ORDINANCE NO. 78-32

AN ORDINANCE AMENDING ORDINANCE NO 11 WHICH PRESCRIBED 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: No person 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 dogs are:

(1) Constrained on a leash securely held by a competent human being.

(2) Restrained on a leash securely fastened to a stationary object.

(3) Confined in a vehicle in such a manner that said dog cannot escape therefrom.

(4) Confined within an adequately fenced area.

SECTION TWO: 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 of Atkins, Arkansas, 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 makes such sanitary arrangements as the council may require.

SECTION THREE: 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 disposed of unless the dog is released prior thereto under the following conditions: Upon impounding a dog, the police department of the City of Atkins, Arkansas, shall make a diligent effort to determine the owner of such dog if such dog is wearing an identification tag and to notify the owner of such impoundment. If the

owner of such dog cannot be found or refuses to claim and repossess the dog by payment of the proper fees as prescribed herein within the first seven (7) days of impoundment, the city may deliver possession of the dog to any person paying the fees prescribed herein.

SECTION FOUR: The owner of an impounded dog may retrieve the same from the city animal shelter by establishing proof of ownership. 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 or any other person, firm or corporation claiming or repossessing the dog shall pay a $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 other than the owner of the dog seeking to obtain possession of a dog after the expiration date for the owner to claim the dog, may do so by arranging to have the dog vaccinated and paying an impoundment fee of $5.00.

SECTION FIVE: In the event any dog is observed at large, the owner thereof shall be charged with violating this ordinanc

SECTION SIX: 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 SEVEN: 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 diligently and systematically remove all animal waste from the premises.

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 not less than $5.00 nor more than $25.00.

SECTION NINE: Any person whose person or property is damaged, harmed, inconvenienced, or injured in any way as a result of any violation of this ordinance may swear out an affidavit for a warrant for the arrest of the alleged violator and the usual procedure upon the filing of complaints in the Atkins Municipal Court shall govern the arrest and trial of the alleged violator.

SECTION TEN: The City Council of the City of Atkins, Arkansas, is hereby empowered to establish the position of Animal Control Officer, and may appoint such person or persons to this position that said City Council deems fit and qualified. The said Animal Control Officer shall be authorized as herein provided to collect, impound, and dispose of all dogs found at large on public or private property.

SECTION ELEVEN: 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 invalidity.

PASSED this 9th day of ~~August~~ November, 1978.

CITY OF ATKINS, ARKANSAS

BY: Stephen C Kent
MAYOR

ATTEST:
Dalla Swan
CITY CLERK

(SEAL)