ORDINANCE NO. 2001-06

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 6.08 OF THE ATKINS MUNICIPAL CODE COMMONLY KNOWN AS THE DOG LEASH LAW, INCREASING THE PENALTIES FOR VIOLATIONS OF SUCH LAW AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Atkins, Arkansas, (the "City"), hereby finds that there is an immediate need to increase the penalties for violations of the dog leash law, and;

WHEREAS, there is a need for more strict provisions concerning the keeping of the dogs within the city limits of the City of Atkins.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Atkins, Arkansas:

SECTION 1. Section 6.08.01 Running at large prohibited is hereby amended to read as follows:

Section 6.08.01 Running at large prohibited. No person, firm, corporation, or other entity owning, possessing or keeping a dog shall allow said dog to run at large within the city limits of the City of Atkins. All dogs shall be deemed at large except when such dog is:

(1) Constrained on a lease securely held by a competent human being;

(2) Confined in a vehicle, pen or enclosure sufficient to keep the dog from escaping therefrom.

It shall be a violation of this ordinance, however, for any dog to be restrained on a leash, chain, rope, or cable

which is attached to a stationary object.

SECTION 2. Section 6.08.04 Retrieval is hereby amended to read as follows:

Section 6.08.04 Retrieval. The owner, possessor, or keeper of an impounded dog may retrieve the dog from the City animal shelter by establishing proof of ownership or right to possession. Such proof may consist of but shall not be limited to exhibiting proof of vaccination of the dog against rabies within the past year. In addition the owner, possessor, or keeper or any other person, firm, corporation or other entity claiming the dog shall pay a $30.00 impoundment fee. In the event the dog has not been vaccinated, the person retrieving the dog will be required to have the dog vaccinated. Any person other than the owner, possessor, or keeper of the dog seeking to obtain possession of the dog after the expiration date to claim the dog may do so by arranging to have the dog vaccinated and paying the impoundment fee.

SECTION 3. Section 6.08.05 Owner charged with violation shall be amended to read as follows:

Section 6.08.05 Owner, possessor, or keeper charged with violation. In the event any dog is observed at large, the owner, possessor, or keeper of the dog, as the case may be, if known, shall be charged with violating this ordinance.

SECTION 4. Section 6.08.8 Penalty shall be amended to read as follows:

Section 6.08.08 Penalty. Any person, firm, corporation or other entity violating any provision of this ordinance shall pay a fee to the City of Atkins in an amount not less than $50.00 nor more than $150.00. The revenues from such fees shall be placed in the street fund of the City of Atkins and shall be used for street paving purposes only. A warrant shall be issued for the arrest of any person, firm, corporation or other entity who fails to pay such fee within seventy-two (72) hours of the service of the citation. Such person, firm, corporation or other entity shall then be deemed guilty of a misdemeanor and shall be fined in an amount not less than $50.00 nor more than $300.00 or imprisoned in the county jail for a period not exceeding 30 days, or both. The revenues collected from such fines shall be placed in the General Fund of the City of Atkins.

SECTION 5. Section 6.08.09 Procedure for arrest of violators shall be amended to read as follows:

Section 6.08.09 Procedure for arrest of violators. Any person, firm, corporation, or other entity whose person or property is damaged, harm, inconvenienced or injured in any way as a result of any violation of this ordinance may sign an affidavit stating the facts of the violation of this

ordinance and requesting the issuance of a warrant for the arrest of the alleged violator and the usual procedure upon the filing of complaints in the Atkins Police Court shall govern the arrest and trial of the alleged violators.

SECTION 6: Emergency. It is ascertained and declared that this ordinance is necessary for the protection and preservation of the public peace, welfare and safety of the persons and property of the citizens of the City of Atkins that an emergency exists and that this Ordinance shall take effect and be enforced from and after its passage and publication.

DATED this 14th day of August, 2001.

Jerry Don Barrett

JERRY DON BARRETT, Mayor

Brenda Graves

BRENDA GRAVES, City Clerk