

ORDINANCE NO. 2003-28

AN ORDINANCE OF THE QUORUM COURT OF CRAIGHEAD COUNTY, ARKANSAS
TO ESTABLISH A VICIOUS ANIMAL CONTROL ORDINANCE.

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CRAIGHEAD, STATE
OF ARKANSAS:

ARTICLE 1 - SCOPE

This Ordinance applies to the unincorporated areas of Craighead County. An owner living within one of the incorporated areas, but allowing an animal to run at large in an unincorporated area shall be subject to this Ordinance.

ARTICLE 2 - DEFINITIONS

Animal Control Officer/Officers means any person charged by the County with performing the duties necessary to effectuate this Ordinance, including all deputies of the Craighead County Sheriff's Office

At Large means any animal not confined to the property of the owner.

Dangerous Animal means any animal, particularly a dog that:

1. Physically threatens or has a known disposition or tendency to attack human beings without provocation; or
2. Previously inflicted substantial bodily harm on a human being without provocation.

Owner means any person having ownership rights in a dog or other animal, or any person who keeps in his care, acts as custodian for, or knowingly permits a dog or other animal to remain on or about any premises occupied by him.

ARTICLE 3 - KEEPING DANGEROUS ANIMALS

Any dangerous animal residing in the unincorporated areas of Craighead County at the time of the passage of this Ordinance or any animal declared thereafter to be a dangerous animal shall be kept subject to the following standards:

1. Dangerous animals residing in unincorporated areas of the County at the time of the passage of this Ordinance must be registered with the Animal Control Officer/Officers by the owner within ten (10) days of passage of this Ordinance.
2. No person shall permit a dangerous animal to go outside its kennel, pen or other enclosure unless such animal:
 - a. is securely leashed by a responsible person capable of restraining the animal; or
 - b. has a secure leash affixed to its collar and attached to some substantial stationary object adequate to prevent the animal from running at large.
3. All dangerous animals shall be securely confined indoors or in a securely enclosed pen or kennel, except when leashed as above provided. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition.
4. All owners of dangerous animals within the unincorporated areas of the County shall display in a prominent place on their premises a warning sign easily readable by the public.

Any failure to comply with the above provisions is a violation of this Ordinance and is subject to the punishment set forth below.

ARTICLE 4 - CONTROLLING DANGEROUS ANIMALS

If it is determined by the Animal Control Officer/Officers upon investigation that an animal is dangerous, the officer shall notify the owner and request that he securely confine the dangerous animal immediately and comply with the provisions of Article 3. If the owner fails to comply, or if the owner is not available and it is determined that the animal is endangering the well being of others, then the Animal Control Officer may impound the animal.

Where an animal determined by the Animal Control Officer/Officers to be a dangerous animal has escaped and is at large, the owner is in violation of this Ordinance, and the Animal Control Officer/Officers shall:

1. Cause the owner to immediately seize and securely confine the animal, if the owner is readily ascertainable and available; or
2. Cause the animal to be immediately seized and impounded, if the owner is not readily ascertainable and available.

Where an animal determined by the Animal Control Officer/Officers to be a dangerous animal has caused serious physical harm or death to any person, the Animal Control Officer/Officers shall cause said animal to be immediately seized and impounded. A dangerous animal may be killed if seizure and impoundment are not possible without further risk of serious injury or death. Upon impoundment of an animal determined by the Animal Control Officer to be dangerous, the Officer shall notify the owner, if known, that the animal has been determined a dangerous animal pursuant to this Ordinance by hand delivery, or by certified mail to the owner.

ARTICLE 5 - IMPOUNDMENT

Should it become necessary to impound an animal under the provisions of this Ordinance, the animal shall be impounded for a period of ten (10) days at the end of which time the animal

shall be destroyed in a humane manner unless custody of such animal is released prior thereto under the following conditions:

1. During the first six-(6) days of such impoundment, the Animal Control Officer/Officers shall make a diligent effort to determine the owner of such dog or vicious animal and notify him of the impoundment. The owner may claim and repossess the animal by paying the cost of capture and impoundment, and by execution of an affidavit suitable to the impounding authority acknowledging that they will confine the animal as required by Section 3 of this Ordinance pending the outcome of any appeal.
2. If the owner of such animal fails or refuses to claim and repossess the animal, the Animal Control Officer/Officers may deliver custody and possession of the animal to any person other than the owner upon payment of the required fee between the sixth day and tenth day of impoundment, and by execution of an affidavit suitable to the impounding authority acknowledging that they will confine the animal as required by Section 3 of this Ordinance.

ARTICLE 6 - RIGHT TO APPEAL

If an animal owner who has received notice that his or her animal has been determined by the Animal Control Officer to be a dangerous animal feels that such determination was made in error, the owner may appeal the officer's decision within ten (10) days after receiving the notice by filing an appeal with the Craighead County District Court.

ARTICLE 7 - PUNISHMENT

Animal owners found in violation of this Ordinance shall be fined **\$25.00** to **\$250.00** for first and second offenses and **\$250.00** to **\$1,000.00** for third and subsequent offences, except that if an act prohibited herein or rendered unlawful is, in its nature, continuous in respect to time, the fine for allowing continuance thereof in violation of the Ordinance shall not exceed **\$250.00** for each day that the same is unlawfully continued.

Furthermore, the Animal Control Officer/Officers or any individual may institute a civil action to compel compliance with this Ordinance and seek injunctive relief, damages, or other civil sanctions including the award of attorney's fees and costs.

ARTICLE 8 - EXEMPTIONS

Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:

1. Who was committing at the time, a wilful trespass or other tort upon the premises occupied by the owner of the dog; or
2. Who was provoking, tormenting, or abusing the animal or who can be shown to have repeatedly, in the past, provoked, tormented, or abused the animal; or
3. Who was committing or attempting to commit a crime.

ARTICLE 9 - EMERGENCY CLAUSE

This ordinance being necessary for the protection and preservation of public health and safety; an emergency is hereby declared to exist and this Ordinance shall be in force and take effect immediately upon passage of this Ordinance.

Dated this 9th day of December, 2003

Approved: _____

Dale G. Haas

Craighead County Judge

Attest: _____

Nancy Nelms

Craighead County Clerk