

VAN BUREN COUNTY QUORUM COURT BOOK 2017

PAGE 36

ORDINANCE NO. 2017-27

Recorded In:

ORDINANCE Book

06/22/2017 02:00 PM

FILED

County Clerk

VAN BUREN County, AR

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN, STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE TO ESTABLISH PENTALTIES AND FEES FOR CERTAIN ANIMAL CONTROL VIOLATIONS.

WHEREAS: The Van Buren County Quorum Court passed Ordinance No. 2015-08 on March 19, 2015 for the purpose of establishing an administrative board to conduct the affairs of the Van Buren County Animal Shelter; and

WHEREAS: Ordinance No. 2015-08 inadvertently repealed Ordinance No. 2013-09, Section 3, Part J, which set violations and penalties relative to animal control; and

WHEREAS: This Ordinance is necessary to re-instate violations and penalties relative to animal control;

NOW THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS THAT:

A. DEFINITIONS

1. Animal: Any description of vertebrate, excluding homo sapiens.
2. Animal at Large:
 - a. Any animal shall be considered an 'animal at large' when it is not under the physical control of the animal's owner or harbinger, or its authorized representative by leash, cord, chain, fence or enclosure of sufficient strength or construction to contain the animal, or by other effective means of restraint or control; or
 - b. An animal intruding upon the property of another person or upon public property and not under the physical control referred to herein shall be deemed 'running at large'. An animal within an automobile or other vehicle shall not be deemed 'running at large' if the animal is physically confined to the vehicle. An animal shall not be considered 'at large' when on the premises of the owner or harbinger thereof; or if the animal is being used in the hunting of wildlife.
 - c. The definition of Animal at Large shall not include livestock.
3. Animal Shelter: Any facility operated by a humane society, or municipal agency, or any authorized agent, for the purpose of impounding animals under the authority of this Ordinance or state law, for care, confinement,

return to owner, adoption, or euthanasia.

4. Livestock: means a horse, mule, bovine animal, goat, sheep, swine, chicken, duck, or similar animal or fowl raised or used for farm purposes.

5. Vicious Animal:

a. Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

b. Any animal owned or harbored, primarily or in part, for the purpose of animal fighting, breeding fighting animals, or trained for animal fighting. Notwithstanding the above definition, no animal shall be declared vicious if the person or the animal attacked or bitten by said animal was teasing, tormenting, abusing, or assaulting the animal or the person was committing or attempting to commit a crime. No animal shall be declared vicious if the animal can be deemed to be protecting or defending a human being within the immediate vicinity of the animal from an unjustified trespass, attack or assault. No animal shall be declared vicious if the animal was protecting or defending its young from attack or assault.

B. PENALTIES AND FINES

1. Any person who commits the offense of cruelty to animals shall be deemed guilty of a class A misdemeanor and shall be subject to fines and penalties as prescribed in A.C.A. Section 5-4-401 (up to one year imprisonment and \$1,000.00 fine).

2. The following animal control violations shall be misdemeanor offenses punishable by fines in the following amounts:

- A. Illegally discarding a live animal 'dumping' which shall include leaving animal(s) at the Animal Shelter after hours without express written permission.....\$1,000.00
- B. Owning an animal at large.....\$50.00
- C. Owning a vicious animal at large.....\$500.00
- D. All other offenses..... \$25.00

C. INTERFERENCE

No person shall interfere with, hinder, or molest the animal control authority in the performance of its duty or seek to release any animal in the control of the animal control authority, except as herein provided.

D. SEVERABILITY CLAUSE

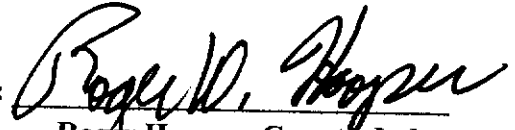
If any part of this Ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall affect the remaining parts of this Ordinance.

E. EMERGENCY

This ordinance being necessary for the preservation of the public peace, health, safety, and welfare, it is therefore declared that an emergency exists and this ordinance shall be in full force and effect from and after its passage.

DATED THIS 17TH DAY OF AUGUST, 2017

APPROVED:


Roger Hooper, County Judge

ATTEST:


Pam Bradford, County Clerk

**BOOK 2017
PAGE 40**

I certify that this instrument was
filed on 08/22/2017 02:00 PM
and recorded in
ORDINANCE Book 2017
PAM BRADFORD
County Clerk
VAN BUREN County, AR

 D.