

**Garland County, Arkansas**  
**Public Health, Welfare & Safety Committee Meeting**  
**Courtroom 200**  
**July 25, 2022 – 5:30 PM**

**Agenda**

Committee Members: Chairman Larry Raney, Vice Chairman Jimmy Young, Justices Esther Dixon, Jim Sorrells, Matt McKee, Jason Braziel, and Thomas Anderson

All Justices of the Peace and the public are welcome and encouraged to attend.

1. Call to order
2. Invocation
3. Discussion about the Revised Noise Ordinance.
4. Discussion about the Animal Control Ordinance.
5. Discussion about the Towing Services Rate Increase for the Sheriff's Office Rotation List.
6. Adjourned

ORDINANCE NO. \_\_\_\_\_

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**“AN ORDINANCE TO AMEND AND CLARIFY THE GARLAND COUNTY NOISE ORDINANCE, O-05-19, AS AMENDED BY O-08-13.”**

**WHEREAS**, Garland County Ordinance 05-19, as amended by Ordinance 08-13, and codified at Garland County Code Sec. 30-3, regulates unreasonably loud noises and disturbance of the peace; and,

**WHEREAS**, it is necessary to amend and clarify said ordinance to aid in effective and timely enforcement; and,

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

**SECTION 1. AMENDMENT.** Garland County Ordinance 05-19, as amended by Ordinance 08-13, and codified at Garland County Code Sec. 30-3, shall hereby be amended. Lined language shall be stricken and replaced:

~~Sec. 30-3(e) This section covers only those areas of Garland County which are unincorporated.~~

Sec. 30-3(e) This section shall apply to all areas of Garland County that are not within the limits of an incorporated city or incorporated town.

**SECTION 2. CODIFICATION.** This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intention.

**SECTION 3. EMERGENCY CLAUSE.** It is found by this Court that an emergency exists due to the need for consistent and timely enforcement, and therefore this ordinance shall be in full force and effect from the date of passage and approval.

**ATTEST:** \_\_\_\_\_  
Sarah Smith  
Garland County Clerk

**APPROVED:** \_\_\_\_\_  
Darryl Mahoney  
Garland County Judge

**SPONSOR:** \_\_\_\_\_  
Matt McKee  
Justice of the Peace

**DATE:** \_\_\_\_\_

ORDINANCE NO. 0-08-13

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

"AN ORDINANCE TO AMEND SECTION 2 OF ORDINANCE NO. O-05-19 PERTAINING TO THE PROHIBITION OF UNREASONABLY LOUD NOISES AND DISTURBANCE OF THE PEACE IN GARLAND COUNTY, ARKANSAS."

WHEREAS, the Public Health, Welfare and Safety Committee of the Quorum Court has reviewed Ordinance No. O-05-19 relating to the prohibition of unreasonably loud noises and disturbance of the peace in Garland County, Arkansas; and,

WHEREAS, the Public Health, Welfare and Safety Committee met and approved a revision of Section 2 of Ordinance No. O-05-19.

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

**SECTION 1.** That Garland County Ordinance No. O-05-19, Section 2 is hereby amended as follows:

"Section 2. In addition to the disturbances set forth in Section 1, the following are specifically prohibited: the playing of any radio, stereo, music reproduction system or musical instruments in such manner or of such volume, particularly between the hours of 10 p.m. and 6 a.m., as to disturb the peace and quiet of residents; and sustained engine noises."

**SECTION 2. SEVERABILITY.** If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provisions or application, and to this end, the provision of this Ordinance are declared to be severable.

**SECTION 3.** This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be renumbered and relettered to accomplish such intention.

ATTEST: Tammy Lambert  
Tammy Lambert  
Garland County Clerk

APPROVED: Larry Williams  
Larry Williams  
Garland County Judge

SPONSOR: Larry Griffin  
Larry Griffin  
Justice of the Peace

SPONSOR: Daryl Maloney  
Daryl Maloney  
Justice of the Peace

DATE: 3/10/08

1-2143

ORDINANCE NO. 0-05-19

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

"AN ORDINANCE PROHIBITING UNREASONABLY LOUD NOISES AND DISTURBANCE OF THE PEACE IN GARLAND COUNTY; LEVYING A FINE FOR ANY VIOLATIONS OF SUCH, AND FOR OTHER PURPOSES."

- Section 1. The causing of any unreasonably loud and disturbing noises of such volume or duration as to be detrimental to the life or health of any individual, or to disturb the public peace and welfare is prohibited.
- Section 2. In addition to the disturbances set forth in Section 1, the following are specifically prohibited: the playing of any radio, stereo, music reproduction system or musical instruments in such a manner or of such volume, particularly between the hours of 10 p.m. and 7 a.m., as to disturb the peace and quiet of residents; and sustained engine noises.
- Section 3. It shall be unlawful for any persons, firm or corporation to allow barking, howling or other nuisance behavior. It shall be unlawful to keep on premises or allow to run at large any dog which by loud and frequent barking and howling shall disturb the peace and quiet of neighbors.
- Section 4. Any violation of this Ordinance shall be punished by a fine of not to exceed five hundred dollars (\$500), double that sum for each repetition thereof. The Garland County Sheriff's Department shall enforce this Ordinance.
- Section 5. This ordinance covers only those areas of Garland County which are unincorporated.
- Section 6. SEVERABILITY: If any part of this Ordinance is held invalid, such invalidity shall not affect any other portion of this Ordinance.
- Section 7. REPEALER: All laws and parts of laws in conflict with this Ordinance are hereby repealed.
- Section 8. This ordinance shall be codified in the Garland County Code of Ordinances and the sections may be renumbered and re-lettered to accomplish such intention.


ATTEST:

  
Judy Hughes  
Garland County Clerk  
Chief Deputy

APPROVED:

  
Larry Williams  
County Judge

SPONSER:

  
Mike Rima  
Justice of the Peace

Date: 5/9/05

**ORDINANCE NO. O-21-11**

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**"AN ORDINANCE TO AMEND, INCORPORATE, MERGE AND REPLACE GARLAND COUNTY ORDINANCE 0-13-66, AS AMENDED BY 0-13-84, AND AS AMENDED BY 0-14-15, REGULATING ANIMAL CONTROL; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND FIXING PENALTIES FOR VIOLATIONS; AND FOR OTHER PURPOSES."**

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS THAT:**

**WHEREAS**, Ordinance 0-13-66, as amended by 0-13-84, and as amended by 0-14-15, previously established animal control services in the unincorporated areas of Garland County; and,

**WHEREAS**, 0-13-66, as amended by 0-13-84, and as amended by 0-14-15, have used the terms "vicious" and "nuisance" interchangeably, creating substantially the same enforcement scheme for animals deemed "vicious" and those deemed to be a "nuisance"; and,

**WHEREAS**, the existing enforcement scheme has created difficulties with enforcement, limited the options for enforcement officers and the courts, and has created unintended and unnecessarily harsh enforcement action for relatively minor offenses; and,

**WHEREAS**, a change in the classification and enforcement scheme is necessary; and,

**WHEREAS**, amendment, incorporation, merger and replacement of 0-13-66, 0-13-84 and 0-14-15 into 0-21-11 are necessary to preserve continuity and minimize confusion; and,

**WHEREAS**, additional revisions are necessary to benefit the public health, welfare and safety; and,

**WHEREAS**, the Public Health, Welfare and Safety Committee has previously met and approved this Ordinance;

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

**SECTION 1.** That 0-13-66, 0-13-84 and 0-14-15, as amended, are hereby amended, incorporated and merged in their entirety herein, and replaced by 0-21-11.

**SECTION 2.** The following words and phrases shall for purposes of this article have the following meanings:

**(a) Owner.** Every person, firm, partnership or corporation, owning, keeping or harboring a dog within the geographical limits of the county. Ownership is also established by a person whose name appears on the identification tag affixed to the collar or harness of the dog.

**(b) Dogs.** When used herein shall include animals of all ages, both female and male, which are members of the canine or dog family.

**(c) Competent (responsible) person.** A person who is capable of controlling and governing the dog in question.

**(d) Injured or Neglected.** Any dogs running at large in Garland County that are ill, wounded, and/or that have no obvious owner and/or that require a quick response regarding rabies vaccination when a dog bite occurs.

**(e) Animal Control Officer.** Any person or entity employed or appointed or contracted by the county who is authorized to investigate and/or enforce violations relating to animal control.

**(f) Vicious Dog.**

1. Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or

2. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of persons, domestic animals or livestock; or

3. Any dog which bites, inflicts injury, assaults or otherwise attacks a person, domestic animal or livestock without provocation on public or private property; or

4. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

5. Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, 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.

6. No dog may be declared vicious if any injury or damage was sustained by a domestic animal or livestock which at the time of such injury or damage the domestic animal, livestock or a person was teasing, tormenting, abusing or assaulting the dog.

7. No dog may be declared vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

**(g) High Risk Breeds.**

1. Certain types of dogs have physical characteristics that present a significant risk to the public. These dogs are generically referred to as "Gripper Breeds" because they bite onto a victim and shake, causing massive disfiguring or even fatal injuries. These breeds include all "Pit Bull" types referred to as the American pit bull terrier, Staffordshire terrier, American Staffordshire terrier, and any dog of mixed breeding that has the primary characteristics of an American pit bull terrier. Though rarely seen, Dogo Argentinos, Presa Canarios, and Cane Corsos, (and any dog of mixed breeding that has the primary characteristics of these breeds) are also commonly considered to be among the "Gripper Breeds.

2. Any other breed that is so declared by Ordinance.

**(h) Nuisance.** An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's, or on public walks or recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or interferes with persons in the public right-of-way; or chases vehicles; or roams at large upon the real property of a person other than its owner, or onto a public right-of-way.

**(i) Stray.** Any dog that is at large.

**1. At large.** Any dog shall be deemed to be at large where it is off the premises of its owner's real property and not properly restrained by a competent person, regardless of whether the owner had actual notice or knowledge that the dog had left the owner's premises or real property.

### **SECTION 3. Vicious Dogs.**

**(a)** No owner of, custodian of, or person with authority to control a vicious dog shall suffer or permit such dog to go unconfined on the premises of any other person's real property or onto a public right-of-way. A vicious dog is "unconfined", as the term is used in this section, if such dog is not securely confined indoors or confined in a secure enclosed and locked pen or a dog run area upon the premises of said person. Such pen or dog run must also have either sides six feet high or a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot. It is the owner's responsibility to ensure the integrity of the confinement. "Beware of Dog" signs must be conspicuously posted on the fence or enclosure to alert the public of the presence of a vicious dog. The minimum size allowance for the sign is 8½" X 12".

**(b)** No owner of, custodian of, or person with authority to control a vicious dog shall suffer or permit such dog to go beyond the premises of said owner unless the vicious dog is securely muzzled and restrained with a restraint having a minimum tensile strength of 300 pounds and not exceeding three (3) feet in length. The dog must be handled by a person competent to maintain control at all times.

**(c)** The owner of a dog declared vicious by a court, and who desires to keep said dog, with the court's consent, must pay a non-refundable fee of One Thousand Dollars (\$1,000) to the Garland County Treasurer. In lieu of this fee, the owner may provide proof of liability insurance specifically covering the vicious dog in a minimum amount of One Hundred Thousand Dollars (\$100,000), or a higher amount if so ordered by the court. Proof of coverage must be presented to the local animal control authority annually and also upon the request of enforcement personnel during an investigation of a complaint.

**(d)** The owner of a dog declared vicious must have the animal spayed/neutered by a veterinarian and must possess veterinary certification of such.

**(e)** All of the requirements for maintaining a vicious dog must be verified by animal control authority prior to returning an animal to the owner.

**(f) Notification of escape or bite incident.** The owner or keeper of a vicious dog shall notify the Garland County Sheriff's Department and animal control authority immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person, domestic animal or livestock.

**(g) If any dog(s), while unconfined and off the property of the owner, custodian, or person with authority to control, bites or seriously injures a person, domestic animal or livestock, it is a violation of this article.** The dog(s) involved shall be immediately surrendered to the local animal control authority to be quarantined and a citation will be issued. The owner, custodian, or person with authority to control, will be brought before the court, where they must verify the animal has been properly vaccinated according to Arkansas state law. Failure to appear may result in the immediate order of euthanasia of the animal for submission to the state lab for rabies testing. The court shall fine and/or incarcerate the owner, custodian, or person with authority to control in accordance with this article. All other state or federal laws concerning restitution and liability shall remain in force and may be used in conjunction herewith.

**(h) No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon persons, domestic animals or livestock.**

**(i) No person shall possess with intent to sell, offer for sale, breed, or buy or attempt to buy within the county any vicious dog.**

**(j) Failure to comply.** It shall be unlawful and a misdemeanor for any owner of a vicious dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment.

**(k) Penalties/Fines.** Any person in violation of any provision of this Ordinance, or aiding or abetting or counterfeiting or forging any certificate, or making any misrepresentation in regard to any matter prescribed by this Ordinance, or resisting, obstructing or impeding the administrator or their designated agents in enforcing this Ordinance, shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500) and/or sentenced to not more than one (1) year in jail. Dog training and owner education may be required by the court. Each offense shall be considered a separate violation and penalties may apply for each violation.

#### **SECTION 4. High Risk Breeds.**

**(a) No owner of, custodian of, or person with authority to control a dog classified as a high risk breed shall suffer or permit such dog to go unconfined on the premises of any other person's real property or onto a public right-of-way. A dog classified as a high risk breed is deemed "unconfined", as the term is used in this section, if such dog is not securely confined indoors or confined in a secure fenced area, an enclosed and locked pen or a dog run area upon the premises of said person.**

**(b) No owner, custodian, or person with authority to control a high risk breed shall suffer or permit such dog to go beyond the premises of said owner unless the dog is securely restrained with a leash**



having a minimum tensile strength of 300 pounds and not exceeding three (3) feet in length. The dog must be handled by a person competent to maintain control at all times.

(c) If a dog classified as a high risk breed is found at large at any time, the dog is subject to being surrendered to the animal control authority immediately and a citation shall be issued to appear in court. If the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this Ordinance, the dog shall be declared vicious and the owner must comply with the requirements of maintaining a vicious dog as set forth in Section 3 prior to having the dog returned. Fees for maintaining the dog at the animal control facility will be paid directly to the animal control authority. Failure of the owner to appear in court will result in the dog being declared abandoned and the dog may be euthanized without further cause.

(d) If at any time a high risk breed dog bites a person, domestic animal or livestock, the dog shall be surrendered to animal control authorities for quarantine and a citation shall be issued for the owner to appear in court and provide proof of current rabies vaccination at the time of the bite. If the court determines the animal was not properly vaccinated at the time of a bite, or the dog poses additional risk to public safety, the court may order the animal to be rabies quarantined or euthanized and tested for rabies. If the court determines the dog may be returned to the owner, the court shall also determine whether or not to declare the animal as vicious.

(e) If a dog classified as a high risk breed is found at large at any time, the dog is subject to being surrendered to the animal control authority immediately and a citation shall be issued to appear in court. If a trial date must be set, the court may authorize the owner to post a compliance bond in the amount of Five Hundred Dollars (\$500) and authorize the dog to be released to the direct control of the owner during the trial waiting period, provided that animal control authorities do not object to said release. The owner will be informed by the court that if the dog is found to be in violation of confinement requirements during this period, animal control authorities may seize the animal and after a hearing before the court, may euthanize said animal without further cause. The bond shall be forfeited for the payment of any outstanding fines, costs or restitution. Any bond money remaining after payment of fines, costs and restitution shall be returned to the owner. During the trial, if the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this Ordinance, the dog shall be declared vicious and the owner shall comply with the requirements of maintaining a vicious dog as set forth in Section 3. If the dog has been released on a compliance bond, it may remain in the owner's control and the owner shall comply with the requirements set forth in Section 3. Upon proof that all requirements have been complied with, the court may return the compliance bond to the owner, minus any fines, court costs or restitution that may still be owed. Failure to comply will result in the animal being seized and the owner being issued a citation for failing to comply with the court order. If the dog remains in the control of the animal control authorities, the owner must comply with all requirements in Section 3 prior to the dog being returned. Failure to provide evidence of compliance within thirty (30) days after a dog is authorized to be returned may result in the animal being declared abandoned and animal control authorities may seize and euthanize the animal without further cause. Fees for maintaining the dog at the animal control facility will be paid directly out of the bond or judgment, if assessed by the court.

## **SECTION 5. Containment.**

(a) No owner of, custodian of, or person with authority to control any dog shall allow, permit or authorize that dog to run at large in the unincorporated areas of Garland County.

(b) Dogs running at large are considered stray. Stray dogs that are taken into custody under the authority of this Ordinance will be held at a licensed facility. If the stray dog is not claimed within five days the facility shall have the right to release the dog for adoption or to euthanize said animal.

(c) Stray dogs may be reclaimed by the owner upon payment by the owner to the designated facility all fees charged for boarding the animal.

(d) Injured, diseased or contagious dogs are subject to immediate euthanasia if in obvious pain, illness or contagious to persons or other animals.

**(e) Exceptions.**

1. Dogs officially entered in shows or competition requiring completion of entrance forms and taking place on land designated for the purpose of said dog show or competition.

2. Dogs secured (housed and/or fenced) within a gate, doorway or animal carrier on the private property of the owner or others with the actual implied, customary or constructive consent of the owner of such private premises.

3. Dogs used for official business or official purposes by any law enforcement agency or disabled person.

4. Dogs actively being used for lawful hunting purposes by an owner, custodian or person with authority to control said dogs. Dogs used for hunting shall at all times be under the supervision or control of the responsible person.

**SECTION 6. Complaints.**

Enforcement personnel (either the Sheriff's Department or animal control authority) will investigate all complaints against dogs in the county. If the complaint includes a bite, the dog(s) involved will immediately be surrendered to animal control authorities for mandatory quarantine. If it is determined during any complaint investigation that the owner is out of compliance with this Ordinance, the owner will be cited and required to appear before the court. If the owner fails to appear at the initial hearing, the court may order that the animal be seized and set a second hearing date. If the owner fails to appear at the second hearing date or fails to comply with the court order within five days, the animal shall be determined to have been abandoned and may be euthanized without further cause.

**SECTION 7. Enforcement.**

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

Through an agreement approved by the county judge and the City of Hot Springs, the City of Hot Springs Animal Services Department, or a separate entity, designated in a contract or agreement has authorization to enforce Ordinances relating to animal control and/or to provide such services upon authorization by the county sheriff. Said agents are authorized to give the owner, custodian, or person with authority to control, a summons in lieu of arrest, to appear in the Garland County District Court, Criminal Division.

#### **SECTION 8. Exemptions.**

This Ordinance shall not apply to cities of the first class within Garland County; nor to areas of any town within Garland County if said town has its own law enforcement. However, all remaining areas of Garland County shall comply with this Ordinance.

#### **SECTION 9. Penalty.**

(a) **Penalties/Fines.** In addition to the other enforcement mechanisms set forth herein, any person in violation of any provision of this Ordinance, or aiding or abetting or counterfeiting or forging any certificate, or making any misrepresentation in regard to any matter regulated by this Ordinance, or resisting, obstructing or impeding the administrator or their designated agents in enforcing this Ordinance, shall be fined not more than Twenty Five Hundred Dollars (\$2,500) for any one specified offense or violation, and not more than Twenty Five Hundred Dollars (\$2,500) for each additional day that said offense may be unlawfully continued, and/or may be sentenced to not more than one (1) year in jail. Additionally, dog training and owner education may be required by the court.

(b) If any dog(s), while unconfined and off the property of the owner, custodian or person with authority to control, bites or seriously injures a person, domestic animal or livestock and is found to be in violation of this Ordinance, the dog(s) involved shall be immediately surrendered to the local animal control authority for rabies quarantine or submission to the state lab for rabies testing. The owner, custodian, or person with authority to control shall be fined a maximum of Twenty Five Hundred Dollars (\$2,500) and/or may be sentenced to not more than one (1) year in jail. All other state or federal laws concerning restitution and liability shall remain in force and may be used in conjunction herewith.

(c) Any vicious dog which attacks a person, domestic animal or livestock may be ordered destroyed, when in the court's judgment, such vicious dog represents a continuing threat of serious harm to persons, domestic animals, livestock, or to personal or real property.

(d) Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog.

(e) Violation of the nuisance provisions of this Ordinance shall subject the owner of, custodian of, or person with authority to control the nuisance dog to a fine of not more than Five Hundred Dollars (\$500) and/or incarceration of not more than 30 days. Repeated violations of the nuisance

provisions of this Ordinance by the same dog may subject the nuisance dog and the owner of, custodian of, or person with authority to control the nuisance dog to the requirements of Section 3 at the court's discretion.

**SECTION 10. Severability.**

If any provisions of this Ordinance or the application thereto to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 11. Codification.**

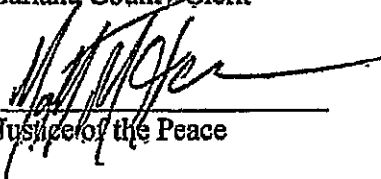
This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intention.

**SECTION 12. Emergency Declared.**

As public safety and time are of the essence, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

ATTEST:   
\_\_\_\_\_  
Sarah Smith  
Garland County Clerk

APPROVED:   
\_\_\_\_\_  
Darryl Mahoney  
Garland County Judge

SPONSOR:   
\_\_\_\_\_  
Justice of the Peace

DATE: 09/12/2021

**ORDINANCE NO. 0-14-15**

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**“AN ORDINANCE TO AMEND GARLAND COUNTY ORDINANCE NO. O-13-84, REGULATING ANIMAL CONTROL; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND; MAKING VIOLATIONS THEREBY A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$1,000, AND SENTENCED UP TO ONE YEAR IN JAIL; AND FOR OTHER PURPOSES.”**

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS THAT:**

**WHEREAS, Ordinance No. O-13-66, as amended by O-13-84, previously established animal control services in the unincorporated areas of Garland County; and,**

**WHEREAS, the Public Health, Welfare and Safety Committee has previously met and approved this amendment to Ordinance No. O-13-84; Section 3, paragraph d.**

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

**SECTION 1.** That Ordinance No. O-13-84, Section 3, paragraph d, is hereby amended as follows:

**d. If at any time a high risk breed dog bites a human or a domestic animal the dog shall be surrendered to animal control authorities for quarantine and a citation will be issued for the owner to appear in an appropriate court of jurisdiction to offer proof of current rabies vaccination at the time of the bite. If based on evidence provided the court determines the animal was not properly vaccinated at the time of a bite, or the dog poses additional risk to public safety, the court may direct the animal to be humanely euthanized and tested for rabies. If the court determines the dog may be returned to the owner, the court shall also determine whether to declare the animal as vicious/nuisance.**

**If a dog classified as a high risk breed is found at large at any time, the dog is subject to be surrendered to the animal control authority immediately and a citation will be issued to appear in a court of jurisdiction. If a trial court date must be set, the court may authorize the owner to post a compliance bond in the amount of Five-Hundred Dollars (\$500.00) directly with the District Court, and authorize the dog to be released to the direct control of the owner during the trial waiting period provided that Animal Services does not object to said release. The owner will be informed by the court that if the dog is found to be in violation of confinement requirements during this period, animal control authorities may seize the animal and after a hearing before the Court, may humanely euthanize said animal without further cause. The bond will be forfeited to District Court authorities for the payment of any outstanding fines, costs or restitution. Any bond money remaining after payment of fines, costs and restitution shall be returned to the owner. During the trial, if the court determines at a dog classified as a high risk breed is not being adequately confined in accordance with this ordinance, the dog shall be declared vicious/nuisance and the owner must comply with the requirements of maintaining a vicious/nuisance dog as set forth in Section 2. If the dog has been released on a compliance bond, it may remain in the owner's control and the owner must comply with the requirements set forth in Section 2. Upon**


proof that all requirements have been complied with, District Court authorities may return the compliance bond to the owner, minus any fines, court costs or restitution that may still be owed. Failure to comply will result in the animal being seized and the owner being issued a citation for failing to comply with the court order. If the dog remains in the control of the animal control authorities, the owner must comply with all requirements in Section 2 prior to getting the dog returned. Failure to provide evidence of compliance within thirty (30) days after a dog is authorized by a Court to be returned may result in the animal being declared abandoned and animal control authorities may humanely euthanize said dog without further cause. Fees for maintaining the dog at the animal control facility will be paid directly out of the bond or judgment, if assessed by the Court.

**SECTION 2.** That the amendment to Garland County Ordinance No. O-13-84 is hereby approved as written in Section 1 above.

**SECTION 3. SEVERABILITY.** If any provisions of this Ordinance or the application thereto to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

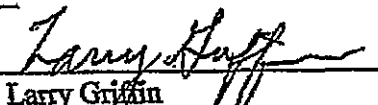
**SECTION 4.** This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intention.

ATTEST:   
Sarah Smith  
Garland County Clerk

APPROVED:   
Rick Davis  
Garland County Judge

SPONSOR:   
Mickey Gates  
Justice of the Peace

DATE: 3/10/14

SPONSOR:   
Larry Griffin  
Justice of the Peace

**ORDINANCE NO. O-13-84**

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**“AN ORDINANCE TO AMEND GARLAND COUNTY ORDINANCE NO. O-13-66, REGULATING ANIMAL CONTROL; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND; MAKING VIOLATIONS THEREBY A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$1,000, AND SENTENCED UP TO ONE YEAR IN JAIL; AND FOR OTHER PURPOSES.”**

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS THAT:**

**WHEREAS,** Ordinance No. O-13-66 previously established animal control services in the unincorporated areas of Garland County; and,

**WHEREAS,** the Public Health, Welfare and Safety Committee has previously met and approved this amendment to Ordinance No. O-13-66, Section 3, paragraph d.

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

**SECTION 1.** That Ordinance NO. O-13-66, Section 3, paragraph d, is hereby amended as follows:

d. If at any time a high risk breed dog bites a human or a domestic animal the dog shall be surrendered to animal control authorities for quarantine and a citation will be issued for the owner to appear in an appropriate court of jurisdiction to offer proof of current rabies vaccination at the time of the bite. If based on evidence provided the court determines the animal was not properly vaccinated at the time of a bite, or the dog poses additional risk to public safety, the court may direct the animal to be humanely euthanized and tested for rabies. If the court determines the dog may be returned to the owner, the court shall also determine whether to declare the animal as vicious/nuisance.

If a dog classified as a high risk breed is found at large at any time, the dog is subject to be surrendered to the animal control authority immediately and a citation will be issued to appear in a court of jurisdiction. If a trial court date must be set, the court may authorize the owner to post a compliance bond in the amount of Five-Hundred Dollars (\$500.00) directly with the animal control authority, and authorize the dog to be released to the direct control of the owner during the trial waiting period provided that Animal Services does not object to said release. The owner will be informed by the court that if the dog is found to be in violation of confinement requirements during this period, animal control authorities may seize the animal and after a hearing before the Court, may humanely euthanize said animal without further cause. The bond will be forfeited to animal control authorities for the payment of any outstanding fines, costs or restitution. Any bond money remaining after payment of fines, costs and restitution shall be returned to the owner. During the trial, if the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this ordinance, the dog shall be declared vicious/nuisance and the owner must comply with the requirements of maintaining a vicious/nuisance dog as set forth in Section 2. If the dog has been released on a compliance bond, it may remain in the owner's control and the owner must comply with the requirements set forth in Section 2. Upon proof that all requirements have been complied with, animal control authorities may return the compliance bond to the owner, minus any fines, court costs or restitution that may still be owed. Failure to comply will result in the animal being seized and the owner being issued a citation for failing to comply with the court order. If the dog remains in the control of the animal control authorities, the owner must comply with all requirements in Section 2 prior to getting the dog returned.

Failure to provide evidence of compliance within 30 days after a dog is authorized by a Court to be returned may result in the animal being declared abandoned and animal control authorities may humanely euthanize said dog without further cause. Fees for maintaining the dog at the animal control facility will be paid directly to the animal control authority. Failure of the owner to appear in court will result in the dog being declared abandoned by the courts and the dog may be ordered to be destroyed without further cause.

**SECTION 2.** That the amendment to Garland County Ordinance No. O-13-66 is hereby approved as written in Section 1 above.

**SECTION 3. SEVERABILITY.** If any provisions of this Ordinance or the application thereto to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provision of this Ordinance are declared to be severable.

**SECTION 4. CODIFICATION.** That this ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intention.

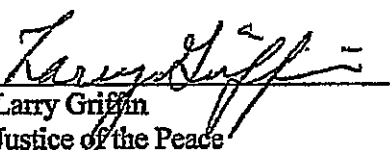
ATTEST:

  
Sarah Smith  
Garland County Clerk

APPROVED:

  
Rick Davis  
Garland County Judge

SPONSOR:

  
Larry Griffin  
Justice of the Peace

DATE:

12/9/13



ORDINANCE NO. 0-13-666

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

**"AN ORDINANCE TO REPEAL ORDINANCE NO. 0-13-40, REGULATING ANIMAL CONTROL; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND; MAKING VIOLATIONS THEREBY A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$1,000, AND SENTENCED UP TO ONE YEAR IN JAIL; AND FOR OTHER PURPOSES."**

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS THAT:**

**SECTION 1.** The following words and phrases shall for purposes of this article have the following meanings:

- (a) *Owner.* Every person, firm, partnership or corporation, owning, keeping or harboring a dog within the geographical limits of the county. Ownership is also established by a person whose name appears on the identification tag affixed to the collar or harness of the dog.
- (b) *Dogs.* When used herein shall include animals of all ages, both female and male, which are members of the canine or dog family.
- (c) *Competent (responsible) person.* A human being that is capable of controlling and governing the dog in question.
- (d) *Injured or neglected.* Any dog running at large in Garland County, not properly tagged, that are ill, wounded, that have no obvious owner and that requires a quick response to rabies vaccination when a dog bite occurs.
- (e) *Animal Control Officer.* Any person employed or appointed by the county who is authorized to investigate and/or enforce violations relating to animal control.
- (f) *Vicious Dog.*
  - 1) Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
  - 2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
  - 3) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
  - 4) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
  - 5) Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, 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.
  - 6) 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 while teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

**(g) High Risk Breed.**

- 1) Certain types of dogs have physical characteristics that present a significant risk to the public. These dogs are generically referred to as "Gripper Breeds" because they bite onto a victim and shake causing massive disfiguring or even fatal injuries. These breeds include all "Pit Bull" types referred to as the American pit bull terrier, Staffordshire terrier, American Staffordshire terrier, and any dog of mixed breeding that has the primary characteristics of an American pit bull terrier. Though rarely seen, Dogo Argentines, Persa Canarios, and Can Carsos, (and any dog of mixed breeding that has the primary characteristics of these breeds) are also commonly considered to be among the "Gripper Breeds."
- 2) Any other breed that is so declared by ordinance.

**(h) Nuisance.** An animal shall be considered a nuisance if it damages private property other than the owner's or molests or interferes with persons in the public right-of-way.

**(i) Stray.** Any dog that is at large and that is not properly tagged.

- 1) **At large.** Any dog shall be deemed to be at large where it is off the premises of its owner's real property and not properly restrained by a competent person, regardless of whether the owner had actual notice or knowledge that the dog had left the owner's premises or real property.
- 2) **Tag.** A current county tag issued by a licensed veterinarian practicing in Garland County must be attached to the collar or harness of the dog. It is also recommended that a piece of durable metal, inscribed with the name, street address and telephone number of the owner is attached to the collar or harness of the dog.

**SECTION 2. Vicious and/or nuisance dogs.**

- (a) No owner of, custodian of, or person with authority to control a vicious dog and/or a nuisance dog shall suffer or permit such dog to go unconfined on the premises of any other person's real property or onto a public right-of-way. A vicious dog and/or a nuisance dog is "unconfined", as the term is used in this section, if such dog is not securely confined indoors or confined in a secure enclosed and locked pen or a dog run area upon the premises of said person. Such pen or dog run must also have either sides six feet high or a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot. It is the owner's responsibility to ensure the integrity of the confinement. "Beware of Dog" signs must be conspicuously posted on the fence or enclosure to alert the public of the presence of a vicious dog. The minimum size allowance for the sign is 8½" X 12".
- (b) No owner of, custodian of, or person with authority to control a vicious dog and/or a nuisance dog shall suffer or permit such dog to go beyond the premises of said owner unless the vicious and/or nuisance dog is securely muzzled and restrained with a restraint having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (c) The owner of a dog declared vicious or nuisance by a court that desires to keep said dog, with the court's consent, must pay a non-refundable fee of \$1000 to the Garland County Treasurer in lieu of this fee, the owner may provide proof of liability insurance specifically covering the vicious dog in a minimum amount of \$100,000, or a higher amount if so ordered by a court of jurisdiction. Proof of coverage must be presented to the local animal control authority annually and also upon the request of enforcement personnel during an investigation of a complaint.

- (d) The owner of a dog declared vicious must have the animal spayed/neutered by a veterinary and must possess veterinary certification of such.
- (e) All of the requirements for maintaining a vicious and/or nuisance dog must be verified by animal control authority prior to returning an animal to the owner.
- (f) Notification of escape. The owner or keeper of a vicious and/or nuisance dog shall notify the Garland County Sheriff's Department and Animal Control Authority immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.
- (g) If any dog(s), while unconfined and off the owner's, custodian's, or person's of authority or control property, bites or seriously injures a human being or a domestic animal, they are in violation of this article. The dog(s) involved shall be immediately surrendered to the local animal control authority to be quarantined and a citation will be issued. The owner, custodian, or person with authority to control, will be brought before a court of jurisdiction in Garland County, where they must verify the animal has been properly vaccinated according to Arkansas state law. Failure to appear may result in the immediate order of euthanasia of the animal for submission to the state lab for rabies testing. The court of jurisdiction shall fine the owner, custodian, or person of authority to control in accordance with this article. All other state or federal laws concerning restitution, liability, etc. would remain in force as well.
- (h) No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.
- (i) No person shall possess with intent to sell, offer for sale, breed, or buy or attempt to buy within the county any vicious dog.
- (j) Failure to comply. It shall be unlawful and a misdemeanor for any owner of a vicious/nuisance dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment.
- (k) Penalties/Fines. Any person violating any provision of this Ordinance or aiding or abetting or counterfeiting or forging any certificate, or make any misrepresentation in regard to any matter prescribed by this Ordinance or resisting, obstructing or impeding the Administrator or their designated agents in enforcing this Ordinance, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) and sentenced to not more than one (1) year in jail. Dog training and owner education may be required by the court. Penalties may be doubled upon conviction of a second and/or subsequent violation of this Ordinance.

### **SECTION 3. High Risk Breed.**

- (a) No owner of, custodian of, or person with authority to control a dog classified as a high risk breed shall suffer or permit such dog to go unconfined on the premises of any other person's real property or onto a public right-of-way. A dog classified as a high risk breed is deemed "unconfined", as the term is used in this section, if such dog is not securely confined indoors or confined in a secure fenced area, an enclosed and locked pen or a dog run area upon the premises of said person.
- (b) No owner, custodian, or person with authority to control a high risk breed shall suffer or permit such dog to go beyond the premises of said owner unless the dog is securely restrained with a leash having a minimum tensile strength of 300 pounds and not exceeding six feet in length. The dog must be handled by a competent person to maintain control at all times.
- (c) If a dog classified as a high risk breed is found at large at any time, the dog is subject to be surrendered to the animal control authority immediately and a citation shall be issued to appear in

a court of jurisdiction. If the court determines that a dog classified as a high risk breed is not being adequately confined in accordance with this ordinance, the dog shall be declared vicious/nuisance and the owner must comply with the requirements of maintaining a vicious/nuisance dog as set forth in Section 2 prior to having the dog returned. Fees for maintaining the dog at the animal control facility will be paid directly to the animal control authority. Failure of the owner to appear in court will result in the dog being declared abandoned by the courts and the dog may be ordered to be destroyed without further cause,

(d) If at any time a high risk breed dog bites a human or a domestic animal the dog shall be surrendered to animal control authorities for quarantine and a citation will be issued for the owner to appear in an appropriate court of jurisdiction to offer proof of current rabies vaccination at the time of the bite. If based on evidence provided the court determines the animal was not properly vaccinated at the time of a bite, or the dog poses additional risk to public safety, the court may direct the animal to be humanely euthanized and tested for rabies. If the court determines the dog may be returned to the owner, the court shall also determine whether to declare the animal as vicious/nuisance.

1) The owner may be fined in accordance with this ordinance. In addition to any fine, the owner of, custodian of, or person with authority to control high risk breed dog may also be required to pay court costs, restitution for the housing of the animal, the rabies determination test and euthanasia. All other state or federal laws concerning restitution, liability, etc. remain in force as well.

2) Any person violating this section of this Ordinance shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) and may be sentenced up to one (1) year in jail. Penalties may be doubled upon conviction of a second and/or subsequent violation of this section.

3) Exemptions. Dogs performing law enforcement duties, certified service/therapy dogs, and registered show dogs actively pursuing points towards a recognized title are exempt from the requirements of Section 3.

#### **SECTION 4. Containment.**

(a) Non owner of, custodian of, or person of authority or control of any dog shall allow, permit or authorize that dog to run at large in the unincorporated areas of Garland County without being properly tagged. The owner, custodian, or person of authority or control, of properly tagged dogs that roam the common property of the unincorporated areas of Garland County shall not be in violation of this article.

(b) Untagged dogs running at large are considered stray. Stray dogs that are taken into custody by authorization of Garland County will be held at an approved facility. If the stray dog is not claimed within five days the facility shall have the right to release the dog for adoption or to humanely euthanize said animal.

(c) Stray dogs may be reclaimed by the owner upon payment by the owner to the designated facility a fee, to be established by ordinance and on file with the Garland County Clerk, for boarding the animal.

(d) Injured, diseased or contagious dogs are subject to immediate euthanasia if in obvious pain, ill or contagious to humans or other animals.

#### **Exceptions:**

1. Dogs officially entered in shows or competition requiring completion of entrance forms and taking place on land designated for the purpose of said dog show or competition.