

ORDINANCE NO. 2014- 8

BE IT Enacted by the Quorum Court of the County of Randolph, State of Arkansas:

An Ordinance to be Entitled: Regulating the owning, keeping or harboring of any vicious/aggressive animal, snake, or exotic species or wild animal which may attack or injure a person, or harass, wound, or kill domestic animals, livestock and poultry; establishing exemptions from such and to provide for the penalties for violation thereof and other matters.

Whereas, the problem of vicious/aggressive animals is a growing problem in Randolph County Arkansas; and

Whereas, the law of the State of Arkansas provides for civil remedies for any person harmed by a dangerous or vicious/aggressive animal; and

Whereas, there is a need to provide additional criminal sanctions against those who own, keep or harbor said animals;

**Section 1: Definitions:** The following words and phrases shall for purposes of this Ordinance have the following meanings:

- a. **Dogs:** When used herein shall include animals of all ages, both male and female, which are members of the canine family.
- b. **Exotic Species or Wild Animals:** Any snake or animal of a wild, ferocious, fierce or dangerous species likely to create harm or threat of harm in any place other than zoological parks, aquariums, circus or other licensed exhibitory shows; or those not under the direct supervision of licensed commercial dealers, State Game and Fish Management Commissioners, Federal Wildlife Services or U.S. Department of Agriculture.
- c. **Livestock:** Any members of the equine, bovine, ovine, porcine, and ratite species, and confined domesticated hares and rabbits.
- d. **Owner:** Every person, firm, partnership or corporation, owning, keeping, harboring, or acts as a custodian for an animal within the geographical limits of Randolph County.
- e. **Poultry:** All domesticated fowl and domesticated game birds.
- f. **Vicious/Aggressive Animal:** Any animal approaching an individual in such a way as to place that individual in reasonable fear of injury or attack whether it occurs upon streets, sidewalks, public grounds or private property, any animal which has a disposition to bite humans and any animal which has bitten or attempted to bite any person. The fact that an animal has bitten or attempted to bite some person when that person was teasing the animal shall not constitute a vicious/aggressive animal within the sense of this article.

- g. Law Enforcement Officer: Any person employed or elected by township, municipality, county, state, or federal agency, whose duty it is to preserve peace, make arrests or to enforce the law.

Section 2: Investigation and Impoundment: A law enforcement officer, or any other law enforcement officials authorized by state or local law, may order an owner to keep any animal covered by this Ordinance restrained or impounded, at the owners expense, pending investigation that such an animal has attacked human beings or has harassed, wounded, or killed livestock or poultry.

Section 3: Penalty:

- a. Any person violating any portion of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) for the first offence, five hundred dollars (\$500.00) for the second offence, nor in excess of one thousand dollars (\$1000.00), for any one specified offence or violation, plus restitution.
- b. The convicting court may at the court's discretion, order the vicious/aggressive animal to be humanely destroyed at the owner's expense.
- c. For the purpose of this section, each violation may be prosecuted as a separate or a continuous offence, pursuant to A.C.A 14-14-906.
- d. Any violation continuing for more than one day shall be deemed a separate offence for each day said violation continues.

Section 4: Costs: In the event a law enforcement agency, health official, veterinary or authorized personnel of the Humane Society are required or requested to investigate a violation of this ordinance and said complaint is substantiated, the reasonable cost of the investigation of such shall be assessed by the court against the owner or possessor of the animal.

Section 5: Duty of Individual to use Protective Measures:

- a. No animal owner or possessor covered by this Ordinance may at any time permit the animal to be in a situation or place where it can inflict injury or be a threat of danger to any human being, livestock, or other domesticated animal.
- b. An individual who keeps any animal covered by this Ordinance shall exercise the highest degree of care to protect children and the general public from attack and danger, actual or perceived.
- c. Appropriate chaining, posting of warning signs, or maintenance of the animal within its enclosures shall meet the standard of care if such practice reasonably precludes the possibility of inadvertent contact and probable injury in all instances where a child or

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unsuspecting person might be put into unintentional contact with the animal. Under the provisions of this Ordinance, any instance of inadvertent contact, injury or harm shall constitute prima facie evidence of the animal owner's failure to exercise a sufficient degree of protective care.

- d. Chained animals: When chaining is used, the chain shall weigh no more than ¼ of the animal's weight. The chain must be affixed to a stationary object and to the animal by the use of a nonabrasive, well-fitted harness or collar. The chain must be at 12 feet long and fastened so the animal can sit, walk, and lie down using natural motions. It must be unobstructed by objects that may cause the chain or the animal to become entangled. It must have a swivel on both ends.
- e. Signs: The owner of a vicious/aggressive animal shall display in a prominent place on the owners premises a clearly visible warning sign indicating that there is a dangerous animal on the premises. The sign must be at least one square foot in area and be easily read from any entry point into the property.

Section 6: Proof of Compliance with Rabies Control Act: Any law enforcement officer investigating a violation of this ordinance shall demand proof of compliance with the Rabies Control Act and failure to produce such shall be deemed a violation of this ordinance.

Section 7: Interference: No person shall interfere with, hinder or molest any law enforcement officer, acting agents, or any other law enforcement officials authorized by state or local law in the performance of any duty. No person shall seek to release any animal in the custody of the officer except as herein provided. Violation of this section may be prosecuted as a misdemeanor or felony in accordance with A.C.A 5-54-102 or 5-54-104.

Section 8: Exclusions:

- a. Nothing in this Ordinance shall apply in any manner whatsoever to the official use of police work dogs trained to aid law enforcement officers, if such dogs are being actively used for police work purposes, protection of the public, investigation of a crime, and apprehension of law violators.
- b. Nothing in this ordinance precludes a dog from "protecting his owner"—or any other person for whom he feels loyalty from physical attack. It is acknowledged that even a dog may defend against injury or battery. This ordinance does not apply when an individual trespasses on an animal owner's property.
- c. However, each dog or other animal owner shall exercise care to make certain that no harm results to an innocent trespasser such as children, misguided pedestrians, invitees, tradespeople, servants, business associates, social guest, friends, law enforcement agents and acting agents while in performance of duty.

- d. It is further acknowledged pursuant to Act 393 of 1987 that any person engaged in raising or owning domesticated animals has the right to protect said animals from vicious/aggressive animals, including the killing of such vicious/aggressive animals, if necessary.
- e. This ordinance shall not be applicable if the person bitten was committing an act or acts which would be classified as a felony or misdemeanor involving moral turpitude.

**Section 9: Municipalities:** All political subdivisions and municipalities which have enacted Ordinances designed to protect citizens from attack or injury inflicted by vicious/aggressive animals shall be exempt from the application of this ordinance, providing they have the ability to enforce such ordinance through their own enforcement personnel.

**Section 10: Immunity:** Any law enforcement officer acting in good faith and exercising due care, by any action necessary in enforcing this ordinance or any provision thereof, shall have immunity from civil liability.

**Section 11: Severability:** If any part of this ordinance is held invalid, such invalidity shall not affect any other portion of this ordinance.

**Section 12: Emergency:** This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and the same shall be in full force and effect immediately after its passage and approval.

Date: May 8, 2014

David Jansen David Jansen  
Randolph County Judge

Attest: Bobbie Lane  
Bobbie Lane, Randolph County Clerk