

ORDINANCE NO. 0-14-16

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

“AN ORDINANCE REGULATING ANIMAL CONTROL WITHIN THAT PORTION OF THE BOUNDARIES OF HOT SPRINGS VILLAGE WITHIN GARLAND COUNTY; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF; MAKING VIOLATIONS THEREBY A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$1,000.00, AND SENTENCED UP TO ONE YEAR IN JAIL; AUTHORIZING THE CONTRACTING FOR OR APPOINTING OF AN ANIMAL CONTROL OFFICER WITHIN THE MEANING OF ARKANSAS CODE, SECTION 5-62-102(3) FOR THAT PORTION OF GARLAND COUNTY, ARKANSAS WITHIN THE BOUNDARIES OF HOT SPRINGS VILLAGE; AND FOR OTHER PURPOSES.”

WHEREAS, Hot Springs Village is a private community within the meaning and definition of Arkansas Code, Section 14-14-814, and it is within the authority of the Quorum Court of Garland County to regulate animals upon receipt of a Petition by Hot Springs Village Property Owners' Association, which request has been received; and

WHEREAS, this Animal Control Ordinance shall only be applicable and enforceable for the regulation of animals within the boundaries of Hot Springs Village, Garland County, Arkansas;

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

SECTION 1: 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 boundaries of Hot Springs Village. 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 human being that is capable of controlling and governing the dog in question.
- (d) Injured or neglected. Any dog running at large in Hot Springs Village, Garland County, not properly tagged, that are ill, wounded, that have no

obvious owner and that requires a quick response to rabies vaccination when a dog bite occurs.

(e) Animal Control Officer. Any person employed or appointed by the county who is authorized to investigate and/or enforce violations relating to animal control.

(f) Vicious Dog.

Any dog which the County District Court determines to be vicious in accordance with the following guidelines:

- (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 common property, or 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 human beings or domestic animals; or
- (3) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public, common, 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 which at the time such injury or damage was sustained while teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(g) High Risk Breed.

- (1) Certain types of dogs have physical characteristics that present a significant risk to the public. These dogs are generally 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, (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 ordinance.

(h) Nuisance. Any animal shall be considered a nuisance if it damages private property other than the owner's or molests or interferes with persons in the 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 tag issued by a licensed veterinarian must be attached to the collar or harness of the dog. It is also recommended that a piece of durable metal, inscribed with the name, street address and telephone number of the owner is attached to the collar or harness of the dog.

(j) Leash. A physical device or an approved electronic device capable of controlling and restraining a dog from physically advancing on another person or domestic animal.

(k) At-Large. Any pet shall be deemed to be at large when he is off the property of his owner, and not under control of a competent person.

SECTION 2. Vicious and/or nuisance dogs.

(a) No owner of, custodian of, or person with authority to control a vicious dog and/or nuisance dog shall suffer or permit such dog to go unconfined on the premises of any other person's real property. A vicious dog and/or a nuisance dog is "unconfined", as the term is used in this section, if such dog is not confined securely upon the premises of said owner. "Beware of Dog" signs must be conspicuously posted on the property to alert the public of the presence of a vicious dog.

- (b) No owner of, custodian of, or person with authority to control a vicious dog and/or a nuisance dog shall suffer or permit such dog to go beyond the premises of said owner unless the vicious and/or nuisance dog is securely muzzled and restrained with a restraint having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (c) The owner of a dog declared vicious or nuisance by a court may be required to provide proof of liability insurance specifically covering the vicious dog in a minimum amount of \$100,000.00, or a higher amount if so ordered by a court of 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 and/or nuisance dog must be verified by animal control authority prior to returning an animal to the owner.
- (f) Notification of escape. The owner or keeper of a vicious and/or nuisance dog shall notify the Hot Springs Village Police Department, Garland County Sheriff's Department, and the Hot Springs Village Animal Control Authority immediately if such dog escapes from its restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.
- (g) If any dog(s), while unconfined and off the owner's, custodian's, or persons of authority or control property, bites or seriously injures a human being or a domestic animal, 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 control, will be brought before a court of jurisdiction in Garland County, 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 of jurisdiction shall fine the owner, custodian, or person of authority to control in accordance with this article. All other state or federal laws concerning restitution, liability, etc. would remain in force as well.
- (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 human beings or domestic animals.

- (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/nuisance 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 violating any provision of this Ordinance or aiding or abetting or counterfeiting or forging any certificate, or make 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 less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and 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 3. High Risk Breed.

- (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, onto common property, limited common property or a public right-of-way. A dog classified as a high risk breed is deemed "unconfined", as the term is used in this section, if such dog is not confined securely upon the premises of said owner.
- (b) No owner, custodian, or person with authority to control a high risk breed shall suffer or permit such dog to go beyond the premises of said owner unless the dog is securely restrained with a leash having a minimum tensile strength of 300 pounds and not exceeding six feet in length. The dog must be handled by a competent person to maintain control at all times.
- (c) If a dog classified as a high risk breed is found at large at any time, the dog is subject to be surrendered to the animal control authority immediately and a citation shall be issued to appear in a court of competent jurisdiction. If the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this ordinance, the dog shall be declared vicious/nuisance and the owner must comply with the requirements of maintaining a vicious/nuisance dog as set forth in Section 2 prior to having the dog returned. Fees for maintaining the dog at the Hot Springs Village Animal Control Facility will be paid directly to the Hot Springs Village Property Owners' Association. Failure of the owner to appear in court will result in the

dog being declared abandoned by the courts and the dog may be ordered to be destroyed without further cause.

- (d) If at any time a high risk breed dog bites a human or a domestic animal the dog shall be surrendered to animal control authorities for quarantine and a citation will be issued for the owner to appear in an appropriate court of jurisdiction to offer proof of current rabies vaccination at the time of the bite. If based on evidence provided the court determines the animal was not properly vaccinated at the time of a bite, or the dog poses additional risk to public safety, the court may direct the animal to be humanely euthanized and tested for rabies. If the court determines the dog may be returned to the owner, the court shall also determine whether to declare the animal as vicious/nuisance.

If a dog classified as a high risk breed is found at large at any time, the dog is subject to be surrendered to the animal control authority immediately and a citation will be issued to appear in a court of jurisdiction. If a trial court date must be set, the court may authorize the owner to post a compliance bond in the amount of five hundred dollars (\$500.00) directly with the animal control authority, and authorize the dog to be released to the direct control of the owner during the trial waiting period provided that Animal Services does not object to said release. The owner will be informed by the court that if the dog is found to be in violation of confinement requirements during this period, animal control authorities may seize the animal and after a hearing before the Court, may humanely euthanize said animal without further cause. The bond will be forfeited to animal control authorities for the payment of any outstanding fines, costs or restitution. Any bond money remaining after payment of fines, costs and restitution shall be returned to the owner. During the trial, if the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this ordinance, the dog shall be declared vicious/nuisance and the owner must comply with the requirements of maintaining a vicious/nuisance dog as set forth in Section 2. If the dog has been released on a compliance bond it may remain in the owner's control and the owner must comply with the requirements set forth in Section 2. Upon proof that all requirements have been complied with, animal control authorities may return the compliance bond to the owner, minus any fines, court costs or restitution that may still be owed. Failure to comply will result in the animal being seized and the owner being issued a citation for failing to comply with the court order. If the dog remains in the control of the animal control authorities, the owner must comply with all requirements in Section 2 prior to getting the dog returned. Failure to provide evidence of compliance within 30 days after a dog is authorized by a court to be returned may result in the animal being declared abandoned and animal control authorities may humanely euthanize said dog without further cause. Fees for maintaining the dog at the animal control facility will be paid directly to the

animal control authority. Failure of the owner to appear in court will result in the dog being declared abandoned by the courts and the dog may be ordered to be destroyed without further cause.

- (e) The owner may be fined in accordance with this ordinance. In addition to any fine, the owner of, custodian of, or person with authority to control high risk breed dog may also be required to pay court costs, restitution for the housing of the animal, the rabies determination test and euthanasia. All other state or federal laws concerning restitution, liability, etc. remain in force as well.
- (f) Any person violating this section of this ordinance shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and may be sentenced up to one (1) year in jail. Penalties may be doubled upon conviction of a second and/or subsequent violation of this section.
- (g) Exemptions. Dogs performing law enforcement duties, certified service/therapy dogs, and registered show dogs actively pursuing points towards a recognized title are exempt from the requirements of this Section 3.

SECTION 4. Containment/Restraint and Control.

- (a) No owner of, custodian of, or person of authority or control of any dog shall allow, permit or authorize that dog to run at large within the boundaries of Hot Springs Village.
- (b) Untagged dogs running at large are considered stray. Stray dogs that are taken into custody by authorization of any law enforcement officer of Garland County or Hot Springs Village will be held at a facility approved by the POA Board of Directors. If the dog carries its owner's address, the Animal Control Officer or the person responsible for the facility shall give the dog's owner at least five (5) day's notice by telephone, email, or certified mail, return receipt requested, or by any other effective means, before any action may be taken against the dog. In the event the dog does not carry the owner's address, the facility shall post a picture and description of the dog on its bulletin board. In either event, if the owner does not claim the dog within five (5) days, the facility shall have the right to release the dog for adoption or to humanely euthanize said animal.
- (c) Stray dogs may be reclaimed by the owner upon payment by the owner to the Hot Springs Village Property Owners' Association a fee, to be established by Hot Springs Village Property Owners' Association annual fee schedule. The reclaiming and boarding fee is in addition to any other penalties incurred by the stray dog for other violations.

- (d) Injured, diseased or contagious dogs are subject to immediate euthanasia if in obvious pain, ill or contagious to humans or other animals.
- (e) All dogs shall at all times be under the restraint and control of the owner or a responsible person by leash while on Hot Springs Village common and limited property. All dogs shall be on a leash on the Hot Springs Village trails.
- (f) Dogs riding in the open bed of any vehicle are required to be controlled from exiting the bed. Dogs are subject to being leashed upon exit from a vehicle outside the legal property limits/boundaries of the dog owner or keeper.
- (g) In the event an owner, custodian or person of authority allows a dog(s) to violate this section multiple times, such person may be cited by Hot Springs Village Police Department or Animal Control Officer and shall be subject to a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00).

EXCEPTIONS TO RESTRAINT AND CONTROL REGULATIONS:

- 1. Dogs officially entered in shows or competition requiring completion of entrance forms and taking place on land designated for the purpose of said dog show or competition.
- 2. Dogs on the private property of the owner or others with the actual, implied, customary or constructive consent of the owner of such private premises.
- 3. Dogs used for official business or official purposes by any law enforcement agency or disabled person.
- 4. Dogs, while within the enclosed portion of a vehicle being driven or parked and outside the property limits of its owner and keeper.
- 5. Dogs under the control of their owner or responsible keeper physically within the approved Hot Springs Village Dog Park or any other common or limited property areas identified and approved by the Hot Springs Village Board of Directors and having a waiver of liability on file with Hot Springs Village Property Owners' Association.

SECTION 5. Registration of Dogs.

- (a) All dogs physically housed or boarded for more than thirty days in Hot Springs Village are required to be registered with the Hot Springs Village Property

Owners' Association. All dogs registered within Hot Springs Village require a current valid rabies vaccination.

- (b) The specific breed or breed mix of any dog registered within Hot Springs Village must be properly identified on the registration application.
- (c) Any visiting dog, not subject to this registration requirement, is still liable for all other legal requirements as specified by this Ordinance.
- (d) Failure to register a dog physically housed or boarded in Hot Springs Village is subject to fines not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). Failure to identify on the registration application that a dog is a potential high risk breed, as identified by this Ordinance, is subject to fines not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). Penalties may also be doubled upon conviction of a second and/or subsequent violation of this section.

SECTION 6. Complaints.

- (a) Enforcement personnel (either Hot Springs Village Police Department or Animal Control Authority of Hot Springs Village) will investigate all complaints against dogs within Hot Springs Village. If the complaint includes a bite, the dog(s) involved will immediately be surrendered to animal control authorities for mandatory quarantine. If it is determined during any complaint investigation that the owner is out of compliance of this ordinance, the owner will be cited and required to appear before the District Court. If the owner fails to appear at the initial hearing, the court may order that the animal be seized by appropriate authorities and set a second hearing date. If the owner fails to appear at the second hearing date or fails to comply with the court order within five days, the animal will be determined to have been abandoned and be subject to being euthanized by the animal control authority.

SECTION 7. Enforcement.

- (a) Law enforcement officials authorized by state or local law, are authorized, for violation of any portion of this article to give to the owner, custodian, or person with authority to control a summons in lieu of arrest, to appear in the district Court, Criminal Division of the County of GARLAND.
- (b) Through an agreement approved by the County Judge and/or County Sheriff, the Animal Control Officer for Hot Springs Village, designated by contract or agreement, is hereby authorized to enforce certain ordinances related to animal control and/or services. Said agents are thereby authorized to give the owner, custodian, or person with authority to control, a summons in lieu of

arrest, to appear in the District Court, Criminal Division, of the County of Garland.

SECTION 8. Penalty.

- (a) Whoever violates any portion of this article shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 for any one specified offense or violation, or double that sum for repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the article, shall not exceed \$1,000.00 for each day that it may be unlawfully continued.
- (b) If any dog(s), while unconfined and off the owner's property, bites or seriously injures a human being or a domestic animal, and they are found to be in violation of this article, the dog(s) involved may be immediately surrendered to the local animal control authority to be quarantined and a citation will be issued. The owner shall be brought before a court of jurisdiction in Garland County, where they may be charged with a Class A Misdemeanor and fined a maximum of \$1,000.00 and up to one (1) year in jail. All other state or federal laws concerning restitution, liability, etc. would remain in force as well.
- (c) Any vicious dog which attacks a human being or another domestic animal may be ordered destroyed, when in the court's judgment, such vicious dog and/or nuisance dog represents continuing threat of serious harm to human beings, or to other domestic animals, or to the personal or real property of other persons.
- (d) Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog.

SECTION 9. Severability.

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

SECTION 10. Codification.


This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intentions.

ATTEST:



SARAH SMITH
Garland County Clerk


APPROVED:



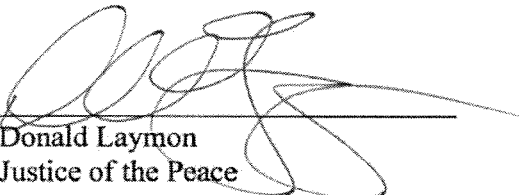
RICK DAVIS
Garland County Judge

DATE: 3/10/14

SPONSOR:



Mickey Gates
Justice of the Peace



Donald Laymon
Justice of the Peace



Larry Huff

ORDINANCE NO. 2014-09

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

"AN ORDINANCE REGULATING ANIMAL CONTROL WITHIN THAT PORTION OF THE BOUNDARIES OF HOT SPRINGS VILLAGE WITHIN SALINE COUNTY; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF; MAKING VIOLATIONS THEREBY A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$1,000.00, AND SENTENCED UP TO ONE YEAR IN JAIL; AUTHORIZING THE CONTRACTING FOR OR APPOINTING OF AN ANIMAL CONTROL OFFICER WITHIN THE MEANING OF ARKANSAS CODE ANNOTATED § 5-62-102(3) FOR THAT PORTION OF HOT SPRINGS VILLAGE WITHIN THE BOUNDARIES OF SALINE COUNTY, ARKANSAS; AND FOR OTHER PURPOSES."

WHEREAS, Hot Springs Village is a private community within the meaning and definition of Arkansas Code Annotated § Section 14-14-814, and it is within the authority of the Quorum Court of Saline County to regulate animals upon receipt of a Petition by Hot Springs Village Property Owners' Association, which request has been received; and

WHEREAS, this Animal Control Ordinance shall only be applicable and enforceable for the regulation of animals within the boundaries of Hot Springs Village, Saline County, Arkansas;

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

SECTION 1: 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 boundaries of Hot Springs Village. 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 human being that is capable of controlling and governing the dog in question.
- (d) Injured or neglected. Any dog running at large in Hot Springs Village, Saline County, not properly tagged, that are ill, wounded, that have no obvious owner and that requires a quick response to rabies vaccination when a dog bite occurs.
- (e) Animal Control Officer. Any person employed or appointed by the county who is authorized to investigate and/or enforce violations relating to animal control.
- (f) Vicious Dog. Any dog which the Saline County District Court determines to be vicious in accordance with the following guidelines:
 - (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 common property, or 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 human beings or domestic animals; or
- (3) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public, common, 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 which at the time such injury or damage was sustained while teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(g) High Risk Breed.

- (1) Certain types of dogs have physical characteristics that present a significant risk to the public. These dogs are generally 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, (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 ordinance.

(h) Nuisance. Any animal shall be considered a nuisance if it damages private property other than the owner's or molests or interferes with persons in the 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 tag issued by a licensed veterinarian must be attached to the collar or harness of the dog. It is also recommended that a piece of durable metal, inscribed with the name, street address and telephone number of the owner is attached to the collar or harness of the dog.

- (j) Leash. A physical device or an approved electronic device capable of controlling and restraining a dog from physically advancing on another person or domestic animal.
- (k) At-Large. Any pet shall be deemed to be at large when he is off the property of his owner, and not under control of a competent person.

SECTION 2. Vicious and/or nuisance dogs.

- (a) No owner of, custodian of, or person with authority to control a vicious dog and/or nuisance dog shall suffer or permit such dog to go unconfined on the premises of any other person's real property. A vicious dog and/or a nuisance dog is "unconfined", as the term is used in this section, if such dog is not confined securely upon the premises of said owner. "Beware of Dog" signs must be conspicuously posted on the property to alert the public of the presence of a vicious dog.
- (b) No owner of, custodian of, or person with authority to control a vicious dog and/or a nuisance dog shall suffer or permit such dog to go beyond the premises of said owner unless the vicious and/or nuisance dog is securely muzzled and restrained with a restraint having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (c) The owner of a dog declared vicious or nuisance by a court may be required to provide proof of liability insurance specifically covering the vicious dog in a minimum amount of \$100,000.00, or a higher amount if so ordered by a court of 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 and/or nuisance dog must be verified by animal control authority prior to returning an animal to the owner.
- (f) Notification of escape. The owner or keeper of a vicious and/or nuisance dog shall notify the Hot Springs Village Police Department, Saline County Sheriff's Department and the Hot Springs Village Animal Control Authority immediately if such dog escapes from its restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.
- (g) If any dog(s), while unconfined and off the owner's, custodian's, or persons of authority control or property, bites or seriously injures a human being or a domestic animal, 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 control, will be brought before a court of jurisdiction in Saline County, 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 of jurisdiction shall fine the owner, custodian, or person of authority to control in accordance with this article. All other state or federal laws concerning restitution, liability, etc. would remain in force as well.

- (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 human beings or domestic animals.
- (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/nuisance 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 violating any provision of this Ordinance or aiding or abetting or counterfeiting or forging any certificate, or make 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 less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and 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 3. High Risk Breed.

- (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, onto common property, limited common property or a public right-of-way. A dog classified as a high risk breed is deemed "unconfined", as the term is used in this section, if such dog is not confined securely upon the premises of said owner.
- (b) No owner, custodian, or person with authority to control a high risk breed shall suffer or permit such dog to go beyond the premises of said owner unless the dog is securely restrained with a leash having a minimum tensile strength of 300 pounds and not exceeding six feet in length. The dog must be handled by a competent person to maintain control at all times.
- (c) If a dog classified as a high risk breed is found at large at any time, the dog is subject to be surrendered to the animal control authority immediately and a citation shall be issued to appear in a court of competent jurisdiction. If the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this ordinance, the dog shall be declared vicious/nuisance and the owner must comply with the requirements of maintaining a vicious/nuisance dog as set forth in Section 2 prior to having the dog returned. Fees for maintaining the dog at the Hot Springs Village Animal Control Facility will be paid directly to the Hot Springs Village Property Owners' Association. Failure of the owner to appear in court will result in the dog being declared abandoned by the courts and the dog may be ordered to be destroyed without further cause.
- (d) If at any time a high risk breed dog bites a human or a domestic animal the dog shall be surrendered to animal control authorities for quarantine and a citation will be issued for the owner to appear in an appropriate court of jurisdiction to offer proof of current rabies vaccination at the time of the bite. If based on evidence provided the court determines the animal was not properly vaccinated at the time of a bite, or the dog poses additional risk to public safety, the court may direct the animal to be

humanely euthanized and tested for rabies. If the court determines the dog may be returned to the owner, the court shall also determine whether to declare the animal as vicious/nuisance.

If a dog classified as a high risk breed is found at large at any time, the dog is subject to be surrendered to the animal control authority immediately and a citation will be issued to appear in a court of jurisdiction. If a trial court date must be set, the court may authorize the owner to post a compliance bond in the amount of five hundred dollars (\$500.00) directly with the animal control authority, and authorize the dog to be released to the direct control of the owner during the trial waiting period provided that Animal Services does not object to said release. The owner will be informed by the court that if the dog is found to be in violation of confinement requirements during this period, animal control authorities may seize the animal and after a hearing before the Court, may humanely euthanize said animal without further cause. The bond will be forfeited to animal control authorities for the payment of any outstanding fines, costs or restitution. Any bond money remaining after payment of fines, costs and restitution shall be returned to the owner. During the trial, if the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this ordinance, the dog shall be declared vicious/nuisance and the owner must comply with the requirements of maintaining a vicious/nuisance dog as set forth in Section 2. If the dog has been released on a compliance bond it may remain in the owner's control and the owner must comply with the requirements set forth in Section 2. Upon proof that all requirements have been complied with, animal control authorities may return the compliance bond to the owner, minus any fines, court costs or restitution that may still be owed. Failure to comply will result in the animal being seized and the owner being issued a citation for failing to comply with the court order. If the dog remains in the control of the animal control authorities, the owner must comply with all requirements in Section 2 prior to getting the dog returned. Failure to provide evidence of compliance within 30 days after a dog is authorized by a court to be returned may result in the animal being declared abandoned and animal control authorities may humanely euthanize said dog without further cause. Fees for maintaining the dog at the animal control facility will be paid directly to the animal control authority. Failure of the owner to appear in court will result in the dog being declared abandoned by the courts and the dog may be ordered to be destroyed without further cause.

- (e) The owner may be fined in accordance with this ordinance. In addition to any fine, the owner of, custodian of, or person with authority to control high risk breed dog may also be required to pay court costs, restitution for the housing of the animal, the rabies determination test and euthanasia. All other state or federal laws concerning restitution, liability, etc. remain in force as well.
- (f) Any person violating this section of this ordinance shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and may be sentenced up to one (1) year in jail. Penalties may be doubled upon conviction of a second and/or subsequent violation of this section.
- (g) Exemptions. Dogs performing law enforcement duties, certified service/therapy dogs, and registered show dogs actively pursuing points towards a recognized title are exempt from the requirements of this Section 3.

SECTION 4. Containment/Restraint and Control.

- (a) No owner of, custodian of, or person of authority or control of any dog shall allow, permit or authorize that dog to run at large within the boundaries of Hot Springs Village.
- (b) Untagged dogs running at large are considered stray. Stray dogs that are taken into custody by authorization of any law enforcement officer of Saline County or Hot Springs Village will be held at a facility approved by the POA Board of Directors. If the dog carries its owner's address, the Animal Control Officer or the person responsible for the facility shall give the dog's owner at least five (5) days' notice by telephone, email, or certified mail, return receipt requested, or by any other effective means, before any action may be taken against the dog. In the event the dog does not carry the owner's address, the facility shall post a picture and description of the dog on its bulletin board. In either event, if the owner does not claim the dog within five (5) days, the facility shall have the right to release the dog for adoption or to humanely euthanize said animal.
- (c) Stray dogs may be reclaimed by the owner upon payment by the owner to the Hot Springs Village Property Owners' Association a fee, to be established by Hot Springs Village Property Owners' Association annual fee schedule. The reclaiming and boarding fee is in addition to any other penalties incurred by the stray dog for other violations.
- (d) Injured, diseased or contagious dogs are subject to immediate euthanasia if in obvious pain, ill or contagious to humans or other animals.
- (e) All dogs shall at all times be under the restraint and control of the owner or a responsible person by leash while on Hot Springs Village common and limited common property. All dogs shall be on a leash on the Hot Springs Village trails.
- (f) Dogs riding in the open bed of any vehicle are required to be controlled from exiting the bed. Dogs are subject to being leashed upon exit from a vehicle outside the legal property limits/boundaries of the dog owner or keeper.
- (g) In the event an owner, custodian or person of authority allows a dog(s) to violate this section multiple times, such person may be cited by Hot Springs Village Police Department or Animal Control Officer and shall be subject to a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00).

EXCEPTIONS TO RESTRAINT AND CONTROL REGULATIONS:

- 1. Dogs officially entered in shows or competition requiring completion of entrance forms and taking place on land designated for the purpose of said dog show or competition.
- 2. Dogs on the private property of the owner or others with the actual, implied, customary or constructive consent of the owner of such private premises.
- 3. Dogs used for official business or official purposes by any law enforcement agency or disabled person.
- 4. Dogs, while within the enclosed portion of a vehicle being driven or parked and outside the property limits of its owner and keeper.

5. Dogs under the control of their owner or responsible keeper physically within the approved Hot Springs Village Dog Park or any other common or limited common property areas identified and approved by the Hot Springs Village Board of Directors and having a waiver of liability on file with Hot Springs Village Property Owners' Association.

SECTION 5. Registration of Dogs.

- (a) All dogs physically housed or boarded for more than thirty days in Hot Springs Village are required to be registered with the Hot Springs Village Property Owners' Association. All dogs registered within Hot Springs Village require a current valid rabies vaccination.
- (b) The specific breed or breed mix of any dog registered within Hot Springs Village must be properly identified on the registration application.
- (c) Any visiting dog, not subject to this registration requirement, is still liable for all other legal requirements as specified by this Ordinance.
- (d) Failure to register a dog physically housed or boarded in Hot Springs Village is subject to fines not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). Failure to identify on the registration application that a dog is a potential high risk breed, as identified by this Ordinance, is subject to fines not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). Penalties may also be doubled upon conviction of a second and/or subsequent violation of this section.

SECTION 6. Complaints.

- (a) Enforcement personnel (either Hot Springs Village Police Department or Animal Control Authority of Hot Springs Village) will investigate all complaints against dogs within Hot Springs Village. If the complaint includes a bite, the dog(s) involved will immediately be surrendered to animal control authorities for mandatory quarantine. If it is determined during any complaint investigation that the owner is out of compliance of this ordinance, the owner will be cited and required to appear before the District Court. If the owner fails to appear at the initial hearing, the court may order that the animal be seized by appropriate authorities and set a second hearing date. If the owner fails to appear at the second hearing date or fails to comply with the court order within five days, the animal will be determined to have been abandoned and be subject to being euthanized by the animal control authority.

SECTION 7. Enforcement.

- (a) Law enforcement officials authorized by state or local law, are authorized, for violation of any portion of this article to give to the owner, custodian, or person with authority to control a summons in lieu of arrest, to appear in the Saline County.
- (b) Through an agreement approved by the County Judge and/or County Sheriff, the Animal Control Officer for Hot Springs Village, designated by contract or agreement, is hereby authorized to enforce certain ordinances related to animal control and/or services. Said agents are thereby authorized to give the owner, custodian, or person with authority to control, a summons in lieu of arrest, to appear in the District Court, Criminal Division, of the County of Saline.

SECTION 8. Penalty.

- (a) Whoever violates any portion of this article shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 for any one specified offense or violation, or double that sum for repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the article, shall not exceed \$1,000.00 for each day that it may be unlawfully continued.
- (b) If any dog(s), while unconfined and off the owner's property, bites or seriously injures a human being or a domestic animal, and they are found to be in violation of this article, the dog(s) involved may be immediately surrendered to the local animal control authority to be quarantined and a citation will be issued. The owner shall be brought before a court of jurisdiction in Saline County, where they may be charged with a Class A Misdemeanor and fined a maximum of \$1,000.00 and up to one (1) year in jail. All other state or federal laws concerning restitution, liability, etc. would remain in force as well.
- (c) Any vicious dog which attacks a human being or another domestic animal may be ordered destroyed, when in the court's judgment, such vicious dog and/or nuisance dog represents continuing threat of serious harm to human beings, or to other domestic animals, or to the personal or real property of other persons.
- (d) Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog.

SECTION 9. Severability.

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

SECTION 10. Codification.


This Ordinance shall be codified in the Saline County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intentions.

DATE: APRIL 15, 2014

APPROVED: _____


LANNY FITE
SALINE COUNTY JUDGE

ATTEST: _____


DOUG CURTIS
SALINE COUNTY CLERK

SPONSOR: JAMES ZAHND, JP DISTRICT #13