

ORDINANCE NO. 94-1

BE IT ENACTED BY THE QUORUM COURT OF SALINE COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED "AN ORDINANCE REGULATING THE OWNING OR HARBORING OF ANY VICIOUS ANIMAL, OR WILD ANIMAL WHICH MAY ATTACK OR INJURE OR HARASS A PERSON, OR HARASS, WOUND, OR KILL DOMESTIC ANIMALS AND POULTRY; AND ESTABLISHING EXEMPTIONS FROM SUCH AND TO PROVIDE FOR THE PENALTIES FOR VIOLATION THEREOF AND OTHER MATTERS."

WHEREAS, The problem of vicious and dangerous animals is a growing concern in Saline County, Arkansas,

AND WHEREAS, The law of the State of Arkansas provides for civil remedies for any person harmed by a dangerous or vicious animal,

AND WHEREAS, There is a need to provide additional criminal sanctions against those who own or harbor said animals,

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

ARTICLE ONE: DEFINITIONS:

Animal: The word animal pertains to any animal as set out in Article one, Definitions.

Animal Owner: Any person having ownership or personal 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.

Vicious Animal: Any animal that inflicts unprovoked bites or attacks human beings, livestock, or poultry, or any animal approaching an individual in such a way as to place that individual in reasonable fear of unprovoked injury or attack whether it occurs upon streets, sidewalks, and public grounds or private property.

ARTICLE TWO: PERMITTING ANIMAL TO GO AT LARGE, IMPOUNDMENT
AND RESTRAINT.

No animal owner or possessor of any animal covered by this ordinance may at any time permit the same to be in a situation or place where it can inflict injury or be a threat of danger to any human being.

Any such animal known to have inflicted a biting injury upon one or more persons with injury of sufficient severity to require medical treatment shall be impounded and observed at the owner's expense in a way consistent with Section 3 of the Rabies Control Act. (A.C.A 70-19-301 et.seq.)

Any police officer who has reasonable grounds to believe that an animal is vicious, uncontrolled, or a threat to human safety may impound such animal at the owner's expense or kill the animal if capture poses too great a danger to the capturing officer. The owner shall have 10 days to pick up said animal and pay the fees accrued therein, or said animal shall become the property of the impounding facility. Furthermore, upon release the owner shall be required to muzzle said animal and or restrain it in any other manner consistent with Article three.

ARTICLE THREE: INVESTIGATION; RESTRAINT

Upon a complaint that any animal covered under this ordinance is being harbored, a law enforcement officer shall investigate such and may require the keeper or owner of said animal to restrain or dispose of such animal in a reasonable manner consistent with this ordinance, which shall include chaining, posting of warning signs, enclosures, protective barriers, muzzling and destruction or other measures necessary to abate nuisances, unhealthful or inhumane conditions. Failure to comply with said measures shall be deemed a violation of this ordinance, unless a court of law finds that such measures were unreasonable.

ARTICLE FOUR: DUTY OF INDIVIDUAL TO USE PROTECTIVE MEASURES

Any 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.

Appropriate chaining practices, posting of warning signs, or maintenance of the animal within 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 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.

When public safety requires additional protective measures the animal owner shall provide a protective barrier or other means such as a properly fitted, heavy wire muzzle which the animal cannot remove, together with a strong, durable chain which the animal cannot break or remove, or whether such is appropriate, a strong cage with a padlock locked in place or a strong high chainlink fence enclosure constructed so that the animal cannot climb, jump over, dig under or escape from the enclosure. If these measures are deemed insufficient then said animal shall be destroyed.

ARTICLE 5: PENALTY AND ENFORCEMENT

Any violation of this ordinance is deemed a class A misdemeanor. If a person shall be deemed in violation of this ordinance, they shall be subject to a fine of no more than \$1000 nor serve time in the county jail of no more than (1) one year. Furthermore, the county judge 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 fees and costs.

ARTICLE 6: INVESTIGATION; IMPOUNDMENT

A police officer may order an owner to keep any animal covered by this ordinance restrained or impounded pending investigation that such animal has attacked human beings or has harassed, wounded or killed livestock or poultry.

ARTICLE 7: COMPLAINTS, INVESTIGATION, CORRECTIVE MEASURES

If any person or groups of persons has knowledge or reasonable grounds to suspect that animal owners are maintaining dogs or other animals in such a manner as to constitute a nuisance by reason of unhealthful conditions, or maltreatment, he shall have the right to complain to local law enforcement agencies or health officials and such authorities shall investigate the complaint. Such officials shall have full authority to examine complainant and other witnesses for relevant testimony and to prescribe and counsel corrective measures consistent with Article 3 to the animal owner. If, after a period of 10 days, the owner/keeper fails to comply with the corrective measures order by health or government officials then such shall be deemed a violation of this ordinance, unless a court of law finds that such measures were unreasonable.

ARTICLE 8: ABANDONMENT OR DUMPING

This ordinance also prohibits and makes it illegal for any person to dump or abandon any animal and such shall constitute a violation of this ordinance.

ARTICLE 9: INCORPORATION OF STATE LAW

The provisions of the Rabies Control Act, A.C.A. 20-19-301 et seq., and those statutes regarding Cruelty to Animals, A.C.A. 5-62-101,102, are incorporated by reference herein and made a part of this ordinance.

ARTICLE 10: COSTS

In the event a law enforcement agency, health official or the Humane Society of Saline County are required or requested to investigate a violation of this ordinance and said complaint is substantiated, then the reasonable cost of the investigation of such shall be assessed against the owner or possessor of the animal. Failure to pay such shall be deemed a violation of this ordinance. Furthermore, if at any time it becomes necessary to impound or destroy an animal pursuant to this ordinance, then the cost of such shall be paid by the owner or possessor of said animal, and failure to do so shall constitute a violation of this ordinance.

ARTICLE 11: PROOF OF COMPLIANCE WITH RABIES CONTROL ACT

Any police 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.

ARTICLE 12: EXEMPTIONS

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 crime, and apprehension of law violators.

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. 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 dogs, including killing of such dogs, if necessary.

All political subdivisions and municipalities which have already enacted ordinances designed to protect citizens from attack of injury inflicted by vicious animals, or any other form of animal control ordinance, shall be exempt from the application of this ordinance.

ARTICLE 13: NO ENCROACHMENT ON OTHER OFFICIAL DUTIES.

Nothing in this ordinance shall encroach upon the official duties or activities of the State Game and Fish Commission, or the Federal Fish and Wildlife Service.

ARTICLE 14: REPEAL

All laws and parts of laws in conflict with this ordinance are hereby repealed.

ARTICLE 15: SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

ARTICLE 16: 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 it's passage, approval and publication.

DATE: 1-18-94

APPROVED: Terry M. Parsons
TERRY PARSONS
SALINE COUNTY JUDGE

ATTEST: Freddy Burton
FREDDY BURTON
SALINE COUNTY CLERK

SPONSOR: James H. "Jim" O'Cain
Justice of the Peace
District No. 2