Bryant City Council Workshop

Boswell Municipal Complex - City Hall Court Room

210 SW 3rd Street

YouTube: https://www.youtube.com/c/bryantarkansas

Date: May 21, 2026 - **Time:** 6:00 PM

Call to Order

Public Comments

Old Business

New Business

Animal Control

1. DRAFT - Ordinance repealing Ordinance No. 6 of 1948, providing for the keeping of livestock and fowl in the City of Bryant, and for other purposes.

- Ordinance Providing for the Keeping of LivestockFowl.pdf

2. DRAFT - Ordinance repealing Ordinances No. 1999-8 & 1999-9; providing for the public safety and animal control ordinance in the City of Bryant; and for other purposes.

- Ordinance Providing for Animal Control.pdf

Adjournments

ORDINANCE NUMBER 26 - _____

AN ORDINANCE REPEALING ORDINANCE NO. 6 of 1948, PROVIDING FOR THE KEEPING OF LIVESTOCK AND FOWL IN THE CITY OF BRYANT, AND FOR OTHER PURPOSES

WHEREAS, The City of Bryant has an increased population density, and;

WHEREAS, The City of Bryant has experienced more neighborhood development since the original livestock ordinance was adopted, and;

WHEREAS, The needs of the community and its animals have changed since ordinance number 6 of 1948 was adopted, and;

WHEREAS, There has been an increase in the number of reported human-animal conflicts especially in regard to the keeping of livestock and fowl, and;

WHEREAS, There has been strong public engagement regarding the keeping of livestock and fowl within the City of Bryant, and;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, THAT:

Article 1. Repealing Ordinance No. 6 of 1948

Ordinance Numbers 6 of 1948 is hereby repealed in its entirety, including amendments and replaced with the following:

Article 2. Definitions

The following words, terms and phrases, when used in this code, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Animal: Every vertebrate non-human species of creature, except insects.

Animal Control Authority: The officers and employees of Bryant Animal Control and Adoption Center.

At Large: An owned or stray domesticated or exotic animal that is not confined to the premises of the owner, within a house, fence, or other structure, or restrained by a leash, lead or tie-out, which is of sufficient strength and length to prevent the animal from escaping and restricting the animal to the premises; or an animal that is not confined by a lead, halter, carrier, cage, within an automobile or trailer designed for such purpose when away from the premises of the owner.

Chicken Tractor: A lightweight movable enclosure in which chickens can scratch the ground for food.

City: Bryant, Arkansas located within the County of Saline.

City Animal Shelter: An animal shelter operated by the city or a shelter operated by a nonprofit organization organized to benefit animals under section 501(c)(3) of the Federal Internal Revenue Code.

Code: As used herein, the term “code” refers to the collective Ordinances of the City of Bryant.

Control: Under restraint or other means restricting the animal’s actions and physical location.

Domesticated Animal: An animal that is socialized to humans and appropriate as a companion for humans.

Fowl: Any breed or species of bird, except ratites, that are commonly kept and raised for human consumption, whether that consumption be the flesh of the animal or their eggs or other item produced by the animal for use or consumption by humans or other animals, also commonly referred to as poultry.

Fence: A physical barrier that is visible, constructed out of such a material as to provide a barrier between an animal and the public. This fencing must not be of a material that requires electricity or batteries to operate.

Hog: A hoofed mammal of the family Suidae, order Artiodactyla, comprising boars and swine.

Humane Manner: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animals size, species and breed.

Impoundment: An animal shall be considered impounded by the animal control department once any officer or staff member of the animal control department takes physical control of the animal whether it be by physically holding the collar or leash of such animal, placing a leash or rope upon the neck, harness or body of such animal, picking up or holding the animal, capturing within a trap or other device or other enclosure.

Livestock: Any animal, except fowl and ratites, which are commonly kept and raised for human consumption, whether that consumption be the flesh of the animal, their eggs, milk or other item produced by the animal for use or consumption by humans or other animals.

Nuisance Animal: Owned animals which infringe upon the rights of another animal or person causing conditions which are damaging or disruptive on an on-going basis. An animal shall be considered a nuisance if it repeatedly damages, soils, defiles, defecates on private property other than the owner’s, or public walks and recreational areas; causes unsanitary, dangerous, or offensive conditions while on the property of the owner or off; causes a disturbance by excessive barking or other noise making; molests, or interferes with persons in the public right-of-way; chases vehicles or attacks domestic animals; trespasses on school grounds; or is repeatedly at large.

Owned animal: Any animal that is owned by any person and can be a farm animal, livestock, a domestic animal or exotic pet.

Owner: An adult person, caregiver or custodian possessing, harboring, keeping, or feeding an animal that has been adopted, purchased, been given to or kept in their care for a period of seven consecutive days, allowed a stray or at large animal to remain on or about their property, while providing care, of a period of not less than two weeks; or is otherwise reasonably considered the legal property of the individual of the animal in their possession.

Person: Any individual, corporation, partnership, association or institution commonly recognized by law as a unit.

Private Nuisance: Any animal that repeatedly creates or their owner causes them to create a nuisance as defined by this code while on the property of the owner or keeper.

Public Nuisance: Any animal that repeatedly creates or their owner causes them to create a nuisance as defined by this code while off of the property of the owner or keeper.

Public Nuisance Person: Any person who is convicted of an excess of ten (10) counts of violations of any City of Bryant ordinance which causes a situation that unreasonably annoys other humans living outside of their residence, endangers the life or health of persons or other animals, or by means of keeping or owning animals, substantially and repeatedly interferes with the rights of citizens to the enjoyment of life or property.

Stray: An owned animal that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

Article 3: Prohibitions

Section 1. Prohibited Species or Breeds

A. It shall be unlawful for any person to own, keep, harbor, house or otherwise possess any swine or hog within the City limits, except for the following species: Vietnamese Pot-bellied pigs, Julianas, American Mini pigs, Kunekune, or Gottingen Minipig; and

B. It shall be unlawful for any person to own, keep, harbor, house or otherwise possess any of the allowable breeds of swine without first obtaining and maintaining a Livestock Permit from the animal control department.

Section 2. Exceptions for the Possession of Prohibited Species

A. It shall be lawful for an individual who is not a resident of the City of Bryant, and has a prohibited species in their possession, temporarily within the City limits either traveling through the jurisdiction or bringing an animal into the jurisdiction for the purpose of visiting a veterinary clinic, attend a show or other lawful event to display the animal, is the operator, staff, employee or volunteer of a bonafide public or private animal shelter,

acting in their official capacity, and the animal is kept within the City limits for a length of time less than 10 days per year, unless the condition, or circumstances of such intake require a longer hold period.

B. It shall be lawful for any person who is a resident to own, keep, harbor, house or otherwise possess any prohibited species or breed of animal otherwise prohibited by this code to continue to keep such animal if they have been granted a variance as defined by and pursuant to this code.

Article 4: Restraint and Confinement

Section 1: Generally

It shall be the duty of any owner or keeper of any livestock or fowl as defined by this code to keep such animal under control so as to:

A. Prevent such animal from becoming a danger to persons or property; or trespassing upon another person's property without that person's permission or encroaching upon the curtilage of another's home or business; and

B. Prevent such animals from running at large upon the streets, sidewalks, alleys, parks or other public places of the city.

Section 2. Tethering Roosters as a Means of Confinement

It shall be unlawful for any rooster to be contained by means of a tether, tie-out or any other device which restricts the movement of the animal by means of tying a rope, lead, cable or other item to any part of the rooster's body. This provision shall not include rooster collars or similar devices designed to humanely reduce the volume and frequency of rooster crowing.

Article 5: Keeping of Fowl

It shall be unlawful for any person owning or having control of any chickens, ducks or other fowl or livestock within the city to permit them to be at large; and

A. It shall be unlawful for any person to have more than 4 individuals of any type of female fowl which are 4 months of age or older, on any property or parcel that is less than .25 acre in size, and no roosters, drakes, ganders or males of the species.

B. It shall be unlawful for any person to have more than 6 individuals of any type of fowl which are 4 months of age or older, on any property or parcel that is less than .5 acre in size, and no more than one (1) rooster, drake, gander or males of the species, provided that the male is kept in an enclosure that is at least 50 feet from any occupied structure on any neighboring property or parcel and no less than 20 feet from any property line.

C. It shall be unlawful for any person to have more than 10 individuals of any type of fowl which are 4 months of age or older, on any property or parcel that is less than .75 acre in size, and no more than one (1) rooster, drake, gander or males of the species, provided

that the male is kept in an enclosure that is at least 50 feet from any building on neighboring property or parcel and no less than 20 feet from any property line.

D. It shall be unlawful for any person to have more than 20 individuals of any type of fowl which are 4 months of age or older, on any property or parcel that is less than one (1)

acre in size, and no more than two (s) roosters, drakes, ganders or males of the species, provided that the male is kept in an enclosure that is at least 100 feet from any building on neighboring property or parcel and no less than 25 feet from any property line.

E. For properties or parcels over one (1) acre in size, there shall be no restrictions on the number of individual female chickens, ducks or other fowl, except those expressly prohibited by this code, but shall be restricted to four (4) roosters, drakes, or other male fowl, provided that the enclosure housing such animals is at least 100 feet from any occupied structure on neighboring properties and no less than 25 feet from any property lines.

F. The use of chicken tractors is lawful if:

1. Such device is not the primary housing of the fowl; and

2. Only hens or females are kept within the tractor enclosure; and

3. The use of the chicken tractor only occurs during daylight hours; and

4. When used outside of a completely fenced area, the owner, keeper or other responsible person must be present and within a reasonable distance to observe and maintain the tractor while the chickens are within it; and

5. Use of such a device does not constitute a nuisance to any person residing within a reasonable distance of where the device is deployed.

Article 6. Keeping of Livestock

Section 1. Permit Required

A. Due to the nature of capturing and transporting stray and at large livestock, as well as the cost of transporting and housing impounded livestock by the animal control department, it shall be unlawful for any person to own, harbor, keep or raise any livestock as defined and allowable by this code without first obtaining a Livestock Permit from the animal control department.

B. The Livestock Permit shall be free of charge, and shall be obtained in order to ensure compliance with the ordinances and maintain a list of livestock keepers within the city limits in order to ascertain ownership of stray and at large livestock for timely reunification purposes.

C. The owner of any livestock shall provide their name, address, phone number and email address, as well as a list of the species they are keeping with descriptions, and

microchip numbers of individuals, if microchips are implanted within their animals to the animal control department via a form provided by the department.

D. Permits shall be based upon calendar years. Application for renewal of a permit shall be made thirty (30) days prior to and sixty (60) days following January 1st of each year.

Section 2. Individual Limits

A. It shall be unlawful for any person to keep, house or harbor any species of livestock defined by this code on any property or parcel that is less than .25 acre in size.

B. It shall be unlawful for any person to have more than 2 individuals, except for equines and cattle, of any species of livestock on any property or parcel that is more than .25 acres and less than .5 acre in size, and the enclosure must be at least 50 feet from any occupied structure on any neighboring property or parcel and at least 20 feet from any property line.

C. It shall be unlawful for any person to have more than 4 individuals, except for equines and cattle, of any species of livestock on any property or parcel that is more than .5 acres and less than one (1) acre in size, and the enclosure must be at least 50 feet from any occupied structure on any neighboring property or parcel.

D. For properties or parcels over one (1) acre in size, there shall be no restrictions on the number of individual livestock, except for equines and cattle, and there shall be at least one acre of pasture for each individual of those species, and any areas where groups of these individuals shall be housed in close quarters, such as corrals or barns, these enclosures shall be at least 50 feet from any neighboring occupied structures, and at least 25 feet from any property lines.

Section 3. Determining Size of Parcels and Property

For the purposes of this code, the animal control department shall use the City of Bryant GIS to ascertain the size of parcels and real property, recognizing that these reported measurements are only as accurate as the last recorded property survey; and considering this fact and use their best judgement when determining the size of such parcels and lots.

Article 7. Application for Variances

The animal control department and the City leaders are aware that some parts of the City have, historically, been areas where livestock and fowl have been kept and raised for many decades and that in recent years, subdivisions have been erected in some of these areas which have created a conflict between those living on smaller parcels and those who wish to keep fowl or livestock.

A. Therefore, any person already in possession of prohibited, restricted or other animals, which, upon the date this ordinance was adopted, will become unlawful to continue to keep may apply for a temporary variance so that they may be allowed to lawfully keep

their pets, fowl or livestock until which time that they come into compliance with the ordinance.

B. Such variance must be approved by the Bryant City Council at a regular council meeting to allow any resident in opposition to the variance request to allow their objections to be heard and considered by the Council.

C. Any application for the variance must be submitted within sixty (60) days of the passage of this ordinance to the Animal Control Director in writing and providing the resident's name, address, and a description of the species and number of animals already at the location.

D. Upon receipt of the application, the Animal Control Director, or their designee shall conduct a visit to the location to verify information provided in the application, and a hearing shall be held at the next regularly scheduled City Council meeting.

E. Should any information on the application be found to be inaccurate, the application may be denied by the Animal Control Director; and an opportunity to correct the information and reapply may be granted, and If the information provided in the application is purposefully fraudulent, or information is found to be withheld from the application, the application shall be denied and the applicant forfeits their right to request a variance.

Article 8. Maintenance of Premises and Disturbing Noises

A. An owner of an animal shall maintain their premises in such a manner as not to constitute either a private nuisance to adjoining residents or a nuisance to the public generally; and

B. Pens or enclosures in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and

C. The animals themselves shall be restrained in such a fashion that any noise emanating from them shall not be disturbing to such persons.

Article 9. Public and Private Nuisances Prohibited

Section 1. Removal of Animal Waste Required

It shall be unlawful for any person, when their animal is off the property of the owner, including service animals, to:

A. Fail to immediately remove any feces when such animal defecates on any public or private property not belonging to the pet owner or handler, and properly dispose of such fecal material; except when such animal(s) is/are participating in an organized and public parade, within a public or private arena or sale barn, or other space in which an exhibition or other display is taking place and it is generally expected such defecation would not normally be immediately removed from the area; and

B. Fail to immediately rinse with clean water any area of metal, stone, cement, brick, wood,

cloth or other material that wholly or partially part of public or private property, including but not limited to: mailbox posts, signs, solid material driveways, vehicle or bicycle wheels, sidewalks, walkways, and any other such property, or where an accumulation of urine could otherwise create a public or private nuisance, as defined by this code.

Section 2. Public Nuisance Animal

It shall be unlawful for any person to own, keep, harbor or have custody of any animal that is a public nuisance.

A. The animal control department may, at its discretion, declare an animal a public nuisance as defined by this code, and subsequently impound and hold such animal(s) until such time as the owner can demonstrate that the environment in which the animal is being kept, housed, harbored or maintained has been improved or repaired such that the nuisance caused by such animal(s) is rectified and/or the court orders the animal(s) disposition.

B. If, upon conviction of keeping a nuisance animal, the court may, at its discretion, order that the animal be reprimanded to the custody and ownership of the animal control department.

Section 3. Public Nuisance Person

A. A person may be declared a public nuisance by the court, if convicted of ten (10) or more episodes of violations of any City of Bryant animal control related ordinance within a ten (10) year period, which due to their action or inaction regarding the care and/or keeping, harboring housing or maintaining of animals:

1. Causes a public or private nuisance as defined by this code; or

2. Endangers the life, health or safety of persons or other animals; or

3. Substantially interferes with the rights of resident(s) to the enjoyment of life or property.

B. The court may, at its discretion, order such person(s) to not own, keep, harbor or have custody of any animal(s) for a period of no less than three (3) years and no more than five (5) years.

C. Additionally, if such person(s) is/are found to be owning, keeping, harboring or have custody of any animal(s) during the term of the order, such action will constitute a separate offense, and the animal control authority may, at its discretion, impound and hold such animal(s) until the court may, at its discretion:

1. Order that such person may not own, keep, harbor or have custody of any animal(s) for a period of no less than five (5) years and no more than fifteen (15) years; and

2. That ownership of any animal(s) seized under this article be remanded to the animal control department; and

3. Order any restitution requested as a result of the cost of such seizure owed to the animal control department be paid to them by the defendant pursuant to this code.

Article 10: Disposal of Deceased Animal Remains or Parts

Section 1. Slaughtered, Harvested, Deceased Animals or Parts

All deceased animal remains which are not immediately prepared for consumption or use and will not be either placed under refrigeration or frozen, shall be disposed of in a manner that is in accordance with the state law, and local ordinances.

All deceased animal remains which require other preparation for use, such as but not limited to drying, shall be handled in such a way as to not constitute either a private or public nuisance as defined by this code.

Section 2. Tanning Prohibited

Except in areas of the City where tanning is allowed under the zoning codes, tanning practices which use chemicals, except for salt, shall be prohibited within the City of Bryant, and such practices shall not be conducted in such a way as to constitute either a private or public nuisance as defined by this code.

Section 3. Disposal Fees

Any fees associated with the pick up and cremation of a deceased animal by animal control shall be paid for by the animal's owner, pursuant to the Animal Control Fee Schedule.

Article 11: Fees

All fees charged by the department shall be set by a separate ordinance to be reviewed by the Animal Control Director at least once every three (3) years and if recommended for amendments, taken to City Council for consideration and approval, as appropriate.

Article 12. Found Animals in the Care of Private Residents and Rescues

Livestock or fowl that become displaced from their owner or keeper shall be handled humanely and in accordance with all local and state laws and ordinances.

Article 13. Impoundment; Disposition of Animals

Section 1. Impoundment

Not withstanding any provision in this code to the contrary, the animal control department is empowered to impound any animal being kept, harbored or maintained in violation of this code or in violation of any rules and regulations adopted by the Bryant Animal Control and Adoption Center as duly authorized.

Section 2. Mandatory Holding Periods, Reunification, Impound Fees, and Acquisition of Ownership

A. Minimum holding periods for stray livestock and fowl, reunification responsibilities,

acquisition of ownership, and release of impounded animals or euthanasia for any animals impounded under this code shall be set by separate ordinance.

B. Fees for reclaiming impounded animals shall be set by a Fee Schedule set by ordinance, and approved by the Bryant City Council.

Article 14. Restitution Authorized

Upon conviction, the court may order that restitution be paid to the animal control department by the defendant for any real costs associated with the care and keeping of an impounded animal

in relation to any violation of this code and such restitution shall be subtracted from any bond amounts paid by the defendant prior to such conviction.

Article 15. Enforcement Authority and Responsibilities

The provisions of this code shall be enforced by Bryant Animal Control and Adoption Center and by the Bryant Police Department.

Article 16. Citations

The officers of the animal control department and officers of the Bryant police department are hereby authorized to issue a citation to any person for alleged violations of any provision of this code. The citation shall be in a form approved by the Bryant District Court, shall designate the offense charged and shall require the person charged to appear before the Bryant municipal court on a certain date to answer the charges therein contained.

Article 17. Penalties for Violations

Any person who fails to abide by any article of this code, shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:

Section 1. Fines for Violations Related to Livestock

If the animal involved in the violation is livestock, as defined by this code:

A. *First offense.* Any sum not less than one hundred and twenty-five dollars $125.00 minimum and a maximum of $1,000.00.

B. *Second offense.* Any sum not less than two-hundred and fifty dollars $250.00 minimum and a maximum of $1,000.00.

C. *Third offense.* Any sum not less than five hundred dollars ($500.00) and a maximum of one thousand dollars ($1000.)

Section 2. Fines for Violations Related to Fowl

If the animal involved in the violation is fowl, as defined by this code:

D. *First offense.* Any sum not less than seventy-five dollars $75.00 minimum and a maximum of $1,000.00.

E. *Second offense.* Any sum not less than one hundred and twenty-five dollars $125.00 minimum and a maximum of $1,000.00.

F. *Third offense.* Any sum not less than two hundred and fifty dollars ($250.00) and a maximum of one thousand dollars ($1000.)

Article 18. Statute of Limitations

The statute of limitations for any city ordinance violation shall be three (3) years from the date of the violation per Arkansas Code § 5-1-109.

Article 19. Funds Collected from Fines

All money collected for violations of any part of this ordinance shall go to the city of Bryant's General Revenue Fund.

Article 20. Authorization to the Use of Equipment

The animal control department is authorized to employ any equipment it deems necessary to enforce the provisions of this code, including, without limitation, humane wire box traps; and the animal control authority may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

Article 21. General Repealer

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Article 22. Severability

Should any title, article, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the Ordinance.

PASSED AND APPROVED this _____ day of _____ 2026.

_____

Mayor Chris Treat

ATTEST:

_____

Mark Smith, City Clerk

ORDINANCE NUMBER 26 - _____

AN ORDINANCE REPEALING ORDINANCES NO. 1999-8 & 1999-9; PROVIDING FOR THE PUBLIC SAFETY AND ANIMAL CONTROL ORDINANCE IN THE CITY OF BRYANT, AND FOR OTHER PURPOSES

WHEREAS, The City of Bryant has grown exponentially since the Animal Control Department was created, and;

WHEREAS, The desire of the community is that the Animal Control Department improve its lifesaving ability to consistently save 90% or more of the impounded and surrendered animals of the shelter in order to effectively reduce the number of animals euthanized within the shelter when reunification, adoption or transfer is not possible, and;

WHEREAS, The animal control department intends to implement a Community Cat Program, with the intention to stop the unnecessary killing of cats within the shelter, and;

WHEREAS, There are deficiencies in the original animal control ordinance, which make successful prosecution a challenge in some circumstances, and;

WHEREAS, The current animal control ordinance has no provisions for destructive or potentially dangerous dogs, only vicious dogs, and these provisions are needed to ensure animal control officers are authorized to take action to ensure public safety, and;

WHEREAS, The needs of the community and its animals have changed since the last animal control ordinance was enacted, and;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, THAT:

Article 1. Repealing Ordinance Numbers 1999-8 & 1999-9

Ordinance Numbers 1999-8 and 1999-9 are hereby repealed in their entirety, including amendments and replaced with the following:

Article 2. Definitions

The following words, terms and phrases, when used in this code, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Abandon: A domesticated animal that an owner has forsaken entirely or neglected or refused to provide care and support, including failing to reclaim from Bryant Animal Control and Adoption Center.

AKC: Shall mean the American Kennel Club.

Altered: In regard to the sex of an animal, it is any animal that has been spayed or neutered by a veterinarian.

Animal: Every vertebrate non-human species of creature, except insects.

Animal Control Authority: The officers and employees of Bryant Animal Control and Adoption Center.

Animal Establishment: Any pet shop, kennel, grooming shop, animal auction, performing animal exhibition, circus or other facility engaging in the handling of animals, excluding licensed veterinarians, veterinary clinics and hospitals including mobile clinics.

At Large: An owned or stray domesticated or exotic animal that is not confined to the premises of the owner, within a house, fence, or other structure, or restrained by a leash, lead or tie-out, which is of sufficient strength and length to prevent the animal from escaping and restricting the animal to the premises; or an animal that is not confined by a lead, halter, carrier, cage, within an automobile or trailer designed for such purpose when away from the premises of the owner.

Barn Cat: Any free-roaming cat that may or may not be feral and "works" for its upkeep by hunting vermin, such as rodents and is cared for by an individual or business proprietor, also called a “working cat.”

Breeder: Any person, partnership, or corporation which maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration or profit, fee, or compensation.

Cat: Any commonly domesticated feline animal that includes both male and female gender of the species.

City: Bryant, Arkansas located within the County of Saline.

City Animal Shelter: An animal shelter operated by the city or a shelter operated by a nonprofit organization organized to benefit animals under section 501(c)(3) of the Federal Internal Revenue Code.

Code: As used herein, the term “code” refers to the collective Ordinances of the City of Bryant.

Commercial Kennel: Any person who engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling animals.

Community Cat: Any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown that is allowed to be outside with no barrier to keep the animal on any single property for the majority of the time; a community cat may or may not be feral, regardless of whether or not the animal is generally considered to be the property of any one individual.

Control: Under restraint or other means restricting the animal’s actions and physical location.

Dangerous Dog: Any dog which, when unprovoked, whether under control or not, approaches in a manner of attack any person upon the streets, sidewalks or any other public ground or place; and shows the propensity to bite or cause to be harmed a person; or

A. Causes damage or injury to any domestic or farm animal which is properly contained or on the property of the animal's owner, in accordance with all local and state laws and ordinances; or
B. Any animal owned or harbored primarily for in part for the purpose of animal fighting or any animal trained for animal fighting.

Destructive Dog: Any dog that causes damage to any property, that is owned by any person except the owner, caregiver or other person responsible for the care of the individual, and residing within the residence on a temporary or permanent basis of the same and such damage is in excess of $100 but shall not include injury or other harm caused to any domesticated or wild animal.

Direct-Point Tethering: To tether or chain an animal to one fixed and substantial object, such as a stake, tree, car, etc.

Dog: Any commonly domesticated canine animal, scientifically known as Canis lupus familiaris, and includes both the male and female gender of the species.

Domesticated Animal: An animal that is socialized to humans and appropriate as a companion for humans.

Eartipping: The surgical removal of the one-quarter-inch tip of a community cat's left ear, performed while the cat is under anesthesia. The purpose of eartipping is to identify the community cat as being sterilized and lawfully vaccinated for rabies if of age.

Episode: For the purposes of this code, episode shall mean a single event in which a violation has occurred, regardless of the number of violations counted at the time.

Exotic Pet: Any species of animal that is not defined by this code as being any of the following: Dog, Cat, Farm Animal, Livestock, Fowl, or an Innately Wild Animal.

Fence: A physical barrier that is visible, constructed out of such a material as to provide a barrier between an animal and the public. This fencing must not be of a material that requires electricity or batteries to operate.

Feral cat: A cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized; is a formerly owned cat that has been abandoned and is no longer socialized; or lives on a farm, typically known as a "barn cat."

Handler: A person who is holding the leash of an animal attached to the leash via a collar or harness.

Health Officer: The designated official of the state department of health or any local health official whose duties may involve conditions or investigations relevant to animal control.

Humane Manner: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animals size, species and breed.

Impoundment: An animal shall be considered impounded by the animal control department once any officer or staff member of the animal control department takes physical control of the animal whether it be by physically holding the collar or leash of such animal, placing a leash or rope upon the neck, harness or body of such animal, picking up or holding the animal, capturing within a trap or other device or other enclosure.

Innately Wild Animal: Any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, nature or other characteristics, would be considered to be dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, bears, wolves and wolf-hybrids, wild cat-hybrids, cougars, coyotes, skunks (whether surgically de-scented or not), apes, gorillas, monkeys, foxes, elephants, rhinoceroses, giraffe, alligators, crocodiles, caimans, monitor lizards, birds defined in this code as ratites, all species of venomous reptiles and amphibians, as well as any non-venomous snake that is or will be greater than twelve (12) feet in length when fully grown, as well as any animal listed as an endangered, vulnerable or threatened species under the Federal Endangered Species Act of 1973, as amended, or any species of fowl protected by the Federal Migratory Bird Treaty Act of 1918, as amended, and shall not include chinchillas, ferrets, any species of fish not otherwise unlawful to possess, gerbils, guinea pigs, hamsters, hedgehogs, mice, non-venomous amphibians that generally weigh less than 10 pounds when fully grown, rats, sugar gliders, any domesticated species of rabbits, non-venomous snakes not described above, or other commonly kept pet that is considered to be exotic and generally does not pose a threat of harm to the public, including but not limited to, any species that is routely offered for sale in a lawfully operated, permitted and duly licensed pet-store.

Invisible Fence: A device that is also known as an electronic pet containment system, underground fence, or hidden fence, that is a pet-containment tool that uses either an electronic base, a buried wire or other means of transmitting radio signals to a receiver collar, causing a beep or safe static correction to the animal if a pet nears the perimeter and keeps the pet within a defined area without a physical fence. For the purposes of this code, such devices shall work in a passive manner and shall not require a person to engage or force the correction when the device is in use.

Leash: A lead made of nylon, leather, metal or other strong material affixed to a collar or harness worn by an animal, and held by a person of sufficient strength to control the actions of that animal, and no longer than 6’ in length.

Licensing Authority: Any agency or department of the city, or any designated representative thereof, including licensed veterinarians, charged with administering the issuance and/or revocation of certificates and licenses under the provisions of this code.

Neutered: Surgically altered and incapable of sexual reproduction, regardless of the sex of the individual.

Nuisance Animal: Owned animals which infringe upon the rights of another animal or person causing conditions which are damaging or disruptive on an on-going basis. An animal shall be considered a nuisance if it repeatedly damages, soils, defiles, defecates on private property other than the owner's, or public walks and recreational areas; causes unsanitary, dangerous, or offensive conditions while on the property of the owner or off; causes a disturbance by excessive barking or other noise making; molests, or interferes with persons in the public right-of-way; chases vehicles or attacks domestic animals; trespasses on school grounds; or is repeatedly at large.

Owned animal: Any animal that is owned by any person and can be a farm animal, livestock, a domestic animal or exotic pet.

Owner: An adult person, caregiver or custodian possessing, harboring, keeping, or feeding an animal that has been adopted, purchased, been given to or kept in their care for a period of seven consecutive days, allowed a stray or at large animal to remain on or about their property, while providing care, of a period of not less than two weeks; or is otherwise reasonably considered the legal property of the individual of the animal in their possession.

Person: Any individual, corporation, partnership, association or institution commonly recognized by law as a unit.

Point-to-Point Cable Runner: A device, intended to contain a dog that consists of a cable and pulley system in which the runner, usually made up of a coated cable or substantial rope is strung between two stationary objects that are situated at least 12 feet apart, with a means of a stop situated along the primary cable on each end, as to inhibit the animal from being able to become entangled around each object at the end of the runner, and a secondary cable or rope, which is of sufficient strength to ensure the animal cannot chew through, but is light enough so that it does not pull down on the animal's collar or harness, is attached to the runner via a pulley to allow the animal some freedom of movement while attached to the runner.

Private Kennel: Any person, excluding kennels, pet shops, and veterinary clinics, and hospitals who keeps, harbors or knowingly permits to remain on or about his premises, more than four (4) dogs and four (4) cats, over 8 weeks of age.

Private Nuisance: Any animal that repeatedly creates or their owner causes them to create a nuisance as defined by this code while on the property of the owner or keeper.

Public Nuisance: Any animal that repeatedly creates or their owner causes them to create a nuisance as defined by this code while off of the property of the owner or keeper.

Public Nuisance Person: Any person who is convicted of an excess of ten (10) counts of violations of any City of Bryant ordinance which causes a situation that unreasonably annoys other humans living outside of their residence, endangers the life or health of persons or other animals, or by means of keeping or owning animals, substantially and repeatedly interferes with the rights of citizens to the enjoyment of life or property.

Rabies Vaccination: The injection, subcutaneously or otherwise, of antirabic vaccine, as approved by the United States Department of Agriculture or the State Board of Health and

administered by a licensed veterinarian, veterinary technician, veterinary technologist, veterinary technician specialist, or agent of the Department of Health.

Ratite: A group of birds known as the polyphyletic group consisting of all birds within the infraclass palaeognathae that generally lack a keel, and cannot fly. Includes, but is not limited to, any species or hybrid of ostrich, emu, rhea, cassowary, kiwi, or roroa.

Retractable Leash: Any leash that is designed and fitted with a mechanism that allows the user to adjust the length of the leash by extending or retracting a cord or tape housed within a plastic handle, and typically features a brake or lock mechanism to control the leash's length and prevent it from fully extending or retracting unexpectedly, often allowing the animal attached to reach a considerable distance from the handler.

Restraint: An animal is under restraint if it is controlled by a leash, or within a vehicle being driven or parked on a street, or physically confined on the property of its owner or keeper.

Stray: An owned animal that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

Sterilized: Any animal that has been spayed or neutered by a veterinarian.

TNR: Acronym for “Trap Neuter Return,” means to trap, sterilize, provide needed veterinary care and vaccinations and return to the location trapped, if it is safe to do so.

TNVR: Acronym for “Trap Neuter Vet Return,” meaning is the same as “TNR” and are used interchangeably.

TNVR Program: A comprehensive program where feral, stray, community and free-roaming cats are trapped, neutered or spayed, vaccinated against rabies, and returned to the location where they congregate.

Veterinary Clinic or Hospital: A clinic or hospital which provides any health care services, operated by a licensed veterinarian.

UKC: Shall mean the United Kennel Club.

Vicious Dog: Any dog which, when unprovoked, and regardless if the dog is on a leash or lead,

A. Approaches in a manner of attack any person upon the streets, sidewalks, or any other public ground; or

B. Shows a propensity, tendency or disposition to attack, without provocation, human beings; or

C. Without provocation, bites or attacks a human on public or private property, or

D. Has been determined to be a Dangerous Dog, and is found to be at large, or the owner of such a dog upon conviction of a second offense of failing to obtain or maintain a Dangerous Dog Permit; or

E. Without provocation and regardless of where the incident occurs, or whether or not the dog was restrained, or on a leash, or on the property of the owner or not, bites a person repeatedly or in such a manner to cause multiple severe lacerations, muscle damage, severe disfigurement or causes breaks of bone, which infers that the animal cannot or will not inhibit their bite strength.

Working Cat: Any free-roaming cat that may or may not be feral and "works" for its upkeep by hunting vermin, such as rodents and is cared for by an individual or business proprietor, also commonly called a “Barn cat.”

Article 3: Prohibitions

Section 1. Prohibited Wild and Exotic Species, and Other Prohibitions

A. It shall be unlawful for any person to own, keep, harbor, house or otherwise possess any Innately Wild Animal, Non-Human Primate, Ratite, or Vicious Dog within the City of Bryant, aside from the exceptions indicated by this code; and

B. It shall be unlawful for any person to own, keep, harbor, house or otherwise possess any venomous reptile; and

C. It shall be unlawful for any person to own, keep, harbor, house or otherwise possess any Exotic Pet, as defined in this code, without first obtaining and maintaining a Wild and Exotic Pet Permit from the animal control department.

Section 2: Exceptions for the Possession of Prohibited Species

It shall be lawful for an individual who is not a resident of the City of Bryant, and has a prohibited species in their possession, temporarily within the City limits either traveling through the jurisdiction or bringing an animal into the jurisdiction for the purpose of visiting a veterinary clinic, attend a show or other event to display the animal, is the operator, staff, employee or volunteer of a bonafide public or private animal shelter, acting in their official capacity, and the animal is kept within the City limits for a length of time less than 10 days per year, unless the condition, or circumstances of such intake require a longer hold period.

Article 4: Restraint and Confinement

Section 1: Generally

An owner of any animal except community and barn cats, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal within an adequate physical and visible fence, enclosure or within a house, garage or other building, or shall confine such animal by a tie-out affixed to the animal's collar or harness and attached to some substantial stationary object or, as specifically allowed by this code, within an invisible fence upon obtaining an Invisible Fence Permit, adequate to prevent the animal from running at large and humanely and safely upon the property of the animal’s owner, or when off the property of its owner, such leash shall be no longer than 6 feet in length, and shall be held by an individual of sufficient strength to control the actions of the animal.

It shall be the duty of any owner or keeper of any animal to keep such animal under control so

as to:

A. Prevent such animal from becoming a danger to persons or property; or trespassing upon another person's property without that person's permission or encroaching upon the curtilage of another's home or business; and

B. Prevent such animals from running at large upon the streets, sidewalks, alleys, parks or other public places of the city.

C. Except for service animals, it shall be unlawful for any owner to allow his dog or cat to enter any food store or place where food is exhibited for sale, unless specifically allowed by the owner, proprietor or manager of such business.

D. It shall be unlawful for any person owning or having control of any fowl, livestock, exotic or owned wild animal within the city to permit them to run at large.

Section 2. Tethering

It shall be unlawful for any dog to be contained with:

A. Any type of tethering, tie-out or cable run in which the collar used primarily to attach the tether to the dog is a pinch, pronged, training or slip-lead collar in which the method of ensuring the collar is not accidentally removed from the animal is the mechanism which causes the collar to become smaller in circumference when a load is applied to the attachment point of the collar; and

B. Direct-point tethering for a period of time longer than 30 consecutive minutes without being removed from the tether for a minimum of 60 consecutive minutes and with less than 12 hours of every 24 hour period being off of the tether and contained by some other lawful method; or

C. Direct-point tethering for any period of time longer than 15 consecutive minutes to an object which is heavy, but not stationary and is being used with the intent to either train the animal for strength or stamina or is used with the intent to keep the animal confined, without being removed from the tether and the object, for a minimum of 60 consecutive minutes and with less than 16 hours of every 24 hour period being off of the tether and contained by some other lawful method.

D. A point-to-point cable runner for any length of time longer than 10 consecutive hours, and with less than 14 hours a day of every 24 hour period being off of the runner and contained by some other lawful method.

Section 3. Dogs in Estrus

An owner of a female dog in estrus shall keep such animal confined in a building, secure enclosure, within a veterinarian clinic or hospital or in a kennel in such a manner that the female dog cannot come into contact with another dog, except for intentional breeding purposes.

Section 4. Invisible Fences

Invisible Fences shall be unlawful as a means of containment for dogs, unless the owner or keeper of such dogs as obtained an Invisible Fence Permit in advance of deploying such a device under the following conditions, contains the animal(s) under the conditions as outlined in this section, and has paid any fees owed to the animal control department:

A. The property or parcel in which the animal is being confined is greater than one (1) acre in size and has no other houses or businesses frequented by the public upon it; and

B. No more than two (2) dogs may be confined to the property by means of an invisible fence. If there are more than two (2) dogs on the property, and physical fence must be used; and

C. The animal control department has inspected and approved the use of such a device at the location; and

D. The property in which an invisible fence is being used to control and confine the animal is marked at the obvious public entrances to the property by a sign approved by or provided by the animal control department; and

E. The owner shall inspect and test both the device and the animals' collar(s) at least once every 3 months to ensure that they are in working order and notify the animal control department that such test has been completed satisfactorily at least once every six (6) months; and

F. Upon any threat of severe weather the owner shall provide an alternate means of control and containment of any animal that is primarily confined by means of such an invisible fence; and

G. Upon notification that the electricity is not being provided or has become unavailable to the device, the owner shall immediately provide an alternate means of control and containment of any animal that is primarily confined by means of such an invisible fence; and

H. Such animal(s) which are primarily confined by an invisible fence have not been deemed dangerous or vicious as defined by this code; and

I. The owner or keeper of the animal(s) intended to be confined to the property by such means has read and signed acknowledging their understanding of their responsibilities under this code when using such a device; and

J. The owner or keeper has paid any fee(s) associated with obtaining a permit to use such a device; and

K. Such permit shall be renewed annually, and the property where such a device is deployed shall be inspected bi-annually by the animal control department; or upon such time as evidence indicates that such device is no longer operational; and

L. If such animal(s) which are primarily confined by an invisible fence are repeatedly at large in violation of this code; the permit may be revoked, and another means of containment must be provided by the owner or keeper of the animal(s); and

M. An invisible fence shall not be allowable as a means to confine any dog which is being observed for rabies quarantine either as the victim animal that has been potentially exposed to rabies from another animal or is the animal that has bitten a person and must be quarantined pursuant to Arkansas State Law.

Section 5. Exceptions to Confinement and Leashing

The following circumstances shall allow for an exception to this article:

A. Dogs within the fenced areas of any public or private dog park, which has been specifically designated a dog park by the Bryant City Council;

B. Any dog performing in an exhibition, competition or other public or private event that requires that the animal be off leash during the exhibition or competition, and upon the conclusion of the activity is placed on a leash or lead as required by this code;

C. Service animals such as, but not limited to, dog guides serving the blind or deaf, or dogs being used to aid sensory impaired citizens, certified search and rescue dogs, or government owned dogs used for law enforcement or military service, which, due to the nature of the task being performed, need to be off leash in order to fulfill the trained task. Upon completion of their task, shall be placed on a leash pursuant to this code.

Article 5: License & Vaccination Required

Section 1. Generally

A. No person shall own, keep or harbor any dog or cat within the city unless such dog is licensed and vaccinated and such is cat vaccinated as herein provided.

B. The licensing authority shall maintain a record of all licenses issued, and make such records available to the animal control authority, upon request.

C. Any dog that is owned by any person who is not a resident of the City of Bryant, but who brings such dog into the City limits regularly, such as, but not limited to, bringing a pet to a residence or business within the City limits, shall license such animal with a licensing authority, or the animal control department.

Section 2. Rabies Vaccination Required

A. All dogs and cats over four (4) months of age within the city shall be vaccinated against Rabies by a licensed veterinarian, agent of the Health Department, licensed veterinary technician or State Public Health Veterinarian, who may issue to the owner a durable metal tag and a certificate of vaccination approved by the Arkansas Department of Health, as promulgated under the authority the Rabies Control Act of Ark. Code Ann. 20-19-301 through 312.

B. A health officer under the authority of the Arkansas Department of Health and the animal control authority may adopt such other Rabies control regulations as they deem necessary for the protection of the public health and safety.

Section 3. Dog Licenses Required

All dogs kept within the city limits which are four (4) months of age or older shall be licensed as provided herein:

A. Application for a dog license shall be made to a licensing authority or animal control department and shall state the name, address, telephone number and email address of the owner(s); the name, breed, color, age, and sex of the dog; and a certificate of rabies vaccination signed or verified as valid by a veterinarian or veterinary technician licensed to practice in the state of Arkansas, or a veterinarian or veterinary technician licensed to practice in the state of the vaccination certificate's origin; and

B. Application for a dog license must be made within thirty (30) days after obtaining a dog over four (4) months of age, or within thirty (30) days of establishing residence in the city. This requirement will not apply to a nonresident keeping a dog within the city for no longer than thirty (30) days.

C. The licensing period shall be one to three years and shall be concurrent with the Rabies vaccination.

D. Applicants shall pay annual license fees pursuant to City ordinance, as listed in the Animal Control Fee Schedule, and

E. The licensing authority shall include licensed veterinarians who are hereby empowered to collect the license fee and issue a dog license and a durable metal tag at the time a dog is vaccinated for Rabies.

F. Licenses are not transferable from one dog to another.

G. Upon sale, adoption or transfer of a dog from one person to another, the seller or transferer of such animal shall notify the animal control department, informing them of the change and provide the name, address, phone number and email address of the person taking ownership of the animal, and the animal control department will immediately update the license record.

H. Upon the death of a dog, the owner shall notify Bryant Animal Control and Adoption Center at the earliest opportunity, which shall document this on the registration of the animal.

Section 4. License Tag Required to be Worn

A. A license tag provided by the animal control department must be attached to the collar or harness of the dog to which the license number is assigned and must be worn any time the animal is outdoors.

Section 5. Exceptions for Service Animals

A. Owners of service animals, such as but not limited to, dog guides serving the blind or deaf, or dogs being used to aid sensory impaired citizens, or other citizens who, upon medical advice, require use of an assistance dog, certified search and rescue dogs, or government owned dogs used for law enforcement, shall not be required to pay an annual city license fee; but shall be required to provide proof of rabies vaccination pursuant to this code, and obtain a license.

B. Due to the nature of the task being performed, should it be a hindrance to a service animal to wear a tag or collar while performing such tasks, the requirement to wear a city license tag shall be waived, provided the animal has a microchip implanted and such chip is registered with the owner's contact information.

Article 6. Animal Bites and Animals Suspected of Having Rabies

Section 1. Adoption of the Arkansas Rabies Control Act

A. For the purposes of this article, the Bryant City Council adopts the Rabies Control Act, Ark. Code Ann. § 20-19-301 through 312 in its entirety; and therefore:

B. Activities and enforcement to control the spread of the rabies virus from wildlife to animals and people shall be adopted and the animal control department shall enforce all provisions of such as a part of this code as outlined in the Rules Pertaining to Rabies Control as promulgated by the State of Arkansas under Ark. Code Ann. § 20-19-301 through § 20-19-312.

Section 2. Home Quarantine Authorized

As allowed by the Arkansas Rabies Control Act, at home rabies observation quarantine shall be allowable if the following conditions are met:

A. At the time when the bite occurred, the owner was in compliance with all laws and ordinances of the State of Arkansas, and the City of Bryant and can demonstrate that they are willing and able to keep such animal confined during the duration of the quarantine period, and are willing to abide by all the instructions or directions of the animal control department; or

B. At the time when the bite occurred, the owner was in compliance with all laws and ordinances of the State of Arkansas, and the City of Bryant, except having purchased a City license for the animal which is the subject of the rabies observation period, but will purchase such license within a reasonable period of time; and can demonstrate that they are willing and able to keep such animal confined during the duration of the quarantine period, and are willing to abide by all the instructions or directions of the animal control department; or

C. At the time when the bite occurred, the owner was not in compliance with all laws and ordinances of the State of Arkansas, and the City of Bryant but can demonstrate that they are willing and able to keep such animal confined during the duration of the

quarantine period, are willing to abide by all the instructions or directions of the animal control department and confining the animal within a veterinarian's office or an animal shelter would be unusually harmful to the animal's health or wellbeing due to a physical injury or illness, age or other condition that is verified via a veterinarian licensed to practice within the State of Arkansas; or

D. There is some other unusual circumstance that has occurred or is occurring during the time of the incident or quarantine period that would cause the quarantine to be unusually detrimental to either the animal's health or wellbeing or the shelter or clinic facility's other residents; and such exception has been approved by the investigating animal control officer and the Senior Animal Control Officer, or the Animal Control Director.

Section 3. Illegal Acts

It shall be unlawful for any person to violate any provision of the Rabies Control Act as developed by the Arkansas Department of Health, as adopted by Ark. Code Ann. § 20-19-301 through § 20-19-312.

Article 7. Vicious, Dangerous and Destructive Dogs

Section 1: Prohibitions

A. **Vicious Dogs.** It shall be unlawful for any person to own, keep, harbor or otherwise possess any dog which has been declared a vicious dog in this or any other jurisdiction, within the city limits of Bryant, except when transporting to or from any veterinarian's office during which the following conditions must be met:

1. Animal must be on a leash no longer than 4 feet in length; and
2. Under the control its handler; and
3. Have a muzzle suitable for the animal's size and shape of the snout properly and securely affixed and worn while in any areas where there is a reasonable chance that the dog may come into contact or within a close proximity of other animals or people, aside from the veterinary clinic staff or be kept inside of a carrier or kennel while in such areas.

B. **Dangerous Dogs.** It shall be unlawful for any person to own, keep, harbor or otherwise possess any dog which is declared to be dangerous in this or any other jurisdiction, within the City limits of Bryant, unless they first obtain and maintain a Dangerous Dog Permit, pursuant to this code, and comply with all additional control directives required by the animal control department for keeping such an animal within the city limits.

C. **Destructive Dogs.** It shall be unlawful for any person to allow a dog which has been determined to be Destructive in this or any other jurisdiction to be at large at any time.

Section 2: Registration of Dangerous Dogs Required

A. It shall be unlawful for any person to own, keep, harbor or otherwise possess any dog which has been declared Dangerous in this or any other jurisdiction for any period of time without first obtaining and maintaining a Dangerous Dog Permit from the animal control authority, and

B. The animal which has been declared Dangerous shall be sterilized and microchipped, which the owner must obtain and maintain, and upon initial application, and each annual renewal, provide documentary proof from an insurance company licensed in the state, of liability coverage of not less than $100,000.00.

Section 3: Dangerous Dog Permit Requirements

A Dangerous Dog as defined by this code, may be kept within the city limits only so long as the owner complies with the requirements and conditions of the Dangerous Dog Permit as listed herein:

A. The owner shall pay an annual permit fee as established by the city council in the Animal Control Fee Schedule, in addition to any other required fees, for each year that a Dangerous Dog is kept within the city limits.

B. Provides sufficient evidence that the animal is vaccinated against rabies by a licensed veterinarian as required by state statute.

C. Obtains and maintains a city license for the dog, and the dog must wear the city license tag on its collar at all times.

D. The dog must be identified by means of a microchip that is injected under its skin by a licensed veterinarian and maintained as long as the animal is kept within the city limits.

E. The owner must provide a digital photo of the animal they intend to register which clearly and accurately displays a frontal view of the dog’s face, neck, chest and legs, and a 2 side view photos, right and left, of the animal which clearly and accurately displays the head, neck, body, legs and tail of the animal they intend to register, and such photographs must be updated with the animal control authority every 2 years.

F. The owner must provide documentary proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply if:

    1. Animal control authority receives a letter from the owner's veterinarian, to be confirmed by the Animal Control Director with advice from an independent veterinarian, stating that the dog is physically unable to reproduce or that the dog is medically compromised to the extent that it cannot be safely sterilized; or
    2. The Dangerous Dog is registered as a AKC or UKC show dog with points or with documentation of training for show purposes.

G. Such dog must reside at the owner's residence and may not be taken to a place of business, dog park or other public space where it would be likely to come into direct contact with the public, unless the animal is kept on the property outside of normal business hours, for the express purpose of providing a means of security for that

business, is housed securely away from the public any time the business is open to the public, and with the animal control department's approval of said housing; and

H. An annual window sticker, provided at the time of registration, must be posted on the owner's property, visible from the street to indicate that a dangerous dog resides on the property.

I. Such dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape, and, except where allowed by this code, shall not be confined by means of an electronic containment device, or so-called "invisible fence" at any time, unless accompanied by a physical fence. When outside of an area of confinement, a dangerous dog must be restrained by means of a secure leash held by a person at least 18 years of age and of sufficient strength to control the actions of the dog, and no longer than 6' in length.

J. A Dangerous Dog Permit shall not transfer to a new owner residing in the city limits. The new owner must meet all registration requirements within ten days of acquiring the dog.

K. The owner of a dangerous dog may relocate the dog to the owner's new city residence if the owner contacts animal control prior to the relocation in order to report the new address and obtain a new window sticker. The new window sticker must be posted at the new residence within 30 days of the move. When moving to another jurisdiction, the owner must notify the animal control authority at least 30 days prior to the movement of the animal, and it shall be the animal control authority's responsibility to report the movement to the animal control or services agency, if one exists, within the jurisdiction of the new address within 10 business days of such notification.

L. The number of dangerous dogs kept, maintained or harbored at one residence shall not exceed two (2).

M. Compliance period. For any dog identified as dangerous, the owner shall, within ten (10) days or after moving to the city with a dangerous dog; or after a dog has been declared dangerous by a court; or after noncompliance under this Article has been brought to the attention of animal services, make application to register their dog and comply with all dangerous dog regulations. Once the application is made, the animal control authority may authorize a reasonable additional period of time to complete all steps of the registration process in relation to veterinary services, if the owner is unable to secure an appointment at any of the local veterinary clinics to perform those procedures in the time allotted by this code.

Section 4: Exceptions

Notwithstanding the definitions pursuant to this code, no animal shall be declared dangerous or vicious if:

A. The person attacked or bitten by said animal was teasing, tormenting, abusing, assaulting the animal or committing or attempting to commit a crime at the time of the incident; or

B. A domestic animal which was bitten or attacked was teasing, tormenting, abusing or assaulting the animal at the time of the incident; or

C. The animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault; or

D. Any other jurisdiction has declared that the animal is dangerous or vicious solely because of its breed, combination thereof or physical characteristics and not by its actions.

Section 5. Enforcement of Violations.

Failure to comply with any Dangerous Dog registration requirement or permit condition within the allotted ten (10) day time period shall constitute a violation of this code and may result in the issuance of a citation and seizure of the dog if it is not removed from the city limits pending adjudication of the citation. If additional time has been authorized by the animal control authority, then that deadline shall be considered before any such seizure occurs.

Section 6. Impound of Destructive, Dangerous or Vicious Dogs

A. Vicious Dog: If the actions of the animal indicate that the animal is vicious, the animal control department shall impound and hold the animal in their custody at an animal shelter or veterinary clinic, until such time as a judge orders the disposition of such animal, and the court may issue a warrant ordering such action be taken.

B. Dangerous Dog, First Offense: Unless exigent circumstances exist, the animal control authority may, at its discretion, impound and hold an alleged Dangerous Dog until such time as the owner demonstrates that they are able to keep such animal safely and humanely confined and meets all requirements of a Dangerous Dog Permit, including the payment of all permit, impound and boarding fees.

C. Dangerous Dog, Second and Subsequent Offenses, or Failure to maintain a Dangerous Dog Permit:

D. Unless exigent circumstances exist, the animal control authority may impound and hold a dangerous dog if found at large or the animal control authority has probable cause to believe that the animal has been at large, and if such violation is a second or subsequent offense; the animal control department shall impound such animal and hold until any charges for violations of city code pending against the owner of such animal are adjudicated.

E. Permit(s) to keep a dangerous dog and any applications of such, within the city may be revoked by the animal control authority upon the owner's second conviction for violation of any City code except for cruelty to animals. If the permit(s) is revoked, a warrant to seize the dangerous dog may be served upon the owner if the dog is not removed from

the city limits within 10 days of such conviction. In addition, the owner shall lose their right to register any dangerous dog within the city for a period of three years.

F. If a dog that is the subject of a revoked or denied Dangerous Dog Permit is found to be kept within the City limits, that animal may be seized by the animal control authority, and a warrant may be issued by the court for such action.

G. If a Destructive Dog is found to be repeatedly at large, the animal control department may, at its discretion, impound and hold such animal until such time as the owner demonstrates that the animal can be kept securely confined, or the disposition of such animal is ordered by the court.

H. Vicious Dog Impound Bond Required:

1. The owner of any dog that is impounded by the animal control department under the provisions of this code shall be required to pay the sum of $500.00 for every 30 days that the animal is held in the custody of the animal control department.

2. The first payment shall be due on the 30th day of impoundment, and every 30 days thereafter. If the owner fails to pay this bond, the owner forfeits their rights to the animal ten (10) business days after the bond was due.

3. If the owner is found not guilty, the charges alleging the keeping of a vicious dog are nolle prossed or upon a court order, the fees shall be refunded to the animal owner, or the person(s) providing the bond. If found guilty, the fees shall be retained by the City of Bryant, and any remaining fees due may be ordered paid by the court.

Section 7. Animal Cruelty Violations

A. Upon a conviction for any animal cruelty charge in this or any other jurisdiction, the owner of a dangerous dog shall have any Dangerous Dog Permit(s) revoked, have any pending applications denied and shall lose their right to register any dangerous dog within the City for a period of ten (10) years.

B. A warrant may be obtained to seize the owner's dangerous dog(s) pending adjudication of the cruelty violation citation.

C. Upon conviction for animal cruelty and revocation of the Dangerous Dog Permit(s), the owner's dangerous dog(s) must be removed from the city limits within 10 days or be surrendered to the animal control department.

Article 8. Cruelty to Animals

Section 1. Adoption of Arkansas Law Prohibiting Cruelty to Animals

A. For the purposes of this article, the Bryant City Council adopts the Offense of Cruelty to Animals, Ark. Code Ann. § 5-62-103 in its entirety; and therefore:

B. It shall be unlawful for any person to commit the offense of cruelty to animals if he or she knowingly commits any act or omission as defined and described under Offense of Cruelty to Animals, Ark. Code Ann. § 5-62-103; and

C. Any person who is convicted of such violation(s) shall be ordered penalized as described under the Offense of Cruelty to Animals, Ark. Code Ann. § 5-62-103.

Section 2. Authorization to Seize Victims of Cruelty

The animal control authority may remove any animal kept or confined under such conditions as found in Ark. Code Ann. § 5-62-103, and may impound and hold such animal(s), keeping them until such conditions improve or the disposition of the animal is lawfully ordered by the court.

Section 3. Restitution Authorized

Upon conviction, restitution to the animal control department may be ordered paid by the defendant by the court for any real costs associated with the care and keeping of an impounded animal in relation to any violation of this code and Ark. Code Ann. § 5-62-103.

Article 9: Unlawful Vehicular Confinement

Section 1. Unlawful Confinement

A. It shall be unlawful for any person to confine any animal in a parked vehicle if the outside air temperature is 75 degrees Fahrenheit or higher, unless the vehicle is running and the air conditioner is working properly and is in the on position.

B. It shall be unlawful for any person to confine any animal, or allow such animal to remain, in an open bed truck with a black or dark-colored plastic bed cover, bed mat or other surface that would reasonably be expected to absorb and retain heat, to remain on such surface without any protection from injury when the outside temperature is 75 degrees Fahrenheit or higher, or the vehicle is parked in the direct sunlight.

A. It shall be unlawful for any person to confine or transport any animal within a trunk, closed bed truck with a bed cover or completely enclosed fiberglass shell or topper, or other means of transport confinement when insufficient ventilation or temperature control that a reasonable person would recognize as inhumane.

Section 2. Authority to Remove

City animal control officers, law enforcement officers, or firefighters may, at their discretion, use whatever reasonable means necessary to remove any animal that is being housed or confined within a vehicle pursuant to this article.

Section 3. Officers Not Liable for Damage

City animal control officers or other law enforcement officers shall not be liable for any damage resulting to the vehicle when such confined animals must be removed for their safety and well-being.

Section 4. Impoundment

Such animals removed from a vehicle under this article may be, at the discretion of the animal control department, be seized, impounded and held until such time as the animal control department has evidence that conditions for the animal have improved or the disposition of such animal is ordered by the court.

Article 10. Maintenance of Premises and Disturbing Noises

A. An owner of an animal shall maintain their premises in such a manner as not to constitute either a private nuisance to adjoining residents or a nuisance to the public generally; and

B. Pens or enclosures in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and

C. The animals themselves shall be restrained in such a fashion that any noise emanating from them shall not be disturbing to such persons.

Article 11. Public and Private Nuisances Prohibited

Section 1. Removal of Animal Waste Required

It shall be unlawful for any person, when their animal is off the property of the owner, including service animals, to:

A. Fail to immediately remove any feces when such animal defecates on any public or private property not belonging to the pet owner or handler, and properly dispose of such fecal material; except when such animal(s) is/are participating in an organized and public parade, within a public or private arena or sale barn, or other space in which an exhibition or other display is taking place and it is generally expected such defecation would not normally be immediately removed from the area; and

A. Fail to immediately rinse with clean water any area of metal, stone, cement, brick, wood, cloth or other material that wholly or partially part of public or private property, including but not limited to: mailbox posts, signs, solid material driveways, vehicle or bicycle wheels, sidewalks, walkways, and any other such property, or where an accumulation of urine could otherwise create a public or private nuisance, as defined by this code.

Section 2. Public Nuisance Animal

It shall be unlawful for any person to own, keep, harbor or have custody of any animal that is a public nuisance.

A. The animal control department may, at its discretion, declare an animal a public nuisance as defined by this code, and subsequently impound and hold such animal(s) until such time as the owner can demonstrate that the environment in which the animal is being kept, housed, harbored or maintained has been improved or repaired such that

the nuisance caused by such animal(s) is rectified and/or the court orders the animal(s) disposition.

B. If, upon conviction of keeping a nuisance animal, the court may, at its discretion, order that the animal be reprimanded to the custody and ownership of the animal control department.

Section 3. Public Nuisance Person

A. A person may be declared a public nuisance by the court, if convicted of ten (10) or more episodes of violations of any City of Bryant animal control related ordinance within a ten (10) year period, which due to their action or inaction regarding the care and/or keeping, harboring housing or maintaining of animals:

    1. Causes a general nuisance as defined by this code; or

    2. Endangers the life, health or safety of persons or other animals; or

    3. Substantially interferes with the rights of citizens to the enjoyment of life or property.

B. The court may, at its discretion, order such person(s) to not own, keep, harbor or have custody of any animal(s) for a period of no less than three (3) years and no more than five (5) years.

C. Additionally, if such person(s) is/are found to be owning, keeping, harboring or have custody of any animal(s) during the term of the order, such action will constitute a separate offense, and the animal control authority may, at its discretion, impound and hold such animal(s) until the court may, at its discretion:

    1. Order that such person may not own, keep, harbor or have custody of any animal(s) for a period of no less than five (5) years and no more than fifteen (15) years; and

    2. That ownership of any animal(s) seized under this article be remanded to the animal control department; and

    3. Order any restitution requested as a result of the cost of such seizure owed to the animal control department be paid to them by the defendant pursuant to this code.

Article 12: Limit of Animals Per Household

Notwithstanding any provision of this code to the contrary, it shall be unlawful for any person to keep in excess of four (4) dogs and four (4) cats in a single household, unless that individual has obtained and maintains a Private Kennel or Cattery Permit; and for the purposes of this article, multiple parcels owned by the same individual(s) will be considered a single property, unless there are multiple residents on the parcels, then each residence and its curtilage shall be viewed as a single household; and single family residences which rent or let individual rooms as separate living spaces shall also be considered a single household.

Article 13. Wildlife and Exotic Animals

Section 1. Prohibitions

A. No person shall own, keep, harbor or have custody of an innately wild animal as defined by this code unless exempted by this code; and

B. No person shall own, keep, harbor, or have custody of an exotic animal as defined by this code, unless they have first obtained a Wild and Exotic Animal Permit pursuant to this article; and

C. No person may sponsor, promote or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator, any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically, and

D. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities, irrespective of whether or not a fee is charged or spectators and regardless of whether or not a permit to own, possess or have custody of a wild animal has been issued as provided herein.

Section 2. Exceptions

Any person who holds a current certification as a wildlife rehabilitator with the Arkansas Game and Fish Commission or is in the process of obtaining such certification may lawfully keep, harbor, or have custody of indigenous wild animal(s) provided that they first obtain a Wildlife Permit from the animal control department, and meet all the requirements thereof.

Section 3. Wild and Exotic Animal Permit

A. Any person applying for a permit to own, possess or have custody of an exotic animal must demonstrate to the animal control department via annual inspection of the animal housing that the applicant will be able to comply with the standards adopted by the animal control department and submit to an annual inspection of the animal housing areas; and

B. Each permit issued hereunder shall be effective for a period of one year and must be renewed by re-application as provided for herein, together with payment of the application fee and successful inspection.

C. Any applicant which fails to demonstrate that they are able to comply with the adopted standards, may be granted an extension no greater than thirty (30) days for reinspection; and if upon re-inspection fail to comply, may have their application denied or permit revoked and all animals seized by the animal control authority; and

D. Any animal(s) seized under this article shall be held for a minimum period of fifteen (15) days, and may be returned to the owner upon demonstration of compliance during that

timeframe; or if the owner is still not in compliance after the maximum fifteen (15) days, until ordered; and

E. The applicant shall pay an annual fee as set by the Animal Control Fee Schedule ordinance.

Section 4. Exceptions to the Wild and Exotic Animal Permit Requirements

The animal control department acknowledges that some exotic pets, due to their size, small habitat and housing requirements as well as a lack of a threat to the public health and welfare generally, are therefore exempt from permit requirements under this code.

A. These species are, but not limited to:

- Tarantulas
- Crested Gecko
- Leopard Gecko
- Corn Snake
- Ball Python
- Carpet Python
- Emerald Tree Boa
- Milk Snake
- Sand Boa
- Rosy Boa
- Kingsnake
- Bearded Dragon
- Anole
- Veiled Chameleon
- Cuban False Chameleon
- Jackson Chameleon
- Skink
- Iguana
- Hamster
- Gerbil
- Guinea Pig
- Chinchilla
- Rabbit
- Rats
- Mice
- Sugar Glider
- Hedgehog
- Painted Turtle
- Mississippi Map Turtle
- Red Eared Slider
- African Side Neck Turtle
- Axolotl
- Ferrett

- Any other species of non-venomous snake which, when fully grown, will generally not exceed ten (10) feet in length.

B. Any owner of a species that is not specifically listed within this article, but meets the requirements as described in this code for an exemption, may request such, and the Animal Control Director or his or her designee, may authorize such an exemption if the animal is determined to fall in this category.

Section 5. Animal Establishments Housing Wild or Exotic Animals

Any animal establishment offering any wild or exotic animal for sale shall post conspicuously at the place of sale or display a copy of this article and a copy of the rules and regulations adopted pursuant hereto by the animal control department.

Section 6. Jurisdiction

The animal control authority shall enforce the provisions of this article and is authorized to issue permits for the ownership, possession or custody of wild animals in accordance herewith; and

A. The animal control authority shall make investigations or inspections to determine whether any permit holder has violated any provisions hereof or any regulation issued hereunder, and for such purposes the animal control authority shall, at all reasonable times, have access to all facilities where wild animals are held pursuant to permits issued hereunder, and

B. The animal control authority is specifically authorized and directed to make random and unannounced inspections of such facilities at any reasonable time; and

C. The Director of Bryant Animal Control and Adoption Center shall adopt rules and regulations prescribing standards for the humane handling, care, treatment and transportation of wild animals, including the standards by which the animal control authority shall determine whether to issue a permit as provided for herein.

D. The animal control department may impound and hold any animal(s) found to be held unlawfully under this article in the care or custody of any person within the city limits until such time as the individual demonstrates compliance with or the disposition of such animal(s) are ordered by the court.

Section 7. Grandfather Clause

For the purposes of this article, any person who, at the time of the adoption of this ordinance, and currently possesses a Wild Animal Permit under the previous ordinance(s) and is in good standing with the animal control department, may lawfully continue to keep such animal(s) they have in their possession, and such animal(s) shall then fall under the category of “Exotic Animal” and the owner shall maintain a Wild and Exotic Animal Permit until such time as the animal is removed from their care, they cease their residency within the jurisdiction or the animal dies.

Section 8. Variance Request Authorized

For the purposes of this article, any person who, at the time of the adoption of this ordinance, and currently possesses a wild or exotic animal as defined by this ordinance, but does not currently have a Wild Animal Permit under the previous ordinance(s) but otherwise is in good standing with the animal control department, may lawfully continue to keep such animal(s) they have in their possession, provided they request and are granted a variance under this code, until such time as the animal is removed from their care, they cease their residency within the jurisdiction or the animal dies.

Article 14. Animal Establishments, Private Kennels and Catteries

Section 1. Permit Required and Duration

A. No person shall operate an animal establishment without first obtaining an Animal Establishment Permit from the animal control authority in compliance with this article, nor may any person operate an animal establishment in a manner in violation of any provision of this code; and

B. The permit period shall begin with the first day of the calendar year and shall run for one year.

Section 2. Application Period, Multiple Locations, Display and Fees

A. Renewal application for permits shall be made thirty (30) days prior to and up to sixty (60) days after January 1st of each year, and

C. Application for a new establishment under the provisions of this code shall be made within sixty (60) days of the start of business operation; and

D. Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit (e.g., Two (2) kennels at different locations but owned by the same person, shall be considered as two (2) animal establishments); and

E. Permits obtained in accordance with the article shall be displayed in a prominent location on the premises of the animal establishment; and

F. The applicant shall pay an annual fee as set by the Animal Control Fee Schedule.

Section 3. Application Procedure

A. Each animal establishment shall annually grant an application for permit with the animal control authority within the time periods provided hereof, provided that all pre-existing establishments shall have ninety (90) days from the effective date of this code to file such application; and

B. The permit application shall be made via an online form provided by the animal control authority; and

C. Upon receipt of a completed application, the animal control authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner

and that the establishment is in compliance with all provisions of this code and such inspection shall be permitted at any reasonable time during normal business hours.

D. Upon successful completion of an inspection of the premises, the animal control authority shall either issue a permit to the application or, if a permit is not granted, the animal control authority shall notify the applicant in writing of the specific reasons for denial; and keep records of the denial for a period of no less than three (3) years.

E. Any animal establishment denied a permit may continue operating and re-apply for inspection within a time frame of no less than fourteen (14) days, and no more than sixty (60) days.

F. If an applicant is shown to have withheld or falsified any material information on the application, the animal control authority may refuse to issue or may revoke the permit for cause.

Section 4. Revocation of Permits

A. The animal control authority may, at its discretion, revoke any animal establishment permit if the person holding the permit refuses or fails to comply with this code, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this article; and

B. Whenever a permit is revoked for cause, or pending any proceedings to contest such an action, the animal control authority shall have the power of entry to inspect all premises where animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed for removal of the animals from such premises and shall state the specific reasons for revocation.

C. In the event any such owner shall fail to remove such animals as directed, the animal control authority may impound the animals; and upon the presentation of evidence from the animal's owner, release such animals to their rightful owners; provided there is no lawful need to retain them in custody.

D. If the owner is unable or unwilling to reclaim animal(s) seized under this article within fifteen (15) days, the animals shall become the property of the City of Bryant or the animal control department, and their disposition may be determined by this code and the department's policies and procedures, unless otherwise ordered by the court.

E. If, within the time allotted, the owner of the animal establishment fails to come into compliance, and with the exception of veterinary clinics and hospitals, if the animal establishment's primary business is the care, keeping, grooming, sale, boarding or otherwise related to the housing of animals, the animal control department may, at its discretion, request a hearing with the court to order the temporary closure of such business until such time that the owner comes into compliance with this article or any charges pending against the owner of such business is adjudicated, and which time, the court may order the permanent closure if the owner is convicted.

Section 5. Compliance with Code

A. An animal establishment shall not sell, trade or give away any dog or cat, over four (4) months of age, unless the dog or cat has been licensed and/or vaccinated as required by this code.

B. Upon the transfer of ownership to another, the animal control authority shall be notified of the transfer and the license shall be transferred to the new owner, if they reside within the city limits. If the new owner does not reside in the city, the license shall be declared void; and no refund shall be made.

C. The animal control authority shall be permitted by the owner, proprietor or manager to inspect any animal establishment, all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this article and the animal control code and failure to permit such inspection shall result in the revocation of the permit.

Section 6. Standards of Kennels

A. All kennels shall, in addition to the other requirements of this code, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for kennels are as follows:

1. Enclosures must be provided which shall allow adequate protection against weather extremes; and

2. Floors of buildings, walls, kennels and cages shall be on an impervious material to permit proper cleaning and disinfecting; and

3. Each animal shall have sufficient space within the enclosure to stand up, lie down, and turn around without touching the sides or top of cages; and

4. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding and is clean and dry; and

5. All dogs kept in care of the kennel for a period of longer than 12 consecutive hours, shall provide each dog with an exercise area of adequate size to allow the individual room to walk, stand, run, jump which is at least double the square footage of the indoor enclosure or cage. If no area exists, the animal must be walked or allowed to engage in a multi-dog playgroup for a minimum of 15 minutes each 12 hour period, if weather allows; and

6. Outdoor runs and exercise spaces shall have protection from weather and precipitation; and

7. Outdoor runs and exercise spaces shall be cleaned between animals or groups of animals using proper disinfection techniques, when appropriate; and

8. All animal quarters, runs and exercise areas are to be kept clean, dry and in a sanitary condition; and

9. Food and treats shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal; and

10. All animals may have fresh water available at all times.

Section 7. Standards for Pet Shops

All pet shops, including pet shops operated in conjunction with another holding facility, shall in addition to the other requirements of this code comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for pet shops are as follows:

A. Water. There shall be available hot water at a minimum temperature of one hundred sixty (160) degrees for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.

B. Room temperature. The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

C. Cages and enclosures. All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the anima will have room to stand, turn and stretch out to his full length.

Section 8. Standards for Private Kennels and Catteries

All private kennels and catteries shall, in addition to the other requirements of this code, comply with the minimum standards of this section. Standards for private kennels are as follows:

A. No person shall operate a private kennel without first obtaining an annual permit from the animal control authority. Permits shall be based upon calendar years. Application for renewal of a permit shall be made thirty (30) days prior to and sixty (60) days following January 1st of each year.

B. Upon receipt of a completed application, the animal control authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the private kennel is in compliance with all provisions of this code.

C. Upon receiving a complaint concerning a private kennel, the animal control authority may make an inspection of the facility to ensure that the facility is in compliance with all provisions of this code.

D. All animals shall have adequate space for proper shelter against weather extremes, and for proper exercise.

E. All kennel areas shall be maintained in such a manner as not to constitute either a private nuisance to adjoining property or a nuisance to the public generally. Kennel areas in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion so that noise emanating therefore shall not be disturbing to such persons.

F. Proper food of sufficient quantity and nutritive value to meet normal daily requirements for condition and size of animals shall be provided.

G. Fresh water shall be available at all times.

Article 15. Application for Variances

The animal control department and the City leaders are aware that some parts of the City have, historically, been areas where livestock and fowl have been kept and raised for many decades and that in recent years, subdivisions have been erected in some of these areas which have created a conflict between those living on smaller parcels and those who wish to keep exotic animals.

A. Therefore, any person already in possession of prohibited, restricted or other animals, which, upon the date this ordinance was adopted, will become unlawful to continue to keep, may apply for a temporary variance so that they may be allowed to lawfully keep their animal(s) until which time that they come into compliance with the ordinance.

B. Such variance must be approved by the Bryant City Council at a regular council meeting to allow any resident in opposition to the variance request to allow their objections to be heard and considered by the Council.

C. Any application for the variance must be submitted within sixty (60) days of the passage of this ordinance to the Animal Control Director in writing and providing the resident's name, address, and a description of the species and number of animals already at the location.

D. Upon receipt of the application, the Animal Control Director, or their designee shall conduct a visit to the location to verify information provided in the application, and a hearing shall be held at the next regularly scheduled City Council meeting.

E. Should any information on the application be found to be inaccurate, the application may be denied by the Animal Control Director; and an opportunity to correct the information and reapply may be granted, and If the information provided in the application is purposefully fraudulent, or information is found to be withheld from the application, the application shall be denied and the applicant forfeits their right to request a variance.

Article 16. Community Cat Management Initiatives

Section 1. Community Cats

The city recognizes the need for innovation in addressing the issues presented by feral, free-roaming and other community cats. To that end it recognizes that there are community caregivers of cats, and acknowledges that properly managed community cats may be part of the solution to the continuing euthanasia of cats in animal shelters; and establishes the following requirements:

A. All community cats must be maintained on private property of and with permission of the property landowner (including city, state, and federal public property).

B. A community cat caregiver certification program may be developed to educate people about community cats, the importance of a veterinary provider relationship to best address community cat needs, common disease(s) and proper care, good management practices, and maintenance of the community cats. The educational program may be developed by the animal control authority or a partner of such.

C. All cats that are part of the community cat management program must be sterilized, vaccinated against the threat of rabies, and ear-tipped on one ear for easy identification; if these requirements are met the community cat is exempt from stray and at-large provisions of this article that apply to owned animals.

D. If a person is providing care for the community cats, he or she is required to provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed and is responsible for any costs associated with such care. If medical care is unavailable, too expensive, or is unsafe to administer, the caregiver must not allow the cat to suffer.

    1. Food must be provided in the proper quantity for the number of cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers.

    2. Water must be clean, potable and free from debris and algae.

    3. Shelter shall be unobtrusive, safe, and of the proper size for the cat(s).

E. Any cat received by animal control may be returned to the location where it was picked up, unless found to be a public nuisance, after neutering, eartipping, and vaccination against rabies unless further veterinary care is required, in which case the cat may be returned once it no longer needs care, if appropriate care can be safely administered to the animal. If it cannot be released, it may be returned to its lawful owner, adopted into a new home, transferred to a rescue, shelter partner, a Barn Cat program or humanely euthanized.

F. A trapped, eartipped cat, unless found to be a public nuisance animal, will be released on site unless further veterinary care is required, in which case the cat will be returned once it no longer needs care, if appropriate care can be safely administered to the animal. If it cannot be released, it may be returned to its owner, adopted into a new home, transferred to a rescue or shelter partner, a Barn Cat program or humanely euthanized.

Section 2. Working Cat Management Initiatives

The city recognizes the need for innovation in environmental protection from harmful pesticides and rodenticides. A working cats or Barn Cat program is designed to place cats in safe environments

where they are valued for their hunting skills as working cats. This program may be offered by the animal control department for use with otherwise unadoptable cats in the program as an alternative to euthanasia in circumstances where the cats may not be suitable for adoption because they are feral or unsocialized cats or did not acclimate to living in close quarters with humans, and are unable to be returned to the place of origin. The program will provide cats that are spayed or neutered, vaccinated, and eartipped to individuals and businesses and in exchange for their services, the cats are to receive a place to live, food, water, and vet care as described in this article.

A. All working cats must be maintained on private property of the caregiver with permission of the property landowner (including city, state, and federal public property).

B. A working cat caregiver certification program may be developed to educate people about community cats, the importance of a veterinary provider relationship to best address community cat needs, common disease(s) and proper care, good management practices, and maintenance of the community cats. The educational program may be developed by the animal control department or a partner of such.

C. All cats that are part of the working cat program must be sterilized, vaccinated against the threat of rabies, and ear-tipped on the left ear for easy identification; if these requirements are met the working cat is exempt from stray and at-large provisions of this article that apply to owned animals.

D. If a person is providing care for the working cats, he or she is required to provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed. If medical care is unavailable or too expensive, the caregiver must not allow the cat to suffer and is responsible for any costs associated with such care. If medical care is unavailable, too expensive, or is unsafe to administer, the caregiver must not allow the cat to suffer.

    1. Food must be provided in the proper quantity for the number of cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers.

    2. Water must be clean, potable and free from debris and algae.

    3. Shelter shall be unobtrusive, safe, and of the proper size for the cat(s).

E. A trapped, eartipped cat, unless found to be a public nuisance animal, will be released on site unless further veterinary care is required, in which case the cat will be returned once it no longer needs care, if appropriate care can be safely administered to the animal. If it cannot be released, it may be returned to its owner, adopted into a new home, transferred to a rescue or shelter partner, or humanely euthanized.

Article 17: Disposal of Deceased Animal Remains

Section 1. Owned Domestic Animals

If an owned animal dies, the owner shall pick up and remove such remains and dispose of them immediately, either by burial on private property and with permission of the owner, cremation with a licensed cremation company or with animal control, or, if lawful, by deposit in the local

landfill.

Section 2. Hunted or Fished Animals

It shall be unlawful for any hunted or fished animals, and any part of such animals, be disposed of in any manner except as owned deceased domestic animals, pursuant to this code.

Section 3. Other Deceased Animals or Parts

It shall be unlawful for any person to dispose of any other deceased animal or parts of such deceased animal, in any manner except as owned deceased domestic animals pursuant to this code.

Section 4. Disposal Fees

Any fees associated with the pick up and cremation of a deceased owned animal by animal control shall be paid for by the animal's owner, pursuant to the Animal Control Fee Schedule.

Article 18. Found Animals in the Care of Private Residents and Rescues

Animals may become displaced for a variety of reasons, which may not be a result of their owner's negligence or purposeful disregard of law, and the taking in of every lost owned animal that is found by a resident within the jurisdiction is not always in the best interest of the animal control department and the individual animal. Therefore:

A. It shall be lawful for any person finding a displaced domestic animal to lawfully keep such animal in their care for the purpose of keeping the animal safe and attempting to reunite such animal with their rightful owner(s); and

B. It shall be a priority of the animal control department to assist in providing resources and support to the finders of displaced and lost animals; and

C. Except for equine and livestock, for which the procedures for taking in strays are specifically set by Arkansas Law;

D. If a displaced domestic animal is found by any person, that person shall immediately visually inspect the animal for any collar, harness or tag for any means of identification, and if no such identification is found, take the animal to the closest animal shelter, veterinary clinic or hospital or any station of the Bryant Fire Department to have the animal scanned for a microchip; and if no identification is found, or upon finding identification is unable to locate the animal's owner, then the finder shall have a duty to report such found animal by posting a photo, description of the animal with the finder's contact information using at least three (3) of these methods:

E. Local social media group or page that has been created in order to serve as a means to reunite lost pets with their rightful owners;

F. Website which is created for the purpose of reuniting lost and displaced pets with their owners, such as but not limited to: Petco Love Lost, the Arkansas Lost and Found Pet Network, if such website is available;

G. Neighborhood email, social media groups, applications or other means of mass communication, such as but not limited to: Nextdoor.

H. Contacting the animal shelter or animal control located within the jurisdiction where the animal was found;

I. If the found animal is in need of medical care, the finder has the lawful right to seek out such care and may also seek relief and reasonable payment for such care by the animal's owner, if such owner is located.

J. At any time that the finder is no longer able to keep such animal, they may transfer the animal to a bonafide animal rescue or shelter.

K. Except for equines and livestock, if, after making a reasonable effort to identify and reunite the animal with its rightful owner, the finder is unable to affect such reunification, the finder shall be considered the lawful and rightful owner of the animal after fourteen (14) days have elapsed since the animal was taken in by the finder, and the finder may lawfully keep, transfer, sell or adopt such animal to another person, rescue or shelter. If, during the fourteen (14) days, the animal shall escape custody of the finder and be out of the finder's custody for a period of no less than twenty-four (24) hours, the fourteen (14) day period shall reset.

L. If the found animal is an equine or livestock, the minimum holding period shall be set by Arkansas State Law and the responsibility for reporting and taking in or impoundment of such by a private individual shall be the finder's responsibility, unless such animal is impounded by the animal control department, then such responsibility shall be burdened by the animal control department.

Article 19. Establishment of Animal Control Department

This ordinance shall serve to establish the department of Animal Control, which shall be the animal control authority as defined by this code, which is a department of the City of Bryant, with its Director reporting to the Mayor and shall be called Bryant Animal Control and Adoption Center.

Article 20: Fees

All fees charged by the department shall be set by a separate ordinance to be reviewed by the Animal Control Director at least once every three (3) years and if recommended for amendments, taken to City Council for consideration and approval, as appropriate.

Article 21. Failure to Reclaim

Any person who has either the lawful right of ownership or responsibility of an animal which has been impounded by the animal control department, for any reason shall, within five (5) days:

A. Contact the animal control department to declare themselves to be the rightful owner or caregiver, and

    1. Make arrangements with the animal control department to reclaim such animal before the close of business on the fifth (5th) day, unless other arrangements or circumstances exist that prohibit the animal control department from releasing the animal to its owner and the owner's identity is already known to the department; or

    2. Make arrangements with the animal control department to relinquish ownership and all rights and interests of such animal to the animal control department and the City of Bryant; or

    3. If circumstances exist that prohibit the rightful owner or caregiver from contacting the animal control department; then the owner or caregiver shall make a reasonable attempt to identify themselves to the animal control department and make arrangements to reclaim such animal from the animal shelter within a timeframe agreeable to both the animal control department and the owner or caregiver; and

B. The Animal Control Director, or his or her designee may extend the minimum hold period, if they determine it is reasonable to do so, and extenuating circumstances exist, in order to affect a reunification of the animal with the rightful owner or caregiver; and the length of time required to affect such reunification does not place an undue burden on the animal control department.

C. Any person who has been identified as the owner or caregiver of an impounded animal, but fails to reclaim their animal from impoundment with animal control before the end of the minimum hold period, based on the circumstances at the time of impound, or fails to make satisfactory arrangements with the animal control department to reclaim such animal within a reasonable period of time, shall be guilty of the violation of Failure to Reclaim.

Article 22. Impoundment; Disposition of Animals

Section 1. Impoundment

Not withstanding any provision in this code to the contrary, the animal control department is empowered to impound any animal being kept, harbored or maintained in violation of this code or in violation of any rules and regulations adopted by the Bryant Animal Control and Adoption Center as duly authorized.

Section 2. Mandatory Holding Periods

Not withstanding any provision in this code to the contrary, and those animals whose owner has been identified and has relinquished ownership and interest in such animal, any animal at large or otherwise in violation of the provisions of this Code may be impounded in the animal shelter in a humane manner and shall be kept in the care of the department pursuant to the circumstances at the time of the impoundment or upon a change in status while in the care of

the department in order to allow time for the animal's owner to be identified and provide reasonable opportunity for such owner to reclaim their animal as prescribed herein:

A. If such animal is a domestic animal, except community cats and equines, it shall be kept for a period of not less than five (5) days or one hundred and twenty (120) hours; or

B. If such animal is a community cat, it shall be held until such time as the cat can be delivered to a veterinary clinic or hospital for the purpose of sterilization and ear-tipping, and after a period of recuperation, the cat will be returned to the point of origin and released; or

C. If such animal is an equine, it shall be kept for a period of not less than three hundred and sixty-six (366) days as required by Arkansas Law; or

D. If the animal was taken as a result of a forcible seizure, the animal shall be held for a period of not less than fifteen (15) days; or

E. If a wild animal, such animal may be immediately released where it was captured, or within a one mile radius of such location, or if in need of care before being released, lawfully transferred to a certified wildlife rehabilitator or zoo, or other duly authorized and lawful place of intake, or humanely euthanized; or

F. If a domestic animal, and such animal is unweaned or in such a condition as to need immediate intervention to save its life or to reduce the chance of maiming or other injury that is outside of the animal control department's capacity for care, the animal may immediately be transferred into the custody of any other shelter or rescue, a veterinary clinic or hospital, or be humanely euthanized.

Section 3. Animal Control Responsibilities after Impoundment

A. The animal control department, if it is reasonably safe to do so, shall inspect each impounded animal for any visible collar, leash or harness for any visible means of identification; and

B. The animal control department shall, if it is reasonably safe to do so, scan each impounded animal for a microchip; and

    1. If a microchip is found, document such number in the animal's record; and

    2. Ascertain the owner's information via an online database or by phone, if such record exists; and

C. The animal control department shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter that the animal has been impounded and the date, if not reclaimed, that the animal becomes the property of the City of Bryant.

D. As identification using this means alone is unreliable, the animal control department is under no obligation to notify the owner that an animal has been impounded if the identity of such animal is based solely on the physical characteristics and recognition of the

animal by the staff or volunteers of the animal control department due to previous contacts, interactions or impoundment.

Section 4. Reunification of Impounded Animals

A. The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this code, and upon payment of fees and charges as hereinafter provided, credited to the account of the animal control authority, and shall not be in lieu of any fine or penalty otherwise provided by law.

B. Fees for reclaiming impounded animals shall be set by a Fee Schedule set by separate ordinance, and approved by the Bryant City Council.

Section 5. Acquisition of Ownership, Release of Impounded Animals and Euthanasia

A. Notwithstanding any provision of this code to the contrary, upon which time that an animal so impounded by the animal control department has not been reclaimed by its owner in accordance with the provisions of this code, and there is no other lawful reason to hold such animal in custody, such animal shall become the absolute property of the City of Bryant and the animal control department, which may convey ownership of such animal to any responsible person, other shelter or rescue on such conditions as the animal control department may prescribe.

B. Notwithstanding any provision of this code to the contrary, the animal control authority may refuse to release any animal impounded in the animal shelter for quarantine for rabies observation, other contagious disease or for use as evidence in a criminal prosecution, for such a time period as the animal control authority may determine, or upon a lawful order regarding the disposition of the animal by the court.

C. Notwithstanding any provision of this code to the contrary, and upon conclusion of the minimum hold period(s) pursuant to this code, the animal control department may humanely euthanize any animal impounded in the animal shelter upon evidence that euthanasia is necessary to prevent disease or injury to other animals or humans, due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, or any other condition that requires the removal of the animal from the animal shelter, and there is no other reasonable option is immediately available.

Article 23. Interference with Department Operations

It shall be unlawful for any person to:

1. Interfere in any manner with any city animal control employee or department volunteer while performing their official and lawful duties of the department; or

2. Knowingly provide false information to any animal control officer, staff member, or volunteer while operating in the official capacity of the animal control department; or

3. Remove or cause to be removed from the animal shelter, or any animal control department vehicle or trailer, any animal which is in the custody of the city animal shelter, employee or volunteer unless authorized by an animal control employee, or

4. Knowingly obstruct, impair or hinder, directly or indirectly, the lawful performance of enforcement and animal services functions of any city animal control employee or volunteer while operating in the official capacity of the animal control department.

Article 24. Restitution Authorized

Upon conviction, the court may order that restitution be paid to the animal control department by the defendant for any real costs associated with the care and keeping of an impounded animal in relation to any violation of this code and such restitution shall be subtracted from any bond amounts paid by the defendant prior to such conviction.

Article 25. Enforcement Authority and Responsibilities

The provisions of this code shall be enforced by Bryant Animal Control and Adoption Center and by the Bryant Police Department.

Article 26. Citations

The officers of the animal control department and officers of the Bryant police department are hereby authorized to issue a citation to any person for alleged violations of any provision of this code. The citation shall be in a form approved by the Bryant District Court, shall designate the offense charged and shall require the person charged to appear before the Bryant municipal court on a certain date to answer the charges therein contained.

Article 27. Penalties for Violations

Section 1. Penalties, except for Animal Cruelty

Any person who fails to abide by any article of this code, except Article 16 Cruelty to Animals, shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:

1. *First offense.* Any sum not less than one hundred and twenty-five dollars $125.00 minimum and a maximum of $1,000.00.

2. *Second offense.* Any sum not less than two-hundred and fifty dollars $250.00 minimum and a maximum of $1,000.00.

3. *Third offense.* Any sum not less than five hundred dollars ($500.00) and a maximum of one thousand dollars ($1000.)

Section 2. Penalties for Animal Cruelty

Any person who is convicted of violating Article 16 Cruelty to Animals, shall be deemed guilty of a misdemeanor and upon conviction shall be penalized as prescribed within Ark. Code Ann. § 5-62-103.

Article 28. Statute of Limitations

The statute of limitations for any city ordinance violation shall be three (3) years from the date of the violation per Arkansas Code § 5-1-109.

Article 29. Funds Collected from Fines

All money collected for violations of any part of this ordinance shall go to the city of Bryant's General Revenue Fund.

Article 30. Authorization to the Use of Equipment

The animal control department is authorized to employ any equipment it deems necessary to enforce the provisions of this code, including, without limitation, humane wire box traps; and the animal control authority may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

Article 31. Keeping of Records

A. It shall be the duty of the animal control department to keep, or raise to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody either digitally or via paper records for a period of at least three (3) years, and the statute of limitations, as set by this code, has not lapsed.

    1. If a scanned copy of an original paper record is retained, the scanned copy shall become the original, and the original paper record may be destroyed and disposed of.

B. Digital and paper copies of records pertaining to the enforcement of this code may be destroyed if:

    1. The case alleging the violation of this ordinance has been adjudicated or the perpetrator has not been located, or

    2. At least 3 years or the statute of limitations has passed since the alleged violation occurred and the perpetrator has not been identified or located.

C. Records of the acquisition, use and disposal of controlled substances shall be maintained by the Director, or his or her designee, for a period of at least 2 years from the date of acquisition, use or destruction of such substances in compliance with both Arkansas and Federal laws and regulations.

Article 32. General Repealer

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with

the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Article 33. Severability

Should any title, article, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the Ordinance.

PASSED AND APPROVED this _____ day of _____ 2026.

_____
Mayor Chris Treat

ATTEST:

_____
Mark Smith, City Clerk