

ORDINANCE NO.92

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL HEIGHTS, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ESTABLISHING DOG CONTROL MEASURES IN BETHEL HEIGHTS, ARKANSAS

WHEREAS, Bethel Heights has experienced rapid growth and development; and

WHEREAS, Bethel Heights has further experienced significant population increase; and

WHEREAS, Bethel Heights has experienced an increased problem of dogs running at large, being abandoned, and creating a nuisance and danger to the citizens of Bethel Heights; and

WHEREAS, Bethel Heights has been petitioned by citizens to provide for the control of dogs;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL HEIGHTS, STATE OF ARKANSAS:

ARTICLE 1. Scope:

This ordinance applies to the incorporated areas of Bethel Heights . An owner living within one of the municipality of Bethel Heights allowing a dog to run at large in the areas of the city governed by this ordinance shall be subject to this ordinance.

ARTICLE 2. Definitions. As used in this ordinance, the following terms shall mean:

Arkansas Rabies Rules and Regulations: that set of guidelines which were adopted by the Arkansas State Board of Health on January 28, 1971, the amendments thereto which were adopted by the same board on July 24, 1975, and such other amendments as may hereafter be adopted.

Animal Shelter: any premises with a written agreement with Bethel Heights for the purpose of effectuating this ordinance and used as shelter for seized, stray, homeless, abandoned or unwanted dogs.. It matters not whether the shelter is owned by Bethel Heights and operated under the supervision of the City or whether it is owned and operated by a municipality, humane society, animal welfare group or other designated shelter which has a written contractual working agreement with Bethel Heights.

At large: any dog not confined to the premises of the owner or under the restraint of a person capable of controlling the animal.

Dog: a member of the canine species

Owner: any person, corporation, partnership or any other entity owning, keeping or harboring a dog within Bethel Heights.

Restraint: confinement of a dog to the owner's property or, when off the owner's property, to be under control by leash or other recognized control methods. Confinement and recognized control methods shall include but are not limited to voice control. Hunting dogs, when accompanied by their owner are considered to be under reasonable restraint, as long as the animal has affixed to it a collar with hunting tag and current rabies vaccination tag. Under this circumstance, the owner will not be subject to a fine, unless the animal has caused damage. Stock dogs used for herding and protecting livestock are considered to be under reasonable restraint as long as the animal has affixed to it a collar with current rabies vaccination tag. Under this circumstance the owner will not be subject to a fine unless the animal has caused damage.

Stray: any dog which does not have affixed to it a collar with a current rabies vaccination tag attached.

Vaccination: the injection of an antirabies vaccine in the manner and frequency set forth in the Arkansas Rabies Control Act, administered by a licensed veterinarian.

Vicious Dog: A. A Dangerous/Vicious Animal shall mean:

1. Any domestic animal which, according to the records of any Law Enforcement Agency, within Bethel Heights, Ar. Has inflicted injury on a human being without provocation on public or private property, or
2. Any domestic animal which, according to the records of any Law Enforcement Agency within Bethel Heights, Ar. , has injured or killed a domestic animal without provocation while off the owner's property; or
3. Any dog, not owned by a governmental or law enforcement unit, used primarily to guard public or private commercial property; or
4. Any domestic 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.

B. No animal may be declared dangerous if the injury or damage was sustained by a person who, at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal or has in the past teased, tormented, abused, or assaulted the animal or was committing or attempting to commit a crime.

ARTICLE 3. **Regulating of dogs, generally:**

A. **Running at large; strays.** Any dog found off the owner's premises or property shall be picked up by the animal control officer on written complaint by a resident, or if the dog is creating a nuisance, as observed by the animal control officer.

B. Harness or collar; vaccination tag. All dogs to which this ordinance applies, shall have a collar or harness, to which is affixed a current rabies vaccination tag which attests to the rabies vaccination of the dog wearing it.

C. Restraint in multifamily residences. Further, dogs owned by residents of buildings having two (2) or more residential units per building shall be restrained as that term is defined in Article 2 of this ordinance.

D. Muzzling of vicious dog . Any person, firm, or corporation owning a vicious dog as defined in the definitions section above must ensure that said dog wear a muzzle, unless securely confined to the premises of the owner.

E. Abandonment. It shall be unlawful for any person, firm or corporation to abandon any dog.

ARTICLE 4. Animal Care.

A. No owner shall fail to provide his dog(s) with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment as provided by Arkansas Law.

B. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse a dog or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans as provided by Arkansas Law.

ARTICLE 5. Taking up and impoundment of dogs.

A. When a dog appears to be in violation of this ordinance, the Police Chief or his representative has the authority to take steps toward impounding said dog. The impoundment shall be in an animal shelter, as defined in Article 2.

B. Impounded dogs shall be kept for not fewer than five working days unless reclaimed or suspected of being infected with rabies.

C. The ACO shall attempt to return the dog running at large to the owner. The ACO shall impound the dog if the owner cannot be located.

D. An owner reclaiming an impounded dog shall pay an impound fee of fifteen dollars, (\$15.00), to the contracting impound facility. Said owner shall be responsible for restitution of food, shelter and veterinary costs incurred by the retrieved dog as ordered by the misdemeanor court.

E. The animal shelter facility director shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all dogs impounded at the shelter by the City, including restitution which may be owed.

F. Any dog not reclaimed by its owner within five (5) working days shall become the property of the animal shelter and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only by certified personnel.

ARTICLE 6. Act 393 of 1987.

Act 393 of 1987, as codified in the Arkansas Code Annotated 20-19-201, is hereby incorporated in this ordinance and in full effect in Bethel Heights.

ARTICLE 7. Incidents of dog bites to humans.

As required by the Arkansas Rabies Control Act, all incidents of persons being bitten by dogs shall immediately be reported to the county health department. The impounding facility shall confine and observe the biting dog and remain in contact with the County Health Department, regardless whether or not animal has a currant tag.

ARTICLE 8. Prevention of spread of rabies.

Whenever the Mayor, working with the Arkansas Department of Health, feels that the incidence of rabies in Bethel Heights warrants, he may institute further restrictions which he considers necessary to contain the outbreak. In this situation, he may issue directives which will have full force throughout the city.

ARTICLE 9. Violations; Penalties.

Any person violating or aiding in or abetting the violation of any provision of this ordinance, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in any matter prescribed by this ordinance, or resisting, obstructing or impeding the Chief of Police or any authorized officer in enforcing this ordinance or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a misdemeanor offense.

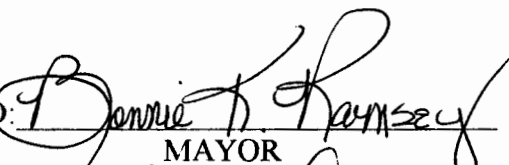
For a first or second offense, he shall be fined not less that twenty-five dollars (\$25.00) nor more than fifty dollars (\$ 50.00) plus restitution owed.


For a third and subsequent offense, he shall be fined not less that seventy five dollars (\$ 75.00) or more than one hundred dollars (\$ 100.00), except that if an act prohibited herein or rendered unlawful is, in its nature, continuous in respect to time, the fine for allowing continuance thereof in violation of the ordinance shall not exceed one hundred dollars (\$100.00) for each day that the same is unlawfully continued plus restitution owed.

ARTICLE 10. Severability Clause.

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

PASSED AND APPROVED this 21st day of July 1998.

APPROVED: 
MAYOR

ATTEST: 
CLERK/ RECORDER/ TREASURER