

## **TITLE 6**

### **ANIMALS AND FOWL**

#### **Chapters:**

- 6.04 Dogs
- 6.08 Dangerous Dogs
- 6.12 Animals Running at Large

#### **CHAPTER 6.04**

##### **DOGS**

#### **Sections:**

- 6.04.01 Definitions
- 6.04.02 Nuisance dogs or cats
- 6.04.03 Vicious dogs or cats
- 6.04.04 Vaccination
- 6.04.05 Confinement of dogs or cats
- 6.04.06 Impounding dogs and cats
- 6.04.07 Reclaiming of dog or cat and applicable fees
- 6.04.08 Rabies control
- 6.04.09 Inspection and confinement of certain dogs and cats
- 6.04.10 Excessive barking, howling, etc.
- 6.04.11 Cleanliness of pen(s) and premises
- 6.04.12 Notice of offenses and violations; arrest
- 6.04.13 Investigation
- 6.04.14 Ban of interference
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#### **6.04.01 Definitions**

**City** means the city of Coal Hill

**Person** includes a corporation, partnership or other legal entity.

**Dogs or cats** include animals of all ages, both female and male which are members of the dog or cat family.

**Gender** when masculine includes the feminine and neuter.

**Muzzle** when required by this ordinance shall be of appropriate material with sufficient strength to restrain the dog or cat from biting, and no muzzle employed shall be made of any material, or maintained on the dog or cat in any manner, so as to cut or in any way injure the dog or cat.

**Nuisance dog or cat** means any dog or cat not confined to its own property about which the city receives complaints from the public regarding the animal being a bother to them for whatever reason.

**Owner** means every person owning, keeping or harboring a dog or cat or more than one dog or more than one cat.

**At large** means any dog or cat not confined to the premises of the owner or within a house or other building or enclosure, or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog or cat from escaping and restricting the dog or cat to the premises, or not confined by leash or confined within an automobile when away from the premises of the owner.

**Vaccination** means injection of any vaccine for rabies approved by the state veterinarian and administered by a licensed veterinarian or agent of the Health Office.

**Vicious dog or cat** means any dog or cat which has a disposition to bite humans and any dog or cat which has bitten or attempted to bite any person within the six (6) months immediately past; however, the fact that a dog or cat has bitten or attempted to bite some person when that person was teasing or otherwise tormenting the dog or cat shall not constitute labeling the dog or cat a vicious dog or cat within the sense of this ordinance. (Ord. No. 11-2-99-1, Sec. 1.)

6.04.02 Nuisance dogs or cats It shall be unlawful for any person to allow a dog or cat owned or controlled by them to perpetrate acts of nuisance within the corporate limits of the city of Coal Hill. Such nuisance acts shall include, but not be limited to, excessive barking, digging, relieving themselves, bothering animals which are confined to their own property, or generally being annoying. (Ord. No. 11-2-99-1, Sec. 2.)

6.04.03 Vicious dogs or cats It shall be unlawful for any person to keep within the corporate limits of the city of Coal Hill any vicious dog or cat unless such dog or cat is muzzled or confined to a pen or tied in such a manner that it cannot bite anyone coming on the premises where said dog or cat is kept. (Ord. No. 11-2-99-1, Sec. 3.)

6.04.04 Vaccination No person shall own, keep or harbor any dog or cat, six (6) months of age or older, within the corporate limits of the city unless such dog or cat is effectively immunized against rabies by vaccination. Tags shall be attached to the dog or cat's collar evidencing such vaccination. Further, each owner shall be required to show written proof of the vaccination of his dog or cat when requested by city officials, health officials, etc. (Ord. No. 11-2-99-1, Sec. 4.)

6.04.05 Confinement of dogs or cats Any person owning, possessing or keeping a dog or cat within the corporate limits of the city of Coal Hill, whether vaccinated or unvaccinated, identified or unidentified, shall confine such dog or cat within an adequate fence or enclosure or within a house, garage, or other building, or shall confine such dog or cat by chain or leash affixed to the dog or cat's collar and attached to a stationary object adequate to prevent the dog or cat from running at large.

It shall be the duty of any owner or keeper of any dog or cat to keep such animal under such control as follows:

- A. Prevent such dog or cat from becoming a danger to persons or property, or trespassing upon another person's property without that person's permission.
- B. Prevent such dog or cat from running at large upon the streets, sidewalks, alleys, parks, or other public places of the city. (Ord. No. 3-4-08-1, Sec. 1.)

6.04.06 Impounding dogs and cats The city's Animal Control worker(s) shall take into custody any dog or cat found at large within the city limits without correct or current tags and shall impound such dog or cat in a designated pound or such other place as such Animal Control worker(s) may designate for the purpose of impoundment. Any such impounded dog or cat shall be held for a period of seven (7) days. During the first five (5) days of impoundment the city's Animal Control worker(s) shall make a diligent effort to determine the owner of such dog or cat and notify said owner of such impoundment. If the owner of such dog or cat fails, or refuses, to claim and repossess the dog or cat by the payment of the proper fees as prescribed herein within the first five (5) days of such impoundment, the city's Animal Control worker(s) may deliver custody and possession of such dog or cat to any person other than the owner upon payment of the fees as prescribed herein between the fifth (5<sup>th</sup>) day of said impoundment and the seventh (7<sup>th</sup>) day of said impoundment. At the end of the seven (7) days, and in lieu of the above, the dog or cat shall be destroyed by a licensed veterinarian or health worker. (Ord. No. 11-2-99-1, Sec. 7.)

6.04.07 Reclaiming of dog or cat and applicable fees Any person owning, possessing or keeping a dog or cat which has been allowed to run at large without proper tags and which has been impounded, may claim and retrieve such dog or cat from the city pound by payment of a fee of Ten Dollars (\$10.00) plus applicable impoundment fees. All animals must be properly vaccinated before being released. The burden of proof as to vaccination shall be upon the party attempting to claim the dog or cat. (Ord. No. 11-2-99-1, Sec. 8.)



6.04.08 Rabies control Any dog or cat having rabies, or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies, shall be immediately released by the owner or custodian of such dog or cat to the police or the city's Animal Control worker(s) of the city for disposal or confinement at a designated facility. Such dog or cat shall be confined for a period of thirty (30) days, or for a longer period of time if deemed necessary by the County Health Officer. (Ord. No. 11-2-99-1, Sec. 9.)

6.04.09 Inspection and confinement of certain dogs and cats When any dog or cat has bitten, scratched or otherwise attacked a person, such person, or anyone having knowledge of said incident, shall immediately notify the Chief of Police, County Health Officer of City Animal Control worker(s), and such dog or cat shall be confined in a facility designated by the city for a period of ten (10) days. During the period of confinement, such dog or cat may be subject to inspection by the County Health Officer, a City Animal Control worker(s) or a licensed veterinarian. (Ord. No. 11-2-99-1, Sec. 10.)

6.04.10 Excessive barking, howling, etc. It shall be unlawful for any person to keep on his premises, or under his control, any dog or cat which by loud and frequent barking/meowing and howling/yowling shall disturb the peace and quiet of any person who may reside within a reasonable proximity of the place where such dog or cat is kept after a complaint to the police or city official. (Ord. No. 11-2-99-1, Sec. 11.)

6.04.11 Cleanliness of pen(s) and premises It shall be unlawful for any person keeping or harboring any dog or cat to fail to keep the premises where such dog or cat 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 dog or cat is kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from said premises. (Ord. No. 11-2-99-1, Sec. 12.)

6.04.12 Notice of offenses and violations; arrest The City Police Department, County Health Officer, a City Animal Control worker(s), or other persons employed by the city are authorized for violation of any portion of this ordinance to give the offender a notice to appear in the District Court of the city. Such notice to appear shall state the name and address of the violator and the date of the violation; shall contain a statement of the nature of such violation, and shall be signed by the person having knowledge of such violation and who is an official or an employee of the city and who is within a category mentioned above. The notice shall contain a printed statement wherein the violator promises to appear in the District Court without issuance of any warrant or other process, and such statement is to be signed by the violator. Upon failure to sign the agreement, or to appear, the officer or employee shall cite that person to appear in District Court. Upon the violator's signing the agreement to appear and his making the appearance set out in the notice, no warrant shall be issued for the arrest of the violator. (Ord. No. 11-2-99-1, Sec. 13.)

6.04.13 Investigation For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any city Animal Control worker(s), or any police officer is empowered to inquire at the residence at which an offending dog or cat is kept or harbored and request to see such dog or cat. Upon a written complaint that a dog or cat is kept in a cruel or inhumane manner, such animal worker(s) or police officer may investigate and, if deemed necessary, take possession thereof when it reasonably appears that the dog or cat requires humane treatment. To enter any residence without permission, a warrant must be secured from the District Court upon a showing of reasonable cause for such warrant. (Ord. No. 11-2-99-1, Sec. 14.)

6.04.14 Ban of interference No person shall interfere with, hinder or molest any member of the city Police Department, the County Health Officer or any city Animal Control worker(s) in the performance of any duties undertaken pursuant to this ordinance, or seek to release any dog or cat in the custody of any city official or employee except as herein provided. (Ord. No. 11-2-99-1, Sec. 15.)

6.04.15 Fine Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a reasonable fine of not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00), and if such violation be a continuing one, each day's violation shall be deemed a separate offense. (Ord. No. 11-2-99-1, Sec. 16.)

## **CHAPTER 6.08**

### **DANGEROUS DOGS**

#### Sections:

- 6.08.01 Identification and definition
- 6.08.02 Procedure for declaring a dog dangerous
- 6.08.03 Keeping dangerous dogs
- 6.08.04 Violation of conditions by dangerous dog
- 6.08.05 Notification of declaration or order of destruction
- 6.08.06 Destruction
- 6.08.07 Appeal
- 6.08.08 Continuation of dangerous dog declaration
- 6.08.09 Prohibition of training of attack dogs

6.08.01 Identification and definition To respond to the increasing threat of potentially dangerous dogs, and to the failure of owners to properly control such dogs, the city hereby establishes a procedure to define, identify, and protect against dangerous dogs.



**Dangerous dog** means any dog, which attacks or otherwise initiates aggressive physical contact upon any person or domestic animal, when such person or domestic animal is peaceably conducting themselves in any place where they may lawfully be at time of such contact.

A dog may be declared dangerous as a result of an attack upon meter readers, postal or delivery personnel, or trespassing children. It is the responsibility of the owner or custodian of such potentially dangerous dog to protect such persons from harm by securely confining or otherwise controlling the dog.

A dog's breed shall not be considered in determining whether or not it is declared dangerous. Furthermore, a dog shall not be declared dangerous if:

- A. The dog was protecting or defending a person within the immediate vicinity of an attack or assault.
- B. The domestic animal attacked was on the property of the owner or custodian of the dog. (Amendment to Ord. No. 11-1-99-1, Sec. 1.)

6.08.02 Procedure for declaring a dog dangerous

- A. Any adult person or guardian in the case of a minor may request that a dog be classified as dangerous as defined in 6.08.01 by submitting a sworn, written complaint on a form approved by the city of Coal Hill, and a city official receiving a report of an alleged dangerous dog shall immediately inform the complainant of his/her right to submit such an affidavit of complaint. All records are the property of the city of Coal Hill and will be kept on file at the city Police Department.
- B. There is hereby created by this ordinance a Hearing Panel subject to judicial review to receive and act upon affidavits described above. The panel shall consist of the Police Chief or his designate, Animal Control Officer, and Code Enforcement Officer.
- C. The Hearing Panel shall convene immediately upon receiving an affidavit as described above. Two members may convene if the third member is not available. The panel shall take the following steps:
  - 1. Determine from the facts if the dog should be impounded immediately by the Animal Control Authority as an imminent danger. In that instance the Panel will notify the owner to surrender the dog or request a warrant to seize the dog if necessary to ensure safety.

2. Schedule a hearing to be held within seventy-two (72) hours to determine the declaration of "Dangerous." The owner of the dog and the complainant shall be notified on forms approved and shall sign for acknowledgment of service.
  3. At a hearing all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered include, but are not limited to the following:
    - a. Provocation
    - b. Severity of attack or injury to person or domestic animal
    - c. Previous aggressive history of the dog
    - d. Observable behavior of the dog
    - e. Site and circumstances of the incident, and
    - f. Statements from interested parties
- D. At the conclusion of the hearing, the Panel may:
1. Determine that the dog is not dangerous, and if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner.
  2. Determine that the dog is dangerous and order the owner to comply with the requirements for keeping a dog declared dangerous as set out in 6.08.03. In such case, the dog shall be impounded by the city if not already impounded and shall not be released until the owner has:
    - a. Provided evidence satisfactory to the Panel that the conditions of confinement have been met;
    - b. Paid all fees incurred by the impoundment;
    - c. If all impoundment fees and costs incurred have not been paid within ten (10) business days after determination that a dog is dangerous, the Panel may cause the dog to be humanely destroyed.
  3. Determine that the dog is dangerous and cannot be safely released, and order its humane destruction according to procedures set out herein. (Amendment to Ord. No. 11-2-99-1, Sec. 2.)

6.08.03 Keeping dangerous dogs The keeping of a dog which has been declared dangerous according to procedures described herein shall be subject to the following requirements:

- A. Leash No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its kennel, pen or other proper enclosure unless such dog is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person capable of controlling the dog is in physical control of the leash.
- B. Muzzle It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases the dog shall wear a properly-fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.
- C. Confinement Except when leashed and muzzled as provided in this section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:
  - 1. The structure must have secure sides and a secure top, or all sides must be at least six (6) feet high.
  - 2. The structure must have a bottom permanently attached to the sides, or the sides must be embedded not less than one (1) foot into the ground, and
  - 3. The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.
  - 4. The structure shall meet city building codes as to setback and position on the lot as required for accessory building.
- D. Indoor confinement No dangerous dog shall be kept on a porch, patio, or in an part of a house or structure that would allow the dog to exit such a building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- E. Signs All owners, keepers or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog."



- F. Conditions of release A dog declared dangerous shall not be released to the owner until its identification is ensured by registration with the Coal Hill Police Department. Registration identification shall be in addition to a specific description and photograph provided by the Animal Control Authority, all of which shall be kept in official records by the officer.
- G. Notification of escape The owner of a dog declared dangerous shall notify the Animal Control Authority, city police, or City Hall if the dog escapes from its enclosure and is at large. Such immediate notification is also required if the dog bites or attacks a person or domestic animal.
- H. Change of ownership Any owner of a dangerous dog who sells or otherwise transfers ownership to location of the dog shall, within ten (10) days after such change, provide written notification of the name, address, and telephone number of the new owner to the officer. It shall also be the responsibility of the person transferring ownership of custody to provide written notification of the dog's classification as dangerous and conditions for its confinement to the person receiving the dog.
- I. Failure to comply It shall be unlawful and punishable as a misdemeanor for any owner of a dog declared to be dangerous by the procedures set forth in this ordinance to fail to comply with the requirements and conditions ordered by the Hearing Panel. Said misdemeanor shall be punishable by a fine not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) and if such violation shall continue, each day's violation shall be a separate offense. Any dog found to be in violation of such conditions shall be subject to immediate seizure and impoundment. (Amendment to Ord. No. 11-2-99-1, Sec. 3.)

#### 6.08.04 Violation of conditions by dangerous dog

- A. A dangerous dog which is found to be in violation of the conditions of its initial release or which is the subject of a complaint of further attack or injury shall be immediately seized and impounded.
- B. The Hearing Panel shall convene following the procedure as set out in 6.08.03, and conduct a violation hearing. At its conclusion, the Panel may:
  - 1. Determine that the circumstances warrant a conditional release to the owner after provision of:
    - a. Evidence satisfactory to the Panel that further violations will not occur, and

- b. Payment of all fees and costs incurred by the terms of the impoundment
- 2. Order the destruction of the dog, as provided by the terms of this ordinance. (Amendment to Ord. No. 11-2-99-1, Sec. 4.)

#### 6.08.05 Notification of declaration of order of destruction

- A. The Hearing Panel within forty-eight (48) hours after its determination, shall notify the owner of the dog of its findings, conditions or order of its destruction. Notification shall be by personal service or certified letter mailed within two (2) business days.
- B. If the Hearing Panel determines that the owner of the dog that has been seized pursuant to this ordinance cannot be located after due diligence, the Panel may order the dog impounded for at least five (5) business days. After that time if the owner fails to claim the dog, the Panel may order its humane destruction. (Amendment to Ord. No. 11-2-99-1, Sec. 5.)

#### 6.08.06 Destruction

- A. The Hearing Panel may order the destruction of a dog that it determines to be extremely dangerous to public health or safety based upon its vicious behavior, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.
- B. The Hearing Panel shall give written notice as set out in Section 5 of the order of destruction. The dog will be held for ten (10) business days after receipt of notice by the owner to allow time for appeal as provided in 6.08.07. If notice of appeal is not received within ten (10) business days, the dog shall be humanely destroyed.
- C. The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the city to humanely and safely keep the dog during any legal proceeding. (Amendment to Ord. No. 11-2-99-1, Sec. 6.)

#### 6.08.07 Appeal

- A. The decision of the Hearing Panel as to declaration of dangerousness or order of humane destruction shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within ten (10) days after receiving notice of the order.

- B. If an appeal is timely filed, the Panel shall suspend its declaration of dangerousness or its order of destruction pending the final determination of the court. The appeal hearing must be trial de novo, and shall be a civil proceeding for the purpose of affirming or reversing the order of the Hearing Panel. (Amendment to Ord. No. 11-2-99-1, Sec. 7.)

6.08.08 Continuation of dangerous dog declaration

- A. Any dog that has been declared dangerous by any agency or department of this city, another municipality, county, or state shall be subject to the provisions of this ordinance for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, court, or state government, shall notify the Hearing Panel of the dog's address any time the dog moves from one place to another in this city or any other residence, and of the dog's conditions of maintenance within ten (10) days of moving the dog into the city of Coal Hill. The restrictions and conditions of maintenance of any dog declared dangerous by this city, another municipality, county, or state shall remain in force while the dog remains in the city.
- B. Failure to notify the Police Department as required herein shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) no more than One Thousand Dollars (\$1,000.00). If such violation shall continue, each day's violation shall be a separate offense. Also, any such dog shall be subject to immediate seizure until such time as the provisions of this code have been complied with. (Amendment to Ord. No. 11-2-99-1, Sec. 8.)

6.08.09 Prohibition on training of attack dogs It is a violation of this ordinance for any person to train dogs on property used for residential purposes, to attack or respond aggressively, either with or without command. However, this prohibition shall not prohibit a person from training dogs owned by such person on the property where the owner of the dogs being trained resides. (Amendment to Ord. No. 11-2-99-1, Sec. 9.)



## CHAPTER 6.12

### ANIMALS RUNNING AT LARGE

#### Sections:

6.12.01	Unlawful
6.12.02	Definition
6.12.03	Vaccination
6.12.04	Impounding dogs and cats
6.12.05	Reclaiming of impounded dog, cat or other domesticated animal
6.12.06	Fine

6.12.01 Unlawful It shall be unlawful for any person to allow a dog, cat or other domesticated animal owned or controlled by such person to run at large within the city of Coal Hill, Arkansas. (Ord. No. 12-7-10-2, Sec. 1.)

6.12.02 Definition It shall be the duty of each person to prevent his dogs, cats or other pets from running at large.

**Running at large** means allowing any dog, cat or other animal to be loose and not confined to the premises of the owner or which is not restrained on the premises of the owner by a leash sufficiently strong to prevent the dog, cat or other animal from escaping the owner's premises. (Ord. No. 12-7-10-2, Sec. 2.)

6.12.03 Vaccination No person shall own, keep or harbor any dog or cat or other domesticated animal six (6) months of age or older within the corporate city limits of the city of Coal Hill unless such dog or cat and other domesticated animal has been immunized against rabies by vaccination if a rabies vaccine is available for such animal. Tags shall be affixed to the dog or cat's collar evidencing such vaccination. Further, each owner or possessor of any domesticated animal shall be required to show written proof of the vaccination of this dog or cat or other domesticated animal when requested by any employee of the city of Coal Hill or any law enforcement officer. (Ord. No. 12-7-10-2, Sec. 3.)

6.12.04 Impounding dogs and cats Any city employee or law enforcement officer is hereby authorized to take into custody any dog, cat or other animal running at large within the city limits of the city of Coal Hill and shall impound such dog, cat or other animal for a period of time while an attempt is being made to determine the owner of such animal. Any impounded dog, cat or other animal shall be held for a period of not less than seven (7) days while an effort is being made to determine the ownership of such animal. If the owner of such dog, cat or other animal is undetermined or if the owner of such dog, cat or other animal refuses to claim and take possession of such animal by payment of the proper fees as set forth herein within seven (7) days

of the animal's impoundment, the person designated by the city of Coal Hill shall deliver custody and possession of such animal to any other person desirous of paying the prescribed penalty and fees as set forth herein. If no person has claimed the dog, cat or other animal within seven (7) days of the animal being impounded, the dog, cat or other animal shall be destroyed by a licensed veterinarian. Any cost associated with the animal's impoundment and or destruction shall be paid by the owner of such animal if the ownership of the animal is determined by a preponderance of the evidence. (Ord. No. 12-7-10-2, Sec. 4.)

6.12.05 Reclaiming of impounded dog, cat or other domesticated animal Any person owning, possessing or keeping any animal including a dog or cat which has been found at large without vaccination tags and which has been impounded, may claim and retrieve such animal from the city of Coal Hill within seven (7) days of such impoundment by paying a fee of Twenty-Five Dollars (\$25.00) plus the costs of maintaining such animal as may be assessed by the city of Coal Hill. If the owner of such animal cannot provide proof of rabies vaccination for the animal, then such animal must be vaccinated by a licensed veterinarian prior to being released with the cost of such vaccination being paid by the owner. The burden of proof that the animal has been vaccinated as required by law shall be upon the party attempting to claim the dog, cat or other animal. (Ord. No. 12-7-10-2, Sec. 5.)

6.12.06 Fine Any person found violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Fifty Dollars (\$250.00). (Ord. No. 12-7-10-2, Sec. 6.)

**ADDENDUMS TO  
ORDINANCE # 11/02/99-1**

**WHEN ADOPTED THESE ADDENDUMS SHALL BECOME ONE WITH  
ORDINANCE # 11/02/99-1**

**WHEREAS, the City of Coal Hill desires to add clarification for Large Animals and Various categories of fowl;**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF COAL HILL, ARKANSAS:**

**ADDENUM I**

**SECTION   7  . LARGE ANIMALS**

Horses, Cows, Mules, Goats, Swine, and other large hooved domestic livestock.

**A.** It shall be unlawful for any person to keep, maintain or permit to run at large within the Corporate Limits of the City, any large hooved domestic livestock except as provided herein. The violation of this section is hereby declared a class "C" Misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.

**B.** The keeping within the City Limits of the City of Coal Hill, Arkansas, of cows, horses, mules, goats, swine, or other large hooved domestic animals shall be allowed subject to the following provisions:

- 1) The owner or keeper shall provide one acre of open pasture per animal: with a minimum of one acre for such animal;
- 2) The owner or keeper shall maintain a fence, which is adequately constructed to safely contain such animals;
- 3) The provisions of this section shall be applied prospectively only and shall not affect the status of fencing or housing that are in place as of the passage of this Ordinance: the same being the 3<sup>rd</sup> day of June, 2014.
- 4) The keeping of swine will not be allowed in the City limits.
- 5) No hooved domestic livestock or fowl are allowed to be kept within the commercial zone.

**C.** The keeping of hooved domestic livestock in enclosures as herein provided with the limits of the City shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies.



mosquitoes, and/or rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the City because of conditions created by keeping of said animals, the proper law enforcement official, upon investigation and finding that any such conditions exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of the notice said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in court of competent jurisdiction to abate the same as a nuisance.

## **ADDENDUM II**

### **SECTION 8. VARIOUS CATEGORIES OF FOWL**

Fowl, which includes, but is not limited to, chickens, ducks, geese or other fowl.

The keeping, within the Corporate Limits of the City of Coal Hill, Arkansas, of any fowl, which includes but is not limited to chickens, ducks, guineas, geese or other fowl, shall be allowed subject to the following provisions:

- 1) Chickens, ducks, guineas, pheasant, quail or other small fowls shall be maintained within an appropriate enclosure on a minimum of two (2) acres. No such animal may be kept within fifty feet (50') of any residence or business, excluding the residence or business of the person owning or keeping the animal. All enclosure must possess a top, bottom, and sides to prevent running at large.
- 2) It shall be unlawful to keep large fowl of any kind including, but not limited to, ostrich, emu, peacock or turkey within the corporate limits of the City of Coal Hill, Arkansas. No commercial or large fowl operations will be allowed within the City of Coal Hill. The Violation of this section shall be a class "C" Misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.

A. The keeping of fowl in enclosures as herein provided within the limits of the City shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes, and/or rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the City because of conditions created by keeping of said animals, the proper law enforcement official, upon investigation and finding that any such conditions exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of the notice said owner or keeper has not corrected the conditions, the

City Attorney is authorized to institute an action in court of competent jurisdiction to abate the same as a nuisance.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

THEREFORE, an emergency is declared to exist and this Ordinance, being immediately necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from and after its adoption.

Passed and approved this 27 day of June, 2014.

CITY OF COAL HILL.

By: Ronnie Garner  
Ronnie Garner, Mayor

ATTEST:

Doris J. Davis  
Doris J. Davis Recorder/Treasurer