

**CITY OF LAKEVIEW  
BAXTER COUNTY ARKANSAS  
ORDINANCE 11-01**

**AN ORDINANCE TO REPEAL ORDINANCES 40, 96-02 AS ADOPTED ON 4/8/1997 AND 5/8/2001 AND 01-03, RECREATING SAME COVERING ANIMAL CONTROL FOR THE CITY OF LAKEVIEW, BAXTER COUNTY, ARKANSAS.**

**WHEREAS**, individuals retain the right to have and house animals for their personal protection and/or enjoyment, and

**WHEREAS**, an ordinance providing for the well being and safety of all person in the City of Lakeview by constructive and progressive animal control; providing a penalty for animal owner violations,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Lakeview, Baxter County, Arkansas:

**SECTION I - DEFINITIONS** As used in this ordinance the following terms, when used singularly, shall include the plural and shall mean:

- A. Animal, domestic- Animals born or raised in captivity, including for purpose of this ordinance:
  - Category 1* – Dogs include all members of the canine family (excluding hybrids with wild species such as wolves, coyotes, jackals, etc.)
  - Category 2*- Cats include all members of the feline family (excluding hybrids with wild species such as ocelots, margays, etc.)
  - Category 3* – Hoofed animals such as horses, asses/donkeys, cattle, sheep, goats, swine.
  - Category 4* – Fowl representing farm type birds such as poultry, ducks, geese, guinea hens.
- B. Animals, exotic: Any animal such as monkeys, chimpanzees, or reptiles such as snakes, lizards.
- C. Animal, vicious: Any animal that commits a vicious act; attacking, biting, injuring or otherwise jeopardizing the well-being of human beings or domestic animals without provocation. The fact that an animal has bitten or attempted to bite someone or something that was provoking said animal shall not constitute a vicious animal.
- D. Animal, wild: Any living animal normal found in the wild.
- E. Animal Control Officer: The person or persons employed by the city as its enforcement officer under the supervision of the Lakeview Police Chief.
- F. Animal Shelter: Any premises designated by action of the city for the purpose of impounding or caring for all animals in violation of this ordinance.
- G. At large: Any animal shall be deemed to be at large when it is off property of its owner and not under control of a competent person.
- H. Birds: Canaries, Parakeets, Parrots, Cock-a-toos, Finch, normally kept in a cage within a household.
- I. Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by or exposed to any animal know to have been infected with rabies.
- J. Humane Manner: Care of an animal to include, but not limited to, adequate heat, ventilated and sanitary shelter and wholesome food and water consistent

with the normal requirements and feed habits of the animal's size, species and breed.

- K. Kennel: Any person, firm or corporation engaged in the commercial business of breeding, buying, selling or boarding animals.
- L. Owner: Any Person having a right of property in a dog or cat or has it in his/her care or acts as its custodian or knowingly permits a dog or cat to remain on or about any premises occupied by them.
- M. Restraint: An animal is under restraint within the meaning of this ordinance if it's controlled by a leash or harness, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets or within the property limits of its owners or keepers.

**SECTION II - ENFORCEMENT** The provisions of this ordinance shall be enforced by the Lakeview Police Department.

### **SECTION III - KEEPING OF ANIMALS**

- A. Animals allowed to be kept within city limits shall be limited to those defined in Section I (A) Categories 1 and 2.
  - 1. The owner shall keep his/her animal under restraint at all times and shall not permit such animal to be at large. Furthermore, the owner shall keep said animal from barking or making noise in such a manner that would constitute a nuisance.
  - 2. It shall be the owner's responsibility to keep their property free from any excrement caused by the animal under their control so as not to become a nuisance to their neighbors or public in general. In like manner should owner opt to walk their animal on public right-of-way, it shall be their responsibility to pick up and dispose of any excrement caused by the animal under their control.
- B. There shall be no more than three (3) animals which are over six (6) months old kept in any home or on any property that is located in the city except an authorized or designated Kennel or animal shelter.
- C. No wild animal may be kept within the city limits of the City of Lakeview, Arkansas, except under such conditions as shall be fixed by the City of Lakeview, Arkansas; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the City of Lakeview.
- D. It shall be unlawful to keep, or permit to be kept, any domestic animal as defined in Section I(A) Categories 3 and 4.
- E. Birds as defined in Section I (H) are allowed in the City of Lakeview in numbers that would not constitute a nuisance or health hazard to neighbors or the community in general; breeding of birds as a hobby is allowed, however, operation of an aviary or any such for profit operation in a residential area shall be unlawful.
- F. It shall be unlawful to keep, or permit to be kept any exotic animal unless a permit is first obtained from the City Council upon recommendation of the Planning and Zoning Commission, after a public hearing has been held upon such request. There shall be no instances where it is lawful to retain any poisonous animals/reptiles as a pet within the City of Lakeview.

#### **SECTION IV - IMPOUNDMENT, REDEMPTION OF IMPOUNDED ANIMALS**

- A. Any animal found at large shall be taken by the police officer or his designee and impounded in the designated shelter. If ownership is know to the police officer or his designee, such animal need not be impounded, however, the police officer may at their discretion cite the owner of such animal to appear in court to answer to charges of violating this ordinance.
- B. Impounded animals shall be confined in a humane manner for a period of not less than seven (7) days and may be held longer at the discretion of the animal shelter. During this period every effort shall be made to identify the animal's owner. If not claimed by the owner within the seven (7) days, the animal my thereafter be disposed of in the manner proscribed by Baxter County, Arkansas.
- C. The owner shall be entitled to resume possession of any impounded animal, except as hereinafter provided in cases of certain animals, upon payment of any and all impoundment fees as required by the animal shelter, an additional fee of fifteen dollars (\$15.00) shall be assessed in addition to shelter fees. Said assessment shall be paid to and retained by the City of Lakeview with shelter fees returned to the designated Animal Control Shelter on a monthly basis.

#### **SECTION V - CONFINEMENT OF CERTAIN ANIMALS**

- A. Every female animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel in such a manner that such female animal cannot come in contact with another animal except for intentional breeding purposes.
- B. An animal may be destroyed for humane reasons upon recommendation of a licensed veterinarian or when obvious to the average person that it is beyond help and is suffering.

#### **SECTION VI - RABIES CONTROL**

- A. It is the owner's responsibility to insure that any animal under their care has been properly vaccinated for rabies by a veterinarian. A current rabies tag shall be worn by animals at all times.
- B. Every animal which wounds a person either by biting or scratching shall be promptly reported to the Lakeview Police Department. Upon demand made by Lakeview Police, the owner shall prove the animal has had the required shots or shall surrender the animal to be quarantined at the direction of a veterinarian for a period of ten (10) days. If quarantined, expenses shall be borne by the owner, and such animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in Section IV (C) of this ordinance. If warranted, the animal must remain available to the Lakeview Police Officer to monitor its condition.
- C. It is unlawful for any person bitten, the family treating physician, or veterinarian that has knowledge of a person bitten by an animal to refuse to notify the authorities promptly, it is also unlawful for the owner of such animal to sell or give away, transfer, transport to another area, or otherwise dispose of any animal that is known to have bitten a person until it is released by health authorities.

- D. No animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be released for adoption by the Animal Shelter during a period of rabies emergency quarantine, except by special authorization of a public health official or the Lakeview Police Department.
- E. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human, except in self defense, or remove same from city limits without written permission from the Lakeview Police Department upon recommendation from a veterinarian.

**SECTION VII - CONTRACTING ANIMAL CONTROL.** The Mayor of the City of Lakeview, Arkansas shall be and is hereby authorized to contract with any person, firm or corporation for services as an animal control officer and or animal shelter. Terms, conditions and compensation for such services shall be mutually agreed to by the Mayor and the person selected to fulfill this capacity upon approval by the City Council.

**SECTION VIII - INVESTIGATION.** For the purposed of discharging the duties imposed by this ordinance and to enforce its provision the police officer and/or animal control officer is empowered to enter upon any premises using proper legal procedures, upon which an animal is kept or harbored or where any animal is kept in a reportedly cruel or inhumane manner, may demand to examine such animal and to take possession of such animal when in his/her opinion it requires humane treatment.

**SECTION IX - INTERFERENCE.** No person shall interfere with, hinder or molest any police officer and/or animal control officer in the performance of his/her duties or seek to release any animal in the custody of said officer.

**SECTION X - PENALTY** Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not less than One Hundred Dollars (\$100.00) nor more than Two Hundred and Fifty dollars (\$250.00) plus court costs, and if such violation be continued, each day's violation shall be deemed a separate offense.

**SECTION XI - RETENTION OF VICIOUS ANIMALS**

- A. Arkansas § 5-62-125. Unlawful dog attack is herewith made part of this ordinance by reference and shall apply to the attack of other animals as well as persons as indicated.
- B. This section is a necessary control to eliminate the risk of attack(s) on other animals or human being in the city. Said risk may become a threat to the health, safety and welfare of the public in all areas of the city; and the lack of knowledge or lack of intent is not a defense to any violation thereof.
- C. Whoever violates the provision of Section XI (A) shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than thirty (30) days, or both. When any person is found guilty of a third or subsequent offense of Section XI(A), such person may be imprisoned for not more than sixty (60) days and be fined One Thousand Dollars (\$1,000.00), which fine shall be mandatory, and shall not be suspended or remitted. In addition to the foregoing penalties, any person who is found guilty of violating Section XI(A) shall pay all expenses, including shelter, food veterinary expenses for boarding and veterinary expenses necessitated by the seizure of the dog for



the protection of the public and such other expenses as may be required for the elimination of any such dog.

**SECTION XII - DESTRUCTION OF ANIMALS** Any animal taken up by the City of Lakeview, its servants, agents or employees, and which said animal is so injured or diseased as at the discretion of such city makes the destruction of said animal advisable, shall be forthwith killed and disposed of by such city. Provided, that prior to destroying an animal which carries its owner's address, the municipality shall give the animal's owner at least five (5) days notice by certified letter of the date of the proposed destruction of the animal.

**SECTION XIII - HYDROPHOBIA (RABIES)** In the event of the prevalence of hydrophobia (rabies) to such an extent as in the discretion of the City of Lakeview, Arkansas, to make such action advisable, said city may by proclamation require that all animals owned, kept or harbored in the city be kept confined upon the premises of the owners, keepers or harborers of such animals for such time as may be designated in such proclamation, and such proclamation to take effect upon publication thereof by said city in a newspaper having a general and bona fide circulation in the City of Lakeview, Arkansas, and any animal not so confined after the effective date of such proclamation shall be taken up by said city and disposed of as provided in Section XII of this ordinance.

**SECTION XIV - CRUELTY OF ANIMALS** Arkansas § 5-62-103 Offence of cruelty to animals and § 5-62-104 Offence of aggravated cruelty to a dog, cat or horse are made part of this ordinance by reference.

**SECTION XV - SEVERABILITY** The invalidity or unconstitutionality of the provisions of this ordinance shall not effect any other section hereof, but same shall remain in full force and effect.

**SECTION XVI - GRANDFATHER CLAUSE** It is deemed necessary to establish a grandfather clause regarding wording in SECTION III (B), existing conditions would not be controlled under this Ordinance at the time of its approval and passage. If and when conditions change, i.e., owners having more than three (3) animals lose one, regardless of cause, said animal may not be replaced, whereby the grandfather clause is declared null and void for these conditions.

**SECTION XVII - EMERGENCY CLAUSE** This ordinance being necessary to insure compliance with terms, and emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage.

**PASSED AND ADOPTED** by the City Council of the City of Lakeview, Baxter County, Arkansas this 19th day of JULY, 2011.

Attest:

  
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Rebecca Barton, Recorder/Treasurer

  
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Dennis Behling, Mayor