

Sponsored by: Courts & Public Safety
ORDINANCE 13-22

FILED

2013 NOV 20 PM 4:18

Be it enacted by the Quorum Court of the County of Faulkner, State of Arkansas,

An Ordinance to be entitled: An Ordinance relating to the regulation of dogs

HELENDA REYNOLDS
FAULKNER COUNTY CLERK

BY MD DC

FAULKNER COUNTY
ANIMAL CONTROL ORDINANCE

SECTIONS:

- 1 Definitions
- 2 Enforcement
- 3 Impoundment
- 4 Nuisance animals and hazardous animals
- 5 Fraudulent redemption of domestic animals
- 6 Rabies vaccinations required
- 7 Running at-large
- 8 Interference
- 9 Citations
- 10 Animal bites
- 11 Quarantine after bite
- 12 Penalty: liability for animals that attack a human being
- 13 Diseased or injured animals
- 14 Keeping of dangerous or vicious dogs
- 15 Killing rabid, vicious or dangerous animals
- 16 Penalties
- 17 Animal Control Fund

Section 1: DEFINITIONS:

The following words and phrases shall have the following meaning for the purposes of this ordinance:

Animal: Every vertebrate non-human species of animal, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

Animal acceptance: The act of the Animal Welfare Unit accepting a dog, puppy, cat or kitten brought in to the shelter by an individual for permanent relinquishment.

Animal Rescue/Shelter: An establishment wherein a person, business, government or organization engages in the practice of providing temporary homes for stray, surrendered, or abandoned pet animals. Animals are kept at the shelter until it is reclaimed by the owner, adopted to a new owner, placed with another organization or euthanized

Animal Welfare Officer: "Animal Welfare Officer" means any person appointed by the Sheriff of Faulkner County to perform duties as assigned by the Sheriff to effectuate this Ordinance. The Sheriff or his deputy for the purpose of enforcing this Ordinance, are clothed with full police power to apprehend and impound any vicious dog or a dog thought to be infected with rabies within Faulkner County and may enter upon private property to apprehend such dog. If after request therefor, the owner of such dog shall refuse to deliver the dog to the officer, the owner shall be in violation of this Ordinance. The owner of such dog shall be responsible for all the reasonable expenses incurred in apprehending and impounding such dog.

Animal Welfare Unit: "Animal Welfare Unit" means any premises approved by the Sheriff for the purpose of enforcing this Ordinance and used as a shelter for seized, homeless, abandoned or unwanted dogs, cats or other animals. It matters not whether the shelter is owned by Faulkner County and operated under the supervision of the Sheriff or whether it is owned and operated by a municipality, humane society or animal welfare group, which has a working agreement with the Sheriff for the support of Faulkner County.

At-Large: "At Large" means any dog that is not under direct control of the owner. Any dog shall be deemed to be At Large, within the meaning of this ordinance, if it is off the premises of its owner's real property and not under adequate supervision and control of 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. Nothing in this definition or this ordinance shall restrict the rights of a dog owner in using his dogs for valid purposes within the regulations of the Arkansas Game and Fish Commission.

Cat: Any domestic or feral cat (*Felis catus* or *Felis domesticus*) over the age of six (6) months.

Dangerous dog: Any dog that according to the records of Animal Welfare Unit:

- A. has inflicted physical injury on a human being without provocation on public or private property; or
- B. has either caused physical injury or killed a domestic animal without provocation while off the owner's property; or
- C. has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dog: Any domestic canine or canine crossbreed (*Canis familiaris*) over the age of six (6) months.

Domestic animal: Animals which are trained and kept as pets, or which commonly rely upon humans for food and shelter, including, but not limited to, dogs, puppies, cats, kittens; birds kept indoors; hamsters, gerbils and such other small rodents; chinchillas, rabbits; non-poisonous lizards, except crocodiles and alligators, and non-poisonous snakes, which animals or reptiles are capable of being maintained continuously in cages; and other living creatures generally referred

to as domestic pets. The term "domestic animals" shall also mean animals of husbandry or livestock.

Euthanasia: The act of humanely and painlessly putting an animal to death.

Kennel: An establishment wherein any person, business, or organization engages in the practice of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals

Kitten: Any domestic or feral cat (*Felis catus* or *Felis domesticus*) under the age of six (6) months.

Neutered: A castrated male animal, un-sterilized dogs or cats too elderly or infirm to breed.

Owner/harbinger: Any person, group of persons, or corporations owning, keeping or harboring an animal or animals.

Potentially dangerous dog: Any dog that when unprovoked:

- A. bites a human or a domestic animal either on public or private property; or
- B. chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

Puppy: Any dog under the age of six (6) months

Repeatedly At-Large: Any dog shall be deemed to be "Repeatedly At-Large", within the meaning of this ordinance, if it is off the premises of its owner's real property and not under adequate supervision and control of 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 more than once in a 12 month period.

Restraint: An animal is under restraint within the meaning of this ordinance if it is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.

Spayed: A female animal that has undergone an ovary-hysterectomy, un-sterilized dogs or cats too elderly or infirm to breed.

Stray: Any dog that is At-Large and that is not properly tagged;

- A. **At-Large:** "At Large" means any dog that is not under direct control of the owner. Any dog shall be deemed to be At Large, within the meaning of this ordinance, if it is off the premises of its owner's real property and not under adequate supervision and control of 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.

B. Tag/Identification: A piece of durable metal, inscribed with the name, street address and telephone number of the owner and attached to the collar or harness of the dog.

C. Tag/Rabies: A metal tag evidencing an annual vaccination by an accredited veterinarian shall be attached to the harness or collar of every dog in the county.

Vicious dog: Any dog which:

- A. causes death or serious injury to any person; or
- B. on two (2) or more occasions within a 12-month period attacks or bites a person without provocation; or
- C. on two (2) or more occasions within a 12-month period, while off the property of its owner and without provocation, kills or seriously injures another domestic animal or livestock; or
- D. is trained for dog fighting or is owned or kept for the purpose of dog fighting.

Wildlife rehabilitator: Is a person, business, or organization who provides aid to injured, orphaned, displaced, or distressed wild animals in such a way that they may survive when released to their native habitats. Activities may include direct care of wildlife and arranging suitable release sites. Rehabilitators must possess current licensing from the Arkansas game and Fish Department and must comply with all state, county, and municipal laws and ordinances.

Section 2: ENFORCEMENT:

The provisions of this ordinance shall be enforced by the Animal Welfare Officer as designated by the Sheriff of Faulkner County, Arkansas.

Section 3: IMPOUNDMENT:

Any domestic animal found to be at large within the unincorporated areas of Faulkner County, Arkansas, may be picked up by an Animal Welfare Officer and there confined in a humane manner.

Section 4: NUISANCE ANIMALS AND HAZARDOUS ANIMALS:

A. Owners of nuisance animals shall be subject to fine. Nuisance animals are any animals which infringe upon the rights of another animal or a person by any of the following:

1. Molest passersby or passing vehicles;

2. Attack other domestic animals;
3. Trespass on school grounds;
4. Are at large;
5. Damage private or public property;
6. Bark, whine or howl in an excessive, continuous, or untimely fashion; or
7. Interfere with refuse collection or other service personnel.

B. In the case of animals causing a noise problem and after owner of such animal has been duly notified twice that the problem needs correcting, and such correction has not been put in place, nuisance animals may then be impounded and a notice left at the owner's residence so as to provide the owner with instructions for reclaiming the animal.

C. For purposes of this section, each violation may be prosecuted as a separate or a continuous offense, pursuant to A.C.A. §14-14-906, depending on the circumstances.

D. Violation of this section shall constitute a Level One Violation, and will be sanctioned pursuant to Section 16.

Section 5: FRAUDULENT REDEMPTION OF DOMESTIC ANIMALS:

If any person shall obtain possession and custody of any domestic animal for or on behalf of the owner thereof for the purpose of avoiding payment of the fees and penalties imposed upon the owner by this ordinance, both the owner of such animal and the person so obtaining possession and custody of the animal for the owner shall be deemed to have violated the terms of this ordinance both such persons and such owner shall be punished as hereinafter provided.

Section 6: RABIES VACCINATION REQUIRED

A. All dogs, cats and other pets in the Faulkner County, Arkansas, that are subject to rabies shall be annually vaccinated against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every animal in the county. Violation of this section shall constitute a Level One Violation, and will be sanctioned pursuant to Section 16.

B. In case a tag for the rabies vaccination required by this ordinance is lost or destroyed, a duplicate shall be issued by veterinarian upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag and payment of cost of duplication.

C. No tag shall be transferable from one animal to another.

D. Nothing in this section shall be construed to apply to any dog or cat under the age of three months.

Section 7: RUNNING AT-LARGE:

A. No person owning, possessing or keeping an animal shall allow the same to be at-large within the unincorporated areas of Faulkner County, Arkansas.

B. Each owner shall have on his, her or its dog a collar or harness to which is securely fastened a metal plate or tag on which is legibly and permanently inscribed the name, address and/or phone number of its owner.

C. A metal tag evidencing an annual vaccination by an accredited veterinarian shall be attached to the harness or collar of every dog in the county.

D. It shall be unlawful for any person, firm or corporation to abandon any dog in Faulkner County, Arkansas.

Section 8: INTERFERENCE:

No person shall interfere with, hinder or molest the Animal Welfare Officer in the performance of any duty of such officer or seek to release any animal in the custody of the Animal Welfare 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 9: CITATIONS:

The Animal Welfare Officer(s) and members of the Faulkner County Sheriff's Department are hereby authorized to issue a citation for arrest as defined by the Arkansas Rules of Criminal Procedure to the owner, keeper or possessor of any dog or cat violating any provision of this ordinance. The citation shall be in the form as approved by the District Court of Faulkner County. Said citation shall designate the offense committed and shall require the person so charged to appear before the District Court of Faulkner County to answer the charges therein contained or present said citation at the District Court of Faulkner County Building prior to said court date for disposition. Should an arrest be required for failure to appear in response to said citation, the Animal Welfare Officer(s) shall seek the assistance of the Faulkner County Sheriff's Department to affect such arrest.

Section 10: ANIMAL BITES:

A. When any animal has bitten, scratched or otherwise attacked a person or another domestic animal, the person or anyone having knowledge of such incident shall immediately notify Animal Welfare.

B. Animal Welfare Officers have the authority to impound such an animal described in subsection (A) and that animal may remain in the custody of Animal Welfare until all provisions of Section 15 are met. Animals impounded under this authority shall be retained in the Animal Welfare Unit or, at the written request of the owner, at a duly licensed veterinary clinic. Owner shall have sole liability for the costs.

Section 11: QUARANTINE AFTER BITE:

A. Any animal, which has bitten a person, is a rabies suspect and the owner or custodian shall immediately release such animal for quarantine confinement in a veterinary hospital approved by the Animal Welfare Supervisor. Such quarantine may also be carried out at the Animal Welfare Unit, or if vaccination is current within the past year, within an enclosure approved by Animal Welfare on the premises of the owner at the discretion of and under the supervision of the Animal Welfare Supervisor. If the animal was At-Large at the time of the incident, quarantine will not be allowed on the premises of the owner. All quarantines shall be for a period of ten (10) days.

B. Upon the request of any person who has been bitten by a dog or other animal within the unincorporated areas of Faulkner County, Arkansas, (or by a parent or legal guardian of a person bitten who is under a disability), the Animal Welfare Officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine and quarantine same under the provisions of subsection (A) or under the supervision of a licensed veterinarian, who shall keep such dog or animal in quarantine until he shall issue his certificate that:

1. The veterinarian has complied with the observation provisions of Section 3 of Act 11, First Extraordinary Session of the 1968 Arkansas General Assembly (Rabies Control Act; and the dog or other animal appears to be free of infection of rabies (hydrophobia).

C. When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under subsection (A) and (B) shall issue the certificate provided for in subsection (B) (1), the owner of such dog or animal may retake custody of it upon tender to such veterinarian or the Animal Welfare Officer of their customary and reasonable fees and charges for impounding, boarding, lodging, observation and testing; except a person who is bitten by an animal while baiting, teasing, or molesting said animal or while trespassing on the premises of the owner or keeper of said animal shall pay all customary and reasonable charges and fees resulting from his request to have said animal confined and quarantined.

D. The fee for quarantining an animal at the Animal Welfare Unit shall include boarding fees, impound fees, cost of rabies vaccination and license if applicable, as designated by the Animal Welfare Unit.

E. If any dog or other animal confined under subsections (A) and (B) is not reclaimed by its owner, such dog shall be released by the veterinarian to the Animal Welfare Officer who shall treat such dog or animal as one found running at-large within the unincorporated areas of Faulkner County, Arkansas.

F. Any dog or other animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the

owner or custodian of such dog or animal to the Animal Welfare Officer and the Animal Welfare Officer shall confine such dog or animal in quarantine as provided for above.

Section 12: LIABILITY FOR ANIMALS THAT ATTACK A HUMAN BEING:

A person commits a Level Two Violation if he or she owns, keeps, harbors, or possesses an animal which, by the negligence of the person, attacks a person causing harm to that or any other person or exhibits vicious or ferocious behavior towards a person causing fear. Violation of this section shall constitute a Level Two Violation, and will be sanctioned pursuant to Section 16. It shall be an affirmative defense to this offense if the animal was provoked or teased.

Animal attacks which show evidence of recklessness or purposefulness on the part of the person in possession of the animal may be prosecuted under the assault and battery laws of the State.

Section 13: DISEASED OR INJURED ANIMALS:

A. It shall be unlawful for any person to knowingly keep any injured animal without providing proper treatment for such injury, or any animal infected with a disease which may contaminate other animals and which may be a health hazard. A person acts "knowingly" when he is aware that such circumstances exist.

B. Any such untreated injured animal or any diseased animal shall be immediately treated or, when necessary, humanely destroyed, to prevent unwarranted suffering. The disposition of such animals shall be at the direction of the supervisor of Animal Welfare Unit or a licensed veterinarian.

Section 14: KEEPING OF DANGEROUS OR VICIOUS DOG:

A. The keeping of such dogs shall be subject to the following standards:

1. Leash and muzzle No person shall permit a vicious or dangerous dog to go outside its kennel or pen unless such dog is securely maintained with a leash no longer than four feet in length and is muzzled by a device sufficient to prevent the dog from biting people or other animals.

2. No person shall permit a vicious or dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash.

3. The person in control of the animal must be of size and strength to adequately maintain control of the dog.

4. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc.

B. Confinement All dogs designated vicious or dangerous shall be securely confined indoors or in a securely enclosed kennel, except when leashed and muzzled as provided above. The pen, kennel or structure must have secure sides and a secure top, which is attached to the sides. The pen or kennel must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground at a depth of no less than two feet. Kennels must be adequately lighted and ventilated and be kept in a clean and sanitary condition.

C. Confinement indoors No dangerous or vicious dog may be kept on a porch, patio or in any part of a house or building that would allow the dog to exit on its own volition unless to a kennel as described in subsection (B) above. In addition no such animal may be kept in a building when the windows are open or when screen window or screen doors are the only obstacles preventing the dog from exiting the structure unless they exit to the proper enclosure.

D. Signs All owners, keepers or harbors of vicious or dangerous dogs within ten days of being so designated shall display in a prominent place on their premises a sign easily readable by the public, using the words "Beware of dog." In addition, a similar sign will be posted on the kennel or pen.

E. All owners, keepers or harborers of vicious or dangerous dogs must within ten (10) days notify in writing the Animal Welfare Unit of any of the following:

1. The death of the dog.
2. The removal of the dog from Faulkner County, Arkansas.
3. The new address of the owner if the owner moves within Faulkner County, Arkansas.

F. Sale or transfer of ownership Any person may sell, barter or in any other way dispose of the dog, to any person within Faulkner County, Arkansas, provided that the seller notifies the Animal Welfare Unit on the day of the sale, and that the buyer complies with all of the requirements set forth in this section.

G. Failure to comply It is unlawful for the owner or keeper of a vicious or dangerous dog registered in Faulkner County to fail to comply with the requirements set for in this section. Failure to comply shall be subject to immediate seizure and impoundment of the animal.

H. Violation of this section shall constitute a Level Two Violation, and will be sanctioned pursuant to Section 16.

I. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall

pay all expense, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section.

Section 15: KILLING RABID, VICIOUS OR DANGEROUS ANIMALS:

A. A law enforcement officer may kill without notice to the owner any dog, cat, or any other animal, domestic or wild if such animal is reasonably suspected of being rabid whether it bears the tag provided for or not.

B. A law enforcement officer may kill any animal without notice to the owner if it is reasonably suspected by the officer to be a vicious or dangerous animal and is putting persons or property in immediate and unreasonable danger.

Section 16: PENALTIES:

A. A person found guilty of a level one violation as established in this ordinance for the first time will be ordered to pay a fine of \$50 plus restitution for any damages caused by the incident. For the second offense within 12 months, a person will pay a fine of \$200 plus restitution. For a third offense or subsequent offenses within 12 months from the last, the person will pay \$500 plus restitution.

B. A person found guilty of a level two violation as established in this ordinance for the first time will be ordered to pay a fine of \$500 plus restitution for any damages caused by the incident. For the second offense within 12 months, a person will pay a fine of \$750 plus restitution. For a third offense or subsequent offenses within 12 months from the last, the person will pay \$1000 plus restitution. Additionally, the convicting court may, in the court's discretion, order that the dog be humanely destroyed.

Section 17: ANIMAL CONTROL FUND:

The fines collected pursuant to this Ordinance will be maintained in an "animal control fund" of the County Treasury to be used in furtherance of goals of this ordinance.

Dated: November 19, 2013

Dated: November 19, 2013

Attest: Margaret Darter
Margaret Darter
Quorum Court Secretariat
Faulkner County, Arkansas

Affirm: Allen Dodson
Allen Dodson
Faulkner County Judge
Faulkner County Arkansas