

**EMERGENCY ORDINANCE NO. 2010-64**

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF SALINE, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE REGULATING DOGS; THE APPREHENSION OF AND IMPOUNDMENT OF VICIOUS DOGS AND DOGS THOUGHT TO BE INFECTED WITH RABIES; RABIES PREVENTION; MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE; AND DECLARING AN EMERGENCY."

Section 1: Saline County Ordinance No. 94-1 is hereby repealed.

Section 2: Except as specified herein, this Ordinance does not pertain to areas of or the residents of the incorporated municipalities of Saline County but does include all other areas of Saline County, except that a resident of one of the incorporated municipalities allowing a vicious dog to run at large in an area of the County governed by the Ordinance, shall be subject to this Ordinance.

Section 3: DEFINITIONS

As used in this Ordinance the following terms are defined as follows:

- a. **ANIMAL SHELTER:** "Animal Shelter" 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 Saline 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 Saline County.
- b. **AT LARGE:** "At Large" means any dog not located on the premises of the owner.
- c. **LAW ENFORCEMENT OFFICER:** "Law Enforcement Officer" means any appointed law enforcement officer who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state or any person appointed by the Sheriff of Saline County to perform duties as assigned by the Sheriff to effectuate this Ordinance.
- d. **OWNER:** "Owner" means any person owning, keeping or harboring a dog within Saline County.
- e. **SHERIFF:** "Sheriff" means the duly elected Sheriff of Saline County.
- f. **VACCINATED AGAINST RABIES:** "Vaccinated against rabies" means the injection of an anti-rabies vaccine as provided in A.C.A. § 20-19-202.
- g. **VICIOUS DOG:** "Vicious Dog" means any member of the canine (dog) family that has exhibited fierce or vicious behavior toward a person or that has attacked a person or another animal with such severity as to cause physical injury or property damage. However, any of the above described actions or behaviors should not be considered vicious if the dog was provoked or teased.

Section 4: REGULATING OF DOGS

a. Each owner shall have on his, her or its dog collar or harness to which is securely fastened a metal plate or tag on which is legibly and permanently inscribed the name, address and phone number of its owner and verification that the dog has been vaccinated against rabies as required by state law. Upon a showing by the owner that the dog has been vaccinated against rabies, a law enforcement officer shall not issue a ticket for failure to secure a tag on the dog.

b. It shall be unlawful for any person, firm or corporation to abandon any dog in Saline County.

Section 5: APPREHENSION AND IMPOUNDMENT OF VICIOUS DOGS AND DOGS THOUGHT TO BE INFECTED WITH RABIES:

a. After investigating an incident involving the possibility of a dog exhibiting fierce or vicious behavior, a law enforcement officer shall deem the dog vicious if he/she has determined that the dog acted in a manner or exhibited the behavior described in Section 3(g). Upon deeming a dog vicious, the law enforcement officer shall notify the owner as soon as practical that the dog has been deemed vicious by delivering notice by hand, by posting at the address of the owner, or by certified mail to the owner. After a dog has been deemed vicious, a law enforcement officer shall apprehend the dog as soon as practically possible and impound the dog at an animal shelter until a final determination has been made as to the status of whether the dog is vicious.

b. After investigating an incident involving the possibility of a dog exhibiting symptoms of rabies the law enforcement officer shall apprehend and impound the dog if, in the officer's opinion, the dog may be rabid or if the dog does not have verification for vaccination against rabies as required under Section 4(a).

c. The Sheriff shall run a notice on the Internet listing a general description of any dogs impounded pursuant to this Ordinance.

d. The owner of any such dog impounded shall be responsible for all the reasonable expenses incurred in the apprehending and impounding of a vicious or potentially rabid dog.

Section 6: RIGHT TO APPEAL DECISION TO DEEM THE DOG VICIOUS:

a. If an owner of a dog who has received notice that his or her dog has been deemed vicious feels that such a determination was made in error, the owner may appeal the officer's decision within ten (10) days after receiving the notice by filing an appeal with the Saline County District Court.

b. Any owner who files an appeal from District Court to Circuit Court shall post a bond in an amount to be determined by the District Court Judge.

Section 7: RELEASE OF VICIOUS DOG:

A dog that has been apprehended and impounded pursuant to Section 5 as a vicious dog shall be released by the animal shelter after a final determination has been made that the dog is not vicious or the District Court has otherwise adjudicated the matter.

Section 8: RELEASE OF DOG THOUGHT TO BE INFECTED WITH RABIES:

A dog that has been apprehended and impounded pursuant to Section 5 as a dog thought to be infected with rabies shall be released by the animal shelter to the custody of the owner at the end of the legally required confinement period if the dog is determined not to be infected with rabies.

Section 9: FAILURE TO RETRIEVE IMPOUNDED DOG OR DOG THOUGHT TO BE INFECTED WITH RABIES:

a. If a final determination has been made as to whether or not a dog is vicious, the Sheriff's Office shall notify the owner by hand delivery, by posting at the address of the owner, or by certified mail that the dog must be retrieved from the animal shelter within seven (7) days of receiving notice. If the owner of the dog fails to retrieve the animal within seven (7) days of receiving notice, the dog shall be humanely destroyed if it has been deemed vicious or shall be put up for adoption if the dog has been deemed not vicious. If adoption is not feasible then the dog may be humanely destroyed.

b. If it is determined as provided by law that a dog thought to be infected with rabies is not infected with rabies, the Sheriff's Office shall notify the owner by hand delivery, by posting at the address of the owner, or by certified mail that the dog must be retrieved from the animal shelter within seven (7) days of receiving notice. If the owner of such dog fails to retrieve the animal within seven (7) days of receiving notice, the dog shall be put up for adoption. If adoption is not feasible then the dog may be humanely destroyed.

Section 10: VIOLATIONS – PUNISHMENT:

Any person violating or aiding in or abetting the violation of any provision of this Ordinance, or resisting, obstructing, or impeding the Sheriff or any law enforcement 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/she shall be fined not less than \$250.00 nor more than \$500.00; for a third and subsequent offence he/she shall be fined not less than \$500.00 nor more than \$1,000.00, 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 \$500.00 for each day that the same is unlawfully continued.

Section 11: EMERGENCY CLAUSE. It has been determined by the Quorum Court that the County's current vicious animal ordinance is not sufficient to address the problem of vicious and rabid dogs at large in Saline County. Therefore an emergency is hereby declared to exist and this Ordinance, being necessary for the protection and preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and publication.

DATE: OCTOBER 19, 2010

APPROVED: _____


LANNY FITE
SALINE COUNTY JUDGE

ATTEST: _____


FREDDY BURTON
SALINE COUNTY CLERK

SPONSOR: PUBLIC WORKS COMM.
TOM LISH, CHAIRMAN