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ORDINANCE NO. 11

AN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE KEEPING OF DOGS WITHIN THE LIMITS OF THE CITY OF ATKINS, ARKANSAS".

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS:

SECTION ONE: From and after the effective date of this ordinance, it shall be unlawful for any dog to be anywhere within the city limits of the City of Atkins, except upon the property of the owner, unless said dog is on a leash securely held by a competent human being, or said dog is confined in a vehicle in such a manner that he cannot escape therefrom.

SECTION TWO: Any dog off of the premises of its owner but confined within the confines of an adequately fenced area, or securely fastened to a chain, rope or other type leash, and on the property of another person, with the permission of said person, shall be deemed on the property of the owner for the purposes of this ordinance.

SECTION THREE: From and after the effective date of this ordinance it shall be unlawful for any person, firm or corporation to own, keep or harbor more than six dogs over the age of six months within the corporate limits of the City unless such person, firm or corporation receives permission of the City Council to maintain a dog hospital or a kennel, pays such fees as the Council may establish for the keeping of a kennel or dog hospital and make such sanitary arrangements as the Council may require.

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SECTION FOUR: No person owning, possessing or keeping a dog shall allow the dog to run at large within the City of Atkins, and, any such animal found off the premises of the owner, except while on a leash, confined in an automobile or confined on the premises of another person with his permission as set forth in Section Two hereof, shall be deemed as being at large.

SECTION FIVE: Any dog found at large shall be impounded in the City Animal Shelter for a period of ten (10) days and at the end of the ten (10) days shall be destroyed unless the dog is released prior thereto under the following conditions: Upon impounding a dog, the Police Department of the City shall make a diligent effort to determine the owner of such dog and notify him of such confinement. If the owner of such dog refuses to claim and repossess the dog by payment of the proper fees as prescribed herein within the first six (6) days of impoundment, the City may deliver possession of the dog to any person paying the fees prescribed herein.

SECTION SIX: The owner of an impounded dog may retrieve the same from the City Animal Shelter by exhibiting proof of vaccination of the dog against rabies within the past year and payment of $5.00 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 seeking to obtain possession of a dog after the expiration date for the owner to claim it, if said person is not the owner of said dog, may do so by paying the license fee required, arranging to have the dog vaccinated and paying an impounding fee of $5.00.

SECTION SEVEN: In the event any dog impounded for violating this ordinance, or is observed violating the ordinance although not impounded, the owner thereof shall be charged with the violation of this ordinance.

SECTION EIGHT: Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the Atkins Municipal Court, shall be fined in any sum of not less than $5.00 nor more than $25.00.

SECTION NINE: It shall hereafter be unlawful for any person, firm or corporation to keep on his premises or under his control, any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept.

SECTION TEN: It shall be unlawful for any person, firm or corporation keeping or harbouring dogs to fail to keep the premises where such dogs are kept free from offensive odors to the extent that such odors are disturbing to the person(s) residing within reasonable proximity to the said premises; and it shall be unlawful to allow premises where dogs are kept to become unclean and a threat to the public health by failing to dilligently and systematically remove all animal waste from the premises.

SECTION ELEVEN: The Police Department, health officer and designated officer or city employee, or persons employed by such departments, or persons or any other person damaged, harmed, inconvenienced, or injured in any way whatever by any violation of this ordinance may swear out an affidavit for a warrant for the arrest of the alleged violator and the

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usual procedure upon the filing of complaints in the Atkins Municipal Court shall govern the arrest and trial of the alleged violator.

SECTION TWELVE: In order to provide an extension of time to reduce number of dogs, the provisions of Section Three of this ordinance shall be unenforceable for a period of six (6) months from and after the adoption of this ordinance, thereby allowing owners ample time to provide for quartering and care of dogs elsewhere than on owner's premises, in the event owner owns six (6) or more dogs covered by this ordinance.

SECTION THIRTEEN: All ordinances and portions of ordinances in conflict herewith are hereby repealed. In the event any portion of this ordinance be rendered unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such partial invalidty.

PASSED this 14th day of December, 1976.

CITY OF ATKINS, ARKANSAS

BY: Stephen C Kent
MAYOR

ATTEST:

Dallas L Swain
CITY CLERK

(SEAL)