

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. 35 - 2023

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

**AN ORDINANCE TO REPEAL VAN BUREN MUNICIPAL CODE CHAPTER 6.04 (DOGS) AND ALL ORDINANCES IN CONFLICT THEREWITH, AUTHORIZING THE REGULATING, THE KEEPING AND CONTROL OF DOGS IN THE CITY OF VAN BUREN ARKANSAS, AND FOR OTHER PURPOSES.**

WHEREAS, the City Van Buren, Arkansas, has heretofore enacted Ordinances regulating the keeping and control of dogs in the City of Van Buren, Arkansas, and for other purposes within the city limits of the City of Van Buren; and

WHEREAS, the City Council of the City of Van Buren, Arkansas, has determined that Van Buren Municipal Code Chapter 6.04 (Dogs) needs further clarification and for ease of references, the prior ordinances should be repealed with this current ordinance replacing the same; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:**

SECTION 1: *Repeal existing city municipal code sections.*

SECTION 2: **Definitions:**

**Abandon/Abandonment** means leaving a dog for a period of more than 24 hours, without the dog's owner or the owners' designated caretaker providing all provisions of necessity as defined in this ordinance and checking on the dog's condition.

**Animal Control** means the city department or agency and its officers that are employed by or under contract with the City to provide the services and responsibilities of the enforcement of this ordinance.

**Attack** means to bite, scratch, tear clothing, chase, or to approach in a menacing fashion, any human, dog, animal, or fowl.

**Bite** means the penetration of skin with teeth and saliva has contacted a break or an abrasion of the skin, of any human, dog, animal, or fowl.

**City** means referring to the City of Van Buren, Arkansas.

**City approved/contracted impoundment facility** means the place provided for Animal Control for the impounding of dogs.

**Companion Dog** means any dog that lives with and about the habitat of a human and that is dependent upon that human for its survival.

**Dangerous Dog** means any domesticated dog that has been declared dangerous as a result of investigation by Animal Control acting alone and in consent with public health or public safety agencies (e.g., veterinarian, police, fire, ambulance services) because the dog has aggressively bitten, attacked, endangered or inflicted an injury, severe injury or death of a human being or another dog, animal, or fowl whether on public or private property; or has been used primarily or in part for the purpose of dog fighting or is a domestic/dog trained for fighting or has when unprovoked, chased or approached a human, dog, animal, or fowl upon the streets, sidewalks, or any public grounds and schools in a menacing fashion, or displays an apparent attitude of attack, or previously injured or killed a human, dog, animal, or fowl.

Exemptions: Dogs trained to serve in public safety agencies, dogs protecting or defending a human being, or mother dogs in protection of their offspring, or dogs that have been teased, tormented, abused, or assaulted by humans, or dogs whose victims are perpetrators of a criminal act are exempt from this definition.

**Distressed Dog** means the critical temperature where a companion/dog experiences heat stroke when the dog's internal body temperature is around 106°F and/or where multiple organ failure and impending death may occur around 107°F to 109°F. Also, other periods of extreme weather, including but not limited to freezing or near-freezing temperatures, flooding, thunderstorms or tornadoes.

**Dog at Large** means any the state of freedom of any dog not confined on the premises of the owner within a secure enclosure, house, or other building, or not restrained on the premises of the owner by a means sufficiently strong or secure to prevent the dog from escaping and restricting it to the premises, or not confined by a leash or confined within an automobile when away from the premises of the owner.

**Dog Neglect/Abuse** means the deliberate abuse or simply a failure by an owner or the owner's designee to take care of a dog by failing to provide basic care required for a dog to thrive.

**Dog** means any domestic canine animal, species *Canis lupus familiaris*; ACA 20-19-302  
"wolf-dog hybrid" means any animal which is publicly acknowledged by its owner as being the offspring of a wolf and domestic dog. No animal may be judged to be a wolf or wolf-dog hybrid based strictly on its appearance. ACA 20-19-402

**Dog or pet license** shall mean a printed or a written permission issued by the city or its agent authorizing the holder to keep a dog within the city limits.

**Dog or pet license tag or identification** shall mean a metal tag of design prescribed by the City and identifying the time period for which the tag is issued and the corresponding number of the dog or pet license.

**Euthanizing** shall mean humanely killing an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death and administered by a veterinarian or a euthanasia technician licensed by the Federal Drug Enforcement Administration and certified by the Department of Health.

**Exigent Circumstances** means when an officer reasonably believes an immediate and warrantless entry into a residence or property is required to aid a human or live dog in distress. Where an officer reasonably believes a dog or human on the property is in immediate need of aid due to injury or mistreatment, the exigent circumstances exception to the search or seizure warrant requirement of the Fourth Amendment may be invoked to permit a warrantless entry to aid the human or dog.

**Exotic Species** means any dog born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

**Feral Dog** means any dog that is born wild or has reverted to the wild and that is not socialized, untamed, or unable to be approached or handled.

**Feral Dog Caregiver** means any person who intentionally provides food, protection, water or other forms of sustenance or care to a feral dog or feral dog colony.

**Hydrophobia** means rabies.

**Humane Euthanasia** means an injection that causes immediate and painless death as defined by the Board of Veterinary Medicine and the Humane Society of the United States.

**Kennel** means an establishment wherein any person engages in the business of boarding, breeding, buying, grooming, and letting for hire, training for a fee, or selling dogs. Kennels are only allowed in a zone authorized by the zoning ordinance of the City of Van Buren.

**Law enforcement officer** means any public servant vested by law with a duty to maintain public order or to make an arrest for an offense.

**Veterinarian** means a veterinarian licensed to engage in the practice of veterinary medicine in Arkansas in accordance with applicable Arkansas laws.

**Pen** shall mean an enclosure meeting the following requirements:

1. The minimum pen size shall be 4' x 6' or twenty-four (24) square feet for one dog under fifty (50) lbs. For dogs over fifty (50) lbs., the minimum pen size shall be 5' x 10' or fifty (50) square feet.
2. In all pens, each dog housed therein shall have room to stand, lie down, turn around and sit normally away from its own waste; this requires a minimum of 4' x 6'. A pen 5' x 10' shall hold no more than one (1) large, or two (2) medium, or three (3) small breed dogs.

3. All pens shall be a minimum of six (6) feet in height.
4. All pens surrounded and top by chain link fencing of at least No. 9 gauge, with steel ties, maximum 2.5-inch mesh, with concrete or similar flooring or with side fencing buried 18 inches into the ground, and with gates padlocked.

**Person** means an individual, company, partnership, limited liability company, joint venture, joint agreement, mutual association or other, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other private entity.

**Pet Shop or Kennel** means and includes any person engaged in the raising, boarding, training, breeding, grooming, riding for hire, impoundment, showing to the public or selling of all types of animals.

**Public Nuisance Dog** means a companion/dog that deposits feces on public or private property other than the owner's, trespasses on public or private property other than the owner's, causes damage to another person's property, creates a danger, or is perceived to create a danger to the public health or safety, disturbs or turns over garbage containers, chases or molests vehicles,

bicycles, persons or the companion/dogs of other persons, or creates foul odors or creates noise disturbances that may interfere with the peace or sleep of a reasonable person who may reside within reasonable proximity of a place where such companion/dogs are kept.

**Quarantine** means a state, period, or place of isolation for a dog that is suspected to be dangerous, or that may have been exposed to an infectious or contagious disease.

**Rabies** means a viral disease that causes acute inflammation of the brain in humans and other mammals. Rabies is caused by lyssa viruses including rabies virus and Australian bat lyssavirus. Rabies is spread when an infected dog scratches or bites another dog or human. Saliva from an infected dog can also transmit rabies if the saliva comes into contact with the eyes, mouth, or nose.

**Responsible Party/Owner** for the purpose of this ordinance the City of Van Buren has further defined that Responsible Party/Owner means any person or entity who has been given a right of property in a dog, keeps, harbors, cares for, or acts as the custodian of a dog, or knowingly permits a dog to remain on or about any premises occupied by him or her.

**Service Dog** means a dog which provides a person with a service or assistance related to a medical and/or emotional condition, regardless of whether the dog is fertile or un-fertile.

**Treasurer** means the City Clerk/Treasurer of the City of Van Buren.

**Vaccination against rabies** means the injection, subcutaneously or otherwise, of antirabic vaccine, as approved by the United States Department of Agriculture or the State Board of Health and administered by a veterinarian or agent of the Department of Health.

**Vaccination certificate** means a written or printed certificate showing that the dog described thereon has received an inoculation of antirabic vaccine in an amount sufficient to produce immunity and bearing the signature of a veterinarian.

**Vicious Dog** means any dog which has:

1. A disposition to bite human beings or other animals, and any dog which has bitten or attempted to bite any human being or other animal within the immediately preceding six (6) months.

However, the fact that a dog has bitten or attempted to bite some person or animal in direct reaction to being teased or molested by that person or animal shall not cause that dog to be considered a vicious dog within the sense of this definition. Similarly, the fact that a dog has bitten or attempted to bite some person or another animal, when that person, or other animal has intruded into a confined area being protected by the dog, shall not cause it to be considered a vicious dog under this definition.

2. Caused a life-threatening injury, broken bone, multiple sutures, or any injury requiring medical attention to a person or domestic animal, without provocation, on public or private property; or
3. Killed a domestic animal, without provocation, on public or private property; or
4. Is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for fighting.

Exception: Dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States.

**Wild Dog** means any dog that has not been domesticated or tamed and which are usually living in a natural environment.

**Working Dog** means a dog which is a working member of the military, law enforcement or public safety agency, regardless of whether the dog is fertile or infertile.

### **SECTION 3: City of Van Buren Registration and Issued Tag for Dogs**

The owner of every companion/dog within the city limits of Van Buren, Arkansas is required to register such dogs with the City of Van Buren. Dog licenses shall be valid for one year from the date of issuance and shall be renewed on an annual basis upon payment of the annual fee. The proof of a current Rabies vaccination will be required of all companion/dogs.

Renewals after the expiration date of the prior license are subject to a late fee of \$5.00 if renewed within 30 days of the expiration date. After such 30 days have expired, the license shall lapse.

**SECTION 4: The Requirement of a City Registration**

- (1) An owner of any dog (6) six months of age or older, shall obtain registration for such dog within sixty (60) days after the dog is acquired. Dog registration for dogs residing within the city limits is mandatory. Such registration and the displayed tags are important in getting lost dogs back to their owner.
- (2) New residents shall have sixty (60) days to register any domesticated dog. Failure to register within the proper period may result in a fine and registration fee.
- (3) There is hereby imposed an annual application/registration and tag fee (hereinafter referred to as "registration fee") on the privilege of keeping all dogs within the City of Van Buren.
- (4) The City of Van Buren, City Clerk/Treasurer and/or their designee, shall:
  - (a) Enter all registration information into a retrievable data system within a reasonable period.
  - (b) Receive registration applications, collect registration fees, and issue a City of Van Buren registration tag.
- (5) The City of Van Buren may enlist the assistance of a veterinarian or other third party within the city limits of Van Buren, Arkansas, to make receipt of a dog registration application, collect the registration fee and issue a City of Van Buren dog registration tag provided by the City of Van Buren. All applications/registration forms and fees collected shall be deposited with the City of Van Buren, City Clerk/Treasurer and/or their designee the (1) first day of each month and no later than the (7) seventh day of each month.
- (6) It shall be unlawful for any person to use for any purpose a proof of registration tag issued for any dog other than the dog for which the registration tag was issued.
- (7) Dog licenses and license tags shall not be transferrable from one dog to another, and it shall be a violation of the provisions of this code for an owner to transfer a license tag from one dog to a dog for which it was not issued.
- (8) It shall be unlawful for any owner of any dog to fail to provide any dog with a current City of Van Buren registration and registration tag as provided in this section. Such failure shall constitute a violation of this Ordinance.
- (9) It shall be unlawful for any owner of a dog to fail to provide said dog with a collar or harness to which a current City of Van Buren registration tag issued under this section is securely attached. The collar or harness, with attached registration tag, must be worn by the dog at all times, except while the dog is on the owner's private property, participating in a bona fide dog show, obedience trials, tracking tests, field trials, training events or training schools, or other events sanctioned and supervised by a recognized organization, or except while the dog is involved in lawful hunting activities, provided that the dog's owner or keeper has the tag in his or her actual possession at these times.
- (10) No person shall act as a straw person, one who makes a purchase/registration on behalf of another person. A straw person is used when the real buyer cannot or will not complete the transaction for some reason. It is unlawful for a person to falsely represent ownership of another's dog for the purposes of fraud and misrepresentation.
- (11) The following dogs are exempt from the dog license requirements and will receive a dog license exemption with a cost of \$0.00:

- (a) Dogs documented as having been appropriately trained and actively used by law enforcement agencies for enforcement and rescue activities.
  - (b) Dogs certified as service dogs. A “service dog” shall be defined as a dog which has been individually trained to do work or otherwise perform tasks or services for individuals with disabilities. A service dog shall not include an emotional support (or similarly defined) animal.
  - (c) All dogs (including dogs bred under a breeding license issued by the City) under six (6) months of age.
- (12) Any person and /or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

**SECTION 5: Dog Registration Tag Fee**

The application/registration and registration tags may be obtained at Van Buren City Hall through the office of the City Clerk/Treasurer, their designee or participating veterinarian within the city limits of Van Buren, Arkansas. The fees and monies received under the provisions of this ordinance shall be paid to the City of Van Buren and shall be used for defraying the cost incurred in connection with the initial and future implementation and enforcement of the provisions of this ordinance.

The dog license fees shall be as follows:

(1) Altered (spayed or neutered):	\$5.00 per dog, annually;
(2) Unaltered:	\$10.00 per dog annually.
(3) Dangerous Dog Annual	\$250.00 per dog, annually
(4) Vicious Dog Annual	\$1,000 per dog annually

An owner of a dog who provides a letter to the city or its licensing agent from a licensed veterinarian certifying that due to age (greater than six (6) months), poor health, or illness it is unsafe to spay or neuter the dog, shall be issued the license and license tag as if the dog was altered. The letter from the veterinarian shall include the veterinarian's name, address, and license number.

**SECTION 6: Registration Payment Exemptions**

The following dogs are exempt from the dog license requirements and will receive a dog license exemption with a cost of \$0.00:

- (a) Dogs documented as having been appropriately trained and actively used by law enforcement agencies for enforcement and rescue activities.
- (b) Dogs certified as service dogs. A “service dog” shall be defined as a dog which has been individually trained to do work or otherwise perform tasks or services for individuals with disabilities. A service dog shall not include an emotional support (or similarly defined) animal.
- (c) All dogs (including dogs bred under a breeding license issued by the City) under six (6) months of age.

**SECTION 7: Registration Tags**

The registration tags may be obtained/issued at Van Buren City Clerk's office, or participating veterinarian within the city limits of Van Buren, Arkansas. The City Clerk's office or participating veterinarian shall determine if a dog is in compliance with this ordinance and shall issue and record an identifiable numbered metal or composite tag.

- (1) The registration tag must be worn by the dog at all times, any exemption shall be in accordance with Section: 4 (9).
- (2) Any owner or responsible party violating this ordinance may be subject to a fine pursuant to Section 32 of this Ordinance.

**SECTION 8: Kennels**

a. It shall be unlawful for more than four (4) dogs over six (6) months of age to be confined, kept or harbored upon the premises of any person, firm or corporation within the corporate limits of the City of Van Buren, except when said person, firm or corporation is licensed with the city as a for profit (dog) kennel, dog hospital, dog breeding establishment, veterinarian, or dog groomer, when such dogs are kept upon the premises used by such for profit (dog) kennel, dog breeding establishment, dog hospital, dog groomer, or veterinarian, at their normal place of business. Keeping on the premises of the owner of more than four (4) dogs shall be prima facie evidence of violation of this Section and the burden of proof shall be on the owner to show the ages of the dogs. Dog kennels may be operated only with the zoning districts permitted by the zoning code of the city.

b. A person owning, keeping, or harboring more than four (4) dogs regardless of age shall not be considered operating a kennel if it can be proven that the additional dogs are being temporarily maintained while a permanent home for the dog is being sought (commonly referred to as fostering). Prima facie evidence of fostering can be proven by documented inclusion of the animal at an established physical animal adoption facility (a certificate from a fostering agency such as an animal shelter, veterinarian, or city clerk). Fostering shall be limited to two (2) dogs over the age of 1 year. Any person and /or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

c. Any person owning maintaining or operating a for profit (dog) kennel or dog breeding establishment, where dogs are kept confined on the premises of such kennel or establishment or on leash, in addition to the annual business license, shall also pay an annual dog license fee of two hundred (\$200.00) to be paid in lieu of a separate dog license for each dog, such fee to be paid to the Treasurer of the City of Van Buren within thirty (30) days after the commencement of operation of such for profit (dog) kennel or dog breeding establishment.

d. Any person owning, maintaining, or operating a for profit (dog) kennel, dog breeding establishment, dog hospital, veterinarian clinic or dog grooming business, shall not allow the dogs thereon to run at large or cause excessive barking in violation of the Van Buren City Code.

**SECTION 9: Breeder License**

A breeder license may be issued by the city for an intact dog at a cost of \$500.00 per dog. A breeder license must be accompanied by a business license issued by the city.

- (a) Each breeder license shall be valid for one year from the date of issuance and must be renewed annually on or before its expiration date. A separate license must be obtained for each owned dog that is used for breeding purposes. To obtain a breeder license, each dog owner or possessor shall submit the following information:
  - a. The owner's name,
  - b. Proof of rabies vaccination,
  - c. The dog owner's address,
  - d. The dog owner's phone number,
  - e. The dog's name, and
  - f. The dog's general description (such as breed, color, etc.)
- (b) Along with the information above, each dog owner or responsible party must present proof that the dog has been microchipped, including the microchip number and each dog born to any licensed breeding dog must be microchipped after four months of age and licensed.
- (b) The city shall not knowingly issue a breeder license to a person who has been convicted of animal cruelty or neglect, or who has previously been determined to be in violation of the city's licensing requirements for dogs.
- (c) A breeder license shall contain the following terms and conditions:
  - (1) No offspring may be sold, adopted, bartered, gifted, or otherwise transferred whether for compensation or otherwise until it has reached the age of at least six weeks.
  - (2) No offspring may be sold, adopted, bartered, gifted, or otherwise transferred whether for compensation or otherwise until immunized against common diseases as directed by a veterinarian. The transfer of a dog shall include a statement signed by the transferor or transferee attesting to the signatory's knowledge of the dog's health and the immunization history.
  - (3) Any holder of a breeder license who advertises to the public the availability of any dog for sale, adoption, barter, gift, or transfer, whether for compensation or otherwise, must prominently display the breeder license number to any person who purchases, adopts or receives any dog from the breeder license holder and include the breeder license number on any receipt of sale or transfer document, shall obtain a sales tax permit and comply with all regulations of the state of Arkansas Department of Finance and Administration then or thereafter in effect.
  - (4) Commercial establishments selling locally bred dogs shall prominently display the breeder license number(s) of the breeder(s) whose dogs are sold in that establishment. Commercial establishments selling dogs not bred within the City of Van Buren shall prominently display the name and address of the breeder(s) of such dogs.
  - (5) Any breeder license holder selling or otherwise transferring a dog, whether for compensation or otherwise, shall submit to the City Animal Control Department the

name, address, and telephone number of the dog's new owner within five days from the sale or transfer.

(6) Any breeder license holder or commercial establishment selling or otherwise transferring dogs, whether for compensation or otherwise, shall provide to the new dog owner the information regarding the license and microchip requirements of the city.

(7) Any person and/or entity violating this ordinance may be subject to a fine for Failure to Comply with the Breeder License requirements pursuant to Section 32 of this Ordinance.

**SECTION 10: Permanent Location required**

No person or entity shall sell or trade any animal at any location in the city limits except from a permanent physical location owned or rented by such person or entity. Any such activity shall be subject to applicable zoning and licensing provisions of this Code. Any person and/or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

**SECTION 11: Revocation.**

Any dog license, kennel or breeder license issued pursuant to this article may be revoked by the city for violation by the holder thereof of any provision of this chapter. The initial revocation shall be by the Animal Control officer. An appeal of the decision of the Officer may be made to the Animal Control Supervisor. Any person may appeal to the City's decision to a court of competent jurisdiction.

**SECTION 12: Rabies Vaccination of Dogs**

1. The owner of a dog four (4) months of age or older shall employ a veterinarian to vaccinate the dog against rabies and thereafter according to the time frame established by the veterinarian or the current national Compendium on Dog Rabies Control or in consensus with the local health department regulatory authority. The veterinarian giving such vaccination shall issue to the owner

of such dog a vaccination certificate describing such dog giving the date of vaccination and the name and address of the owner. The veterinarian shall sign the vaccination certificate. If a veterinarian determines for any medical reason that the dog would be harmed from the vaccine at any time, the dog is exempt from this provision during the period that would be injurious. Rabies vaccine administered by anyone to a dog other than a veterinarian is not recognized in the City of Van Buren.

2. The owner to whom a rabies tag has been issued shall securely fasten the tag by a safe collar device, appropriate for the size, weight, and type of dog, around the neck so the tag is clearly visible at all times other than during grooming in an enclosed area or in the direct care of a veterinarian. An owner, whose dog is participating in any organized exhibition or field trial or organized training for these events, may remove the dogs tag during the activity. When a domesticated dog is required to display a registration, tag is on the owner's property, the owner may remove the city tag.

3. Any person and/ or interest violating this ordinance may be subject to a fine pursuant to Section 32 of this Ordinance or the laws of the State of Arkansas relating to Dog Control, Dog Welfare and Dog Cruelty.

#### **SECTION 13: Quarantine of Dogs Suspected of Rabies**

When a dog has allegedly bitten (as defined in Section 2) any human within the corporate limits of the City of Van Buren, Animal Control shall take the dog into custody and confine the dog under the supervision of a veterinarian. Any veterinarian who is given custody of a dog under the provision of this section shall keep the dog in quarantine for a period of (10) days, the veterinarian shall make documented notification that the veterinarian has complied with the observation procedures of A.C.A. 20-19-307; and the dog appears to be free of rabies.

The veterinarian supervising the quarantine of any dog under this section shall issue notification to the owner of such dog to reclaim custody of the dog shall tender to the veterinarian and Animal Control their customary and reasonable fees for impounding, boarding and care of the dog. When a person who has been bitten by a dog that is current on rabies vaccine and is in compliance with the at large provision of this ordinance and the dog is subsequently found to be free of rabies, then the owner shall pay the fees and charges for the city registration, impounding, boarding and care of the dog.

The Animal Control Supervisor may authorize the quarantining of a companion dog at the residence of its owner or at the city approved contracted / impoundment facility.

Any dog determined to be rabid shall be immediately surrendered by the owner to Animal Control and said dog will be euthanized and handled in accordance with A.C.A. 16-10-211. All fees will be the responsibility of the owner.

#### **SECTION 14: Obstruction of Enforcement**

A person shall not refuse to surrender a dog upon lawful demand by Animal Control or its officer/representative. A person shall not interfere with Animal Control or its officer/representative in the lawful performance of its duties. A person shall not hold, hide, or conceal any dog, which Animal Control or its officer/representative is investigating or deems to be in violation of this ordinance. A person shall not take or attempt to take any dog from Animal Control or its officer/representative, its vehicles, shelters, traps, equipment, or its dog carriers.

**SECTION 15: Impoundment and Seizure of Dogs**

(1) Animal Control may impound any dog at large, not under physical control of the owner, the owner's property or on the property of another without consent to be on such property to include public property, where the dog is found. Animal Control shall make reasonable effort to return the dog to its owner before transporting the dog to the approved/contracted impoundment facility.

(2) Animal Control is hereby authorized to seize and impound any dog not at large, pursuant to a search/seizure warrant, bearing any exigent circumstances in which the officer has a reasonable belief that any evidence may be destroyed or that dog(s) may be subject to cruel treatment as deemed by Arkansas State law or by the keeping of the dog in an inhumane manner, or any dog not vaccinated for rabies as required by this ordinance, or any dog not registered with the City of Van Buren as required by this ordinance, or any dog which fails to display a tag as proof of rabies vaccination and registration as required by this ordinance, or any dog which has attacked, bitten or scratched a person or inflicted severe injury to a person, or any dog carrying or suspected of carrying rabies or any other zoonotic disease when not under the care and treatment of a veterinarian for the disease, or any dog found in distress, including but not limited to a sick, injured, abandoned or neglected dog for which the owner cannot be found after reasonable effort to do so, or for which the owner is unable or unwilling to provide proper care, or any dog suspected of being dangerous/vicious, or any companion dog that is creating a public nuisance, or any dog in estrus and not properly confined, or for any other reason as outlined in this section. Animal Control may impound any feral dog or colony in the interests of public health and safety and to prevent a public nuisance or if the feral dog caregiver fails to cooperate with Animal Control, its officer and/or representative. The dog so impounded shall not be adopted out without direction of the Court in which such charges may be pending. When the impoundment is solely for evidentiary purposes, the owner of the dog shall nevertheless be responsible for payment of all upkeep charges and other costs associated with the impoundment, care, and treatment of the dog if so, found by the Court in criminal proceedings against said owner.

(3) Fines and impoundment fees are established pursuant to Section 32 of this Ordinance.

**SECTION 16: The Keeping of Dogs in a Humane Nature, Neglect or Abandonment**

(1) All dogs within the city limits of Van Buren shall be kept in a humane manner. An owner shall treat a dog in a humane manner and shall provide humane care for the dog. Humane care includes, but is not limited to, providing adequate food, adequate water, adequate shelter, adequate space, and veterinary care to maintain health, to prevent pain and stabilize injury and to prevent or cure diseases or impairments of health from internal or external parasites.

(2) Adequate food means food, which is of sufficient quantity and nutritive value to maintain each dog in good health. The owner shall ensure that adequate food is accessible to each dog, is prepared to permit ease of consumption for the age, species, condition, size, and type of each dog, is provided in a clean and sanitary manner is placed to minimize contamination by excrement and pests, and is provided at suitable intervals for the species, age, and condition of the dog, which is at least once daily except as directed by a veterinarian.

(3) Adequate water means clean, fresh, potable water of a drinkable temperature. The owner shall ensure that adequate water is provided in a suitable manner, in sufficient volume, and at suitable intervals, to maintain normal hydration for the age, species, condition, size and type of each dog, except as directed by a veterinarian, and that the water is provided in a clean, durable receptacle, which is accessible to each dog and is placed to prevent spillage and contamination of the water by excrement and pests.

(4) Adequate shelter means a shelter that is suitable for the species, age, condition, size, and type of each dog, and provides adequate space for each dog and protects each dog from injury, direct sunlight, other weather elements, adverse effects of heat and cold, physical suffering, and impairment of health. The owner shall ensure that the shelter is thoroughly cleaned, enables each dog to be clean and dry, and provides a solid surface and resting platform, pad, floor mat or similar device that is large enough for the dog or dogs to lie on in a normal manner and can be maintained in a sanitary manner.

(5) Adequate space means space that allows a dog to easily sit, stand, lay, turnabout and make other normal body movements in a comfortable, normal position for the dog. The owner shall ensure that adequate space exists so a dog can interact safely with other dogs in the enclosure, unless specified by a veterinarian. Veterinary care that temporarily restricts movement that would endanger a companion/dog is exempt from this provision.

(6) No person or entity shall restrain a dog using a tether, chain, tie, trolley, or pulley system unless in compliance with this Ordinance.

(7) Veterinary care may include humane euthanasia if a companion/dog is beyond the abilities of veterinary medicine to treat or cure and the dog is suffering.

(8) A violator found supporting feral dogs, shall cooperate with Animal Control, its officer and/or representative, in an effort, to protect the public against rabies, and to stabilize and/or reduce the feral population and prevent their predation on indigenous wildlife.

(9) An owner or responsible person shall use a collar or harness appropriate for the age and size and species of a companion/dog.

(10) A person shall not crop the ears or dock the tail of any dog unless the person employs a veterinarian to perform the cropping or docking. If a person possesses a dog with an ear or ears cut off or cropped or tail docked and with an unhealed wound, then that possession is prima facie evidence of a violation of this section, unless the person can verify that a veterinarian performed

the procedure.

(11) A person shall not castrate a dog unless that person employs a veterinarian to perform the castration.

(12) No person or entity who has custody or temporary custody of any dog, shall intentionally release any such dog within the City of Van Buren, Arkansas. This shall be considered abandonment of the dog.

(13) Failure by a responsible party or owner to retrieve their dog from animal control or the city contracted facility shall be subject to the penalty for abandonment of the dog.

(14) Any person and / or entity violating this ordinance may be subject to a fine pursuant to Section 32 of this ordinance or the laws of the State of Arkansas relating to Animal Control, Animal Welfare and Animal Cruelty.

**SECTION 17: Dog at Large**

No person who owns, keeps or harbors a companion/dog shall cause or permit such dog to run at large within the city. Any dog running at-large is hereby declared a public nuisance, whether currently licensed, registered or not, and may be promptly impounded as provided in this ordinance.

(a) It shall be unlawful for any person owning a dog to fail to provide a secure and appropriate enclosure on his property as a primary means of confinement to prevent the escape or release of the dog. Confinement must be humane for the animal as well as secure and safe. All secure enclosures must meet the following guidelines:

- (1) Any and all gates must be self-locking or have a lock that is engaged at all times.
- (2) The property or area must be surrounded by a substantial fence or enclosure of sufficient strength, height, construction, materials, and design capable of preventing a dog from climbing, digging, jumping, or otherwise escaping of its own volition.
- (3) All gates and the height of the enclosure and the size of openings in the enclosure must be appropriate for the type of dog within the enclosure; and
- (4) All enclosures must be maintained to prevent a dog from getting through, over or under the enclosure.

(b) If an Animal Control officer picks up a dog running at large and the dog is found to be microchipped:

- (1) The dog will be taken to its owner.
- (2) An Animal Control officer will inspect the dog enclosure for compliance with this section.
- (3) If the owner is found to have an unsecure enclosure, the owner will be given 30 days to make the enclosure secure.

- (4) If at the end of the 30 days, the enclosure is still unsecure, a citation shall be issued to the owner of the dog.
- (c) If an Animal Control officer picks up a dog running at large, and no microchip is found:
  - (1) The dog shall be taken to the city-approved animal impoundment facility until the owner picks up the dog.
  - (2) Once ownership is established, an Animal Control officer will go to the property where the animal is kept inspecting the enclosure for compliance.
  - (3) If the owner is found to have an unsecure enclosure, he will be given 30 days to make the enclosure secure.
  - (4) If at the end of the 30 days, the enclosure is still unsecure, a citation will be issued to the owner of the dog.

**SECTION 18: Physical Control of Dogs**

No dog shall be permitted to run at large within the City limits of Van Buren at any time. A dog shall be running at large when the dog is off the property of the owner and the owner does not have physical control of the dog. An owner of a dog shall always have physical control of a dog when off the owner's property and shall be restricted by a leash or tether at all times, unless the property holder or the designee, or lessee consents to the removal of physical control. Off the owner's property means on any public or private property including, but not limited to, streets, sidewalks, schools, parks, or private property of others. For property owned or controlled by a government entity, it is presumed that consent is not given unless posted or provided for by the designation of an off leash fenced park area.

Dogs which are exempt from this section include law enforcement dogs in the performance of their duties, trained and certified assistance dogs used to assist persons with physical and/or emotional disabilities, dogs involved in organized training or exhibiting including obedience trials, conformation shows, field trials, hunting trials and herding trials or a dog involved in any legal hunt in the authorized area and when the owner possesses a valid hunting license.

Any person and /or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

**SECTION 19: Regulations for Tethering Dogs**

- (a) No person shall tether, fasten, chain, tie, or restrain a dog, or cause any dog to be tethered, fastened, chained, tied, or restrained to a doghouse, tree, fence, or any other stationary object with the intent that the tethering will be the animal's primary means of permanent containment.
- (b) Notwithstanding subsection (a) of this section, a person may do any of the following:
  - (1) Attach a dog to a trolley system as long as the trolley system is not intended as a means of permanent containment; or

- (2) Tether, fasten, or tie a dog to a stationary object no longer than is necessary for the person responsible for the dog to complete a temporary task (e.g., cutting the grass, washing a car, gardening). In such temporary event, the dog must have convenient access to a sheltered area and containers of food and water.
- (c) An acceptable trolley system is subject to the following requirements:
- (1) The trolley system must be at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail, it must terminate at both ends with a swivel, it must not weigh more than one-eighth of the dog's weight, it must be free of tangles, and, it must be attached at two permanent points elevated four to seven feet off the ground in a manner that allows the tether to move freely along the length of the cable;
  - (2) The tether must be connected to the dog by a properly fitted, buckle-type collar or body harness of a size appropriate for the animal. A tether shall not be connected by means of a choke-type, pinch-type, or prong-type collar.
  - (3) The dog must be tethered to a trolley system in such a manner as to prevent injury, strangulation, or entanglement.
  - (4) The dog shall not be outside tethered to a trolley system during a period of extreme weather, including but not limited to, extreme heat or near-freezing temperatures, thunderstorms, or tornadoes.
  - (5) The dog must have access to food, water, shade and shelter or dry ground.
  - (6) Except as indicated hereafter, no person shall tether any dog outside to a trolley system unless the animal has been spayed/neutered. However, it is permissible to tether an intact dog when under the direct visual observation of the owner at all times the dog is tethered; it is also permissible to tether an intact dog if it is inside a completely fenced area that will prevent other dogs from coming into contact with the tethered intact dog; and
  - (7) No more than one dog at a time may be attached to the same trolley system.
  - (8) A trolley system may only be utilized between the hours of 6 a.m. and 8 p.m.; and
  - (9) The dog must be at least six (6) months of age.
  - (10) The dog shall not be tethered when ill, suffering from a debilitating disease, injured, in distress, or in the advanced stages of pregnancy.
- (d) An acceptable tether system for temporary purposes is subject to these requirements:
- (1) When tethered, fastened, chained, tied, or restrained to stationary object, the tether must allow the free and untangled movement of the dog.
  - (2) The tether must be connected to the dog by a properly fitted harness (recommended) or collar appropriate for the dog. The harness or collar must fit in such a manner as to prevent injury, harm, and strangulation to the dog or allow the contained dog to escape.
  - (3) The minimum length of a tether is ten feet.
  - (4) Except as indicated hereafter, no person shall tether any dog outside unless the animal has been spayed or neutered. However, it is permissible to tether an intact dog when under

the direct visual observation of the owner at all times the dog is tethered; it is also permissible to tether an intact dog if it is inside a completely secured enclosure that will prevent other dogs from coming into contact with the tethered intact dog; and

- (5) The dog is to be monitored periodically.

**SECTION 20: Dogs Creating a Public Nuisance**

An owner shall prevent any dog from becoming a public nuisance as defined in Section 2. Animal Control may impound any dog creating a public nuisance.

(a) Between the daytime/evening hours of 7:00 a.m. and 10:00 p.m., it shall be unlawful for any person to keep on his or her premises or under his or her control any dog which by loud and frequent barking or howling shall disturb the peace and quiet of any other person who may reside or operate a business within reasonable proximity of a place where such dog is kept.

a. Upon receiving three or more complaints of dogs barking or howling during daytime/evening hours within a 90-day period, with at least two being from separate households or businesses, the animal's owner or keeper may be cited for violation of this section.

b. Upon receiving a complaint of a dog barking or howling during the daytime/evening hours, combined with direct observation/verification by the Animal Control Warden (or a police officer) of such dog barking for more than twenty (20) minutes, the animal's owner or keeper may be cited for violation of this section.

(b) Between the nighttime hours of 10:00 p.m. and 7:00 a.m., it shall be unlawful for any person to keep on his or her premises or under his or her control any dog which by loud and frequent barking or howling shall disturb the peace and quiet of any other person residing or operating a business within reasonable proximity of a place where such dog is kept. Upon observation of such disturbance of the peace by the Animal Control Warden (or a police officer) of such dog barking or howling, the animal's owner or keeper may be cited for violation of this section.

c) Any person and/or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance. The fine shall be doubled for the second offense and tripled for a third and subsequent offenses.

**SECTION 21: Confinement of Dog in Heat (Estrus)**

An owner shall humanely and securely confine a dog in heat (estrus) indoors or in an enclosed and locked structure, which prevents the entry of a male dog and prevents the female in heat from escaping. Confinement solely by a leash, tether, or other similar restraint or within a fence, open kennel, open cage, or run is not presumed to be in compliance with this section. Acceptable reasons for release from confinement during the estrus period are limited to excretion or visits to a veterinary clinic, upon which the owner shall maintain physical control of the dog to prevent contact with a male dog. A person intentionally breeding a dog in a controlled environment with permission of the owner of the male dog is exempt from this section during breeding. Any person

and/or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

**SECTION 22: Nuisance Feeding Prohibited**

Feeding of any feral and/or wild dog, including hand feeding or setting out of food left attended or unattended will be declared a public nuisance. Any person and/ or interest violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

This restriction shall not apply to any Animal Control nor to any enforcing agency, both as defined in this Act, or any person acting upon the authority of such officer or representative. Such individuals are hereby specifically authorized to engage in the trapping of any feral and/or wild dog which may create a nuisance or danger to the public within the city limits of the City of Van Buren, Arkansas who has determined that the destruction/removal of such dogs and/or wildlife is necessary.

Any person and /or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

This section does not apply to a stray companion dog(s) that are lost or abandoned.

**SECTION 23: Dog Fighting**

It is unlawful for any owner of any companion/dog from being a participant in any fighting with dogs, animals, fowl, or other dogs or maintaining a premise for such fights. No person should attend any activity involving a fight, for the purpose of sport, wagering or entertainment. Animal Control, its officer and/or representative may impound any companion/dog suspected of or involved in such activity.

**SECTION 24: Dangerous or Vicious Dog and the Requirements for Keeping of a Dangerous/Vicious Dog**

- (a) The following procedure shall be followed for classifying an animal as dangerous or vicious:
  - (1) The animal control officer shall be authorized initially to classify an animal as dangerous or vicious. The animal control officer may find and declare an animal to be vicious or dangerous if the officer has probable cause to believe that the animal falls within the definition set forth in section 4-1. The finding must be based upon:
    - a. The sworn written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of section 4-1;
    - b. A report establishing probable cause filed with the animal control officer or any law enforcement officer; or
    - c. Actions of the animal witnessed by the animal control officer or by any law enforcement officer; or

- d. Consultation with a public health agency (e.g., veterinarian or Arkansas Department of Health official, etc)
- (2) The classifying of an animal as vicious or dangerous shall be in writing and shall be served on the owner by one of the following methods:
  - a. Certified mail to the owner's last-known address; or
  - b. Personally.
- (b) Appeal of determination. Any person who has received notice that his animal has been deemed a vicious or dangerous animal may appeal such decision to the animal control unit supervisor. The appeal must be in writing and made within five business days of the day the notice was provided in accordance with this section.
  - (1) The supervisor shall schedule and hold a hearing, within five business days after receiving the written appeal, to review the initial classification.
  - (2) If the initial classification is not appealed or if the right to appeal is waived, the initial classification shall be considered the final decision of the city as to whether the animal is a vicious or dangerous animal.
  - (3) Any person may appeal the City's decision to a court of competent jurisdiction.
- (c) During the entire appeal process, it shall be unlawful for the owner appealing the classification of vicious or dangerous animal to allow or permit the animal to:
  - (1) Be unconfined on the premises of the owner; or
  - (2) Go beyond the premises of the owner unless such animal is securely leashed and humanely muzzled or otherwise securely restrained.
- (d) The animal control officer or supervisor of the animal control unit may require temporary confinement of the animal pending the determination required in this section. If the owner does not comply immediately with the temporary confinement requirements, the animal shall be impounded as provided in Section 15 of this Ordinance.
- (e) No person shall own, possess or cause to be in the city any animal which has been determined to be an dangerous or vicious animal, unless it is restrained, confined or muzzled so that it cannot charge, attack, bite or cause injury to any person or domestic animal, and unless it is maintained at all times in compliance with any order of compliance issued under this article.
- (f) Upon determination that an animal is dangerous or vicious, the animal control officer shall issue an order of compliance requiring the owner immediately to confine, muzzle or restrain the animal sufficiently to protect all persons and domestic animals, and otherwise to comply completely with the terms of this article. Coming into full compliance with this article shall not exceed 33 business days from the date of issuance of the order of compliance.
- (g) The order of compliance may, in the reasonable discretion of the animal control officer, require that:
  - (1) When outside of the walls of the owner's home, the dog shall be confined in a pen as set forth in the definition of the term "pen" in this section, except when entering or exiting the pen.

- (2) It shall be unlawful for a vicious animal to be outside of a dwelling or enclosure unless it is necessary for the owner thereof to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the animal control officer with respect to the vicious animal. In such event, the vicious animal shall be securely muzzled and restrained with a chain leash not exceeding four feet in length and shall be under the direct control and supervision of an individual capable of restraining and controlling the vicious animal.
  - (3) The owner's home and the animal's pen shall be posted with firmly attached and prominently displayed signs warning the public that the dog is dangerous or vicious. These signs shall be furnished by the city and will be distributed upon payment of any license fee required to be paid pursuant to this section.
  - (4) The owner of a vicious animal shall provide proof upon request by an animal control officer or law enforcement officer of liability insurance in the amount of \$1,000,000.00 covering harm done by the dog.
  - (5) The owner of a vicious animal shall provide proof upon request by an animal control officer or law enforcement officer that the animal has been spayed or neutered.
- (h) Upon a determination that an animal:
- (1) Is a dangerous animal, the owner shall present the animal for photographing by the animal control officer sufficient to identify the animal for city records and have a microchip identification implanted by a licensed veterinarian.
  - (2) Is a vicious animal, the owner shall present the animal for photographing by the animal control officer sufficient to identify the animal, for city records, and have a microchip identification implanted by a licensed veterinarian.
- (i) By continuing to be an owner of an animal within the city which has been determined to be dangerous or vicious, the owner shall be deemed to have given implied consent to reasonable inspections by the animal control officer of the animal, of the premises where it is kept, and of documents evidencing any required liability insurance.
- (j) If the owner fails to meet fully the animal control unit's requirements for temporary confinement and restraint, including any schedule of construction of pen or restraints, or fails to maintain full compliance with the order of compliance, the animal control officer may seize and impound the dog, and may after five business days have it humanely euthanized; if, however, the owner has demonstrated full compliance with the requirements for temporary confinement and the order of compliance, then the animal may be returned to the owner after payment of all impoundment costs and fees.
- (k) A determination that an animal is dangerous or vicious shall stand until the animal control unit determines otherwise by written finding.
- (l) No person shall be an owner of or cause to be in the city:
- (1) Any animal determined to be a dangerous animal by the animal control officer, unless an annual special license fee of \$250.00 shall have been paid to the city, and the animal has been microchipped.

- (2) Any animal classified vicious by the animal control officer, unless an annual special license fee of \$1,000.00 shall have been paid to the city. No such license shall be issued except upon proof of paid annual liability insurance in the amount of \$1,000,000.00 as required by this section.
- (m) The owner of an animal in violation of any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by the assessment of a fine as specified in section 32.
- (n) If a complaint has been filed in the municipal district court against the owner of an impounded animal for violation of this section, the animal shall not be released except on the order of the court, which order may also direct the owner to pay a fine and all impoundment fees. Upon finding that the animal is vicious, the court may order it to be euthanized in a humane manner. Surrender of an animal by the owner thereof to an animal control officer shall not render the owner exempt from the fines and fees of this article.
- (o) An owner of a dangerous or vicious animal, who desires to transfer possession of the animal shall, at least three days prior to the transfer, complete and return to the animal control unit a notarized transfer form provided by the animal control unit.
- (p) Any notice required under this article shall be deemed delivered:
  - (1) Five business days after being mailed, first class postage prepaid, to the residential or business address of the owner;
  - (2) 24 hours after being posted at the location where the animal is held, unless it is impounded by the city; or
  - (3) Upon hand-delivery to the owner.
- (q) It shall be an affirmative defense to prosecution under this article that the animal:
  - (1) Is owned by a law enforcement agency and used for law enforcement purposes;
  - (2) Directed its behavior at a person who was committing a willful trespass or other tort upon the property of the owner;
  - (3) Directed its behavior at a person who was committing a violent offense to the owner or animal when off the owner's property, but under restraint; or
  - (4) At the time of its behavior was in custody of a veterinarian or an animal shelter.
- (r) Any person and /or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

**SECTION 25: Insurance on Dangerous/Vicious Dogs**

The owner of every dog which is defined as dangerous/vicious under Section 24 of this ordinance shall maintain insurance as set forth in Section 24 of this ordinance. The owner shall be required to present to Animal Control a certificate of insurance issued by an insurance company licensed to do business in the State of Arkansas, providing personal liability insurance coverage that specifically addresses coverage relating to such dog, as in a homeowner's policy, with a minimum liability amount of \$1,000,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or their agents, in the keeping or owning of such

dangerous/vicious dog, if not exempt from such policy. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current dog insurance policy or homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days after the determination that a dog is dangerous/vicious; however, if after 30 days a certificate of insurance or a policy has not been submitted or if the required insurance is cancelled during the license year, the dog shall be deemed unlicensed and subject to Sections 11 and 20, as applicable. Any person and /or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

**SECTION 26: Liability of Owner for Property Damages and Injuries Caused by a Dog**

The owner of any dog, or the parent or legal guardian if the owner is a minor, is liable for property damages and injuries inflicted on any property, person, dog, animal, or fowl by their dog, while off the owner's property, whether such dog has been declared dangerous or vicious.

**SECTION 27: Adoption of Unclaimed and Surrendered Dogs**

Unclaimed dogs following a five-day holding period shall become the property of the City of Van Buren, Arkansas and as such may be placed with a city approved/contracted facility. As such the companion/dog may be adopted by new owners, subject to the adoption policies of the State of Arkansas and the sterilization requirements of Arkansas State Law 20-19-103.

The City of Van Buren, Arkansas and/or any designated adoption agency/organization reserves the right of refusal of an adoption when the adoption is not in the interests of the companion/dog, or the public health and safety of the citizens. Animal Control and/or a city approved/contracted facility shall not release, sell, or give away any live dog to any institution, private firm or individual for the sole purpose of nefarious activities, medical or scientific research.

**SECTION 28: Companion/Dogs in Motor Vehicle**

(1) A motor vehicle operator shall not place or confine a companion/dog or allow it to be placed, confined, or remain in an unattended motor vehicle under conditions for such a period often as may reasonably be expected to endanger the health or well-being of the companion/dog due to situations of but not limited to insufficient ventilation, heat, or lack of water.

(3) Any law enforcement, code enforcement, or dog control officer who determines, or upon the request of Animal Control, that the companion/dog is in distress and/or in imminent danger of death while in an unattended motor vehicle may use whatever force is necessary to enter the vehicle to remove the dog. The companion/dog shall be delivered to the city approved/contracted impoundment facility. A written notice shall be signed and displayed prominently on the vehicle by the law enforcement, code enforcement or dog control officer or Enforcement Agency/Authority, notifying the owner of the circumstances of entry and the location of the companion/ dog. The owner or person in control of the

companion/dog and/or the owner, operator, or responsible party of the vehicle shall be responsible for all costs incurred resulting in any damages to the vehicle and/or property to include the impoundment, boarding and veterinary fees necessitated by any treatment or care of the companion/dog.

It shall be prima-facie evidence that a companion/dog shall be in distress, if the companion/dog is in an enclosure or a motor vehicle and the ambient temperature of such enclosure and/or motor vehicle may reach or exceed 106 F.

<b>Estimated Vehicle Interior Air Temperature v. Elapsed Time</b>						
<b>Elapsed time</b>	<b>Outside Air Temperature (F)</b>					
	<b>70</b>	<b>75</b>	<b>80</b>	<b>85</b>	<b>90</b>	<b>95</b>
<b>10 minutes</b>					109	114
<b>20 minutes</b>			109	114	119	124
<b>30 minutes</b>		109	114	119	124	129
<b>40 minutes</b>	108	113	118	123	128	133

- (a) It shall be unlawful for any person and/or interest to willfully or with reckless disregard; keep, cause, or place a companion /dog in a condition identified as distress and may be fined in accordance with Section 32 of this ordinance either pertaining to Dog in Distress or Dog Cruelty, or the laws of the State of Arkansas relating to Dog Control, Dog Welfare and Dog Cruelty.
- (b) The companion/dog found to be in distress may be seized and/or impounded, pursuant to emergent and/or exigent circumstances.
- (c) When transporting an animal in an open-air vehicle or truck bed on the public streets, the animal must be secured in a container suitable to safely contain the animal to minimize harm in the event of an accident and prevent its escape when stopped or moving. The container must be securely fastened within the vehicle to prevent its movement. If a person is found in violation, the person shall receive a citation with the possibility to be granted nolle prosequere of charges for purposes of maintaining a log of infractions to prevent the continual endangerment to the animal and persons in the vicinity and may be fined in accordance with other not in control provisions. Any person and/or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

**SECTION 29: Inspection of Dog Establishments**

Animal Control shall have the right to enter any facility and inspect the facility during reasonable hours and any records pertaining to the dogs where dogs are bred, boarded, sold, trained or groomed including, but not limited to pet dealerships, kennels, dog, roadside zoos, parks, flea markets, fairs, circuses or performing dog exhibitions, or any other property where dogs are kept

as a business, for purposes of ensuring compliance with this ordinance or any applicable state laws. In conducting these inspections Animal Control shall employ reasonable precautions as to not spread disease.

**SECTION 30: Humane Trapping of Injured, Bite Case or Nuisance Dogs**

Any person trapping an dog, under the provisions of this section, shall use a humane trap; and provide the trapped dog with protection from the direct rays of the sun and direct effects of the wind, rain, irrigation and sprinkler systems; and provide fresh water and fresh food (bait) in the trap each time the trap is set; and shall clean/disinfect the trap after each dog is removed from the trap and shall check the trap, at periodic and timely intervals to prevent injury, death or reduce stress to the trapped dog. Upon capture of the trapped dog, any person shall notify Animal Control, so that animal control may remove the trapped dog. Any person, not authorized by Animal Control, shall not tamper with, or destroy a trap belonging to Animal Control or remove a trapped dog without the permission of Animal Control its officer, representative, law enforcement officer or state regulated agency. Any person trapping a dog shall make every effort, when known, to relocate the trapped dog or the offspring of any lactating mother caught in the trap or notify Animal Control that they have determined that offspring exist. Animal Control may require proof of residence and identification of the person setting any trap, as well as the location of any trap. Any person and /or entity violating this ordinance may be subject to a fine for Public Nuisance pursuant to Section 32 of this Ordinance.

This restriction shall not apply to Animal Control, nor to any enforcing agency acting upon legal authority in accordance with Arkansas law. Such individuals are hereby specifically authorized to engage in the trapping of any feral and/or wild dog which may create a nuisance or danger to the public within the city limits of the City of Van Buren, Arkansas, who has determined that the destruction/removal of such dogs is necessary.

**SECTION 31: Redemption of Impounded Dogs, Fees, and Fines**

The city-approved impoundment facility shall keep all impounded dogs for a period of five days from the date of impounding; and, during the period of impoundment, Animal Control shall notify or make diligent effort to notify the owner of such impounding, and of the possible destruction, adoption, or sale of the dog. When a dog carries the owner's address, the notice shall be certified by letter, return receipt requested. In all other cases, Animal Control shall make a diligent effort to notify the owner. If, at the expiration of the five days from notice, such impounded dog has not been redeemed by the owner, it shall be adopted as hereinafter provided for. Injured dogs will be examined by a veterinarian as to the extent of injuries. Injured dogs capable of being held in reasonable comfort will be held the complete five-day stray holding period. Severely injured dogs may be subject to euthanasia prior to the completion of the five-day stray holding period when necessary to prevent suffering. Dangerous or vicious dogs will not be subject to euthanasia prior to the expiration of the five-day stray holding period. The city approved / contracted impoundment facility will document the holding period and basis for euthanasia.

Redemption of dog. The owner of any dog which has been impounded under the provisions of this article shall have the right to redeem the same upon valid identification and the payment of all fees which may be due and payable for the impoundment of such dog, provided, however,

the payment of such impoundment fees shall not bar the imposition of any fine which may be imposed for the violation of this chapter. Acceptable proof of ownership includes but is not limited to, rabies certificate, City of Van Buren registration and/or tag, veterinary records, proof of purchase, photographs, and affidavits from neighbors or other reliable and verifiable evidence. Fees include but are not limited to impoundment fee, boarding fee, vaccination/city tag fee and any veterinary charges. Animal Control may waive or reduce a fee under extenuating circumstances when the dog was not impounded under the dangerous dog provision of this ordinance, is not suspected of having rabies and was not impounded for reasons of failure to register, failure to display rabies and/or registration tag, cruel treatment or failure to maintain dogs in a humane manner, when the owner demonstrates efforts to comply with the provisions of this section and prevent a repeated impoundment.

Animal Control will make reasonable efforts to notify owners when the companion/dog is wearing the city tag, rabies tag, micro chipped, or the owner is otherwise known. No dog shall be released from impoundment without a current rabies vaccination and city registration/tag (if the dog is a resident of the City of Van Buren).

Redemption of an unvaccinated dog is permitted when the owner submits a deposit of \$50.00 which shall be collected, and the rabies vaccine shall be administered by a veterinarian within three (3) business days. If the owner fails to comply with the rabies vaccination/city tag requirement, then the owner shall be cited for failure to comply, the \$50.00 deposit shall be forfeited, and the dog shall be impounded by Animal Control. Upon presentation of a certificate of vaccination within the three (3) days, the deposit shall be refunded.

All fees, fines and monies received under the provisions of this ordinance shall be paid to the City of Van Buren and shall be used for defraying the cost incurred in connection with the enforcement of the provisions of this ordinance.

**SECTION 32: Civil penalties and service fee.**

- (a) If the animal control officer impounds a dog at the city's approved contracted/impoundment facility and the owner of the dog is identified, the owner shall be assessed one or more of the following civil penalties:
  - (1) If the dog is not licensed, not microchipped, and not altered, the civil penalty will be \$150.00.
  - (2) If the dog is microchipped but not licensed and not altered, the civil penalty will be \$125.00.
  - (3) If the dog is licensed and microchipped, no civil penalty shall be assessed; however, the owner of such dog shall pay the service fee set forth in paragraph ( c ) of this section.
  - (4) Civil penalties (1) and (2) will be reduced by \$50.00 if the dog is altered.
- (b) If the owner, after retrieving the dog from the city or the city's impoundment facility, has the dog altered and/or microchipped within ten days, the civil penalty will be reduced by \$50.00 for having the dog altered and \$25.00 for having the dog microchipped. Proof of such action

shall be provided to the animal control officer or the approved/contracted impoundment facility who shall then process payment consistent with the reduced civil penalty

- (c) In addition to and supplemental to any criminal provisions which may attach, the owner of the dog shall be subject to the civil penalty provisions provided in paragraph (a) of this section and the owner of the dog shall pay to the city a service fee in the amount of \$25.00 for the service of holding the dog transported to the impoundment facility. The service fee to be paid to the city shall be in addition to and supplemental to any impoundment fee charged by the impoundment facility. The service fee provided for by this section shall be collected by the impoundment facility at the time the dog is claimed by the owner and then paid to the city. Additionally, the impoundment facility shall require any unlicensed dog to be licensed, and the license fee shall be remitted to the city.
- (d) An individual is subject to the following fines for failure to comply with applicable sections of this ordinances:

<b>Violation</b>	
Dangerous Animal at Large Sections 24 and 25	\$ 250.00
Failure to Register Section 4	\$ 30.00 +Registration Fees
Failure to Wear/Display a Registration Tag Section 7	\$ 25.00
Public Nuisance Section 8, 10, 16, 18, 20 <sup>1</sup> , 21, 22, 28, 29, & 31	\$ 50.00
Failure to Comply with Breeder License requirements Sections 9, 10	\$125.00
Failure to Vaccinate for Rabies Section 12	\$ 25.00
Failure to Wear/Display Rabies Tag Section 12	\$ 25.00
False Information on Registration , Fraud (i.e. Ownership/Address) Section 4 & 11	\$ 100.00 +Registration Fees
Placing an Animal in Distress Sections 17, 18	\$ 250.00
Abandonment/Neglect/Cruelty Sections 15, 16, 23 & 29	\$ 250.00

1. Fines for violation of Section 20 will be doubled for the second offense and tripled for the third offense and any subsequent offenses.

- (e) All civil penalties and service fees are payable to the city.

**SECTION 33: Civil penalty enforcement procedures.**

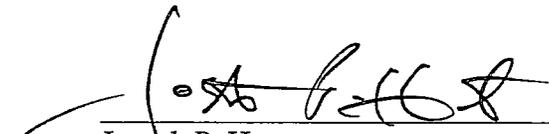
At the time of impoundment, the animal control officer shall issue a written citation that identifies all violations. When required by the Animal Control Officer the dog cannot be retrieved until the citation is served on the responsible party/owner. The hearing concerning the citation shall be at the Van Buren District Court.

**SECTION 34: Severability and Repealing Clause**

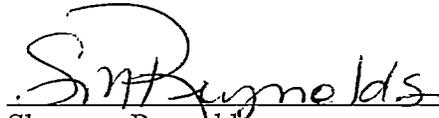
It is the declared intent of the City Council of the City of Van Buren in the State of Arkansas that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of 6 for and 0 against, the foregoing Ordinance at its regular meeting held on the 27<sup>th</sup> day of November 2023.

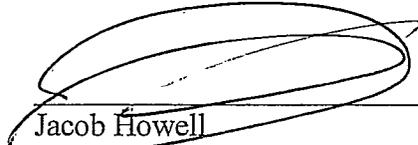


  
\_\_\_\_\_  
Joseph P. Hurst  
Mayor

ATTESTED:

  
\_\_\_\_\_  
Shawna Reynolds  
City Clerk/Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jacob Howell  
City Attorney