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ARTICLE II. - DOGS [25]

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Sec. 6-14. - Definitions.

Attack means aggressive behavior by an animal that involves repeatedly biting or shaking its victim.

Cable run means a metal cable that is mounted aboveground at a designated height to two (2) stationary objects for the purpose of attaching a pulley system that moves from one end of the cable to the other and to which a dog is tied or secured by means of a rope, chain, or cable attached to the dog's collar or harness.

Dangerous dog means a dog that has been designated as dangerous pursuant to the standards and administrative procedures identified in this chapter or that has been designated as dangerous or vicious pursuant to similar standards and procedures in another jurisdiction.

Direct point chaining means attaching an animal directly to a stationary object by means of a leash, rope, chain, cable or other material attached to the dog's collar or harness but does not include temporary restraint of a dog for purposes of vehicular transport.

Electronic containment device means a transmitter/receiver system for the confinement of dogs which consists of (1) a boundary wire that emits a radio signal, and (2) a battery-operated electronic device on the dog's collar which receives the radio signal and emits an audible warning beep and a corrective electrical stimulus as the dog approaches the wire.

Privilege license means the city license that is required to carry on a business, profession or occupation within the city.

Provocation means causing a dog to bite or attack by:

- a. Any intentional or accidental act of pulling, pinching, squeezing, kicking, hitting or striking the dog with an object or a part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling or baring of its teeth;
- b. Any sudden motion toward the dog or any attempt or threat to kick, hit or strike the

dog with an object or part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling, or baring of its teeth;

- c. Any act of teasing or tormenting the dog;
- d. Any act of grabbing, touching or holding of the dog's young or any sudden motion toward the dog's young;
- e. Any act of holding, kicking, hitting, striking, or otherwise physically harming the dog's owner or other member of the dog owner's household;
- f. Entry into the dog's area of confinement without the owner's presence, provided that this definition does not apply if the dog is confined in a particular manner for the purpose of causing provocation to prevent legal access to the premises in violation of this article; or
- 9. Any act of breaking and entering, or other unlawful entry, into the dog owner's residence, vehicle, or other property.

Swivel means pivoting hardware that can be used in a trolley system to attach a cable run to a tether or a tether to a dog's collar or harness in order to minimize twisting and tangling of the tether.

Tether means a rope, chain, or cable that is attached to a dog's collar or harness for purposes of restraining the dog.

Trolley system means a method of restraining a dog which utilizes a cable run, swivel and tether attached to a dog's collar or harness.

Vicious dog means a dog that has been designated as vicious pursuant to the standards and administrative procedures identified in this chapter or that has been designated as dangerous or vicious pursuant to similar standards and procedures in another jurisdiction.

(Ord. No. 18,959, § 5, 10-7-03; Ord. No. 20,121, § 1, 6-16-09)

Sec. 6-15. - Maximum number.

- (a) Maximum number. Except as set forth in subsection (b), it shall be unlawful for more than four (4) dogs to be kept or harbored at any household or business in the city limits.
- (b) Exceptions. Subsection (a) of this section does not apply to:
 - (1) The normal place of business for animal hospitals or veterinary clinics;
 - (2) Dog breeders or dog kennels, if the operator of the breeding or kennel facility holds a Little Rock privilege license for the dog breeding or kennel business;
 - (3) Specific dogs kept or harbored at the owner's residence pursuant to an over-limit permit issued by the animal services division where:
 - a. The dog owner submits an application for over-limit permit to the animal services division on a form to be approved by the animal services division manager;
 - b. The dog owner submits to an on-site inspection and provides proof of current rabies vaccination and city license for each dog identified in the over-limit permit application; and
 - c. The dog owner has no record of dangerous dog designations and no record of convictions for Little Rock Animal Code violations for running at large or failure to vaccinate or license, or for animal cruelty, abuse, or neglect. Any conviction that is overturned by a court of competent jurisdiction shall not be

counted for purposes of this subsection.

(c) Revocation of over-limit permit. An over-limit permit may be revoked if the dog owner is subsequently convicted for any Little Rock Animal Code violation, provided that a conviction that is overturned by a court of competent jurisdiction shall not serve as the basis for revocation of an over-limit permit.

(Ord. No. 18,959, § 5, 10-7-03; Ord. No. 20,121, §§ 2, 3, 6-16-09)

Sec. 6-16. - Confinement.

- (a) General. Any person owning, possessing or keeping a dog shall keep the dog securely confined behind a fence or otherwise restrained upon the person's property by adequate means to prevent the dog's escape; or shall effectively control the dog, whether on or off the person's property, by means of a leash or other proper method of supervised restraint from which the dog cannot escape.
- (b) Dog parks. Confinement of a dog in a fenced area designated by the Little Rock Parks and Recreation Department as a "park dog run" shall be considered adequate confinement under this section if the dog owner or caretaker supervises the dog's activity and adheres to applicable parks rules and regulations pursuant to Little Rock Ordinance No. 18,924.
- (c) Confinement to prevent legal access. Dogs shall not be confined in any manner for the purpose of preventing legal access to public utility facilities or for the purpose of causing the dog to be provoked by visitors in areas accessible to and commonly used by visitors for legal access to the premises.
- (d) Chaining. Direct-point chaining or tethering of dogs to a stationary object is prohibited.

 Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:
 - (1) Only one (1) dog may be tethered to each cable run.
 - (2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
 - (3) There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.
 - (4) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the animal services officer, considering the age, size and health of the dog.
 - (5) The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
 - (6) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.
- (e) Electronic containment devices. An electronic containment device may be used as a primary containment measure if signs stating "pet contained by electronic device" or similar language using a trade name, are conspicuously posted at the front and back of the enclosed area for purposes of public notice. Such signs shall be a minimum of six (6)

inches by eight (8) inches and one (1) of the signs shall be visible from the roadway or entry to the premises. The property owner is responsible for posting the signs in accordance with the Little Rock Sign Ordinance, and the failure to post or maintain such signs is a violation of this section.

- (f) Confinement during transportation.
 - (1) When transporting a dog in an open-bed pickup or in any open-bed vehicle, the dog shall be confined in a secured carrier or dog box that provides the dog with adequate room to stand, turn around, and stretch out without hindrance and provides adequate ventilation and protection from environmental conditions.
 - (2) If a dog must be transported in an open-bed vehicle but is too large for a carrier or dog box, the dog shall be restrained by a system of tethering to the vehicle bed in a manner that reasonably restricts the dog to the center of the bed in order to prevent the dog's escape and to minimize the dog's access to the sides of the vehicle bed.
 - (3) It shall be unlawful for any person to place or confine or allow a dog to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such conditions for such periods of time as may endanger the health or well-being of the dog due to heat, lack of food or water, or any circumstances which might cause suffering, disability, or death.
- (9) Penalty, failure to confine. Conviction for failure to confine a dog in violation of this section shall result in a fine as follows:
 - (1) For a sterilized dog:
 - a. The first violation within a three-year period shall result in a twenty-five-dollar fine.
 - b. The second violation within a three-year period shall result in a seventy-five-dollar fine.
 - C. The third and each subsequent violation within a three-year period shall result in a one-hundred-dollar fine.
 - (2) For an unsterilized dog:
 - a. The first violation within a three-year period shall result in a one-hundred-dollar fine, unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized dogs in subsection (g)(1) herein shall apply.
 - b. The second and each subsequent violation within a three-year period shall result in a two-hundred-dollar fine, unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized dogs in subsection (g)(1) herein shall apply.
 - c. The fine structure applicable to sterilized dogs in subsection (g)(1) herein shall also apply to unsterilized dogs too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's licensing by a veterinarian licensed to practice within the state.

(Ord. No. 18,959, § 5, 10-7-03; Ord. No. 20,121, § 4, 6-16-09)

Sec. 6-17. - Minimum care.

- (a) Shelter.
 - (1) All dogs shall have continuous access to a structurally sound, moisture-proof and windproof shelter large enough to keep the dog reasonably clean and dry.

- (2) A shelter which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.
- (3) A dog's shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.

(b) Nutrition.

- (1) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh, potable water adequate for the dog's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighted or secured to prevent tipping.
- (2) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.

(c) Exercise.

- (1) The enclosure or confinement area for a dog shall encompass sufficient usable space to keep the animal in good condition.
- When a dog is confined by means of a tether and cable run, the trolley system shall be configured to allow access to the maximum available exercise area.
- (3) When a dog is confined outside by means of an enclosure or an electronic containment device, the following minimum space requirements shall be met:
 - (i) Large dog. For a dog that is larger than twenty (20) inches at the withers or that weighs more than fifty (50) pounds, the minimum confinement area per dog is one hundred (100) square feet.
 - (ii) Medium dog. For a dog that is larger than twelve (12) inches at the withers and up to twenty (20) inches at the withers or that weighs over twenty (20) pounds and up to fifty (50) pounds, the minimum confinement area per dog is eighty (80) square feet.
 - (iii) Small dog. For a dog that is twelve (12) inches or less at the withers or that weighs twenty (20) pounds or less, the minimum confinement area per dog is fifty (50) square feet.

(Ord. No. 18,959, § 5, 10-7-03; Ord. No. 20,121, §§ 5, 6, 6-16-09)

Sec. 6-18. - Barking, howling.

It shall be unlawful for any person to keep on his premises, or under his control, any dog which by loud and frequent barking and howling shall disturb the reasonable peace and quiet of any person.

(Ord. No. 18,959, § 5, 10-7-03)

Sec. 6-19. - Potentially dangerous breeds.

(a) General.

- (1) There shall be a recognized category of dogs designated as potentially dangerous breed.
- (2) Beginning on the ninety-first day after passage of this section, it shall be unlawful for any person to keep within the city limits any potentially dangerous breed, except in compliance with the provisions of this section.

- (3) A potentially dangerous breed shall include the following:
 - (i) A pit bull, which is defined as any dog that is an American pit bull terrier, a Staffordshire terrier, or American Staffordshire terrier, and any dog of mixed breeding that has the primary characteristics of an American pit bull terrier, a Staffordshire terrier, or an American Staffordshire terrier. The American Kennel Club and United Kennel Club standards for the above breeds shall be on file for viewing at the city's animal shelter.
 - (ii) Any other breed that is so declared by ordinance.
- (4) For purposes of this section an "owner" is defined as any person who owns, keeps, exercises control over, maintains, or harbors a potentially dangerous breed.
- (5) Notwithstanding the special provisions set forth below as to keeping a potentially dangerous breed within the city limits:
 - Any such animal is also subject to the provisions for designation as a dangerous dog or as a vicious dog.
 - (ii) Any such animal declared to be a vicious dog shall be euthanized once process to declare the animal a vicious dog has been completed.
 - (iii) The city's animal services division may temporarily harbor and transport any potentially dangerous breed for purposes of enforcing the provisions of this section.
 - (iv) An owner may transport into and temporarily hold in the city limits a potentially dangerous breed for the purpose of transporting the dog to a veterinarian or groomer for care, or to participate in a contest or show sponsored by the American Kennel Club or the United Kennel Club.
- (b) Permit required.
 - (1) Permit. A potentially dangerous breed may be kept within the city limits only so long as the registered owner or custodian complies with the requirements and conditions of the potentially dangerous breed permit.
 - (2) Permit fee. The owner or custodian shall pay an annual permit fee established by the city manager, in addition to all other required fees, for each year that a potentially dangerous breed is kept within the city limits.
- (c) Registration requirements. The owner of any potentially dangerous breed shall be allowed to keep such dog within the Little Rock city limits only if the owner registers the dog with the city's animal services division on an annual basis and obtains a potentially dangerous breed permit and a window sticker with each annual registration. As a condition of registration, the owner shall at the time of application provide sufficient evidence that the owner is in compliance with all of the following requirements:
 - (1) Rabies vaccination. The dog must be vaccinated against rabies by a licensed veterinarian on an annual basis.
 - (2) Current city license. The owner must purchase an annual city license for the dog, and the dog must wear the city license tag on its collar at all times.
 - (3) *Microchip.* The dog must be identified by means of a microchip that is injected under its skin by a licensed veterinarian and maintained as long as the animal is kept within the city limits.
 - (4) *Photo.* The owner must bring their potentially dangerous breed to the city animal shelter to have its photo taken with the owner.
 - (5) Sterilized. The owner must provide documentary proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply if:
 - (i) Animal services receives a letter from the owner's veterinarian, to be confirmed by the animal services veterinarian, stating that the dog is

- physically unable to reproduce or that the dog is medically compromised to the extent that it cannot be safely sterilized;
- (ii) The potentially dangerous breed is a registered AKC or UKC show dog with points or with documentation of training for show purposes, if the owner purchases an annual show dog permit for a fee established by the city manager; or
- (iii) The dog is a registered AKC or UKC dog with points, and the owner purchases an annual breeder's permit for a fee established by the city with the restriction that the dog shall be allowed to produce or sire no more than one (1) litter per calendar year beginning on January 1 and ending on December 31. For any additional litter produced in any calendar year, there shall be a fine, in addition to any other fine, of five hundred dollars (\$500.00) against both the sire and the bitch, and two hundred fifty dollars (\$250.00) for each live pup.

(d) Permit conditions.

- (1) Place of confinement. A potentially dangerous breed must reside at the owner's residence or place of business.
- (2) Window sticker. An annual window sticker, provided at the time of registration, must be posted on the owner's property, visible from the street to indicate that a potentially dangerous breed resides on the property.
- (3) Confinement. A potentially dangerous dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape. Potentially dangerous dogs shall not be confined by means of an electronic containment device, or invisible fence. When outside of an area of confinement, a potentially dangerous breed must be restrained by means of a secure leash held by an adult who has the ability to control the dog.
- (4) No transfer of permit. A potentially dangerous breed permit shall not transfer to a new owner residing in the city limits. The new owner must meet all registration requirements within ten (10) days of acquiring the dog.
- (5) Relocation reported. The owner of a potentially dangerous breed may relocate the dog to the owner's new Little Rock residence or place of business if the owner contacts animal services prior to the relocation in order to report the new address and obtain a new window sticker. The new window sticker must be posted at the new residence or place of business within thirty (30) days of the move.
- (6) *Maximum number.* The number of potentially dangerous breed dogs kept, maintained or harbored at one residence shall not exceed two (2).
- (e) Breed designation appeals. The owner of a dog that has been identified as a potentially dangerous breed under this section shall have the right to an administrative appeal of the breed designation by submitting a request for a hearing to the animal services division manager in writing within five (5) days of the division manager's designation of the owner's dog as a potentially dangerous breed. A hearing to consider disputes and to view the dog's physical characteristics and pedigree shall be conducted by a committee appointed by the city manager and comprised of at least the animal services veterinarian, a member of the animal services advisory board and a Little Rock citizen. The committee shall make a final determination of the dog's breed or predominant breed characteristics. If the committee determines that the dog is a potentially dangerous breed, as defined by this section, the owner shall have ten (10) days to meet all registration requirements and to comply with all permit conditions.
- (f) Compliance period. Within ten (10) days after acquiring a potentially dangerous breed, or

after moving to the city with a potentially dangerous breed, or after a potentially dangerous breed designation has been affirmed on appeal, or after noncompliance under this section has been brought to the attention of animal services, the owner of a potentially dangerous breed must register their dog and comply with all potentially dangerous breed regulations.

- (g) Enforcement.
 - (1) Dangerous breed regulation violations. Failure to comply with any potentially dangerous breed registration requirement or permit condition within the allotted ten (10) day time period shall constitute a violation of this chapter and may result in the issuance of a citation and a warrant to seize the owner's dog if it is not removed from the city limits pending adjudication of the citation.
 - (2) Noncruelty violations. Permits to keep a potentially dangerous breed within the city may be revoked by the animal services division upon the owner's second conviction for violation of the city's noncruelty animal code provisions. If the permit(s) is revoked, a warrant to seize the potentially dangerous breed may be served on the owner if the dog is not removed from the city limits. In addition, the owner shall lose their right to register any potentially dangerous breed within the city for a period of two (2) years.
 - (3) Cruelty violations. Upon conviction for any animal cruelty charge, the owner of a potentially dangerous breed shall lose their potentially dangerous breed permit(s) and shall lose their right to register any potentially dangerous breed within the city for a period of ten (10) years. A warrant may be obtained to seize the owner's potentially dangerous breed dog(s) pending adjudication of the cruelty violation citation. Upon conviction for animal cruelty and revocation of the potentially dangerous breed permit, the owner's potentially dangerous breed dog(s) must be removed from the city limits or surrendered to the Little Rock Animal Services Division.
- (h) Authority to euthanize potentially dangerous breed declared to be a vicious animal. Notwithstanding any provision of this Code of Ordinances, if a potentially dangerous breed is declared to be a vicious animal pursuant to the provisions of subsection 6-21(b) the dog shall be euthanized within seventy-two (72) hours of the final vicious dog declaration.

(Ord. No. 20,121, § 8, 6-16-09) **Editor's note—**

See editor's note at the beginning of this article.

Sec. 6-20. - Dangerous dog designation.

- (a) General. It shall be unlawful for any person to keep within the city limits any dangerous dog, except in compliance with the provisions of this section.
- (b) Grounds for dangerous dog designation. A dog is considered dangerous for purposes of this section if:
 - (1) Without provocation, it attacks or bites a person engaged in a lawful activity;
 - (2) While off the property of its owner and without provocation, it seriously injures another domesticated animal:
 - (3) Without provocation while not on a leash and under the control of its owner or custodian, it chases, confronts or approaches a person on a street, sidewalk or other public property in a menacing fashion such as would put a reasonable person in fear of attack;
 - (4) Acts in a manner which the owner knows, or reasonably should know, is an

- indication that the dog is dangerous and is not merely being protective in a particular set of circumstances; or
- (5) Has been declared dangerous, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for dangerous dog designation under the provisions of this ordinance.
- (c) Impoundment pending declaration. Upon reasonable suspicion that a dog is dangerous and poses a serious threat to public health or safety, the animal services division manager, or appointed designee, may seek a warrant to seize the dog for quarantine at a veterinary clinic or for impoundment at the animal services facility, pending the dangerous dog declaration process.
- (d) Dangerous dog designation.
 - (1) Designation. If the animal services division manager has cause to believe that a dog is dangerous, the division manager may find and declare such dog a dangerous dog.
 - (2) Notice. Within three (3) days of declaring a dog dangerous, the animal services division manager shall give notice of the declaration and the reasons for it in writing to the person who owns, keeps, or otherwise maintains the dog. The notice shall inform the owner or custodian that a permit is required to keep such dangerous dog within the city limits.
 - (3) Opportunity to contest designation. The notice shall also inform the owner or custodian of the dog that a hearing to contest the declaration shall be held before the city manager, or appointed designee, if a request for a hearing is submitted in writing to the animal services division manager within five (5) working days from receipt of the notice of dangerous dog declaration.
 - (4) Status pending hearing. Once notice of dangerous dog designation has been given, the dog shall be considered dangerous unless, and until such time as, the declaration is overruled by the city manager or appointed designee. If a hearing is requested, the owner shall not be required to obtain a dangerous dog permit unless, and until such time as, the declaration is upheld by the city manager or appointed designee.
 - (5) Hearing. Hearings required pursuant to this subsection shall be held no more than five (5) working days from the date of receipt of the request. The city manager, or appointed designee, shall act as the appeal hearing officer and shall make his ruling on the basis of a preponderance of the evidence presented at the hearing. The hearing shall be an informal proceeding, and each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the party. Either party may call the owner/custodian as a witness. The decision of the hearing officer is final.
 - (6) Compliance. If the person owning, keeping, possessing or otherwise maintaining the dog fails to request a hearing, or if the hearing officer determines that the dangerous declaration stands, the owner or custodian shall comply with the requirements of this section in order to keep such dog within the city limits.
- (e) Permit required.
 - (1) A dangerous dog may be kept within the city limits only so long as the owner or custodian complies with the requirements and conditions in accordance with the dangerous dog permit.

- (2) The owner or custodian shall pay an annual permit fee of one hundred fifty dollars (\$150.00) for possession of a dangerous dog, in addition to all other required fees.
- (f) Conditions for keeping a dangerous dog. The requirements and conditions for keeping or maintaining a dangerous dog within the city limits shall include:
 - (1) Confinement. All dangerous dogs shall be securely confined:
 - (i) Indoors; or
 - (ii) In an enclosed and locked pen or physical structure upon the premises of the owner. The pen or physical structure must meet the minimum space requirements of this chapter and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The pen or physical structure must be capable of preventing the entry of the general public, including children, and must be capable of preventing the escape or release of the dog. Electronic containment devices shall not be used to confine dangerous dogs.
 - (2) *Minimum care*. All shelter and minimum care standards required by this chapter shall apply to dangerous dog confinement.
 - (3) Leash and muzzle. The owner of a dangerous dog shall not allow the dog to go outside of its kennel, pen or physical structure unless the dog is muzzled, restrained by a leash sufficient to control the dog, and under the physical control of an adult. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal. A muzzle is not required if the dog is:
 - (i) In the owner's yard if the yard is enclosed by a fence that is capable of preventing uninvited entry by other dogs or people; and
 - (ii) Is restrained by means of a leash held by an adult.
 - (4) Signs. The owner of a dangerous dog shall provide public notice of the dog's presence on the premises by displaying a warning sign provided by the animal services division. The sign shall be placed in a prominent place on the owner's property, clearly visible from the public highway or thoroughfare. Similar signs shall be posted on the dog's kennel, pen or enclosed structure.
 - (5) Photograph identification. Within ten (10) days of the declaration of a dog as dangerous, the owner or custodian shall provide the animal services division manager with two (2) digital-quality color photographs of such dog, clearly showing the color and approximate size of the animal, or shall make the dog available for photographing by the animal services division.
 - (6) Change of status. The owner or custodian of a dangerous dog shall notify the animal services division immediately if the dog is unconfined and on the loose, or has attacked a human or a domestic animal.
 - (7) Change of ownership. If the owner of a dangerous dog sells, gives away, or otherwise transfers custody of the dog, the owner shall, within five (5) calendar days, provide the animal services division with written documentation containing the name, address, and telephone number of the new owner or custodian. The previous owner shall also, within five (5) calendar days of transferring ownership or custody of the dog, notify the new owner of the dog's designation as a dangerous dog and, if the new owner resides within the city limits, of the requirements and conditions for keeping a dangerous dog. This notice shall be in writing and a copy shall be provided to the animal services division. Upon being notified that a dangerous dog has been removed to another jurisdiction, the animal services

division is authorized, but not required, to notify the appropriate governmental department in the jurisdiction where the dog has been transferred that the dog has been declared dangerous by the city.

- (g) Failure to comply. It shall be unlawful for the owner or custodian of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be kept in violation of this section shall be subject to seizure and impoundment. In addition, failure to comply shall result in the revocation of the dangerous dog permit for such dog. In the event of permit revocation, the owner or custodian shall remove such dog from the city limits within twenty-four (24) hours of receipt of the notice of revocation, or the dog shall be humanely destroyed.
- (h) Exemptions. Dogs that are used regularly for law enforcement purposes shall not be subject to this section, but shall be confined and maintained in accordance with the law enforcement agency's general orders.

(Ord. No. 20,121, § 8, 6-16-09) **Editor's note—**

See editor's note at the beginning of this article.

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Sec. 6-21. - Vicious dog designation.

- (a) General. It shall be unlawful for any person to keep within the city limits any vicious dog.
- (b) Grounds for vicious-dog designation. A dog is considered vicious for purposes of this section if it:
 - (1) Causes death or serious physical injury to a person engaged in a lawful activity;
 - On two (2) or more occasions, attacks or bites without provocation a person engaged in a lawful activity;
 - On more than one (1) occasion, while off the property of its owner and without provocation, seriously injures another domesticated animal;
 - (4) Without provocation, kills a domesticated animal;
 - (5) Trains for dog fighting or is owned or kept for the purpose of dog fighting; or
 - (6) Has been declared vicious, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for vicious dog designation under the provisions of this article.
- (c) Impoundment pending declaration. Upon reasonable suspicion that a dog is vicious and poses a serious threat to public health or safety, the animal services division manager, or appointed designee, may seek a warrant to seize the dog for quarantine at a veterinary clinic or for impoundment at the animal services facility, pending the vicious dog declaration process.
- (d) Declaration of a vicious dog.
 - (1) Notice to owner. In instances where the dog is declared vicious, the division of animal control shall, within forty-eight (48) hours, notify the owner of the dog in writing posted at the owner's or custodian's last known address, that the dog has been determined to be a vicious animal, the reasons for the declaration and, if applicable, that the dog has been quarantined or impounded by animal services. The owner shall have five (5) days from delivery of the notice to contact the division of animal services and comply with the ordinance by removing the dog from the city limits or by having the dog euthanized.
 - (2) Opportunity to contest vicious designation. The notice shall also inform the owner or custodian of the dog that a hearing to contest the declaration shall be held before the city manager, or appointed designee, if a request for a hearing is

- submitted in writing to the animal services division manager within five (5) working days from receipt of the notice of vicious-dog declaration.
- (3) Status pending hearing. Once notice of vicious-dog designation has been given, the dog shall be considered vicious unless, and until such time as, the declaration is overruled by the city manager or appointed designee.
- (4) Hearings. Hearings required pursuant to this subsection shall be held no more than five (5) working days from the date of receipt of the request. The city manager, or appointed designee, shall act as the appeal hearing officer and shall make his ruling on the basis of a preponderance of the evidence presented at the hearing. The hearing shall be an informal proceeding, and each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the party. Either party may examine the owner/custodian. The decision of the hearing officer is final.
- (5) Change of status. The owner or custodian of a vicious dog shall notify the division of animal control immediately if the dog is unconfined and on the loose, or has attacked a human or a domestic animal.
- (6) Failure to comply. If the person owning, keeping, possessing or otherwise maintaining the dog fails to request a hearing, or if the hearing officer determines that the vicious declaration stands, the owner or custodian shall comply with the ordinance by removing the dog from the city limits or by having the dog euthanized. If the dog owner/custodian does not comply with the ordinance, the animal services division manager, or appointed designee, may seek a court order to impound the dog, if necessary, and may have such dog euthanized.
- (e) Exemptions. Dogs that are used regularly for law enforcement purposes shall not be subject to this section, but shall be confined and maintained in accordance with the law enforcement agency's general orders.

(Ord. No. 20,121, § 8, 6-16-09) **Editor's note**—

See editor's note at the beginning of this article.

Secs. 6-22—6-25. - Reserved.

FOOTNOTE(S):

(25) **Editor's note**— Ord. No. 18,959, § 1, adopted Oct. 7, 2003, repealed §§ 6-42—6-46.1 and § 6-48, which were contained in art. III, titled dogs and cats. Similar information pertaining to dogs only is set out herein in this art. II. Said ordinance also repealed § 6-21, which pertained to animal bites and derived from Ord. No. 18,668, § 3, adopted April 2, 2002. (Back)

(25) Ord. No. 20,121, §§ 7, 8, adopted June 16, 2009, reorganized certain provisions of this article to facilitate easier reference to Code provisions regarding potentially dangerous dogs, dangerous dogs and vicious dogs. Section 6-20, entitled "Potentially dangerous breeds", was renumbered as § 6-19. The previous § 6-19, entitled "Dangerous or vicious dog designation", shall be restructured by renumbering and renaming subsection (a) as "Section 6-20. Dangerous dog designation" and by renumbering and renaming subsection (b) as a newly created "Section 6-21. Vicious dog designation." (Back)