

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

"AN ORDINANCE TO REPEAL ORDINANCE(S) NO. 0-88-11, 0-99-15, 0-99-52, 0-00-24, 0-11-44 REGULATING ANIMAL CONTROL; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND; MAKING VIOLATIONS THEREBY A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$1000, AND SENTENCED UP TO ONE YEAR IN JAIL; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS THAT:

SECTION 1. The following words and phrases shall for purposes of this article have the following meanings:

- (a) *Owner.* Every person, firm, partnership or corporation, owning, keeping or harboring a dog within the geographical limits of the county. Ownership is also established by a person whose name appears on the identification tag affixed to the collar or harness of the dog.
- (b) *Dogs.* When used herein shall include animals of all ages, both female and male, which are members of the canine or dog family.
- (c) *Competent (responsible) person.* A human being that is capable of controlling and governing the dog in question.
- (d) *Injured or neglected.* Any dog running at large in Garland County, not properly tagged, that are ill, wounded, that have no obvious owner and that requires a quick response to rabies vaccination when a dog bite occurs.
- (e) *Animal Control Officer.* Any person employed or appointed by the county who is authorized to investigate and/or enforce violations relating to animal control.
- (f) *Vicious Dog.*
 - 1) Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
 - 2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - 3) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
 - 4) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
 - 5) Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

- 6) No dog may be declared vicious if any injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained while teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(g) High Risk Breed.

- 1) Certain types of dogs have physical characteristics that present a significant risk to the public. These dogs are generically referred to as "Gripper Breeds" because they bite onto a victim and shake causing massive disfiguring or even fatal injuries. These breeds include all "Pit Bull" types referred to as the American pit bull terrier, Staffordshire terrier, American Staffordshire terrier, and any dog of mixed breeding that has the primary characteristics of an American pit bull terrier. Though rarely seen, Dogo Argentinos, Presa Canarios, and Cane Corsos, (and any dog of mixed breeding that has the primary characteristics of these breeds) are also commonly considered to be among the "Gripper Breeds."
- 2) Any other breed that is so declared by ordinance.

(h) Nuisance. An animal shall be considered a nuisance if it damages private property other than the owner's or molests or interferes with persons in the public right-of-way.

(i) Stray. Any dog that is at large and that is not properly tagged.

- 1) *At large.* Any dog shall be deemed to be at large where it is off the premises of its owner's real property and not properly restrained by a competent person, regardless of whether the owner had actual notice or knowledge that the dog had left the owner's premises or real property.
- 2) *Tag.* A current rabies tag issued by a licensed practicing veterinarian must be attached to the collar or harness of the dog. It is also recommended that a piece of durable metal, inscribed with the name, street address and telephone number of the owner is attached to the collar or harness of the dog.

SECTION 2. Vicious and/or nuisance dogs.

- (a) No owner of, custodian of, or person with authority to control a vicious dog and/or a nuisance dog shall suffer or permit such dog to go unconfined on the premises of any other person's real property or onto a public right-of-way. A vicious dog and/or a nuisance dog is "unconfined", as the term is used in this section, if such dog is not securely confined indoors or confined in a secure enclosed and locked pen or a dog run area upon the premises of said person. Such pen or dog run must also have either sides six feet high or a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot. It is the owner's responsibility to ensure the integrity of the confinement. "Beware of Dog" signs must be conspicuously posted on the fence or enclosure to alert the public of the presence of a vicious dog.
- (b) No owner of, custodian of, or person with authority to control a vicious dog and/or a nuisance dog shall suffer or permit such dog to go beyond the premises of said owner unless the vicious and/or nuisance dog is securely muzzled and restrained with a restraint having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

- (c) The owner of a dog declared vicious or nuisance by a court that desires to keep said dog, with the court's consent, must pay a non-refundable fee of \$1000 to the Garland County Treasurer. In lieu of this fee, the owner may provide proof of liability insurance specifically covering the vicious dog in a minimum amount of \$100,000, or a higher amount if so ordered by a court of jurisdiction. Proof of coverage must be presented to the local animal control authority annually and also upon the request of enforcement personnel during an investigation of a complaint.
- (d) The owner of a dog declared vicious must have the animal spayed/neutered.
- (e) All of the requirements for maintaining a vicious and/or nuisance dog must be verified by animal control authority prior to returning an animal to the owner.
- (f) Notification of escape. The owner or keeper of a vicious and/or nuisance dog shall notify the Garland County Sheriff's Department and Animal Control Authority immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.
- (g) If any dog(s), while unconfined and off the owner's, custodian's, or person's of authority or control property, bites or seriously injures a human being or a domestic animal, they are in violation of this article. The dog(s) involved shall be immediately surrendered to the local animal control authority to be quarantined and a citation will be issued. The owner, custodian, or person with authority to control, will be brought before a court of jurisdiction in Garland County, where they must verify the animal has been properly vaccinated according to Arkansas state law. Failure to appear may result in the immediate order of euthanasia of the animal for submission to the state lab for rabies testing. The court of jurisdiction shall fine the owner, custodian, or person of authority to control in accordance with this article. All other state or federal laws concerning restitution, liability, etc. would remain in force as well.
- (h) No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.
- (i) No person shall possess with intent to sell, offer for sale, breed, or buy or attempt to buy within the county any vicious dog.
- (j) Failure to comply. It shall be unlawful and a misdemeanor for any owner of a vicious/nuisance dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment.
- (k) Penalties/Fines. Any person violating any provision of this Ordinance or aiding or abetting or counterfeiting or forging any certificate, or make any misrepresentation in regard to any matter prescribed by this Ordinance or resisting, obstructing or impeding the Administrator or their designated agents in enforcing this Ordinance, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) and sentenced to not more than one (1) year in jail. Dog training and owner education may be required by the court. Penalties may be doubled upon conviction of a second and/or subsequent violation of this Ordinance.

SECTION 3. High Risk Breed.

- (a) No owner of, custodian of, or person with authority to control a dog classified as a high risk breed shall suffer or permit such dog to go unconfined on the premises of any other person's real property or onto a public right-of-way. A dog classified as a high risk breed is deemed "unconfined", as the term is used in this section, if such dog is not securely confined indoors or

confined in a secure fenced area, an enclosed and locked pen or a dog run area upon the premises of said person.

- (b) No owner, custodian, or person with authority to control a high risk breed shall suffer or permit such dog to go beyond the premises of said owner unless the dog is securely restrained with a leash having a minimum tensile strength of 300 pounds and not exceeding six feet in length. The dog must be handled by a competent person to maintain control at all times.
- (c) If a dog classified as a high risk breed is found at large at any time, the dog is subject to be surrendered to the animal control authority immediately and a citation shall be issued to appear in a court of jurisdiction. If the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this ordinance, the dog shall be declared vicious/nuisance and the owner must comply with the requirements of maintaining a vicious/nuisance dog as set forth in Section 2 prior to getting the dog returned. Fees for maintaining the dog at the animal control facility will be paid directly to the animal control authority. Failure of the owner to appear in court will result in the dog being declared abandoned by the courts and the dog may be ordered to be destroyed without further cause.
- (d) If at any time a high risk breed dog bites a human or a domestic animal the dog shall be surrendered to animal control authorities for quarantine and a citation will be issued for the owner to appear in an appropriate court of jurisdiction to offer proof of current rabies vaccination at the time of the bite. If based on evidence provided the court determines the animal was not properly vaccinated at the time of a bite, or the dog poses additional risk to public safety, the court may direct the animal to be humanely euthanized and tested for rabies. If the court determines the dog may be returned to the owner, the court shall also determine whether to declare the animal as vicious/nuisance.
 - 1) The owner may be fined in accordance with this ordinance. In addition to any fine, the owner of, custodian of, or person with authority to control high risk breed dog may also be required to pay court costs, restitution for the housing of the animal, the rabies determination test and euthanasia. All other state or federal laws concerning restitution, liability, etc. remain in force as well.
 - 2) Any person violating this section of this Ordinance shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) and may be sentenced up to one (1) year in jail. Penalties may be doubled upon conviction of a second and/or subsequent violation of this section.
 - 3) Exemptions. Dogs performing law enforcement duties, certified service/therapy dogs, and registered show dogs actively pursuing points towards a recognized title are exempt from the requirements of Section 3.

SECTION 4. Containment.

- (a) No owner of, custodian of, or person of authority or control of any dog shall allow, permit or authorize that dog to run at large in the unincorporated areas of Garland County without being properly tagged. The owner, custodian, or person of authority or control, of properly tagged dogs that roam the common property of the unincorporated areas of Garland County shall not be in violation of this article.
- (b) Untagged dogs running at large are considered stray. Stray dogs that are taken into custody by authorization of Garland County will be held at an approved facility and a record (listing) placed on file with the Garland County Clerk for five days. If the stray dog is not claimed within five days the facility shall have the right to release the dog for adoption or to humanely euthanize said animal.

- (c) Stray dogs may be reclaimed by the owner upon payment by the owner to the designated facility a fee, to be established by ordinance and on file with the Garland County Clerk, for boarding the animal.
- (d) Injured, diseased or contagious dogs are subject to immediate euthanasia if in obvious pain, ill or contagious to humans or other animals.

Exceptions:

1. Dogs officially entered in shows or competition requiring completion of entrance forms and taking place on land designated for the purpose of said dog show or competition.
2. Dogs secured (housed and/or fenced) within a gate, doorway or animal carrier on the private property of the owner or others with the actual, implied, customary or constructive consent of the owner of such private premises.
3. Dogs used for official business or official purposes by any law enforcement agency or disabled person.

SECTION 5. Complaints.

Enforcement personnel (either the Sheriff's Department or Animal Control Authority) will investigate all complaints against dogs in the county. If the complaint includes a bite, the dog(s) involved will immediately be surrendered to animal control authorities for mandatory quarantine with all related fees due the animal control shelter payable by the owner directly to the Garland County general fund. If it is determined during any complaint investigation that the owner is out of compliance of this ordinance, the owner will be cited and required to appear before the District Court. If the owner fails to appear at the initial hearing, the court may order that the animal be seized by appropriate authorities and set a second hearing date. If the owner fails to appear at the second hearing date or fails to comply with the court order within five days, the animal will be determined to have been abandoned and be subject to being euthanized by the animal control authority.

SECTION 6. Enforcement.

The Garland County Sheriff's Office and other law enforcement officials authorized by state or local law, are authorized, for violation of any portion of this article to give to the owner, custodian, or person with authority to control, a summons in lieu of arrest, to appear in the District Court, Criminal Division, of the County of Garland.

Through an agreement approved by the county judge, the City of Hot Springs Animal Services Department, or a separate agency, designated in a contract or agreement, has authorization to enforce certain ordinances relating to animal control and/or services upon authorization by the county sheriff. Said agents are thereby authorized to give the owner, custodian, or person with authority to control, a summons in lieu of arrest, to appear in the District Court, Criminal Division, of the County of Garland.

SECTION 7. Exemptions.

This ordinance shall not apply to areas of or to the residents of cities of the first class within Garland County. However, all remaining areas of Garland County must comply with this ordinance.

SECTION 8. Penalty.

- (a) Whoever violates any portion of this article shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1000.00 for any one specified offense or violation, or double

that sum for repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the article, shall not exceed \$1000.00 for each day that it may be unlawfully continued.

- (b) If any dog(s), while unconfined and off the owner's property, bites or seriously injures a human being or a domestic animal, and they are found to be in violation of this article, the dog(s) involved shall be immediately surrendered to the local animal control authority for submission to the state lab for rabies testing. The owner shall be brought before a court of jurisdiction in Garland County, where they may be charged with a Class A Misdemeanor and fined a maximum of \$1000.00 and up to one year in jail. All other state or federal laws concerning restitution, liability, etc. would remain in force as well.
- (c) Any vicious dog which attacks a human being or another domestic animal may be ordered destroyed, when in the court's judgment, such vicious dog and/or nuisance dog represents a continuing threat of serious harm to human beings, or to other domestic animals, or to the personal or real property of other persons.
- (d) Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog.

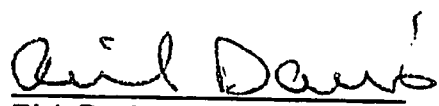
SECTION 9. Severability.

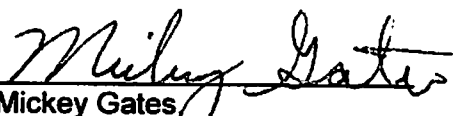
If any provision of this Ordinance or the application thereto to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this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

SECTION ¹⁰ 11. Codification.

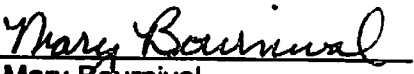
This ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intentions.

ATTEST: 
Sarah Smith
Garland County Clerk

APPROVED: 
Rick Davis
Garland County Judge

SPONSOR: 
Mickey Gates
Justice of the Peace

DATE: 7/8/13

SPONSOR: 
Mary Bournival
Justice of the Peace