

ORDINANCE NO. 2024-36

BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE RELATED TO THE REGULATION OF VICIOUS DOGS; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND FIXING PENALTIES FOR VIOLATIONS; AND FOR OTHER PURPOSES."

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, ARKANSAS:

Section 1. Except as specified herein, this ordinance does not pertain to areas of the incorporated municipalities of Cleburne County, but does include all other areas of Cleburne County.

Section 2. Vicious Dogs; Violations and Penalties

Definitions

1. Animal Owner: Any person having ownership or personal property rights in a dog or another animal, or any person who keeps, in his care, acts as custodian for, or knowingly permits a dog or other animal to remain on or about any premises occupied by him or her.
2. Vicious Dog: A vicious dog is any dog that meets one or more of the following criteria:
 - a. Any dog that inflicts unprovoked bites, attacks, or attempts to attack human beings, domesticated animals, or livestock.
 - b. Any dog approaching an individual in an aggressive manner or in such a way as to place that individual in reasonable fear of unprovoked injury or attack of persons, domesticated animals, or livestock.
3. Domesticated Animals: 'Domesticated Animals' includes but it not limited to dogs, cats, sheep, goats, equine, cattle, swine, fowl, and poultry.
4. At Large: Any dog deemed vicious under this ordinance is considered to be at large when it is off the premises of its owner's real property, and not properly restrained, whether or not the owner had actual knowledge that the dog had left the owner's premises or real property.

Offenses

Failure to Contain a Vicious Dog

1. No owner of a vicious dog shall suffer or permit such dog to be at large.
2. No owner of a vicious dog shall permit such dog to go beyond the premises of said owner unless the dog is properly restrained by means of a leash, box/kennel style device, and/or enclosure designed to keep the dog separated from people, and under the immediate control of the owner.
3. If any dog, while not on the property of the owner, bites, or seriously injures, domestic animal, livestock, or poultry, it shall be prima facie evidence as a violation of this offense.
4. No dog may be declared vicious if any injury or damage sustained by a person who, at the time such injury was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.
5. No dog may be declared vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
6. If a dog is determined by the investigating agency to be a vicious dog, and it is unable to be kept on the owner's property, found at large, or if there are articulable facts that the animal is likely to carry out an unprovoked attack, the investigating agency has the authority to seize that dog, and/or force the owner to turn that dog over to the Humane Society (or other animal shelter).

ORDINANCE NO. 2024-36

- 7. In addition to any penalty imposed under this section, the court or jury may require the defendant to pay restitution under § 5-4-205 for any medical bills of the person attacked for injuries caused by the attack.

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Enforcement

- 1. The Cleburne County Sheriff's Office and other law enforcement officials authorized by state or local law, are authorized, for violation of any portion of this article to give to the owner, a summons in lieu of arrest, to appear in the Cleburne County District Court, Criminal Division.

RACHELLE EVANS
CLEBURNE COUNTY CLERK

Penalties

- 1. Any violation of this ordinance is deemed a petty offense, and, upon conviction of a first or second offense, shall be fined not less than \$25 nor more than \$200. Upon conviction of a third or subsequent offense, shall be fined not less than \$250 nor more than \$500, except that if an act prohibited herein or rendered unlawful is, in its nature, continuous in respect to time, the fine for allowing continuance thereof in violation of this ordinance shall not exceed \$250 for each day that the same is unlawfully continued.
- 2. In addition to the aforementioned penalties, any violator may also be required to serve community service for a period of time not to exceed 30 days.

Exemptions

- 1. Nothing in this ordinance shall apply in any manner whatsoever to the official use of police work dogs trained to aid law enforcement, if such dogs are actively being used for police work purposes, protection of the public, investigation of crime, and apprehension of law violators.
- 2. Nothing in this ordinance precludes a dog from 'protecting his owner' – or any other person for whom the dog feels loyalty – from physical attack. It is acknowledged that even a dog may defend against injury or battery. This ordinance 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, trades people, 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.


Section 3. In the event that any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications to this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED this 12th day of September 2024.

ATTEST:

APPROVED:



Rachelle Evans, Cleburne County Clerk



Eric Crosby, Cleburne County Judge

Recorded: Book F Page(s) Ord. 45-46