

ORDINANCE NO: 2018-2

WHEREAS, The City Council of Imboden, Arkansas finds that the regulation and the control of dogs within the city is necessary and expedient for the promotion of health and suppression of disease within the city; and

WHEREAS, the City Council finds that procedures for control of dangerous and vicious dogs is in the public interest;

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

SECTION 1. SHORT TITLE:

This Chapter shall be known as the “Imboden Vicious Dog Ordinance”.

SECTION II. DEFINITIONS:

"Bodily Injury" - Any physical injury to a human being caused by an animal, including but not limited to, injuries wherein the skin is broken, interior or exterior bleeding or bruising occurs, or bone, tissue, or muscle damage is suffered.

"Ordinance" – As used herein, “Ordinance” refers to the “Imboden Vicious Dog Ordinance”

"Keeper" - A person who has custodial or supervisory authority or control over a dog.

"Owner" - Any person having control or purporting to have control over a dog, the person named in the licensing records of any animal as the owner, the occupant of the premises where the dog is usually kept if such premises are other than the premises of the owner as shown on the licensing record, or any person in possession of, harboring or allowing any dog to remain about their premises for a period of seven (7) days shall be deemed the owner as defined herein. If a dog has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner.

"Provocation" - Threatening, teasing, or striking a dog or threatening, or striking the dog's owner either on or off the dog's owner's property.

“Vicious Dog” – any dog which:

- (1) Causes death or serious injury to a person engaged in a lawful activity;
- (2) On two (2) or more occasions, attacks or bites without provocation a person engaged in a lawful activity;
- (3) On two (2) or more occasions, while off the property kills or injures another animal; or
- (4) Trains for dog fighting or is owned or kept for the purpose of dog fighting.
- (5) without provocation, chases, confronts or approaches a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack; or
- (6) Exhibits a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation.

SECTION III. VICIOUS DOGS:

C. Vicious Dogs

It shall be unlawful for any person to keep or own a vicious dog in the City of Imboden.

Declaration of a vicious dog. (a) If the Mayor, his designee, or any law enforcement officer has cause to believe that a dog is dangerous, such individual may find and declare such a dog a vicious dog by written notice to the the City Clerk or the City Council in a regular meeting of the Council. Such notice must be provided within five (5) days of finding cause to believe a dog should be declared dangerous.

(b) Within five (5) days of declaring a dog dangerous, the clerk of the City of Imboden shall notify in writing the person who owns, keeps or otherwise maintains the dog, of the declaration.

(c) The notice shall inform the owner or custodian of the dog that a hearing to contest the finding and declaration may be requested before the judge of the Lawrence County District Court to

contest the finding and declaration. The owner or custodian of the dog shall have ten (10) days after receipt of the notice to appeal the finding or declaration.

- (d) If the person owning, keeping, possessing, or otherwise maintaining the dog fails to request a hearing within the ten (10) day period, or if the judge of the Lawrence County District Court determines after a hearing the dog has been properly designated as vicious in accordance with this ordinance, the owner or custodian shall immediately remove the dog from the City of Imboden
- (e) Judicial determination. If the court determines that the dog is vicious and that maintenance of the vicious dog is a danger to the public safety, the court may direct that the owner shall be responsible for boarding fees and in addition find in the alternative as follows:
 - i. That the dog be euthanized;
 - ii. That the dog be removed from the city limits forthwith;
- (f) Exemptions. This section shall not apply to dogs properly kept and maintained by any police department or law enforcement agency.

SECTION IV. PENALTIES:

A. Liability for violation of Ordinance

- 1. Any person found guilty of violating any provision of this Ordinance, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished as set forth below.
 - (a) Any violation of any provision of this ordinance involving bodily injury to any person by a dog or other pet animal shall be a misdemeanor punishable by a minimum sentence of 90 days or \$250.00 fine or both, and a maximum sentence of twelve (12) months imprisonment or \$1,000.00 fine, or both, for each separate offense.
 - (b) Any violation of any provision of this ordinance not involving bodily injury to any person by a dog shall be punishable by a

fine of not more than \$300.00 or imprisonment in the County jail for not more than 90 days, or both, for each separate offense.

SECTION V. LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE OR INJURY:

The Imboden City Council and any city employees shall not be held responsible for any damage, accident or subsequent disease or injury that may occur in connection with the administration of this Ordinance.

SECTION VI. SEVERABILITY:

Should any section, clause, sentence, or part of this ordinance be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this ordinance as a whole or any part thereof, other than a part so declared to be invalid.

SECTION VII. CONFLICT

That all Ordinances or parts of Ordinances in conflict herewith shall be repealed and superseded.

SECTION VIII. EMERGENCY CLAUSE:

The Imboden City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public welfare, health and safety of the citizens of Imboden.

SECTION IX. PUBLICATION AND EFFECTIVE DATE:

Upon motion duly made and seconded, the foregoing Ordinance was adopted this 12 day of Feb, 2018

APPROVED:



Mayor Chris Jones

ATTESTATION:



Recorder/Treasurer Belinda Chappell