

CITY OF DYER, ARKANSAS

ORDINANCE NO. 2010 - 8 - 17 - 1

AN ORDINANCE PROVIDING AUTHORITY FOR THE HUMANE DESTRUCTION OF DOGS BY COURT ORDER; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dyer acknowledges that dogs running at large, vicious dogs, feral dogs, and abandoned dogs are a problem throughout the city and in certain areas an epidemic, and the city wishes to improve the quality of life of its citizens by authorizing the court ordered destruction of dogs;

WHEREAS, the existing Ordinance No. 5-21-02, only provides for the destruction of an animal held by the Fort Smith Humane Society and does not provide for the court ordered destruction of a dog;

WHEREAS, there may be situations or circumstances in which the court ordered humane destruction of dog is the best resolution to a situation with a dog; and

WHEREAS; the City Council of the City of Dyer, Arkansas desires to provide the various courts that may enforce its city ordinances with the authority to order the humane destruction of a dog when necessary.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS, AS FOLLOWS:

SECTION 1: Any court of competent jurisdiction otherwise authorized or entitled to enforce the city ordinances of the City of Dyer, Arkansas, may order the humane destruction of a dog as a remedy in any case before the court including but not limited to violations of Dyer, Arkansas, Ordinance No. 5-21-02 when the court determines that under the facts and circumstances such action is in the best interests of the public.

SECTION 2: Any court ordered humane destruction of a dog may be conducted by any humane society or animal shelter that routinely performs such procedures and otherwise has all necessary and applicable licenses or by any Arkansas licensed veterinarian.

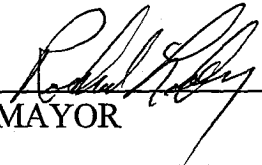
SECTION 3: Any costs or fees associated with the humane destruction and disposal of any dogs under this ordinance may be assessed against the owner, keeper, or harbinger of the dog.

SECTION 4: This ordinance shall in no way infringe or negatively impact upon the right of any person to protect persons or property from harm from any animal as may otherwise be provided under state, local, or common law.

SECTION 5: All provisions of prior ordinances that conflict with the terms and provisions of this ordinance are hereby repealed. This ordinance is intended to provide an additional remedy to Ordinance No. 5-21-02, and should be construed to supplement that ordinance rather than repeal that ordinance.

SECTION 6: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, because of the lack of a mechanism for the courts enforcing the city's ordinances to order the destruction of dogs, and such a state poses a hazard to the citizens of the city. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 17th DAY OF August 2010.



MAYOR



RECORDER/TREASURER