

ORDINANCE NO. 96-5

AN AMENDMENT TO ORDINANCE NO. 87-4 FURTHER SETTING OUT REGULATIONS REGARDING THE TREATMENT, KEEPING AND LICENSURE OF DOGS AND DECLARING AN EMERGENCY, WITHIN THE CITY OF LAVACA, ARKANSAS.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF LAVACA, ARKANSAS:

Section 1: **Annual License Fee:** There is hereby levied on each and every dog owned and kept within the city limits of the City of Lavaca a fee of \$4.00 per male dog or spayed female dog and \$7.00 per unsprayed female dog per year, said fee being due and payable during the month of May each year. The fee shall be paid to the City of Lavaca for the use and in the discharge of the functions provided for herein and any such fee not paid within the time herein fixed, shall double the amount of the fee collected subsequently.

Section 2: **Issuance of License:** Every person or legal entity owning or keeping, or having within his, hers, or its control any dog within the city limits of Lavaca, Arkansas shall make application to the recorder of the City at City Hall, Lavaca, Arkansas, for the license required herein and on payment of the above specified fee, or fees, shall receive a license and a metal license for each dog registered which license shall show the name of the owner, his, hers or its address, the sex of the dog, and the amount of the fee paid and the date of its issuance. The City shall keep a register of this information. The license shall not be transferrable. The owner or keeper of any dog shall attach the metal license to a substantial collar worn by each dog registered at all times. It shall be unlawful for any person or entity to permit a dog within their keeping to wear any other license purporting to be the license of the City of Lavaca, Arkansas, other than the one issued under this ordinance. Any person required by the terms of this ordinance to pay any fee or purchase any license who shall lose their receipt as evidence of the same shall forthwith procure from the City Recorder, at City hall, Lavaca, Arkansas, a duplicate receipt or other evidence of the payment of said fee. The City of Lavaca shall collect a fee of \$4.00 for each duplicate issue.

Section 3: **Rabies Vaccination Required:** (a) No license will be issued by the City of Lavaca to any applicant without first having the dog for whom a license is sought vaccinated for prevention of rabies. The City of Lavaca shall keep a record of the date and proof of said vaccination, said vaccination must having been made within one year prior to the date of the issuance of the license of the City of Lavaca. This section is additional and supplemental to ACA 20-19-202 concerning vaccination requirements of the State of Arkansas. (b) The City may quarantine any dog or other animal reasonably suspected of having rabies and the owner or keeper of such animal shall be responsible for all fees of impoundment and any other charges while such dogs or other animal is quarantined by the city.

Section 4: **Kennels:** Any person, or entity, keeping five or more dogs six month of age or over within the corporate limits of the City of Lavaca shall be considered to be operating a dog kennel and the owner or keeper of such dog kennel, or kennels, shall pay an annual license fee of \$25.00 in addition to the dog license fee herein above provided for. Such annual kennel license fee is payable at the same time and in the same manner as the annual dog license fee set out within this ordinance. The keeping on the premises by the owner or keeper of five or more dogs shall be prima facie evidence that said owner is operating a kennel, and the burden of proof shall be on the owner to show that one or more of the five dogs is less than six months of age.

Section 5: Confinement of Dogs: No person keeping 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 Lavaca, Arkansas. Running at large shall be defined as “the state of freedom of any dog not confined on the premises of the owner or keeper within an enclosure, house, or other building, or nor restrained on the premises of the owner or keeper by a leash sufficiently strong to prevent the dog from escaping and restricting the dog to the premises, or not confined by a leash or confined within an automobile when away from the premises of the owner or keeper of the dog. In relation to unsprayed female dogs while in season, RUN AT LARGE shall further and additionally be defined as the state of freedom of any such dog not confined inside an enclosure of such a substantial construction so as to prevent such dog from attracting other dogs to the near vicinity of the confined dog.” A warning may be issued for the first offense under this section by the officer or other official person observing or investigating offenses committed under this ordinance.

Section 6: Condition of Pen and Premises: It shall be unlawful for any person owning or keeping dogs within the City of Lavaca to fail to keep the premises where such dogs are kept free from offensive odors, to become unclean and a threat to public health by failing to diligently and systematically remove all animal waste from the premises.

Section 7: Vicious Dogs: It shall be unlawful for any person to own, keep or harbor in the City of Lavaca, Arkansas, any fierce, dangerous or vicious dog except upon the premises of such owner, keeper or harbinger, and then only when confined by substantial enclosure or leash. For purposes of this ordinance, the definition of vicious dog is any dog which is known by its owner or keeper to have exhibited vicious or dangerous tendencies, including, but not limited to, snarling, growling, barking, biting, or attempting to bite humans, other dogs or other domesticated animals.

Section 8: Impoundment (a) Should any person owning or keeping a dog, or dogs, be found in violation of any provision of this ordinance, the City shall have the right to seize and impound said dog, or dogs, in sanitary buildings and kennels where such dogs shall be properly fed and watered while confined. Any person may pick up and deliver to the City of Lavaca, Arkansas, any dog running at large upon public property which may be subject to impoundment under the provisions of this ordinance. (b) The City shall keep all impounded, licensed dogs for a period of five (5) days from the date of impoundment, and during that period of time, the City shall make diligent efforts to notify the owner or keeper of said impounded dog, or dogs. If, at the expiration of the five days, such impounded dog, or dogs, has not been redeemed by the owner or keeper, it, or they, shall be sold or destroyed as hereinafter provided in this ordinance. (c) The owner or keeper of any impounded, licensed dog, or dogs, may redeem such dog, or dogs, at any time prior to sale or destruction by the payment to the City of Lavaca, Arkansas, a \$5.00 impoundment fee and \$3.00 per day for each day such dog shall have been impounded to defray cost of impoundment. (d) If the owner or keeper of any such dog, or dogs, subject to impoundment cannot produce a vaccination certificate as required by this ordinance, the City shall release the dog, or dogs, to the owner for the purpose of having such dog vaccinated, provided the owner shall first pay the impoundment and daily fees and shall deposit \$20.00 with the City of Lavaca, Arkansas, said deposit to be returned to the owner when the owner exhibits proof of vaccination and licensing. (e) At any time after the expiration of the period of time for redemption of impounded dogs, as set out in subsections (b), (c) and (d), the City may, without further notice and without advertising in any manner, sell at private sale or public auction, for cash, any dog or dogs not redeemed or reclaimed within the provisions of this ordinance. All impounded dogs not redeemed or sold under the provisions of this ordinance may be destroyed by the City. (f) The owner or keeper of any dogs as of the time said

dog is impounded may, within thirty days after such dog is sold by the City, redeem the same from such purchaser by paying to him the amount of the purchase price paid by him to the City and, in addition thereto, any licensing, vaccination, impoundment and daily charges paid by the person purchasing said dog from the City. The purchaser of said dog, or dogs, will receive a copy of this ordinance placing the purchaser on notice of the right of redemption of the owner or keeper of the dog, or dogs, so purchased from the City and shall purchase subject to those rights. At the end of thirty days from the date that a dog is sold by the City, the original owner's or keeper's right to redeem shall expire under this ordinance.

Section 9: Interfering with Execution of Authorized Acts: It shall be unlawful and a violation for any person to interfere with or attempt to prevent the City of Lavaca, or other authorized persons acting for the City of Lavaca, from seizing and impounding any dog which is authorized to be impounded under the provision of this ordinance. Further, it shall be unlawful and a violation for any person to refuse to deliver any unlicensed or unvaccinated dog to the City of Lavaca, or any person authorized by the City of Lavaca, upon demand, for impoundment under this ordinance.

Section 10: Penalties: In addition to any fees and costs incurred and referred to in this ordinance, any person found guilty of violating this ordinance and convicted thereof, shall be punished by a fine of not less than \$25.00 and not more than \$100.00 for a first offense. For a second offense occurring within one (1) year after conviction under this ordinance, the person shall be punished by a fine of not less than \$50.00. For a third offense occurring within one (1) year after conviction under this ordinance, the person shall be fined \$100.00 and the dog, or dogs, owned or kept by the person so convicted, shall be subject to being seized and destroyed by order of any court having jurisdiction herein. Any agent or person authorized by the City of Lavaca to seize or impound dogs in enforcement of this ordinance or any police officer of the City of Lavaca is hereby authorized to issue a citation for any such violation.

Section 11: Repeal of Ordinances: All ordinances and portions of ordinances in conflict with this ordinance are hereby repealed.

Section 12: Severability: Should any portion of this ordinance be found 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 13: THIS ORDINANCE being necessary for the preservation of the public peace, health and welfare and an emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 10TH DAY OF JUNE, 1996.

APPROVED: LOYD FARRAR, MAYOR

ATTEST: LINDA HILD, RECORDER/TREASURER