

ORDINANCE NO. 292

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE VOIDING ORDINANCE 220, PASSED ON SEPTEMBER 8<sup>TH</sup>, 2003, AND SETTING FORTH DEFINITIONS AND PENALTIES FOR ANY DANGEROUS ANIMAL WITHIN THE CITY OF MARMADUKE, AND FOR OTHER PURPOSES

WHEREAS, in response to the ever present danger of vicious animals that pose a threat to the health and safety to the citizens of the City of Marmaduke, and

WHEREAS, to protect the citizens and animals from animal attacks and provide adequate penalties to deter such harboring of said animals; and

WHEREAS, the City Council desires to clarify the definition of all applicable dangerous and vicious animals; and

WHEREAS, the City Council also seeks to address dangerous animals that have exhibited behavior of aggressive tendencies in the past; and

WHEREAS, the City seeks to establish methods for tracking and recording of propensities of these animals, and

WHEREAS, the City Council seeks to have adequate measures in place for the keeping and harboring of dangerous animals within the City of Marmaduke.

NOW THEREFORE BE IT ORDAINED BY THE City Council of the City of Marmaduke, Arkansas,

**SECTION 1.**

Ordinance Number 220 shall be void and this Ordinance shall replace all provisions.

**SECTION 2.**

No person shall own, keep, or harbor a vicious animal as defined herein, unless they adhere to the terms of this Ordinance.

Vicious Animal. A vicious animal will be determined in one of two ways:

1) The City of Marmaduke has received a complaint of the animal's propensity, tendency, or disposition of attack or cause injury or otherwise endanger and said complaint has been logged by the Marmaduke Police Department. The City of Marmaduke will then send notification to the owner of the animal notifying the owner of the complaint. If an additional complaint is received, during the next 12-

month period, the owner of the animal will be cited with a violation of this ordinance and the matter will be adjudicated in the District Court under this ordinance.

OR

2) A complaint is made to the Marmaduke Police Department whereby an animal has attacked, bitten, or caused injury to another person(s), domestic animals and/or other property.

### SECTION 3. Penalty.

Any person, firm, or corporation violating this division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$150.00 nor more than \$250.00 for the first violation. For each subsequent conviction, within a 12 month time period, the fine shall increase in increments of \$250.00. The judge may impose other sanctions or forms of punishment, as he/she shall see fit such as:

a) Restitution: Any person or animal that is a victim(s) of a vicious animal, under the terms of this ordinance, shall be entitled to restitution for the out of pocket expense, medical or otherwise, that the victim(s) incurred as a result of the violation. The City of Marmaduke shall be entitled for all costs of keeping, feeding, and other required veterinary costs incurred pending the adjudication of this matter.

b) Termination of Animal: The District Court Judge does have the discretion to have the vicious animal's life terminated depending upon the circumstances of the violation. If this is decided, it will be done at the violator's expense.

SECTION 4. If an animal is found to be vicious by this court, or previously has been found guilty under prior law, the following shall be regulations for keeping of a vicious animal. No person shall own, keep, or harbor a vicious animal as defined herein, unless they adhere to the terms of this ordinance.

#### Regulations for keeping vicious animals.

a) No person owning, harboring or having the care of a vicious animal shall allow or permit such animal to go unconfined on the premises of such person, nor shall the person allow or permit such animal to be loose unless it is securely leashed with a leash no longer than four (4) feet in length, and

b) No person shall permit a vicious animals to be kept on a chain, rope or other type of leash outside its kennel or pen unless that person is in physical control of the leash. A vicious animal may not be leashed to an inanimate object such as trees, posts, buildings, etc., while the

animals is unattended. In addition, all vicious animals on a leash outside their kennel or pen must be muzzled by a muzzling device sufficient to prevent such animals from biting persons or other animals, and

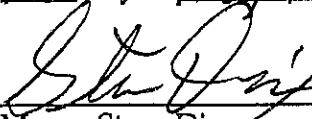
c) No person shall permit a vicious animal to be kept in a kennel or a fence unless said kennel or fence is kept in the backyard of the residence, and

d) No person shall permit a vicious animals unless they shall provide, on an annual basis, a liability insurance policy to be kept on file with the City Clerk reflecting a minimum policy amount of \$100,000 for any incidents with the vicious animal and the animal shall be named therein.

Any failure to abide by these terms shall result in immediate removal of vicious animals from the City of Marmaduke, by the owner.

**SECTION 5.** All Ordinances, and amendments to Ordinances, and parts of Ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED this 18<sup>th</sup> day of August, 2020.

  
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Mayor Steve Dixon

ATTEST:

  
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Betty Jackson, City Clerk