

ORDINANCE NO. 2019- 03 A

AN ORDINANCE AMENDING ORDINANCE NO. A2014-02, PROVIDING FOR LICENSING AND ANIMAL CONTROL WITHIN CHEROKEE VILLAGE, ARKANSAS; ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF; DECLARING AN EMERGENCY TO EXIST; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS, THAT:

SECTION ONE

ORDINANCE NO. A2014-02 IS AMENDED AS FOLLOWS:

SECTION 1. DEFINITIONS IS AMENDED TO ADD A NEW SECTION 1(h)(8)

(h) (8) Leaves an animal permanently chained in a manner that adversely affects the animal's health and wellbeing.

SECTION 2. LICENSING IS AMENDED AS FOLLOWS:

SECTION 2 (i) is deleted and replaced with following language:

(i) A license shall be issued upon satisfactory completion of the application after payment of the following fees:

Unaltered dogs or cats -- \$30.00

Altered dogs or cats -- \$20.00

Unaltered dogs or cats with an implanted microchip -- \$20.00

Altered dogs or cats with an implanted microchip -- \$10.00

SECTION 11. RECLAIMING IMPOUNDED ANIMALS IS DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE:

SECTION 11. RECLAIMING IMPOUNDED ANIMALS

(a) The owner or harbinger of an animal impounded in an animal shelter may reclaim the animal upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this ordinance and upon payment of fees and charges as hereinafter provided, credited to the account of the animal

control authority and shall not be in lieu of any fine or penalty otherwise provided by law.

(b) An owner or harbinger of an impounded animal shall pay a fee of twenty-five dollars (\$25.00) for altered animals and fifty dollars (\$50.00) for unaltered animals, plus ten dollars (\$10.00) maintenance for each day the animal has been impounded, plus the appropriate license fee, if not legally licensed. For each subsequent impoundment occurring within six (6) months, the fee is doubled. The daily maintenance fee is not doubled. After the third (3rd) violation within six (6) months and five (5) days' written notice, the animal will be altered at the owner's expense by a licensed veterinarian chosen by the impounding agency before being returned to the owner or harbinger. The animal may also have a microchip implanted at the owner's expense.

(c) The owner or harbinger of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, as well as all out-of-pocket costs of the City for veterinarian services provided to the animal, notwithstanding the destruction or subsequent adoption of the animal.

SECTION 12. RELINQUISHMENT OF UNWANTED ANIMALS IS DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE:

SECTION 12. RELINQUISHMENT OF UNWANTED ANIMALS

If a resident of Cherokee Village who is the owner of an unwanted animal is unable to find a suitable home or dispose of his animal through legal channels, ownership of the animal may be relinquished to the animal control authority at the discretion of the animal control authority. The donation requested for interim maintenance (housing and food) shall be twenty dollars (\$20.00) per day per animal. Said animals will then be subject to the rules of the animal control authority and may be adopted out or destroyed, as the animal control authority deems proper.

SECTION 13. ADOPTION IS DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE:

SECTION 13. ADOPTION

The animal control authority may convey ownership (permit adoption) of any animal which has become the property of the animal control authority to a

responsible person, subject to such conditions as may be prescribed by the animal control authority including, without limitation, the following:

- (a) Payment of a fifty dollar (\$50.00) adoption fee and any vaccination, licensing or veterinary costs, including cost of altering, if not previously altered. (The animal control authority may pay if funds are available one third (1/3) of the cost of said altering); and
- (b) Evidence satisfactory to the animal control authority that the animal has, or will be, examined by a licensed veterinarian and vaccinations against rabies and other diseases administered; and
- (c) Evidence satisfactory to the animal control authority that the animal has been, or will be, altered to no longer be able to reproduce.

SECTION 19. PENALTIES FOR VIOLATIONS IS DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE:

SECTION 19. PENALTIES FOR VIOLATIONS

- (a) Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals is guilty of an unclassified misdemeanor and shall be subject to fines and penalties prescribed in Arkansas Code § 5-62-103.
- (b) A person commits the offense of aggravated cruelty to a dog or cat if he or she knowingly tortures any dog or cat. A person who pleads guilty or nolo contendere to or is found guilty of aggravated cruelty to a dog or cat shall be guilty of a class D felony and shall be subject to fines and penalties prescribed in Arkansas Code § 5-62-103.
- (c) Any person violating any other provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred fifty dollars (\$150.00) (unless otherwise specified for failure to license or renew) and not more than one thousand dollars (\$1,000.00). If the violation is in its nature continuous in time, the fine shall be five hundred dollars (\$500.00) for each day that it is unlawfully continued.

SECTION TWO

All other ordinances of this City that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION THREE

If any part of this Ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**EMERGENCY CLAUSE.** It being necessary for the continued operation of the animal control efforts of the City of Cherokee Village and for the certainty of its citizens, the City Council of the City of Cherokee Village, Arkansas, recognizes and declares an emergency to exist, and this Ordinance, being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety and welfare of the City of Cherokee Village, Arkansas, shall be in full force and effect from the date of its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF CHEROKEE VILLAGE,  
ARKANSAS**

DATED: 12/19/2019

APPROVED: Russell Stokes, Jr.  
Russell Stokes, Jr., Mayor

ATTEST: Deborah Weichinger  
Deborah Weichinger, Clerk