

ORDINANCE NO. 496

AN ORDINANCE AMENDING ORDINANCE NO. 400, REGULATING THE KEEPING OF VICIOUS ANIMALS WITHIN THE CITY LIMITS OF THE CITY OF LONOKE ARKANSAS SETTING FORTH THE PROCEDURES FOR DEEMING AN ANIMAL VICIOUS, PRESCRIBING THE PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSE.

WHEREAS, on or about June 10, 1996, the City Council for the City of Lonoke, Arkansas (the "City"), enacted Ordinance No. 400 prescribing certain rules and regulations regarding care and keeping of animals in the City and other matters;

WHEREAS, Section 4.1 of Ordinance No. 400 specifically provides for the care and keeping of "vicious" within the City.

WHEREAS, the City Council for the City has determined that Section 4.1 of Ordinance No 400 does not adequately provide for the regulation of the keeping of "vicious animals" and penalties associated therewith; and

WHEREAS, the City Council for the City desires to amend Ordinance No. 400 by deleting Section 4.1 and replacing it as set forth below.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONOKE, ARKANSAS:

Section 1: Section 4.1 of Ordinance No. 400 is amended to read as follows:

Section 4.1 It shall be unlawful for any owner to keep within the corporate limits of the City of Lonoke, Arkansas, any vicious animal unless it is in compliance with subsection "e" below.

- a. Deeming an animal vicious. After investigating an incident involving the possibility of an animal exhibiting fierce or vicious behavior an animal control officer shall deem the animal vicious if the animal control officer has determined that the animal acted in a manner or exhibited the behavior described in Section 1 (I). Upon deeming the animal vicious the animal control officer shall notify the owner that the animal has been deemed vicious by hand delivery or by mailing a notice by certified mail to the owner. After deeming the animal vicious the officer shall apprehend the animal and impound the animal at the animal shelter until a final determination has been made as to the status of whether the dog is vicious.
- b. Right to appeal decision to deem the animal vicious. If the owner of animal who has received notice that his or her animal has been deemed vicious feels that such a

determination was been made in error, the owner may appeal the officer's decision to the Mayor of the City of Lonoke, Arkansas (the "Mayor"). An appeal must be made within ten (10) days after receiving the notice by filing a written request for an appeal with the Mayor. Upon receiving an appeal the Mayor shall promptly have a hearing within ten (10) days to determine whether or not to uphold the decision of the officer. An appeal from the decision of the Mayor may be made to a court of competent jurisdiction.

- c. Release of the animal. An animal that has been apprehended pursuant to subsection "a" shall be released by the animal shelter after one of the following has occurred:
 1. A final determination has been made as to whether or not the animal is vicious.
 2. The owner signs an affidavit acknowledging that the animal is vicious and That the owner is not appealing a decision deeming the animal is vicious; or
 3. The owner signs an affidavit, suitable to the Mayor, acknowledging that they will confine the animal as required by subsection "e" below, pending the outcome of an appeal.
- d. Failure to retrieve impounded animal. If a final determination has been made as to whether or not the animal is vicious, the animal shelter shall notify the owner by hand delivery or certified mail that the animal must be retrieved from the animal shelter within seven (7) days. If the owner of the animal fails to retrieve t the animal from within seven (7) days the animal shall be humanely destroyed if it shall be humanely destroyed if it has been deemed vicious or shall be put up for adoption if the animal has not been deemed vicious.
- e. Regulations of vicious animals. Once an animal has been deemed vicious is released from the animal shelter any person who owns, keeps, harbors, or possesses, the animal within the city limits shall:
 1. Keep the animal confined within a dwelling unit or commercial building;
 2. Keep the animal on a leash under the control of a responsible handler when outdoors; or
 3. Keep the animal in a secured enclosure with a covered top and a secure bottom when outdoors and unattended.
- f. Violations and penalties. It is hereby declared to be unlawful for a person who

owns, possesses keeps, or harbors an animal that has been deemed vicious pursuant to this section or any prior city ordinance to fail to follow the requirements stated in subsection "e" above. Any person convicted of violating this section shall be fined not more than \$500.00. If the violation in its nature is continuous in respect to time, the fine shall not exceed more than \$250.00 per day. Additionally, the convicting court may, in the court's discretion order that the animal to be humanely destroyed

- g. Liability for animals who attacks a human being. Any person who owns, keeps, harbors, or possesses an animal that attacks a person causing harm to property or body or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It shall be an affirmative defense to this offence if the dog was provoked or teased. Any person convicted of violating this section shall be fined not more than \$1,000.00. Additionally, the convicting court may, in the courts discretion, order that animal humanely destroyed

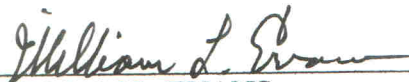
Section 2: Ordinance No. 400 is amended to add Section 4.2 as follows.

Section 4.2 No person, shall possess, harbor, or maintain care or custody of any animal for the purpose of animal fighting. Nor shall any person train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings, domestic animals, or livestock. This does not include accredited animal training programs for police use.

Section 3. If, for any reason, any portion of this ordinance shall be held to be invalid such invalidity shall in no way affect the remaining portions hereof which are valid, but such portions shall be and remain in full force and effect.

Section 4. All ordinances or sections thereof in conflict herewith or hereby repealed.

Passed this 5th day of August, 2002



WILLIAM L. EVANS
MAYOR

ATTEST:



CITY CLERK