pet unless someone moves or changes phone numbers. These updates are very simple to do in our system. Updating information with a microchip company is also a simple process that can be done online or over the phone depending on what company issues the chip. The chip the Shelter uses is 24 Hour Petwatch which allows you to update the information stored on the chip at no cost online.

There is a higher charge for the first impoundment with a chip that does not have up to date information. A chip is only as good as the information stored on it. If the address or phone number is incorrect, staff time must be spent trying alternative ways to track down the owner and those efforts are not always successful.

The current city licensing ordinance provides citizens a strong incentive to have their pets spayed or neutered. A city tag for a neutered pet is only \$5 whereas a tag for an unneutered pet is \$75—this is a yearly expense. Because microchips can be installed at any vet clinic, it does not makes sense for the ordinance requiring microchipping to have any price discrepancy based on whether the pet has been neutered. Instead, staff and the Advisory Board felt it made more sense to target those incentives towards the pets that were really causing issues—those which are found running loose. This is the reasoning behind changing the redemption fee schedule. Those citizens who have pets that are found running loose are charged higher fees on the first impoundment, but with the option to have the fees drastically reduced if they choose to have their pet neutered at a reduced cost (currently \$30). If they do not choose to have their pet neutered, they may pay the higher fee. On the second impoundment, neutering will be manadatory. Any subsequent impoundments will be subject to the lower fees for neutered pets.

It is very important to remember that we only have three animal control officers for a city of over 75,000 people. If we catch a pet running loose multiple times, it only stands to reason that there are many other times that the pet is out loose when we are not there. We are still dealing with a pet overpopulation issue. Despite our best efforts, we still euthanize approximately 30% to 40% of the pets that come through our doors every year. We also take several calls daily about pets that have been hit by cars on our busy streets. It is important for pet owners to take responsibility for their pets.

Unless it is a habitual problem, every effort will be made to return the pet to the owner without the pet ever even entering our Shelter. The redemption fees are set up as a strong deterrent for those pet owners who are constantly letting their pets run loose.

RECOMMENDATION:

Staff, the Animal Services Advisory Board, and the Ordinance Review Committee recommends approval of the proposed changes to the above mentioned ordinances to go into effect on January 1, 2012.

BUDGET IMPACT:

N/a

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 92.01 DEFINITIONS, REPEALING AND REPLACING SECTION 92.20 ANNUAL LICENSE AND TAG, AMENDING SECTION 92.24 REDEMPTION OF ANIMALS, REPEALING SECTION 92.33 ANIMAL HOBBYIST PERMIT OF CHAPTER 92: ANIMALS OF THE CODE OF FAYETTEVILLE TO REMOVE ANIMAL LICENSING REQUIREMENTS AND ENACT ANIMAL MICROCHIPPING REQUIREMENTS, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §92.01 Definitions of the Code of Fayetteville by deleting the definitions of Hobbyist and License and inserting, in alphabetical order location, the following definitions:

Microchip. An identifying integrated circuit placed under the skin of a dog or cat for purposes of identifying the owner of the animal.

Sterilize means to surgically alter an animal so that it cannot reproduce.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals §92.20 Annual License and Tag of the Code of Fayetteville, and enacts a replacement §92.20 Microchipping and Registration Required, as presented in the attached Exhibit "A", which is incorporated herein as if set out word for word.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends §92.24 Redemption of Animals of the Code of Fayetteville by deleting subsection (A) of the section and replacing it with a new subsection (A), as presented in the attached Exhibit "B", which is incorporated herein as if set out word for word.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends §92.24 Redemption of Animals of the Code of Fayetteville by deleting subsection (B) of the section and replacing it with a new subsection (B), as presented in the attached Exhibit "C", which is incorporated herein as if set out word for word.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals §92.33 Annual Hobbyist Permit of the Code of Fayetteville.

Section 6. That this Ordinance shall not become effective until January 1, 2012.

PASSED and **APPROVED** this _____ day of _____, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

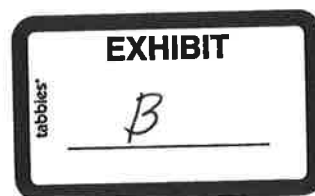
92.20 Microchipping and Registration Required

The owner or harbinger of any dog or cat four (4) months old or older living in the City must have an RFID microchip implanted in their dog or cat. The RFID number must be registered with the City's Animal Services Division within thirty (30) days of the animal being brought into the City. The identifying RFID microchip number must be registered with the City Animal Services Division within thirty (30) days of the cat or dog being brought into the City or within thirty (30) days of the dog or cat reaching four (4) months of age. At all times, the owner or harbinger of a dog or cat living in the City must maintain up-to-date contact information, including address and telephone number, with the City Animal Services Division. The fee for any City performed RFID microchip implant shall be \$20.00.



92.24 Redemption Of Animals

- (A) After the expiration of ten (10) days impoundment in the case of a microchipped animal, or the expiration of five (5) days impoundment in the case of an non-microchipped animal, said animal shall become the property of the City, and the City shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.



92.24 Redemption Of Animals

(B) Redemption Fees

(1) Fees for Sterilized Animals

An owner reclaiming a sterilized impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be \$10.00 for the first impoundment if the animal is sterilized and has a microchip currently registered with up-to-date contact information on file with the City Animal Services Division; \$25.00 for the first impoundment if the animal has no microchip or the animal's microchip is not registered with up-to-date contact information on file with the City Animal Services Division. The animal shall be microchipped at the time of redemption at the owner's expense. \$50.00 for the second impoundment of a sterilized and microchipped animal within a twelve (12) month period. \$100.00 for the third impoundment of a sterilized and microchipped animal within a twelve (12) month period. \$200.00 for the fourth impoundment of a sterilized and microchipped animal within a twelve (12) month period.

(2) Fees for Unsterilized Animals

An owner reclaiming an unsterilized impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be \$100.00 for the first impoundment on an unsterilized animal with or without a microchip. The animal shall be microchipped at the time of redemption at the owner's expense. At the time of the first redemption the owner of an unsterilized animal shall be offered spay or neuter services at a reduced cost. If sterilization is performed, the impoundment fee will be reduced to \$10.00 for animals that are already microchipped and \$25.00 for animals that are not microchipped or animals whose microchips are not registered with up-to-date information on file with the City Animal Services Division. \$200.00 for the second impoundment within a twelve (12) month period. At such time the animal will be considered a public nuisance and shall be sterilized at the owner's expense. At such time that a third impoundment occurs, the owner shall be required to pay the fees as set forth for the third impoundment of a sterilized animal.

(3) Boarding Fees

In addition to the impoundment fees as provided in subsections (B)(1) and (B)(2) of this section, a boarding fee of \$10.00 per day per animal shall be charged for each day such animal is impounded in the animal shelter, together with the cost of having an unvaccinated animal vaccinated for rabies.



FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

CHAPTER 92 ANIMALS

ARTICLE I
GENERAL PROVISIONS

92.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandon. Any person who knowingly deserts an animal on public or private property.

Animal. Any living creature, domestic or wild.

Animal shelter. Any facility operated by a humane society, municipal agency or its authorized agent(s) for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large. Not under the physical control of the animal's owner or harbinger, or his authorized representative, either by leash, trolley system, or enclosure. An animal intruding upon or damaging the property of another person or upon public property, trespassing on school grounds, harassing passersby or passing vehicles, or interfering with refuse collection, harassing meter readers and not under the physical control referred to herein shall be deemed "running at large." An animal within an automobile or other vehicle shall not be deemed "running at large" if the animal is physically confined to the vehicle. An animal shall not be considered "at large" when on the premises of the owner or harbinger thereof and accompanied by the owner or harbinger.

Cat. A feline of either sex, including one neutered or sterilized.

City. City of Fayetteville, Arkansas.

Dangerous Animal. Any animal which, when unprovoked, approaches in a manner of attack any person or domestic animal upon the streets, sidewalks, or any other public ground or place.

Dog. A canine of either sex, including one neutered or sterilized.

Enclosure. A fence or pen, or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping. Owners confining dogs or cats by means of an enclosure must provide a minimum space of 100 square feet (10x10) per dog or cat four (4) months of age or older.

Harbor. For a period of three days or more, to keep and care for an animal or provide a premises to which the animal returns.

Hobbyist means a person whose unsterilized dogs or cats are registered with the American Kennel Club, United Kennel Club, Cat Fanciers' Association, The International Cat Association or similar group and who competes or shows their animals at least annually. A 'hobbyist' is also a person who holds a current Arkansas hunting license and uses his or her dogs to hunt at least annually. A 'hobbyist' may not allow his or her animals to produce more than one total litter annually regardless of the number of unsterilized animals owned. A second litter within a hobbyist's property within a twelve month period shall invalidate the hobbyist's permit for twelve months.

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Kennel means a structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility used for commercially boarding more than three dogs or cats or combination thereof at any time shall be considered a 'Kennel'.

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License. A permit and animal tag issued by the city to indicate that an animal is vaccinated against rabies in accordance with city ordinance and that the owner or harbinger has remitted to the city the levied permit fee.

Locked Enclosure. A fence or pen, or structure with all gates or entrances locked with a key or combination device. The structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping.

Noisy Animals. Any domestic animal which barks, whines, or howls in an unwarranted, or continuous, or loud, or frequent fashion.

Pet Shop means a commercial establishment or facility which regularly sells pets such as dogs, cats, birds, rodents, reptiles and/or fish to the general public. Pet Shops are only allowed in C-1, C-2, C-3, Downtown Core, Mainstreet Center, Downtown General and by Conditional Use in R-O Districts

Restrained. Any animal secured by leash and under the control of owner or harbinger. At public events of 100 persons or more, leashes shall be a maximum length of 6 feet. The animal must be within 4 feet of the owner or harbinger.

Special Event. A specified or designated public occurrence, affair, or event at which more than three

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

**92.04 Sale Of Diseased Animals; Kennel
And Pet Shop Regulation**

(A) It shall be unlawful for any person, pet shop, or kennel to sell, offer to sell, or expose any diseased or poisonous animal or any animal the sale of which is prohibited by federal law.

(B) Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste materials shall be allowed to remain thereon for more than 24 hours. The owner or operator of a kennel or pet shop shall properly treat any diseased animal and shall properly isolate those animals having a disease contagious to animal or human life; provided, any animal which is diseased past recovery shall be destroyed. All animals in a kennel or pet shop shall be humanely treated and properly nourished. Animals shall not be confined in one area in such numbers that access to food and water is not readily available.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.04; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.05 Noisy Animals Restricted

It shall be unlawful for any person to keep on his premises or under his control any noisy animal which shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept. An owner or harbinger violating this section may be required to train the animal with a humane "bark collar" or other devices for noise control. The owner or harbinger shall be notified of the opportunity to appeal this requirement within 10 days upon issuance of such requirements to the Animal Services Superintendent.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.05; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

**92.06 Animal Waste, Offensive Odors
Prohibited**

(A) The owner of an animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, public parks, or private property.

(B) It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept free from offensive odors to the extent that such odors are disturbing to any person residing within a reasonable proximity of

said premises; and it shall be unlawful to allow the premises where any animal is kept to become unclean and a threat to the public health by failing to diligently and systematically remove all waste material from the premises.

(Ord. No. 3588, §1, 1-21-92; Code 1991, §92.06; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.07-92.19 Repealed

92.20 Annual License And Tag

(A) Levy and amount of license. There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the city. Said fee shall be paid to the city or to a licensed veterinarian. It shall be the duty of any licensed veterinarian collecting a fee under the provisions of this section to remit such fee to the city by the 10th of the month next following the month in which said fee is collected. The issuing veterinarian shall be permitted to keep twenty percent (20%) of the licensing fee collected as a handling fee.

(1) For each neutered male or spayed female the levied fee shall be in the amount of \$5.00 annually. The fee for each unspayed female or unneutered male shall be \$75.00, with exceptions for any animal under six months of age, the fee shall be \$5.00 or the unspayed or unneutered animal is licensed under the hobbyist's permit.

(2) Medical Exemption of Spay and Neuter Surgery .
If an actively licensed and practicing veterinarian believes it would be unwise to subject the animal to the sterilization procedure for medical reasons, a medical exception will be granted. In this case, the veterinarian who makes this determination must provide a signed statement which:

(a) Describes the medical condition that provides grounds for the medical exemption.

(b) Includes his or her opinion as to whether the medical condition is temporary or permanent.

(c) If the condition is temporary, includes a prognosis of the date on which the sterilization can be performed safely.

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FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

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- (3) Should a dog or cat be brought into the city, the person owning or keeping such dog or cat shall have 30 days in which to pay the licensing fee levied hereby. Any person failing to pay said fee within such period shall be required to pay an additional fee of \$5.00.
- (B) Issuance of license receipt and tag. The city official or a licensed veterinarian to whom the fee levied by subsection (A) above is paid shall issue a receipt therefore and shall issue to each person paying said fee a metal tag indicating that said fee has been paid; provided a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies according to state law.
- (C) License period. A license, if not revoked, shall be valid for one year from the date of issue. A new license shall be obtained each year by every owner and a new fee paid. An owner shall have 30 days from the date the license expires to obtain a new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of \$5.00.
- (D) Tag to be attached to animal in a reasonable manner. It shall be the duty of the owner or keeper of every dog or cat within the city to attach the tag provided for in subsection (B) to said dog or cat in a reasonable manner.
- (E) Nothing in this section shall be construed to apply to any dog or cat under the age of three months, or to dogs or cats brought to the city on a temporary basis for show or exhibition.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.20; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.21 Rabies Vaccination Required

- (A) All dogs and cats in the city and other pets which are subject to rabies shall be vaccinated against rabies according to state law by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog in the city, and shall be attached to every cat in the city by a reasonable method. Any person who shall keep any pet which is subject to rabies in the city without first having such pet vaccinated for rabies, at least once a year, shall be guilty of a misdemeanor.
- (B) In case a tag for the animal licensing fee or rabies vaccination required by this chapter is lost or

destroyed, a duplicate shall be issued by the city upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag. No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another. No refunds shall be made on any fee because of the death of the animal or because the owner leaves the city before the expiration of the license period.

(Ord. No. 3557, 7-16-91; Ord. No. 3588, §2, 1-21-92; Code 1991, §92.21; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

State law reference(s)--"Rabies Control Act", A.C.A. §20-19-301 et seq; Vaccination dogs & cats required, A.C.A. §20-19-305.

92.22 Running At Large Prohibited

- (A) It shall be unlawful for the owner or person in charge of any horse, mule, colt, sheep, cow, calf, bull, jack, jenny, goat, hog, or swine of any kind to permit or suffer the same to run at large within the corporate limits of the city at any time.
- (B) It shall be unlawful for any person owning or having control of any chickens, turkeys, or other fowl to permit the same to run at large within the city.
- (C) It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to run at large within the corporate limits of the city at any time.
- (D) It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to be without proper restraint at a public event.
- (E) The term "permit" shall include the failure of the owner or person having charge of said animal to physically restrain the animal. The animal control officer shall be authorized to enter onto private property for the purpose of impounding an animal found running at large.
- (F) Every female dog or cat in heat or estrous shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.22; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.23 Impoundment

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FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

- (A) The Fayetteville Animal Shelter is authorized to accept from the animal control officer or any private citizen, and to impound, any dog or cat found running at large in violation of this subchapter. The animal control officer shall not be required to respond to requests to pick up unconfined cats until the person making the request has confined or restrained the animal so that it can readily be taken into custody by the animal control officer. The animal control officer may use humane animal traps or tranquilizers to assist in confining the cat.
- (B) Whenever any animal in the animal shelter bears a city tag, it shall be the duty of the animal control officer to notify the owner or the person to whom the tag was issued, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or placed for adoption within 10 days unless the fee hereinafter prescribed is paid. If the owner or person to whom the tag was issued cannot be found, the animal control officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or placed for adoption within 10 days if the fee hereinafter prescribed is not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.23; Ord. 5002, 4-17-07)

92.24 Redemption Of Animals

- (A) After the expiration of 10 days impoundment in the case of a licensed animal, or the expiration of five days' impoundment in the case of an unlicensed animal, said animal shall become the property of the city, and the city shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.
- (B) An owner reclaiming an impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be \$10.00 for the first impoundment if the animal has a rabies vaccination and is currently licensed in the city with current city license and rabies tags attached; \$25.00 for the first impoundment if the animal is not currently vaccinated and licensed in accordance with this chapter; animal shall be microchipped at time of

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redemption at the owner's expense. \$50.00 for the second impoundment for the same animal within a 12 month period; at the time of the 1st or 2nd redemption the owner of an intact animal shall be offered spay or neuter services at a reduced cost. If sterilization is performed, the city licensing fee will be reduced to \$5 at the first impound. \$100.00 fee for the third impoundment for the same animal within a 12 month period; and at such time an intact animal shall be considered a public nuisance and shall be spayed/neutered at the time of redemption at the owner's expense; and \$200.00 for the fourth and subsequent impoundments of the same animal within a 12 month period. In addition to the impoundment fees, a boarding fee of \$10.00 per day per animal shall be charged for each day such animal is impounded in the animal shelter, together with the licensing fee for such animal, if the same has not been paid, plus the cost of having an unvaccinated animal vaccinated for rabies.

- (C) The owner of an impounded animal who refuses to reclaim his animal may be proceeded against for abandonment under the provisions of §92.02.
- (D) No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. A voucher will be issued to the adopter and said voucher may be used at the time the animal is sterilized. An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.24; Ord. 5002, 4-17-07)

92.25 Confinement When Person Bitten

Any animal suspected of biting a human shall be quarantined in accordance with the provisions of A.C.A. 20-19-301 (The Rabies Control Act).

(Ord. 5002, 4-17-07)

92.26 Vicious Animals Restricted

- (A) Once a citation has been issued by an Animal Services Officer or a complaint has been filed in the district court against the owner or harbinger of an animal for violation of this section, the animal shall be relinquished by the owner or harbinger to the animal services officer and kept at the animal shelter, the animal shall not be released except on order of the court, which order may also direct the owner or harbinger to pay a fine, all impoundment fees, and/or obtain liability insurance in amount to be determined. Upon a finding that such animal is a

Removed & replaced

