

ORDINANCE NO. 783

AN ORDINANCE AMENDING CHAPTER 5 OF  
MONTICELLO CITY CODE, CONCERNING  
DOGS (ORDINANCE NO. 494);  
ESTABLISHING REGULATIONS RELATING  
TO THE HUMANE TREATMENT OF ANIMALS;  
ESTABLISHING A DANGEROUS DOG BRAND;  
AND ESTABLISHING REGULATIONS  
RELATED THERETO.

BE IT ORDAINED by the City Council of the City of Monticello, Arkansas, that Chapter 5 of Monticello City Code, concerning dogs (Ordinance No. 494), is amended as follows:

Section 1. Amend Section 5-43 to read as follows: "It shall be unlawful for any person keeping or harboring any dog to fail to keep the premises clean, dry and in sanitary condition with adequate exercise area and shelter which shall allow adequate protection against weather extremes; and it shall be also unlawful to fail to keep the premises where such dog is kept free from offensive odors to the extent that such odors are disturbing any person residing within reasonable proximity of said premises; and it shall be unlawful to allow premises where any dog is kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises."

Section 2. Add Section 5-44 to read as follows: "It shall be unlawful for any person keeping or harboring any animal to fail to keep fresh water available at all times and food free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal."

Section 3. Amend Section 5-51 to read as follows: "During the first six (6) days of impoundment, the animal control worker of the city shall make a diligent effort to determine the owner of any dog impounded under the provisions of this article and notify the owner of such impoundment; including publishing a photograph of the dog on the city website for public review."

Section 4. Amend the definition of the term "Vicious dog" in Section 5-32 to read as follows: "Any dog which has a disposition to bite humans and any dog which had bitten or attempted to bite any person within the twelve (12) months immediate past; however, the fact that a dog has bitten or

attempted to bite person when that person was teasing the dog shall not constitute the dog a vicious dog within the sense of the article."

Section 5. Amend Section 5-32 to add the definition of term "Dangerous dog" to read as follows: "Any dog which has bitten or attempted to bite any person once having been labeled a vicious dog."

Section 6. Add Section 5-45 to read as follows: "(1) It shall be unlawful for any person to keep or harbor within the corporate limits of the city any dog defined by this article as a dangerous dog without a city issued permit."

(2) Should city animal control declare such a dog a dangerous dog, the animal shall be immediately released and surrendered by the owner or custodian thereof to animal control until a permit for the animal is obtained. The owner shall have five (5) days from the delivery of notice that the dog is deemed dangerous and that a permit is required to keep the dog in the city limits. The owner of the animal must contact animal control and comply with the provisions of this article by removing the dog from city limits, or taking prescribed measures listed hereafter to obtain a dangerous dog permit, or have the dog humanely destroyed. Should the owner of the dog not contact city animal control to obtain the required permit within the five (5) day period, or agrees to permanently remove the animal from the city, then the dog shall be deemed abandoned and may be humanely destroyed by the city animal control. No permit shall be issued for a dangerous dog until all requirements listed herein shall have been met.

(a) Registration. The owner of a dangerous dog who desires to continue to keep the dog within the corporate limits of the city must register the animal with animal control in order for the animal be allow to remain in the city, pursuant to the following criteria:

1. The owner provides proof of rabies and other vaccinations.

2. The owner and handler must be at least twenty-one (21) years of age.

3. The owner shall, at his/her own expense, have the animal spayed or neutered, and shall present to city animal control documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a restricted dog may be

exempted from spayed or neuter requirements if the owner produces documentation from a licensed veterinarian stating that a spade or neuter would place the dog's life at risk.

4. The owner provides proof that the animal shall be kept confined in a pen or tied in such manner that it cannot bite mail carriers, deliverymen or other licensees or invites coming onto the premises where said dog is kept.

5. The owner shall not permit the dog to go unconfined unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person capable of restraining said dog; and must provide proof of understanding of such.

6. The owner must display in a prominent place on his/her premises a clearly visible warning sign indicating that there is a dangerous animal on the premises. A similar sign is required to be posted on each side of the pen, enclosure or kennel of the animal; and must provide proof of understanding of such.

7. The owner shall not be permitted to sell, transfer, give, trade, barter or otherwise dispose of a dog deemed dangerous as registered with city animal control to another person within the corporate limits of the city without reporting the transaction of ownership of the dog to city animal control. The new owner will be informed by city animal control of the dog's status as dangerous and the requirements mentioned in this article of ownership of a dangerous dog within the corporate limits of the city; and must provide proof of understanding of such.

Section 6. Add Section 5-55 to read as follows: "All fees and fines must be paid prior to release of the animal, if impounded, or within other time period prescribed in the article or as designated by the Drew County District Court. The following penalties shall apply to the designated offenses:

(a) Impoundment reclaiming fees:

1. Reclaim a vaccinated dog found in noise violation...\$25.00
2. Reclaim a non-vaccinated dog found in noise violation...\$50.00

3. Reclaim a vaccinated dog found at-large...\$50.00
4. Reclaim a non-vaccinated dog found at-large...\$100.00
5. Reclaim a vaccinated vicious dog...\$100.00
6. Reclaim a non-vaccinated vicious dog...\$300.00
7. Reclaim a vaccinated & spade or neutered dangerous dog...\$300.00
8. Reclaim a non-vaccinated or non-spade or neutered dangerous dog...\$500.00

(b) Permits and other miscellaneous fines:

1. Failure for vaccinated dog to wear vaccination tag...\$25.00
2. Failure to vaccinate dog...\$50.00
3. Permit to own a dangerous dog...\$100.00
4. Number restriction violation...\$25.00 per dog over limit
5. Vaccination tag fraud...up to \$500.00
6. Inhumane treatment of animals...up to \$1,000.00
7. Possession of a dangerous dog without a permit...up to \$1,000.00
8. Abandonment of a dangerous dog within city limits...up to \$1,000.00"

**EMERGENCY CLAUSE.**

BE IT ALSO ORDAINED by the City Council of the City of Monticello, Arkansas, that:

The City Council having determined that there is a great public need for updated regulations related to vicious dog enforcement in the City of Monticello, Arkansas, and that a large number of public are desirous and in need of such board and the public welfare, safety, and morals being in jeopardy because of the lack of said organization an emergency I s herby declared to exist and this ordinance shall be in full force and effect and after its passage and publication.

ORDAINED on this 21st day of January, 2014.

  
Allen Maxwell, Mayor

  
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City Clerk-Treasurer