

ORDINANCE 2003-01

AN ORDINANCE PRESCRIBING CERTAIN RULES AND REGULATIONS WITH RESPECT TO THE CARE AND KEEPING OF DOGS WITHIN THE CITY OF PERRYVILLE; REQUIRING DOGS TO BE PLACED ON LEASH WHEN NOT CONFINED WITHIN A YARD, BUILDING, OR OTHER ENCLOSURE; MAKING PROVISIONS FOR VICIOUS DOGS; PROVIDING FOR THE VACCINATION OF DOGS; PROVIDING THE MAXIMUM NUMBER OF DOGS ALLOWED ON PREMISES; PROVIDING FOR KENNELS; PROVIDING A PENALTY; AND FOR OTHER PURPOSES.

SECTION 1 DOGS AT LARGE

It shall be unlawful for any person, firm or corporation to allow or permit any dog owned by them, under their custody or under their control to run at large in the city limits of the City of Perryville. A dog shall be considered running a large unless it is in an adequate and humane enclosure or securely chained with a metal chain or unless it is upon a leash under the control of some competent person.

When a dog is not confined as above, it must be within an automobile (with adequate ventilation) or by having a leash affixed to a substantial stationary object or held by some person competent to control such dog.

Any dog found in the City of Perryville running at large is hereby considered to be a nuisance and may be impounded for a period of five days and, if not reclaimed by owner or adopted by a person other than owner or owners family, may be destroyed in a humane manner.

The City of Perryville will make an effort to determine the owner of an impounded dog and notify same.

The owner of any impounded animal may redeem such animal at any time prior to adoption or destruction by the payment of impounding fees in the amount of \$25.00 per animal for the first offense and \$50.00 for each offense thereafter.

Before releasing an impounded animal to the owner, proof must be furnished by the owner that the animal has been vaccinated within the year preceding the impoundment.

## SECTION 2 VACCINATION

It shall be unlawful for any dog or cat owner to knowingly keep, harbor, or maintain any dog or cat six (6) months of age or more within the corporate limits of the city, unless the dog or cat owners shall have caused such dog or cat to be given a vaccination against rabies at least once a year by a licensed veterinarian. The veterinarian giving such vaccination shall issue to the owner of such vaccinated dog or cat a vaccination certificate describing such dog or cat, giving the date of vaccination and the name and address of the owner. The vaccination certificate shall be signed by the licensed veterinarian.

## SECTION 3 VICIOUS OR DANGEROUS DOGS

A vicious or dangerous dog is one with a propensity, tendency or disposition to attack, cause injury to or otherwise endanger the safety of human beings or any domestic animal; any dog which has bitten a human or any domestic animal without provocation; any dog owned or harbored primarily or in part for the purpose of dog fighting; any dog trained for dog fighting pursuant to Ark. Code Ann. 85-62-120

Any vicious or dangerous dog will not be allowed outside its kennel or pen unless it is securely leashed with a leash no longer than four (4) feet in length and controlled by a person over the age of fourteen (14) years who must be in physical control of the leash. When such dog is outside the animals kennel or pen it must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

All vicious dogs shall be confined in an enclosure of sufficient strength and construction to contain the animal and prevent escape in any manner. It shall be unlawful for any person to keep or harbor a vicious animal upon any premises which does not have a locked enclosure.

Members of the police department or any city employee is hereby authorized to kill any dangerous animal of any kind which is necessary for the immediate protection of any person, other animal or property within the city limits of the City of Perryville.

## SECTION 4 NOISY DOGS

It shall be unlawful for any person to keep on his premises or under his control and within the City of Perryville any dog which by loud and frequent barking or howling shall unreasonably disturb the peace and quiet for any person who may reside within reasonable proximity of the place where such a dog is located.

## **SECTION 5      LIMITATION ON NUMBER OF DOGS**

It shall be unlawful for any person to own, keep or harbor more than four (4) dogs over six (6) months old within the corporate limits of the city unless the dogs are located on land of at least two acres and the dogs are located at least 200 feet from the property lines. This will not apply to proprietors of dog hospitals and veterinarians when such dogs are kept upon the premises used by such dog hospitals and veterinarians as their normal place of business. Except for the above, the keeping of more than four (4) dogs on the premises of the owner 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.

Except for the above, any person, firm or corporation owning, keeping or harboring more than four (4) dogs shall be deemed the operator of a dog kennel. It will be unlawful to operate a dog kennel within the City of Perryville without having first secured a license to operate such kennel.

It shall be unlawful to confine more than two (2) dogs over the age of six (6) months in the same pen or enclosure unless enclosure is large enough that each dog has one hundred square feet of area then no more than four dogs will be kept in such enclosure.

## **SECTION 6      HUMANE CONDITIONS OF PEN AND PREMISES**

It shall be unlawful for any person, firm or corporation to keep or confine a dog in other than a humane manner.

All dogs must have protection from the elements. Sufficient space shall be provided for dogs to stand up, lie down and turn around without touching sides and top of animal shelter.

Dog pens or runs shall provide adequate exercise areas for said dogs.

If dog is on a chain or leash, it must not be less than six (6) feet in length.

All dogs must have access to fresh, plentiful water present at all times.

All dogs must have fresh wholesome food daily.

Any person owning or possessing or having in his custody a dog shall not neglect or fail to render medical aid to said dog.

It shall be unlawful for any person, firm or corporation keeping or harboring dogs to fail to keep the premises where such dogs are kept , free from offensive odors or allow premises to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste and debris from the premises.

## SECTION 7 KENNELS

Any person desiring to operate a dog kennel shall file application therefor upon such form as may be prescribed by the City of Perryville. If it appears that such kennel and the operation thereof will not violate any rule, regulation or ordinance of the City of Perryville, then the City will issue a kennel license to said applicant upon payment of the sum of \$50.00 as license fee. Such license shall permit the operation of such kennel for a period of one year from the date of its issuance unless revoked during that period. Kennel license must be re-newed each year.

A current owner of more than four (4) dogs will be given a time of four (4) months in which this provision of this ordinance will not be enforced. This will allow such owner to lower the number of dogs to four (4) or to construct a kennel and get a license to operate a kennel.

No kennel shall be operated with less than 2000 square feet of open ground or enclosed building available and in use for such dogs.

All kennels shall be fenced by such fence as is sufficient to retain the animals kept at such premises.

All kennels which are located within one thousand (1000) feet of any dwelling house shall also have provided a completely enclosed building within which such dogs shall be confined each day during the time between 9:00PM and 9:00AM. Such enclosed building shall be insulated in a reasonable manner as to be soundproof within reasonable standards. Such building shall have adequate lighting and ventilation.

All kennels shall be completely and entirely cleaned of all refuse matter at least once daily. Such matter shall be properly disposed of so as not to cause health hazards or offensive odors. It shall be unlawful for any person, firm or corporation keeping or harboring dogs in a kennel to fail to keep the premises free from offensive odors to the extent that such odors are disturbing to persons residing within reasonable proximity of said premises.

It shall be unlawful to allow premises where dogs are kept to become unclean and a threat to the health of the dogs.

It shall be unlawful to fail to keep dogs in a kennel in good health or to fail to render medical aid to such dogs.

All dogs in a kennel shall have available to them fresh wholesome food daily and fresh water at all times.

#### SECTION 8 INTERFERENCE WITH ENFORCEMENT

It shall be unlawful for any person to interfere with or attempt to prevent the animal control person or any city employee or city officer or other authorized persons from seizing and impounding any animal which is authorized to be impounded under the provisions of this ordinance.

#### SECTION 9 CONFINEMENT

When any dog or cat has bitten or scratched or otherwise attacked a person, such person or anyone having knowledge of said incident shall immediately notify the City of Perryville and the Perry County Health Office and such dog or cat shall be confined in the city pound or at a veterinary hospital for a period of ten (10) days at the expense of the owner. The city will levy a charge of \$30.00 for such confinement in the city pound or actual expenses whichever is greater.

#### SECTION 10 PENALTY

Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by assessment of a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and each day of violation of this ordinance shall constitute a separate offense.

#### SECTION 11 SEVERABILITY

That all ordinances and parts of ordinances of a permanent and general nature in effect at the time of adoption of this ordinance, and not included herein, are hereby repealed where they are in conflict with this ordinance.

If any section of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction such invalidity shall not affect the validity of other sections of this ordinance.

SECTION 12

The city council of the City of Perryville Arkansas does not consider this ordinance an emergency and this ordinance will take effect 90 days after its passage and publication.

PASSED ON THIS 9<sup>th</sup> DAY OF January IN THE YEAR 2003 BY A  
VOTE OF 4 YES 0 NO.

APPROVED

Kenneth Brandon  
MAYOR

ATTEST

Paul D. Woolf  
RECORDER/TREASURER