

ORDINANCE NO. 0-81-5

AN ORDINANCE PROVIDING FOR THE REGULATION AND CONTROL OF DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF CONWAY, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, chapter 6.04 of the Conway Municipal Code deals with the control of dogs within the corporate limits of the City of Conway, and that the animal control department has recommended various changes in said ordinance portions of the previous code section and newly enacted code sections are combined herein to provide for the continuing control of dogs within this city.

NOW, THEREFORE, be it ordained by the City Council of the City of Conway, Arkansas.

SECTION 1. DEFINITIONS. The following words and phrases shall have the following meaning for the purposes of this ordinance.

(a) Owner. Any person, group of persons, or corporations owning, keeping or harbouring a dog or dogs.

(b) At Large. A dog is at large within the meaning of this ordinance when it is not confined to the premises of the owner or not within a house or other building or enclosure or not restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting the dog to the premises of the owner or not confined by a leash or not confined in an automobile when away from the premises of the owner.

(c) Restraint. A dog is under restraint within the meaning of this ordinance if he is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.

(d) Animal Shelter. Any premises designated by the City of Conway for the purpose of impounding and caring for dogs found running at large in violation of this ordinance.

(e) Animal Control Officer. The person or persons employed by the City of Conway, and designated by the City of Conway as enforcement officer or officers and having authority to carry out all provisions of this ordinance including Police Officers of the City of Conway, Arkansas.

SECTION 2. ENFORCEMENT. The provisions of this ordinance shall be enforced by the Animal Control Officers of the City of Conway and by members of the Conway Police Department.

SECTION 3. CONFINEMENT OF DOGS ON PREMISES OF OWNER. Any person owning, possessing or keeping a dog or dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure or within a house, garage or other building, or shall confine such dog or dogs by 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.

SECTION 4. IMPOUNDMENT.

(a) Any dog found to be at large within the corporate limits of this city may be picked up by the Animal Control Officer and impounded in the shelter designated as the City Animal Shelter and there confined in a humane manner. Dogs which are not claimed by their owners or an authorized representative identified in writing by the owner within five (5) days may be destroyed at the discretion of the Animal Control Officer in a humane method.

(b) Upon payment of the sum of \$3.00 dollars the Animal Control Officer may transfer title of all dogs held by the Animal Shelter to any party except the owner or owner's representative after the aforementioned five (5) day period has expired and the animal has not been claimed by its owner subject to the licensing and vaccination requirements set out in Sections 5 and 10 of this ordinance.

(c) Immediately upon impounding dogs, the Animal Control Officer shall make a reasonable effort if possible to notify the owners of such dogs so impounded, and inform such owners of the condition whereby they may regain custody of such animals.

SECTION 5. RECLAIMING DOGS FEE FOR RECLAIMING. Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded may claim and retrieve such dog from the City Animal Shelter by payment of a fee of five (\$5.00) dollars for the day on which the dog is taken into custody plus an impoundment fee of three (\$3.00) dollars for each subsequent day or part of a day that the dog remains in custody if the dog has been vaccinated against rabies within 11 months immediately preceding such

impounding and is currently licensed as required by law. If said dog has not been vaccinated against rabies within the immediately preceding 12 months and /or is not currently licensed, as applicable, said dog shall not be reclaimed without payment of the following fees. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog from the Animal Control Officer under this ordinance.

An additional fee of \$10.00 plus the regular license fee shall be assessed to the party reclaiming an unlicensed dog if this party is a resident of Conway. The claiming party's valid driver's license address shall be rebuttably presumed to indicate resident status. An additional \$10.00 fee shall be assessed for reclaiming a dog unvaccinated for rabies within the above stated period. Any person claiming unvaccinated and unlicensed dogs shall, after payment of the fee assessed herein and prior to the release of the dog, cause said dog be vaccinated and licensed in accordance with the regulations of said City then in force, and the costs or expense of such vaccination or license fee shall be paid by the party reclaiming such dog and shall be in addition to the fees hereinabove set out.

The Animal Control Officer shall keep complete and accurate records of all dogs impounded and should an owners dog be impounded a second time then in such event the Animal Control Officer, prior to releasing said dog shall require a fee of \$10.00 to be paid by such owner, possessor, keeper of said dog plus \$3.00 per day. Upon each subsequent impoundment of said owner's dog the Animal Control Officer shall not release said dog until the owner, possessor, or keeper thereof shall have paid a fee of \$25.00 plus \$3.00 per day. Upon said subsequent violation the owner, keeper or possessor of such dog shall in addition comply with the above licensing and vaccination fees. The fees described in this section shall be in addition to whatever penalties might be assessed for misdemeanor violations described in other sections under this ordinance.

SECTION 6. BARKING AND HOWLING. It shall be unlawful for any person, firm or corporation to keep on his premises, or under his control and within the City of Conway any dog which by loud and frequent barking and howling shall unreasonably disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept.

SECTION 7. CONDITION OF PEN AND PREMISES. 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 any person residing with reasonable proximity of the said premises; and 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 8. NUMBER OF DOGS. It shall hereafter be unlawful for more than four dogs over six months of age to be confined, kept or harboured upon the premises of any person, firm or corporation within the corporate limits of the city, except that this provision shall not apply to proprietors of dog hospitals and veterinarians when such dogs are kept upon the premises used by such dog hospital and veterinarians as their normal place of business. Keeping, on the premises of the owner, of more than four (4) dogs shall be prima facia evidence of violation of this section, and the burden of proof shall be on the owner to show the ages of such dogs.

SECTION 9. FRAUDULANT REDEMPTION OF DOGS. If any person shall obtain possession and custody of any dog for or on behalf of the owner thereof for the purpose of avoiding payment of the fees and penalties imposed upon the owner by this ordinance, both the owner of such dog and the person so obtaining possession and custody of the dog for the owner shall be deemed to have violated the terms of this ordinance both such persons and such owner shall be punished as hereinafter provided.

SECTION 10. LICENSING AND VACCINATION OF DOGS. All dogs whose owner, possessor or keeper reside in the City of Conway shall have a current City dog tag and shall be vaccinated for rabies evidenced by a current rabies tag and/or rabies certificate. The certificate of vaccination must be presented to the Animal Control Officer or other personnel in order to purchase a City dog tag. This city dog tag will be valid from January 1 to December 31 of the same year. All city dog tags will be renewed during the month of December prior to said tag's expiration date. The cost of said city dog tag will be a \$2.00 fee per year.

SECTION 11. RUNNING AT LARGE. No person owning, possessing or keeping a dog shall allow the same to be at large within the City of Conway, Arkansas.

SECTION 12. INTERFERENCE. No person shall interfere with, hinder or molest the Animal Control Officer in the performance of any duty of such officer, or seek to release any animal in the custody of the Animal Control Officer except as herein provided. No person shall remove any animal or assist any other person in removing any animal from the Conway Animal Shelter except as herein provided.

SECTION 13. DOGS DOING PHYSICAL OR PROPERTY DAMAGE. The owners of all dogs running at large in the City of Conway which dogs while running at large do physical injury or property damage to the property of any person shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$20.00 plus court costs nor more than \$100.00 dollars plus court costs. The owner of any dog doing physical injury to any person while said dog is running at large and not currently vaccinated for rabies shall be guilty of a misdemeanor and shall be fined not less than \$20.00 plus court costs and no more than \$200.00 dollars plus court costs.

SECTION 14. CITATIONS. The Animal Control Officer and members of the Conway Police Department are hereby authorized to issue a citation for arrest as defined by the Arkansas Rules of Criminal Procedure to the owner, keeper or possessor of any dog violating any provision of this ordinance. The citation shall be in the form as approved by the Conway, Municipal Court. Said citation shall designate the offense committed and shall require the person so charged to appear before the Conway Municipal Court to answer the charges therein contained or present said citation at the Conway Municipal Building prior to said court date for disposition. Should an arrest be required for Failure to Appear in response to said citation the Animal Control Officer shall seek the assistance of the Conway Police Department to affect such arrest.

SECTION 15. PENALTY. Any person violating any provisions of this ordinance not punished differently in another section of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction,

shall be punished by a fine of not less than \$10.00 dollars, nor more than \$200.00 dollars, and if such violation be continued, each days violation shall be a separate offense.

SECTION 16. REPEAL. All ordinances which may be found to be in conflict herewith are repealed to the extent of such conflict and chapter 6.04 of the Conway Municipal Code is specifically repealed.

SECTION 17. SEVERABILITY. If any part of this ordinance shall be held void, such parts shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION 18. EMERGENCY. Because of the immediate need to make the above and foregoing changes in the existing Animal Control Ordinance and to revise and update the same, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED: February 10, 1981

ATTEST:

Ann's Quinn

Bill Wright
Bill Wright, Mayor