

ORDINANCE NO. 1115

AN ORDINANCE AMENDING CHAPTER 6.04, EUREKA SPRINGS MUNICIPAL CODE, PROVIDING FOR THE CONTROL AND LICENSING OF DOGS WITHIN THE CORPORATE LIMITS OF THE CITY, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

Section 1. Section 6.04.03, Eureka Springs Municipal Code, amended.

Section 6.04.03, Eureka Springs Municipal Code, is hereby amended by complete deletion of the existing section and substitution of the following:

6.04.03 Penalty.

(a) It shall be a misdemeanor for the owner or any person exercising control or custody of any dog to allow or permit such dog to run at large within the City.

(b) Any person violating the provisions of subsection (a) shall be fined in a sum of not less than \$25. in a case where the dog is licensed under the provisions of Sections 6.04.05 and 6.04.06. Where a license for the current calendar year has not been obtained, any person violating the provisions of subsection (a) shall be fined in a sum of not less than \$50.

(c) Subsequent offenses occurring within one calendar year of a previous conviction shall be punishable by assessment of a fine of not less than \$50. in the case of licensed dogs and a fine of not less than \$100. in the case of unlicensed dogs.

Section 2. Section 6.04.05, Eureka Springs Municipal Code, amended.

Section 6.04.05, Eureka Springs Municipal Code, is hereby amended by complete deletion of the existing section and substitution of the following:

6.04.05 License Applications

(a) Upon presentation of satisfactory proof that the applicant's dog has been inoculated against rabies for the current calendar year and upon payment of the required license fee, The City of Eureka Springs will issue the license referred to in Section 6.04.04

(b) The license fee shall be the sum of \$5.00, payable for each calendar year or part thereof.

Section 3. Section 6.04.07, Eureka Springs Municipal Code, amended.

Section 6.04.07, Eureka Springs Municipal Code, is hereby amended by complete deletion of the existing section and substitution of the following:

6.04.07 Impoundment.

(a) Any dog found to be running at large within the corporate limits of the City shall be subject to seizure and impoundment by the person or persons authorized under Section 6.04.08.

(b) Dogs seized shall be impounded in the City Pound or other structure designated by the Chief of Police. Dogs for which a current, valid license has been issued shall be kept for a period of not more than 72 hours after seizure. Unlicensed dogs shall be kept for a period of not more than 48 hours. During this period of time the owner, or some other authorized person, may reclaim and recover the dog upon payment of the fees set forth in subsection (c).

(c) In addition to any fine imposed by Section 6.04.03, any person reclaiming or recovering an impounded dog shall pay an impoundment fee of \$15. plus \$5. for each day or portion thereof that the dog was impounded.

(d) Before any unlicensed impounded dog is released, the person reclaiming or recovering the dog shall pay the fee required by Section 6.04.05 (b) and shall deposit the sum of \$15. which shall be refunded on presentation of satisfactory proof of vaccination against rabies.

(e) If the owner, custodian or person exercising control of an impounded dog is known, The City shall give notice by mail to the person's last known address of the fact of impoundment and of the time period during which the dog may be claimed or recovered is provided in subsection (b) of this Section. The time periods shall not begin to run until such notice is deposited in the U.S. mail.

(f) All dogs remaining unclaimed at the end of the applicable time period provided in subsection (b) of this Section may be sold by the City to any person who pays the fees that have accrued under the provisions of this Section. Should the owner or an authorized person or a buyer not claim the dog, the City shall destroy or otherwise dispose of the dog. No dog may be destroyed except where notice by certified mail is given to the owner, if known, at least five (5) days in advance of the proposed destruction.

Section 4. Section 6.04.08, Eureka Springs Municipal Code, amended.

Section 6.04.08, Eureka Springs Municipal Code, is hereby amended by complete deletion of the existing section and substitution of the following:

6.04.08 Enforcement.

(a) The Chief of Police shall designate a person or persons who The City may contract with to seize and impound dogs running at large or otherwise enforce the provisions of this Section.

(b) The person selected by The Chief of Police shall receive \$10. for each dog that is seized by him and will only be payable upon the conviction of the owner of the dog, or the person who is exercising control or custody of the dog, of a violation of Section 6.04.03.

(c) The Mayor and Clerk/Treasurer shall enter into a contract with the person designated by the Chief of Police when authorized by a written resolution approved by a majority of the Council. The person contracting with The City shall not be considered an employee of The City but merely an independent contractor providing a service to The City; the Chief of Police is responsible for monitoring compliance with the contract.

Section 5. Emergency declared.

The City Council has found that an emergency exists because of the large number of dogs which are running at large within the City, many of the dogs are unlicensed. The dogs have created health hazards. The existing provisions of the Code are inadequate to deal with the health hazards created by the many dogs running at large. Therefore, an emergency is hereby declared to exist and the Ordinance being necessary for the preservation of the public peace, health and safety shall take effect and be in full force from the date of its passage, approval and publication according to law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WITH SECTION 5 BEING PASSED SEPARATELY ON THIS 10th DAY OF February, 1981.

APPROVED:


Marcile Davis, Mayor

ATTEST:


Truie Walsh, Clerk/Treasurer

(SEAL OF THE CITY)