



## Vicious or Dangerous Animals from Code of Ordinances

### **Sec. 6-16 Vicious or Dangerous Animals Prohibited; Additional Requirements and Prohibitions**

(a) It shall hereafter be unlawful for any person, business, or entity, to maintain or possess within the corporate limits of the City, any vicious dog or dangerous animal unless said animal is maintained in a secure enclosure or, when outside the secure enclosure is securely restrained in such a manner that it cannot bite, harm or harass, any person or other animal either on public or private property and is in compliance with the requirements of this Section.

(b) The following additional requirements shall apply to the maintenance or keeping of any vicious dog:

(i) The animal shall have its registration number tattooed inside the right ear;

(ii) The animal shall not be chained upon the premises of the Owner;

(c) The breeding, sale or transfer of ownership of any vicious dog or its offspring to any other person, household, business or entity, residing in the corporate City limits is strictly prohibited.

(d) All vicious dogs kept or maintained in the City shall be sterilized within ninety (90) days after the effective date of this Section, or, in the case of vicious dogs coming into the City hereafter, within ten (10) days after the owner or keeper of such dog brings such dog into the City. Upon request of the Animal Control Authority, any owner shall furnish written proof of such sterilization from the veterinarian performing such sterilization.

(e) No person shall be permitted to keep or harbor more than two (2) vicious dogs within the limits of the city, nor shall more than two (2) vicious dogs be permitted to be kept or maintained upon any property, lot or tract of property under control of any person. Any owner who possesses more than two (2) such vicious dogs after the effective date hereof shall be subject to the provisions of Section 6-16(g).

(f) The owner or keeper of a vicious or dangerous dog shall display in a prominent place upon the premises of the owner a clearly visible warning sign indicating that there is a vicious or dangerous dog on the premises. A similar sign is required to be posted on all sides of the pen, enclosure or kennel in which the animal is enclosed.

(g) Any vicious dog kept or maintained in violation of this Article II shall be subject to immediate seizure and impoundment by the Animal Control Authority. In addition, failure to comply will result in the revocation for the license of such animal and the owner shall remove the dog from the City within five (5) days of impoundment, or the dog shall be euthanized.

**Sec. 6-17. Determination of Vicious Animal or Dangerous Animal.**

(a) The Animal Control Authority shall be responsible for determining whether a dog is vicious (other than dogs of the Rottweiler or Pit Bull breeds which are found and determined to be vicious by the City Council) and upon such a determination said office shall notify the owner of such determination in writing. Although an appeal will not stay such determination, any owner may appeal such determination pursuant to the provisions of Section 6-25 hereof.

(b) the provisions of sub-section (a) to the contrary notwithstanding, except with respect to dogs of the Rottweiler or Pit Bull breeds:

(i) No dog may be declared to be a vicious dog if any injury or damage is sustained by a person who, at the time of such injury or damage was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime;

(ii) No dog may be declared vicious if any injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog.; and

(iii) No dog may be declared vicious if the dog was protecting or defending its own offspring or, a human being within the immediate vicinity of the dog from an unjustified attack or assault.

**Sec. 6-18. Animal Fighting or Attack Training.**

No person, shall possess, harbor, or maintain care or custody of any dog, for the purpose of animal fighting, nor shall any person train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings, domestic animals, or livestock, except accredited animal training programs for police use.

**Sec. 6-21. Confinement; Requirements for Enclosure; Prohibition of Dogs in Certain Locations.**

(a) All dogs in the City of Searcy shall be securely and humanely confined, restrained or held by some person capable of controlling such dog, at all times in order to prevent the dog from running at large.

(b) Confinement spaces for all dogs shall be adequately lighted, kept clean of all waste matter, and shall be maintained in such fashion to eliminate any foul odors.

(c) All dangerous or vicious dogs must be kept in a secure dwelling occupied by the owner or kept in an enclosure which must have secure sides and a secure top attached to the sides. All enclosures in which a dangerous or vicious dog is kept or maintained must meet the following minimum requirements:

(i) if the pen or structure has no bottom secured to the sides, the ground beneath the gate shall be secured by posts embedded at least one (1) foot below the ground, the tops of which are at a height above ground so as not to allow a two (2) inch spherical object to pass under the gate.

- (ii) the sides must be embedded into the ground no less than one (1) foot, unless such pen has a concrete bottom in which case the sides need only be embedded two (2) inches deep into the concrete. Sides must be chain-link or like material that an animal cannot chew or claw through to escape.
- (iii) any stationary enclosure or pen shall have a minimum floor area of at least two (2) square feet per pound/per animal so confined with a minimum of 150 square feet.
- (iv) outdoor pens must be located a minimum of thirty (30) feet from any neighboring dwelling other than the dwelling of the dog owner.
- (v) the structure must be locked with a key or combination lock when the dog is within the structure.

(d) No vicious or dangerous dog shall be released from its required enclosure unless it is securely restrained on a substantial leash or chain having a minimum tensile strength of at least three hundred (300) pounds, does not exceed three (3) feet in length, and is in the custody of a responsible person who is capable of controlling the animal.

(e) The Animal Control Authority shall have the right to enter upon the property of any owner for purposes of inspecting any secure enclosure utilized by such owner for purposes of confining any dog. If the Animal Control Authority finds any vicious dog upon the premises of any owner which is not confined in an enclosure consistent with the requirements of this Section 6-21, the Animal Control Authority shall have the authority to impound the vicious dog until such time as such owner corrects any deficiencies found with respect to such secure enclosure, provided that if such deficiencies are not corrected within ten (10) days of impounding, the Animal Control Officer shall notify such owner who shall have three (3) days after such notice to remove the dog from the City, or the dog will be euthanized.

(b) Violation of Requirements Respecting Keeping Vicious Dogs. Any person who keeps or harbors a vicious dog within the City otherwise than in strict compliance with the requirements of this Article II, shall be guilty of a misdemeanor, and, upon conviction therefor, shall be fined in an amount not less than \$250.00, nor more than \$500.00.

See Code of Ordinances for complete information regarding the keeping of animals and fowls.