ORDINANCE NO. 2006-04

AMENDED BY
ORD. # 2012-10
DATE 08-21-12

(An addendum to Ordinance 99-20, Section 10;
Ordinance 99-20 also revised by Ordinance 2005-06)

VICIOUS DOGS AND/OR OTHER ANIMALS; STRAY DOGS

DEFINITIONS:
For the purposes of this section, the term VICIOUS dog shall mean any member of the canine (dog) family that:

1.(A) HAS EXHIBITED FIERCE OR VICIOUS BEHAVIOR TOWARD A PERSON:

(a) Initial determination: Any Law Enforcement Officer shall deem a canine to be a vicious dog if the Officer determines that the canine satisfies the definition of a vicious dog as described in subsection 1(A). Upon deeming the canine to be a vicious dog, the Officer and/or Public Works employees may apprehend the canine by use of a dart gun or other reasonable means. IT SHOULD BE CLEARLY UNDERSTOOD THAT THE MEANS TAKEN TO APPREHEND A VICIOUS DOG WILL BE HUMANE, BUT SHOULD THE ANIMAL DIE THE LAW ENFORCEMENT/CITY PUBLIC WORKS EMPLOYEE IS NOT RESPONSIBLE. The Officer shall notify the Owner by hand delivery, and the animal. shall not be released until requirements have been met.

(b) The Law Enforcement departments shall establish and maintain standardized forms to implement the requirements of this subsection:
  (1) The Owner will sign a written agreement that unless and until the canine is determined to no longer be a vicious dog by the Court, the person who owns, possesses, keeps or harbors a vicious dog within the city limits of Mulberry shall:
    (i) Keep the vicious dog confined within a dwelling unit or a commercial building;
    (ii) Keep the vicious dog on a leash under the control of a responsible handler; or
    (iii) Keep the vicious dog in a secured enclosure with a covered top and a secure bottom when outdoors and unattended.

(c) Appeal of determination: Any person who has received notice that his or her canine has been deemed a vicious dog may appeal such decision to the Mulberry City Court. Upon receiving an appeal, the clerk shall schedule a hearing on the next Court date. The Judge's decision shall be considered the final decision of the city as to whether the canine is a vicious dog.

(d) It is hereby declared that violations of this section are unlawful and that such violations are declared to be strict liability offenses. Any person who violates this subsection shall be subject to the penalties as described:

(1) Violations and Penalties: Any person convicted of violating the provisions of this section shall be guilty of a violation and 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 $250.00 per day. Additionally, the convicting Court may, in the Court's discretion, order the vicious dog that is the subject of the offense to be destroyed.

1.(B) HAS ATTACKED A PERSON OR ANOTHER ANIMAL WITH SUCH SEVERITY AS TO CAUSE PHYSICAL INJURY OR PROPERTY DAMAGE:

(a) Any dog found to be running at large, that has bitten a human or killed or maimed another animal, shall be deemed as vicious. In the case where a vicious dog attacks a human or other animal, and where that attack cannot be stopped by other means, the vicious animal shall be destroyed forthwith. IF THE DOG ATTACKS THE CITY EMPLOYEE(S) DURING THEIR EFFORTS AT APPREHENSION, IT WILL BE DESTROYED.

(b) Where a bite occurred in the attack and the animal was destroyed, the carcass shall be delivered to a licensed veterinarian where the head of the animal shall be removed and sent to the Arkansas Department of Health for examination for rabies. If the Owner of the dog can be established, the Owner shall be responsible and charged for all expenses incurred.

2. (A) STRAY DOGS.

(a) A dog running at large, with no collar or tags or any means of identification of its Owner, will be apprehended and held penned overnight. Should the Owner make claim of the dog, then all licenses and tags must be acquired and fees for release must be paid. A record will be maintained for the dog and any further apprehension may merit a warning ticket to appear in Court. If no claim is made for the dog, the animal will be transported to the Humane Society in Fort Smith for their disposal.

3. EMERCENCY CLAUSE

It is hereby ascertained and declared that in order to facilitate prompt action concerning the City's animal control problem and thereby remove vicious and diseased animals from the corporate limits of the City of Mulberry, an emergency is declared to exist. This Addendum to Ordinance 99-20, Section 10, being necessary for the preservation of the safety and health of the public shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 16TH DAY OF MAY, 2006.

APPROVED: _____
Betty Feller, Mayor

ATTEST: _____
Jerry Dickerson, Recorder/Treasurer