

ORDINANCE NO. 2023- 06

**AN ORDINANCE OF THE CITY OF FAIRFIELD BAY
TO AMEND TITLE 6 OF THE MUNICIPAL CODE,
ANIMALS AND FOWL,
TO AMEND CHAPTER 6.04,
CATS AND DOGS,
TO AMEND SECTION 6.04.16
PENALTIES FOR VIOLATIONS,
INCREASING FINES FOR SECOND, THIRD,
AND SUBSEQUENT VIOLATIONS;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, the City has experienced some difficulties with animal control, and has received some complaints, in public and in private, concerning animals running at large in the City; and

WHEREAS, the City desires to be pro-active concerning animal control issues, particularly after it raised the fine from a \$25 maximum fine to a \$100 minimum fine in 2015; and

WHEREAS, the City Council has publicly discussed this issue in regular and work sessions and has come to the consensus that raising the fines for second, third, and subsequent violations is the best method to proceed;

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

Section 1. The Municipal Code, Section 6.04.16 be, and it is hereby, AMENDED, as follows, with new language in *bold italics* and deleted language stricken, as in the word **strikeout**:

6.04.16 Penalties for Violations

* * *

B. Any person violating any other provision of Title 6 of the Municipal Code shall be deemed guilty of a *violation misdemeanor*. Upon conviction, said person shall be punished by a fine of not less than one hundred dollars (\$100) for a first offense, *plus all court costs, fees, and lawful expenses*. After an initial “*first*” conviction of any provision of this Title 6 of the Municipal Code ~~upon subsequent conviction, and if any such violation of Title 6 of the Municipal Code be continued, a minimum fine of One hundred Dollars (\$100.00) per violation.~~ *, the second conviction of any provision of this Title 6 of the Municipal Code shall be punished by a fine of not less than two hundred dollars (\$200) for a second offense, plus all court costs, fees, and lawful expenses. After a second conviction of any provision of this Title 6 of the Municipal Code, the third conviction, and all subsequent convictions of this Title 6 of the Municipal Code, shall be punished by a fine of not less than three hundred fifty dollars (\$350), plus all court costs, fees, and lawful expenses.* Each day’s violation shall be a separate offense, except for failure to license or renew.

* * * *

Section 2. The stricken language in Section 6.04.16 set forth above is hereby REPEALED on the effective date of this Ordinance, set forth below.

Section 3. Title 6 of the Fairfield Bay Municipal Code be, and it is hereby, AMENDED, accordingly.

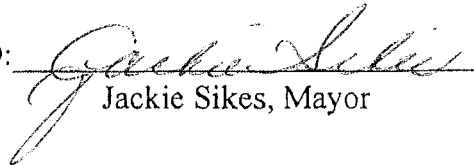
Section 4. NOT TO BE CODIFIED: **EMERGENCY CLAUSE:** The City Council finds and concludes the health, safety, and welfare of the residents of the City require enforcement of the provisions of this Ordinance at the earliest possible time, given the difficulties with animal control and enforcement of Title 6 during previous calendar years. Therefore, an emergency is declared to exist, and this Ordinance, amending Title 6 of the Municipal Code, shall be in full force and effect at 12:01 a.m. on June 1, 2023, and from and after that date and time. For all citations issued, and violations occurring, before June 1, 2023, the previous provisions of the Municipal Code shall remain in full force and effect, and shall be enforced, accordingly. The Recorder-Treasurer may send this Ordinance for Codification in the

ordinary course of business, after its approval by the Council and publication according to the laws of the State of Arkansas in a newspaper and by posting in five (5) conspicuous places in the City.

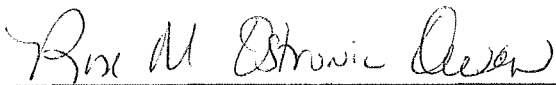
Section 5. NOT TO BE CODIFIED: SEVERABILITY CLAUSE: If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

DATED this 8 Day of May, 2023.

APPROVED:


Jackie Sikes, Mayor

A TRUE COPY, ATTEST:


Rose M. Ostronic-Owen, City Recorder/Treasurer

Prepared and approved:
AJ Kelly
Kelly Law Firm, PLC
PO Box 251570
Little Rock AR 72225-1570
Rev: 3/13/23