

Garland County, Arkansas
Public Health, Welfare & Safety Committee Meeting
Courtroom 200
March 22, 2021 – 5:30 PM

Agenda

Committee Members: Chairman Larry Raney, Vice Chairman Jimmy Young, Justices Esther Dixon, Jim Sorrells, Matt McKee, Jason Braziel, and Thomas Anderson

All Justices of the Peace are welcome and encouraged to attend.

1. Call to order
2. Invocation
3. Discussion to amend the current Garland County vicious dog ordinance.
4. Adjourned

You are invited to a Zoom webinar.

When: Mar 22, 2021, 05:00 PM Central Time (U.S. and Canada)

Topic: Human Resources and **Public Health Welfare and Safety**

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_yVhhGMInT6qZr421i17CyA

After registering, you will receive a confirmation email containing information about joining the webinar.

Registration for all meetings will close at 4:30 p.m., March 22, 2021.

ORDINANCE NO. 0-21-_____

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

"AN ORDINANCE TO AMEND, INCORPORATE AND REPLACE GARLAND COUNTY ORDINANCE 0-13-66, AS AMENDED BY 0-13-84, AND AS AMENDED BY 0-14-15, REGULATING ANIMAL CONTROL; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND; MAKING VIOLATIONS THEREBY A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$1,000, AND/OR A SENTENCE OF UP TO ONE YEAR IN JAIL; AND FOR OTHER PURPOSES."

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

WHEREAS, Ordinance 0-13-66, as amended by 0-13-84, and as amended by 0-14-15, previously established animal control services in the unincorporated areas of Garland County; and,

WHEREAS, 0-13-66, as amended by 0-13-84, and as amended by 0-14-15, have used the terms "vicious" and "nuisance" interchangeably, creating substantially the same enforcement scheme for animals deemed "vicious" and those deemed to be a "nuisance"; and,

WHEREAS, the existing enforcement scheme has created difficulties with enforcement, limited the options for enforcement officers and the courts, and has created unintended and unnecessarily harsh enforcement action for relatively minor offenses; and,

WHEREAS, a change in the classification and enforcement scheme is necessary; and,

WHEREAS, Amendment, incorporation and replacement of 0-13-66, 0-13-84 and 0-14-15 into 0-21-_____ are necessary to preserve continuity and minimize confusion; and,

WHEREAS, additional revisions are necessary to benefit the public health, welfare and safety; and,

WHEREAS, the Public Health, Welfare and Safety Committee has previously met and approved this Ordinance;

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

SECTION 1. That 0-13-66, 0-13-84 and 0-14-15, as amended, are hereby amended, incorporated in their entirety herein and replaced by 0-21-_____.

SECTION 2. 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 person that is capable of controlling and governing the dog in question.

(d) Injured or Neglected. Any dogs running at large in Garland County, not properly tagged, that are ill, wounded, that have no obvious owner and/or that require a quick response regarding rabies vaccination when a dog bite occurs.

(e) Animal Control Officer. Any person or entity employed or appointed or contracted 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 persons, domestic animals or livestock; or

3. Any dog which bites, inflicts injury, assaults or otherwise attacks a person, domestic animal or livestock 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 or livestock which at the time of such injury or damage the domestic animal, livestock or a person was teasing, tormenting, abusing or assaulting the dog.

7. No dog may be declared vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

(g) High Risk Breeds.

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 Argentines, Persa Canarios, and Can Carsos, (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 future ordinance.

(h) Nuisance. An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's, or public walks and recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or interferes with persons in the public right-of-way; or chases vehicles; or roams at large upon the real property of a person other than its owner, or onto a 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 vaccination tag issued by a licensed veterinarian, which shall include the name, street address and telephone number of the owner. The tag shall be a piece of durable metal and shall be securely attached to the dog's collar or harness.

SECTION 3. Vicious Dogs.

(a) No owner of, custodian of, or person with authority to control a vicious 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 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. The minimum size allowance for the sign is 8½" X 12".

(b) No owner of, custodian of, or person with authority to control a vicious dog shall suffer or permit such dog to go beyond the premises of said owner unless the vicious dog is securely muzzled and restrained with a restraint having a minimum tensile strength of 300 pounds and not exceeding three (3) feet in length. The dog must be handled by a person competent to maintain control at all times.

(c) The owner of a dog declared vicious by a court, and who desires to keep said dog, with the court's consent, must pay a non-refundable fee of One Thousand Dollars (\$1,000.00) 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 One Hundred Thousand Dollars (\$100,000.00), or a higher amount if so ordered by a court of competent 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 by a veterinarian and must possess veterinary certification of such.

(e) All of the requirements for maintaining a vicious dog must be verified by animal control authority prior to returning an animal to the owner.

(f) Notification of escape or bite incident. The owner or keeper of a vicious 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, domestic animal or livestock.

(g) If any dog(s), while unconfined and off the property of the owner, custodian, or person of authority to control, bites or seriously injures a person, domestic animal or livestock, 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 the court, 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 shall fine and/or incarcerate the owner, custodian, or person of authority to control in accordance with this article. All other state or federal laws concerning restitution, liability, etc. shall remain in force and may be used in conjunction herewith.

(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 persons, domestic animals or livestock.

(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 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 in violation of any provision of this Ordinance, or aiding or abetting or counterfeiting or forging any certificate, or making 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 more than One Thousand Dollars (\$1000.00) and/or may be 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 4. High Risk Breeds.

(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