

ORDINANCE NO. 2004.6

BE IT ENACTED BY THE QUORUM COURT OF COLUMBIA COUNTY,  
ARKANSAS: AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE DEFINING DANGEROUS DOG, REGULATING  
THE REGISTRATION, KEEPING, AND ACTIVITIES OF  
DANGEROUS DOGS WITHIN THE UNINCORPORATED AREAS  
OF THE COUNTY; SETTING PENALTIES; DECLARING AN  
EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, it has been determined that unrestrained and unconfined dangerous  
dogs pose a threat to the safety of the citizens of Columbia County; and

WHEREAS, current state laws are deemed insufficient to deal with the problems  
associated with dangerous dogs; and

WHEREAS, it is necessary and desirable for the County to enact an ordinance  
that will reduce the threat to its citizens of injury from dangerous dogs and promote the  
safety of all of its citizens while protecting the property rights of those citizens who own  
dogs.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF  
COLUMBIA COUNTY, ARKANSAS, THAT:

ARTICLE 1. Definitions:

1. "Dangerous dog" means any dog which:
  - (a) 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;  
or
  - (b) any dog owned or harbored primarily or in part for the purpose of  
dog fighting or any dog trained for dog fighting.
  - (c) A dog's breed shall not be considered in determining whether or  
not it is "dangerous." Further,
  - (d) no dog may be declared "dangerous"

Filed on the 16 day of June 2004  
Sherry L. Bell Clerk  
By Sherry L. Bell DC

- A. If the threat, injury or damage was sustained by a person who was committing at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog.
  - B. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault.
  - C. If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog.
  - D. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog.
  - E. If the dog was attacked or menaced by a domestic animal, or the domestic animal was on the property of the owner, or custodian of the dog.
  - F. If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring.
  - G. If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.
  - H. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."
- 2. "Attack" means aggressive physical contact initiated by the dog.
  - 3. "Injury" means any breaking of the skin, which results in bleeding caused by bite.
  - 4. "Serious injury" means any physical injury consisting of broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.
  - 5. "Domestic animal" means any animal commonly kept as a pet in family households and any animals commonly kept for companion or commercial purposes.
  - 6. Law Enforcement Exemption: The provisions of this section do not apply to dogs used by law enforcement officials during the course of performing law enforcement related activities.

**ARTICLE 2. Dog fighting shall be prohibited.**

1. No person, firm, corporation, organization, association or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

**ARTICLE 3. Action allowed by authorized persons prior to hearing.**

1. 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.
2. A law enforcement officer or peace officer acting pursuant to his statutory duties may, where the threat of injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury.

**ARTICLE 4. Procedure for making a complaint .**

1. Any person may make a complaint of an alleged "dangerous" dog as that term is defined herein to a law enforcement officer of the county by stating the facts supporting the complaint under oath or affirmation. Upon approval by the prosecuting attorney and the district court judge, a warrant for the arrest of the owner of the dog shall be issued and a proceeding commenced in the District Court of Columbia County. Any law enforcement officer who personally witnesses a violation of this ordinance shall issue a citation to appear in District Court to the owner of the dog at the Court's next term.

**ARTICLE 5. Procedure for declaring a dog dangerous.**

1. The classification of a dog as "dangerous" shall be the function of the District Court in and for the County of Columbia after hearing evidence under oath offered by any animal control officer, the dog's owner, the victim of the attack and any other witnesses at a regularly scheduled date on the Court's calendar.
2. All costs of disposition, including court costs, restitution, housing the dog, termination of the dog's life and any other administrative costs shall be born by the owner of the dangerous dog.
3. In the event that the owner or keeper of a dangerous dog is a minor, the parent or guardian of such minor shall be liable for all costs of disposition.

**ARTICLE 6. Dangerous dogs: registration.**

1. No person may own a dog adjudicated dangerous in this county unless the dog is registered as provided in this section.
  - (a) A certificate of registration and proper tags as described in Article 7, Section 1(b) must be obtained through the county judge's office or its designated agent. A registration fee of \$50.00 shall be imposed for any dog that has been declared "dangerous" by the District Court of Columbia County. Said registration fee shall be deposited in a special revenue fund designated for county animal control.
  - (b) Any person required to register a dangerous dog shall provide prompt notification to the County Judge's office or its designated agent 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 instances of attack; and claims made or lawsuits brought as a result of further instances of attack; and the death of the animal.
2. The county will issue a certificate of registration to the owner of a "dangerous" dog if the owner presents sufficient evidence that:
  - (a) A proper enclosure exists and that the premises are adequately marked with a warning sign that there is a dangerous dog on the property as ordered by the District Court.
  - (b) The animal has been neutered or spayed unless medically inadvisable by a duly licensed animal physician.
  - (c) The owner of the dog has complied with all other court imposed conditions.

**ARTICLE 7. Requirements for keeping a dog adjudicated "dangerous".**

1. The owner of any dog ruled to be dangerous shall be required to meet the following conditions:
  - (a) The District Court Judge shall require the owner of the animal to register the animal as provided in Article 6.
  - (b) Placement of a sign or signs of a description and in places directed by the District Court Judge advising the public of the presence and tendencies of the dangerous dog.

- (c) The dog shall at all times wear a substantial collar or halter and have attached to the collar or halter a metal disc or tag bearing the owner's name along with a current address.
2. In addition to the above conditions, the District Court may impose any or all of the following:
- (a) Indoors, when not alone, the dog must be under the control of a person eighteen (18) years or older.
  - (b) When outdoors and unattended, the dog must be kept within a locked fenced area from which it cannot escape.
  - (c) When outdoors the dog must be attended and kept within a fenced area from which it cannot escape.
  - (d) When 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 a minimum of five (5) feet by ten (10) feet and shall protect the dog from the elements.
    - B. Fencing material shall not have openings with the diameter of more than two (2) inches and in the case of wooden fences, the gap 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 animal is confined to such kennel and unattended such locks shall be kept locked. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
  - (e) The dog must be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices. The identification number and the identification of the person performing the procedure shall be registered with the county judge's office or its designated agent.
  - (f) A dangerous dog may be off the owner's premises only if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length, attached to the collar or halter and under the direct control of a responsible person who is at least eighteen (18) years of age. The muzzle must be made in a manner

that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. and left unattended.

**ARTICLE 8. Penalties for subsequent offenses.**

1. If any of the above court ordered conditions are not complied with or if a subsequent incident of attack occurs, the owner shall be subject to a fine not to exceed \$1,000.00 and/or imprisonment in the county jail for a term not to exceed one (1) year. Additionally, the judge may impose or reimpose any of the conditions listed above or humane destruction of the dog.

**ARTICLE 9. Severance clause.**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part that has not been declared to be unconstitutional or invalid.

**ARTICLE 10. Declaration of emergency.**

Because this ordinance is necessary to preserve the public peace, safety, health and welfare, an emergency is hereby declared and this Ordinance shall therefore be in full force and effect from and after its passage and approval.

DATED this 15 day of June 2004.

John C Blair  
John Blair, County Judge

ATTEST:

Sherry L Bell  
Sherry L. Bell, County Clerk