

ORDINANCE NO. 67

AN ORDINANCE PRESCRIBING CERTAIN RULES AND REGULATION WITH RESPECT TO THE CARE AND KEEPING OF DOGS WITHIN THE CITY OF CHERRY VALLEY, REQUIRING DOGS TO BE PLACED ON LEASH WHEN NOT CONFINED WITHIN A YARD, BUILDING, OR OTHER ENCLOSURES; MAKING PROVISIONS FOR VICIOUS DOGS; PROVIDING FOR THE VACCINATION OF DOGS; PROVIDING FOR KEEPING OF DOGS PICKED UP BY THE ANIMAL CONTROL OFFICER; PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING FOR THE SUBMISSION OF THIS ORDINANCE TO A POPULAR VOTE; AND FOR OTHER PURPOSES,

BE IT ORDAINED by the City Council of Cherry Valley, Arkansas:

SECTION 1: Definitions: The following words and phrases shall for purposes of this ordinance have the following meanings:

- a. Dogs: When used herein shall include animals of all ages, both female and male, which are members of the canine, or dog family.
- b. Owner: Every person, firm, partnership or corporation owning, keeping or harbouring a dog within the corporate limits of the city.
- ✓ c. At Large: Any dog not confined to the premises of the owner or within a house or other building or enclosure or 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, or not confined by leash or confined within an automobile when away from the premises of the owner.
- d. Vaccination: An injection of any vaccine for rabies approved by the State Veterinarian and administered by a licensed veterinarian or pharmacist, or agent of the Health Officer.
- ✓ e. Vicious dog: A dog which has a disposition to bite humans and any dog which has bitten or attempted to bite any person within six months immediately past; however, the fact that a dog has bitten or attempted to bite some person when that person was teasing the dog shall not constitute the dog a vicious dog within the sense of this ordinance.
- f. Muzzle: When required by this ordinance, a muzzle shall be of appropriate material with sufficient strength to restrain the dog from biting and no such muzzle employed shall be made from any such material or maintained on the dog in any manner so as to cut or injure the dog.
- g. Collector: The City Clerk or other duly authorized agent of the City.

SECTION 2: Vicious dogs: It shall hereafter be unlawful for any person, firm or corporation to keep within the corporate limits of the City any vicious dog unless the said dog is muzzled or confined in a pen or tied in such a manner that he cannot bite mail carriers, delivery men or other licensees or invitees coming onto the premises.

SECTION 3: Number of Dogs: It shall be unlawful for any person, firm or corporation to own, keep or harbour more than four dogs over six months old 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 premises used by such dog hospital and veterinarians as their normal place of business. Keeping, on the premises of the owner, of more than eight dogs shall be prima facie evidence of violation of this section, and the burden of proof shall be on the owner to show the ages of such dogs.

SECTION 4: Vaccination: All dogs from six months of age kept in the City of Cherry Valley, shall be vaccinated at least once a year against rabies, and it is made the duty of all owners of dogs, or persons having the possession or control of dogs within the City to have such animals vaccinated with vaccine against rabies in an amount, quantity and quality to be approved by the State Veterinarian. It shall be the duty of said owner or person having the control of said dog to cause a metal vaccination tag to be securely attached around the dog's neck and kept there at all times.

SECTION 5: Confinement of Dogs: Commencing January 1, 1985, after the passage of this ordinance, any person owning, possessing, or keeping a dog or dogs, whether vaccinated or unvaccinated, 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 or dogs from running at large.

SECTION 6: Confinement other than on premises of owner: At all times when not confined as stated in Section 5, the owner of any dog or dogs shall confine such dog or dogs within an automobile or by having one end of a rope or leash affixed to a substantial stationary object, or held by some person competent to control such dog or dogs.

SECTION 7: Running at Large: No person owning, possession or keeping a dog shall allow the same to run at large within the City of Cherry Valley.

SECTION 8a: Animal Control Officer: There is hereby created the office of Animal Control Officer whose salary shall be fixed by the City Council.

b: Appointment of the Animal Control Officer shall be appointed by the Mayor. The Animal Control Officer shall exercise the powers and duties as provided in this ordinance and in addition thereto shall perform such duties as may be delegated to him by the Mayor and/or City Council.

c: City Dog Pound: It is hereby made the duty of the Mayor and Animal Control Officer to provide a suitable place to be known and designated as the "City Dog Pound" to carry out the provisions of this ordinance, and including the construction of a suitable number of individual pens where particular dogs may be kept separate and apart from the remainder.

SECTION 9 : Impounding of Dogs, Destroying of Dogs: The Animal Control Officer of the City of Cherry Valley shall take into custody any dog found at large in the City of Cherry Valley, and shall impound the dog in the city dog pound or such other place as such Animal Control Officer may designate for purpose of impoundment. Such impounded dog shall be held for a period of five (5) days at the end of which time the dog shall be destroyed unless custody of said dog is released prior thereto under the following conditions: During the first four (4) days of such impoundment the Animal Control Officer of the City of Cherry Valley shall make diligent effort to determine the owner of such dog and notify him of such impoundment. If the owner of such dog fails or refuses to claim and repossess such dog by the payment of the proper fee as prescribed herein within the first four (4) days of such impoundment, then the Animal Control Officer of the City of Cherry Valley may deliver custody and possession of such dog to any person other than the owner upon such payment of the fee as prescribed herein after the fourth day of impoundment.

SECTION 10: 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 pound by payment of a fee of \$10.00 if the dog has been vaccinated within the year next preceding such impoundment or by a fee of \$25.00 in the event the dog has not been vaccinated within the year preceding the impoundment. The burden of proof as to vaccination shall be upon the party attempting to claim the dog from the Animal Control Officer under this ordinance. In addition to above fees, the City of Cherry Valley may assess a board bill (for feeding) up to \$5.00 per day. This board bill is an expense and may be changed by resolution of the City Council. Any person claiming unvaccinated dogs shall after payment of the fee assessed herein, and prior to the release of the dog, sign a promise in writing to the Animal Control Officer that such person will within 5 days have the dog vaccinated and licensed if the animal is released to him. The Animal Control Officer shall keep such statements in a safe place and on the 5th day, the person to whom the animal is released shall bring to the Animal Control Officer, proof that the animal is vaccinated. Failure to provide such proof on or before the 5th day after the release of the animal shall constitute violation of this ordinance subjecting the person to whom the animal was released to criminal prosecution.

SECTION 11: Dogs Suspicione Rabid: Any dog or dogs having rabies, or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall immediately be released by the owner or custodian of such dog or dogs to the Animal Control Officer of the City of Cherry Valley, for disposal or confinement in the dog pound of the City of Cherry Valley, or in a Veterinary Hospital approved by the Animal Control Officer. Such dog or dogs shall be immediately and securely confined, by the attachment of a chain of good quality and kept under the supervision of the Animal Control Officer for a period of 15 days or for a longer period of time if in the opinion of the Veterinarian additional confinement is determined necessary, or for a period of time as specified by the Arkansas State Health Department or the physician who treats the bite victim, whichever period is longer.

SECTION 12: Barking and Howling: 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 13: Inspection and Confinement of Vaccinated Dogs: In the event that any person is bitten, scratched or attacked by a dog which has been properly vaccinated, said dog may be impounded with the City as hereinablve set forth or may at the election of the owner thereof, be penned or chained at the premises of the owner. The period of such confinement shall be for a 10 day period or longer if specified by the Arkansas State Department of Health or the physician who treats the bite victim.

SECTION 14: 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 dog odors to the extent that such odors are disturbing to any person residing within reasonable proximity of 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 15: Notice of Offenses and Violations, Arrest: The Animal Control Officer or persons employed by such departments are authorized, for violation of any portion of this ordinance to give to the offender a notice to appear in the Municipal Court, Criminal Division, of Cross County. Such notice to appear shall state the name and address of the violator and the date of the violation, shall contain a statement of the nature of the violation, and be signed by the person having knowledge of such violation and who is also a member of one of the departments of the City of Cherry Valley before mentioned. The notice shall contain a printed statement in which the violator promises to appear in the Municipal Court, Criminal Division, without issuance of any warrant or

other process and which statement is to be signed by the violator. Upon failure to sign the agreement to appear, the officer or employee shall swear out a complaint and the usual procedure upon the filing of complaints in the Municipal Court shall govern the arrest and trial of the violator. Upon the violator's signing the agreement to appear and his appearance as set out in the notice, no warrant shall issue for the arrest of the violator.

SECTION 16: Extension of Time to Reduce Number of Dogs: The provisions of Section 3 of this ordinance shall be enforceable commencing January 1, 1985, after the adoption of this ordinance, thereby allowing the owners ample time to provide for quartering and care of dogs elsewhere than on owners premises, in the event owner owns five (5) or more dogs covered by this ordinance.

SECTION 17: Dogs Running at Large: Any dog running at large in the City of Cherry Valley which is untagged and can not be caught by reasonable means, shall be presumed to be a stray dog and may be summarily destroyed by the Animal Control Officer.

SECTION 18: Penalties and Fines: Any person violating any portion of this ordinance shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by assessment of a fine of from \$10.00 to \$1,000.00.

SECTION 19: Severability: Should any portion of this ordinance be unconstitutional or invalid and so declared by a court of competent jurisdiction, then the remainder of this ordinance shall not be affected by such partial invalidity.

SECTION 20: Repeal of Ordinance: All ordinances and portion of ordinances in conflict with this ordinance are hereby repealed.

SECTION 21: Popular Vote: This ordinance is hereby submitted to a vote of the qualified electors of the City of Cherry Valley, Arkansas at the General Election to be held in the City of Cherry Valley, Arkansas, on Tuesday following the first Monday of November, 1984.

SECTION 22: Popular Election to Control: If the majority of the qualified electors voting on said referred ordinance at such election shall vote in favor thereof, same shall, on January 1, 1985 following such election, take and be in full force and effect, and unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof, the same shall be deemed defeated and shall be no force or effect.

SECTION 23: Notice Prior to Election: The City Clerk of the City of Cherry Valley, Arkansas and such other officials as are charged with the duties relating thereto shall, before said election make such publications and give such notices and make such appointments and do all acts and things in connection with the submission of said referred ordinance to the qualified electors of the City of Cherry Valley, at said election in the manner and form and at the time prescribed by law.

PASSED AND ADOPTED THIS 11 day of September, 1984.

H. H. Bessley  
MAYOR

ATTEST:  
Thomas P. Rowland  
CITY CLERK