

ORDINANCE NO. 396

OF

THE CITY OF RECTOR, ARKANSAS

SECTION 1: Findings and Policy: The City Council of the City of Rector, Arkansas finds that vicious dogs are so dangerous that they constitute a threat to children and others in the City. Vicious dogs occasionally escape from the yard or building in which they are kept, by slipping under a fence, jumping over a fence, slipping out through a door or gate temporarily opened or unlatched, breaking the leash or chain, or pulling up the anchor for the chain or leash. Children too young to read may wander too close to a dog, even in the presence of "beware of the dog" signs. It is the policy of the City that children and others should not have to assume the risk of a vicious dog having an opportunity to attack or to kill. The City Council finds that the benefits to a dog owner in owning a dangerous dog are outweighed by dangers to children and to the general public.

SECTION 2: Definitions: As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

City: the City of Rector, Arkansas.

Vicious Dog: any dog that has bitten or attacked any person, and any dog that has attempted to bite or to attack any person, has, while off the property of its owner and without provocation, killed or seriously injured another animal; or, has, without provocation, chased, confronted, or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack; or, has exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or, has acted in a manner that causes or should cause its owner to know that it is potentially vicious. A dog shall be deemed to be attempting to attack if it is restrained by a

leash, fence or other means, and it is clear from the dog's excited actions that only the presence of the leash, fence or other means of restraint is preventing the dog from making an immediate attack.

SECTION 3: Keeping of vicious dogs prohibited: No person shall keep any vicious dog anywhere in the City.

SECTION 4: Duty of landlords and agents: No landlord or landlord's agent shall knowingly permit any tenant to move in a vicious dog into any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall permit any person to keep any vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent learning of any vicious dog in any building or premises owned or controlled by such landlord or agent shall notify the person having such dog to remove the dog from the City immediately.

SECTION 5: Exclusions: It is not the intent of this ordinance to prohibit the police department from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.

SECTION 6: Impoundment and rabies: This ordinance shall not prohibit the temporary impoundment in the City of any vicious dog suspected of rabies or any vicious dog that has bitten a person, provided that such vicious dog may be held only in the City Pound or in a secure place operated or immediately supervised by a licensed veterinarian.

SECTION 7: Impounding of Vicious Dog:

(a) Whenever a summons or warrant is sworn out in Municipal Court of Rector against the owner of a dog charging maintenance of a vicious dog, the dog in question shall be impounded and kept at the animal shelter, at the owner's expense, pending final disposition of the case.

(b) Whenever a report is made of a person being bitten by a dog or a notice is received by the police department, health

department, animal warden, or the operators of the animal shelter of a dog having bitten a person or animal, but no summons or warrant is sworn out charging maintenance of a vicious dog, the animal warden shall immediately issue an order to the owner of the dog directing that the dog be confined under quarantine and kept under observation on the premises of the owner or a private kennel or veterinarian for a period of ten days at the expense of the owner, during which time the dog shall not leave the premises, and the order shall be served upon the owner by the animal warden. If no summons or warrant is forthcoming and an authorized representative of the director of public health or a licensed veterinarian reports that the dog shows no symptoms of rabies during the period of ten days, the dog shall be released to the owner. If a report of rabies is made or if a summons or warrant is sworn out before the expiration of the ten day period, the dog shall be immediately removed to the animal shelter pending a final disposition of the case, and the costs incurred shall be charged to the owner of the dog.

(c) If any owner does not comply with the provisions of this section within 24 hours from the time he is served with an order issued pursuant to the provisions of this section, the dog in question shall be impounded at the animal shelter and kept under observation at the owner's expense for a period of ten days and the owner shall be charged with a violation of this section.

SECTION 8: Nuisance, injunction. Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

SECTION 9: Penalty: Any person, firm or corporation violating any provision of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00)

for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PASSED AND APPROVED this 11<sup>th</sup> day of June, 1990.

CITY OF RECTOR, ARKANSAS

BY: Rueben Seay  
Rueben Seay, Mayor

ATTEST:

Iva Hynds  
Iva Hynds, City Clerk-Recorder

(SEAL)