

ORDINANCE NO. 2023- 03

**AN ORDINANCE AMENDING
TITLE 6, ANIMALS AND FOWL,
CHAPTER 6.04, DOGS AND CATS,
SECTION 6.04.11, IMPOUNDMENT;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES.**

WHEREAS, The City of Fairfield Bay (City) is in the middle of an epidemic among certain feral animals, as set forth by the Animal Control Officer at a recent work session; and

WHEREAS, The City Council agrees that additional authority for the Animal Control Authority would be appropriate under the circumstances, and to make the Municipal Code consistent with current practice, by amending Municipal Code Title 6, Animals and Fowl, Chapter 6, Dogs and Cats, Section 6.04.11, Impoundment;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD BAY, ARKANSAS:

1. That Section 6.04.11 of the Municipal Code be amended with the following language in *bold italics*:

6.04.11 Impoundment

.....

E. Notwithstanding any provision of the ordinance *and the Municipal Code* to the contrary, the Animal Control Authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of *an employee of the Animal Control Authority qualified by certification, training, and experience, or* a licensed veterinarian that the destruction of the animal is necessary to prevent disease or injury to other animals or to humans, or when the Animal Control Authority reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering or death.

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2. NOT TO BE CODIFIED: THE MUNICIPAL CODE OF THE CITY OF FAIRFIELD BAY BE, AND IT IS HEREBY, AMENDED ACCORDINGLY. Items

set forth above in *bold italics* shall amend the Code. Items set forth as deletions in text interlineated as the example word “~~deletions~~” shall be stricken from the Code and deleted, accordingly.

3. NOT TO BE CODIFIED: EMERGENCY CLAUSE: EFFECTIVE DATE: Because of the potential danger to public peace, health, and safety; because there is a real risk of epidemic disease among certain animal populations in the City, the City Council finds and concludes that AN EMERGENCY HEREBY EXISTS, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, IT SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY ON AND AFTER ITS PASSAGE.

4. NOT TO BE CODIFIED: SEVERABILITY CLAUSE: If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

DATED this 13 Day of March, 2023.

APPROVED: 
Jackie Sikes, Mayor

ATTEST: 
Rosie M Ostronic Owen, City Recorder/Treasurer

Prepared and approved:
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Rev: 3/13/23