

ORDINANCE NO. 1993 - 3

AN ORDINANCE PRESCRIBING CERTAIN RULES AND REGULATIONS WITH RESPECT TO THE CARE AND KEEPING OF DOGS WITHIN THE CITY OF HAMBURG; REQUIRING DOGS TO BE PLACED ON LEASH WHEN NOT CONFINED WITHIN A YARD, BUILDING OR OTHER ENCLOSURES; MAKING PROVISIONS FOR VICIOUS DOGS; PROVIDING PENALTIES FOR VIOLATIONS; WITH REPEALING CLAUSE AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMBURG,
ARKANSAS:

Section 1: Definitions. The following words and phrases shall for all purposes of this Ordinance have the following meanings:

- 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, partnership, corporation or entity owning, keeping or harboring 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 enclosure 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 when away from the premises of Owner any dog not confined by a rope or leash or confined within an automobile or otherwise confined within an enclosure.
- D. VACCINATION - An injection of any vaccine for rabies approved by the State veterinarian and administered by a licensed veterinarian or agent of the health officer.
- E. VICIOUS DOG - A dog which has a disposition to bite

humans and any dog which has bitten or attempted to bite any person within six months immediately past; however, the fact that a dog has bitten or attempted to bite some person when that person was teasing the dog shall not constitute the dog a vicious dog within the sense of this Ordinance.

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. IDENTIFICATION TAG - A current certificate or metal tag containing the name, address and telephone number of the owner of the dog.

H. STRAY DOG - Any dog within the City limits of Hamburg which is AT LARGE as defined in Section 1(C) of this Ordinance and which is not wearing a collar containing some means of identifying the owner of the dog or any dog which does not have attached to its collar or attached around its neck either a metal vaccination tag or identification tag as required by Sections 3 and 4 of this Ordinance.

Section 2: Vicious Dogs. It shall hereafter be unlawful for any Owner to keep within the corporate limits of the City any vicious dog unless the vicious dog is muzzled or confined in a pen or tied in such a manner that he cannot bite mail carriers, delivery men or other licensees or invitees coming into the premises.

Section 3: Vaccination. All dogs over two months of age kept in the City of Hamburg shall be vaccinated at least once a year against rabies, and it is made the duty of all Owners, or other persons having the possession or control of dogs within the City to have such animals vaccinated with vaccine against rabies in an amount, quantity and quality to be approved by the State veterinarian. It shall be the duty of all Owners or persons having the control of dogs to cause a metal vaccination tag to be securely attached around the dog's neck and kept there at all times. Failure to vaccinate a dog or to cause a vaccination tag to be securely attached around a dog's neck as provided by this section shall be unlawful.

Section 4: Identification Tags. A dog, immediately upon becoming three (3) months of age, shall have attached to its collar or attached around its neck an identification tag containing the name, address and telephone number of the Owner. It shall be the duty of the Owner to cause such identification tag to be securely attached around the dog's neck and kept there at all times. Failure to keep such tags securely attached around the dog's neck at all times shall be unlawful.

Section 5: Confinement of Dogs - Generally. From and after passage of this Ordinance, all Owners of dogs, whether vaccinated or unvaccinated, identified or unidentified, shall confine their 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. It shall be unlawful to fail to confine a dog or dogs as required by this Section.

Section 6: Confinement Other Than on Premises of Owner. At all times when not confined as stated in Section 5 hereof, all Owners shall confine their dog or dogs within an automobile or by having one end of a rope or leash affixed to a substantial stationary object, or by having one end of a rope or leash held by some person capable and competent to control the dog or dogs. It shall be unlawful to fail to confine a dog or dogs as required by this Section.

Section 7: Running at Large. No Owner shall allow their dog or dogs to run at large within the City of Hamburg. It shall be unlawful for a dog or dogs to run at large.

Section 8: Stray Dogs. The City Council hereby appoints the Chief of Police of the City of Hamburg as the person having the duty of enforcement of the provisions of this Ordinance. The Chief of Police or his duly appointed and authorized designee is directed to pick up and hold all stray dogs for a period of three (3) days at some place selected by the City for that purpose. As to any such stray dog or dogs, the Chief of Police or his duly appointed and authorized designee, is hereby authorized, where necessary to enable to him to seize control of such dog or dogs, to use a tranquilizer gun or similar device to assist him obtain control of the animal. During such three (3) day period the Owner or person claiming such dog may reclaim said dog by paying to the City Clerk

a fee of Ten Dollars (\$10.00) plus Two Dollars (\$2.00) per day for each day or portion of a day during which the dog has been in the possession of the City. Within three (3) days after reclaiming any stray dog, the person claiming it shall cause the identification tag and vaccination tag required by Sections 3 and 4 of this Ordinance to be affixed as required by those Sections. Upon failure to comply with this requirement within the three (3) day period, such person shall be charged with a violation of this Ordinance. Any stray dog not reclaimed within the three (3) day period shall be destroyed by the Chief of Police or his duly appointed and authorized designee.

Section 9: Condition of Pen and Premises. It shall be unlawful for any Owner to fail to keep the premises where a dog or 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 a dog or 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 pen or premises.

Section 10: Penalties and Fines. (A) Any Owner violating any portion of Section 3 of this Ordinance relating to VACCINATIONS shall be deemed guilty of a misdemeanor and shall be fined, upon conviction, any sum not less than Five Dollars (\$5.00) nor more than Twenty Five Dollars (\$25.00) for each offense. (B) Any Owner violating any portion of or any Section of this Ordinance, other than Section 3 relating to VACCINATIONS, shall be deemed guilty of

a misdemeanor and shall be fined any amount not exceeding Five Hundred Dollars (\$500.00) for any one specified offense or violation. Each separate violation and each separate day of violation shall constitute a separate offense. All monies collected by the City by virtue of this Ordinance for reclamation of stray dogs or fines levied and collected for violations shall be deposited into the General Fund.

Section 11: Enforcement. The provisions of this Ordinance shall be strictly enforced and it shall be the duty of the Chief of Police to issue or cause to be issued by his duly appointed and authorized designee citations for any violation of this Ordinance. The usual procedures upon the filing of citations in the Municipal Court of the City of Hamburg shall govern the arrest and trial of all alleged violators and all Owners who receive citations. This Ordinance is not intended to discourage nor prevent any citizen from reporting violations of this Ordinance and any citizen damaged, harmed or inconvenienced by a violation of this Ordinance may swear out an Affidavit for Warrant of Arrest and the usual procedures upon filing such Complaints with the Municipal Court of the City of Hamburg shall govern the arrest and trial of the alleged violator.

Section 12. Severability. In the event any portion of this Ordinance shall be rendered unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected by such partial invalidity.

Section 13. Repeal of Ordinances. All Ordinances and


portions of Ordinances in conflict herewith are hereby repealed. Specifically repealed are Ordinances 1979-6; 1981-3 and 1983-8.

Section 14. Emergency Clause. Whereas, due to the increasing number of dogs at large, stray dogs, vicious dogs and damage to property all affecting the peace, health and safety of the citizens of Hamburg, the City Council finds that this Ordinance is necessary for the preservation of public peace, health and safety of the citizens of Hamburg and this Ordinance shall be in full force and effect after its passage.

PASSED AND ADOPTED by the City Council of the City of Hamburg, Arkansas, on this 26th day of April, 1993.


MAYOR

ATTEST:


CITY CLERK