

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE ANIMAL CONTROL ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:**

Section One: Title. This Ordinance shall be known as the Animal Control Amendment of 2022.

Section Two: Definitions Amended. Section 6.04.02 of the Prairie Grove Municipal Code is amended to read as follows:

6.04.02 \_\_\_\_\_ Definitions.

**Abandon** shall mean to leave an animal in a place with the intention of not returning to resume ownership, or to fail or refuse to provide food, water, shelter or care for an animal for a period of time that poses a risk to the animal's health and safety. **Keeping animals at a location not regularly and routinely inhabited by humans shall be considered abandonment.**

**Animal** shall mean any dog or cat.

**Appropriate bedding** shall mean material upon which the animal may lay down, which is reasonably clean, dry and free of parasites.

**Appropriate care and maintenance** shall mean such cleaning, grooming or veterinarian treatment as may be reasonably required to ensure the health and safety of the animal depending on the age, breed and physical condition of the animal.

**Appropriate shelter** shall mean shelter for an animal that is reasonably designed and constructed to provide the animal sanctuary from the weather, considering the animal's age, breed and size.

**At Large** shall be construed to mean off the premises of the owner and not under the control of the owner or other responsible person, either by leash, cord, chain or otherwise.

**Neutered**, for purposes of this Ordinance, shall mean a sterilized animal and shall include spayed or neutered animals.

**Stray** shall mean off the premises of the owner and not under the control or supervision of the owner or other responsible person, and without leash, collar,

cord, chain, or other such control device. The term “stray” shall not apply to animals which have had an identification or microchip installed, or animals which are readily identifiable as belonging to a known owner.

Section Three:        Confinement of Dogs Amended. Section 6.04.07 of the Prairie Grove Municipal Code is amended to read as follows:

6.04.07        Confinement of Dogs.

- (a) All dogs kept in the City limits shall be confined indoors or to a fenced area of sufficient height and strength to prevent the enclosed animal from escaping. The fenced area may not encompass access to the front door of the main building on the property or any secondary residential structures.
- (b) Nothing contained in this section shall prevent a person from traveling in and about Prairie Grove with a dog on a leash.
- (c) No dog may be hitched, tied or fastened to any immovable object by any means that is directly attached to the dog’s neck. If a dog is to be secured to an immovable object, it shall be done with a properly fitted collar or harness, and not with any type of choker collar. For purposes of this section, tethering shall constitute being fastened to an immovable object.
- (d) No animal shall be confined in a fenced area which does not permit the animal reasonable room to move and access food and water, except when the animal is being transported or trained, such as crate training.
- (e) No outdoor confinement shall be smaller than fifty (50) square feet, unless the property is insufficient for such size; in which case, the outdoor confinement shall encompass as much space as is reasonably possible.
- (f) No person shall leave a dog or cat inside a motor vehicle under such conditions that present a risk to the animal’s health or safety, considering the animal’s size, breed and age.
- (g) Dogs may be individually tethered outdoors by an appropriate means and in such a manner as to maintain the animal within the owner’s property and not within six (6) feet of any sidewalk, driveway or street. Tethering shall be done in a manner as to protect the animal from strangulation and tangling as much as is reasonably possible. When a dog is tethered outdoors, the owner or other responsible person shall be present on or about the premises at all times.

- (h) It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night. Animals kept in areas zoned Agricultural are exempt from this section.

Section Four: Capture and Redemption Amended. Section 6.04.08 of the Prairie Grove Municipal Code is amended to read as follows:

6.04.08 Capture and Redemption.

- (a) The Animal Control Officer may take into custody any dog or cat found running at large, abandoned, or in conditions in violation of this Chapter within the City Limits and to place such animal into any facility designated by the City.
- (b) The Animal Control Officer will scan the dog or cat for a microchip and contact the owner for redemption. If the animal is not microchipped, the Animal Control Officer should use any other identifying information to contact the probable owner, if available.
- (c) All animals shall be held a minimum of five days for redemption. If the owner of the animal is known, the City shall hold the animal for redemption for a minimum of five days following notice to the owner. The day the animal is captured shall count as the first day.
- (d) Owners wishing to redeem their animals shall pay the appropriate redemption fee as set forth in Section 6.04.09. No animal may be redeemed unless that animal has been licensed and has a valid rabies vaccination.
- (e) After the required holding period in 6.04.08(c) in City possession, the Animal Control Officer is authorized to place an animal for adoption, to euthanize the animal, or to otherwise dispose of the animal in a humane manner.

Section Five: Violations Amended. Section 6.04.13 of the Prairie Grove Municipal Code is amended to read as follows:

6.04.13 Violations.

- (a) Any person who violates any provision of chapter 6.04 shall be guilty of a violation and fined an amount of: not less than \$25.00 or more than \$100.00 per offense for a first offense

within a twelve-month period; not less than \$50.00 or more than \$100.00 per offense for a second offense within a twelve-month period; not less than \$75.00 or more than \$100.00 per offense for a third offense within a twelve-month period; and \$100.00 per offense for a fourth or subsequent offense within a twelve-month period. Every day of violation shall constitute a separate offense.

- (b) Any person found in violation of Section 6.04.07(h) for a fourth offense within a twelve-month period may have the offending animals impounded and placed for adoption outside of the city limits.
- (c) If an owner fails to pay any redemption or care fees within 5 business days, they shall be guilty of a violation and subject to fines as above. Every day of violation shall constitute a separate offense.

Section Six: Effective Date. This Ordinance shall become effective 60 days following its posting unless an Emergency Clause is affixed hereto.

Section Seven: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Eight: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Nine: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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Charles (Sonny) Hudson, Mayor

(Attest)

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Christine Kelly, Clerk