

ORDINANCE NO. 474

AN ORDINANCE PROHIBITING PERSONS FROM ALLOWING THEIR DOG OR DOGS TO BARK, HOWL, OR YELP CREATING AN EXCESSIVE NOISE DISTURBING THE CITIZENS OF THE CITY OF RECTOR; PROVIDING FOR A PENALTY THEREFORE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RECTOR, ARKANSAS, TO- WITH;

DEFINITIONS

- A) Dogs- When used herein shall include animals of all ages, both male and female, which are members of the canine or dog family.
- B) Owner or custodian- Every person who shall have ownership or custody of said dog or dogs on their property, whether rented, leased or a fee simple owner, who houses or keeps the dog or dogs on their property.
- C) Aggrieved Party- Any reasonable persons, individuals or groups that live within a radius of 100 yards of the dog or dogs barking, howling or yelping, to the extent that person cannot enjoy sleep, outside activities, or conversation, shall be deemed to be an aggrieved party under the ordinance.

SECTION I: That from and after passage of this ordinance it shall be unlawful for any owner or custodian to allow their dog or dogs to habitually bark, howl, or yelp which by the barking, howling, or yelping, causes annoyance or disturbance of the neighborhood to the detriment of the aggrieved individuals within the City of Rector. The barking, howling, or yelping shall be defined as outside the property lines of the owner as defined in Definition "B". Said barking, howling, or yelping, shall be considered excessive if occurring for an extended period of more than ten (10) minutes within one (1) hour.

SECTION II: That any owner or custodian who allows their dog or dogs to bark for more than ten (10) minutes within one (1) hour is in violation of this ordinance and shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than \$25.00 and no more than \$100.00. Each and every day that said dog or dogs bark, howl, or yelp shall be deemed to be a violation and shall be a separate offense. A second violation within thirty (30) days of the first conviction shall carry a penalty of not less than \$100.00 and no more than \$500.00.

SECTION III: The fact of the dog or dogs barking, howling, or yelping may be caused by other animals or any other elements whatsoever shall not excuse the enforcement of this ordinance and penalties imposed against the owner or custodian of the animal(s).

SECTION IV: Testimony of the aggrieved party concerning the health, welfare and enjoyment as defined in Definition "C" shall be deemed prima facie proof of the violation of the ordinance and it shall be the burden of the violator to overcome the prima facie evidence.

SECTION V: There appears to be a danger of excessive barking, howling or yelping be dogs concerning the health, welfare and enjoyment of the citizens of the City of Rector requiring immediate attention an emergency therefore exists and this ordinance shall be in full force and effect after its passage and approval and publication as required by law.

DATED this 5th day of November, 2001.

CITY OF RECTOR, ARKANSAS

BY _____

Ron Kemp, Mayor

ATTEST:

Kenneth R Burns

Ken Burns, City Recorder