

ORDINANCE NO. ^A2014-02

AN ORDINANCE REPEALING ORDINANCE NO. 1999-4, PROVIDING FOR LICENSING AND ANIMAL CONTROL WITH CHEROKEE VILLAGE, ARKANSAS; ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CHEROKEE VILLAGE CITY COUNCIL THAT;

Ordinance No. 1999-4 is repealed in its entirety and the following ordinance adopted.

SECTION 1. DEFINITIONS

As used in this ordinance, the following terms have the following meanings:

(a) Abandon: an act of any person, partnership, firm, or corporation owning, in possession of, harboring or having custody of an animal who knowingly **deserts** or refuses to provide care for the animal.

(b) Altered Animal: A neutered male or spayed female - an animal incapable of reproduction.

(c) Animal: Any description of vertebrate, excluding Homo Sapiens.

(d) Animal At-Large: (1) Any animal shall be considered an "animal at-large" when it is not under the physical control of the animal's owner or harbinger, or his authorized representative by leash, cord, chain, fence or enclosure of sufficient strength or construction to contain the animal, or by other effective means of restraint or control; or

(2) An animal intruding upon the property of another person or upon public property and not under the physical control referred to herein shall be deemed "running at-large".

An animal within an automobile or other vehicle shall not be deemed "running at-large". An animal shall not be considered "at-large" when on the premises of the owner or harbinger thereof.

(e) Animal Control Authority: The City of Cherokee Village or any group, agency or society designated by the City, or designated by the City and any other municipal government in partnership or joint venture therewith.

(f) Animal Shelter: Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law, for care, confinement, return to owner, adoption, or euthanasia.

(g) Cat: A domestic feline of either sex.

(h) Cruelty to Animals: Except as authorized by law, it shall be considered "cruelty to animals" when a person, acting knowingly:

- (1) Abandons any animal at a location without providing for the animals continued care.
- (2) Subjects any animal to cruel treatment.
- (3) Subjects any animals in his custody to cruel neglect.
- (4) Kills or injures any animal belonging to another without legal privilege or consent of the owner.
- (5) Causes unnecessary pain and/or suffering to any animal.
- (6) Fails to supply an animal with a sufficient quantity of wholesome food and water.
- (7) Fails to provide an animal with adequate shelter.

(i) Dog: A domestic canine of either sex.

(j) Enclosure: A fence, structure, or containment device establishing an area suitable to confine an animal and prevent the animal from escaping.

(k) Exotic Animal: An animal that is not indigenous (occurring naturally, native) to Arkansas.

(l) Harbor: To keep or care for an animal; to provide food, shelter or premises to which the animal returns for a period of three (3) days or more.

(m) Humane Officer or Animal Control Officer: Any person designated by Sharp or Fulton Counties, State of Arkansas, City of Cherokee Village or other municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this State and this ordinance.

(n) License: A metal or plastic tag and certificate issued by the City to confirm that an animal is vaccinated against rabies in accordance with city ordinance and that the owner or harborer has remitted to the city the necessary license fee (if required).

(o) Licensing Authority: The City or its designated agent.

(p) Muzzle: When required by this ordinance, a muzzle shall be of appropriate material with sufficient strength to restrain the animal from biting, and no such muzzle employed shall be made from any material or maintained on the animal in any manner to cut or injure the animal.

(q) Owner: Any person, partnership, firm, or corporation that:

- (1) Has a right of property or title in an animal.
- (2) Keeps or harbors an animal.
- (3) Has an animal in his, her, or its care.
- (4) Acts as an animal's custodian.
- (5) Knowingly permits an animal to remain on or about any premises occupied by him, her or it.

(r) Pet: Any animal kept for pleasure; an animal or a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

(s) Public Nuisance: Any animal or animals that: unreasonably annoys humans or endangers the life or health of other animals or persons; Or substantially interferes with the rights of citizens, other than owners, to the enjoyment of life and property; or is repeatedly found at-large; or, damages the property of anyone other than its owner; or, molests or intimidates pedestrians or passersby; or, chases vehicles; or excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, growling, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or, causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or, causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or, is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or, is vicious; or attacks other domestic animals; or, has been found by the animal control officer, after notice to its owner and an opportunity for a hearing, to be a "public nuisance animal" by virtue of being a menace to property or the public health, welfare, or safety; or interferes with refuse collection or spreads trash from refuse containers or molests meter readers or other service providers.

(t) Restraint: When any animal is secured by a leash, cord, or chain, or otherwise under the control of a responsible person and obedient to the person's commands, or within the real property limits of its owner or harborer.

(u) Vicious Animal:

- (1) **Any animal that causes death, serious physical injury or physical injury to a person.**
- (2) Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
- (3) Any animal owned or harbored, primarily or in part, for the purpose of animal fighting, breeding fighting animals, or trained for animal fighting.

Notwithstanding the above definition, no animal shall be declared vicious if the person or animal attacked or bitten by said animal was teasing, tormenting, abusing, or assaulting the animal or the person was committing or attempting to commit a crime. No animal shall be declared vicious if the animal can be deemed to be protecting or defending a human being within the immediate vicinity of the animal from an unjustified trespass, attack, or assault. No animal shall be declared vicious if the animal was protecting or defending its young from attack or assault.

(v) Wild Animals: Any living member of the animal kingdom including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or Jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, and captive-bred species of common cage birds.

SECTION 2: LICENSING

(a) Any resident owning, keeping, harboring, or having custody of any dog or cat over **four (4) months** of age within this municipality must obtain a license yearly as herein provided.

(b) Written application for licenses, which shall include name, address and phone number of applicant, description of the animal, including sex and whether altered, the appropriate fee and rabies certificate issued by a licensed veterinarian showing the date of immunization shall be made to the licensing authority at the City Hall.

(c) If not revoked, licenses for the keeping of dogs and cats shall be for a period of one (1) year.

(d) Application (by resident) for a license must be made within ten **(30)** days after obtaining a dog or cat over **four (4) months** of age or within 30 days of establishing residency; provided however, that all persons shall have thirty (30) days after this Ordinance first becomes effective in which to apply for the license required by this section.

(e) Licenses will be provided without fee for certified Seeing Eye dogs, Hearing Ear dogs or other certified assistance dogs that are trained to assist the physically handicapped, and no fee shall required of governmental police dogs.

(f) Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness. It shall be the duty of the owner or harborer of every dog within the City to attach the tag securely to the dog's collar or harness. It shall be the duty of the owner or harborer of every cat within the city to attach the tag to their cat in a reasonable and humane manner.

(g) Dogs and cats must wear identification tags or collars at all times when off the premises of the owners or harborers.

(h) The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

(i) A license shall be issued upon satisfactory completion of the application after payment of the following fees:

Unaltered dogs or cats \$15.00

Altered dogs or cats \$10.00

(j) A duplicate license may be obtained upon payment of a five dollars (\$5.00) replacement fee.

(k) No person may use any license for any animal other than the animal for which it was issued. No tag shall be transferable from one animal to another. No refunds shall be made on any fee because of the death of the animal or because the owner leaves the City before the expiration of the license period.

(l) Nothing in this section shall be construed to apply to any dog or cat under three (3) months of age, or to dogs or cats brought to the city on a temporary basis.

SECTION 3: RABIES VACCINATION REOUIRED

All animals that are subject to contract rabies shall be vaccinated against rabies by a licensed accredited veterinarian in accordance with Arkansas law. Any person who shall keep any pet that is subject to rabies in the City without first having such pet vaccinated for rabies at least once a year shall be guilty of a misdemeanor. Each day such animal remains unvaccinated may be considered a separate offense.

SECTION 4: RESTRAINT

(a) All animals shall be kept under restraint.

(b) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot be exposed to another animal except for planned breeding.

(c) Every vicious animal, as determined by the licensing authority, shall be confined by the owner or harborer within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner or harborer.

(d) Any person owning or harboring an animal, whether or not vaccinated or licensed, shall confine such animal within an adequate fence or enclosure (electronic or structural) or within a house, garage or other building or shall confine such animal by a chain or leash affixed to the animal's collar and attached to some substantial stationary object, in a humane manner, adequate to prevent said animal from running at-large. Any area where a dog is confined must be free of debris or other obstructions which may cause the dog to become entangled or injured. It shall further be the duty of any owner or harborer of any animal to keep such animal under control to prevent said animal from becoming a public nuisance animal.

(e) No dog may be confined on any public property or public place and left unattended.

(f) It shall be unlawful for any owner or harborer to allow any animal to enter any food store or place where food is exhibited for sale except for those animals specified in Section 2,

paragraph (e), above.

SECTION 5: ANIMAL CARE

(a) No owner or harborer shall fail to provide any animal with sufficient, wholesome, and nutritious food, potable water in sufficient quantities, proper air and shelter which provides protection from the weather including four (4) sides with opening, roof and floor, veterinary care when needed to prevent suffering, and humane care and treatment. No animal may be kept on flooring of wire grid.

(b) No person shall beat, ill-treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate, or permit any dogfight, or other combat between animals or between animals and humans.

(c) Any person who, as the operator of a motor vehicle, hits, strikes, or runs over a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner or harborer. In the event the owner or harborer cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(d) If any animal is confined by chain, rope, or cable, the restraint must be not less than ten (10) feet long and so placed that the animal may not intrude on the property of another person, whether public or private, and provide room for normal postural adjustments and exercise. The area where any animal is confined must provide proper and adequate drainage, be free from toxic substances, and be free of items that could cause injury. Adequate potable water and shelter must be available.

(e) All animals must be provided with appropriate shelter and a non-injurious, safe environment. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are of an appropriate size, strength, and material that allow the animal to stand, stretch, turn around, and lie down freely. All shelters, enclosures, and fenced areas for animals must be free of hazards such as trash, sharp edges, projecting nails, broken or splintered wood, metal or glass shards, machinery, loose wires or other material that may cause injury.

(f) No animal may be transported on the running board or attached to the outside of a vehicle or in any other manner that might cause injury to the animal.

(g) No person shall confine any animal in a parked vehicle without adequate ventilation when the temperature is such that the animal is in distress or its health jeopardized. Animal control or humane officers, or other law enforcement officers shall not be liable for any damage resulting to the vehicle when such confined animal(s) are removed.

(h) No person shall not knowingly keep an injured or an animal infected with a disease which may be a health hazard to humans or other animals without providing proper treatment for such injury or disease. A person acts knowingly when aware that such a circumstance exists.

SECTION 6: ANIMAL WASTE

- (a) The owner or harbinger of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, or private property.
- (b) It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept free from offensive odors to the extent that such odors are disturbing to any person residing within a reasonable proximity of said premises; and it shall be unlawful to allow the premises where any animal is kept to become unclean and a threat to the animal or the public health by failing to diligently and systematically remove all excreta and other waste material from the premises.

SECTION 7: EXCESSIVE NOISE

It shall be unlawful for any person, **partnership, firm, or corporation** to keep on its premises or under its control any animal, which, by loud and frequent barking, howling or other noise shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept.

SECTION 8: ANIMAL BITES

Any animal that has bitten a person is a rabies suspect and such animal shall be immediately released by the owner or harbinger for quarantine confinement at the Animal Control Shelter of the City or within an enclosure approved by the Animal Control Officer for a period of ten (10) days. When any animal has bitten or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately notify the Animal Control Officer. The animal may be quarantined at the expense of the owner, or ownership may be relinquished and the animal euthanized and its head taken to the State Health Department for pathological examination. The owner shall be responsible for the cost of euthanasia, transportation of the head and disposal of the body of the animal.

SECTION 9: WILD, EXOTIC OR FARM ANIMALS

It shall be unlawful for any person, **partnership, firm, or corporation** to keep, maintain or have in its possession or under its control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

1. The prohibitions of Section 9 shall not apply where the animals are in the care, custody or control of a veterinarian for treatment, agricultural fairs, shows or projects of the 4-H Clubs, a display for judging purposes, an itinerant or transient carnival, circus or other show, dog or cat shows or trials, public or private educational institutions, or zoological gardens; if:

- (a) The location conforms to the provisions of the zoning ordinance of the City.
- (b) All animals and animal quarters are kept in a clean and sanitary condition and

so maintained as to eliminate objectionable odors.

- (c) Animals are maintained in quarters so constructed as to prevent their escape.
- (d) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

2. Guard dogs, ferrets, nonpoisonous snakes, non-constricting snakes, rabbits and laboratory rats which have been bred in captivity and which have never known the wild shall be excluded from this Section.

3. Other situations may be specifically exempted from the provisions of this section by Council action.

SECTION 10: IMPOUNDMENT

(a) Any animal at large or otherwise in violation of the provisions of this ordinance may be impounded in an animal shelter in a humane manner for a period of not less than five (5) working days; and, if within such time, an animal so impounded has not been reclaimed by its owner or harborer in accordance with the provisions of this ordinance, such animal shall become the absolute property of the animal control authority which may convey ownership of such animal to any responsible person on such conditions as the animal control authority may prescribe, or the animal control authority may humanely destroy such animal. No animal shall be maintained at City expense in excess of five (5) days unless specifically authorized by the Animal Control Officer.

(b) The animal control authority shall make a reasonable effort to notify the owner of any animal impounded in an animal shelter that the animal has been impounded, the manner by which the animal may be reclaimed, and that the animal may be destroyed or become the property of the animal control authority as provided herein.

(c) Prior to the destruction of a dog or cat at-large which carries a current license to establish its owner's address and which is impounded in the animal shelter, the animal control authority shall give the owner five (5) days' notice of the proposed destruction by certified letter, return receipt requested or personal service designed to give actual notice. The five (5) day period shall begin upon receipt of signed return receipt or proof of personal service.

(d) Notwithstanding any provision of this ordinance to the contrary, the animal control authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time as the animal control authority may determine is reasonably necessary for such purpose.

(e) Notwithstanding any provision of this ordinance to the contrary, the animal control authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that the destruction of the animal is necessary to prevent disease or injury to other animals or to humans, or when the animal control authority

reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering or death.

SECTION 11: RECLAIMING IMPOUNDED ANIMALS

(a) The owner or harbinger of an animal impounded in an animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this ordinance 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) An owner or harbinger of an impounded animal shall pay a fee of twenty-five dollars (\$25.00) for altered animals and fifty dollars (\$50.00) for unaltered animals, plus ten dollars (\$10.00) maintenance for each day the animal has been impounded, plus the appropriate license fee, if not legally licensed. For each subsequent impoundment occurring within twelve (12) months, the fee is doubled. The daily maintenance fee is not doubled. After the third (3rd) violation within twelve (12) months and five (5) days' written notice, the animal will be altered at the owner's expense by a licensed veterinarian chosen by the impounding agency before being returned to the owner or harbinger.

(c) The owner or harbinger of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, as well as all out-of-pocket costs of the City for veterinarian services provided to the animal, notwithstanding the destruction or subsequent adoption of the animal.

SECTION 12: RELINQUISHMENT OF UNWANTED ANIMALS

If a resident of Cherokee Village who is the owner of an unwanted animal is unable to find a suitable home or dispose of his animal through legal channels, ownership of the animal may be relinquished to the animal control authority at the discretion of the animal control authority. The donation requested for interim maintenance (housing and food) shall be ten dollars (\$10.00) per day per animal. Said animals will then be subject to the rules of the animal control authority and may be adopted out or destroyed, as the animal control authority deems proper.

SECTION 13: ADOPTION

The animal control authority may convey ownership (permit adoption) of any animal which has become the property of the animal control authority to a responsible person, subject to such conditions as may be prescribed by the animal control authority including, without limitation, the following:

(a) Payment of a ten dollar (\$10.00) adoption fee and any vaccination, licensing or veterinary costs, including cost of altering, if not previously altered. (The animal control authority may pay if funds are available one third (1/3) of the cost of said altering); and

(b) Evidence satisfactory to the animal control authority that the animal has, or will be, examined by a licensed veterinarian and vaccinations against rabies and other diseases administered; and

(c) Evidence satisfactory to the animal control authority that the animal has been, or will be, altered to no longer be able to reproduce.

SECTION 14: ENFORCEMENT

The provisions of this Ordinance shall be enforceable by the animal control officer and by the Cherokee Village Department of Public Safety. They, as well as all other authorized law enforcement officers, are hereby authorized to issue citations to any person, partnership, firm, or corporation for violation of any provision of this Ordinance.

SECTION 15: NUISANCE DOGS

No person, partnership, firm, or corporation shall own, possess, keep or otherwise be responsible for a dog that causes a nuisance. A dog creates a nuisance when it infringes upon the rights of a person or another animal, or:

- (a) Attacks a passerby or passing vehicles;
- (b) Attacks other animals;
- (c) Is at large on more than one occasion within a three (3) month period;
- (d) Damages property;
- (e) Barks, whines, or howls in an excessive, continuous, or untimely fashion; or
- (f) Defecates on property of a person other than the owner, harborer or person otherwise responsible for the dog, including, but not limited to parks and trails. It shall not be a violation of this subsection if the owner, harborer or person otherwise responsible for the dog promptly removes the waste.

For the purpose of this section, each day that a violation occurs shall be considered a separate offense, punishable separately.

SECTION 16: VICIOUS DOG

- (a) While off the property of the owner, harborer or person otherwise responsible for the dog and without provocation, kills or injures another domesticated animal; or
- (b) Engages in dog fighting or is owned, kept or trained for the purpose of dog fighting.
- (c) While being walked, the dog must be maintained within a kennel or pen, unless it is securely restrained with a leash, chain, rope, cable or other similar device no longer than four (4) feet in length and the dog is muzzled.
- (d) Must not be on a leash, chain, rope cable or other similar device unless a

person eighteen (18) years of age or older is in physical control of the leash, chain, rope, cable or other similar device.

A Vicious dog:

- (a) Must be maintained on a property which contains a sign, readable by the public, which states "Beware of Vicious Dog"
- (b) Must be securely confined indoors or in a securely enclosed kennel, except when leashed and muzzled as provided below. The pen, kennel or structure must have sides and a top that is attached to the sides. All structures used must be locked with a key or combination lock when the animals are within the structure. The pen or kennel must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground at a depth of no less than two (2) feet. All structures used to house vicious dogs must also comply with all zoning and building regulations of the City. Kennels must be adequately lighted and ventilated and be kept in a clean and sanitary condition. When confined indoors, no vicious dog may be kept on a porch, patio or in any part of a house or building that would allow the dog to exit on its own volition unless to a kennel or fenced backyard. In addition no such animal may be kept in a building when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure unless they exit to the proper enclosure.

All owners, possessors, keepers, harborers or persons otherwise responsible for a vicious dog, must within ten (10) days of meeting the requirements of being a vicious dog provide to the City proof of liability insurance for each vicious dog in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury or death of any person or damage to any property owned by any person which may be caused by the vicious dog. The insurance policy shall provide that no cancellation shall be made without ten (10) days written notice being provided to the City Clerk.

All owners, possessors, keepers or person otherwise responsible for a vicious dog must notify the Animal Control Officer, in writing, within ten (10) days of the occurrence of any of the following:

- (a) The death of a vicious dog.
- (b) The removal of the vicious dog from the City of Cherokee Village.
- (c) The new address where the vicious dog is located if the vicious dog is moved within the city.
- (e) The sale or other transfer of ownership of the vicious dog, including the date of sale, the person to whom the vicious dog has been transferred, and if the person to whom the vicious dog has been transferred resides within the City of Cherokee Village, the address of the person.

A vicious dog may, in addition to any other penalty, be ordered destroyed by a court of competent jurisdiction if said animal has caused serious physical injury or death to a person.

Furthermore, the owner, possessor, keeper, harborer or person otherwise responsible for the dog may be ordered to pay restitution to any victim.

SECTION 17: ANIMAL CONTROL OFFICER

(a) The Animal Control Officer (A.C.O.) shall be appointed by the Mayor, subject to the approval of the City Council. The A.C.O. shall receive such salary as may be from time to time set by the City Council.

(b) Power and Duties. The A.C.O. shall catch and dispose of all animals running at-large or otherwise coming into the possession of the A.C.O. pursuant to this Ordinance. The A.C.O. shall also exercise such other duties and responsibilities relating to animals as have been or shall be imposed upon said A.C.O. by the Mayor or City Council.

(c) Records. It shall be the duty of the A.C.O. to keep, or cause to be kept, accurate and detailed records of all Animal Control monies belonging to the City of Cherokee Village. The records shall be open to inspection at reasonable times by such persons responsible for similar records of the City of Cherokee Village and shall be audited by the City of Cherokee Village annually in the same manner as other City records are audited.

(d) Investigation. For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, the A.C.O. or any police officer of the City or deputy with the County Sheriff's Department is empowered to enter the property upon which a dog or animal is kept or harbored and to demand the exhibition by the owner of such animal of the license for such animal if reasonable cause for such enquiry exists. If the A.C.O. should find a dog or animal running at-large or being a public nuisance as heretofore defined or being vicious as heretofore defined, the A.C.O. is hereby authorized and empowered to summon the owner or person having control of the animal into the District Court of the County wherein the offense occurred for allowing such dog or animal to run at large, be a public nuisance or a vicious animal.

SECTION 18: INTERFERENCE

No person shall interfere with, hinder or molest the animal control authority in the performance of its duty or seek to release any animal in the control of the animal control authority, except as herein provided.

SECTION 19: PENALTIES FOR VIOLATIONS

(a) Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals is guilty of an unclassified misdemeanor and shall be subject to fines and penalties prescribed in Arkansas Code § 5-62-103.

(b) A person commits the offense of aggravated cruelty to a dog or cat if he she knowingly tortures any dog or cat. A person who pleads guilty or nolo contendere to or is found guilty of

aggravated cruelty to a dog or cat shall be guilty of a class D felony and shall be subject to fines and penalties prescribed in Arkansas Code § 5-62-103.

(c) Any person violating any other provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than **twenty-five dollars (\$25.00)** (unless otherwise specified for failure to license or renew) nor more than **one hundred and forty-five dollars (\$145.00)**, and if such violation be continued, each day's violation shall be a separate offense.

SECTION 20: CONFLICTING ORDINANCES

All other ordinances of this City that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 21: SEVERABILITY CLAUSE

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

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: 7/18/14

APPROVED: Lloyd Hefley
Lloyd Hefley, Mayor

ATTEST: Lana Hamilton
Lana Hamilton, Clerk/Treasurer