



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

July 26, 2013

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

Monday, July 29, 2013
5:30 p.m.
Washington County Quorum Court Room

A G E N D A

1. Call to Order.
2. Adoption of Agenda.
3. Report from the Washington County Planning Office. County Planning Director Juliet Richey will update the Committee on activities of the County Planning Board during the past month.
4. Report from the Lester C. Howick Animal Shelter.
5. General Overview of the County's Environmental Affairs Office – Sophia Stephenson, Director
6. A Resolution Insisting That The United States Congress Appropriate Sufficient Funds To Clean Up SEFOR. This resolution has been drafted by the County Attorney at the request of JP Ann Harbison. (6.1)
7. Review of Animal Control Information Provided by JP Rick Cochran. (7.1, 7.2)
8. Other Business.
9. Public Comment.
10. Adjournment.

/kb

RESOLUTION NO. 2013-_____

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION INSISTING THAT THE UNITED STATES CONGRESS APPROPRIATE SUFFICIENT FUNDS TO CLEAN UP SEFOR.

WHEREAS, the Department of Energy, formerly the Atomic Energy Commission, participated in the construction of a nuclear experimental reactor known as SEFOR in the late 1960s near Strickler, Arkansas; and,

WHEREAS, much to its regret the University of Arkansas took ownership of SEFOR in 1975 and used such as a research tool until 1986; and,

WHEREAS, though the nuclear core and rods were removed before the University took possession, said facility poses a serious danger to the public based on a study done by the 2012 Arkansas Comprehensive Emergency Plan; and,

WHEREAS, the cost of clean-up of the site is estimated to be Twenty Million Dollars; and,

WHEREAS, neither the University nor the state or local government has the ability to finance said clean up; and,

WHEREAS, the clean-up of this facility lies squarely at the feet of the federal government.

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That the Quorum Court insists that the United States Congress appropriate sufficient funds for the immediate clean up of SEFOR.

ARTICLE 2. The County Judge is authorized to forward copies of this Resolution to Senator Mark Pryor, Senator John Boozman, and Congressman Steve Womack.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Ann Harbison _____
Date of Passage: _____
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____

Definitions

- "Animal" means any live, vertebrate creature, domestic or wild.
- "Animal Control Officer" means any person designated by Washington County, or any designee or agent of said employee, to perform the duties and responsibilities established by this ordinance.
- "Animal Shelter" means any facility used for the purpose of impounding and/or caring for animals that is operated by a humane society, another governmental entity, a private entity, a veterinarian, or Washington County, and which meets all standards for such facility as required by law and the Arkansas Department of Health.
- "At Large" means an animal off the premises of the owner and not under the immediate control of the owner by leash, cord, chain, halter, cage, or other means of secure confinement, or not under the effective verbal command of the owner who is then physically present; or on the premises of the owner and not within the direct, constant and immediate presence of a person having effective verbal command, or otherwise confined to said premises by means of a leash, cord, chain, halter, cage, or other means of secure confinement, only where said animal is creating a nuisance.
- "Barking Dog" means a dog which repeatedly and for prolonged periods barks, or makes other noise, without provocation which disturbs the peace and quiet of any nearby resident.
- "Cat" means *Felis catus*.
- "Dangerous Animal" means any animal which has bitten or attacked a person without provocation. "Dangerous Animal" does not include a dog which bites, attacks or menaces a trespasser on the property of its owner or which harms or menaces anyone who has tormented or abused it.
- "Dog" means any member of the canine family.
- "Keep" means to retain on a premises by any means; to harbor, control, own, or have custody or possession of.
- "Licensed Veterinarian" means a veterinarian licensed to practice veterinary medicine in the United States of America.
- "Minimum Care" means provision of care sufficient to preserve the health and well-being of the specific animal. This level of care requires, but is not limited to:
 - providing food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
 - providing adequate access to potable water in sufficient quantity to satisfy the animal's needs;
 - providing access to an enclosed shelter sufficient to protect the dog from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness;
 - providing veterinary care to the extent deemed necessary by a reasonably prudent person to relieve distress from injury or disease;
 - providing adequate space for exercise necessary for the health of the animal; and
 - providing a confinement area which is reasonably clean and free of contaminants which could affect the health of the animal. The air temperature in the confinement area must be suitable for the animal.
- "Neglect" means failure to provide minimum care to an animal, whether or not such failure results in physical injury or death of the animal.

- "Nuisance" means such actions on the part of an animal that constitute a legitimate threat to a person or property, or to the animal itself, or that cause a reasonable concern for the welfare of a person, property, or the animal itself.
- "Owner" means any person, firm, association, corporation, partnership, or any other legal entity harboring, keeping, exercising effective control of, or maintaining an animal. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days.
- "Person" means any natural individual, firm, association, corporation, partnership, or any other legal entity.
- "Permit" means human conduct in relation to an animal which is intentional knowing, reckless, careless or with criminal intent, and shall include the failure of the owner of said animal to physically restrain the animal.
- "Provocation" means any action by a human which torments or abuses an animal.
- "Quarantine" means strict confinement of an animal as directed by the Animal Control Officer and in such a secure manner as to prevent escape and to avoid exposure or injury to any person or another animal by the animal quarantined.
 - On the private premises of the animal's owner or at a facility approved by the Washington County Quorum Court; and
 - Under restraint by closed cage or paddock or in any other manner approved by the Animal Control Officer.
- "Rabies" means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.
- "Restrain" means to retain control by leash, cord, halter, cage, other secure confinement, or by effective verbal command of the owner, whether on or off the premises of the owner.
- "Stray" means roaming with no physical restraint beyond the premises or control of an animal's owner.
- "Trespasser" means any person entering on the property of another for an illegitimate purpose or with criminal intent. Any person entering the property of another outside the reasonable access area shall be rebuttably presumed to be a trespasser.

Rabies Vaccinations

1. It shall be unlawful for a person to fail or to refuse to have each cat or dog owned by the person vaccinated against rabies by the time the animal is four (4) months of age and at regular intervals as prescribed by a veterinarian.
2. It shall be unlawful to keep or maintain in the unincorporated portions of Washington County a dog or cat over the age of four months that does not have a current rabies vaccination.
3. It shall be unlawful for any person to allow a dog or cat over the age of four months to be at large without wearing a current metal vaccination tag as issued by a veterinarian. It shall also be unlawful to cause a dog or cat to wear attached to its collar, or otherwise, a vaccination tag not issued for that dog or cat.

Public Nuisance Animals Restricted

It shall be unlawful for any dog owner to keep on his premises any barking dog or other noisy animal which shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept. An owner violating this section may be required to train the animal with a humane "bark collar" or other devices for noise control.

No dog owner shall allow their dog to menace by any behavior which would cause fear of imminent danger in a reasonable person.

No owner shall permit his/her dog to attack, without provocation, a dog, cat, non-commercially bred fowl, or other non-livestock animal of another person off the property owned or occupied by the owner of the attacking dog. In addition to any fine imposed, an owner found guilty of permitting an unprovoked attack shall make full restitution to the owner of the injured animal(s) for the actual damages resulting from the unprovoked attack.

No owner shall permit his/her dog to chase, injure or kill live stock or commercially bred fowl. Any dog at large which chases, injures, or kills any livestock not belonging to its owner may be killed immediately by any person. When a complaint has been received alleging that a dog at large chased, injured or killed livestock, and investigation by the Animal Control Officer supports such conclusion, the dog owner shall be cited for violation of _____. If reasonable testing of a dog alleged to have injured or killed livestock, including, but not limited to, a fecal examination or examination of the teeth of the dog, is likely to provide substantial evidence as to whether the dog has injured or killed livestock, the owner must surrender the dog to the Animal Control Officer for testing. The Animal Control Division shall provide for the administration of the tests by a licensed veterinarian. Testing will only be done at the request of the livestock owner and if the results are negative, the livestock owner shall be responsible for all costs incurred. If the results are positive, the dog owner shall pay for all costs incurred. The dog of an owner found guilty in _____ Court of permitting his/her dog to chase, injure, or kill livestock shall be disposed of in accordance with _____. Any dog at large which chases, injures or kills any commercially bred fowl not belonging to its owner may be killed immediately by any person, except that no person shall kill a dog which has chased, injured, or killed chickens upon a public place or highway, or kill any dog acting under the direction of its owner, or the agents or the employees of its owner.

Biting Dogs to be Reported

The owner of a dog which bites a human being shall immediately notify the Health Department or the Animal Control Division, and shall give the division the name and address of the person bitten, if known. Any person who is bitten by a dog shall immediately notify the Health Department or the Animal Control Division, giving a description of the dog and the name and address of the owner, if known. When a doctor, veterinarian or hospital employee has information that a person has been bitten by a dog, such person shall immediately notify the Health Department or the Animal Control Division. Any animal suspected of biting a human shall be quarantined in accordance with the provisions of Ark. Code Ann. § 20-7-101 et seq. and Ark. Code Ann. §§ 20-19-301-312 (The Rabies Control Act).

Dangerous Animals Restricted

Once a complaint has been filed with the Animal Control Division against the owner of an animal and based on the behavioral observation of the animal by an Animal Control Officer, may result in finding the animal dangerous as defined in "Dangerous Animals". The animal shall be kept and confined in accordance with this section.

All dangerous animals shall be confined in a locked enclosure. It shall be unlawful for any person to permit a dangerous animal out of a locked enclosure unless said animal is securely leashed with a leash no longer than 4 feet in length. Said person shall have physical control of the leash and of 18 years of age or older. When not on the property of the owner, the animal shall be muzzled. After finding said animal dangerous, the owner of said animal shall immediately notify Washington County Animal Control if the animal is loose, unconfined, bites or attacks a person, has been moved to a different address or dies; whereupon the owner must provide proof of death. The dangerous animal shall not be sold or given away.

All dangerous animals, when kept inside a dwelling shall not be allowed access to screened only windows or doors. A secure obstacle shall be in place to prevent animal from exiting the structure.

The owner shall display signs stating "Beware of Dangerous Animal" along with a symbol for same easily seen by children. The signs displayed shall be easily seen from the public roadway.

All dangerous animals shall be sterilized and micro-chipped at the owner's expense at the time the animal has been determined to be dangerous.

The owner shall be notified of the ability to appeal within 10 days upon issuance of such requirements to the Animal Control Officer.

Any violating the requirements of this section shall be issued a citation to court for violation of this section.

Vicious Animals Restricted

Once a citation has been issued by an Animal Control Officer or a complaint has been filed in the _____ court against the owner of an animal for violation of this section, the animal shall be relinquished by the owner to the Animal Control Officer and kept at the animal shelter, the animal shall not be released except on order of the court, which order may also direct the owner to pay a fine, all impoundment fees, and/or obtain liability insurance in amount to be determined. Upon a finding that such animal is a vicious animal, the court may order the animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the Animal Control Officer shall not render the owner immune from the fines and fees prescribed by this chapter.

Once a complaint has been filed in the _____ Court and the alleged vicious animal is impounded at the Washington County Animal Shelter, the arraignment shall be held within seven calendar days and the trial of the charges shall be held within two weeks of the arraignment date unless the defendant/owner of the impounded animal requests a continuance and pays a cash deposit into court in an amount equal to the impoundment and board fees through the requested court date.

It shall be unlawful for a vicious animal to be outside of a dwelling or locked enclosure unless it is necessary for the owner to obtain veterinary care for the vicious animal or to comply with commands or directions of an Animal Control Officer with respect to the vicious animal; and, the owner of an animal in violation of this section shall be subject to criminal prosecution. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a

minimum tensile strength of 300 pounds and not exceeding three feet in length, shall be collared with a blaze orange collar and shall be under the direct control and supervision of the owner. The owner shall not be under the age of 18 years. A vicious animal owner shall immediately notify Washington County Animal Control if the animal is loose or unconfined, bites or attacks a person, has been moved to a different address or dies; whereupon the owner must provide proof of death. The vicious animal shall not be sold or given away.

All vicious animals, when kept inside a dwelling shall not be allowed access to screened only windows or doors. A secure obstacle shall be in place to prevent animal from exiting the structure.

All vicious animals shall be sterilized and microchipped at the time of release from impoundment at the owner's expense.

All vicious animals shall be confined in a locked enclosure. It shall be unlawful for any person to keep or harbor a vicious animal upon any premises which does not have a locked enclosure. The owner shall display signs stating "Beware of Vicious Animal" along with a symbol for same easily seen by children. The signs displayed shall be easily seen from the public roadway.

Failure to comply with all restrictions of this subchapter will result in forfeiture of ownership. The vicious animal will be impounded by the Animal Control Division and euthanized in a humane manner at owner's expense.

The provisions of this section shall not apply to animals owned by a law enforcement agency and used for law enforcement purposes.

Running At Large Prohibited

- It shall be unlawful for the owner of a dog in the unincorporated area of Washington County to fail to restrain said dog or to allow said dog to run at large, and any stray dog shall be declared a public nuisance, subject to the requirements of this ordinance. It shall be unlawful for the owner of a cat that has not been vaccinated for rabies to allow said cat to run at large, and any cat at large that has not been vaccinated for rabies shall also be declared a public nuisance, subject to the requirements of this ordinance.
- The Animal Control Officer or any peace officer shall be authorized to capture and impound any stray cat or dog and place said cat or dog in an authorized animal shelter. The Animal Control Officer or any peace officer may issue a citation to the owner of a stray cat or dog whether or not the animal is subsequently impounded.
- In the event that a stray cat or dog or any other animal is of a vicious nature, and said animal's actions or behavior constitutes an immediate threat to the health and safety of any person, or said animal is about to elude capture by the Animal Control Officer or a peace officer, the Animal Control Officer or peace officer shall be justified in immediately destroying the animal by the use of the most reasonable means available at the time
- The Animal Control Officer shall be authorized to enter onto private property for the purpose of impounding an animal found running at large, but shall not enter any building or dwelling without first obtaining an administrative search warrant or the authorization of the owner or occupant of the premises.

Impoundment

The Animal Control Officer is authorized to impound and hold, for as long as necessary for the welfare of the animal, any animal which has been found to be running at large, abandoned, neglected, or abused by its owner. The Washington County Animal Shelter is authorized to accept from the Animal Control Officer, and to impound, said animal.

Whenever any impounded animal bears a microchip or other identification, it shall be the duty of the Animal Control Officer to notify the owner, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or placed for adoption within 10 days unless the fees hereinafter prescribed are paid. If the owner cannot be found, the Animal Control Officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or placed for adoption within 10 days if the fees hereinafter prescribed are not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

Redemption Of Animals

After the expiration of ten (10) days impoundment in the case of a microchipped animal, or the expiration of five (5) days impoundment in the case of an animal that is not microchipped and not otherwise identified, said animal shall become the property of the County, and the County shall be empowered to place for adoption or to destroy and dispose of said animal. The Animal Control Officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

Redemption Fees

Redemption of an impounded animal by the owner shall be made by exhibiting satisfactory proof of ownership and by paying charges for impoundment, board, any necessary license fees, and any reasonable medical expenses which have been incurred during the impoundment. Said boarding costs are hereby ascertained to be \$10.00 per day for the impoundment duration. Additionally, subsequent impoundments will incur additional fees. A fee of \$50.00 for the second impoundment, \$100.00 for the third impoundment, and \$200.00 for the fourth and any subsequent impoundment within a twelve (12) month period shall be assessed. All reclaimed dogs or cats shall be, microchipped, spay or neutered, and vaccinated for rabies at the time of redemption at the owner's expense.

Abuse Of Police Dogs Prohibited

It shall be unlawful for any person to willfully strike, kick, beat, torment, torture, injure, kill or harass any dog used by the Washington County Sheriff's department in the performance of any departmental functions or duties.

Interference With Animal Control Officer Prohibited

It shall be unlawful for any person to forcibly interfere or forcibly attempt to interfere with the Animal Control Officer or other authorized persons in order to hinder him in the performance of his duties. Further, it shall be unlawful for any person to refuse to deliver any unlicensed or

unvaccinated animal or any animal observed to be running at large to the Animal Control Officer, or police officer, upon demand for impounding.

Penalty

Whenever in this ordinance an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this chapter shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.

Any person who resides in the county that is convicted of violating or pleads guilty to state law ACA section 5.62.101. Cruelty to Animals, may lose the privilege of owning animals within the county for up to one year in addition to fines.

CODE OF ORDINANCES
Chapter 2.7 - ANIMALS
ARTICLE II. - VICIOUS ANIMALS

ARTICLE II. - VICIOUS ANIMALS ^[9]

⁽⁹⁾ **Editor's note**— Nonamendatory Ord. No. 92-34, Arts. 1—14, adopted Oct. 8, 1992, has been included herein as a new Ch. 2.7, Art. II at the discretion of the editor.

Sec. 2.7-21. - Definitions.

Sec. 2.7-22. - Permitting animal to go at large; impoundment and restraint.

Sec. 2.7-23. - Investigation; restraint.

Sec. 2.7-24. - Duty of individual to use protective measures.

Sec. 2.7-25. - Penalty and enforcement.

Sec. 2.7-26. - Investigation; impoundment.

Sec. 2.7-27. - Complaints, investigation, corrective measures.

Sec. 2.7-28. - Abandonment or dumping.

Sec. 2.7-29. - Reserved.

Sec. 2.7-30. - Incorporation of State law.

Sec. 2.7-31. - Costs.

Sec. 2.7-32. - Proof of compliance with Rabies Control Act.

Sec. 2.7-33. - Exemptions.

Sec. 2.7-34. - No encroachment on other official duties.

Sec. 2.7-35. - Stray dogs.

Sec. 2.7-36. - Notification of exotic wild animals.

Secs. 2.7-37—2.7-40. - Reserved.

Sec. 2.7-21. - Definitions.

Animal owner: Any person having ownership or personal rights in an animal or any person who keeps in his care, acts as custodian for, and knowingly permits an animal to remain, for more than thirty (30) days, on or about any premises occupied by him; except that any person who notifies the Washington County Animal Control Officer or the Washington County Sheriff of a stray or vicious animal shall not be considered the owner of such animal.

Any person who only leaves food out on his or her premises for wild animals shall not be considered the owner of said animal.

Exotic wild animals: Any snake or animal of a wild, ferocious, fierce or dangerous species likely to create harm or threat of harm in any place other than zoological parks, aquariums, laboratories, circus or other licensed exhibitory shows; or those not under the direct supervision of licensed commercial dealers, State Game and Fish Management Commissioners, Federal Wildlife Services or U.S. Department of Agriculture.

Livestock: Any members of the equine, bovine, ovine, porcine, and ratite species, and confined domestic hares, rabbits and mink.

Pets: An animal that has been adapted or tamed to live in intimate association with or for the pleasure or advantage of people and includes but is not limited to dogs, cats, birds, rabbits, and hamsters; excluding livestock.

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Poultry: All domesticated fowl and domesticated game birds which are kept in captivity.

Police officer: Any person employed or elected by municipality, county and state whose duty it is to preserve peace or to make arrests or to enforce the law.

Police work dog: A dog trained to aid law enforcement officers actually used for police work purposes, for the protection of the public, including the investigation of crime and the apprehension of law violators.

Vicious animal: Any animal that:

- (1) Without provocation;
- (2) Upon the first occurrence;
- (3) Attacks or bites a person, livestock, or poultry; and/or
- (4) Approaches a person in a way as to place said person in reasonable fear of unprovoked injury or attack whether it occurs upon streets, sidewalks, public grounds, or private property.

Or

Any dog that:

- (1) The owner knew or reasonably should have known had vicious propensities;
- (2) Causes serious injury to a pet.

In no event shall livestock be considered a vicious animal.

(Ord. No. 92-34, Art. 1, 10-8-92; Ord. No. 2002-23, Art. 1, 6-18-02; Ord. No. 2002-28, Art. 1, 7-11-02; Ord. No. 2010-37, Art. 1, 6-10-10)

Sec. 2.7-22. - Permitting animal to go at large; impoundment and restraint.

(a) No animal owner or possessor of any animal covered by this article may at any time permit the same to be in a situation or place where it can inflict injury or be a threat of danger to any human being.

(b) Any such animal known to have inflicted a biting injury upon one (1) or more persons with injury of sufficient severity to require medical treatment shall be impounded and observed at the owner's expense in a way consistent with Section 3 of the Rabies Control Act. (Ark. Code Ann. §§ 20-19-301—20-19-312).

(c) Any police officer who has reasonable grounds to believe that an animal is vicious or uncontrolled or a threat to human safety may impound such animal at the owner's expense or kill the animal if capture poses too great a danger to the capturing officer. The owner shall have three (3) days to pick up said animal and pay the fees accrued therein, or said animal shall become the property of the impounding facility. Furthermore, upon release the owner shall be required to muzzle said animal and/or restrain it in any other manner consistent with section 2.7-22

(Ord. No. 92-34, Art. 2, 10-8-92; Ord. No. 97-24, Art. 1, 9-12-97; Ord. No. 2001-9, Art. 2, 3-9-01)

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Sec. 2.7-23. - Investigation; restraint.

Upon a complaint that any animal covered under this Article is being harbored, a police officer shall investigate such and may require the keeper or owner of said animal to restrain or dispose of such animal in a reasonable manner consistent with this Article, which shall include chaining, posting of warning signs, enclosures, protective barriers, muzzling and destruction or other measures necessary to abate nuisances, unhealthful or inhumane conditions. Failure to comply with said measures shall be deemed a violation of this article, unless a court of law finds that such measures were unreasonable.

(Ord. No. 92-34, Art. 3, 10-8-92)

Sec. 2.7-24. - Duty of individual to use protective measures.

(a) Any individual who keeps any animal covered by this article shall exercise the highest degree of care to protect children and the general public from attack and danger.

(b) Appropriate chaining, posting of warning signs, or maintenance of the animal within enclosures shall meet the standard of care if such practice reasonably precludes the possibility of inadvertent contact and probable injury in all instances where a child or unsuspecting person might be put into unintentional contact with the animal. Under the provisions of this Article, any instance of inadvertent contact, injury or harm shall constitute prima facie evidence of the animal owner's failure to exercise a sufficient degree of protective care.

(c) When public safety requires additional protective measures the animal owner shall provide a protective barrier or other means such as a properly fitted, heavy wire, nylon or leather muzzle which the animal cannot remove, together with a strong durable chain which the animal cannot break or remove, or, where such is appropriate, a strong cage with a padlock locked in place or a strong high chainlink fence enclosure constructed so that the animal cannot climb, jump over, dig under or escape from the enclosure. If these measures are deemed insufficient then said animal shall be destroyed.

(Ord. No. 92-34, Art. 4, 10-8-92)

Sec. 2.7-25. - Penalty and enforcement.

Any violation of this Article is deemed a Class A misdemeanor. Each day that a violation exists shall be considered a separate offense. Furthermore, the County Judge or any individual may institute a civil action to compel compliance with this Article and seek injunctive relief, damages, or other civil sanctions including award of attorney fees and costs.

(Ord. No. 92-34, Art. 5, 10-8-92)

Editor's note— Refer to section 2-21 regarding maximum penalties levied for misdemeanors by the Quorum Court; Class A misdemeanor prohibited by Arkansas law.

Sec. 2.7-26. - Investigation; impoundment.

The animal control officer, deputy sheriff, or other police officer may order any owner to keep any animal covered by this article restrained or impounded, pending investigation.

(Ord. No. 92-34, Art. 6, 10-8-92; Ord. No. 2002-28, Art. 2, 7-11-02)

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Sec. 2.7-27. - Complaints, investigation, corrective measures.

If any person or groups of persons has knowledge or reasonable grounds to suspect that animal owners are maintaining dogs or other animals in such a manner as to constitute a nuisance by reason of unhealthful conditions, or maltreatment, they shall have the right to complain to local law enforcement agencies or health officials and such authorities shall investigate the complaint. Such officials shall have full authority to examine complaint and other witnesses for relevant testimony and to prescribe and counsel corrective measures consistent with section 2.7-23 to the animal owner. If, after a period of ten (10) days, the owner/keeper fails to comply with the corrective measures ordered by health or government officials then such shall be deemed a violation of this Article, unless a court of law finds that such measures were unreasonable.

(Ord. No. 92-34, Art. 7, 10-8-92)

Sec. 2.7-28. - Abandonment or dumping.

This Article prohibits and makes it illegal for any person to dump or abandon any animal and such shall constitute a violation of this article.

(Ord. No. 92-34, Art. 8, 10-8-92)

Sec. 2.7-29. - Reserved.

Editor's note— Ord. No. 2005-24, adopted June 9, 2005, repealed § 2.7-29 in its entirety. Former § 2.7-29 pertained to registration and derived from Ord. No. 92-34, adopted Oct. 8, 1992.

Sec. 2.7-30. - Incorporation of State law.

The provisions of the Rabies Control Act, Ark. Code. Ann. §§ 20-19-301—20-19-312 and those statutes regarding cruelty to animals, Ark. Code Ann. §§ 5-62-101—5-62-120 are incorporated by reference herein and made a part of this article.

(Ord. No. 92-34, Art. 10, 10-8-92)

Sec. 2.7-31. - Costs.

In the event a law enforcement agency, health official or authorized personnel of the Humane Society of the Ozarks are required or requested to investigate a violation of this article and said complaint is substantiated then the reasonable cost of the investigation of such shall be assessed against the owner or possessor of the animal by the court. Furthermore, if at any time it becomes necessary to impound or destroy an animal pursuant to this Article, then the cost of such shall be paid by the owner or possessor of said animal, and failure to do so shall constitute a violation of this Article.

(Ord. No. 92-34, Art. 11, 10-8-92)

Sec. 2.7-32. - Proof of compliance with Rabies Control Act.

Any police officer investigating a violation of this article shall demand proof of compliance with the Rabies Control Act and failure to produce such shall be deemed a violation of this Article.

(Ord. No. 92-34, Art. 12, 10-8-92)

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Sec. 2.7-33. - Exemptions.

(a) Nothing in this article shall apply in any manner whatsoever to the official use of police work dogs trained to aid law enforcement officers, if such dogs are being actively used for police work purposes, protection of the public, investigation of crime, and apprehension of law violators.

(b) Nothing in this Article precludes a dog from "protecting his owner", or any other person for whom he feels loyalty, from physical attack. It is acknowledged that even a dog may defend against injury or battery. This Article does not apply when an individual trespasses on an animal owner's property. However, each dog or other animal owner shall exercise care to make certain that no harm results to an innocent trespasser, such as children, misguided pedestrians, invitees, tradespeople, servants, business associates, social guests and friends. It is further acknowledged pursuant to Act 393 of 1987 that any person engaged in raising or owning domesticated animals has the right to protect said animals from dogs, including the killing of such dogs, if necessary.

(c) All political subdivisions and municipalities which have already enacted ordinances designed to protect citizens from attack or injury inflicted by vicious or exotic wild animals shall be exempt from the application of this Article.

(Ord. No. 92-34, Art. 13, 10-8-92)

Sec. 2.7-34. - No encroachment on other official duties.

Nothing in this article shall encroach upon the official duties or activities of the State Game and Fish Commission, the Federal Fish and Wildlife Service, the U.S. Department of Agriculture, circuses, zoological parks, or aquariums, or other licensed exhibitory shows provided all exercise an adequate degree of care.

(Ord. No. 92-34, Art. 14, 10-8-92)

Sec. 2.7-35. - Stray dogs.

(a) *Definition.* All dogs in the rural areas of the County that do not have identifying information affixed to them shall be deemed "stray". Identifying information is defined as any type of information in writing or otherwise that would clearly put a person on notice as to who the dog belonged to and how to contact said owner.

(b) *Impoundment of stray dogs.* The Animal Control Officer of the County Sheriff's Office or any other deputy is authorized to take charge and impound said stray dogs at the owner's expense. Failure to claim said dog within three (3) days shall subject the dog to adoption or euthanasia.

(c) *Dogs with identifying information; return to owners; and impoundment.* Dogs that have identifying information will be returned to the owner at no cost, unless said owner cannot be contacted within forty-eight (48) hours, at which time said dog shall be subjected to impoundment at the owner's expense. Failure to claim said dog within ten (10) days impoundment shall subject the dog to adoption or euthanasia.

(d) *Violation.* This section shall be amendatory to Ordinance No. 92-34 and a violation of this section will be punishable as set out therein.

(e) Upon the first violation of the ordinance from which this section was derived, said stray dog shall be micro-chipped at the expense of the owner.

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(f) The owner of any stray dog that is impounded more than once shall pay double impoundment fees and said dog shall be spayed or neutered at the expense of the owner before being released by the shelter.

(g) *Severability clause.* If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of the ordinance from which this section was derived is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of the ordinance from which this section was derived.

(Ord. No. 2000-42, Arts. 1—4, 10-13-00; Ord. No 2001-9, Art. 1, 3-9-00; Ord. No. 2009-70, Art. 1, 12-10-09)

Sec. 2.7-36. - Notification of exotic wild animals.

(a) Any person, institution, or organization that chooses to keep and care for exotic wild animals, as defined in section 2.7-21, shall notify the Washington County Animal Control Officer in a manner prescribed by the Sheriff's Office.

(b) Upon notification of an exotic wild animal being kept in the County, the Animal Control Officer may visit and review the manner of containment of said animals.

(c) Exotic wild animals must be contained in a manner approved by the U.S. Department of Agriculture, and must be contained in a cage, fence, walled enclosure, building, or any other structure that is of sound construction so as to prevent said animals from escaping.

(d) Owners or caretakers of exotic wild animals shall post, at the nearest access to a public roadway, at least one (1) notification of such animals and warning against illegal or unsupervised entry on to the property.

(e) The Animal Control Officer will provide a copy of these regulations to those who submit a notification.

(f) This section applies only to the unincorporated portions of the County and those incorporated municipalities that do not have the same or a similar ordinance in effect, and it shall be applied to all current and future residents, institutions, and organizations of the County that keep and care for exotic wild animals.

(Ord. No. 2001-46, Arts. 1, 2, 7-12-01)
Secs. 2.7-37—2.7-40. - Reserved.