

ORDINANCE NO. 6 OF 2011

AN ORDINANCE REGULATING DANGEROUS DOGS;
PROVIDING FOR THE REMOVAL OF VICIOUS DOGS;
AMENDING ORDINANCE NO. 04 OF 2003; DECLARING AN
EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, The City Council of the City of Haskell, Arkansas, has determined that the City's Animal Control ordinance should be amended as set forth herein; and,

WHEREAS, The City Council of the City of Haskell has found and determined that certain dogs should classified as "dangerous" and regulated as such, and that vicious dogs should be banned from the City to promote the peace, health, safety and tranquility of the City of Haskell and of the citizens of Haskell;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Haskell, Arkansas, that:

SECTION 1. *Dangerous Dogs.*

A. For the purpose of this Section, the term "dangerous dog" shall mean any member of the canine (dog) family that in the reasonable opinion of the Haskell Animal Control Officer, or in the reasonable opinion of any police officer, exhibits fierce or vicious behavior toward any person. However, any of the above described

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actions or behaviors should not be considered dangerous if such dog was provoked or teased.

B. Upon investigating any observation or report of a dog exhibiting dangerous behavior, an Animal Control officer or police officer shall deem the dog dangerous if the officer determines that the dog fits within the criteria of subsection A of this Section. Upon the deeming of a dog as dangerous the Animal Control Officer shall notify the owner that the dog has been deemed dangerous by hand delivery or by mailing a notice by certified mail to the owner.

C. If the owner of a dog who has received notice that his or her dog has been deemed dangerous contends that such a determination was made in error, the owner may appeal the officer's decision to the Haskell Animal Control Committee. An appeal must be taken within ten (10) business days after receipt the notice by filing a written request for an appeal with the Haskell City Clerk. The appeal shall be heard by the Haskell Animal Control Committee at a meeting to be held not more than thirty (30) calendar days after the date the written request for an appeal is filed with the City Clerk. The conduct of such appeal hearing, and any review thereof, shall be governed by the Arkansas Administrative Procedure Act, A.C.A. §§ 25-15-201, *et seq.*

D. After the deeming of a dog as dangerous by an Animal Control officer or a police officer, the owner of the dog must obey all

the requirements set forth in Section 2 below while keeping the dog until a final determination has been made as to whether or not the dog is a dangerous dog. The Animal Control Officer may seize and house a dog which has been deemed dangerous by an Animal Control Officer or a police officer, and house the dog until the owner has complied with requirements of Section 2 below, and may allow such owner up to thirty (30) days to demonstrate such compliance.

E. The final determination shall be that the dog is a dangerous dog, a vicious dog, or neither a dangerous nor vicious dog. A dog finally determined to be a vicious dog will be dealt with in accordance with the provisions of Section 3. D. of this Ordinance. If the dog is finally determined to be neither a dangerous dog nor a vicious dog, the City shall refund to the owner the \$250.00 registration fee paid by the owner pursuant to Section 2. C. below.

SECTION 2. *Special Requirements for Keeping Dangerous Dogs.*

Any animal determined to be a dangerous dog as defined by this Ordinance, must be registered with the City of Haskell as a dangerous dog. To facilitate such registration, the owner of such dangerous dog must present evidence satisfactory to the Animal Control Division of the City of Haskell, that:

A. The animal has been equipped with a permanent identification micro-chip, and shall be confined as required by this Section.

B. All owners, keepers or persons who harbor any dangerous dog or dogs within the city shall display in a prominent place on their premises an easily readable sign using the words "Beware of Dangerous Dog" and a sign with a symbol reasonably calculated to warn children of the presence of a dangerous dog. In addition, a similar sign is required to be posted on the kennel or pen of such animal. A registration fee of \$250.00 per year shall be paid annually by the owner of a dangerous dog. Registration of such dangerous dog shall be permitted only after proof of the requirements defined in this ordinance are provided to the satisfaction of the Animal Control Authority. Failure to register such dangerous dog shall constitute a violation of this ordinance.

C. All dangerous dogs shall be securely confined in an enclosed and locked pen or kennel, except when leashed and muzzled as provided in this Section. The pen or structure in which a dangerous dog is confined must have secure sides and a secure top attached to the sides. If the pen or kennel has no floor secured to the sides, the ground beneath the gate shall be secured by embedded posts and the sides must be embedded into the ground no less than one foot, unless such pen has a concrete floor in which case the sides need only be embedded two inches deep into the concrete. All structures erected to confine dangerous animals must comply with all zoning

and building regulations of the city. All structures must be adequately lighted, ventilated and kept in a clean and sanitary condition. The fence shall be of a chain link fencing with a minimum of a ten (10) gauge wire and the minimum of five feet by ten feet. If any dangerous dog is taken from its secure enclosure as described in this Section, it shall be muzzled and restrained by a substantial chain or leash not exceeding six feet in length, and such animal shall be kept under constant control of its owner or a responsible party.

SECTION 3. *Vicious Dogs.*

A. For the purpose of this Section, the term “vicious dog” shall mean any member of the canine (dog) family that any Animal Control Officer or police officer has probable cause to believe 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 such dog was provoked or teased.

B. Upon investigating any observation or report of a dog exhibiting vicious behavior, an Animal Control officer or police officer shall deem the dog vicious if the officer determines that the dog fits within the criteria of subsection A of this Section. Upon the deeming of a dog as vicious the Animal Control Officer shall notify the owner that the dog has been deemed vicious by hand delivery or by mailing

a notice by certified mail to the owner. After deeming of a dog as vicious the Animal Control Officer shall apprehend the dog and impound the dog at the animal shelter until a final determination has been made as to the status of whether the dog is vicious.

C. If the owner of a dog who has received notice that his or her dog has been deemed vicious contends that such a determination was made in error, the owner may appeal the officer's decision to the Haskell Animal Control Committee. An appeal must be taken within ten (10) business days after receipt the notice by filing a written request for an appeal with the Haskell City Clerk. The appeal shall be heard by the Haskell Animal Control Committee at a meeting to be held not more than thirty (30) calendar days after the date the written request for an appeal is filed with the City Clerk. The conduct of such appeal hearing, and any review thereof, shall be governed by the Arkansas Administrative Procedure Act, A.C.A. §§ 25-15-201, *et seq.*

D. A dog that has been apprehended pursuant to this Section shall be held by the animal shelter until there is a final determination as to whether or not the dog is vicious. The final determination shall be that the dog is a vicious dog, a dangerous dog or neither a vicious nor dangerous dog. A dog finally determined not to be a vicious dog will be returned to the owner. A dog finally determined to be a vicious dog will be returned to the owner if the owner, within seven (7)

calendar days of the said final determination signs an affidavit in form satisfactory to the Haskell Animal Control Committee, acknowledging that the dog is vicious and stating that the owner will forthwith (1) cause the dog to be equipped with a permanent identification micro-chip and (2) remove the dog from the city limits of the City of Haskell and not allow the dog to return to the city. In either event, if the owner does not retrieve the dog within seven (7) calendar days of the final determination, it shall be humanely destroyed.

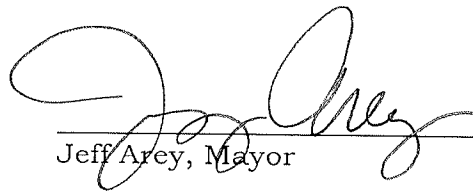
SECTION 4. *Enforcement, Penalty.* The provisions of this Ordinance shall be enforced as are provisions of the Animal Control regulations of the City of Haskell which enforcement procedures and authorities are set out in Section 14 Ordinance No. 04 of 2003. A violation of this Ordinance is declared to be a violation of Ordinance No. 04 of 2003, and, upon conviction, a violator shall be punished as specified in Section 14 the said Ordinance No. 04 of 2003.

SECTION 5. *Separability Clause.* The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance, or its application to any person or circumstance, shall be determined to be unenforceable for any reason, such determination shall not invalidate any other provision of this Ordinance or its application to other persons or circumstances.

SECTION 6. *Conflicting Provisions Repealed.* This Ordinance is supplementary to the existing Haskell Animal Control Ordinance. Those provisions of Ordinance No. 04 of 2003, and all other ordinances and resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict only, but not otherwise.

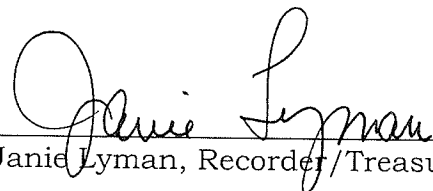
SECTION 7. *Emergency Declared.* The City Council has determined that the continued keeping and harboring of dogs of the type regulated and banned by this Ordinance presents an intolerable danger to the peace, health, safety and tranquility of the City of Haskell and of the citizens of Haskell. Therefore, an emergency exists, and this Ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 10 day of October, 2011.



Jeff Arey, Mayor

ATTEST:



Janie Lyman, Recorder/Treasurer

