

ORDINANCE NO. 2026-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE PROHIBITING THE ABANDONMENT OR DUMPING OF DOGS AND CATS WITHIN THE CITY OF TONTITOWN, AUTHORIZING ENFORCEMENT ACTIONS, AND FOR OTHER PURPOSES

WHEREAS, the City of Tontitown finds that the abandonment and/or dumping of dogs and cats creates risks to animal welfare, public safety, traffic safety, sanitation, and the general health and welfare of the community; and

WHEREAS, abandoned animals may suffer cruelty and inhuman treatment, including injury, starvation, dehydration, disease, or death if not timely secured and provided appropriate care; and

WHEREAS, the City of Tontitown, pursuant to its police powers and the statutory authority granted under the laws of the State of Arkansas, including but not limited to its authority to protect the public health, safety, and welfare, is authorized to regulate the care, control, abandonment, prevent cruelty to animals, and disposition of dogs and cats, including stray and abandoned animals, within its corporate limits; and

WHEREAS, the City Council finds that prohibiting animal dumping and providing a local enforcement mechanism is in the best interest of the public peace, health, safety, and welfare of the City and its citizens.

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Tontitown, Arkansas:

Section 1. This Ordinance shall be known as the “Animal Abandonment and Dumping Prohibition Ordinance.”

Section 2. The purpose of this Ordinance is to prohibit the abandonment or dumping of dogs and cats within the City of Tontitown, to provide for enforcement by appropriate officials, and to protect both animal welfare and the health, safety, and welfare of the public.

Section 3. (A) “Abandon” or “Abandonment” means knowingly or intentionally leaving a domesticated dog or cat unattended, without reasonable provision for food, water, shelter, or necessary care, and without making reasonable arrangements for its continued custody.

(B) “Dumping” means releasing, depositing, leaving behind, or otherwise discarding a dog or cat on public property, private property without the property owner’s consent, a roadway, right-of-

way, park, commercial area, rural area, or any other location for the purpose of avoiding ownership or custody responsibilities.

(C) “Dog or Cat” means any domestic dog or domestic cat.

(D) “Law Enforcement Officer” means any certified law enforcement officer with authority within the City of Tontitown.

(E) “Appropriate Place of Custody” means an animal shelter, veterinary clinic, rescue organization, foster placement, or other location approved by the City or law enforcement for the temporary safekeeping of an animal.

(F) “Owner or Custodian” means any person who owns, possesses, keeps, harbors, or has care or control over a dog or cat.

Section 4. (A) It shall be unlawful for any person to abandon or dump any dog or cat within the corporate limits of the City of Tontitown.

(B) It shall be unlawful for any person to transport a dog or cat into the City for the purpose of abandonment or dumping.

(C) It shall be unlawful for any owner or custodian of a dog or cat to knowingly leave the animal in conditions under which there is a substantial likelihood that the condition of the animal will deteriorate without prompt intervention in violation of Arkansas cruelty-to-animals laws or under conditions that would constitute neglect.

Section 5. (A) Upon a complaint or other lawful basis to believe that a dog or cat has been abandoned, dumped, or is being subjected to cruelty or neglect, a law enforcement officer may investigate the circumstances and take any action authorized by state law and this Ordinance.

(B) Consistent with Arkansas Code Annotated § 5-62-128, , following a complaint of cruelty to dogs or cats, a law enforcement officer may temporarily secure a dog or cat and transfer temporary possession of the dog or cat to an appropriate place of custody if a substantial likelihood exists that the condition of the dog or cat would deteriorate if the animal were not secured.

(C) In determining whether securing a dog or cat is necessary under this section, a law enforcement officer may consider the condition of other dogs or cats belonging to the same owner as evidence supporting the securing of the animal.

(D) Nothing in this Ordinance shall limit any authority otherwise granted under state law relating to cruelty to animals, seizure, impoundment, citation, arrest, or prosecution.

(E) Nothing in this Ordinance shall authorize entry onto private property without a warrant, consent, or by exigent circumstances.

Section 6. (A) A violation of this Ordinance shall constitute a misdemeanor offense punishable as provided by the general penalty provisions of the Tontitown City Code and applicable Arkansas law

(B) Each animal abandoned or dumped in violation of this Ordinance may constitute a separate offense.

(C) Each day the violation continues may constitute a separate offense.

(D) In addition to any criminal penalty, a court may order restitution or reimbursement for reasonable costs incurred for the care, transport, shelter, and treatment of the animal to the extent permitted by law.

(E) In addition to any criminal penalties provided herein, any person who violates this Ordinance shall be subject to a civil penalty in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each animal abandoned or dumped, and each day a violation continues, may be considered a separate and distinct violation for purposes of assessing civil penalties.

(F) Any person found to be in violation of this Ordinance shall be liable to the City, or to any entity providing care on behalf of the City, for all reasonable costs incurred in the seizure, transport, impoundment, shelter, veterinary treatment, and care of the animal. Such costs may be recovered through civil action and may be reduced to judgment.

(G) The City may enforce this Ordinance through administrative proceedings, including the issuance of civil citations and the imposition of fines, in addition to or in lieu of criminal prosecution, to the extent permitted by law.

(H) The City may seek injunctive or other equitable relief in a court of competent jurisdiction to enforce compliance with this Ordinance.

Section 7. The remedies and penalties provided in this Ordinance are cumulative, not exclusive, and in addition to any other remedies or penalties available under state law or the Tontitown Municipal Code.

Section 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision.

Section 10. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED on this _____ day of April 2026.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

SPONSORSHIP AND LEGISLATIVE HISTORY

Sponsor (Initiated By): _____

Motion to Introduce Made By: _____

Seconded By: _____

Adopted / Passed: _____

Vote: Ayes ____ Nays ____ Abstain ____ Absent ____

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.