

AN ORDINANCE prohibiting the running at large within the limits of the Incorporated town of Cotter, Baxter County, Arkansas, any animal of the dog kind, and providing penalties for violation thereof, and providing for town dog pound, pound keeper, pound keeper fees, for the payment of impounding fees, penalties for violation of such ordinance, and for disposition of dogs impounded hereunder.

BE AND IT IS HEREBY ORDAINED by the Incorporated town of Cotter, Baxter County, Arkansas, and by the town council of the incorporated town of Cotter, Baxter County, Arkansas:

Section 1. That hereafter no animal of the dog kind shall be permitted or suffered, by the owner or keeper thereof, to run at large within the corporate limits of the incorporated town of Cotter, Baxter County, Arkansas, at any time, either day or night, and that it be, and it is hereby declared to be unlawful for the owner or keeper, or person in charge, of any animal of the dog kind to suffer or permit any such animal to run at large within the corporate limits of the incorporated town of Cotter, Baxter County, Arkansas, and every owner, keeper, or person having the care, custody or control of any such animal, is hereby required to keep, and prevent, the same from running at large, in violation of the provisions hereof.

Section 2. That any owner, keeper, or person in charge of any animal of the dog kind, who shall knowingly, willfully and in disregard of the provisions of Section 1 hereof, suffer or permit any such animal to run at large within the corporate limits of the town of Cotter, Baxter County, Arkansas shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than \$10.00 or not more than \$50.00 for the first offense, and upon conviction for a second offense, not less than \$25.00 or not more than \$100.00 or by imprisonment in the city jail for some time not exceeding ~~XXXXXX~~ thirty days, or by both fine and imprisonment, within the limits aforesaid.

Section 3. That the council of the incorporated town of Cotter, Baxter County, Arkansas, shall, as soon as practical after the taking effect of this ordinance, designate, establish and provide a suitable place, and enclosure, to be used and occupied for the impounding and keeping of all animals of the dog kind, found running at large within the corporate limits of the town of Cotter, Baxter County, Arkansas, contrary to the provisions of this ordinance.

Section 4. That the Marshall of the Incorporated town of Cotter, Baxter County, Arkansas be, and he is hereby, nominated, designated, and appointed as keeper for the dog pound, or place, that may be designated by the Council for the impounding and keeping of animals of the dog kind found running at large within the corporate limits of the town of Cotter, Baxter County, Arkansas, after the effective date of this ordinance, and whose duty it shall be to take up all animals of the dog kind found running at large contrary to the provisions of this ordinance and confine them in such dog pound, and keep and feed and care for the same as hereinafter provided.

Section 5. The dog pound keeper hereinabove nominated, designated and appointed, taking up any animal of the dog kind under the provisions of this ordinance, shall provide suitable and necessary food and sustenance for the same and shall properly feed and care for all such animals of the dog kind during the time they are confined and kept in such dog pound, and the cost of providing such care, food and sustenance shall be paid to such dog pound keeper by the owner or the person to whom the said animal may be delivered, as hereinafter provided, before such animal shall be released by him to such owner, keeper, or the person found in charge of such animal: provided, further, that in event the owner, keeper or the person in charge of such animal refuses to pay the cost of keeping, food and sustenance, then, in that event, the Incorporated town of Cotter, Baxter County, Arkansas shall reimburse the dog pound keeper for actual expense in the taking up, impounding, care, feed and sustenance of such animal. And, provided, further, in case of sale of such animal as hereinafter provided such cost shall be paid out of the proceeds of such sale.

Section 6. All animals of the dog kind taken up and impounded under the provisions of this ordinance and not claimed by the owner and released as herein provided, before the expiration of twenty four hours within twenty four hours of the hour and day of the impounding of the same shall be, at the option of the dog pound keeper, be put to death in manner and form as the pound keeper may elect or, at the

election of the dog pound keeper such animal may be sold at public auction, after notice in writing posted in 5 public places within the limits of the Incorporated town of Cotter, Baxter County, Arkansas, giving five days notice of the sale of such animal, and of the proceeds of the sale of any such animal the same shall be applied: First, to the cost of taking up, impounding of, and care, food and sustenance of such animal; second, to the payment of the fees of the dog pound keeper hereinafter provided for; and third, and all that part of the proceeds of such sale left and remaining, after payment of the cost and fees aforesaid, and as hereinafter provided for, shall be paid over to the owner of such animal, through the Treasurer of the town of Cotter, Ark.

Section 7: The following fees and charges shall be paid to the dog pound keeper and shall be in full of all compensation to him as such dog pound keeper under the provisions of this ordinance to-wit: For the taking up and impounding of each animal of the dog kind \$1.00; for the care, food and sustenance provided for each animal of the dog kind for the twenty four hour period aforesaid, \$1.00; for putting to death any such animal the sum of 50 cents; for the posting of notices of sale of each animal, in event election is made to sell such animal, 50 cents; for making sale of such animal \$1.00.

Section 8. If the owner, or the person having the care and custody or control of any animal of the dog kind, impounded under the provisions of this ordinance, shall apply to such dog pound keeper for the release of such animal and prove ownership to the satisfaction of such pound keeper at any time, within the twenty four hour period, aforesaid, or before such animal shall have been put to death, or before the sale of such animal as herein provided, said dog pound keeper shall, upon the payment to him of the fees and charges for the taking up and keeping of such animal, and the advertising of the same for sale as provided by this ordinance, release and deliver such animal to such owner.

Section 9. The dog pounder herein provided for shall keep a book in which he shall enter a record of all animals of the dog kind taken up and impounded by him, showing the time when taken up, where found, a description of the animal so taken up and impounded, if released to the owner, when and to whom released, or if put to death when and where and in what manner put to death, and if sold when and where the notices of such sale were posted, when and to whom sold and the amount for which such animal was sold, amount of fees and charges and amount paid to the Treasurer of the town of Cotter, Baxter County, Arkansas.

Section 10. Any person who may in any manner resist, impede, oppose, hinder, or delay the dog pound keeper while engaged in the disposition of his duties in taking up, loading, carrying, driving or leading any animal of the dog kind to the town dog pound of the incorporated town of Cotter, Baxter County, Arkansas shall be adjudged guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$10.00 nor more than \$50.00.

Section 11. Any person who shall break, open, pull down, destroy or injure any dog pound in the town of Cotter, Baxter County, Arkansas or any door, gate, fence or enclosure thereof or take or attempt to take or drive thereout or therefrom any animal therein impounded without first paying the fees and charges as herein provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$10.00 nor more than \$50.00.

Section 12. That all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

Section 13. That if any section of this ordinance, part, or paragraph thereof, shall be held by any court of competent jurisdiction to be illegal or invalid or both, or beyond the powers of the incorporated town of Cotter, Baxter County, Arkansas under its charter to ordain or provide for, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 14. This ordinance being deemed a health and safety measure and it being found to be a fact that the running at large of the large number of animals of the dog kind within the corporate limits of the incorporated town of Cotter, Baxter County, Arkansas is a menace to the public, in general, and to the safety of operators of automobiles upon the streets of said town and to the general public health and safety of the town, in order to preserve the public peace, health and safety of the people of said town of Cotter, Baxter County, Arkansas an emergency is

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hereby declared and this ordinance shall take effect and be in force from and after 10 days from date of its passage.

Passed and approved and ordered published on the 25 day of April, 1945.

W. H. Hatt

Mayor

Attest:

W. B. McSpadden

Recorder.

True, perfect and compared copies posted at five public places within the corporate limits of the incorporated town of Cotter, Baxter County, Arkansas.