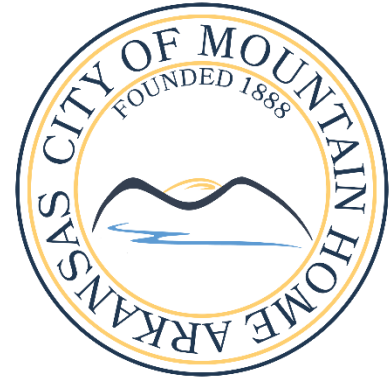


MOUNTAIN HOME CITY COUNCIL REGULAR MEETING AGENDA

THURSDAY, FEBRUARY 20, 2025 @ 5 P.M.
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
720 HICKORY STREET, MOUNTAIN HOME, ARKANSAS

Pledge of Allegiance
Prayer
Roll call
Minutes from the February 6th Council meeting
Agenda additions
Announcements



OLD BUSINESS

NEW BUSINESS

A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS, AND FOR OTHER PURPOSES

AN ORDINANCE TO REGULATE ANIMAL CONTROL IN THE CITY OF MOUNTAIN HOME, ARKANSAS; REQUIRING THE LICENSING OF ALL DOGS AND CATS INSIDE THE CITY; AND REPEALING ORDINANCES 58, 530, 541, 778, 849, 1989-24, 1989-31 AND 1996-18; AND FOR OTHER PURPOSES, presented by James Tilley

COMMENTS

ADJOURN

Respectfully submitted,
Scott Liles, City Clerk

MINUTES
REGULAR CITY COUNCIL MEETING – Thursday, February 6th, 2025

1. The Mountain Home City Council met in regular session on February 6, 2025, in the Council Chambers of the Municipal Building. Mayor Hillrey Adams called the meeting to order at 5 p.m.
2. **CITY OFFICIALS IN ATTENDANCE** Mayor Hillrey Adams, City Clerk Scott Liles, City Attorney Roger Morgan, Treasury Director Alma Clark, Planning Director Arnold Knox, Public Works Director Steve Hill, Assistant Police Chief Robert McCoy Fire Chief Kris Quick and Parks Director Daniel Baxley.
3. **MEDIA IN ATTENDANCE** Caroline Spears of the Baxter Bulletin and Chris Fulton of the Mountain Home Observer. The meeting was also streamed on Facebook by XL-7 TV.
4. **ROLL CALL** Following the Pledge of Allegiance and an invocation, the following Council members were present for the roll call: Bob Van Haaren, Susan Stockton, Jennifer Baker, Wayne Almond, Philip Frame, Carry Manuel, Jim Bodenhamer and Nick Reed.
5. **APPROVAL OF THE JANUARY 2nd MINUTES** Council member Jennifer Baker made a motion to approve the minutes from the Council’s January 2nd meeting. The motion was seconded by Council member Wayne Almond. *The vote was recorded as follows: Yes – All present. The motion carried, and the January 2nd minutes were adopted.*
6. **APPROVAL OF THE JANUARY 13th SPECIAL MEETING MINUTES** Council member Jennifer Baker made a motion to approve the minutes from the Council’s January 13th special meeting. The motion was seconded by Council member Susan Stockton. *The vote was recorded as follows: Yes – All present. The motion carried, and the January 13th special meeting minutes were adopted.*
7. **OLD BUSINESS**
8. **ADOPTION OF COMMITTEE ASSIGNMENTS** City Clerk Scott Liles presented the revised list of proposed committee assignments to the Council. Committee assignments were first presented to Council at the January 2nd meeting but were tabled after it was discovered that Council member Bob Van Haaren had been accidentally dropped from one of his committee assignments from previous terms in office. Bob Van Haaren made a motion to adopt the revised assignments and was seconded by Council member Susan Stockton. *The vote was recorded as follows: Yes – All present. The motion carried, and the 2025 revised committee assignments were adopted.*

CITY CLERK'S NOTE The revised committee assignments are as follows: **Public Safety** – Wayne Almond, Bob Van Haaren, Jim Bodenhamer and Carry Manuel; **Parks & Recreation** – Susan Stockton, Nick Reed, Philip Frame and Wayne Almond; **Street** – Jennifer Baker, Jim Bodenhamer, Susan Stockton and Carry Manuel; **Water/Sewer** – Jennifer Baker, Bob Van Haaren, Nick Reed and Philip Frame; and **Personnel** – Carry Manuel, Jennifer Baker, Wayne Almond and Jim Bodenhamer. Bob Van Haaren and Susan Stockton were previously selected at the January 2nd meeting to serve as the Council's representatives on the Advertising & Promotion Committee.

9. NEW BUSINESS

A RESOLUTION APPOINTING NOAH STROUT AND AMY MCKAY TO THE CITY OF MOUNTAIN HOME'S ADVERTISING & PROMOTION COMMISSION If approved, this Resolution would confirm the appointments of Noah Strout and Amy McKay to the City's Advertising & Promotion Commission. Strout was selected by the A&P Commission at its January 23rd meeting, and McKay was selected at the February 5 special A&P meeting. Both would-be commissioners are required to have their nominations confirmed by the City Council before they can officially preside as commissioners. Council member Phillip Frame made a motion to approve the Resolution and was seconded by Council member Nick Reed. *The vote was recorded as follows: Yes – All present. The Resolution was declared adopted and numbered Resolution No. 2025-5.*

PERMISSION TO DISPOSE OF A 1998 CASE EXCAVATOR (PIN# DAC0302171) Public Works Director Steve Hill asked the Council for permission to dispose of a 1998 Case excavator (PIN# DAC0302171). *The machine, which has 9,013 hours of operation time, recently broke down and cannot be repaired. The City has been offered \$5,500 by Schaefer Enterprises to haul the machine away for salvage.* Council member Bob Van Haaren made a motion to dispose of the excavator, and was seconded by Council member Jennifer Baker. *The vote was recorded as follows: Yes – All present. The motion carried and permission was granted to dispose of the non-working excavator.*

AN ORDINANCE TO AMEND SECTION 11.04 OF THE MOUNTAIN HOME, ARKANSAS, CITY CODE, ALSO KNOWN AS THE FIRE PREVENTION CODE, FOR THE PRACTICAL SAFEGUARDING OF PERSONS, BUILDINGS AND THEIR CONTENTS FROM THE DANGERS AND HAZARDS ARISING FROM FIRE AND LIFE SAFETY EMERGENCIES If approved, this Ordinance would require businesses and individuals who install fire suppression systems to file for a permit with the Fire Department before starting a job. The permit is free of charge and allows the Fire Department to track who is installing fire suppression systems and where around town. Once installed and tested, the Fire Marshal would then sign off on the work to complete the permitting process. City attorney Roger Morgan placed the proposed Ordinance on its first reading in its entirety.

SECOND READING After the item's first reading, Council member Wayne Almond made a motion to suspend the rules and place the item on its second reading by title only. That

motion was seconded by Council member Jim Bodenhamer. *The vote was recorded as follows: Yes – All present. The motion carried and the proposed Ordinance was read a second time.*

THIRD READING Following the second reading, Council member Wayne Almond made a motion to suspend the rules and place the item on its third reading by title only and drew a second from Council member Carry Manuel. *The vote was recorded as follows: Yes – All present. The motion carried and the proposed Ordinance was read a third time.*

ADOPTION Following the item's third reading, Council member Wayne Almond made a motion to adopt the proposed Ordinance and was seconded by Council member Bob Van Haaren. *The vote was recorded as follows: Yes – All present. The Ordinance was declared adopted and numbered Ordinance No. 2025-2.*

A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE CITY OF MOUNTAIN HOME FIRE DEPARTMENT TO PURCHASE A 2025 DODGE 2500 PICKUP AND A 2025 DODGE DURANGO ALL-WHEEL DRIVE FROM ULTIMATE AUTO GROUP OF MOUNTAIN HOME, ARKANSAS, FOR A SUM NOT TO EXCEED \$83,561 If approved, this Resolution would waive the required bidding process and allow the Fire Department to purchase a 2025 Dodge RAM pickup and a 2025 Dodge Durango from Ultimate Auto Group of Mountain Home for a total sum of \$83,561. RAM trucks are presently not included on the state-bid list, and the model of Durango available through state bidding is not an all-wheel drive. Council member Bob Van Haaren made a motion to adopt the Resolution and was seconded by Council member Susan Stockton. *The vote was recorded as follows: Yes – All present. The Resolution was declared adopted and numbered Resolution No. 2025-6.*

A RESOLUTION AMENDING RESOLUTION NO. 2023-13 TO PROVIDE FOR AND ADOPT A 2024 BUDGET FOR THE CITY OF MOUNTAIN HOME, ARKANSAS FOR THE TWELVE (12) MONTHS BEGINNING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024, APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE If approved, this Resolution would amend the City's 2024 budget. The 2024 budget adopted through Resolution 2023-13 was based on anticipated revenue and projected figures, while this updated budget reflects actual revenue and financial numbers on hand through December 31, 2024. Council member Jennifer Baker made a motion to adopt the Resolution and was seconded by Council member Wayne Almond. *The vote was recorded as follows: Yes – All present. The Resolution was declared adopted and numbered Resolution No. 2025-7.*

BUDGET ADJUSTMENTS FOR 2025 DONATION AND PUBLIC SAFETY ACCOUNTS

Treasury Director Alma Clark shared several budget adjustments that needed to be made to the City's donation and Public Safety accounts. The budgeted numbers in those accounts were based on holdings as of November 24, 2024, and funds have been added or subtracted from the various accounts since that time. Council member Jim Bodenhamer made a motion to approve the budget adjustments and was seconded by Council member

Carry Manuel. *The vote was recorded as follows: Yes – All present. The motion carried and the budget adjustments were approved for those line items.*

CITY CLERK'S NOTE *A list of the budget adjustments mentioned in this item may be found in the Exhibit File from this Council meeting.*

A RESOLUTION ESTABLISHING A WRITTEN POLICY OF A \$5,000 CAPITALIZATION THRESHOLD FOR ANY SINGLE FIXED ASSET PURCHASED BY THE CITY OF MOUNTAIN HOME

If approved, this Resolution would raise the City's capitalization threshold from \$2,500 to \$5,000. Cities are required to establish a capitalization threshold, and any single items purchased above that amount must be inventoried, tracked and depreciated. Raising the capitalization threshold from \$2,500 to \$5,000 would help stop the City from maintaining detailed capitalization documentation on mundane equipment like push mowers and power washers. Council member Carry Manuel made a motion to adopt the Resolution and was seconded by Council member Nick Reed. *The vote was recorded as follows: Yes – All present. The Resolution was declared adopted and numbered Resolution No. 2025-8.*

AN ORDINANCE ESTABLISHING A POLICY FOR THE SALE OR EXCHANGE OF SUPPLIES, MATERIALS, OR EQUIPMENT VALUED AT LESS THAN \$10,000; AMENDING SECTION 3.04.04 OF THE MOUNTAIN HOME CITY CODE; AND REPEALING ORDINANCES 529, 579, 637 AND 825

If approved, this Ordinance would allow the Mayor to dispose, sell or exchange any municipal supplies or equipment valued under \$10,000 without first seeking approval from the City Council. The City presently has a limit of \$5,000 on material that can be sold/exchanged without Council approval, and this Ordinance would address the rising costs/values of items due to inflation and scarcity. By state law, the upper limit a City can set for this threshold is \$20,000.

SECOND READING After the item's first reading, Council member Bob Van Haaren made a motion to suspend the rules and place the item on its second reading by title only. That motion was seconded by Council member Wayne Almond. *The vote was recorded as follows: Yes – All present. The motion carried and the proposed Ordinance was read a second time.*

THIRD READING Following the second reading, Council member Bob Van Haaren made a motion to suspend the rules and place the item on its third reading by title only and drew a second from Council member Jennifer Baker. *The vote was recorded as follows: Yes – All present. The motion carried and the proposed Ordinance was read a third time.*

ADOPTION Following the item's third reading, Council member Bob Van Haaren made a motion to adopt the proposed Ordinance and was seconded by Council member Nick Reed. *The vote was recorded as follows: Yes – All present. The Ordinance was declared adopted and numbered Ordinance No. 2025-3.*

EMERGENCY CLAUSE Following the adoption of Ordinance No. 2025-3, Council member Bob Van Haaren made a motion to attach the City’s Emergency Clause to the item so that it immediately went into effect. That motion was seconded by Council member Jim Bodenhamer. *The vote was recorded as follows: Yes – All present. The motion carried and the Emergency Clause was adopted for Ordinance No. 2025-3.*

CITY CLERK’S NOTE *The current policy of the City of Mountain Home is that ALL items to be disposed of, sold off or exchanged must first be approved by City Council, regardless of monetary value. This policy is set by the Mayor.*

AN ORDINANCE AUTHORIZING THE PURCHASE OF EQUIPMENT OR MATERIALS NOT TO EXCEED \$42,500 WITHOUT COMPETITIVE BIDDING; AMENDING SECTIONS 3.04.01 AND 3.04.02 OF THE MOUNTAIN HOME, ARKANSAS, MUNICIPAL CODE; AND REPEALING ORDINANCE NO. 2009-4 AND ORDINANCE NO. 1998-01

If approved, this Ordinance would raise the City’s bid-waiver threshold from \$20,000 to \$42,500. By law, cities of the first class must either establish their own specific bid threshold or use the state-mandated limit of \$42,921. Items under this amount may be purchased without first seeking out competitive bidding, while items more than that amount must first be bid out. Cities may also waive competitive bidding for certain situations, like the item to be purchased is hard-to-get/proprietary or the item can be secured below the cost listed in state-bid contracts. The State Legislature recently increased the maximum bid-waiver threshold from \$30,000 to \$42,921, prompting the City to reconsider its own bid waiver threshold, which was adopted in 2009. City attorney Roger Morgan placed the item on its first reading in its entirety.

SECOND READING After the item’s first reading, Council member Jennifer Baker made a motion to suspend the rules and place the item on its second reading by title only. That motion was seconded by Council member Wayne Almond. *The vote was recorded as follows: Yes – All present. The motion carried and the proposed Ordinance was read a second time.*

THIRD READING Following the second reading, Council member Jennifer Baker made a motion to suspend the rules and place the item on its third reading by title only and drew a second from Council member Wayne Almond. *The vote was recorded as follows: Yes – All present. The motion carried and the proposed Ordinance was read a third time by City Clerk Scott Liles.*

ADOPTION Following the item’s third reading, Council member Jennifer Baker made a motion to adopt the proposed Ordinance and was seconded by Council member Wayne Almond. *The vote was recorded as follows: Yes – All present. The Ordinance was declared adopted and numbered Ordinance No. 2025-4.*

EMERGENCY CLAUSE Following the adoption of Ordinance No. 2025-4, Council member Jennifer Baker made a motion to attach the City’s Emergency Clause to the item so that it immediately went into effect. That motion was seconded by Council member Wayne Almond. *The vote was recorded as follows: Yes – All present. The motion carried and the Emergency Clause was adopted for Ordinance No. 2025-4.*

10. ADJOURNMENT

With no further business to come before the Council, Council member Bob Van Haaren made a motion to adjourn the meeting and drew a second from Council member Nick Reed. *A voice vote was recorded as follows: Yes – All present. Mayor Hillrey Adams then declared the meeting adjourned at 5:35 p.m.*

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

RESOLUTION NO. 2025-xx
A RESOLUTION AUTHORIZING THE DESTRUCTION
OF CERTAIN CITY RECORDS, AND FOR OTHER PURPOSES

WHEREAS, Arkansas Code Annotated Section 14-59-114 provides for the destruction of certain accounting records after a specified amount of time; and,

WHEREAS, an audit has been made of said records; and,

WHEREAS, the above referenced statute provides that the City shall document the destruction by providing an Affidavit listing documents and the time period to which the documents pertain and, that indicates the method of destruction; and, that said Affidavit must be signed by the municipal employee performing the destruction and one council member; and,

WHEREAS, the above referenced statute provides that the approval of the Council for destruction of documents shall be obtained, and an appropriate note of such approval shall be indicated in the Council minutes along with the destruction Affidavit.

NOW THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME:

1. That approval is hereby granted for the destruction of certain documents described on the attached list "Exhibit A".
2. An affidavit shall be signed by the municipal employee overseeing the destruction of said records and one council member.
3. The Affidavit, along with the list of records, to be destroyed is attached hereto and incorporated by reference as if set out word for word herein.
4. The minutes of this meeting shall note the approval of the Council for the destruction of said documents and shall contain the affidavit and list cited herein.

ADOPTED AND APPROVED THIS 20th DAY OF FEBRUARY, 2025.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

EXHIBIT "A"
CITY OF MOUNTAIN HOME
2025 DESTRUCTION OF RECORDS

2/13/2025

Department	Year	Audited	Contents	Eligible for Destruction
Street	2013	Yes	Invoices: Jan-June	2020
Street	2013	Yes	Invoices: July-Sept	2020
Street	2013	Yes	Invoices: Oct-Nov-Dec	2020
Street	2013	Yes	Timesheets, Check Stubs, Check Registers, Direct Deposits, Walker Auction	2020
Street	2014	Yes	Timesheets Jan-Mar	2021
Street	2014	Yes	Invoices: April - July	2021
Street	2014	Yes	Invoices: Aug-Oct	2021
Street	2014	Yes	Invoices: Nov-Dec	2021
Street	2015	Yes	Invoices: Jan-May	2022
street	2015	yes	Invoices: June-Sept	2022
Street	2015	Yes	Invoices: Oct-Nov-Dec	2022
Street	2016	Yes	Invoices: Jan-May	2023
Street	2016	Yes	Invoices: June-Sept	2023
Street	2016	Yes	Invoices: Oct-Nov-Dec	2023
Street	2017	Yes	Invoices: Jan-May	2024
Street	2017	Yes	Invoices: July-Oct	2024
Street	2017	Yes	Invoices: Nov-Dec	2024
Water (WWTP)	2022	No	Process Control Bench Sheets: PH, DO, TSS ,30 MIN-Settling	2023
Water	2023	No	Process Control Bench Sheets: PH, DO, TSS ,30 MIN-Settling	2024
Water	2024	No	Process Control Bench Sheets: PH, DO, TSS ,30 MIN-Settling	2025
Water (WH)	2016	Yes	purchase orders	2023
Water (WH)	2016	Yes	work orders, daily sheets, requisitions, time sheets, time off requests	2023
Water (WH)	2016	Yes	inventory records	2023
Water (WH)	2017	Yes	purchase orders	2024
Water (WH)	2017	Yes	work orders, daily sheets, requisitions, time sheets, time off requests	2024
Water (WH)	2017	Yes	inventory records	2024
Water (WH)	2018	Yes	purchase orders	2025
Water (WH)	2018	Yes	work orders, daily sheets, requisitions, time sheets, time off requests	2025
Water (WH)	2018	Yes	inventory records	2025
Water (billing)	2014	Yes	bank statements, month end reports, cash receipts, bank drafts	2021
Water (billing)	2014	Yes	clerk records, register assets, direct deposits, balance sheets	2021
Water (billing)	2014	Yes	time sheets, time cards	2021
Water (billing)	2014	Yes	check stubs	2021
Water (billing)	2014	Yes	invoices	2021
Water (billing)	2014	Yes	purchase orders	2021
Water (billing)	2015	Yes	bank statements, month end reports, cash receipts, bank drafts	2022
Water (billing)	2015	Yes	clerk records, register assets, direct deposits, balance sheets	2022
Water (billing)	2015	Yes	time sheets, time cards	2022
Water (billing)	2015	Yes	check stubs	2022
Water (billing)	2015	Yes	invoices	2022
Water (billing)	2015	Yes	purchase orders	2022
Water (billing)	2016	Yes	bank statements, month end reports, cash receipts, bank drafts	2023
Water (billing)	2016	Yes	clerk records, register assets, direct deposits, balance sheets	2023
Water (billing)	2016	Yes	time sheets, time cards	2023
Water (billing)	2016	Yes	check stubs	2023
Water (billing)	2016	Yes	invoices	2023
Water (billing)	2016	Yes	purchase orders	2023
Water (billing)	2017	Yes	bank statements, month end reports, cash receipts, bank drafts	2024
Water (billing)	2017	Yes	clerk records, register assets, direct deposits, balance sheets	2024
Water (billing)	2017	Yes	time sheets, time cards	2024
Water (billing)	2017	Yes	check stubs	2024
Water (billing)	2017	Yes	invoices	2024
Water (billing)	2017	Yes	purchase orders	2024
Water (billing)	2018	Yes	bank statements, month end reports, cash receipts, bank drafts	2025
Water (billing)	2018	Yes	clerk records, register assets, direct deposits, balance sheets	2025
Water (billing)	2018	Yes	time sheets, time cards	2025

EXHIBIT "A"
CITY OF MOUNTAIN HOME
2025 DESTRUCTION OF RECORDS

2/13/2025

Department	Year	Audited	Contents	Eligible for Destruction
Water (billing)	2018	Yes	check stubs	2025
Water (billing)	2018	Yes	invoices	2025
Water (billing)	2018	Yes	purchase orders	2025

Name	#ofBoxes
1990-2009-Workers Comp Admin	1
2010-2012 Federal 941,QTRLY,W2	1
2013-2014 Federal 941,QTRLYs,W2	1
2013-2016-Bldg Inspection Weed/Grass letters/Phone/Msg books	1
2013-2017-Bldg Inspection Receipt Books	1
2014-HR prior 2014	1
2016-Bank Statements	1
2016-Bldg Inps: Business license/Receipt/Deposit Books	1
2016-Check Stubs	1
2016-FD/Str/PR deposits & Bldg Insp/Bus License	1
2016-Fuel Reports/APERS/Admin Fees/Misc Accts/Receipt Books	1
2016-GF PO's April-May	1
2016-GF PO's Aug-Sept	1
2016-GF PO's Jan-Mar	1
2016-GF PO's Oct-Dec	1
2016-Registers General/Street	1
2016-Sales/Use Tax/LOPFI	1
2016-Timesheets	1
2016-Timesheets - GF	1
2017-Bank Statements General/Street	1
2017-Check Stubs General/Street/W/S/Misc	1
2017-General Invoices June-Aug	1
2017-General Invoices Nov-Dec	1
2017-General Invoices Sept-Nov	1
2017-General Receipts	1
2017-General Registers	1
2017-General Timesheets	1
2017-GF PO's April-	1
2017-GF PO's Jan-Mar	1
2017-Misc Accts: Check Registers/Deposit Slips/Walkers Auction	1
2017-Misc Invoices/LOPFI/APERS/Electronic Warrants	1
2017-Receipt/Deposit books	1
2017-Registers Str/WS	1
2017-Timesheets	1
2017-W/S/Street Timesheets	1
2018-CDL records prior to 2018	1
2018-Cobra-Ceridian Admin prior 2018	1
2018-EE Files prior to 2018	1
2018-Old Personnel Records prior to 2018	1
2018-Peronnel Records prior 2018	2
2018-Workers Comp/FML prior 2018	1
2019-Personnel Records prior to 2019	1
Employee Files	1
HR 2nd copies	1
HR 2nd copies/misprints	1
Misc Shred-Treasurer	5
Old a'Test Forms & Kits	1
Old Personnel Files	6
Workers Comp	1
Workers Comp Admin	1

STATE OF ARKANSAS)

COUNTY OF BAXTER)

AFFIDAVIT

Before the undersigned Notary Public, duly qualified and acting in and for said county and state, appeared **TIM SHERRELL**, a municipal employee to me well known to be the affiant herein who stated the following under oath:

That I am a municipal employee for the City of Mountain Home, Arkansas, and it is my duty to oversee the destruction of records on behalf of the City of Mountain Home.

That a copy of said list prepared by Shirley Clark and attached hereto is a list of records set to be destroyed by pulverizing them into unrecognizable bits of confetti that will be sent to the paper mill for making recycled paper products.

That said attachment describes exactly which documents are being destroyed and the period of time to which said documents apply.

That I have read the above and foregoing statements and they are true and correct to the best of my knowledge and belief.

With Council approval, the documents on the attached list are scheduled for destruction _____, 2025 on City Hall premises by Shred-It Arkansas.

IN WITNESS WHEREOF, I hereunto set my hand this ____ day of _____, 2025.

MUNICIPAL EMPLOYEE

CITY OF MOUNTAIN HOME
COUNCIL MEMBER

STATE OF ARKANSAS

COUNTY OF BAXTER

Subscribed and sworn to before me TIM SHERRELL, an **Employee** of the City of Mountain Home on this _____ day of _____ 2025.

My Commission Expires:

Notary Public

STATE OF ARKANSAS

COUNTY OF BAXTER

Subscribed and sworn to before me by _____, a **City Council Member** of the City of Mountain Home, Arkansas on this _____ day of _____, 2025.

My Commission Expires:

Notary Public

1996-18

Bans pit bull terriers

Pet licenses: \$5 (if neutered) or \$10 (intact) per year

Three animals allowed per home

Animals cannot run at large

Cannot sell or give away animals on public property

Horses/cows – 1 acre per animal

No hogs, goats or sheep

Chicken/turkeys/fowl cannot run at large

No limit specified

2025-xx

Replaced by non-specific ‘vicious dog’ prohibition

‘Vicious dog’ determined by animal control officer

Pet licenses: \$5; license does not expire

Any mix of three dogs and/or cats per home

Same

Same

Animals must have fresh water and shelter

Illegal to keep animals in a hot/cold car without A/C or heat

Owners must pick up after their pets while in public

Noisy animals defined and restricted

Cannot feed animals on another’s property

Same

Same

Reasonable number of fowl permitted

“Reasonable” based on housing and confinement capacity

Fowl cannot run at large or be housed in front yard

ORDINANCE NO. 2025-xx

AN ORDINANCE TO REGULATE ANIMAL CONTROL IN THE CITY OF MOUNTAIN HOME, ARKANSAS; REQUIRING THE LICENSING OF ALL DOGS AND CATS INSIDE THE CITY; AND REPEALING ORDINANCES 58, 530, 541, 778, 849, 1989-24, 1989-31, 1990-12 AND 1996-18; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Mountain Home, Arkansas, has previously adopted numerous Ordinances regulating the control of animals inside city limits; and

WHEREAS, said previous Ordinances need to be repealed and replaced with a singular, comprehensive animal control ordinance to better address the needs of the City of Mountain Home, Arkansas,

**NOW, THEREFORE, BE IT ORDAINED
BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:**

Section 1: Definitions

For the purpose of this Ordinance, the following words and phrases shall have the following meaning:

- A. **Abandon and Abandonment** – Knowingly deserting an animal on public or private property.
- B. **Animal** – Any living creature, domestic or wild
- C. **Animal Control Officer** – The person(s) employed by the City as the enforcement officer of this Ordinance.
- D. **Animal Shelter** – Any premises operated by a humane society, municipal agency, or its authorized agent(s) for the purpose of impounding or caring for animals held under the authority of this ordinance or state law.
- E. **At Large** – Any animal shall be deemed at large when it is off the property of its owner and not on a leash, or under the control of a competent person.
- F. **City** – City of Mountain Home.
- G. **Dangerous Animal** – (1) Any animal that attacks or bites a human being or domestic animal without provocation. (2) Any animal for which compelling evidence is presented to show that the animal manifests the disposition to bite, attack, or injure a human being or other domestic animal while off the owner's premises and without provocation.

- H. **Enclosure** – A fence, pen, or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping.
- I. **Exposed to Rabies** – An animal has been exposed to rabies if it has been bitten by or exposed to any animal known to have been infected with rabies.
- J. **Kennel** – Any person, firm, or corporation engaged in the commercial business of breeding, boarding, buying, selling, grooming, letting for hire, or training for a fee.
- K. **License** – A metal tag and certificate issued by the City showing that the animal has been registered with the City, a licensing fee paid, proof of rabies vaccination shown, and (if applicable) proof of neutering. The certificate will state the name, address and telephone number of the owner(s); the name, breed, color, age, and sex of the animal; and date of issue and expiration.
- L. **Noisy Animal** – Means any domestic animal which makes any noise that is unwarranted, or continuous, or loud, or frequent. Examples include, but are not limited to, barking, whining or howling.
- M. **Owner** - Means a person that: (A.C.A. 5-62-102) (1) Has a right of property or title in an animal; (2) Keeps or harbors an animal; (3) Has an animal in his, her, or its care; (4) Acts as an animal's custodian; or (5) Knowingly permits an animal to remain on or about any premises occupied by him/her or it.
- N. **Restraint** – An animal is under restraint if it is controlled by a leash, at “heel” by voice command beside a competent person, in a vehicle being driven on the streets, or **confined** within the property limits of its owner.
- O. **Vicious Animal** - (1) Any animal that attacks or bites a human being or domestic animal without provocation. (2) Any animal for which compelling evidence is presented to show that the animal manifests the disposition to bite, attack, or injure a human being or other domestic animal while off the owner’s premises and without provocation.
- P. **Wild Animal** - Any nonhuman primate, raccoon, skunk, fox, wolf, coyote, snake, or any other warm-blooded animal which can normally be found in the wild state, or the offspring born to wild animals bred with domestic dogs or cats.

Section 2: ENFORCEMENT

The provisions of this ordinance shall be enforced by the Animal Control Officer of the City, the Code Enforcement Officer of the City, or any other Law Enforcement Officer of the City.

Section 3: PERMANENT PET LICENSING

- A. All dogs and cats over the age of six (6) months shall be licensed. Applications for licenses shall be made at the City Hall, or designated place. Owner shall be required to show proof of neutering (if applicable), and proof of rabies vaccination. **Licensing fees are \$5.00 per animal.** There will be a \$2.00 replacement charge for lost tags.
- B. For registered dogs serving the blind or deaf, or used by law enforcement purposes, the fee will be waived.
- C. The licensing period will be for the duration of ownership.**
- D. Tags must be attached to the collar and always worn. Tags are not transferable from one dog or cat to another.
- E. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) and can be imposed for each day the animal is not in compliance if deemed so by the court.

Section 4: CONFINEMENT AND CARE OF ANIMALS

- A. **Access to water and shelter:** Any person owning or keeping an animal confined outside must provide the animal with access to fresh, clean water and appropriate shelter. The shelter must allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed, and have a solid floor. The entrance shall allow entry and exit, and be properly sized to block wind and rain. The enclosure shall be structurally sound and in good repair. Suitable drainage must be provided so that water is not standing in or around the shelter. The Animal Control Officer shall have authority to determine the suitability of a particular shelter should any questions arise, and he shall make this determination based upon industry standards.
- B. It shall be unlawful for any person to confine an animal in an unattended, enclosed vehicle where the outside temperature is 85 degrees Fahrenheit or greater and the interior of the vehicle is not provided with conditioned air or adequate ventilation to maintain an internal temperature of 100 degrees Fahrenheit or less.
- C. It shall be unlawful for any person to confine an animal in an unattended, enclosed vehicle where the outside temperature is 30 Degrees Fahrenheit or less and the interior of the vehicle is not provided with heated air to maintain an internal temperature of at least 30 Degrees Fahrenheit.
- D. No owner of an animal shall knowingly or purposely abandon their animal.
- E. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred

Dollars) plus any cost associated with the care or capture of the animal. The fine can be imposed for each day the animal is not in compliance if deemed so by the court. Subsequent violations will be double the previous fine imposed by the court.

Section 5: RUNNING AT LARGE PROHIBITED

- A. The owner shall always keep their animal under restraint or in enclosure and shall not permit the animal to be at large.
- B. No one may keep a vicious/dangerous animal in the City.
- C. No owner shall allow any chickens, turkeys, or other fowl to run at large in the City.
- D. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) plus any cost associated with the care of capture of the animal. The fine can be imposed for each day the animal is not in compliance if deemed so by the court. If seizure/capture of the animals is necessary, the owner will be given five (5) days to claim the animal(s) and pay the shelter fees, or the animals will become the property of the animal control shelter to adopt out or be euthanized in accordance with their policies. Subsequent violations will be double the previous fine imposed by the court.

Section 6: ANIMAL WASTE REMOVAL AND DISPOSAL

- A. It shall be a violation of this Ordinance when an owner of an animal fails to immediately remove and properly dispose of feces deposited by their animal on any public street, sidewalk, gutter, or other publicly owned property or private property, unless the owner of the property has given permission allowing such use of the property.
- B. This Ordinance shall not apply to visually impaired persons who have charge, control or use of guide dogs, or persons using animals in conjunction with activities of law enforcement.
- C. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars). Subsequent violations will be double the previous fine imposed by the court.

Section 7: NUMBER OF ANIMALS REGULATED

- A. No owner shall keep or harbor any combination of more than three (3) dogs or cats which are over six (6) months old in any home or on any property in the residential zones of the City.
- B. After ten (10) days of notification of being in violation of this section, the owner will be cited with the next available date in Municipal Court.
- C. **Fines and Penalties:** Upon conviction or plea of guilty, the owner shall be guilty of a misdemeanor and punished by a fine up to \$500.00 (Five Hundred Dollars) plus any cost associated with the care or capture of the animal. The City will also be empowered through the court to seize the number of animals needed to make the owner complaint. Upon seizure of the animals, the owner will be given five (5) days to find someone to adopt the animals on their behalf and pay the shelter fees, or the animals will become the property of the animal control shelter to adopt out or be euthanized in accordance with their policies. Subsequent violations will be double the previous fine imposed by the court.

Section 8: INVESTIGATION

- A. The Animal Control Officer or any Law Enforcement Officer is empowered to enter upon the premise, using proper legal procedures, and investigate any complaint of animal cruelty. The Officer may demand to examine an animal and, if necessary, take possession of the animal if it needs humane treatment. No person shall interfere with, hinder, or molest the Animal Control Officer in the performance of his duties, or seek to release any animal in the custody of the Officer.
- B. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) and can be imposed for each day the animal is not in compliance if deemed so by the court.

Section 9: DISPOSITION OF ANIMALS

- A. No person may display animals for sale or give away on any public property without a valid permit/license issued by the City. This prohibition does not apply to pet shops, licensed kennels, humane societies, veterinarian's offices, or animal control facilities.
- B. No person will be allowed to seek to release or surrender an animal that they are the owner of, as defined in this Ordinance, that they no longer want or cannot take care of to the City for impoundment. The animal must be surrendered to a location of

their choice. Examples are as follows An animal rescue, Humane Society, local veterinarian or other private party

- C. It shall be unlawful for any person to knowingly release any animal within the corporate limits of the City of Mountain Home.
- D. It shall be unlawful for any owner, as defined in this Ordinance, to abandon their animal for any reason.
- E. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) plus any costs associated with the care or capture of the animal. The fine can be imposed for each day the animal is not in compliance if deemed so by the court. Subsequent violations will be double the previous fine imposed by the court.

Section 10: IMPOUNDMENT

- A. Any animal found running at large shall be taken up by the Animal Control Officer. The Officer will make every possible effort to notify the owners and return the animal. If unable to locate the owner, the animal will be impounded.
- B. Animals impounded at the animal control shelter will be held for a reasonable length of time, in compliance with the rules of the animal control shelter. Fees will be assessed for reclaiming, boarding, and adoption. Disposal of animals will be at the discretion of the animal control shelter.
- C. The owner of an impounded animal who refuses to reclaim their animal may be proceeded against for abandonment under the provisions of Section 9-D of this Ordinance.
- D. The Animal Control Officer may, at their discretion, cite the owner of the animal for a violation of this ordinance and schedule their appearance in Municipal Court.
- E. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) plus any costs associated with the care or capture of the animal. The fine may be imposed for each day the animal is not in compliance if deemed so by the court. Subsequent violations will be double the previous fine imposed by the court.

Section 11: CONFINEMENT OF CERTAIN ANIMALS

- A. Every female animal in heat shall be confined to the owner's property, or in a kennel or veterinary hospital, in such a manner that such female animal cannot come into contact with a male animal, except for intentional breeding purpose.
- B. No wild or exotic animal may be kept within the city limits except under such conditions as shall be fixed by the City. However, wild animals may be kept for

- exhibition purposes by circuses, zoos, and educational institutions in accordance with such regulations established by the City.
- C. The keeping of horses or cows within the City limits is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal. The enclosure shall not become a harbor for breeding flies, mosquitoes, or rats. They shall not be unsanitary, obnoxious, unhealthful or discomforting to any citizen of the City. Upon investigating and finding such conditions to exist, the proper law enforcement official shall serve written notice of the violation to the owners or post the notice in a conspicuous place on the premises. The owner shall have five (5) days to correct the situation. If the situation is not corrected in five (5) days, the owner will be charged with violation of this ordinance and scheduled for appearance in Municipal Court.
 - D. It shall be unlawful for any person to keep any hogs, goats, or sheep within the City. Animals in transit may be kept in an established stockyard for a period not to exceed twenty-four (24) hours.
 - E. It shall be unlawful for any person to keep more than a reasonable number of mature or adult fowl on their residential property. That reasonable number will be at the discretion of the Animal Control Officer and will be based off the housing and containment area that is available.
 - F. It shall be unlawful for any person to erect permanent housing for fowl on their residential property in the front yard. The fowl shall not be unsanitary, obnoxious, unhealthful, or discomforting to any neighboring citizen of the City.
 - G. No person shall be allowed to transport into this City any animal infected with a contagious disease.
 - H. Any animal may be destroyed for humane reason upon recommendation of a licensed Veterinarian.
 - I. This section shall not apply to The Mountain Home FFA and 4-H Barn.
 - J. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars), and can be imposed for each day the animal is not in compliance if deemed so by the court. Subsequent violations will be double the previous fine imposed by the court.

Section 12: RABIES CONTROL

- A. Every animal suspected of having/being exposed to rabies which bites a person shall be promptly reported to the Animal Control Officer. The animal shall be securely quarantined at the direction of a veterinarian for a period of ten (10) days and shall not be released from quarantine except by written permission of the veterinarian. The quarantine may be on the premises of the owner.

- B. No person shall kill a (suspected) rabid animal, or any animal biting a human, without written permission from the Animal Control Officer upon recommendation from a veterinarian. The animal may not be removed from the city limits without the permission of the Animal Control Officer.
- C. In the event of the prevalence of rabies (Hydrophobia), the City may require that all animals kept in the City be confined upon the premises of the owners for a designated time. The proclamation will be publicized in the media. Any dog not confined after the effective date of the proclamation shall be taken up by the City and impounded at the discretion of the Animal Control Officer.
- D. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) and can be imposed for each day the animal is not in compliance if deemed so by the court.

Section 13: VICIOUS ANIMALS

- A. When, upon investigation, the Animal Control Officer determines that an animal is vicious, the City shall impound the animal and shall notify the owner or custodian of the impoundment and declaration of the animal is vicious within 48 hours. If the owner or custodian is unable to be located, written notice shall be posted at the last known address.
- B. When the Animal Control Officer determines that the animal is vicious, the animal control officer shall issue the owner an immediate dated citation to appear in the city municipal court for maintenance of a vicious animal. The animal shall remain in custody of the animal shelter if necessary and available, pending the trial, and the owner shall be responsible for all boarding fees.
- C. If the animal is vicious, the Animal Control Officer may utilize whatever method is needed to capture the animal. This may include trapping the animal, using a tranquilizer gun, which could cause serious harm to the animal, or a firearm to humanely dispatch the animal and stop the threat to public safety.
- D. It shall be an affirmative defense if the victim or intended victim of any attack has made an unlawful entry into the dwelling of the owner.
- E. This section shall not apply to dogs kept and maintained by a police department or law enforcement agency.
- F. **Fines and Penalties:** An owner or custodian found guilty of violating this section shall be required to pay the costs of boarding, veterinary care, and any other costs associated with the care or capture of said animal and shall be fined no more than \$500.00 (Five Hundred Dollars). If needed, the animal shall be surrendered to the City to ascertain whether the animal is rabid or otherwise diseased. Thereafter, the animal shall be euthanized. If an owner or custodian is

convicted of a second or subsequent violation of this section, he/she may be imprisoned in the county jail for up to one (1) year.

Section 14: OPEN FEEDING OF ANIMALS

- A. It shall be unlawful for any person to openly feed animals on the property of another person or business without the food being in a trap to catch the animal and relocate it or return it to enclosure.
- B. **Fine and Penalties:** A person found in violation of this section shall be guilty of a misdemeanor and fined no less than \$100.00 (One Hundred Dollars) and no more than \$500.00 (Five Hundred Dollars). Subsequent violations will be double the previous fine imposed by the court.

Section 15: NOISY ANIMALS RESTRICTED

- A. It shall be unlawful for any person to keep on the premises or under their control, any noisy animal which shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept.
- B. **Fines and Penalties:** Upon conviction or plea of guilty, the penalty for noncompliance of this section will be a fine up to \$500.00 (Five Hundred Dollars) and can be imposed for each day the animal is not in compliance if deemed so by the court.

Section 16: DESTRUCTION OF INJURED/DISEASED ANIMALS

Any animal taken into custody, or that the Animal Control Officer/Law Enforcement Officer encounters that is diseased or injured may be destroyed, at their discretion.

Section 17: SEVERABILITY

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

Section 18: PREVIOUS ORDINANCES REPEALED

This Ordinance shall repeal the following Ordinances in their entirety: 58, 530, 541, 778, 849, 1989-24, 1989-31, 1990-12 and 1996-18. Any other Ordinances found to conflict with this Ordinance shall also be repealed.

PASSED AND APPROVED THIS 20th DAY OF MARCH, 2025.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

Updated 2-18-2025

ORDINANCE NO. 58

An ordinance to prevent the running at large of horses and other animals within the Incorporated Town of Mountain Home, Arkansas, that:

Be it ordained by the Council of the Incorporated Town of Mountain Home, Arkansas, that:

Sec. 1. After publication and going into effect of this ordinance, all persons owning cows, bulls, calves, horses, mules or asses that are or may be found running at large within the Incorporated town limits of the Incorporated Town of Mountain Home, Arkansas, are hereby and by this ordinance are required to take up such animal or animals and keep the same confined on their own premises or beyond the limits of said town, so as to prevent the same from running at large inside of the corporate limits of the town of Mountain Home, Ark.

Sec. 2. It shall be the duty of the Marshall of said town to take up such animals as described in Section 1 of this ordinance when the same may be found running at large inside the corporate limits of the town of Mountain Home, and keep and feed, water and otherwise care for the same at the expense of the owner thereof until said owner thereof, shall appear and pay the said expense of taking up, feeding and otherwise caring for said animals or animal and take it or them beyond the limits of said town or to his or her premises in said town and there confined.

Sec. 3. It shall be the duty of said Marshall immediately upon the taking up of any such animal or animals to post written or printed notices in three of the most conspicuous places in said town, one of which shall be at the door of the court house in said town, giving an accurate description of the animal or animals so taken up and to notify the owner thereof, that unless such owner shall appear before the day of sale, which day shall be named in said notice, and which shall be not less than ten nor more than twenty days from the taking up and reclaim said animal or animals and pay all legal charges incident to or occasioned by said taking up and caring for, that he will on the day named in the notice proceed to sell such property at a place named in said notice to the highest bidder for cash in hand to defray the expenses of taking up, keeping and otherwise caring for such animal or animals.

Sec. 4. It shall be the duty of the Marshall of said town at the time and place mentioned in the notice provided for in Section 3 of this ordinance to offer for sale and sell such animal or animals to the highest bidder for cash at public vendue, between the hours of 9 o'clock in the forenoon and 3 o'clock in the afternoon, and out of the proceeds of such sale to pay first the costs of taking up, keeping and selling such property; and the residue, if any, to be paid to the owner of such animal should he appear and claim same. Provided however, that should no owner appear, or the owner of such animal be unknown to the Marshall aforesaid, to the treasurer of said town and take his receipt therefor.

Amended by ord. no. 85
~~Sec. 5.~~ Said Marshall shall be allowed fees for his services under this ordinance as follows:

- Taking up, each animal, 50 cents.
- Advertising, each sale, 50 cents.
- Feeding and watering such animal taken up 75 cents for each day.
- For holding each sale, 50 cents.

Sec. 6. That this ordinance be in full force and effect from and after the 1st day of April, 1926.

First published March 20, 1926

N. C. Eatman, Mayor
J. L. Cowan, Recorder.

Repealed by Ord. No. 633 ✓
ORDINANCE NO. 60

An ordinance entitled an Ordinance authorizing the construction, maintenance and operation of a Telephone Toll Line only and for all purposes incident thereto in the Incorporated Town of Mountain Home, Arkansas.

Be it enacted by the town Council for the Incorporated Town of Mountain Home, Arkansas, the ordinance above entitled.

ORDINANCE NO. 530

AN ORDINANCE REGULATING THE KEEPING, TAKING UP, IMPOUNDMENT, QUARANTINING AND DESTRUCTION OF ANIMALS AND MAKING VIOLATIONS A MISDEMEANOR; REPEALING ORDINANCES NO. 302 AND NO. 374; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:

SECTION 1. Definitions:

As used in this ordinance the following terms when used singularly shall include the plural and shall mean:

OWNER: Any person, firm, or corporation owning, keeping or harboring an animal.

ANIMAL: Dog or cat, male or female.

KENNEL: Any person, firm, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals.

AT LARGE: Any animal shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

RESTRAINT: An animal is under restraint within the meaning of this ordinance if he is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owners or keeper.

ANIMAL SHELTER: Any premises designated by action of the City for the purpose of impounding and caring for all animals in violation of this ordinance.

ANIMAL WARDEN: The person or persons employed by the City as its enforcement officer.

EXPOSED TO RABIES: An animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

SECTION 2. Enforcement:

The provisions of this ordinance shall be enforced by the Animal Warden of the City of Mountain Home.

SECTION 3. Restraint:

The owner shall keep his animal under restraint at all times and shall not permit such animal to be at large.

SECTION 4. Impoundment:

(a) Any animal found running at large shall be taken up by the Animal Warden and impounded in the shelter designated as the City Animal Shelter, and there confined in a humane manner for a period of not less than seven (7) days, and if not claimed by the owner within the seven (7) days may thereafter be disposed of in a humane manner.

(b) When animals are found running at large, and their ownership is know to the Animal Warden, such animal need not be impounded, but the Animal Warden may, at his descretion, cite the owners of such animal to appear in court to answer to charges of violation of this ordinance.

(c) Immediately upon impoundment of an animal, the Animal Warden shall make every possible effort to notify the owners.

SECTION 5. Redemption of Impounded Animals:

The owner shall be entitled to resume possession of any impounded animal, except as hereinafter provided in cases of certain animals, upon payment of impoundment fees set forth herein.

SECTION 6. Impoundment Fees:

The owner of an animal impounded hereunder may be reclaimed upon payment to the animal shelter of the sum of \$1.50 board fee for each day the animal is kept beginning on the day of pick up, and for each separate and subsequent impoundment of any animal an additional fee of \$5.00, in addition to the \$1.50 per day board fee, shall be assessed. *Daleley*

SECTION 7. Confinement of Certain Animals:

(a) Every female animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with another animal, except for intentional breeding purposes.

(b) No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the City of Mountain Home, provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions in accordance with such regulations as shall be established by the City of Mountain Home.

(c) An animal may be destroyed for humane reasons, upon recommendation of a licensed veterinarian.

SECTION 8. Rabies Control:

(a) Every animal which bites a person shall be promptly reported to the Animal Warden, if suspected of having rabies or suspected of being exposed to rabies, and shall thereupon be securely quarantined at the direction of a Veterinarian for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the Veterinarian, such quarantine may be on the premises of the owner or City Animal Shelter.

(b) Upon demand made by the Animal Warden, the owner shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees set forth in Section 6 of this ordinance.

(c) No animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be adopted by the Animal Shelter during a period of rabies emergency quarantine, except by special authorization of a Public Health Official and the Animal Warden. *A Current rabies tag shall be worn by animal at all times.*

(d) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, or remove same from the city limits without written permission from the Animal Warden upon written recommendation from a Veterinarian.

SECTION 9. The Mayor of the City of Mountain Home shall be and he is hereby authorized to contract with any person, firm or corporation for services as an Animal Warden and/or Animal Shelter, Terms, conditions and compensation for such services shall be mutually agreed to by the Mayor and the person selected to fulfill this capacity upon approval by the City Council.

SECTION 10. Investigation:

For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, the Animal Warden or any police officer, is empowered to enter upon any ~~premises~~ *premises using prop legal proceed* upon which an animal is kept or harbored or where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires humane treatment.

SECTION 11. Interference:

No person shall interfere with, hinder or molest the Animal Warden in the performance of his duties or seek to release any animal in the custody of the Animal Warden.

SECTION 12. Records:

(a) It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

(b) It shall be the duty of the Animal Warden or Animal Shelter to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him, and his investigation of same.

(c) It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City of Mountain Home, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the City and shall be audited by the City.

SECTION 13. Penalty:

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not less than ten dollars (\$10.00) nor more than two hundred and fifty dollars (\$250.00) and if such violation be continued, each day's violation shall be a separate offense.

SECTION 14. Severability:

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

SECTION 15. Repeal:

Ordinance No. 302 and Ordinance No. 374 are hereby repealed.

SECTION 16. The City Council of the City of Mountain Home, Arkansas, has determined that animals are roaming on the public streets and ways of the City, an emergency is declared to exist, and in order to protect the health and safety of the citizens this Ordinance shall have full force and effect from and after its passage and publication.

PASSED AND APPROVED THIS 15th DAY OF Sept., 1978.

APPROVED:



Ronald E. Pierce, Mayor

ATTEST:



Penelope R. Feist, City Clerk

ORDINANCE NO. 541

AN ORDINANCE AMENDING ORDINANCE NO. 530
RELATIVE TO ANIMAL CONTROL; DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN
HOME, ARKANSAS:

Section 1. Section 6 of Ordinance 530 of the City of
Mountain Home, Arkansas, is hereby amended and the following
sentence added to said Section:

All impoundment and board fees shall belong to the
City of Mountain Home, Arkansas, and turned over to
the City Treasurer monthly.

Section 2. The City Council of the City of Mountain
Home, Arkansas, has determined that the present Ordinance on
animals needs to be clarified as the disposition of board
and impoundment fees and therefore, an emergency is declared
to exist and in order to preserve the public peace, health and
safety this Ordinance shall have full force and effect from and
after its passage and approval.

PASSED AND APPROVED this 19th day of December, 1978.

APPROVED:



William M. Klemm, Mayor Pro Tempore

ATTEST:



Penelope R. Feist, City Clerk

ORDINANCE NO. 778

AN ORDINANCE AMENDING ORDINANCE NO. 530 TO
ADJUST IMPOUNDMENT FEES.

WHEREAS, it is necessary to adjust the fees charged the owners of impounded animals;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:


Section 1.

Section 6 of Mountain Home Ordinance No. 530 is deleted and replaced with the following:

Section 6. Impoundment Fees:


The owner of an animal impounded hereunder may be reclaimed upon payment to the animal shelter the sum of \$4.00 board fee for each day the animal is kept beginning on the day of pick up, and for each separate and subsequent impoundment of any animal an additional fee of \$15.00, in addition to the \$4.00 per day board fee, shall be assessed and said assessment shall be paid to the City of Mountain Home and returned to Pet Haven on a monthly basis as of the date of this ordinance.

PASSED AND APPROVED THIS 12TH DAY OF JULY, 1984.



Ronald E. Pierce, Mayor

ATTEST:



Connie House, City Clerk

ORDINANCE NO. 849

AN ORDINANCE AMENDING ORDINANCE NO. 530;
RESTRICTING THE NUMBER OF ANIMALS PERMITTED
IN EACH RESIDENCE AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF MOUNTAIN HOME, ARKANSAS:

Section 1.

Section 3 of Ordinance No. 530 is deleted in full and replaced
as follows:

Section 3. Restraint and Restriction on Number.

(a) The owner shall keep his/her animals under restraint at all
times and shall not permit such animal to be at large.

(b) There shall be no more than three (3) animals which are
over six (6) months old kept in any home or property that is located
in a residential zone of the City.

PASSED AND APPROVED THIS 10TH DAY OF APRIL, 1986.


Ronald E. Pierce, Mayor

ATTEST:


Connie House, City Clerk

FILED
DATE 8/31/89
D. House
CITY CLERK

ORDINANCE NO. 89-034

AN ORDINANCE AMENDING ORDINANCE NO. 530
REGULATING THE KEEPING, TAKING UP,
IMPOUNDMENT, QUARANTINING, AND
DESTRUCTION OF ANIMAL; DECLARING
AN EMERGENCY AND FOR OTHER PURPOSES

Be it ordained by the City Council of the City of Mountain
Home, Arkansas:

SECTION 1: Section 3 of Ordinance No. 530 is hereby deleted in
full and replace with the following:

SECTION 3: Restraint:

(a) The owner shall keep his animal under restraint at
all times and shall not permit such animal to be at large.
Furthermore, the owner shall keep his animal from barking
or making noise in such a manner that would constitute a
nuisance.

(b) There shall be no more than three (3) animals which
are over six (6) months old kept in any home or property
that is located in a residential zone of the City.

SECTION 2: All other provisions of Ordinance No. 530 are
incorporated herein and are to remain in full force and effect.

SECTION 3: The City Council of the City of Mountain Home,
Arkansas, has determined that animals are roaming on the public
streets and ways of the City, thus an emergency is declared to
exist, and, in order to protect the health and safety of the
citizens, this Ordinance shall have full force and effect from and
after its passage and publication.

PASSED AND APPROVED THIS 7th DAY OF AUGUST, 1989.

APPROVED:


JAMES C. STEVENS, MAYOR

ATTEST:


DEBORAH D. HOUSE, CITY CLERK

CITY OF MTN. HOME

FILED
DATE 9/27/89
CITY CLERK

ORDINANCE NO. 89-031

AN ORDINANCE PROHIBITING THE
OWNING, KEEPING, OR HARBORING OF
A PIT BULL TERRIER WITHIN THE
CITY LIMITS OF MOUNTAIN HOME, ARKANSAS

WHEREAS, in response to recent attacks by various dogs on human beings and particularly attacks by dogs of the "pit bull" variety, as defined herein; and

WHEREAS, attacks by the "pit bull terriers" in particular upon human beings have nevertheless continued at an alarming rate; and

WHEREAS, "pit bull terriers", as defined herein, are bred as fighting dogs because of certain vicious characteristics of the breed; and

WHEREAS, Council is of the opinion that, as a result of the particularly vicious characteristics of the breed and the continued attacks on human beings by "pit bull terriers" in the City of Mountain Home, Arkansas, it has become necessary for the protection of the public health, safety, and welfare to prohibit the owning or harboring or such dogs as provided herein;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mountain Home, Arkansas, State of Arkansas:

SECTION 1: No person shall own, keep, or harbor a pit bull terrier as defined herein, within the municipal limits of Mountain Home, Arkansas.

"Pit bull terrier" as used herein is hereby defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

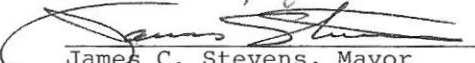
This Ordinance is a necessary control to eliminate the risk of attack by pit bulls, as defined herein, on human beings in the City. Said risk has become a threat to the health, safety, and welfare of the public in all areas of the City; and the lack of knowledge or lack of intent is not a defense to any violation thereof.

Delete

~~SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare. The reason for the emergency is the need to enhance the public safety at the earliest possible time by providing effective prosecution for violations hereof.~~

SECTION 3: Whoever violates the provisions of Section 1 shall be fined not more than \$500.00, or not be imprisoned for more than 30 days, or both. When any person is found guilty of a third or subsequent offense of Section 1, such person may be imprisoned for not more than 60 days and shall be fined \$1,000.00, which fine shall be mandatory, and shall not be suspended or remitted. In addition to the foregoing penalties, any person who is found guilty of violating Section 1 shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal, boarding and veterinary expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the elimination of any such dog.

Passed and approved this 16th day of October, 1989.


James C. Stevens, Mayor

ATTEST:


Deborah D. House, City Clerk

ORDINANCE NO. 90-012

CITY OF MTN. HOME
FILED
DATE 11/30/90
CITY CLERK

AN ORDINANCE AMENDING ORDINANCE NO. 89-031,
PROHIBITING THE OWNING, KEEPING, OR HARBORING OF
A PIT BULL TERRIER WITHIN THE CITY LIMITS
OF THE CITY OF MOUNTAIN HOME, ARKANSAS

WHEREAS, in response to recent attacks by various dogs on human beings and particularly attacks by dogs of the "pit bull" variety, as defined herein; and

WHEREAS, attacks by the "pit bull terriers" in particular upon human beings have nevertheless continued at an alarming rate; and

WHEREAS, "pit bull terriers", as defined herein, are bred as fighting dogs because of certain vicious characteristics of the breed; and

WHEREAS, Council is of the opinion that, as a result of the particularly vicious characteristics of the breed and the continued attacks on human beings by "pit bull terriers" in the City of Mountain Home, Arkansas, it has become necessary for the protection of the public health, safety, and welfare to prohibit the owning or harboring or such dogs as provided herein;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mountain Home, Arkansas, State of Arkansas:

SECTION 1: Section 1 of Ordinance No. 89-031 is hereby deleted in its entirety and is replaced as follows:

"SECTION 1: No person shall own, keep, or harbor a pit bull terrier as defined herein, within the municipal limits of Mountain Home, Arkansas. Provided, that a person may own, keep, or harbor a pit bull terrier within the municipal limits of Mountain Home, Arkansas, if the pit bull terrier is present in the City at the time of passage of this Ordinance, and if such person registers said pit bull terrier with the City Clerk within 30 days from the date of passage of this Ordinance.

"Pit bull terrier" as used herein is hereby defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as

partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

This Ordinance is a necessary control to eliminate the risk of attack by pit bulls, as defined herein, on human beings in the City. Said risk has become a threat to the health, safety, and welfare of the public in all areas of the City; and the lack of knowledge or lack of intent is not a defense to any violation thereof."

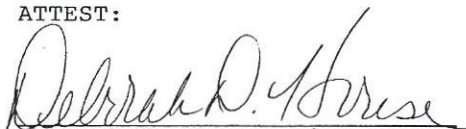
SECTION 2: All other provisions of Ordinance No. 89-031 shall remain in full force and are not to be otherwise affected by this Ordinance.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare; therefore this Ordinance shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED THIS 2nd DAY OF April, 1990.


James C. Stevens, Mayor

ATTEST:


Deborah D. House, City Clerk

ORDINANCE NO. 96-018**AN ORDINANCE ESTABLISHING ANIMAL CONTROL IN THE CITY OF MOUNTAIN HOME, REQUIRING LICENSING OF ALL DOGS AND CATS, AND OTHER PURPOSES.**

BE IT ORDAINED BY THE CITY OF MOUNTAIN HOME:

SECTION I: DEFINITIONS

For the purpose of this ordinance, the following words and phrases shall have the following meaning:

- A. **ANIMAL:** Dog or cat, both male and female.
- B. **ANIMAL CONTROL OFFICER:** The person(s) employed by the City as the enforcement officer of this ordinance.
- C. **ANIMAL SHELTER:** Any premises designated by the City for the purpose of impounding and caring for animals.
- D. **AT LARGE:** Any animal shall be deemed at large when he is off the property of his owner and not on a leash, or under the control of a competent person.
- E. **ENCLOSURE:** A fence or structure suitable to confine an animal and prevent it from escaping.
- F. **EXPOSED TO RABIES:** An animal has been exposed to rabies if it has been bitten by, or been exposed to, any animal known to have been infected with rabies. (Ord. #530, Sec. 1).
- G. **KENNEL:** Any person, firm, or corporation engaged in the commercial business of breeding, boarding, buying, selling, grooming, letting for hire, or training for a fee.
- H. **LICENSE:** A metal tag and certificate issued by the City showing that the animal has been registered with the City, a licensing fee paid, proof of rabies vaccination shown, and (if applicable) proof of neutering. The Certificate will state the name, address and telephone number of the owner(s); the name, breed, color, age and sex of the animal; and date of issue and expiration.
- I. **OWNER:** Any person, firm, or corporation owning, keeping or harboring an animal, or responsible for its care, custody, or control.
- J. **PIT BULL TERRIER:** Any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog; or any mixed breed of dog which contains an element of American Staffordshire Bull Terrier.
- K. **RESTRAINT:** An animal is under restraint if he is controlled by a leash, at "heel" by voice command beside a competent person, in a vehicle being driven on the streets, or within the property limits of its owner.
- L. **VICIOUS ANIMAL:** Any animal that attacks, bites, or injures human beings or domestic animals without adequate provocation. However, the fact that an animal has bitten or attempted to bite someone when that person was teasing the animal shall not constitute a vicious animal.

SECTION II: ENFORCEMENT

The provisions of this ordinance shall be enforced by the Animal Control Officer of the City of Mountain Home, Arkansas.

SECTION III: CONTRACTING ANIMAL CONTROL

The Mayor of the City of Mountain Home is authorized to hire/contract with any person, firm, or corporation for services as an Animal Control Officer and/or Animal Shelter. Terms, conditions,

and compensation for such services shall be agreed to by the Mayor and the contractor, subject to approval by the City Council.

SECTION IV: LICENSING

A. All dogs and cats over the age of six (6) months shall be licensed. Application for licenses shall be made at the City Hall, or designated place. Owner shall be required to show proof of neutering (if applicable), and proof of rabies vaccination. Licensing fees are \$5.00 per year for neutered animals, and \$10.00 per year for unneutered animals. Fees will be doubled if over 30 days delinquent. There will be a \$2.00 replacement charge for lost tags.

B. For registered dogs serving the blind or deaf or used for law enforcement purposes, the fee will be waived.

C. The licensing period will be for one year and will be concurrent with the rabies vaccination.

D. Tags must be attached to the collar and be worn at all times. Tags are not transferable from one dog or cat to another.

SECTION V: RESTRAINT

A. The owner shall keep his animal under restraint at all times and shall not permit the animal to be at large. Furthermore, the owner shall keep his animal from barking or making noise in such a manner that would constitute a nuisance.

B. There shall be no more than three (3) animals which are over six (6) months old kept in any home or on any property in the residential zone of the City.

C. No one may keep a vicious animal in the City of Mountain Home.

SECTION VI: INVESTIGATION

The Animal Control Officer or any police officer is empowered to enter upon any premise, using proper legal procedures, and investigate any complaint of animal cruelty. The officer may demand to examine any animal and, if necessary, take possession of the animal if it is in need of humane treatment. No person shall interfere with, hinder, or molest the Animal Control Officer in the performance of his duties, or seek to release any animal in the custody of the officer.

If any person shall torture, torment, drive, overload, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

It shall be unlawful for any person to knowingly release any animal within the corporate limits of the City of Mountain Home. Violation of this section will be punishable of a fine up to \$250.00 per animal.

No person may display animals for sale or to give away in any public place. This prohibition does not apply to pet shops, licensed kennels, humane societies, veterinarian's offices or animal control facilities.

SECTION VII: IMPOUNDMENT

A. Any animal found running at large shall be taken up by the Animal Control Officer. If the animal is wearing a license tag, the Animal Control officer will make every possible effort to notify the owners and return the animal. A \$10.00 fine will be assessed for a licensed animal.

B. If the at large animal is not wearing a license tag, the Animal Control Officer may impound the animal at the Animal Control Shelter. A \$20.00 fine will be assessed for an unlicensed animal.

C. Animals impounded at the Animal Control Shelter will be held for a reasonable length of time, in compliance with the rules of the Animal Control Shelter. Fees will be assessed for reclaiming, boarding and adoption. Disposal of animals will be at the discretion of the Animal Control Shelter.

D. The Animal Control Officer may, at their discretion, may cite the owner of the animal for a violation of this ordinance and schedule their appearance in Municipal Court.

SECTION VIII: CONFINEMENT OF CERTAIN ANIMALS

A. Every female animal in heat shall be confined to the owner's property, or in a kennel or veterinary hospital, in such a manner that such female animal cannot come in contact with a male animal, except for intentional breeding purposes.

B. No wild or exotic animal may be kept within the city limits of the City except under such conditions as shall be fixed by the City of Mountain Home. However, wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations established by the City.

C. The keeping of horses or cows within the city limits is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal. The enclosures shall not become harbors for breeding flies, mosquitoes or rats. They shall not be unsanitary, obnoxious, unhealthful or discomforting to any of the citizens of the city. Upon investigating and finding such conditions to exist, the proper law enforcement official shall serve written notice of the violation to the owners or posting the notice in a conspicuous place on the premises. The owner shall have five (5) days to correct the situation. If the situation is not corrected in five (5) days, the owner will be charged with a violation of this ordinance and scheduled for appearance in Municipal Court.

D. It shall be unlawful for any person to keep any hogs, goats or sheep within the City. Animals in transit may be kept in an established stockyard for a period not to exceed twenty-four (24) hours.

E. No person shall be allowed to transport into this city any animal infected with a contagious disease.

F. It shall be unlawful for any person to allow chickens, turkeys or other fowl to run at large within the City limits.

G. An animal may be destroyed for humane reasons upon recommendation of a licensed veterinarian.

SECTION IX: RABIES CONTROL

A. Every animal suspected of having/being exposed to rabies which bites a person shall be promptly reported to the Animal Control Officer. The animal shall be securely quarantined at the direction of a veterinarian for a period of ten (10) days and shall not be released from quarantine except by written permission of the veterinarian. The quarantine may be on the premises of the owner.

B. No person shall kill a (suspected) rabid animal, or any animal biting a human, without written permission from the Animal Control officer upon recommendation from a veterinarian. The animal may not be removed from the city limits without permission from the Animal Control Officer.

C. In the event of the prevalence of rabies (Hydrophobia), the City may require that all animals kept in the city be confined upon the premises of the owners for a designated time. The proclamation will be publicized in the media. Any dog not confined after the effective date of the proclamation shall be taken up by the City and impounded at the discretion of the Animal Control Officer.

SECTION X: PIT BULL TERRIER

A. No person shall own or keep a pit bull terrier within the municipal limits of the City of Mountain Home.

B. This section is a necessary control to eliminate the risk of attack by pit bulls on human beings in the City. Lack of knowledge or lack of intent is not a defense.

C. Whoever is found guilty of violating the provisions of this Section shall be fined not more than \$500.00 (five hundred dollars), or be imprisoned for not more than 30 (thirty) days. Three or more offenses may be fined \$1,000.00 (one thousand dollars) and imprisoned up to 60 (sixty) days. The fine will be mandatory and shall not be suspended or remitted.

D. Any person found guilty of violating this ordinance shall pay all expenses, including shelter, food, veterinary expenses necessitated by the seizure of the dog for the protection of the public.

SECTION XI: DESTRUCTION OF INJURED/DISEASED DOGS

Any dog taken into custody by the City that is diseased or injured may be destroyed, at the discretion of the Animal Control Officer.

SECTION XII: RECORDS

A. It shall be the duty of the Animal Control Officer to keep accurate and detailed records of any animal licensed by the City, or any animal taken into custody.

B. The Animal Control Officer will keep records of all bite cases reported and investigated to him.

C. The Animal Shelter will keep records of all animals received from the City of Mountain Home.

SECTION XIII: PENALTY

Any person violating this Ordinance shall be guilty of a misdemeanor and punished by a fine not less than \$10.00 (ten dollars) nor more than \$500.00 (five hundred dollars). Each day's violation shall be a separate offense.

SECTION XIV: PREVIOUS ORDINANCES


All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND APPROVED THIS 2ND DAY OF MAY, 1996.



CAROL HOWELL, MAYOR

ATTEST:



DEBORAH D. HOUSE, CITY CLERK