

**ORDINANCE NO. 2025-xx**

**AN ORDINANCE TO REGULATE ANIMAL CONTROL IN THE CITY OF MOUNTAIN HOME, ARKANSAS; REQUIRING THE LICENSING OF ALL DOGS AND CATS INSIDE THE CITY; AND REPEALING ORDINANCES 58, 530, 541, 778, 849, 1989-24, 1989-31, 1990-12 AND 1996-18; AND FOR OTHER PURPOSES**

**WHEREAS**, the City Council of the City of Mountain Home, Arkansas, has previously adopted numerous Ordinances regulating the control of animals inside city limits; and

**WHEREAS**, said previous Ordinances need to be repealed and replaced with a singular, comprehensive animal control ordinance to better address the needs of the City of Mountain Home, Arkansas,

**NOW, THEREFORE, BE IT ORDAINED  
BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:**

**Section 1: Definitions**

For the purpose of this Ordinance, the following words and phrases shall have the following meaning:

- A. **Abandon and Abandonment** – Knowingly deserting an animal on public or private property.
- B. **Animal** – Any living creature, domestic or wild
- C. **Animal Control Officer** – The person(s) employed by the City as the enforcement officer of this Ordinance.
- D. **Animal Shelter** – Any premises 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 ordinance or state law.
- E. **At Large** – Any animal shall be deemed at large when it is off the property of its owner and not on a leash, or under the control of a competent person.
- F. **City** – City of Mountain Home.
- G. **Dangerous Animal** – (1) Any animal that attacks or bites a human being or domestic animal without provocation. (2) Any animal for which compelling evidence is presented to show that the animal manifests the disposition to bite, attack, or injure a human being or other domestic animal while off the owner's premises and without provocation.

- H. **Enclosure** – A fence, pen, or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping.
- I. **Exposed to Rabies** – An animal has been exposed to rabies if it has been bitten by or exposed to any animal known to have been infected with rabies.
- J. **Kennel** – Any person, firm, or corporation engaged in the commercial business of breeding, boarding, buying, selling, grooming, letting for hire, or training for a fee.
- K. **License** – A metal tag and certificate issued by the City showing that the animal has been registered with the City, a licensing fee paid, proof of rabies vaccination shown, and (if applicable) proof of neutering. The certificate will state the name, address and telephone number of the owner(s); the name, breed, color, age, and sex of the animal; and date of issue and expiration.
- L. **Noisy Animal** – Means any domestic animal which makes any noise that is unwarranted, or continuous, or loud, or frequent. Examples include, but are not limited to, barking, whining or howling.
- M. **Owner** - Means a person that: (A.C.A. 5-62-102) (1) Has a right of property or title in an animal; (2) Keeps or harbors an animal; (3) Has an animal in his, her, or its care; (4) Acts as an animal's custodian; or (5) Knowingly permits an animal to remain on or about any premises occupied by him/her or it.
- N. **Restraint** – An animal is under restraint if it is controlled by a leash, at “heel” by voice command beside a competent person, in a vehicle being driven on the streets, or confined within the property limits of its owner.
- O. **Vicious Animal** - (1) Any animal that attacks or bites a human being or domestic animal without provocation. (2) Any animal for which compelling evidence is presented to show that the animal manifests the disposition to bite, attack, or injure a human being or other domestic animal while off the owner’s premises and without provocation.
- P. **Wild Animal** - Any nonhuman primate, raccoon, skunk, fox, wolf, coyote, snake, or any other warm-blooded animal which can normally be found in the wild state, or the offspring born to wild animals bred with domestic dogs or cats.

## **Section 2: ENFORCEMENT**

The provisions of this ordinance shall be enforced by the Animal Control Officer of the City, the Code Enforcement Officer of the City, or any other Law Enforcement Officer of the City.

### **Section 3: PERMANENT PET LICENSING**

- A. All dogs and cats over the age of six (6) months shall be licensed. Applications for licenses shall be made at the City Hall, or designated place. Owner shall be required to show proof of neutering (if applicable), and proof of rabies vaccination. Licensing fees are \$5.00 per animal. There will be a \$2.00 replacement charge for lost tags.
- B. For registered dogs serving the blind or deaf, or used by law enforcement purposes, the fee will be waived.
- C. The licensing period will be for the duration of ownership.
- D. Tags must be attached to the collar and always worn. Tags are not transferable from one dog or cat to another.
- E. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) and can be imposed for each day the animal is not in compliance if deemed so by the court.

### **Section 4: CONFINEMENT AND CARE OF ANIMALS**

- A. **Access to water and shelter:** Any person owning or keeping an animal confined outside must provide the animal with access to fresh, clean water and appropriate shelter. The shelter must allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed, and have a solid floor. The entrance shall allow entry and exit, and be properly sized to block wind and rain. The enclosure shall be structurally sound and in good repair. Suitable drainage must be provided so that water is not standing in or around the shelter. The Animal Control Officer shall have authority to determine the suitability of a particular shelter should any questions arise, and he shall make this determination based upon industry standards.
- B. It shall be unlawful for any person to confine an animal in an unattended, enclosed vehicle where the outside temperature is 85 degrees Fahrenheit or greater and the interior of the vehicle is not provided with conditioned air or adequate ventilation to maintain an internal temperature of 100 degrees Fahrenheit or less.
- C. It shall be unlawful for any person to confine an animal in an unattended, enclosed vehicle where the outside temperature is 30 Degrees Fahrenheit or less and the interior of the vehicle is not provided with heated air to maintain an internal temperature of at least 30 Degrees Fahrenheit.
- D. No owner of an animal shall knowingly or purposely abandon their animal.
- E. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred

Dollars) plus any cost associated with the care or capture of the animal. The fine can be imposed for each day the animal is not in compliance if deemed so by the court. Subsequent violations will be double the previous fine imposed by the court.

#### **Section 5: RUNNING AT LARGE PROHIBITED**

- A. The owner shall always keep their animal under restraint or in enclosure and shall not permit the animal to be at large.
- B. No one may keep a vicious/dangerous animal in the City.
- C. No owner shall allow any chickens, turkeys, or other fowl to run at large in the City.
- D. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) plus any cost associated with the care of capture of the animal. The fine can be imposed for each day the animal is not in compliance if deemed so by the court. If seizure/capture of the animals is necessary, the owner will be given five (5) days to claim the animal(s) and pay the shelter fees, or the animals will become the property of the animal control shelter to adopt out or be euthanized in accordance with their policies. Subsequent violations will be double the previous fine imposed by the court.

#### **Section 6: ANIMAL WASTE REMOVAL AND DISPOSAL**

- A. It shall be a violation of this Ordinance when an owner of an animal fails to immediately remove and properly dispose of feces deposited by their animal on any public street, sidewalk, gutter, or other publicly owned property or private property, unless the owner of the property has given permission allowing such use of the property.
- B. This Ordinance shall not apply to visually impaired persons who have charge, control or use of guide dogs, or persons using animals in conjunction with activities of law enforcement.
- C. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars). Subsequent violations will be double the previous fine imposed by the court.

## **Section 7: NUMBER OF ANIMALS REGULATED**

- A. No owner shall keep or harbor any combination of more than three (3) dogs or cats which are over six (6) months old in any home or on any property in the residential zones of the City.
- B. After ten (10) days of notification of being in violation of this section, the owner will be cited with the next available date in Municipal Court.
- C. **Fines and Penalties:** Upon conviction or plea of guilty, the owner shall be guilty of a misdemeanor and punished by a fine up to \$500.00 (Five Hundred Dollars) plus any cost associated with the care or capture of the animal. The City will also be empowered through the court to seize the number of animals needed to make the owner complaint. Upon seizure of the animals, the owner will be given five (5) days to find someone to adopt the animals on their behalf and pay the shelter fees, or the animals will become the property of the animal control shelter to adopt out or be euthanized in accordance with their policies. Subsequent violations will be double the previous fine imposed by the court.

## **Section 8: INVESTIGATION**

- A. The Animal Control Officer or any Law Enforcement Officer is empowered to enter upon the premise, using proper legal procedures, and investigate any complaint of animal cruelty. The Officer may demand to examine an animal and, if necessary, take possession of the animal if it needs humane treatment. No person shall interfere with, hinder, or molest the Animal Control Officer in the performance of his duties, or seek to release any animal in the custody of the Officer.
- B. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) and can be imposed for each day the animal is not in compliance if deemed so by the court.

## **Section 9: DISPOSITION OF ANIMALS**

- A. No person may display animals for sale or give away on any public property without a valid permit/license issued by the City. This prohibition does not apply to pet shops, licensed kennels, humane societies, veterinarian's offices, or animal control facilities.
- B. No person will be allowed to seek to release or surrender an animal that they are the owner of, as defined in this Ordinance, that they no longer want or cannot take care of to the City for impoundment. The animal must be surrendered to a location of

their choice. Examples are as follows An animal rescue, Humane Society, local veterinarian or other private party

- C. It shall be unlawful for any person to knowingly release any animal within the corporate limits of the City of Mountain Home.
- D. It shall be unlawful for any owner, as defined in this Ordinance, to abandon their animal for any reason.
- E. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) plus any costs associated with the care or capture of the animal. The fine can be imposed for each day the animal is not in compliance if deemed so by the court. Subsequent violations will be double the previous fine imposed by the court.

### **Section 10: IMPOUNDMENT**

- A. Any animal found running at large shall be taken up by the Animal Control Officer. The Officer will make every possible effort to notify the owners and return the animal. If unable to locate the owner, the animal will be impounded.
- B. Animals impounded at the animal control shelter will be held for a reasonable length of time, in compliance with the rules of the animal control shelter. Fees will be assessed for reclaiming, boarding, and adoption. Disposal of animals will be at the discretion of the animal control shelter.
- C. The owner of an impounded animal who refuses to reclaim their animal may be proceeded against for abandonment under the provisions of Section 9-D of this Ordinance.
- D. The Animal Control Officer may, at their discretion, cite the owner of the animal for a violation of this ordinance and schedule their appearance in Municipal Court.
- E. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) plus any costs associated with the care or capture of the animal. The fine may be imposed for each day the animal is not in compliance if deemed so by the court. Subsequent violations will be double the previous fine imposed by the court.

### **Section 11: CONFINEMENT OF CERTAIN ANIMALS**

- A. Every female animal in heat shall be confined to the owner's property, or in a kennel or veterinary hospital, in such a manner that such female animal cannot come into contact with a male animal, except for intentional breeding purpose.
- B. No wild or exotic animal may be kept within the city limits except under such conditions as shall be fixed by the City. However, wild animals may be kept for

- exhibition purposes by circuses, zoos, and educational institutions in accordance with such regulations established by the City.
- C. The keeping of horses or cows within the City limits is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal. The enclosure shall not become a harbor for breeding flies, mosquitoes, or rats. They shall not be unsanitary, obnoxious, unhealthful or discomforting to any citizen of the City. Upon investigating and finding such conditions to exist, the proper law enforcement official shall serve written notice of the violation to the owners or post the notice in a conspicuous place on the premises. The owner shall have five (5) days to correct the situation. If the situation is not corrected in five (5) days, the owner will be charged with violation of this ordinance and scheduled for appearance in Municipal Court.
  - D. It shall be unlawful for any person to keep any hogs, goats, or sheep within the City. Animals in transit may be kept in an established stockyard for a period not to exceed twenty-four (24) hours.
  - E. It shall be unlawful for any person to keep more than a reasonable number of mature or adult fowl on their residential property. That reasonable number will be at the discretion of the Animal Control Officer and will be based off the housing and containment area that is available.
  - F. It shall be unlawful for any person to erect permanent housing for fowl on their residential property in the front yard. The fowl shall not be unsanitary, obnoxious, unhealthful, or discomforting to any neighboring citizen of the City.
  - G. No person shall be allowed to transport into this City any animal infected with a contagious disease.
  - H. Any animal may be destroyed for humane reason upon recommendation of a licensed Veterinarian.
  - I. This section shall not apply to The Mountain Home FFA and 4-H Barn.
  - J. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars), and can be imposed for each day the animal is not in compliance if deemed so by the court. Subsequent violations will be double the previous fine imposed by the court.

## **Section 12: RABIES CONTROL**

- A. Every animal suspected of having/being exposed to rabies which bites a person shall be promptly reported to the Animal Control Officer. The animal shall be securely quarantined at the direction of a veterinarian for a period of ten (10) days and shall not be released from quarantine except by written permission of the veterinarian. The quarantine may be on the premises of the owner.

- B. No person shall kill a (suspected) rabid animal, or any animal biting a human, without written permission from the Animal Control Officer upon recommendation from a veterinarian. The animal may not be removed from the city limits without the permission of the Animal Control Officer.
- C. In the event of the prevalence of rabies (Hydrophobia), the City may require that all animals kept in the City be confined upon the premises of the owners for a designated time. The proclamation will be publicized in the media. Any dog not confined after the effective date of the proclamation shall be taken up by the City and impounded at the discretion of the Animal Control Officer.
- D. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) and can be imposed for each day the animal is not in compliance if deemed so by the court.

### **Section 13: VICIOUS ANIMALS**

- A. When, upon investigation, the Animal Control Officer determines that an animal is vicious, the City shall impound the animal and shall notify the owner or custodian of the impoundment and declaration of the animal is vicious within 48 hours. If the owner or custodian is unable to be located, written notice shall be posted at the last known address.
- B. When the Animal Control Officer determines that the animal is vicious, the animal control officer shall issue the owner an immediate dated citation to appear in the city municipal court for maintenance of a vicious animal. The animal shall remain in custody of the animal shelter if necessary and available, pending the trial, and the owner shall be responsible for all boarding fees.
- C. If the animal is vicious, the Animal Control Officer may utilize whatever method is needed to capture the animal. This may include trapping the animal, using a tranquilizer gun, which could cause serious harm to the animal, or a firearm to humanely dispatch the animal and stop the threat to public safety.
- D. It shall be an affirmative defense if the victim or intended victim of any attack has made an unlawful entry into the dwelling of the owner.
- E. This section shall not apply to dogs kept and maintained by a police department or law enforcement agency.
- F. **Fines and Penalties:** An owner or custodian found guilty of violating this section shall be required to pay the costs of boarding, veterinary care, and any other costs associated with the care or capture of said animal and shall be fined no more than \$500.00 (Five Hundred Dollars). If needed, the animal shall be surrendered to the City to ascertain whether the animal is rabid or otherwise diseased. Thereafter, the animal shall be euthanized. If an owner or custodian is



convicted of a second or subsequent violation of this section, he/she may be imprisoned in the county jail for up to one (1) year.

#### **Section 14: OPEN FEEDING OF ANIMALS**

- A. It shall be unlawful for any person to openly feed animals on the property of another person or business without the food being in a trap to catch the animal and relocate it or return it to enclosure.
- B. **Fine and Penalties:** A person found in violation of this section shall be guilty of a misdemeanor and fined no less than \$100.00 (One Hundred Dollars) and no more than \$500.00 (Five Hundred Dollars). Subsequent violations will be double the previous fine imposed by the court.

#### **Section 15: NOISY ANIMALS RESTRICTED**

- A. It shall be unlawful for any person to keep on the premises or under their 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.
- B. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) and can be imposed for each day the animal is not in compliance if deemed so by the court.

#### **Section 16: DESTRUCTION OF INJURED/DISEASED ANIMALS**

Any animal taken into custody, or that the Animal Control Officer/Law Enforcement Officer encounters that is diseased or injured may be destroyed, at their discretion.

#### **Section 17: SEVERABILITY**

The sections of this Ordinance are severable. If any part of this Ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts.

#### **Section 18: PREVIOUS ORDINANCES REPEALED**

This Ordinance shall repeal the following Ordinances in their entirety: 58, 530, 541, 778, 849, 1989-24, 1989-31, 1990-12 and 1996-18. Any other Ordinances found to conflict with this Ordinance shall also be repealed.

**PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF MARCH, 2025.**

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**HILLREY ADAMS, MAYOR**

**ATTEST:**

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**SCOTT LILES, CITY CLERK**

**Updated 2-18-2025**