

ORDINANCE NO. 120 ^{o.k.}

AN ORDINANCE SETTING OUT REGULATIONS
REGARDING THE TREATMENT AND HARBORING OF DOGS

BE IT ORDAINED AND ENACTED BY THE CITY CO NCIL OF BARLING,
ARKANSAS, that:

SECTION 1: Annual License Tax - There is hereby levied on every dog owned and kept in the City of Barling a tax of \$2.00 per male dog or spayed female dog and \$5.00 per unspayed female dog per year, the tax to become due and payable during the month of January of each year. Said tax shall be paid to the City of Barling for the use and in the discharge of the functions provided for herein and any such tax not paid within the time herein fixed, a penalty of twice the amount of tax due shall be collected.

SECTION 2: Issuance of License: Register - Every person owning or keeping any dog within the City limits shall apply to the City of Barling and on payment of the tax specified above shall receive a license and a metal license check, which license shall show the name of the owner, his address, the sex of the dog and the amount of the license paid and the date of its issuance. The said City of Barling shall keep a register of the applicant, his residence, number of the license and check and the the sex of the dog. Said license and license check shall not be transferable. The owner or keeper of any dog, or harborer of any dog, shall attach said metal license check to a substantial collar to be worn by said dog at all times. It shall be unlawful for any person to permit a dog they are keeping to wear any other license check purporting to be the license check of the City of Barling, other than the one issued under this ordinance. Any person required by the terms of this ordinance to pay any tax or purchase any license, who shall suffer the loss of their receipt or evidence of the same shall forthwith procure from the City a duplicate receipt or other evidence of the payment of said tax or license. The city shall collect a fee of \$2.00 for each duplicate issued.

SECTION 3: Rabies Vaccination Required

(a) No license will be issued to any applicant without first having the dog for whom a license is sought, vaccinated against rabies by a regularly licensed veterinary surgeon of the State of Arkansas, and a certificate of such surgeon shall be exhibited to said City of Barling before a license to keep such dog shall be issued. The City of Barling shall keep a record of the name of the veterinary surgeon and of the date of said vaccination. Such vaccination must have been made within one year prior to the date of the issuance of any license.

(b) The City may quarantine any dog or other animal reasonably suspected of having rabies and the owner or keeper of such animal shall be responsible for all impounding fees and charges while quarantined.

SECTION 4: Kennels: License Fee - Any person, keeping within the corporate limits of the city, at any time, five or more dogs six months of age or over shall be considered to be operating a dog kennel and the owner or keeper of such dog kennel shall pay an annual license fee of \$25.00 in addition to the dog license fee hereinabove provided for, said annual kennel license fee being payable at the same time and in the same manner as the annual dog license fee. The keeping, on the premises of the owner, of five or more dogs shall be prima facia evidence that said owner is operating a kennel, and the burden of proof shall be on the owner to show that one or more of the five or more dogs is less than six months in age.

SECTION 5: Confinement of Dogs - No person, keeping a dog or dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow such dog or dogs to run at large within the corporate limits of the City of Barling. Running at large shall be defined as, "the state of freedom of any dog not confined on the premises of the owner or keeper within an enclosure, house, or other building, or not restrained on the premises of the owner or keeper 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 or keeper. In relation to unspayed female dogs while in

season, RUN AT LARGE shall further be defined as the state of freedom of any such dog not confined inside an enclosure of such a substantial construction so as to prevent such dog from attracting other dogs to the near vicinity of the confined dog."

SECTION 6: Barking and Howling Dogs - It shall be unlawful for any person to keep on its premises or under its control any dog which by loud and frequent barking or howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of a place where such dog is kept.

SECTION 7: Condition of Pen and Premises - It shall be unlawful for any person keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive odors to become unclean and a threat to public health by failing to diligently and systematically remove all animal waste from the premises.

SECTION 8: Vicious Dogs: Confinement - It shall be unlawful to own, keep or harbor in the City any fierce or vicious dog except upon the premises of such owner, keeper or harborer, and then only when confined by substantial enclosure or leash.

SECTION 9: Impounding

(a) Should any dog be in a state which violates any provision of this ordinance, the city shall have the right to seize and impound said dogs in sanitary buildings and kennels where said dogs shall be properly watered and fed while confined. Any person may pick up and deliver to the City any dog which may be impounded under the provisions of this ordinance.

(b) The City shall keep all impounded, licensed dogs for a period of six days from the date of the impounding, and during that period the City shall make diligent efforts to notify the owner or keeper of said impounding. If, at the expiration of the six days, such impounded dog has not been redeemed by the owner or keeper, it shall be sold or destroyed as hereinafter provided for.

(c) The City shall keep all impounded, unlicensed dogs for a period of three days from the date of the impounding. If, at the expiration of the three days, such impounded dog has not been redeemed by the owner or some other person, it shall be sold or destroyed as hereinafter provided.

(d) The owner of any impounded, licensed dog may redeem such dog at any time prior to sale or destruction by the payment to the City of Barling a \$3.00 impounding fee and \$2.00 per day for each day such dog shall have been impounded.

(e) The owner of any impounded, unlicensed dog may redeem such dog at any time prior to sale or destruction by having such dog licensed and by the payment to the City of Barling, \$5.00 impounding fee and \$2.00 per day for each day such dog shall have been impounded. If the owner of any such dog cannot produce a vaccination certificate as required by this ordinance, the City shall release such dog to the owner for the purpose of having such dog vaccinated, provided the owner shall first pay the impounding and daily fees and shall deposit \$20.00 to the City which shall be returned to the owner when the owner exhibits proof of vaccination and licensing.

(f) At any time after the expiration of the period of time for redemption of impounded dogs, as set out in sub-sections (d) and (e), the City may, without further notice and without advertising in any manner, sell at private sale or public auction, for cash, any dog not redeemed or reclaimed. All impounded dogs not redeemed or sold under the provisions of this ordinance may be destroyed by the City.

(g) The owner or keeper of any dog as of the time said dog is impounded may, within thirty days after such dog is sold by the City, redeem the same from such purchaser by paying to him the amount of the purchase price paid by him to the City and, in addition thereto, any licensing, vaccination, impounding, and daily charges paid by the person purchasing said dog from the City. At the end of thirty days from the date that a dog is sold by the City, the original owner's or keeper's right to redeem shall expire.

SECTION 10: Interfering with Execution of Authorized Acts -

It shall be unlawful for any person to interfere with or attempt to prevent the City, or other authorized persons, from seizing and impounding any dog which is authorized to be impounded under the provisions of this ordinance. Further, it shall be unlawful for any person to refuse to deliver any unlicensed or unvaccinated dog

to the City, or other authorized person, upon demand, for impounding.

SECTION 11: Penalties - In addition to any fees, taxes and costs referred to in this ordinance, any person violating this ordinance, shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by the assessment of a fine of not less than \$10.00 and not more than \$50.00 for each separate offense. Any agent of the City authorized to pick up or impound dogs in violation of this ordinance and any police officer of the City is hereby authorized to issue citations to offenders who shall be tried in the Police Court of Barling, Arkansas, on the date set out on said citation.

SECTION 12: Repeal of Ordinances - All ordinances and portions of ordinances in conflict with this ordinance are hereby repealed.

SECTION 13: 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 effected by such partial invalidity.

PASSED AND APPROVED THIS 8th DAY OF MARCH, 1979.

APPROVED:

Eddie Hodges
MAYOR

ATTEST:

Darlene Sanford
RECORDER AND CITY CLERK