

ORDINANCE NO. 1771

AN ORDINANCE DECLARING IT ILLEGAL TO
MAINTAIN ANY VICIOUS ANIMALS WITHIN THE
CORPORATE LIMITS OF THE CITY OF EUREKA SPRINGS
BY AMENDING TITLE 6 OF THE EUREKA SPRINGS
MUNICIPAL CODE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA SPRINGS,
ARKANSAS:

Section 1: Title 6, Chapter 6.04.01. Definitions:

VICIOUS ANIMAL is amended as follows:

VICIOUS ANIMAL: Any animal or animals that constitute a physical threat to human beings or other animals. Any animal which in an unprovoked attack outside of the boundaries of any real property owned or leased by the owner of the animal causes injury to a human being sufficient to require quarantine of the animal for observation against rabies is presumed to be a vicious animal and a nuisance animal for purposes of this Title.

Section 2: Title 6, Chapter 6.04.04, Restraint is amended by adding the following:

(d) It shall be illegal to maintain any vicious animal within the corporate limits of the City of Eureka Springs regardless of whether or not it is kept under restraint by its owner.

Section 3: Title 6, Chapter 6.04.05, Impoundment and Violation Notice is amended by adding the following:

(j) If the police animal control officers or humane officers have reason to believe that any animal is a vicious animal as defined in this Title, then they shall file an

affidavit asserting the facts concerning the animal with the Municipal Court. The Municipal Court may issue a summons or warrant for the arrest of the owner of the animal for violation of this code and may order the police to impound the animal after its release from quarantine or to place the animal in quarantine. The owner may apply for an immediate hearing by the Municipal Court for relief from the order.

Section 4: Title 6, Chapter 6.04.09, Penalties is amended by adding the following:

Any animal determined to be a vicious animal by the Municipal Court shall, after thirty (30) days of the entry of judgment ordering the animal destroyed, be humanely put to death unless the owner shall have made provision to keep the animal outside of the corporate limits of the city. All costs of maintaining the animal shall be charged to the owner if he/she is convicted of maintaining a vicious animal within the corporate limits of the City of Eureka Springs. Otherwise such costs shall be paid by the City.

Section 5: Severability. The provisions of this Ordinance are hereby declared to be severable. If any provision is held to be invalid or to be inapplicable to any person or circumstances, such invalidity or inapplicability shall not affect the remainder of the provisions of this Ordinance.

Section 6: Emergency. It has been found, and is hereby declared, that it shall be essential to the health, safety and welfare of the City that this Ordinance take

force and effect without delay. Therefore, an emergency is declared to exist, and this Ordinance shall be in full force and effect upon its publication according to law.

PASSED AND APPROVED by the City Council of Eureka Springs, this 28th day of October, 1997.

Barbara O'Harris
Barbara O'Harris
Mayor

ATTEST:

Mary Ann Lee
Mary Ann Lee
City Clerk