

Italics = Original Ordinance language
Strikethrough would be deleted; underlined would be added.

ORDINANCE NO. A2005-05

AN ORDINANCE TO AMEND ORDINANCE 99-4 PROVIDING FOR LICENSING AND ANIMAL CONTROL WITHIN THE CITY OF CHEROKEE VILLAGE, ESTABLISHING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Cherokee Village City Council that the Cherokee Village Ordinance providing for licensing and animal control within the City of Cherokee Village, Arkansas, establishing penalties for the violation thereof and for other purposes adopted by Ordinance 99-4 on March 15, 1999, be amended as follows:

SECTION 1:

Section 10: Impoundment

Strike the word "officer" and add the word "authority".

SECTION 10: IMPOUNDMENT

- (a) *Any animal at large or otherwise in violation of the provisions of this ordinance may be impounded in an animal shelter in a humane manner for a period of not less than five (5) working days; and, if within such time, an animal so impounded has not been reclaimed by its owner or harborer in accordance with the provisions of this ordinance, such animal shall become the absolute property of the animal control authority which may convey ownership of such animal to any responsible person on such conditions as the animal control authority may prescribe, or the animal control authority may humanely destroy such animal. No animal shall be maintained at City expense in excess of five (5) days unless specifically authorized by the Animal Control Officer. Authority.*
- (b) *The animal control officer authority shall make a reasonable effort to notify the owner of any animal impounded in an animal shelter that the animal has been impounded, of the manner by which the animal may be reclaimed, and that the animal may be destroyed or become the property of the animal control authority as provided herein.*

SECTION 2:

Section 14: Enforcement

Strike the word "officer" and add the word "authority"

Strike the wording "and by the Cherokee Village Department of Public Safety".

SECTION 14; ENFORCEMENT

The provisions of this Ordinance shall be enforced by the animal control officer authority

They, as well as all other authorized

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law enforcement officers, are hereby authorized to issue a citation to any person for violation of any provision of this Ordinance.

SECTION 3:
Section 16: Animal Control Officer
Strike the entire Section

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- (a) ~~The office of Animal Control Officer (A.C.O.) is hereby created.~~
- (b) ~~The A.C.O. shall be appointed by the Mayor, subject to the approval of the City Council,~~
- (1) ~~The A.C.O. shall receive such salary as may be from time to time set by the City Council~~
- ~~salary not to exceed one hundred dollars (\$100.00) per month.~~
- (2) ~~If the Council shall fail to set a salary for the A.C.O., he shall receive a~~
- (3) ~~The A.C.O. shall also be reimbursed for all of his out of pocket expenses~~
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- personal vehicle during official business of the A.C.O.
- (c) ~~Power and Duties:~~
- ~~The A.C.O. shall catch and dispose of all animals running at large or otherwise coming into his possession pursuant to this Ordinance. The A.C.O. shall also exercise such other duties and responsibilities relating to animals as have been or shall be imposed upon said A.C.O. by the Mayor.~~
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- (1) ~~It is hereby made the duty of the Mayor~~
- ~~and City Council of Cherokee~~ ~~to be known and designated~~
-
- as "the Animal Shelter" to carry out the provisions of this Ordinance, provided, however, that the City Council may authorize the Mayor to
- ~~disposition of animals which come into the possession of the A.C.O. pursuant to this Ordinance. Said contract shall be upon such terms and provisions as the City Council may prescribe and approve.~~
- (2) ~~It has been determined that privately owned animal shelters are so rare and unusual in the area of the City of Cherokee Village that it would be impracticable and useless to advertise for bids for an animal shelter. Therefore pursuant to provision of A.C.A. 11 58 303, the Mayor, with consent of the City Council, is hereby authorized to contract for the disposition of animals in the control of the A.C.O. with a privately operated facility, upon such terms and provisions as the City Council may prescribe, without advertising for bids therefore.~~
- (c) ~~Records~~
- ~~It shall be the duty of the A.C.O. to keep, or cause to be kept, accurate and~~

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*detailed C h e r o k e e Village. Which records shall be open to
inspection at reasonable times by such*

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persons responsible for similar records of the City of Cherokee Village and shall be audited by the City of Cherokee Village annually in the same manner as other City records are audited,

Investigation

~~*For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, the A.C.O. or any police or security officer of Cherokee Village or deputy with the County Sheriff's Department is empowered to come upon the property with reasonable cause upon which a dog or animal is kept or harbored, and to demand the exhibition by the owner of such animal of the license for such animal. If the A.C.O. should find a dog or animal running at large or being a public nuisance as heretofore defined or being vicious as heretofore defined, the A.C.O. is hereby authorized and empowered to summon the owner or person having control of the animal, into the Municipal Court of the County wherein the offence occurred, for allowing such dog or animal to run at large, be a public nuisance or a vicious animal.*~~

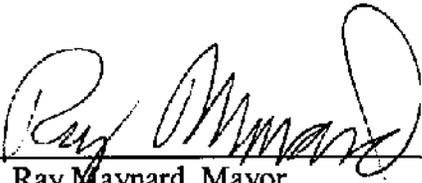
SECTION 4:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: May 19, 2005

APPROVED: _____


Ray Maynard, Mayor

ATTEST: _____


Susan E. Maynard, Clerk/Treasurer