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ORDINANCE NO. 13 OF 2014

AN ORDINANCE ADOPTING AND ESTABLISHING A NEW ANIMAL CONTROL CODE FOR THE CITY OF CABOT, STATE OF ARKANSAS; ESTABLISHING THE SAME; AND REPEALING ALL ORDINANCES IN CONFLICT THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, it is the intent of the City Council of the City of Cabot, Arkansas to adopt the new Animal Control regulations attached hereto as Exhibit "A" and incorporated herein by his reference, in an effort to protect the public health and safety of the City of Cabot residents and encourage the humane treatment of animals.

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

SECTION 1: ADOPTION. The Cabot Animal Services General Guidelines attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby adopted by the City of Cabot and the same provisions thereof shall be controlling from the date on which this ordinance shall take effect.

SECTION 2: Repealer Clause. All Ordinances or parts of Ordinance in conflict herewith are hereby repealed to the extent of the conflict. For record clarification purposes, this Ordinance specifically repeals Ordinance No. 14 of 2009, Ordinance No. 2 of 2012, and Ordinance No. 5 of 2011.

SECTION 3: Severability Clause. If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, and that such valid portions shall be and remain in full force and effect.

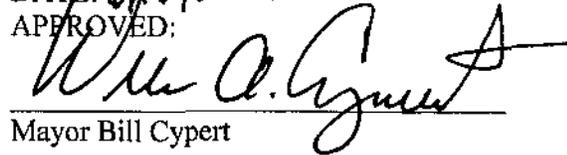
SECTION 4: Emergency. It is the utmost urgency that the City of Cabot, Arkansas, have necessary laws to encourage humane treatment of animals within our city, therefore an emergency is hereby declared to exist and this ordinance being necessary for the

immediate protection of the public peace, health and safety shall take effect immediately upon its passage and approval.

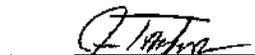
SPONSOR:
Public Works Committee


Ed Long, Committee Chairman

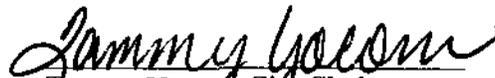
PASSED: 8-0
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APPROVED:

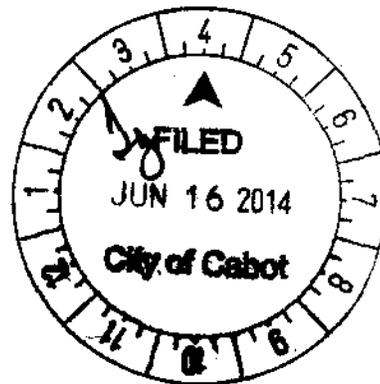

Mayor Bill Cypert

APPROVED AS TO FORM:


Jim Taylor, City Attorney

ATTEST:


Tammy Yocum, City Clerk



City of Cabot, Arkansas

Cabot Animal Services

General Guidelines

Revised:
5/9/2014

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Article I: General Provisions

Section 1: Definitions

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

1. Abandoned - A domesticated animal that an owner has forsaken entirely or neglected or refused to provide care and support.
2. Animal - Every vertebrate non-human species of creature.
3. Animal Establishments - Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaging in the handling of animals, excluding licensed veterinarians and veterinary clinic and hospitals.
4. Cabot Animal Services - A term that collectively refers to all City Animal Services Employees.
5. Cabot Animal Shelter - An animal shelter operated by the City of Cabot or a shelter operated by a non-profit organization organized to benefit animals under section 501c(3) of the Federal Internal Revenue Code.
6. At Large Animal - An animal that is not confined to the premises of the owner, within a house, fence, or other structure, or restrained by a leash sufficiently strong enough to prevent the animal from escaping and restricting the animal to the premises; or an animal that is not confined by leash or within an automobile when away from the premises of the owner.
7. 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.
8. Cat - Any commonly domesticated feline animal that includes both male and female gender of the species.
9. Direct-Point Chaining - To tether or chain an animal to one fixed object such as a stake, tree, car, etc.
10. Dog - any commonly domesticated canine animal and includes both the male and female gender of the species.
11. Domesticated Animal - An animal that is socialized to humans and appropriate as a companion for humans.
12. Ear tipping - A straight-line cutting of the tip of the left ear of an animal while the animal is anesthetized.
13. Fence - A physical barrier constructed out of such a material as to provide a barrier between an animal and the public. This fencing must be not being of a material that requires electricity or batteries to operate.
14. 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.
15. Feral Cat Caretaker - Any person or organization other than an owner, who provides food, water, shelter or otherwise cares for a feral cat.
16. Feral Cat Colony - A group of cats that congregate as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

17. Feral Cat Colony Caretaker - Any Feral Cat Caretaker who is approved by Cabot Animal Services to care for a Feral Cat Colony.
18. Hog - A hoofed mammal of the family Suidae, order Artiodactyla, comprising boars and swine.
19. Innately Wild Animal - Any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or characteristics, is dangerous to human beings. Such animals shall include, but not limited to, lions, tigers, leopards, panthers, bears, wolves and wolf-hybrids, cat-hybrids, cougars, coyotes, skunks (whether deodorized or not), apes gorillas, monkeys, foxes, elephants, rhinoceroses, alligators, crocodiles, caimans, fowl larger than a macaw, all form of venomous reptiles and any snake that is greater than eight (8) feet in length. The terms shall also include any animal listed as an "endangered species" under the federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act. The term innately wild animal shall not include gerbils, hamsters, guinea pigs, mice or domesticated rabbits.
20. Owner - An adult person or custodian possessing, harboring, keeping, or feeding for a period of five (5) days.
21. Pit Bull Dog – a dog is determined to be a Pit Bull Dog if any of the following apply:
 - a) The dog is a Bull Terrier breed of dog;
 - b) The dog is a Staffordshire Bull Terrier breed of dog;
 - c) The dog is an American Pit Bull Terrier breed of dog;
 - d) The dog is an American Staffordshire Terrier breed of dog;
 - e) The dogs mixed breed or of other breeds than above listed breed or mixed breed is known as Pit Bull Dogs, or Pit Bull Terriers;
 - f) Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier; any other breed commonly known as Pit Bulls, Pit Bull Dogs or Pit Bull Terriers; or a combination of any of these breeds.
22. Public Nuisance Animal - Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owner, to enjoyment of life or property.
23. Running at Large - Any animal roaming freely at will.
24. Stray - An 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.
25. Sterilized - Any animal that has been spayed or neutered.
26. TNR - To trap, neuter, and return.
27. TNR Program - A program where feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, and returned to the location where they congregate.
28. Vicious Dog - Any member of the canine family that has exhibited fierce or vicious behavior towards a person or has attacked a person or another animal with such severity as to cause physical injury or property damage.

Section 2: Interference with Enforcement

1. It shall be unlawful for any person to:

- a) Interfere in any manner with the any Cabot Animal Services Employee while they have in their custody any animal.
- b) Remove from the Cabot Animal Shelter any animal which is in the custody of the Cabot Animal Shelter unless authorized by a Cabot Animal Services Employee.
- c) Knowingly obstruct, impair or hinder, directly or indirectly, the lawful performance of enforcement and animal services functions of any Cabot Animal Services Employee.

Section 3: Cruelty to Animals

1. It shall be unlawful for any person to:
 - a) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in vehicle in an inhumane manner, or otherwise mistreat, any animal.
 - b) Fail to provide any animal with proper food, drink, and protection from the weather or veterinary care.
 - c) Abandon any animal.
 - d) Intentionally poison any animal.
 - e) Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control.
 - f) Allow an animal to be kept in unsanitary conditions.
 - g) Keep or confine an animal in any other capacity than a humane manner.
 - h) Molest any animal in any manner annoying, harassing or sexual.
 - i) This section does not replace A.C.A. 5-62-101
2. Cabot Animal Services Officers have the authority to remove any animal subject to cruelty and impound such animal. The animal shall be impounded and not released unless:
 - a) The owner of the animal, who will not be charged, is allowed to claim the animal from the shelter;
 - b) The owner of the animal, who was charged and is found not guilty, is allowed to claim the animal from the shelter.
3. If any owner of such impounded animal pleads guilty, nolo contendere, or is found guilty of cruelty to animals, the animal shall become the property of the Cabot Animal Shelter and may be available to the public for adoption.

Section 4: Releasing Animals in Public Places in the Corporate City Limits of Cabot

1. It shall be unlawful for any person to knowingly release any animal in any public or private place within the city. This includes dumping of animals at the Cabot Animal Shelter without prior knowledge of a Cabot Animal Services Employee.
2. As used in this section the term "animal" shall mean any animal other than a human being: the term "public or private place" shall include all properties within the city not owned by the person charged with releasing the animal.
3. Exception: This section does not apply to feral cats released as part of the City of Cabot TNR Program.

Section 5: Keeping of Innately Wild Animals

1. It shall be unlawful for any person to possess or harbor any innately wild animal.
2. Affirmative Defenses.
 - a) No person shall be convicted of violating this section if such person can establish a defense listed in this subsection by a preponderance of the evidence.
 - b) Zoos, circuses, etc. This section shall not apply to any zoo, circus or sanctuary complying with the applicable laws and regulations and keeping such innately wild animals for the education and entertainment of the public.
 - c) Domestic dogs and cats. This section shall not apply to domestic dogs and cats that have been duly licensed and properly treated with a vaccine which the compendium of animal rabies prevention has established is capable of effectively preventing the spread of rabies in the applicable species.
3. Liability for Innately wild animals that attacks a person. Any person, household, or residence, which homes, keeps, harbors, or possesses an innately wild animal that attacks a person causing harm to a person or property or exhibits vicious or ferocious behavior towards a person causing fear, shall be guilty of a violation. It is an affirmative defense to this section that the animal was provoked. Any person convicted of violating this subsection shall be fined according to the penalty section. Additionally, the convicting court shall either (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for the lawful disposition, or (2) order the humane destruction of the animal.

Section 6: Veterinarian to Report Cases of Rabies to Cabot Animal Services

1. Every veterinarian shall promptly report to the Cabot Animal Services all cases of rabies in all animals treated by him or her from the City of Cabot, giving the name and address of the owner and owners' addresses of any animals bitten, as far as is known. A.C.A. 20-19-307, et al

Section 7: Rescue / Foster Groups

1. Any person(s), household(s), or residence(s) wishing to run an animal rescue group shall apply for a permit and provide Cabot Animal Services with proof of their 501c(3) non-profit status and proof of all animals current rabies vaccines. Providing this information will allow the group to house rescue animals and exempt them from city tags for said rescue animals. Each permit applicant shall submit to an inspection as needed. All personal pets shall be tagged in accordance with city law.
2. This section shall not apply to animal hospitals or veterinarians when such animals are kept for normal business purposes.
3. Any person(s), household(s), or residence(s) wishing to foster animals for the Cabot Animal Shelter shall apply for an Animal Foster Home License and pass inspection of the residence prior to taking into care any animal(s). Upon approval, said animal foster home shall be allowed to house any number of foster animals up to ninety (90) days as may be allowed by the Cabot Animal Services Officer. No residential rental property shall be allowed an Animal Foster Home License. All personal pets shall be tagged in accordance with city law.

Section 8: Public Nuisance Animals

It shall be unlawful for any person, household, or residence to own or harbor a Public Nuisance Animal. Public Nuisance Animals shall include, but are not be limited to:

1. Any animal that is repeatedly found running at large.
2. Any dog or cat in any section of a public park or public recreation area unless the dog or cat is controlled by a leash or similar restraint.
3. Any animal that damages, soils, defiles or defecates on any property other than of its owner.
4. Any animal that causes fouling of the air by noxious or offensive odors from unsanitary conditions and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
5. Any animal in-heat that is not confined so as to prevent attraction or contact with other animals.
6. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right away.
7. Any animal that chases motor vehicles in a public right-of-way.
8. Any animal that attacks domestic animals.
9. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
10. Any Feral Cat Colony within the corporate city limits of Cabot, which has not had all cats sterilized or vaccinated.
11. Any animal in which by loud or frequent noise may disturb the peace and quiet of any person who may reside within reasonable proximity of the place where the animal is kept. Any claim of excessive noise must be validated by the Police Department or Cabot Animal Services. If said claim of excessive noise cannot be witnessed by the police officer or Cabot Animal Services, the person claiming such nuisance should file an affidavit with the Cabot District Court and be required to pay any court costs associated therewith. If the animal owner is found guilty of this offense on three separate occasions, Cabot Animal Services after the third offense shall impound the offensive animal(s) until a decision of the animal(s) fate is decided by the Cabot District Court.

Section 9: Breeder's License

1. It shall be unlawful for any person to engage in the breeding of dogs or cats without a breeder's license. Each breeder will be required to meet the standards of city law for care and limitations on animals. Each breeder shall apply for a breeder's license from Cabot Animal Services annually and be subject to inspection of the residence as needed. Breeders shall be restricted to single family residences with adequate outdoor facilities. Breeders shall only breed nationally recognized registered animals.

Section 10: Outside Animal Sales

1. No person or business shall sell, exchange, barter, trade, lease, rent, give away, or display any live animal on roadside, public right-of-way, parking lot, median, park, playground or other recreational area, outside flea markets, commercial or retail property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not.

2. Exception: This section shall not apply to humane societies, animal services agencies, or no-profit organizations sponsoring animal adoption events, having obtained prior approval from Cabot Animal Services.

Section 11: Vicious Animals

1. It shall be unlawful to keep, harbor, own or in any way possess within the corporate city limits of Cabot, except while transporting to a veterinarian office (restrained and muzzled) within the corporate city limits:
 - a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, including but not limited to non-human primates, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes.
 - b) Any animal having a poisonous bite.
 - c) Any animal that exhibits fierce or vicious behavior or that has attacked a person or animal with such severity as to cause physical injury or property damage. However, the fact that an animal has attempted to bite a person when that person provoked or teased it shall not constitute the animal's being a vicious animal.

Section 12: Biting Animals

1. It is unlawful for any person bitten, family, treating physician, or veterinarian that has knowledge of a person bitten by any animal to refuse to notify Cabot Animal Services promptly. It is further unlawful for the owner of the animal to sell, give away, transfer, transport to another area, or otherwise dispose of the animal that is known to have bitten a person until it is released by health authorities.
2. It is unlawful for the owner of the animal to refuse or fail to comply with the written or printed instructions of the health authorities in any particular case. The written instructions will be delivered in person by health authorities or their authorized agent. If instructions cannot be delivered in person, they shall be sent by regular mail, postage paid, and addressed to the owner of the animal. The affidavit or testimony of the health authorities or the authorized agent, who delivered or mailed such instructions, shall be prima facie evidence of the receipt of the instructions by the owner of the animal.
3. State law reference: Illegal acts when person bitten, A.C.A. 20-19-306

Section 13: Impoundment and Destruction Authorized

1. The Cabot Animal Services Officer shall take into custody any animal found at large in the city and shall impound the animal in the Cabot Animal Shelter or such other place as such Cabot Animal Services Officer may designate for the purpose of impoundment.
2. Such impounded animal shall be held for a period of five (5) business days, at the end of which time the animal may be destroyed unless custody of the animals release prior thereto as provided in this division.
3. Such animal may be destroyed prior to the expiration of such five (5) business day waiting period when such animal has been seriously injured or seriously ill and destruction would eliminate suffering on the part of the animal and would constitute the humane solution to such animal's suffering.

4. Such animal may be destroyed prior to the expiration of such five (5) business day waiting period when such an animal presents itself in a vicious or dangerous manner that places the public or Cabot Animal Services Employees in ongoing danger and such destruction would eliminate this threat.
5. State law reference: Impoundment and destruction of any animal found at large, A.C.A. 14-54-1102

Section 14: Reclaiming Impounded Animals

1. Any person owning, possessing or keeping an animal which has been impounded may claim and retrieve such animal from the Cabot Animal Shelter by payment of the required fee. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the animal from the Cabot Animal Services Officer under this article.
2. Any person claiming an unvaccinated and/or licensed animal shall cause said animal to be vaccinated by a veterinarian and licensed by Cabot Animal Services prior to, and as a condition of, release. Failure to comply will result in issuance of a citation to the owner with a fine as set forth in the Penalty Section.
3. If the owner of an impounded animal fails or refuses to reclaim such animal within five (5) business days after impoundment, the city shelter is hereby authorized to release to such a person other than the owner upon payment of the required fees.
4. It is unlawful for any person owning, possessing, or harboring an animal to fail or refuse to reclaim such an animal within five (5) business days after impoundment.

Section 15: Acceptance of Unwanted Animals

1. Cabot Animal Services shall accept unwanted dogs and cats from city residents upon the payment of relinquishment fee by such resident of the required fee thereon, provided room at the shelter is available.
2. All animals accepted by Cabot Animal Services as provided in this section shall immediately become the property of the city.
3. Cabot Animal Services shall accept all animals found to be at large within the corporate city limits of Cabot.
4. It shall be unlawful for anyone to fraudulently bring an animal to the Cabot Animal Shelter that was found to be at large outside the corporate city limits of Cabot by reporting that the animal was found within the corporate city limits of Cabot.

Article II: Dogs and Cats

Section 1: Running at Large Prohibited

1. No person, household, or residence, owning, possessing, or keeping a dog or cat shall allow such a dog or cat to run at large within the city.
2. Exception: Feral cats that have been trapped, spayed or neutered and released are exempt from this section. Each cat would be ear-tipped, clearly identifying it as a product of the City of Cabot TNR Program.
3. State law references: Authority of the city to prevent dogs from running at large and providing for the destruction of the same. A.C.A. 14-54-1102

Section 2: Dog Parks

1. Confinement of a dog in a fenced area designated by the Cabot Animal Shelter or Cabot Parks and Recreation Department as a “dog park” shall be considered adequate confinement under this section only if the dog owner or Caretaker supervises the dog’s activity and adheres to applicable park rules and regulations.

Section 3: Conditions of Premises

1. It shall be unlawful for any person, household, or residence, keeping or harboring dogs or cats to fail to keep the premises where such dogs and cats are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of such premises to avoid said holes from holding water, urine or feces. It shall be unlawful to allow premises where dogs and cats are kept to become unclean by failing to diligently and systematically remove all waste from the premises.

Section 4: Minimum Care (Dog)

1. Shelter.
 - a) All dogs shall have continuous access to a structurally sound, moisture-proof and windproof shelter large enough to keep the dog reasonably clean and dry.
 - b) A shelter which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.
 - c) A dog’s shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.
2. Nutrition.
 - a) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh, potable water adequate for the dog’s size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighed or secured to prevent tipping.
 - b) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog’s physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.
3. Exercise.
 - a) The enclosure of confinement area for a dog shall encompass sufficient usable space to keep the animal in good condition.
 - b) When a dog is confined by means of a tether and cable run, the trolley system shall be configured to allow access to the maximum available exercise area.
 - c) When a dog is confined outside by means of an enclosure the following minimum space requirements shall be met:
 - Large dog: For a dog that is larger than 20 inches at the withers of that weighs more than 50 pounds, the minimum confinement area per dog is 100 square feet.

- Medium dog: For a dog that is larger than 12 inches at the withers and up to 20 inches at the withers that weighs that weighs over 20 pounds and up to 50 pounds, the minimum confinement area per dog is 80 square feet.
- Small dog: For a dog that is 12 inches or less at the withers or that weighs 20 pounds or less, the minimum confinement area per dog is 50 square feet.

Section 5: Chaining (Dog)

1. Direct-point chaining or tethering of dogs to a stationary object is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:
 - a) Only one (1) dog may be tethered to each cable run.
 - b) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
 - c) There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.
 - d) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Cabot Animal Services Officer, considering the age, size and health of the dog.
 - e) The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
 - f) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.

Section 6: Vehicular Confinement

1. It shall be unlawful for any person to confine any animal in a parked vehicle if the outside air temperature is higher than 80 degrees Fahrenheit, unless the vehicle is running and the air conditioner is working properly. Cabot Animal Services 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 wellbeing.

Section 7: Dogs and Cats - Number Owned

1. It shall be unlawful for any person, household, or residence to own, keep or harbor more than four (4) dogs or cats, which are 16 weeks old within the corporate city limits of Cabot, and the burden of proof shall be the owners to show the age of such.

Section 8: Dog or Cat - License Required

1. Any person, household, or residence, who owns, keeps, or harbors a dog or cat in the city that is at least sixteen (16) weeks old, shall obtain a city license on an annual basis. Any license issued by

- Cabot Animal Services shall be valid only until the current rabies vaccination expires and the city shall maintain a proper record and accounting of the amount and issuance date of each license.
2. No dog or cat license shall be issued for a dog or cat unless a licensed veterinarian has vaccinated the animal against rabies. If a dog or cat is found without the required license the owner shall be charged with the offense of failure to license a dog or cat.
 3. The cost of the dog or cat license is listed in the Fee Section.
 4. All animals adopted from the Cabot Animal Shelter shall be micro-chipped as a form of permanent identification. The cost shall be recovered by the person adopting said animal.
 5. Any person who fails to abide by this section be deemed guilty of a misdemeanor and upon conviction shall be subject to the fines and penalties section.
 6. State law reference: Authority of city to place a tax on dogs. A.C.A. 14-54-110

Section 9: Dogs and Cats – Rabies Vaccination

1. All dogs and cats within the City of Cabot shall be vaccinated at least once a year against rabies, unless indicated otherwise by a veterinarian. It is made the duty of all owners of dogs or cats within this city to have the animals vaccinated against rabies. Such rabies vaccinations are required to be administered by a licensed veterinarian.

Section 10: Adopted Animals – Sterilized / Micro-Chipped

1. It shall be unlawful for any pound, shelter, or humane organization, or animal rescue group to release to a new owner any dog or cat over three (3) months of age which has not been sterilized except as provided below:
 - a) An animal which in the opinion of a veterinarian licensed to practice veterinary medicine in the State of Arkansas is medically compromised to the extent that it cannot withstand immediate sterilization may be temporarily released pursuant to a foster care agreement until such time as it can safely be sterilized or until two (2) veterinarians licensed to practice veterinary medicine in the State of Arkansas certify that it is unlikely that the animal will ever recover to the extent that it can safely be sterilized.
 - b) At that time, ownership of the animal may be transferred to an owner who certifies that the animal will not be used for breeding.
 - c) An owner who violates the agreement shall be subject to the penalties set forth in the penalties section.
2. All animals adopted from Cabot Animal Services that fall under the above provision of not being sterilized under the age of three (3) months will be required to be sterilized at the age of three (3) months and provide proof to the Cabot Animal Services. An owner who violates this agreement shall be subject to penalties set forth in the penalties section.
3. All animals adopted from Cabot Animal Services will be required to be micro-chipped prior to release to a new owner if over the age of three (3) months. If under the age of three (3) months, the animal will be required to be micro-chipped at the age of three (3) months. An owner that violates this agreement shall be subject to penalties set forth in the penalties section.

Section 11: Vicious Dogs

1. It shall be unlawful to keep, harbor, own or in any way possess a vicious dog within the corporate city limits of Cabot, except while transporting to a veterinarian office (restrained and muzzled) within the corporate city limits.
 - a) Determination:
 - 1) A Cabot Animal Services Officer shall deem a canine to be a vicious dog if the Cabot Animal Services Officer determines that the canine satisfies the definition of vicious dog.
 - 2) A dog will be considered vicious if it is the offspring of a domestic dog and an innately wild animal. The behavior of the dog should not be considered vicious if the dog was provoked or teased. When rendering a determination pursuant to this section, any canine that reasonably resembles an innately wild animal shall be presumed to be the offspring of a domestic dog and an innately wild animal. However, this presumption may be defeated by a preponderance of evidence to the contrary. Offspring includes animals that are separated by less than three reproductive generations from an innately wild animal.
 - b) Notification: The Cabot Animal Services Officer shall notify the owner by hand delivery or mailing a certified notice to the owner.
 - c) Apprehending: The Cabot Animal Services Officer shall also apprehend the canine and shall not release it until the requirements have been met or until so ordered by a court of competent jurisdiction and the owner shall be responsible for all expenses incurred while animal is impounded.
 - d) Release: A canine that has been apprehended shall only be released by the Cabot Animal Shelter if ALL of the following conditions have been met:
 - 1) The owner has signed a written agreement that unless and until the canine is determined to no longer be a vicious dog by a court of competent jurisdiction, the canine shall be controlled in a manner consistent with this section when it is within the corporate city limits of Cabot; and
 - 2) No vicious dog in the possession of Cabot Animal Services shall be released to any person other than the owner
 - 3) After a canine has been deemed vicious by a court of competent jurisdiction and exhaustion of appeals, the owner of said vicious canine will be mandated to have insurance of warranty bond on said canine in an amount no less than \$100,000.
 - e) Failure to Retrieve: Cabot Animal Services may humanely destroy any vicious dog that is not retrieved by the owner within three (3) days of the day the owner is notified that a final decision has been reached deeming the canine a vicious dog or within ten (10) days of the day the owner is notified that the vicious dog has been impounded, whichever is later. A canine that is found not to be a vicious dog shall be retrieved, destroyed, or adopted in accordance with the general rules and regulations applying to impounded dogs of Cabot Animal Services.
 - f) Control of Vicious Dogs: Vicious dogs shall be kept secure at all times. Any person, household, or residence, who owns, possesses, keeps or harbors a vicious dog within the corporate city limits of Cabot shall do the following:
 - 1) Keep the vicious dog confined within a dwelling unit or a commercial building;

- 2) Keep the vicious dog on a leash under the control of a responsible handler and said animal must be muzzled;
 - 3) Keep the vicious dog in a secured enclosure with a covered or secured top and a secured bottom when outdoors and unattended;
 - 4) Post signs for vicious animal every twenty (20) feet around the perimeter of the property.
- g) Transfer of Care or Ownership: No person, household, or residence, who owns, possesses, keeps or harbors a vicious dog shall knowingly allow another person to own, possess, keep or harbor that same vicious dog without first disclosing that it has been deemed vicious, as well as the requirements associated with vicious dogs. A person who transfers ownership of a vicious dog to another person shall notify Cabot Animal Services no later than ten (10) days after the transfer is made. It is hereby declared that violations of this section are unlawful. Any person who violates this section shall be subject to all penalties.

Section 12: Pit Bull Dogs

1. It shall be unlawful to keep, harbor, own or in any way possess a Pit Bull Dog within the corporate city limits of Cabot, except while transporting to a veterinarian office (restrained and muzzled) within the corporate city limits of Cabot, unless the Pit Bull dog(s) were properly registered with the city prior to August 20th, 2007. Properly registered Pit Bull Dogs may be kept within the city provided said dog(s) shall be properly confined indoors or in a securely enclosed and locked pen as set forth:
2. Leash: No person shall permit a registered pit bull do to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than 4 feet in length. No person shall permit pit bull dogs to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, building, etc.
3. Confinement Outdoors: All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs 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. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City of Cabot. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
4. Confinement Indoors: No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
5. Signs: All owners, keepers or harborers of registered pit bull dogs within the City of Cabot shall display a sign in a prominent place on their premises. A sign is also required to be posted on the kennel or pen of such animal.
6. Identification: All owners, keepers or harborers of registered pit bull dogs must provide annual color photographs of the registered animal clearly showing the color and approximate size.
7. Reporting Requirements: All owners, keepers or harborers of registered pit bull dogs must report the following information in writing to Cabot Animal Services within ten (10) days of the incident:

- 1) The removal from the City or death of a registered pit bull dog;
 - 2) The birth of offspring of a registered pit bull dog;
 - 3) The new address of a registered pit bull dog owner should the owner move within the corporate city limits of Cabot.
8. Sale or Transfer of Ownership Prohibited: No person shall sell, barter or in any other way dispose of a pit bull dog registered with the city to any person within the corporate city limits of Cabot unless the recipient resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of the pit bull dog may sell or otherwise dispose of a registered dog or offspring of such dog to persons who do not reside within the corporate city limits of Cabot.
9. Animals Born of Registered Dogs: All offspring born of pit bulls registered with the city must be removed from the city within six (6) weeks of the birth of such animal.
10. Irrefutable Presumptions: There shall be an irrefutable presumption that any dog registered with the city as a pit bull dog is subject to the requirements of this section.
11. Procedures for Dealing with Registered and Non-Registered Violators: Owners, keepers or harborers of any dog found to be in violation of city law shall be guilty of a violation and be subject to punishment as provided for pursuant to the following:
- 1) The animal will be seized by Cabot Animal Services and held for three (3) business days for the owner to reclaim the dog with a Pit Bull Reclaim Fee.
 - 2) The owner must sign an affidavit agreeing to immediately move the animal out of the corporate city limits of Cabot.
 - 3) The animal must be spayed or neutered at the owner's expense prior to its release to the owner.
 - 4) Animals not reclaimed within three (3) business days as prescribed shall be humanely destroyed by Cabot Animal Services personnel or sent to a suitable rescue outside of the corporate city limits of Cabot.
 - 5) Any person violating or permitting the violation of any provision of this section shall be subject to fines and/or imprisonment set forth in the Penalties section. Second offender convictions shall include seizure of the animal by Cabot Animal Services personnel to be humanely destroyed or sent to a suitable rescue outside of the corporate city limits of Cabot.

ARTICLE III: FERAL CAT COLONIES

Section 1: Feral Cat Colonies

1. Feral Cat Colonies shall be permitted and Feral Cat Colony Caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter and other forms of sustenance, provided that the feral cat colonies are registered with Cabot Animal Services.

Section 2: Registration of Feral Cat Colonies

1. Each Feral Cat Colony within the corporate city limits of Cabot must be registered annually with Cabot Animal Services This registration shall include:
 - a) The name and contact information for the primary Colony Caretaker.
 - b) The location of the Feral Cat Colony.
 - c) The number of cats in the colony.
 - d) Documentation showing the number of cats that have been micro chipped, spayed or neutered, and vaccinated in the colony in the past year.

Section 3: Oversight

1. The Cabot Animal Services Director shall appoint a committee of three (3) individuals to assist with the management of feral cat colonies within the corporate city limits of Cabot. Two (2) committee members shall have prior experience in managing or educating the public about feral cat colonies. The third member of the committee shall be a licensed veterinarian. In the event that there are vacancies the committee will continue while working to fill the vacant position. This committee will assist the Director of Cabot Animal Services with:
 - a) Ensuring that the registered Caretakers are operating within the requirements of this article.
 - b) Resolving conflicts or complaints over the conduct of a Feral Cat Colony Caretaker or of any cats within a colony.
 - c) Determining the disposition of an abandoned Feral Cat Colony.
 - d) Establishing and reviewing written minimum educational standards for all registered colony Caretakers.
 - e) Establishing and reviewing the procedures for Feral Cat Colony maintenance.

Section 4: Feral Cat Colony Caretaker Responsibilities

1. All registered Feral Cat Colony Caretakers are responsible for the following:
 - a) Registering the colony with Cabot Animal Services. Caretaker may not own the property on which the feral cat colony resides.
 - b) Successfully completing the annual Cabot Animal Services approved educational course for Feral Cat Colony Caretakers.
 - c) Taking all appropriate and reasonable steps to have the colony population vaccinated for rabies by a licensed veterinarian.

Section 5: Withdrawal of Feral Cat Colony Caretaker

1. In the event a registered Caretaker is unable or unwilling to continue their duties with a colony, the Caretaker must notify Cabot Animal Services in writing. If no replacement Caretaker is readily available, the Director of Cabot Animal Services will meet with the oversight committee to determine the disposition of the abandoned Feral Cat Colony.

Section 6: Disposition of Feral Cat Colony Cats

1. Any cat that is trapped within the corporate city limits of Cabot will be scanned for a Microchip. If a trapped cat shows to be registered to a Feral Cat Colony, Cabot Animal Services will notify the registered Caretaker. The Caretaker must:
 - a) Retrieve the colony cat from the shelter within 24 hours.
 - b) Inform the Cabot Animal Services that they request to not reclaim the cat and their reasons for such a request.
 - c) Taking all appropriate and reasonable steps to have the colony population spayed or neutered by a licensed veterinarian.
 - d) Having a microchip inserted into each colony cat by a veterinarian in accordance with professional medical standards. The Caretaker shall be named contact for the Microchip.
 - e) Maintain appropriate documentation on each colony cat showing records for spay or neutering, vaccination, and microchip.
 - f) Provide food, water and shelter for colony cats.
 - g) Obtain written authorization from the appropriate property owner to enter onto private property to provide colony care.
 - h) Notify Cabot Animal Services within seven (7) days of any change in address or contact information for the Caretaker.
 - i) Follow the written procedure for colony maintenance as established by the oversight committee.

Section 7: Feral Cat Colony Enforcement

1. The establishment of feral cat colonies does not diminish the right for individual private property owners to trap and remove stray animals from their property in accordance with established procedures of Cabot Animal Services.
2. Feral Cat Colony cats that are repeatedly trapped on private property or otherwise cause a continued nuisance will be reported to the registered Caretaker. The Caretaker will be allowed thirty (30) days to resolve the issue. In the event the Caretaker is unable to resolve the problem, the Director of Cabot Animal Services will discuss the disposition of the cat colony with the oversight committee with the final decision being the responsibility of the Director.
3. Feral Cat Colony cats that are trapped on private property do not constitute a violation of the section regarding animals running at large and the registered Caretaker is not subject to the implementation of a fine under that provision.
4. Cabot Animal Services, in order to encourage the stabilization of the feral cat population in Cabot Arkansas, shall have the following rights:
 - a) The right to trap in a humane manner and remove any cats that: (1) have not been vaccinated against rabies or which are demonstrating signs of the disease; (2) are not spayed or neutered; (3) are not identifiable as belonging to a Feral Cat Colony that has a Feral Cat Colony Caretaker; or (4) for public health or public safety concerns.
 - b) If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a Caretaker can arrange to have the cat spayed or neutered, ear tipped, vaccinated against rabies and micro chipped by a

- licensed veterinarian. The Caretaker may then arrange for the cat to be adopted or placed in a Feral Cat Colony.
- c) If a feral cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to public health or safety, or to its own person, that cat can be humanely destroyed.
 - d) The Director of Animal Services has the authority to direct a Caretaker to remove a feral cat that is creating a nuisance if the Caretaker has failed to adequately resolve the nuisance within thirty (30) days after being given written notice thereof. In the event that Cabot Animal Services directs the Caretaker to remove the cat, the Caretaker shall have thirty (30) days to do so. Failure of the Caretaker to remove the cat within the time period (or such longer time as the Cabot Animal Services may specify) shall constitute grounds for Cabot Animal Services to remove the cat.
5. Cabot Animal Services Officer shall investigate any nuisance complaint allegedly caused by a feral cat.
- a) In the event that an Cabot Animal Services Officer finds that a feral cat or Feral Cat Colony has created a nuisance, the Officer shall advise the Director of Cabot Animal Services and Caretaker in writing of the nuisance.
 - b) The Caretaker shall have the right to review the matter with the Director of Cabot Animal Services. If the Caretaker is not able to satisfy the Director that a nuisance is not occurring, the Caretaker shall have thirty (30) days to comply with the Directors direction with respect to correcting the nuisance. If the Caretaker fails to correct the nuisance, Cabot Animal Services shall have the right to remove the cat.
6. If a Caretaker fails to perform their responsibilities as defined in this Article, Cabot Animal Services may notify the Caretaker that it must comply with the requirements of this article within thirty (30) days. If the Caretaker fails to do so, the Director of Cabot Animal Services may remove the Caretaker from the list of approved Caretakers and may reassign feral cat colonies from this Caretaker to another Caretaker.
7. Feral cats that were spayed or neutered and vaccinated for rabies prior to the date on which this article became effective shall be deemed to be in compliance with this article, if all other requirements are being met by their Feral Cat Colony Caretaker. Feral Cat Colony Caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this article within three (3) years of its enactment or upon revaccination of the cats for rabies, whichever comes first.

Section 8: Non-Compliant Colony Caretaker

1. A Feral Cat Colony Caretaker that repeatedly fails to manage a colony or otherwise continues to act in a manner that is not in compliance with this article may be prohibited from serving as a Feral Cat Colony Caretaker. Such decision will be at the discretion of the Director of Cabot Animal Services with the advice of the oversight committee.

ARTICLE IV: LIVESTOCK / FOWL / BEES

Section 1: Certain Stables Declared Nuisance

1. All stables within the corporate city limits of Cabot used for the housing of horses, mules, cattle or livestock for sale, which violates any of the provisions of city law, are hereby declared to be public nuisances and menaces to the public health.

Section 2: Keeping of Horses and Cows

1. No person, household, or residence, shall keep any horse or cow except in an enclosed pasture containing a minimum of one (1) acre for each horse or cow.

Section 3: Keeping of Hogs, Goats or Sheep

1. It is hereby declared to be unlawful for any person to possess, maintain or keep any hogs, goats or sheep within the corporate city limits of Cabot or to permit any hogs, goats or sheep to run at large within the corporate city limits; except that hogs, goats and sheep in transit may be kept for a period not to exceed twenty-four (24) hours in a duly established stockyard.

Section 4: Livestock Running at Large Prohibited

1. No person owning, possessing or keeping livestock shall allow any such animal to run at large within the corporate city limits of Cabot.
2. State law references: Livestock running at large, A.C.A. 14-54-1101

Section 5: Fowl Running at Large Prohibited

1. It shall be unlawful for any person to permit any chickens, ducks, geese, or other animal to run at large.

Section 6: Keeping of Fowl

1. It shall be unlawful for any person to own chickens, guineas, ducks, geese, or other fowl in a residential district (as defined in the City of Cabot, Arkansas Zoning Code) with the exception that the lot size is one (1) acre or more. This section does not include fowl that are of a migratory species and are wild by nature.

Section 7: Bees

1. Keeping of bees shall be allowed pursuant to state apiary laws and regulations with no more than two (2) active hives per household.
2. Hives shall be properly and safely constructed and located at least two hundred (200) feet from the nearest resident.
3. Upon request by Cabot Animal Services, Beekeepers must provide a copy of the latest yearly inspection report as completed by the State Aviary inspector.
4. Active hives will be placed within a protective fence or other enclosures which will prevent tampering with or ingress of passerby.

ARTICLE V: ANIMAL ESTABLISHMENTS

Section 1: Compliance

1. An animal establishment shall not sell trade or give away any dog or cat over six (6) months of age unless the dog or cat has been licensed and vaccinated as required by city law.
2. Cabot Animal Services shall be permitted to inspect any animal establishment, animals on premises, and the grounds where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions.

Section 2: Standards for Animal Establishments

1. All animal establishments, including animal establishments operated in conjunction with another holding facility, shall in addition to the other requirements, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a business license or revocation of business license until such a time when the requirements are met.
2. Water: There shall be available hot water at a minimum temperature of one hundred sixty (160) degrees for washing cages and disinfecting, and would water easily accessible to all parts of the establishment. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.
3. Room Temperature: The room temperature of the establishment shall be maintained at a level that is healthful for every species of animal kept in the establishment.
4. 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 animal will have room to stand, run and stretch out to its full length.

ARTICLE VI: DISPOSAL OF ANIMAL REMAINS

Section 1: Disposal

1. All animal remains will be disposed of in a manner that is in accordance with the state law.

ARTICLE VII: FRAUDULENT REDEMPTION

Section 1: Fraudulent Redemption

1. It shall be unlawful for any person to obtain possession or provides false identification of an animal on behalf of the owner for the purpose of avoiding payment of fees, penalties, or fines, both the owner and the person shall be charged with a misdemeanor.

ARTICLE IIX: ENFORCEMENT

Section 1: Citations

1. Police Department and Cabot Animal Services Officers are hereby authorized to issue citations for any violations of these articles.
2. If citations cannot be delivered in person, they shall be sent certified mail and addressed to the owner of the dog, cat or other animal, if known. If not known, then the citation will be issued to the property owner to which the dog, cat or other animal belongs.

3. The affidavit or testimony of the Cabot Animal Services Officer, Police Officer or the authorized agent, who delivered or mailed such instructions, shall be prima facie evidence of the receipt of the instructions by the owner of the dog, cat or other animal.

ARTICLE IX: FEES

Section 1: Fee Structure

1. Reclaiming Fee (Standard):
 - a) Twenty dollars (\$20) for each animal; plus five dollars (\$5) per day boarding fee for each animal.
 - b) Reclaiming fee shall double for each recurring offense for each animal; plus five dollars (\$5) per day boarding fee for each animal.
 - c) Pit Bull Reclaim Fee: Violators will be charged a one hundred dollar (\$100) fee.
2. Adoption Fee: No adoption fees shall exist.
3. Relinquishment Fee:
 - a) If an animal is over sixteen (16) weeks old, a thirty dollar (\$30) relinquishment fee is required for each animal. However, if said owner of the animal to be relinquished provides a current newspaper clipping showing where said animal was attempted to be re-homed then the relinquishment fee will be reduced by half.
 - b) Unwanted litters of puppies or kittens may be taken into the shelter for a twenty five dollar (\$25) fee.
4. Carcass Disposal Fee: Remains of animals shall be accepted from citizens for disposal at the following fee schedule:
 - a) 0- 40 lbs: Twenty dollars (\$20)
 - b) 41-80 lbs: Thirty dollars (\$30)
 - c) 81-150 lbs: Forty five dollars (\$45)
 - d) 151 – Up: Not accepted
5. Trap Fee: Deposits shall be taken for the use of city traps at a rate of sixty dollars (\$60) for cat traps and one hundred fifty dollars (\$150) for dog traps. All deposits will be refunded in full once the trap has been returned in the same condition it was sent out in.
6. Spay and Neuter Program Fee: A ten dollar (\$10) paperwork fee shall be charged per animal on any spay and neuter program participant as long as said program is in force.
7. Bark Collars Fee: A deposit of one hundred dollars (\$100) shall be taken for the use of city bark control collars. All deposits will be refunded in full once the collar has been returned in the same condition it was sent out in.
8. Microchip Fee: A twenty-five dollar (\$25) fee for any animal not adopted from the Cabot Animal Shelter. A twenty dollar (\$20) fee for any animal adopted from the Cabot Animal Shelter.
9. Mechanical Capture Fee: An additional fee of ten dollars (\$10) shall be added to the impound fee should any animal need to be captured via Mechanical Capture.
10. Vaccination Fee: Any animal impounded at the shelter shall receive up to two vaccinations for prevention of disease spread. Any animal reclaimed by its owner shall be charged a fee of fifteen dollars (\$15) for vaccinations.
11. License Fee (Dog or Cat): A fee of five dollars (\$5) for sterilized animals and fifteen dollars (\$15) for unsterilized animals shall be charged on an annual basis.
12. Fowl Permit Fee: A Fowl permit shall be twenty dollars (\$20) per year and shall be paid on or before the first day of July each year.
13. Breeders License Fee: A breeder's license from Cabot Animal Services is forty dollars (\$40) annually.

ARTICLE X: PENALTIES

Section 1: General Penalties

1. Any person who fails to abide by Article I, Article II (Sec. 1-11), Article III, Article IV, Article V, Article VI, or Article VII shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:
 - a) First Offense: Any sum not less than one hundred dollars (\$100) minimum and a maximum of one thousand dollars (\$1,000)
 - b) Second Offense: Any sum not less than two hundred fifty dollars (\$250) minimum and a maximum of one thousand dollars (\$1,000).
 - c) Third Offense: Mandated judge appearance and a fine of not less than five hundred dollars (\$500).

Section 2: Pit Bull Violation Penalties

1. Article II (Sec. 12) Pit Bull Violation:
 - a) First Offense: Any person violating or permitting the violation of any provision of this section shall upon conviction in the Cabot District Court be fined a sum not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000). The court may also sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days.
 - b) Second Offense: Any person violating or permitting the violation of any provision of this section a second time shall upon conviction in the Cabot District Court be fined a sum not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000). The court may also sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. Any such second conviction shall include seizure of the animal by Cabot Animal Services personnel to be humanely destroyed or sent to a suitable rescue outside of the corporate city limits of Cabot.

