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CITY OF DYER, ARKANSAS

ORDINANCE NO. 2014 - 4 - 22 - 01

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS WITHIN THE CITY OF DYER, REPEALING CONFLICTING ORDINANCES, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Dyer deems it advisable to update its ordinances regarding the keeping of animals within the city in order to protect the safety and welfare of its citizens.

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

SECTION 1: No person shall own, keep, or harbor any dog within the city unless such dog is vaccinated as herein provided.

SECTION 2: All dogs and cats over three (3) months of age within the city shall be vaccinated against rabies once each year by a licensed veterinarian, who will issue to the owner a durable metal tag and a certificate of vaccination. Tags must be attached to the collar or harness of the dog or cat and be worn at all times. Tags are not transferrable from one dog or cat to another dog or cat.

SECTION 3: An owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons. Special care shall be given to ensure that a barking dog(s), maintained at any location, shall not bark or howl in an excessive manner so as to disturb neighboring individuals. The Dyer Police Department shall attempt to ensure that the owners of dogs that engage in excessive barking or howling shall control said dog(s) and stop the excessive barking or noise, especially during the hours of 9:00 p.m. to 7:00 a.m.

SECTION 4: (a) An owner of a dog, whether vaccinated or unvaccinated shall confine such dog within an adequate fence or enclosure or within a house, garage or other building, or shall confine such dog with a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. No dog shall be confined, on a chain that is affixed to a stationary object that is closer than fifteen (15) feet to the nearest

residential structure other than the structure occupied by the animal's owner. It shall further be the duty of any owner or keeper of any dog to keep such dog under such control so as to:

- (1) Prevent such dog from becoming a danger to persons or property, or trespassing upon another person's property without that person's permission; and
- (2) Prevent such dog from running at large upon the streets, sidewalks, alleys, parks, or other public places of the city.

(b) A vicious animal is one that has the propensity to attack or bite humans or other domestic animals, attacks or bites humans or other domestic animals, or otherwise jeopardizes the well-being of humans or other domestic animals. An owner of a vicious animal shall confine it within a building or secure enclosure and not release it therefrom unless it is securely muzzled. Any vicious animal trespassing or running at large is hereby declared a nuisance and may be impounded, ordered confined by the police department, or killed if impoundment is not possible without risk or physical harm to any person. Further, in any prosecution of an owner or keeper of any such vicious animal for trespassing or running at large, the municipal court may, upon conviction entered, order that such animal be humanely destroyed. The court may further order that an animal seized by the police department not be returned to the animal's owner, after the conviction of the owner in municipal court for a violation of state law or the provisions of this ordinance, until such time as court ordered fees are paid, or other court ordered conditions are met.

(c) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat, except for intentional breeding purposes. No more than four (4) dogs or four (4) cats, older than three (3) months of age, may be kept at any residential structure or premises.

(d) It shall be unlawful for any owner or person having control of any chickens, ducks, or other fowl within the city to permit them to run at large.

(e) It shall be unlawful for any owner or person having control of any cats to permit them to run at large. Further, the owners of cats shall maintain those animals on their own premises in a manner so as to not annoy their neighboring property owners. The owners of cats shall ensure that their cats shall not damage or soil property (flower beds, vehicles, screens, etc.) or annoy persons with fighting or excessive noise, especially late at night. Failure to maintain a cat or cats in a manner so as to not annoy neighboring property owners, or so as to avoid property damage, shall be considered a violation of this ordinance. The police department shall not be obligated to attempt to impound a cat upon the complaint

of its running at large unless the person so complaining has already detained the cat.

(f) It shall be unlawful and a violation of this ordinance for the owners of any domestic livestock to permit said livestock to run at large within the city. This shall not include the inadvertent or accidental escape of livestock from their usual enclosure provided that the enclosure is maintained in good order to a reasonable standard. However, the inadvertent or accidental escape of the same livestock from their usual enclosure more than four (4) times in any six (6) month period shall create a rebuttable presumption that the enclosure was not maintained in good order to a reasonable standard.

SECTION 5: Any animal at large or otherwise in violation of the provisions of this ordinance may be impounded by taking the animal to the Fort Smith Humane Society and shall be held there for a period of seventy-two (72) hours and unless within such time the owner or keeper of the dog contacts the Fort Smith Humane Society and pays all fees and costs of impounding the dog and acquires a license and license tag from the City of Dyer if not previously obtained, the dog may be humanely destroyed or ownership transferred to the Fort Smith Humane Society for potential adoption of the dog by a suitable person. Provided, however, that if the dog carries its owner's address, the City of Dyer shall give the dog's owner at least five (5) days' notice by certified letter of the date of the proposed destruction of the dog.

SECTION 6: (a) The provisions of this ordinance shall be enforced by the Dyer Police Department and by the City Attorney, upon receipt of a complaint, or violation observed by them.

(b) No person shall interfere with, hinder, or harass the Dyer Police Department or its officers in the performance of their duties or seek to release any animal in the custody of the department, except as herein provided.

(c) The Police Department is hereby authorized to issue citations to any person for violation of any provision of this ordinance. Such citation shall designate the offense charged and shall require the person so charged to appear before the Dyer Municipal Court on a date certain to answer the charges therein contained.

(d) Any person violating this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), and if such violation be continued, each day's violation shall be a separate offense. The maximum fine per day for a continuing violation shall be two hundred fifty dollars (\$250). For second and all subsequent violations of this ordinance in any twelve (12) month period, the minimum fine shall increase by fifty dollars (\$50) up to the maximum amount allowed of five hundred dollars (\$500).

(e) In addition to the punishment provided in paragraph (d) of this section the court may impose additional conditions that must be satisfied by the owner of the animal.

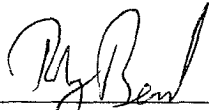
SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: 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 current hazard of animals running at large within the City of Dyer and the conditions of animals kept within the city and the hazards these conditions pose to the citizens. 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 22 DAY OF APRIL, 2014.

APPROVED:

ATTESTED:



MAYOR



RECORDER/TREASURER