

AN ORDINANCE PRESCRIBING CERTAIN RULES AND REGULATIONS WITH RESPECT TO THE CARE AND KEEPING OF DOGS WITHIN THE CITY OF CONWAY, ARKANSAS; REQUIRING DOGS TO BE PLACED ON LEASH WHEN NOT CONFINED WITHIN A YARD, BUILDING OR OTHER ENCLOSURE, PROVIDING FOR THE KEEPING OF DOGS PICKED UP BY ANIMAL CONTROL WORKERS AND PROVIDING A PENALTY; AND CALLING AN ELECTION HEREOF.

BB IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1, Definitions - The following words and phrases shall for the purpose of this ordinance have the following meaning:

- 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 or 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 enclosed 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,

SECTION 2, NUMBER OF DOGS - It shall hereafter be unlawful for more than four dogs over six months old 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 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 3. CONFINEMENT OF DOGS. Within sixty (60) days from and after the passage and approval of this Ordinance, any person owning, possessing, or keeping a dog or dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such a 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 rope, 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 4. CONFINEMENT OTHER THAN ON PREMISES OF OWNER. At all times when not confined as stated in Section 6, the owner of any dog or dogs shall confine such dog or dogs within an automobile or by having one end of a rope, chain or leash affixed to some substantial stationary object, or held by some person competent to control such dog or dogs.

SECTION 5. RUNNING AT LARGE - No person owning, possessing or keeping a dog shall allow the same to run at large within the City of Conway, Arkansas.

SECTION 6. IMPOUNDING OF DOGS, DESTROYING OF DOGS. The Animal Control workers of the City of Conway shall take into custody any dog found at large within the City of Conway, and shall impound the dog in the City Animal Shelter or such other place as such Animal Control workers may designate for purpose of impoundment. Such impounded dog shall be held for a period of Ten (10) days at the end of which time the dog shall be destroyed unless custody of the dog is released prior thereto under the following conditions, During the first six (6) days of such impoundment the Animal Control workers of the City of Conway 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 six (6) days of such impoundment then the Animal Control workers of the City of Conway may deliver custody and possession to any person other than

the owner and upon the payment of the fee as prescribed herein between the sixth day of said impoundment and the tenth day of said impoundment.

SECTION 7, 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 \$5.00 if the dog has been vaccinated within the year next preceding such impounding, and is currently licensed as required by law, or by a fee of \$25.00 in the event the dog has not been vaccinated within a year preceding the impoundment and is not currently licensed. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog from the Animal Control worker under this Ordinance. Any person claiming unvaccinated and unlicensed dogs shall, after the payment of the fee assessed herein, and prior to the release of the dog, cause said dog to be vaccinated and licensed in accordance with ordinances of said City then in force, and the cost or expense of such vaccination and 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 worker shall keep complete and accurate records of all dogs impounded and should a dog be impounded a second time and being then still owned, possessed or kept by the same person, then in such event the Animal Control worker, prior to releasing said dog shall require a fee of \$25.00 to be paid by such owner, possessor or keeper of said dog. Upon each subsequent impoundment of said dog the Animal Control worker shall not release said dog until the owner, possessor or keeper thereof shall have paid a fee of \$25.00. And should a dog be impounded a second of subsequent time when said dog is not currently licensed as required by the ordinances of the City and has not been vaccinated within one year next preceding such impoundment, then in such event the Animal Control worker shall not release said dog until a fee of \$100.00 has been paid.

SECTION 8. BARKING AND HOWLING, It shall hereafter 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 9. 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 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 10. NOTICE OF OFFENSES AND VIOLATION: ARREST, The Police Department, Health Officer and Animal Control worker, 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 of the City of Conway. 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 Conway before mentioned. The notice shall contain a printed **statement** in which the violator **promises** to appear in the **said** Municipal Court, without issuance of **any** warrant or other process and which statement **is** to be signed by the violator. **Upon** failure to sign agreement, to appear, the officer or employee shall swear out a **complaint** and the usual procedure upon the filing of complaints in the **said** 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 be **issued** for the arrest of the violator,

SECTION 11. EXTENSION OF TIME TO REDUCE NUMBER OF DOGS, The provisions of Section 3 of this ordinance shall be unenforceable for a period of six (6) months from and after the adoption **of** this ordinance

thereby allowing 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 12, 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 not less than Five Dollars (**\$5.00**) nor more than One Hundred Dollars (**\$100.00**) .

SECTION 13, REPEAL OF ORDINANCES - All Ordinances and portions of Ordinances in conflict with this ordinance are hereby repealed,

SECTION 14. 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 15. That an election shall be called for the 8th **day** of November, 1966 for the purpose of determining the wishes of the people on the provisions of this Ordinance. If same is approved by a ~~majority~~ vote of the electors voting thereon this Ordinance shall be in full force and effect sixty (**60**) days after the certification of the results of said ~~election~~.

PASSED: October 25<sup>th</sup>, 1966.

APPROVED \_\_\_\_\_

Mayor

ATTEST:

John Naylor  
Clerk-Treasurer