

Intent:

To enforce the Diamondhead Bill of Assurance, section 5 titled NUISANCE as well as the Animal Control Ordinance violations. The Animal Control Ordinances are defined under Arkansas Law as a Misdemeanor and can result in a fine and or jail sentence or both.

Rule/Regulation:

Hot Springs Animal Control shall be also known as Animal Control, in relation to this resolution.

To issue written warnings and/or citations for violations of animal control ordinance in which the “animals running at large“ is a part thereof as well as nuisance.

Nuisance is defined as: An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner’s, or public walks and recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; molests, attacks, or interferes with persons in the public right-of-way; or chases vehicles or attacks domestic animals.

Any animal that cannot be captured by physical means or that is determined vicious by the officers in charge shall be subject to being tranquilized for humane transportation.

If the animal owner is a renter, within the confines of Diamondhead, a letter shall be sent to the owner of the property / landlord and they, the resident owners shall be apprised of the violations.

There shall be a sign erected on the ingress side of Diamondhead that shall state that there is a leash and confinement law within Diamondhead and that the maximum monetary assessment to any violator shall not exceed \$400.00.

The policy will be as follows:

1st offense: Upon the first (1st) offense/violation of this Article, the domestic animal will be picked up and transported to the holding area of the Diamondhead Police Dept. until 2:00 p.m. If the animal has not been claimed by this time the animal will be transported to the Animal Control for humane reasons. The Diamondhead Police Dept. will issue a written citation to the owner of the animal. In addition to a court citation being issued to the violator a monetary penalty shall also be issued to the violator by the Diamondhead P.O.A. The first offense shall

be \$50.00 and shall be made payable to the Diamondhead P.O.A. Inc.

2nd offense: Upon the second (2nd) offense/violation of this Article, the domestic animal will be picked up and transported to the Animal Control. The Diamondhead Police Dept. will issue a written citation to the owner of the animal. In addition to a court citation being issued to the violator a monetary penalty shall also be issued to the violator by the Diamondhead P.O.A. The second (2nd) offense shall be \$125.00 and shall be made payable to the Diamondhead P.O.A. Inc.

3rd offense: Upon the third (3rd) offense/violation of this Article, the domestic animal will be picked up and transported to the Animal Control. The Diamondhead Police Dept. will issue a written citation to the owner of the animal. In addition to a court citation being issued to the violator, a monetary penalty shall also be issued to the violator by the Diamondhead P.O.A. The third (3rd) offense shall be \$225.00 and shall be made payable to the Diamondhead P.O.A. Inc.

The above-mentioned offenses will be noted per calendar year. All outstanding penalties owed to the DPOA, by the renter or property owner shall be added to the property owner's next annual maintenance fees.

In addition to the above-mentioned WARNINGS and/or CITATIONS issued by the Diamondhead Police Dept. and penalties made to the animal owner, Animal Control currently enforces the following fee schedules, as of the writing of this resolution:

Reclaiming impounded animals by owners outside the corporate limits of Hot Springs: \$35.00 plus \$7.50 per day boarding fee.

Animals impounded for rabies quarantine or as evidence in a criminal prosecution: \$20.00 per day not to exceed to the maximum quarantine period allowed by state law. (Ord. No. 5134, § 4, 12-2-02) Source:

Board of Directors resolution

Reference:

Law Enforcement and Public Safety Committee