

ORDINANCE 279-10

AN ORDINANCE TO BE ENTITLED "VICIOUS DOG ORDINANCE OF  
THE CITY OF STEPHENS, ARKANSAS".

WHEREAS, the City of Stephens has determined the need to have a vicious dog ordinance and it is determined that persons found guilty of violating this ordinance should pay a penalty.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENS, ARKASAS:

SECTION 1. DEFINITIONS:

The following words and phrases shall, for the purpose of this article have the following meaning.

**VICIOUS DOG:** Any dog with a known propensity, tendency, or disposition to attack unprovoked to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

**OWNER:** Any person having the right of property and/or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person which that person has substantial control.

**AT LARGE:** A dog will be "AT LARGE" when not confined to the premises of the owner or under restraint when away from the premises of owner.

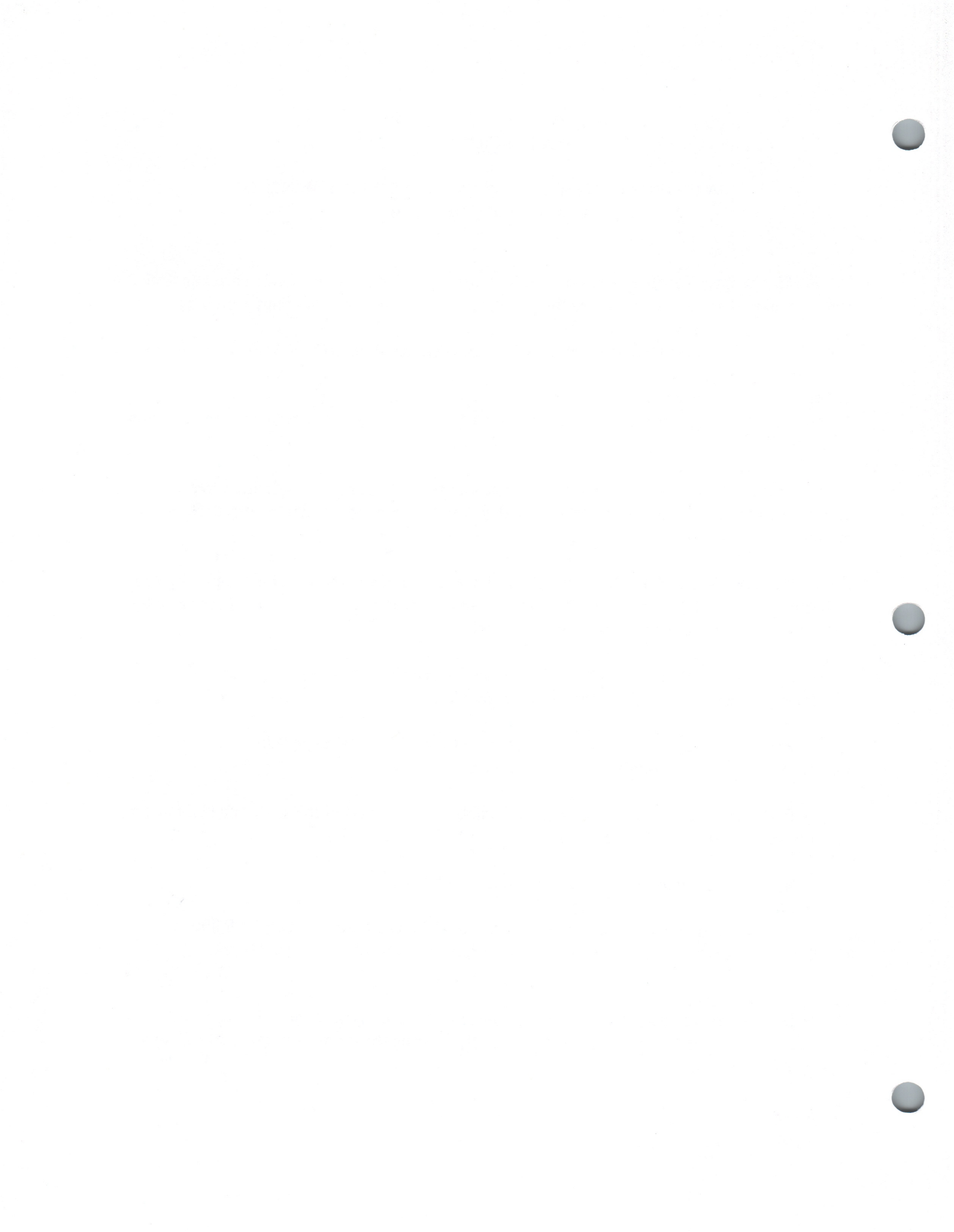
**PERSON:** Any individual, corporation, partnership, association, organization, or institution commonly recognized by law as a unit.

**PENALTY:** Any person found guilty of violating any section of this code shall be fined a sum not to exceed \$500.00 unless otherwise specified herein.

SECTION 2. REQUIREMENTS FOR KEEPING A VICIOUS DOG.

The owner of any dog identified as vicious shall be required to meet the following conditions in order to keep the dog inside the corporate limits of the City of Stephens:

- (a) The dog shall at all times wear a substantial collar or halter and shall have attached to the collar or halter a metal disk or tag bearing the owner's name, address, and telephone number.



- (b) The owner shall notify the Stephens Police Department as soon as possible, but no more than eight (8) hours afterward, if a vicious dog is loose, unconfined, or at large.
- (c) While on the owner's property, a vicious dog must be securely confined indoors or securely enclosed in a pen or on a leash outdoors.
- (d) The owner shall conspicuously display a sign(s) on his or her premises warning that there is a vicious dog on the property.
- (e) A vicious dog may be off the owner's premises only if it is restrained by a substantial chain, leash, and/or muzzle.

### SECTION 3. DECLARING A DOG AS VICIOUS; PROCEDURE:

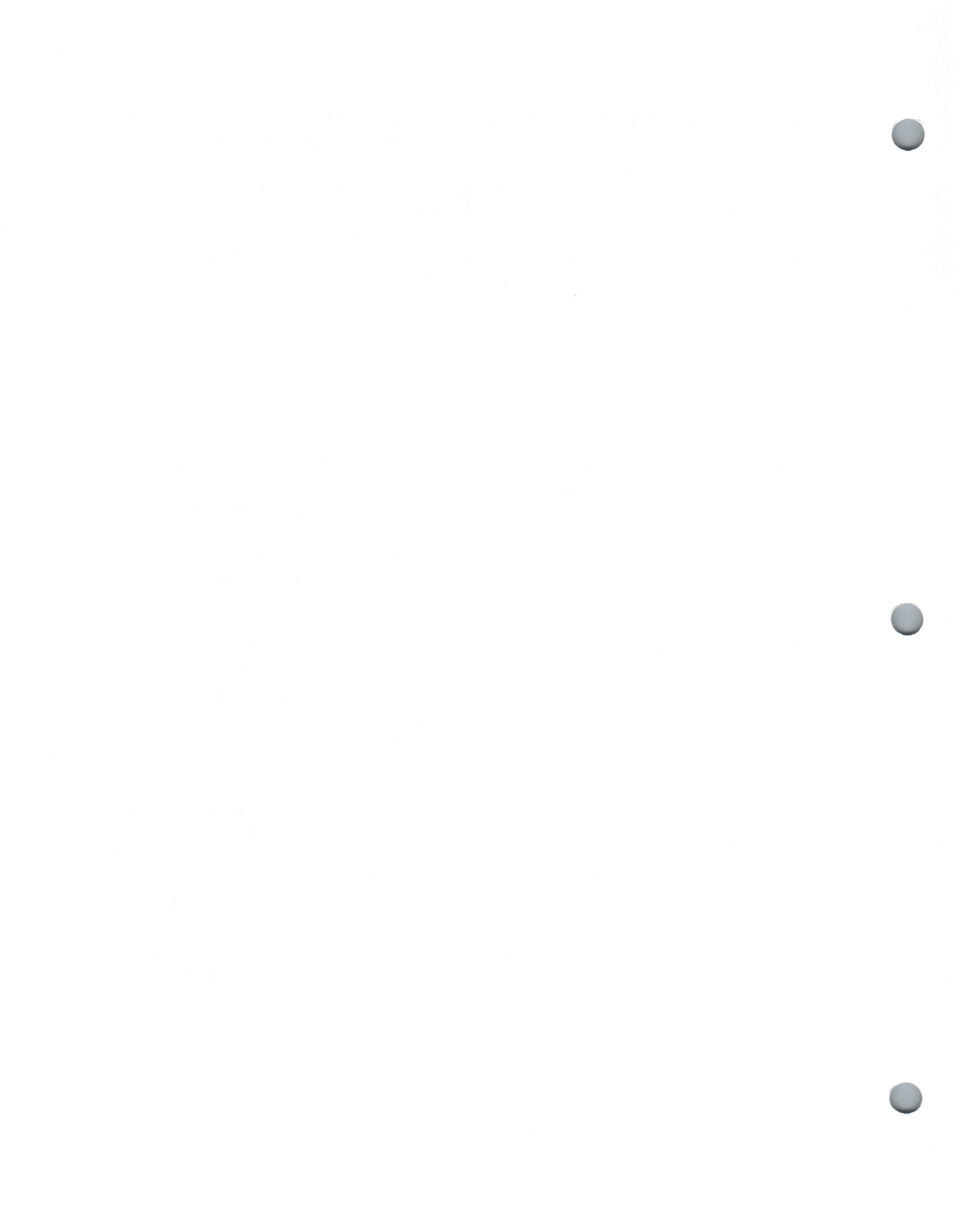
The classification of a dog as vicious under the criteria set forth in Section 1 of this article shall be the function of the Stephens City court except an owner will be presumed to know without a court ruling as to whether any particular dog they exercise ownership or control of is vicious and will be responsible for meeting the law's requirements prior to any ruling. The court may rule a particular dog as vicious following an examination of the information and evidence offered by a Police Officer, the dog's owner, and any witnesses or victims at a regularly scheduled date on the court's calendar.

### SECTION 4. INVESTIGATION OF VICIOUS DOGS.

Investigation of problem dog complaints shall be carried out by a Police Officer and enforcement action taken according to the following criteria:

- (a) Reserved.
- (b) If any person complains, an investigation will be conducted by the Stephens Police Department and if, based upon its observation and evidence, it's determined that the complaint is valid, may issue a citation to the owner of the dog.
- (c) If the victim or complainant is the Police Officer, the animal may immediately be impounded and a citation issued to the owner of the dog.
- (d) The victim or complainant may file an affidavit with the Stephens City Court Clerk to have the owner of said dog summoned to Stephens City Court.

### SECTION 5. EXCLUSIONS:



Any and all exclusions will be deemed at the discretion of the court.

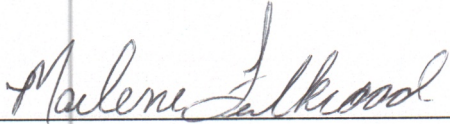
IT IS THEREFORE, declared that an emergency exists and the Ordinance is necessary for the immediate preservation of the public peace and this Ordinance shall take effect and be in full force upon its passage.

PASSED THIS Feb 20, 2010.



Harry Brown, Mayor

ATTEST:



Recorder/Treasurer



Handwritten signature in blue ink.