

ORDINANCE NO. 109

AN ORDINANCE PROVIDING FOR THE LICENSING OF ALL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF MARION, ARKANSAS; PROHIBITING DOGS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF MARION, ARKANSAS; AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF DOGS; AND THE REGISTRATION AND KEEPING OF DOGS WITHIN THE CITY LIMITS OF THE CITY OF MARION, ARKANSAS.

BE IT ORDAINED by the City Council of the City of Marion,

Arkansas;

Section 1. DEFINITION OF TERMS:

(a) Dog shall be intended to mean both male and female.

(b) Owner shall be intended to mean any person or persons, firm, association, partnership or corporation owning, keeping or harboring a dog.

(c) Running at large. An animal shall be deemed to be running at large when not confined to the premises of the owner or within the house or other building or enclosure or restrained on the premises of the owner by leash, lead or chain sufficiently strong to prevent the dog from escaping and restricting the dog to the premises owned or under the control of the owner, or not confined by a 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 any other person authorized to give such injections.

(e) Bite shall mean any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin caused by any animal, which is actually or suspected of being contaminated or inoculated with saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(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 material or maintained on the dog in any manner so as to cut or injure the dog.

(g) Collector. The Recorder of the City of Marion or his duly authorized agent.

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 said dog is muzzled or confined in a pen or tied in such manner that he can not bite mail carriers, delivery men or other licensees or invitees coming on to the premises.

Section 3. NUMBER OF DOGS. It shall hereafter be unlawful for any person, firm or corporation to own, keep or harbor more than three (3) dogs over six months of age within the corporate limits of the City, except that his provision shall not apply to proprietors of dog hospitals or veterinarians when such dogs are kept on such premises used by such dog hospitals or veterinarians as a normal place of business. Keeping, on the premises of the owner, of more than three (3) 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. LICENSE FEES; TAGS. Effective January 1, 1971, it shall be unlawful for any person, firm or corporation to own, keep or harbor a dog within the corporate limits of the City, without having first paid to the office of the City Recorder, an annual license fee of \$3.00 each on all dogs six months of age or over. The License fee required by this section shall be due and payable on or before February 1st of each year and when paid shall be effective for the calendar year. Upon payment of the license tax required by this section, it shall be the duty of the recorder to furnish the owner of the dog a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon, the year for which it was issued. Each owner shall be required to provide each dog with a collar to which the license tag must be affixed and see that the collar and tag are constantly worn.

In case a dog tag is lost or destroyed, a duplicate will be issued by the Clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a \$1.00 fee for such duplicate. Dog tags shall not be transferrable from one dog to another and no refunds shall be made on any dog license fee because of the death of the dog or the owners leaving the City before the expiration of the license period. The failure to keep such a tag on the dog's collar shall be unlawful.

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Section 5. All dogs within the corporate limites of the City six months of age or over shall be vaccinated and licensed and the license fee referred to above paid. Licenses may be obtained at the office of the City Recorder of the City for the fee set out above. Vaccination shall be by a qualified veterinarian or person authorized to administer such vaccination and satisfactory proof of such vaccination must be shown to the Recorder before the license shall issue.

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Section 6. Any person owning, possessing or keeping a dog or dogs, whether vaccinated or unvaccinated, licensed or unlicensed, 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. At times when not confined as stated above, the owner of any dog or dogs shall confine such dog or dogs within an automobile, or by having one end of the rope or leash affixed to substantial stationary object, or held by some person competent to control such dog or dogs. No person owning, possessing or keeping a dog shall allow the same to run at large outside the enclosures or boundary lines of the owner or keeper within the corporate limits of the City of Marion.

Section 7. Impounding. It shall be the duty of every police officer or other designated official to apprehend any dog found running at large contrary to the provisions of this Ordinance, and to impound such dog in the City pound or other suitable place. The poundmaster or other designated official, upon receiving any dog, shall make a complete registry, entering the breed, color

and sex of such dog and whether licensed. The owner of any licensed dog that is impounded shall be notified and the owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred for maintenance of said dog. In addition to such charges, the owner shall pay the sum of \$2.00 to the City of Marion for permitting such dog to run at large and requiring the same to be impounded. All licensed dogs that are impounded shall be kept a period of six days and if at the expiration of six days after diligent effort to determine the owner of such dog and notify him of the same, if said dog has not been redeemed, it may be destroyed. All unlicensed dogs that are impounded shall be kept for a period of 48 hours and if at the expiration of the 48 hours, such dog shall not have been redeemed, it may be destroyed. Any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infections or dangerous disease shall not be released but may be destroyed forthwith.

Section 8. Dogs Suspected Rabid. Any dog or dogs having rabies, or symptoms thereof or suspected of having rabies, or which has been exposed to rabies shall be confined by a leash or chain on the owners premises and shall be placed under the observation of a veterinarian at the expense of the owner, for a period of at least two (2) weeks. In the event the owner fails or refuses to take such action, then the City Recorder or other designated officer is authorized to have such dog removed from the owner's premises and placed in a veterinary hospital approved by the City for the purpose of observing such dog for a period of two weeks at the expense of the owner.

[It shall be unlawful for any person who has knowledge that his dog has bitten, scratched or otherwise attacked any person, or has knowledge that his dog may have rabies or may have been exposed to rabies, to refuse to comply with this Section.

Section 9. Vaccination. It shall be unlawful for the owner of any dog to keep, maintain, or allow such dog to remain on his premises unless it shall have

been vaccinated by a licensed veterinarian with anti-rabies vaccine, within one year preceding the date on which such dog is kept, maintained or allowed to run at large.

Section 10. Penalties. Any owner found violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine of not less than five (\$5.00) nor more than twenty-five (\$25.00) dollars for each such offense.

Section 11. Separability of Provisions. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any of the provisions of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 12. This Ordinance shall be in full force and effect from and after its passage.

ADOPTED THIS 12 DAY OF October, 1970.

Jake Brick
MAYOR

ATTEST:

D. S. Mcken
CITY ~~CLERK~~ RECORDER