

ORDINANCE NO. 13 OF 2019

**AN ORDINANCE TO CREATE AN EXEMPTION FOR ELECTRONIC FENCES IN
THE CITY OF CABOT; AND FOR OTHER PURPOSES**

WHEREAS, it is the desire of this governing body to allow electronic fences within the City of Cabot.

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

SECTION 1: The City of Cabot hereby adopts an exemption for electronic fences delineated as follows:

A. Electronic Fence Exemption.

1. Definition of "electronic fence": An electronic fence is a fence that controls the movement of a dog by emitting an electrical shock through an electric collar worn by the dog when the dog nears the boundary of the property around which the fence is located.

2. Filing of Application for Exemption.

a) An application for an exemption must be filed with the Office of Animal Control by the dog owner (applicant) and must legally reside where the fence is to be located.

b) The application must be filed in the form the Animal Control requires.

3. Contents.

a) The application must:

(1) Be accompanied by the site plan for the electronic fence, including the property lines, dimensions and existing structures.

(2) Include a written statement by the applicant, with adequate supporting evidence, showing how the applicant will conform to the following standards:

(a) The fence shall be installed in such a way that the dog confined shall not come within ten (10) feet of any public footpaths, walkways, allies or streets.

(b) The fence shall not be installed closer than five (5) feet from an adjacent property.

(3) Provide proof that the animal is neutered or spayed.

(4) Include a statement by the applicant that the applicant:

(a) understands that approval of the fence in no way relieves the applicant of responsibility for control of his/her dog and any damages caused by his/her dog; and

(b) continues to accept responsibility for the dog and its actions, including any damages to the dog, the applicant, and third parties resulting from the applicant's dog, and the use of an electronic fence

to contain the dog.

4. Posting of Property.

a) Applicant's property must be posted for ten (10) consecutive days immediately upon the filing of the application for an exemption.

b) Sign Placement.

(1) The posted sign must be placed in a conspicuous area, not over ten (10) feet above the ground and clearly visible and legible to the public

(2) The posted sign shall not be less than four (4) feet long and three (3) feet high with black block lettering not less than two (2) inches high on a white background.

c) Content.

(1) The sign must state the applicant has requested an exemption from Animal Control to install and maintain an electronic fence and specify the species of dog the fence is to confine.

5. Approval or Denial of Application for Exemption.

(1) The Office of Animal Control shall approve or deny a completed application within 30 days after the submission of the application.

(2) The Office of Animal Control will provide a written explanation of the reason(s) for denial of an application.

(3) Should the applicant be aggrieved by the denial of the application, an administrative hearing may be requested of the Cabot Animal Services Compliance Committee.

6. Requirements after Approval of Electric Fence.

a) Should the application be approved?

- (1) The applicant is responsible for ensuring that the fence effectively contains the animal on the property.
- (2) The applicant of the animal shall clearly post his/her property to indicate to the public that an animal is confined to the property by an electronic fence.
- (3) An applicant's failure to comply with this regulation may lead to a revocation of the exemption granted and citations for improper dog restraints.

SECTION 2: SEVERABILITY. 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, but such valid portions shall be and remain in full force and effect.

SECTION 3: REPEAL. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

SPONSOR:

Ed Long, Ward 1 Position 1

PASSED: 8-0

DATE: 4/15/2019

APPROVED:

Ken Kincade, Mayor

APPROVED AS TO FORM:

ATTEST:

Jim Taylor, City Attorney

Tammy Yocom, City Clerk~Treasurer