



## Legislation Text

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ORDINANCE AMENDING JONESBORO CODE OF ORDINANCE 6.08.01 DEFINING DANGEROUS ANIMAL, CREATING 6.08.20 PROVIDING FOR CONTROL OF DANGEROUS ANIMALS, ESTABLISHING PENALTIES THEREFORE AND FOR OTHER PURPOSES

WHEREAS: The City of Jonesboro needs to revise its animal code by defining a dangerous animal; and

WHEREAS, in addition said City of Jonesboro desires to set out restrictions and standards therefore and provide for penalties for those persons keeping a dangerous animal;

NOW, THEREFORE BE IT ENACTED by the City Council for the City of Jonesboro, Arkansas:

SECTION 1: That Title 6 of Jonesboro Code of Ordinances Chapter 6.08 be amended by adding sub-paragraph (h) to Section 6.08.01 as follows:

(H) Dangerous animal as the term is used in this section means:

- (1) Any animal which attacks or bites a human being or domestic animal without provocation, or
- (2) Any animal for which compelling evidence is presented to show the animal manifests the disposition to bite, attack or injure a human being or other domestic animal while off the owner's premises and without provocation.

SECTION 2:

(1) All dangerous dogs shall be securely confined:

(A) Indoors; or

(B) In a secure, enclosed, locked pen having minimum dimensions of five (5) feet by twenty (20) feet for each animal so designated. It must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet. All pens must be clean and sanitary at all times as well as provide protection from the elements. Electronic containment devices shall not be used to confine dangerous dogs.

(C) Leash and muzzle. When the dangerous animal is a dog, the owner shall not allow the dog to go outside its legal confinement as described in (b) unless the dog is muzzled and restrained by a leash not more than four (4) feet in length, and under the physical control of a person capable of controlling the dog. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or other animal.

(2) Other provisions of ownership.

(A) Signs. The owner of a dangerous dog shall display in a prominent place, on the owner's premises, a clearly visible warning sign indicating that there is a dangerous animal on the premises. The required signs must be purchased from the Jonesboro Animal Control Department. Signs and symbols must also be posted on the animal's pen. The name, address, and telephone number of the owner or responsible person will be also posted

on the animal's pen.

(B) Identification and sterilization. Within five (5) working days of the declaration of an animal as dangerous, the owner or custodian shall surrender the animal to an Animal Control officer for proper identification and sterilization. Such identification shall include, at the owner's expense two (2) clear color photographs of such animal clearly showing the color and approximate size of the animal and implantation of a microchip in the animal by a licensed veterinarian. Said animal shall also be spayed or neutered at the owner's expense.

(3) Change of ownership. If the owner of a dangerous animal sells, gives away, or otherwise transfer custody of the animal, the owner shall, within five (5) working days, provide the Animal Control Department with the name, address and telephone number of the new owner or custodian if the new owner. The previous owner shall notify the new owner of the animal's designation as a dangerous animal and of the requirements and conditions of keeping a dangerous animal, and provide written proof thereof to the Animal Control Department. In the event of the death, natural or otherwise, of the dangerous animal, the owner will be required to notify the Animal Control Department for proper identification within twenty-four (24) hours.

### SECTION 3: FAILURE TO COMPLY/PENALTIES

(A) If determined by the Animal Control Department upon investigation that an animal is dangerous, the Animal Control shall impound the animal.

(B) Where an animal determined by the Animal Control Department to be a dangerous animal has escaped and is at large, the owner or custodian is in violation of this Ordinance, and the Animal Control Department shall:

(1) Cause the owner to immediately seize and securely confine the animal, if the owner is readily ascertainable and available; or

(2) Cause the animal to be immediately seized and impounded. If the owner is not readily ascertainable and available.

Where an animal determined by the Animal Control Department to be a dangerous animal has caused serious physical harm or death to any person, the Animal Control Department shall cause said animal to be immediately seized and impounded. A dangerous animal may be killed if seizure and impoundment are not possible without further risk of serious injury or death. Upon impoundment of an animal determined to be dangerous, the Animal Control Department shall notify the owner, if known, that the animal has been determined a dangerous animal pursuant to this Ordinance by hand delivery, or by certified mail to the owner.

(C) Should it become necessary to impound an animal under the provisions of this Ordinance the animal shall be impounded for a period of ten (10) days at the end of which time the animal shall be destroyed in a humane manner unless custody of such animal is released prior thereto under the following additional conditions:

(1) During the first six (6) days of the ten (10) day impoundment, the Animal Control Department shall make a diligent effort to determine the owner of the dangerous animal and notify the owner of the impoundment. The owner may claim and repossess the animal by paying the cost of impoundment and any other costs for complying with this ordinance. The owner must also execute an affidavit with the Animal Control Department acknowledging that the owner will comply with the ordinance.

(D) If an animal owner who has received notice that his or her animal has been determined by the Animal Control Department to be a dangerous animal feels that such determination was made in error, the owner may appeal the Department's decision within ten (10) days after receiving the notice by requesting a hearing in the Civil Division of the Craighead County District Court. Upon the request of this hearing, the Animal Control

Department will stay the destruction of the animal until the hearing. The owner will be required to pay any costs associated with the impoundment, pending the outcome of the hearing.

(E) Animal owners found in violation of this Ordinance shall be fined \$100.00 to \$250.00 for first and second offense and \$250.00 to \$1,000.00 for third and subsequent offenses.

(F) The owner of any animal determined to be dangerous pursuant to this Ordinance shall consent to inspection of the property where the animal is kept upon twenty-four (24) notice by the Animal Control Department. Said inspection shall be set at a reasonable time and in a reasonable manner to verify full compliance with the requirements of this ordinance.

PASSED AND APPROVED this 19<sup>th</sup> day of April, 2005.