

Benton County Ordinance 97-42

Sec. 10-1. Dog fighting.

No person shall own, harbor or train any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of dog fighting.

(Ord. No. 88-4, § 3, 2-11-88; Ord. No. 96-93, art. III, 9-26-98)

Cross references: Law enforcement, ch. 42.

State law references: Dog fighting, etc., prohibited, A.C.A. § 5-62-120.

Sec. 10-2. Liability of owner for property damages and injuries caused by animal.

(a) The owner of any animal or the parent or legal guardian if the owner is a minor is liable for property damages and injuries inflicted by his animal, while off the owner's property, whether or not such animal has been declared dangerous or vicious.

(b) The owner of any animal that, while off the owner's property, without provocation, assaults, bites or otherwise injures a handicapped person or animal trained to assist handicapped persons, shall be liable to the injured party for double all damages sustained.

(Ord. No. 88-4, § 4, 2-11-88; Ord. No. 96-93, art. IV, 9-26-98)

Sec. 10-3. Definitions.

As used in this article, the following terms shall mean:

Animal control officer (ACO): Any person appointed by the sheriff to perform duties as assigned by the sheriff to effectuate this article.

Animal shelter: Any premises with a written agreement with the county for the purpose of effectuating this article and used as shelter for seized, stray, homeless, abandoned or unwanted dogs. It matters not whether the shelter is owned by the county and operated under the supervision of the sheriff 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 the county.

Arkansas Rabies Rules and Regulations: That set of guidelines which were adopted by the 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.

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 the county.

Restraint: Confinement of a dog to the owner's property or, when on 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 on the hunt, 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.

Sheriff: The sheriff of the county who is responsible for effectuating this article.

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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: As defined in section 10-25. Nothing in this article is intended to conflict with or repeal any portion of Article II.

(Ord. No. 97-42, art. 2, 7-10-97)

Sec. 10-4. Regulating 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 complaint by a resident, or on routine patrol for strays, 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 article 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 trailer parks, multifamily residences.* Further, dogs owned by residents of trailer parks or residents of buildings having two (2) or more residential units per building shall be restrained as that term is defined in section 10-3.

(d) *Muzzling of vicious dog.* Any person, firm or corporation owning a vicious dog as defined in section 10-25 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. Abandonment or dumping is ruled a Class A misdemeanor in section 10-46.

(Ord. No. 97-42, art. 3, 7-10-97)

Sec. 10-5. 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 state 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 state law.

(Ord. No. 97-42, art. 4, 7-10-97)

Sec. 10-6. Taking up and impoundment of dogs.

(a) When a dog appears to be in violation of this article, the sheriff or his representative has the authority to take steps toward impounding said dog. The impoundment shall be in an animal shelter, as defined in section 10-3.

(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 \$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.

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(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 county, including restitution which may be owed.

(f) Any dog not reclaimed by its owner within five 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.
(Ord. No. 97-42, art. 5, 7-10-97)

Sec. 10-7. Act 393 of 1987.

Act 393 of 1987, as codified in the A.C.A. section 20-19-102 is hereby incorporated in this article and in full effect in the county.
(Ord. No. 97-42, art. 6, 7-10-97)

Sec. 10-8. 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.
(Ord. No. 97-42, art. 7, 7-10-97)

Sec. 10-9. Prevention of spread of rabies.

Whenever the sheriff, working with the state department of health, feels that the incidence of rabies in the county 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 county but enforcement of his directives within municipalities shall be by officials of those municipalities.
(Ord. No. 97-42, art. III, 7-10-97)

Sec. 10-10. Violations; penalties.

Any person violating or aiding in or abetting the violation of any provision of this article, or counterfeiting or forging any certificate, permit or tag, or making any misrepresentation in any matter prescribed by this article, or resisting, obstructing or impeding the sheriff or any authorized officer in enforcing this article 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 than \$25.00 nor more than \$200.00 plus restitution owed.

For a third and subsequent offense, he shall be fined not less than \$250.00 or more than \$500.00, 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 this article shall not exceed \$250.00 for each day that the same is unlawfully continued plus restitution owed.

(Ord. No. 97-42, art. 9, 7-10-97)

Secs. 10-11--10-25. Reserved.