

ORDINANCE NO. 2022-U

AN ORDINANCE TO AMEND THE ANIMAL CONTROL ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the Animal Control Amendment of 2022.

Section Two: Definitions Amended. Section 6.04.02 of the Prairie Grove Municipal Code is amended to read as follows:

6.04.02 Definitions.

Abandon shall mean to leave an animal in a place with the intention of not returning to resume ownership, or to fail or refuse to provide food, water, shelter or care for an animal for a period of time that poses a risk to the animal's health and safety. Keeping animals at a location not regularly and routinely inhabited by humans shall be considered abandonment.

Animal shall mean any dog or cat.

Appropriate bedding shall mean material upon which the animal may lay down, which is reasonably clean, dry and free of parasites.

Appropriate care and maintenance shall mean such cleaning, grooming or veterinarian treatment as may be reasonably required to ensure the health and safety of the animal depending on the age, breed and physical condition of the animal.

Appropriate shelter shall mean shelter for an animal that is reasonably designed and constructed to provide the animal sanctuary from the weather, considering the animal's age, breed and size.

At Large shall be construed to mean off the premises of the owner and not under the control of the owner or other responsible person, either by leash, cord, chain or otherwise.

Neutered, for purposes of this Ordinance, shall mean a sterilized animal and shall include spayed or neutered animals.

Stray shall mean off the premises of the owner and not under the control or supervision of the owner or other responsible person, and without leash, collar,

cord, chain, or other such control device. The term "stray" shall not apply to animals which have had an identification or microchip installed, or animals which are readily identifiable as belonging to a known owner.

Section Three: Confinement of Dogs Amended. Section 6.04.07 of the

Prairie Grove Municipal Code is amended to read as follows:

6.04.07 Confinement of Dogs.

- (a) All dogs kept in the City limits shall be confined indoors or to a fenced area of sufficient height and strength to prevent the enclosed animal from escaping. The fenced area may not encompass access to the front door of the main building on the property or any secondary residential structures.
- (b) Nothing contained in this section shall prevent a person from traveling in and about Prairie Grove with a dog on a leash.
- (c) No dog may be hitched, tied or fastened to any immovable object by any means that is directly attached to the dog's neck. If a dog is to be secured to an immovable object, it shall be done with a properly fitted collar or harness, and not with any type of choker collar. For purposes of this section, tethering shall constitute being fastened to an immovable object.
- (d) No animal shall be confined in a fenced area which does not permit the animal reasonable room to move and access food and water, except when the animal is being transported or trained, such as crate training.
- (e) No outdoor confinement shall be smaller than fifty (50) square feet, unless the property is insufficient for such size; in which case, the outdoor confinement shall encompass as much space as is reasonably possible.
- (f) No person shall leave a dog or cat inside a motor vehicle under such conditions that present a risk to the animal's health or safety, considering the animal's size, breed and age.
- (g) Dogs may be individually tethered outdoors by an appropriate means and in such a manner as to maintain the animal within the owner's property and not within six (6) feet of any sidewalk, driveway or street. Tethering shall be done in a manner as to protect the animal from strangulation and tangling as much as is reasonably possible. When a dog is tethered outdoors, the owner or other responsible person shall be present on or about the premises at all times.

- (h) It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night. Animals kept in areas zoned Agricultural are exempt from this section.

Section Four: Capture and Redemption Amended. Section 6.04.08 of the Prairie Grove Municipal Code is amended to read as follows:

6.04.08 Capture and Redemption.

- (a) The Animal Control Officer may take into custody any dog or cat found running at large, abandoned, or in conditions in violation of this Chapter within the City Limits and to place such animal into any facility designated by the City.
- (b) The Animal Control Officer will scan the dog or cat for a microchip and contact the owner for redemption. If the animal is not microchipped, the Animal Control Officer should use any other identifying information to contact the probable owner, if available.
- (c) All animals shall be held a minimum of five days for redemption. If the owner of the animal is known, the City shall hold the animal for redemption for a minimum of five days following notice to the owner. The day the animal is captured shall count as the first day.
- (d) Owners wishing to redeem their animals shall pay the appropriate redemption fee as set forth in Section 6.04.09. No animal may be redeemed unless that animal has been licensed and has a valid rabies vaccination.
- (e) After the required holding period in 6.04.08(c) in City possession, the Animal Control Officer is authorized to place an animal for adoption, to euthanize the animal, or to otherwise dispose of the animal in a humane manner.

Section Five: Violations Amended. Section 6.04.13 of the Prairie Grove

Municipal Code is amended to read as follows:

6.04.13 Violations.

- (a) Any person who violates any provision of chapter 6.04 shall be guilty of a violation and fined an amount of: not less than \$25.00 or more than \$100.00 per offense for a first offense

within a twelve-month period; not less than \$50.00 or more than \$100.00 per offense for a second offense within a twelve-month period; not less than \$75.00 or more than \$100.00 per offense for a third offense within a twelve-month period; and \$100.00 per offense for a fourth or subsequent offense within a twelve-month period. Every day of violation shall constitute a separate offense.

- (b) Any person found in violation of Section 6.04.07(h) for a fourth offense within a twelve-month period may have the offending animals impounded and placed for adoption outside of the city limits.
- (c) If an owner fails to pay any redemption or care fees within 5 business days, they shall be guilty of a violation and subject to fines as above. Every day of violation shall constitute a separate offense.

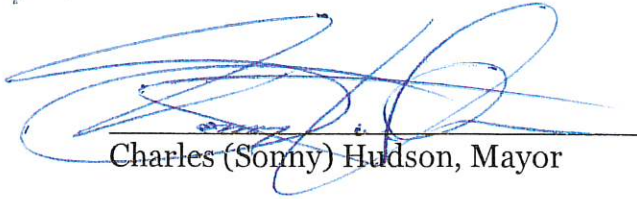
Section Six: Effective Date. This Ordinance shall become effective 60 days following its posting unless an Emergency Clause is affixed hereto.

Section Seven: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

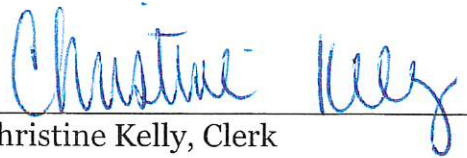
Section Eight: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Nine: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 28 day of March 2022.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, Clerk

ORDINANCE 2022-7

AN ORDINANCE REDISTRICTING CITY WARDS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY PRAIRIE GROVE, ARKANSAS, THAT:

SECTION 1. Title. This Ordinance shall be known as the 2022 Redistricting Ordinance.

SECTION 2. Redistricting Adopted. The ward redistricting plan, consisting of the map attached hereto, is hereby adopted, and shall with serve hereafter as the official ward map for the City of Prairie Grove.

SECTION 3. A certified copy of said map shall be submitted to the Washington County Election Commission, and filed in the Office of the Washington County Clerk.

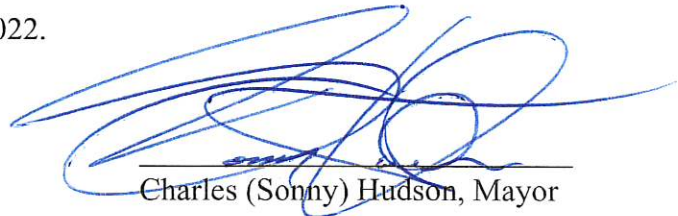
SECTION 4. Effective Date. This Ordinance shall become effective from and after 60 days of its passage unless an Emergency Clause is adopted.

SECTION 5. Repealing Clause. Ordinance or parts thereof in force at the time that this Ordinance shall take effect that are in conflict herewith are hereby repealed, including all previous ward maps and descriptions.

SECTION 6. Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of passage of this Ordinance.

SECTION 7. Severability Clause. In the event any portion of this Ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 28th day of March 2022.



Charles (Sonny) Hudson, Mayor

ATTEST:



Christine Kelly, Clerk

ORDINANCE NO. 2022-

8

**AN ORDINANCE TO PROVIDE FOR THE REZONING OF CERTAIN
LANDS IN PRAIRIE GROVE, ARKANSAS CURRENTLY OWNED BY COYLE
ENTERPRISES, INC., MODIFICATION OF THE ZONING MAP, AND
AMENDMENT OF THE ZONING ORDINANCE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2022 Coyle S. Mock
Street Rezoning Ordinance

Section Two: Property Rezoned: From and after the effective date hereof, the
following described real estate in the City of Prairie Grove, currently owned by
Coyle Enterprises, Inc., is hereby changed in zoning classification from A-1
(agriculture) to B-2 (business):

Part of the SW 1/4 of the NW 1/4 of Section 19, Township 15 North, Range 31 West,
being more particularly described as follows; Commence at the SW corner of said
SW1/4 of the NW 1/4 thence N1°50'9"E 644.05 feet to a fence corner; thence
S88°51'28"E along a fence 797.10 to a found pin, thence S0°12'23"W 211.66 feet
thence N89°20'58" E 283.53 feet to a set pin, thence S0°48'13"W 236.86 feet to a
set pin for the point of beginning and run thence S89°54'47"E 275.00 feet to the
east line of said SW1/4 of the NW 1/4 , thence along said east line 175 feet, thence
N89°54'47" W along the center of a SWEPCO Transmission line easement 275.00
feet to a set pin, thence N0°48'13"E leaving said center 175.00 feet to the point of
beginning and containing 1.10 acres more or less, Washington County, Arkansas.

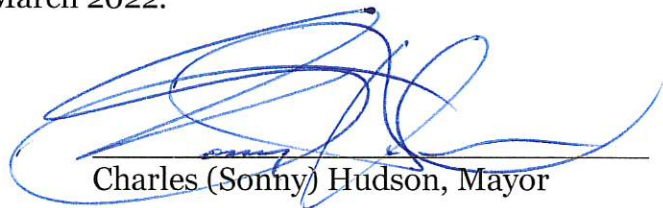
Section Three: Effective Date. This Ordinance shall become effective from and after 60 days of its posting.

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

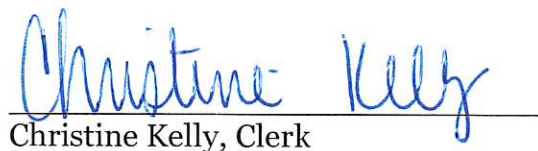
Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 28th day of March 2022.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

ORDINANCE NO. 2022-9

**AN ORDINANCE TO ESTABLISH AN CENTRAL BUSINESS DISTRICT
OVERLAY DISTRICT IN THE CITY'S ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the CBD Overlay District Ordinance.

Section Two: Purpose: Substantial portions of the CBD district are located within Commercial Historic Districts, and many other buildings within the district represent architecture and historic elements consistent throughout the district. The purpose of this ordinance shall be to require new construction to be consistent with the historic elements found within the district.

Section Three: CBD Overlay District Created: From and after the effective date of this Ordinance, the following CBD Overlay District requirements shall be in effect within the boundaries of the Central Business District for new construction, and new remodels.

4.2.7 CBD Overlay District imposes additional requirements on all property within the boundaries of the Historic Overlay District.

4.10 CBD Overlay District Requirements

4.10.1 All buildings and other structures within the Historic Overlay District shall not exceed two stories or thirty-five feet (35') in height.

4.10.2. All buildings and other structures shall use exterior façade materials that invoke the historical nature of the CBD and may use native stone, brick, stucco/plaster, or stamped metal reproductions of historic store fronts found in other historic buildings in the CBD only. Prohibited façade materials shall include, but are not limited to: vinyl or aluminum siding, wood siding, concrete siding, metal clad buildings, PVC components or elements, unfinished pressure treated lumber, wood fiber or strand board, high gloss metal, reflective

glass or corrugated products.

4.10.3 Exterior Architectural Elements shall be in keeping with other historic buildings in the CBD and design should reflect similar styles and elements as can be found throughout the CBD.

4.10.4 Compliance with CBD overlay requirements will be made by City planning and building staff. In the case of a dispute over proposed overlay district requirements, the Prairie Grove Planning Commission shall make a final determination.

Section Four: Effective Date. This Ordinance shall become effective from and after 30 days of its posting.

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 28th day of March 2022.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

ORDINANCE NO. 2022-10

**AN ORDINANCE TO WAIVE COMPETITIVE BIDDING ON
EQUIPMENT FOR THE FIRE DEPARTMENT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE
GROVE, ARKANSAS, THAT:**

Section One: Section Two: Competitive Bidding Waived. Pursuant to A.C.A. §14-58-303(b)(2)(B), the City Council hereby declares that competitive bidding for the purchase of needed safety equipment is neither feasible nor practical for the Prairie Grove Fire Department, and purchasing the needed equipment is available at considerable savings through a regional and county-wide project to provide safety equipment to fire departments.

Section Two: Purchase Authorized. The Mayor and Clerk are hereby authorized to enter into a purchase agreement with Emergency Vehicle Specialists, of Conway Arkansas, for \$43,906.25 which includes equipment, attachments, and freight charges, for the purchase of an air compressor and the necessary tanks and attachments required to fill fire fighter air packs.

Section Three: Effective Date: This Ordinance, not being of a general and permanent nature, is effective immediately upon passage pursuant to A.C.A. §14-55-203(c)(2).

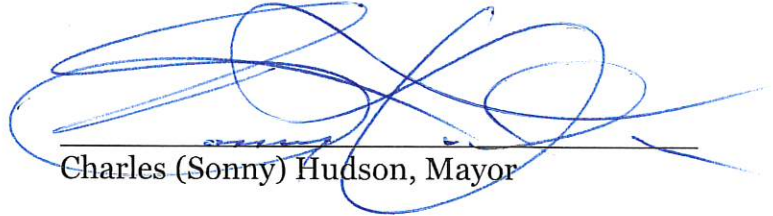
Section Four: Repealing Clause: This ordinance or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of passage or this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision then only that portion

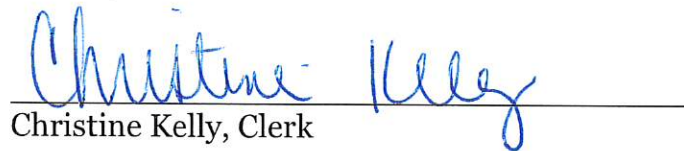
expressly so declared to be inoperative or invalid shall be affect thereby and all other provisions hereof shall remain in full force and effect.

Approved this 28th day of March 2022.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

RESOLUTION NO. 2022- 4

**A RESOLUTION BY THE CITY TO APPROVE CHANGE ORDER NO. 1 TO
THE CONTRACT WITH CLARITY POOLS.**

WHEREAS, the City of Prairie Grove has approved a contract with Clarity Pools for the repair and updating of the City's Aquatic Park; and

WHEREAS, the bid specifications need to be revised to incorporate repairs to the gutter system, the need for which was discovered during the construction process; and

WHEREAS, Clarity Pools has provided Change Order No. 1, which has been reviewed and approved by the City's engineers, McClelland Consulting Engineers.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF PRAIRIE GROVE, ARKANSAS:**

That the City Council hereby approves Change Order No. 1 to the City's contract with Clarity Pools to incorporate structural repairs to the gutter system, only discovered once the construction project was underway. This Change Order will add a total of \$100,519.63 to the cost of the contract. The Mayor and Clerk/Treasurer are further authorized to take such administrative and ministerial actions as are necessary to effectuate the above.


PASSED AND APPROVED on this 4th day of April 2022.

APPROVED:



Charles (Sonny) Hudson, Mayor

ATTEST:



Christine Kelly, Clerk