

old ordinance on dog attached

CITY OF DYER, ARKANSAS

ORDINANCE NO. 5-21-02

AN ORDINANCE REGULATING THE KEEPING OF DOGS WITHIN THE CITY OF DYER, REPEALING FORMER ORDINANCE NO. 91-6, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

SECTION 1: Every person owning or keeping a dog within the city limits of the City of Dyer, shall apply to the City Clerk and, upon any required payment, shall receive a license and license tag, which license shall show the name of the owner, his address, the sex of the dog, a description of the dog, its breed, if possible, the owner's phone number, and the date of the issuance of the license. It shall be mandatory for the applicant to show proof of a rabies vaccination administered by a regularly licensed veterinarian before a license will be issued. The City Clerk shall keep a register of the applicant, his residence, number of the license tag, and sex of the dog. Dogs under the age of four months shall be exempt from the provisions of this ordinance requiring licensing. All costs and fees for registering and tagging shall be set by the Mayor and City Council.

SECTION 2: Said license and license tag shall not be transferable, and said license tag must be worn by the dog at all times. Replacement of lost or stolen tags shall be the responsibility of the owner or keeper of the dog.

SECTION 3: No person owning, keeping or harboring 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 Dyer.

SECTION 4: Any dog found in the city upon which the applicable license and license tag has not been obtained, or which has not been vaccinated, or any dog found running at large in violation of any provision of this ordinance, shall be taken up by the City's duly authorized representative and disposed of as hereafter provided.

SECTION 5: Any dog which is taken by the city, its servants, agents or employees for violation of Section 4 above, shall be taken by the City 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 humanly destroyed. Provided, however, that if the dog carries its owners 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: Any person who shall be found in violation of Sections 1 through 5 of this ordinance shall be subject to a fine of between \$25.00 and \$100.00, plus court costs.

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SECTION 7: (a) No person shall own, keep or harbor any dog which by loud frequent or habitual barking, howling or yelping shall annoy or disturb any neighborhood and further no person shall own, keep or harbor any vicious dog. Any person found in violation of this Section shall be subject to a fine of between \$25.00 and \$100.000, plus court costs.

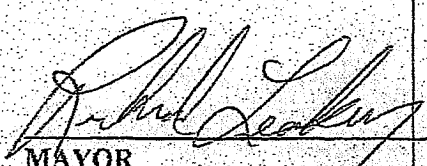
(b) A vicious dog is one that has a disposition to bite human beings or other animals and any dog which has bitten or attempted to bite any human being or other animal within the immediately preceding six (6) months; however, the fact that a dog has bitten or attempted to bite some person or animal in direct reaction to being teased or molested by that person or animal shall not cause that dog to be considered a vicious dog within the sense of this definition. Similarly, the fact that a dog has bitten or attempted to bite some person or another animal, when that person or other animal has intruded into a confined area being protected by the dog, shall not cause it to be considered a vicious dog under this definition.

SECTION 8: No person shall interfere with, hinder, or molest the duly authorized enforcement officer in the performance of his official duties under the authority of the ordinance. Any person found in violation of this section shall be subject to a fine of between \$25.00 and \$100.00.

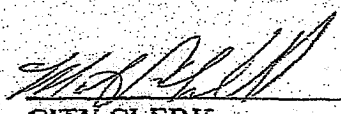
SECTION 9: All previous ordinances or parts of ordinances in conflict herein, and specifically Ordinance No: 91-6, are hereby repealed.

SECTION 10: This ordinance being important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, 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 21 DAY OF May, 2002.


MAYOR

ATTESTED:


CITY CLERK