

## TITLE 6

### ANIMALS AND FOWL

#### Chapters:

- 6.04 Dogs
- 6.08 Dangerous Dogs
- 6.12 Pit Bulls
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- 6.20 Livestock Auctions
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#### CHAPTER 6.04

##### DOGS

#### Sections:

- 6.04.01 Definitions
- 6.04.02 Vaccination
- 6.04.03 Confinement of dogs
- 6.04.04 Confinement other than on premises of owner
- 6.04.05 Running at large
- 6.04.06 Impounding of dogs and destruction of dogs
- 6.04.07 Redemption of dogs and fees
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- 6.04.010 Fine

6.04.01 Definitions The following words and phrases shall, for purposes of this ordinance, have the following meanings:

**At large** Any dog not confined to the premises of the owner or within a house or other building or enclosure or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting the dog to the premises or not confined by leash or confined within an automobile when away from the premises of the owner.

**Dogs** When used herein shall include animals of all ages, both female and male, which are members of the canine or dog family.

**Owner** Every person, firm, partnership or corporation owning, keeping or harboring a dog within the corporate limits of the city.

**Vaccination** An injection of any vaccine for rabies approved by the State Veterinarian and administered by a licensed veterinarian or other competent person authorized to so vaccinate. (Ord. No. B-256, Sec. I)

6.04.02 Vaccination All dogs within the corporate limits of the city of Arkadelphia six (6) months of age or over shall be vaccinated for rabies. (Ord. No. B-256, Sec. II)

6.04.03 Confinement of dogs From and after the passage of this ordinance, any person owning, possessing or keeping a dog or dogs, whether vaccinated or unvaccinated, shall confine such dog or dogs within an adequate fence or enclosure or within a house, garage or other building or shall confine such dog or dogs by a chain or leash affixed to the animal's collar and attached to some substantial stationery object adequate to prevent the dog from running at large. (Ord. No. B-256, Sec. III)

6.04.04 Confinement other than on premises of owner At all times when not confined as stated in Section 6.04.03, the owner of any dog or dogs shall confine such animal within an automobile or by having one end of a rope or leash affixed to a substantial stationery object or held by some person competent to control such animal. (Ord. No. B-256, Sec. IV)

6.04.05 Running at large No person owning, possessing or keeping a dog shall allow the same to run at large within the corporate limits of the city of Arkadelphia. (Ord. No. B-256, Sec. V)

6.04.06 Impounding of dogs and destruction of dogs The Animal Control Workers of the city of Arkadelphia shall take into custody any dog found at large in the city of Arkadelphia and shall impound the dog in the city pound or such other place as such Animal Control workers may designate for the purpose of impoundment. Such impounded animal shall be held for a period of ten (10) days, at the end of which time, the animal shall be destroyed unless custody thereof is released prior thereto under the following conditions:

During the first six (6) days of such impoundment, the Animal Control workers of the city of Arkadelphia shall make diligent effort to determine the owner of such animal and notify him or her of such impoundment. If the owner fails or refuses to claim and repossess such animal by the payment of the proper fee, as prescribed herein, within the first six (6) days of such impoundment, then the Animal Control workers of the city of Arkadelphia may deliver custody and control of such animal to any person other than the owner upon the payment of the fee as prescribed herein between the sixth (6th) day of said impoundment and the tenth (10<sup>th</sup>) day of said impoundment. (Ord. No. B-256, Sec. VI)

6.04.07 Redemption of dogs and fees Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded, may claim and redeem such dog from the city pound by payment of the following fees:

1 <sup>st</sup> offense	\$10.00
2 <sup>nd</sup> offense	\$15.00
3 <sup>rd</sup> offense	\$25.00

In addition, a daily impoundment fee of Three Dollars (\$3.00 to cover board costs).

In the event the animal has not been vaccinated within a year preceding the impoundment, an additional fee of Twenty-Five Dollars (\$25.00) will be charged.

The burden of proof as to vaccination shall be upon the party attempting to claim the animal has been vaccinated within the year next preceding such impoundment. Any person claiming unvaccinated animals shall, after payment of the fees assessed herein and prior to release of the animal, sign a promise, in writing, to the Animal Control Officer that such person will immediately have the animal vaccinated if it is released to him or her.

The Animal Control worker shall keep such statements in a safe place and should such a statement be signed and the animal be again impounded and the animal having not been vaccinated as promised, then the Animal Control worker prior to releasing said dog shall require an additional fee of Fifty Dollars (\$50.00) to be paid by the person claiming the animal and require another promise, in writing, to have the animal vaccinated before he shall release the same to the person claiming such animal. Upon each subsequent impoundment of such animal, the same not having been vaccinated, an additional fee of Fifty Dollars (\$50.00) shall be assessed. The vaccination penalty is to enforce the Arkansas Rabies Control Act, Arkansas Statutes 82-2401 - 82-2409 already in existence. (Ord. No. B-371, Sec. 1)

6.04.08 Dogs suspicioned rabid Any dog or dogs having rabies or symptoms thereof or suspected of having rabies or which has been exposed to rabies should be immediately released by the owner or custodian of such dog or dogs to the police or Animal Control worker of the city of Arkadelphia for disposal or confinement in the pound of the city of Arkadelphia or in a veterinarian hospital approved by the city. Such animal shall be immediately and securely confined by the attachment of a chain of good quality and kept under the supervision of the Animal Control workers for a period of thirty (30) days or for a longer period of time if additional confinement is deemed necessary. (Ord. No. B-256, Sec. VIII)

6.04.09 Inspection and confinement of certain dogs When any dog has bitten or otherwise attacked a person, that person or anyone having knowledge of such incidents shall immediately notify the Chief of Police or an Animal Control worker and such animal should be confined in the city pound or at a veterinarian hospital for a period of ten (10) days at the expense of the owner or shall be immediately and securely confined by the owner by tying with a chain of good quality for the period often ten (10) days in such a place that no person or animal may be bitten by it and such dog or dogs shall, during such period of confinement, be subject to inspection by the Animal Control worker or a licensed veterinarian. (Ord. No. B-256, Sec. IX)

6.04.010 Fine It is hereby declared to be a misdemeanor for the owner, possessor or keeper of any dog to allow or permit his or her dog to run at large within the city of Arkadelphia, Arkansas, and any person violating the provisions of this ordinance shall be fined in a sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. B-381, Sec. 1)

## **CHAPTER 6.08**

### **DANGEROUS DOGS**

#### Sections:

- 6.08.01 Actions allowed
- 6.08.02 Definitions
- 6.08.03 Hearing procedure

#### 6.08.01 Actions allowed Actions allowed by authorized persons prior to hearing:

- A. If any dog shall attack a person or domestic animal who was peaceably conducting himself in any place where he may lawfully be, any person, for the purpose of preventing imminent injury or further injury, may use such force as is required to stop the attack.
- B. A police officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury. (Ord. No. O-06-4, Sec. 1.)

#### 6.08.02 Definitions

**Attack** means aggressive physical contact initiated by the dog.

**Dangerous dog** means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is dangerous.

Further, no dog may be declared "dangerous"

- A. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;

- B. If at the time the person was committing a crime or offense upon the property of the owner or custodian, of the dog;
- C. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
- D. If the dog was attached or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian, of the dog;
- E. If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;
- F. If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.
- G. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."

**Domestic animal** means any animal commonly kept as a pet in family households in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits and hamsters, and any animals commonly kept for companion or commercial purposes.

**Serious injury** means any physical injury consisting of a permanently disfiguring laceration requiring either stitches or cosmetic surgery. (Ord. No. O-06-4, Sec. 2.)

#### 6.08.03Hearing procedure

##### A. Hearing procedure

1. Any person may make a complaint of an alleged "dangerous" dog as that term is defined herein to a police officer or Animal Control Officer of the city of Arkadelphia. Such officers shall immediately inform the complainant of his right to commence a proceeding provided for in Section (2) immediately below, and, if there is reason to believe the dog is a "dangerous" dog, the officer shall forthwith commence such proceeding himself.
2. Any person may, and any police officer or Animal Control Officer acting within the scope of his statutory duties, shall make a complaint under oath or affirmation of an alleged "dangerous" dog as that term is defined herein to any District Judge. Thereupon, the District Judge shall immediately determine if there is probable cause to believe the dog is a "dangerous" dog and, if so, shall issue an order to any police officer or Animal Control Officer pursuant to his statutory duties directing such officer to immediately seize such dog and hold same pending judicial determination as herein

provided. Whether or not the judge finds there is probable cause for such seizure, he shall, within seven (7) days and upon written notice of not less than three (3) days to the owner of the dog, hold a hearing on the complaint.

- B. Where a dog is determined pursuant to clear and convincing evidence at a duly constituted hearing to be “dangerous,” the District Judge shall require the owner of said animal to register such animal with the Arkadelphia Police Department, and to provide prompt notification to the Arkadelphia Police Department of any changes in the ownership of the animal; names, addresses and telephone numbers of new owners; any change in the health status of the animal; any further instance of attack; any claims made or lawsuits brought as a result of further instances of attack; the death of the animal. In addition, the District Judge may require any or all of the following, but items 5, 6, and 11 or any one of them, may only be imposed where there has been serious injury to a person.
1. Indoors, when not alone, the dog be under the control of a person eighteen (18) years or older. Provisions for the dog to be outdoors must also be made.
  2. Outdoors and unattended, the dog be kept within a locked fenced area from which it cannot escape.
  3. When outdoors the dog must be attended and kept within a fenced area from which it cannot escape.
  4. When outdoors the dog must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.
  5. When outdoors the dog must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
  6. Outdoors and unattended, the dog must be confined to an escape-proof kennel of the following description:
    - a. Such kennel shall allow the dog to stand normally and without restriction, and shall be at least two and one-half (2½) times the length of the dog, and shall protect the dog from the elements.
    - b. Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of wooden fences, the gaps shall not be more than two (2) inches.
    - c. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel and unattended such locks shall be kept locked.

- d. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
7. Placement of a sign or signs of a description and in places directed by the District Judge, advising the public of the presence and tendencies of said animal.
8. Attendance by the dog and its owner/custodian at training sessions conducted by a certified applied animal behaviorist, board certified veterinary behaviorist or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.
9. Neutering or spaying of the dog at the owner's expense, unless medically contraindicated.
10. That the dog be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with the Arkadelphia Police Department as indicated above.
11. The procurement of liability insurance in an amount to be determined by the District Judge, but in no case in an amount of less than Fifty Thousand Dollars (\$50,000.00) covering the medical and or veterinary costs resulting from future actions of the dog.
12. If the dangerous dog escapes its enclosure, the owner or keeper shall immediately notify the Animal Control authority and begin a search for the dog.
13. If a further incident of attack occurs under such circumstances that the dog, after a hearing as described above, is determined to be a "dangerous" dog, the District Judge may impose or re-impose any applicable directives listed above; additionally, humane destruction of the dog may be ordered, but only where the further incident involves serious injury to a person.
14. If any of the above conditions ordered by the District Judge are not complied with, the owners shall be subject to the maximum fine of Five Hundred Dollars (\$500.00), or the maximum allowed by state law for a misdemeanor, per day. (Ord. No. O-06-4, Sec. 3.)

## **CHAPTER 6.12**

### **PIT BULLS**

#### **Sections:**

- 6.12.01 Definitions
- 6.12.02 Restrictions
- 6.12.03 Registration
- 6.12.04 Conditions for keeping or maintaining
- 6.12.05 Fine

#### **6.12.01 Definitions**

**AKC or UKA registered show dog** means an American Staffordshire Terrier or Staffordshire Bull Terrier for which the owner thereof has documentation showing the dog to be a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove the animal is a show/performance dog must include:

- A. An AKC or UKC registration;
- B. AKC or UKC three (3) generation pedigree;
- C. Proof the dog is being used as a show dog once the dog reaches the age of six (6) months; and
- D. The first five (5) numbers of the AKC or UKC registration tattooed on the abdomen of the upper side of the left rear leg.

**Pit bull breed** includes

- A. American Pit Bull Terrier;
- B. Staffordshire Bull Terrier and American Staffordshire Bull Terrier (unless exempted as a registered show dog);
- C. American Bull Dog;
- D. Any dog whose sire or dam is a dog of a breed which is defined as a restricted breed of dog in this definition;
- E. Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a restricted breed;

- F. Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or American Bull Dog as defined by the United Kennel Club of American Kennel Club;
- G. Any dog which is of the breed commonly referred to as Pit Bull and commonly recognized and identifiable as such. (Ord. No. O-07-4, Sec. 1.)

6.12.02Restrictions A Pit Bull breed dog, other than an AKC or UKC registered show dog, is restricted within the city limits of Arkadelphia, and must be registered pursuant to the provision of 6.12.03 and comply with this ordinance, unless the animal is owned and maintained by a local, state or federal agency and used for law enforcement purposes. It shall be unlawful for any person to keep within the city limits of Arkadelphia any Pit Bull dog as defined in 6.12.01, except for AKC or UKC registered show dog as defined and identified in 6.12.01 of this ordinance, or registered in accordance with 6.12.03. (Ord. No. O-07-4, Sec. 2.)

6.12.03Registration No registration shall be issued for a Pit Bull breed until all requirements listed herein have been met. In addition to all other fees, the city of Arkadelphia will assess, and the owner or custodian of the dog must pay the sum of Twenty-Five Dollars (\$25.00) for issuance of the registration allowing possession of a Pit Bull breed in the city. The registration shall be for a one (1) year period and may be renewed for additional one-year periods upon payment of the Twenty-Five Dollar (\$25.00) fee and compliance with other requirements of this ordinance.

The owner of a Pit Bull breed dog who desires to continue to keep the dog within the city limits will have sixty (60) days subsequent to the effective date of this ordinance to register the animal with the city of Arkadelphia in order for that animal to be allowed to remain in the city, pursuant to the following criteria:

- A. The animal must be registered with an identification chip inserted under skin by a licensed veterinarian;
- B. The owner provides proof of rabies and other vaccinations;
- C. The owner and handler must be a least twenty-one (21) years of age;
- D. The owner shall at his own expense have the animal spayed or neutered, and shall present to the city of Arkadelphia documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a restricted dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would place the dog's life at risk or produces documentation showing that the dog is a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as defined in 6.12.01.

- E. The city of Arkadelphia shall create and maintain a registration system containing the numbers and names of the animals and the names and addresses of the owners. The owner shall be responsible for notifying the city of Arkadelphia of any change in his address, within ten (10) days of the change (regardless of whether the new address is inside or outside the city limits), and the owner shall also be responsible for notifying the city of Arkadelphia when the dog dies.
- F. No person shall sell, transfer, give, trade, barter or otherwise dispose of a Pit Bull breed dog registered with the city of Arkadelphia to another person within the city. It is unlawful to abandon a Pit Bull breed dog in the city. An owner may sell or otherwise dispose of a registered Pit Bull breed dog to a person who is not a resident of the city and who will not maintain the animal within the city limits. In such cases the owner shall report the transaction to the city of Arkadelphia within the time frame set forth in Section (E) above. (Ord. No. O-07-4, Sec. 3.)

#### 6.12.04 Conditions for keeping or maintaining

- A. Confinement All Pit Bull breeds shall be securely confined:
  - 1. Indoors, or
  - 2. In an enclosed and locked pen or physical structure upon the premises of the owner.

The pen must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the ground beneath the gate shall be secured by imbedded posts and the sides must be embedded into the ground no less than one (1) foot, unless such pen has a concrete bottom, in which case the sides need only be embedded two (2) inches deep into the concrete. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. Any stationary pen or enclosure shall be required to be of a size at least two (2) square feet per pound of animal so confined. This structure must be species-appropriate. Square feet per pound should be judged by the type of animal at average full-grown weight.

- B. Leash and muzzle The owner of a Pit Bull breed shall not allow the dog to go unconfined unless the dog is securely muzzled and restrained by leash, and under the physical restraint of a person capable of restraining said dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

No person shall permit a Pit Bull dog to be kept on a chain, rope or other type of leash outside its kennel or open pen unless a person is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings.

- C. Signs The owner of a Pit Bull breed dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a dangerous animal on the premises. A similar sign is required to be posted on each side of the pen, enclosure or kennel of the animal.
- D. Insurance Owners of a Pit Bull breed dog must provide proof to the city of Arkadelphia of public liability insurance in the amount of a least One Hundred Thousand Dollars (\$100,000.00) insuring the owner for any personal injuries inflicted by his or her Pit Bull breed dog. (Ord. No. O-07-4, Sec. 4.)

#### 6.12.05Fine

- A. It shall be unlawful and a misdemeanor for an owner or keeper of a Pit Bull breed dog to fail to comply with any of the provisions of this ordinance. The owner or custodian of the animal, upon conviction, shall be subject to the maximum fine of Five Hundred Dollars (\$500.00), or the maximum allowed by state law for a misdemeanor, per day.
- B. In addition, the dog found to be the subject of the violation of the regulations shall be subject to immediate seizure and impoundment, and revocation of the registration for keeping a Pit Bull breed dog in the city.
- C. A Pit Bull breed dog seized by the city of Arkadelphia shall be held for a period of ten (10) business days and the owner may reclaim the dog by payment of a fee of Fifty Dollars (\$50.00). The dog shall not be released unless the reclaim fee is paid, and the owner meets all registration requirements or signs an affidavit or sworn declaration stating that the dog will be removed outside the city limits immediately.
- D. A dog released pursuant to the affidavit or sworn declaration which remains in the city limits is subject to immediate seizure. If not reclaimed within ten (10) days upon payment of the reclaim fee, the dog shall be removed as provided in this subsection and the owner who knowingly fails to remove the dog as required, shall be subject to a fine of Five Hundred Dollars (\$500.00) per day.
- E. Animal Control personnel may humanely destroy an animal not reclaimed or abandoned. (Ord. No. O-07-4, Sec. 5.)

## **CHAPTER 6.16**

### **CATS**

#### **Sections:**

- 6.16.01 Vaccination
- 6.16.02 Proof
- 6.16.03 Homeless cats
- 6.16.04 Fine

**6.16.01 Vaccination** All cats in the city of Arkadelphia, Arkansas shall be vaccinated in accordance with the Arkansas "Rabies Control Act" A.C.A. 20-19-301 through 20-19-312 as said Act may be amended. (Ord. No. B-506, Sec. 1.)

**6.16.02 Proof** All cats in the city of Arkadelphia shall be marked or identified in some manner to prove rabies vaccination. (Ord. No. B-506, Sec. 2.)

**6.16.03 Homeless cats** Any homeless cat and any cat not vaccinated annually in accordance with the Rabies Control Act and not marked or identified in some manner to prove rabies vaccination is subject to destruction by the Animal Control Division of the city of Arkadelphia, Arkansas. (Ord. No. B-506, Sec. 3.)

**6.16.04 Fine** Any person owning a cat which is not vaccinated annually and marked or identified in some manner to prove rabies vaccination shall be deemed guilty of a misdemeanor and shall be fined a sum not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00) for each offense. (Ord. No. B-506, Sec. 4.)

## **CHAPTER 6.20**

### **LIVESTOCK AUCTIONS**

#### **Sections:**

- 6.20.01 Livestock auction illegal
- 6.20.02 Definition

**6.20.01 Livestock auction illegal** The business of conducting a livestock auction within the city of Arkadelphia is hereby declared to be a nuisance and is hereby prohibited. (Ord. No. 104, Sec. 1)

6.20.02 Definition For the purpose of this ordinance, a livestock auction sale is hereby defined as a sale at which a combined total of more than ten (10) head of all species of horses, mules, donkeys, cattle, sheep, goats and hogs shall be offered for sale at auction on any one calendar day. (Ord. No. 104, Sec. 2)

## **CHAPTER 6.24**

### **FOWL AND OTHER ANIMALS**

#### Sections:

6.24.01	Unlawful
6.24.02	Exceptions
6.24.05	Fine

6.24.01 Unlawful It shall be unlawful for any person to keep any fowl within the corporate limits of the city of Arkadelphia. (Ord. No. O-12-5, Sec. 1.)

#### 6.24.02 Exceptions

A. Chickens It shall be lawful to keep chickens within the corporate limits of the city under the following terms and conditions:

1. The principal use of the property shall be a single family dwelling.
2. No more than six (6) hens shall be allowed for each single-family dwelling. (Ord. No. O-13-2, Sec. 1.)
3. No birds shall be allowed in multi-family complexes, including duplexes.
4. No roosters shall be allowed.
5. There shall be no outside slaughtering of birds.
6. All fowl must be kept at all times:
  - a. In the side or rear yard.
  - b. In a secured enclosure constructed at least two (2) feet above the surface of the ground.
  - c. In a secured run connected to the above secured enclosure.
7. Enclosures must be situated at least ten (10) feet from the property line and

the owner's single family dwelling.

8. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attractions of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city or other persons.
  9. The city may further restrict or eliminate the keeping of chickens within residential districts if it causes a public health issue in accordance with Arkansas law.
- B. Pets Indoor pets such as, but not limited to, parrots or parakeets, or other similar birds.
- C. Commercial sells Commercial establishments that serve the farming and ranching community are permitted to sell fowl. (Ord. No. 0-2012-5, Sec. 2.)

6.24.03 Fine Violation of any code provision as mentioned above is hereby declared to be a misdemeanor, punishable by a fine up to One Thousand Dollars (\$1,000.00) and imprisonment in the county jail for a maximum of one (1) year with each day the code are not complied with being a separate violation. (Ord. No. O-13-4, Sec. 1.)