

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



Aldermen

Ward 1 Position 1 – Andy Hawkins

Ward 1 Position 2 – David Grimes

Ward 2 Position 1 – Mark Vaught

Ward 2 Position 2 – Shelley Mehl

Ward 3 Position 1 – Jack Bell

Ward 3 Position 2 – Mary Smith

Ward 4 Position 1 – Theodore Jones, Jr.

Ward 4 Position 2 – Shelia Whitmore

**CITY OF CONWAY**

**5:30pm –Committee Meeting**

**Downtown Parking**

6:30pm -- Council Meeting

Courtroom in District Court Building

810 Parkway, Conway, AR 72034

April 24<sup>th</sup>, 2007

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** *April 10<sup>th</sup>, 2007 & April 17, 2007*
4. **Recognition of Guests:** *Employee Service Awards*
5. **Public Hearings:**
6. **Report of Standing Committees:**

**A. Economic Development Committee (Airport, Conway Corporation, CDC, Downtown Partnership)**

1. Consideration to accept the nomination of Lori Ross for the Conway Corporation Board of Directors.

**B. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)**

1. Resolution setting a public hearing to discuss an easement reduction in the 15' utility easement running along the East side of the Lot 184 Westin Park Subdivision, with a property address of 330 Esplande Avenue.
2. Consideration for an overlay district variance, to allow more than one building on one lot for the property located at 2400 Prince Street.
3. Ordinance to rezone the property located at the southeast corner of College Avenue and Hubbard Road with the address 2611 College Avenue from R-2 to MF-2.
4. Ordinance to rezone the property located at 1912 Caldwell Street from R-1 to R-2A to HR.
5. Consideration of a conditional use permit for a bed and breakfast to be located at 1912 Caldwell Street.
6. Consideration of a conditional use permit for retail-high impact: farm equipment sales for property located at 1060 Runway Drive and/or 205 Tilk Road.
7. Consideration of a conditional use permit for flammable gases or liquids-storage and sales (petroleum products) for property located on Amity Road, immediately west of Schlumberger Technology Corporation site in Guy Murphy Industrial Park.

8. Ordinance amending the Old Conway Design Overlay District ordinance for the City.
9. Resolution for a limited extension of the extraterritorial jurisdiction boundary for zoning & planning. (*Information to be provided prior to meeting*)

**C. Public Service Committee (Sanitation, Parks & Recreation, & Physical Plant)**

1. Consideration to enter into an agreement with the University of Central Arkansas for the rental of Jefferson D. Farris Jr. Softball fields for 2007.
2. Consideration/ordinance to reduce fees for one day at the City of Conway Sanitation Department for county residents to coincide with the 2007 Great American Spring Cleanup Event.
3. Consideration of bids submitted for a front end loading refuse truck for the Conway Sanitation Department.

**D. Public Safety Committee (Police, CEOC, Fire, Dist. Court & City Att., & Animal Control)**

1. Ordinance appropriating donated funds for equipment at the training site for the Conway Fire Department.
2. Ordinance appropriating donated funds for (2) competition manikins for the Conway Fire Department.
3. Ordinance appropriating asset forfeiture funds to various department to comply with the 2003 agreement with the Conway Regional Drug Task Force and other local agencies.
4. Consideration of bids submitted for a custom adoption trailer for the Conway Animal Welfare Unit.
5. Ordinance amending Title 6 of the Conway Municipal Code in regards to animal control for the Conway Animal Welfare Unit.
6. Consideration of the addition of a network engineer to the existing pay grid for CEOC.
7. Ordinance appropriating funds for the network engineer staff for the CEOC.

**E. Finance**

1. Consideration of an acquisition of a new postal machine from Pitney Bowes for the Conway Finance Department.

**7. Old Business**

- A. Discussion on the roundabouts for Prince Street and Western Ave.

**8. New Business**

**Adjournment**

**( P R O P O S E D )**

**CONWAY DOWNTOWN LONG TERM PARKING DISTRICT & RATES**

The City of Conway is seeking to establish paid long term employee and resident parking in downtown Conway the proceeds of which to be used for public improvements in the downtown area specifically for parking improvements such as a parking deck.

The proposed Downtown Long Term Parking District shall be bounded by the same boundaries which outline the Downtown Impact Fee Exemption Zone (map herein included). Inside this district, the right and privilege of parking in all parking spots not officially designated as two hour or shorter duration parking locations which are on public property whether on a street or in a lot or eventually in a parking deck including those spots striped for parking and those spots not striped for parking shall be assessed a fee. All parking lots for city buildings shall be subject to these fees with the exception of the Police Department parking lots and the Fire Department parking lots. Lots and parking spots may be striped and restriped from time to time for different public purposes as the needs arise.

The fees shall include rates for two hour parking (in a long term spot), half day parking, and all day parking with monthly and annual permits available as shown on the table below. The two hour, half day, and all day rates shall be payable in cash at payment boxes in close vicinity to the parking location. The monthly and annual permits shall be available at City Hall and possibly other downtown locations. Personalized long term parking spots are available for a premium fee.

Revenues generated from the fees as well as all parking fine revenues generated from violations of parking ordinances shall be used for downtown improvements specifically for the debt payment on any parking deck to be constructed in the downtown area.

**Table of Proposed Parking Fees**

Two Hour	\$0.50
Half Day	\$1.00
All Day	\$2.00
Monthly Permit	\$36.00
Annual Permit	\$360.00
Personalized Permit (Annual Only)	\$600.00



Downtown  
Exempt  
Area

**Downtown Impact Fee  
Exemption Area**





**Conway  
Corporation**

*Operators of the City-owned Electric, Electronic & Water Systems*

6A-1

April 18, 2006

The Honorable Tab Townsell, Mayor  
and Members of the City Council  
City of Conway, Arkansas  
1201 Oak Street  
Conway, AR 72032

Dear Ladies and Gentlemen:

The Board of Directors of the Conway Corporation, in conformance with Resolution 88-11, published a legal notice in the Log Cabin Democrat on February 4, 2007, advertising for nominees to the Conway Corporation Board of Directors. (A copy of that legal notice is enclosed.)

As of March 8, 2007, the expiration of the nominating period, one nomination had been received.

The Conway Corporation Board of Directors met on April 17, 2007, and Mrs. Lori Ross was elected to succeed Mrs. Barbara Money, whose term expires May 8, 2007.

As mandated by the Articles of Incorporation of the Conway Corporation, it is my pleasure to submit to the Conway City Council for its ratification and approval the election of Mrs. Lori Ross.

We respectfully request your favorable consideration.

Sincerely,

Richard Arnold  
Chief Executive Officer  
Conway Corporation

RA:na

Enclosure

**RESOLUTION NO. R-07-\_\_\_\_\_****A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS A REDUCTION OF FIVE FOOT IN THE 15' UTILITY EASEMENT RUNNING ALONG THE EAST SIDE OF LOT 184 WESTIN PARK**

**WHEREAS**, a petition has been filed with the City Council of the City of Conway, Arkansas by Robert Edwards to reduce the 15' utility easement by five foot on Lot 184 Westin Park, with a physical address of 330 Esplande Avenue as shown in Plat Book J, on page 147 records of Faulkner County, Arkansas within the corporate limits of the City of Conway; and

**WHEREAS**, upon the filing of the petition with the City, the City shall set a date and time for a public hearing before the City Council for consideration of the request.

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

1. That the City Council shall hear said request at its regular meeting to be held at the District Court Building, 810 Parkway Street, Conway, Arkansas, on the 8<sup>th</sup> of May at 6:30 pm.
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and date in the manner prescribed by law.

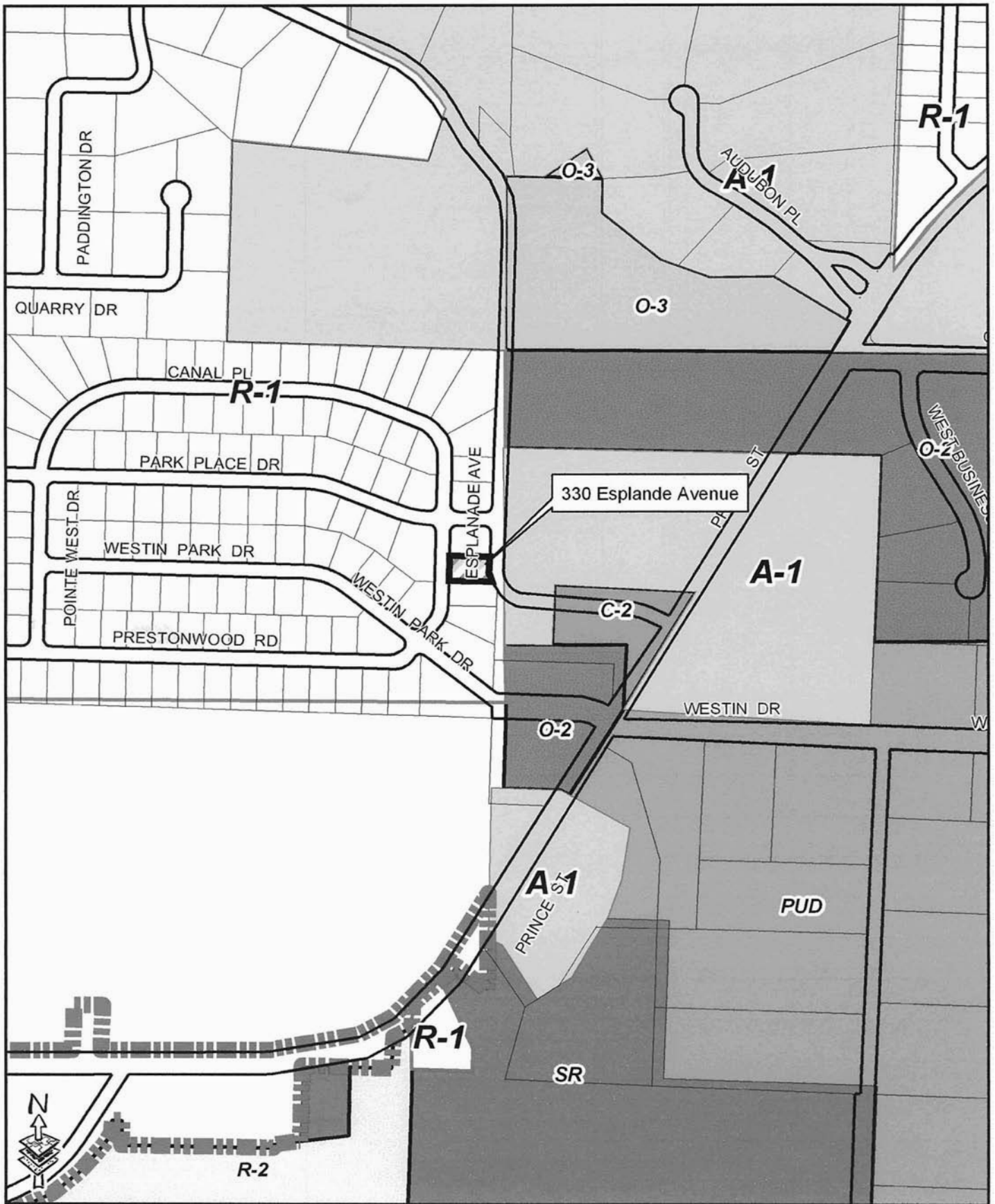
**PASSED** this 24<sup>th</sup> day of April, 2007.

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**



**330 Esplande Avenue**

**Overlay District Variance**

DN: ODV2007APR02  
 ID: ODV2007APR02  
 GL: 51402SE

**First Presbyterian Church Prince Street Overlay District Variance****REQUESTED VARIANCE(S)**

To allow more than one building on one lot

**APPLICANT'S NAME(S)**

First Presbyterian Church

**PRESENT ZONING**

R-1

**ABUTTING ZONING**

O-2 and R-1

**LOCATION**

This property is located at 2400 Prince Street

**DIMENSIONS**

660 feet of frontage along Prince Street  
 440 feet maximum lot depth

**AREA**

10 acres

**STREET(S) ABUTTING THE LOT AND THEIR CLASSIFICATIONS**

Prince Street - Major arterial

**STRUCTURES ON THE PROPERTY**

Existing church facility

**SUBMITTED JUSTIFICATION FOR THE VARIANCE**

Applicant states: "The First Presbyterian Church is constructing a memorial garden in a space on its south side and near the west end of the current church building. A conditional use permit has been granted by the Planning Commission and City Council."

"The variance being requested is to allow a gazebo to be constructed in the center of the memorial garden. The gazebo is hexagonal and from point to point it will be 16 feet. There are doorways on each side that are 4'-4" wide by 8'-3" tall at their highest point. The doorways are arched so as to match the church's architecture."

"The memorial garden space is 55 feet wide by 51 feet deep. It faces south and is in a recessed area created by building walls and two sidewalks."

"In addition to several landscape elements, the memorial garden is approved to contain a columbarium."

**NOTIFICATION REQUIREMENTS**

In compliance

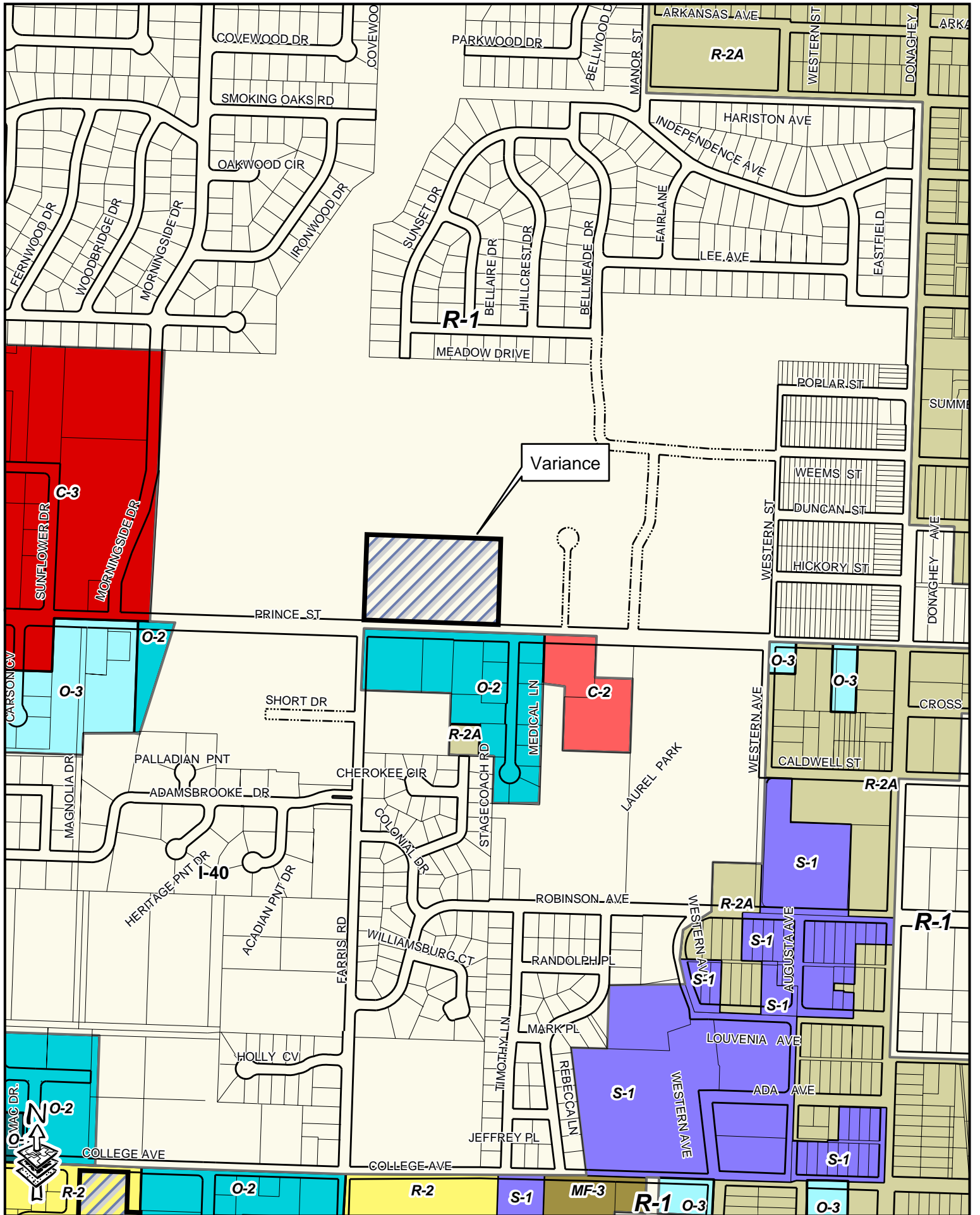
**COMMENTS**

The applicant has described the project above.

**ENCLOSURES**

A map of the area, submitted site plan and elevation

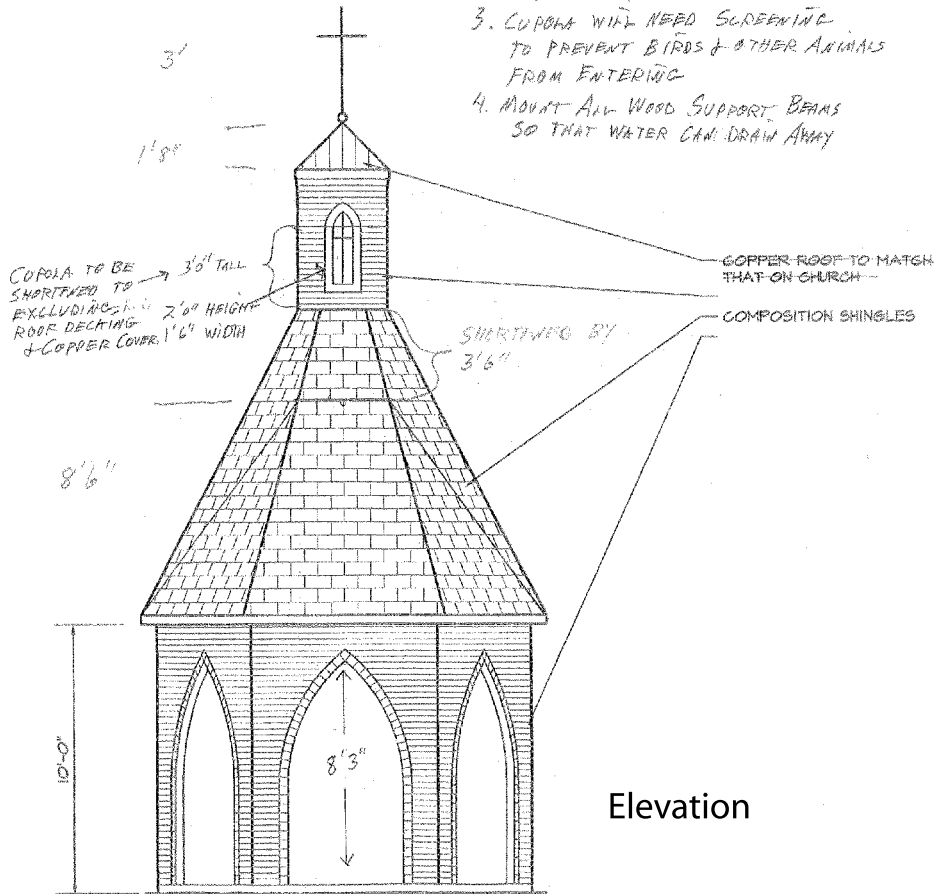




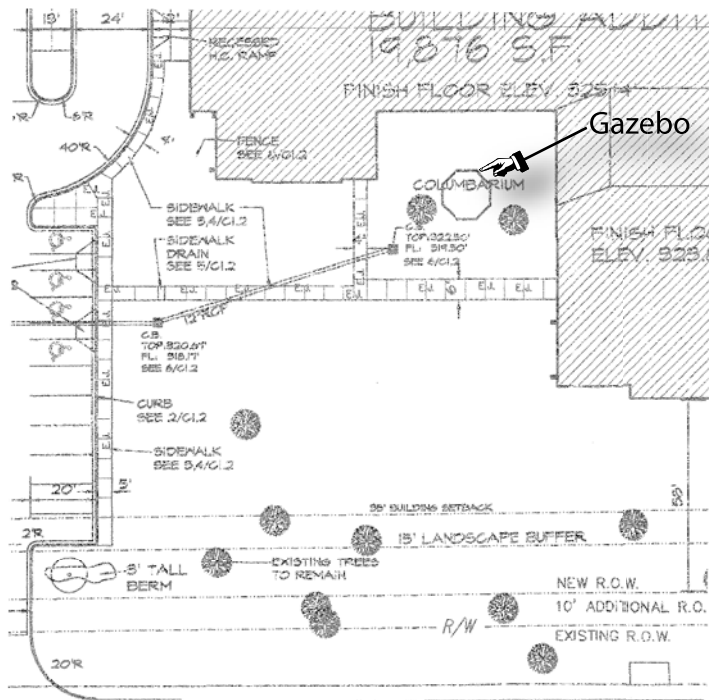
**First Presbyterian Church  
Overlay Variance Request**

NOTES

1. TREATED LUMBER - (TO BE PAINTED)
2. CUPOLA MAY BE LIGHTED INSIDE
3. CUPOLA WILL NEED SCREENING TO PREVENT BIRDS & OTHER ANIMALS FROM ENTERING
4. ADJUST ALL WOOD SUPPORT BEAMS SO THAT WATER CAN DRAIN AWAY



Elevation



Site Plan

ORDINANCE NO. O-07-\_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF COLLEGE AVENUE AND HUBBARD ROAD WITH THE ADDRESS 2611 COLLEGE AVENUE FROM R-2 TO MF-2:**

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

**SECTION 1:** That the Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **R-2** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

The West 1/2 of Block 4, Laney Subdivision to the City of Conway, Arkansas.  
*LESS AND EXCEPT:* Part of the West 1/2 of Block 4, Laney Subdivision to the City of Conway, Arkansas, described as beginning at the Northeast corner of said West 1/2 of Block 4; thence run South, 195 feet; thence West, 65 feet; thence North 195 feet; thence East, 65 feet to the point of beginning.

to those of **MF-2**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

**SECTION 2:** That all ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 3:** That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

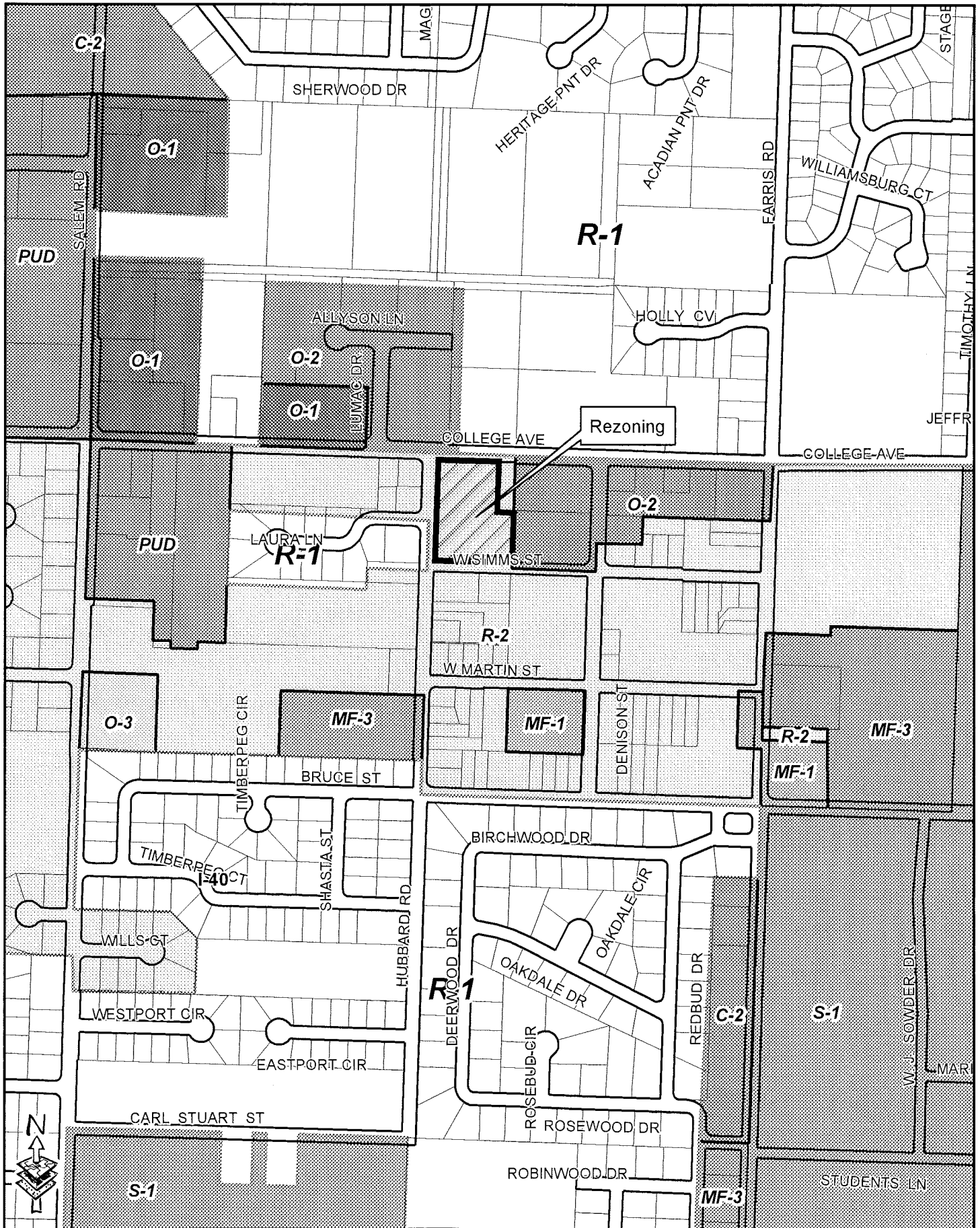
**PASSED** this 24<sup>th</sup> day of April, 2007

**Approved:**

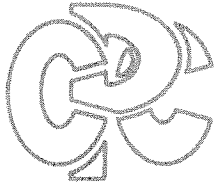
\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**



**Potts Rezoning**



**CITY OF CONWAY  
PLANNING COMMISSION**

1201 Oak Street  
Conway, Arkansas 72032  
(501) 450-6105

April 17, 2007

Council Members  
Conway, AR 72032

Dear Council Members:

A request for a rezoning from R-2 to MF-2 for property that is located on the southeast corner of College Avenue and Hubbard Road with the address 2611 College Avenue and the legal description:

*The West 1/2 of Block 4, Laney Subdivision to the City of Conway, Arkansas. LESS AND EXCEPT: Part of the West 1/2 of Block 4, Laney Subdivision to the City of Conway, Arkansas, described as beginning at the Northeast corner of said West 1/2 of Block 4; thence run South, 195 feet; thence West, 65 feet; thence North 195 feet; thence East, 65 feet to the point of beginning.*

was reviewed by the Planning Commission at its regular meeting on April 16, 2007. The Planning Commission voted 8 – 0 that the request be sent to the City Council with a recommendation of approval.

Submitted by,  
Adam Thomas, Chairman  
Planning Commission

## ORDINANCE NO. O-07-\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 1912 CALDWELL STREET FROM R-1 AND R-2A TO HR:**

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

**SECTION 1:** That the Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **R-1 AND R-2A** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Lots 5 and 8, Block 40 of Robinson's Plan to the City of Conway, Arkansas, as filed in Plat Book A, Page 46, of the Records of Faulkner County.

to those of **HR**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

**SECTION 2:** That all ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 3:** That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

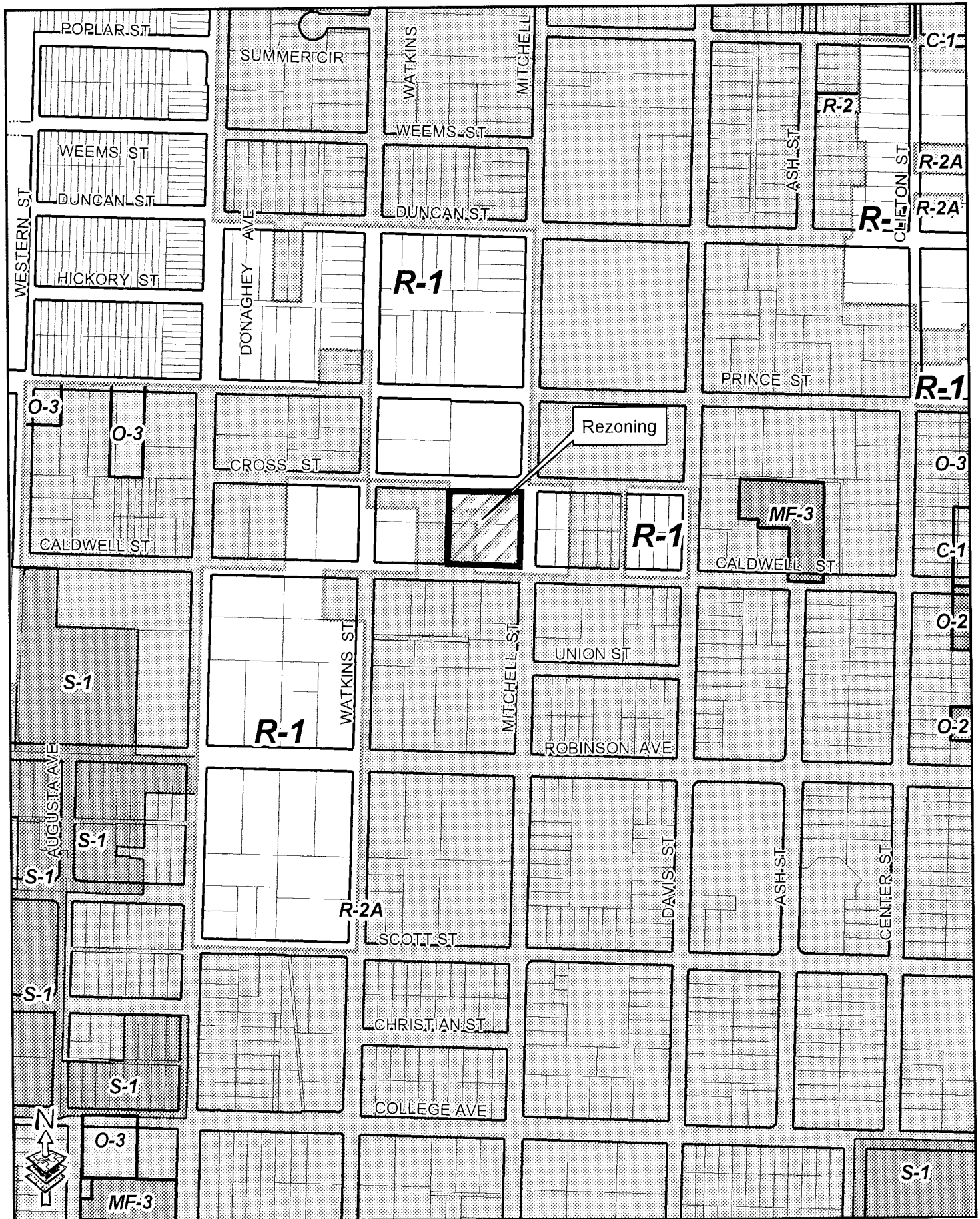
**PASSED THIS** 24<sup>th</sup> **DAY OF** APRIL, 2007.

**Approved:**

\_\_\_\_\_  
**TAB TOWNSELL, MAYOR**

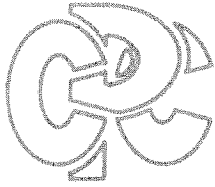
**Attest:**

\_\_\_\_\_  
**MICHAEL O. GARRETT, CITY CLERK**



**Stevens Rezoning**

0 250 500 1,000 1,500 Feet



**CITY OF CONWAY  
PLANNING COMMISSION**

1201 Oak Street  
Conway, Arkansas 72032  
(501) 450-6105

April 17, 2007

Council Members  
Conway, AR 72032

Dear Council Members:

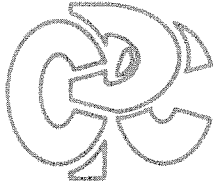
A request for a rezoning from R-1 and R-2A to HR for property that is located at 1912 Caldwell Street and has the legal description:

*Lots 5 and 8, Block 40 of Robinson's Plan to the City of Conway, Arkansas, as filed in Plat Book A, Page 46, of the Records of Faulkner County.*

was reviewed by the Planning Commission at its regular meeting on April 16, 2007. The Planning Commission voted 8 – 0 that the request be sent to the City Council with a recommendation of approval.

Submitted by,  
Adam Thomas, Chairman  
Planning Commission





**CITY OF CONWAY  
PLANNING COMMISSION**

1201 Oak Street  
Conway, Arkansas 72032  
(501) 450-6105

6B-5

April 17, 2007

Council Members  
Conway, AR 72032

Dear Council Members:

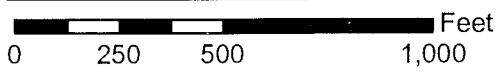
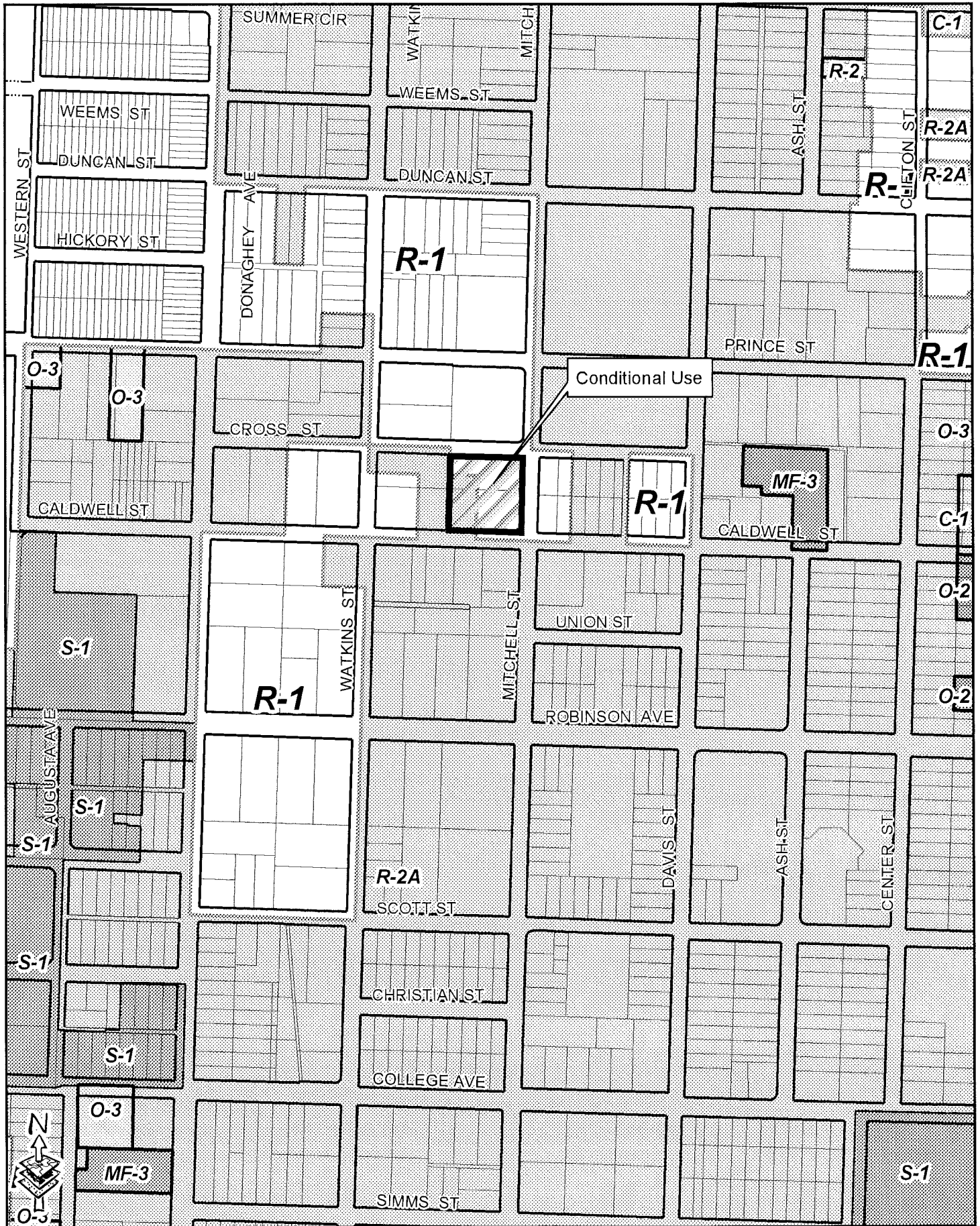
A request for a conditional use permit for Bed and Breakfast for property located at 1912 Caldwell Street with the legal description:

*Lots 5 and 8, Block 40 of Robinson's Plan to the City of Conway, Arkansas, as filed in Plat Book A, Page 46, of the Records of Faulkner County.*

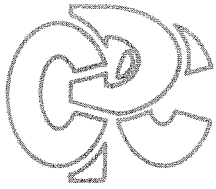
was reviewed by the Planning Commission at its regular meeting on April 16, 2007. The Planning Commission voted 8 – 0 that the request be sent to the City Council with a recommendation of approval with the below stated conditions attached to the conditional use.

- 1) Number of guest rooms is limited to four (4) plus one guest house to be used as one garage apartment unit.
- 2) No external sound system is allowed.
- 3) Parking is limited to the rear of the home
- 4) Guest house may be used for one garage apartment unit.
- 5) Owner must live on the premises as required by definition of "bed and breakfast" in the Zoning Ordinance.
- 6) Any lighting shall be not more than one foot candle at the perimeter.
- 7) Signage is limited to one non-illuminated sign nor more than six (6) square feet in area.
- 8) Any fencing must meet requirements of the Historic District Commission.
- 9) This conditional use is valid for current applicant only. Current applicant Joanne Stevens.

Submitted by,  
Adam Thomas, Chairman  
Planning Commission



Stevens Conditional Use



**CITY OF CONWAY  
PLANNING COMMISSION**

1201 Oak Street  
Conway, Arkansas 72032  
(501) 450-6105

6B-6

April 17, 2007

Council Members  
Conway, AR 72032

Dear Council Members:

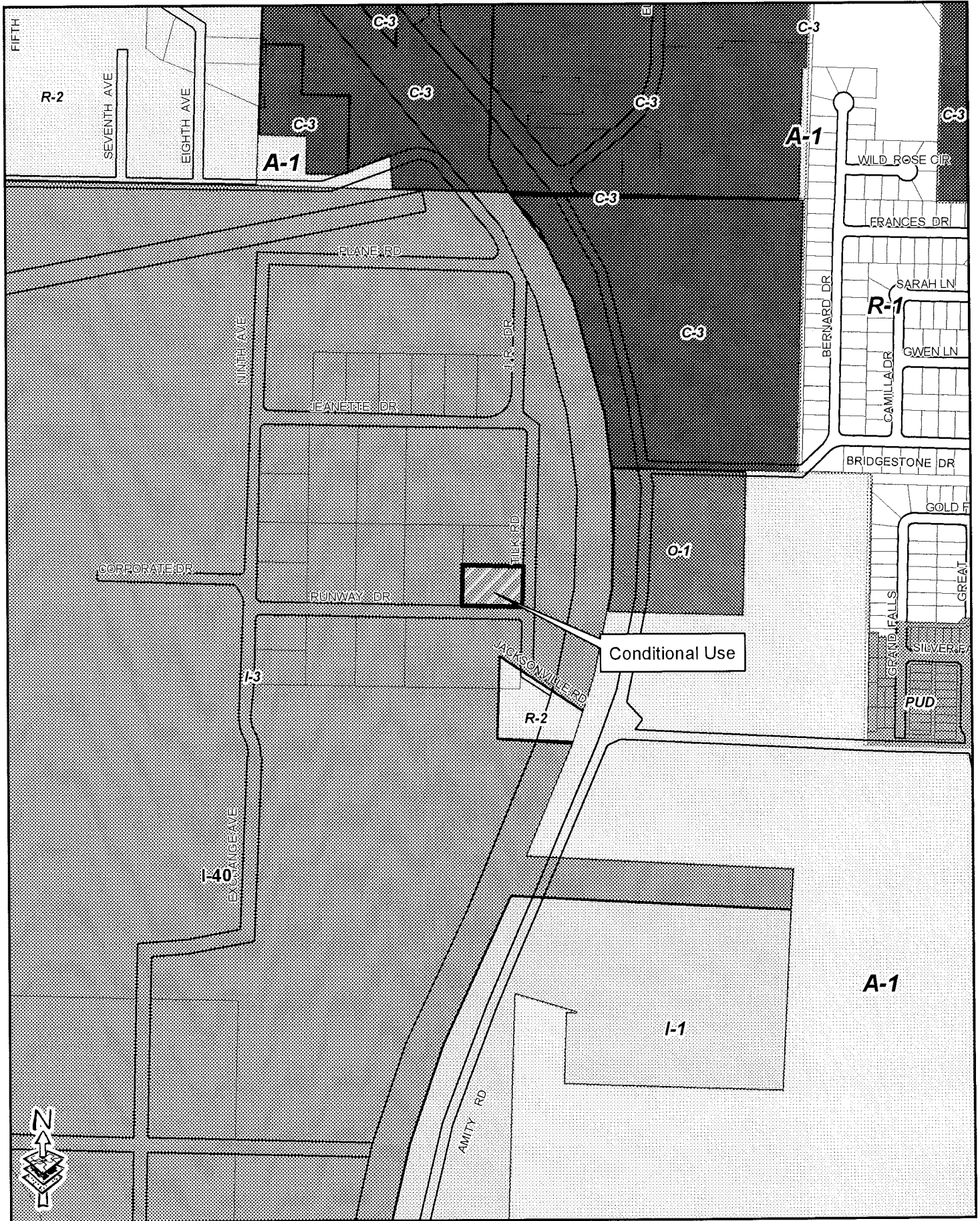
A request for a conditional use permit for Retail – High Impact: Farm Equipment (implement) Sales for property located at 1060 Runway Drive and/or 205 Tilk Road with the legal description:

*Lot 5-B, Runway Park Subdivision, being a replat of Lot 5, Runway Park Subdivision, City of Conway, Arkansas, recorded in Plat Book J, Page 26, plat records of Faulkner County, Arkansas, also known as 1060 Runway Drive and/or 205 Tilk Road, Conway, Arkansas.*

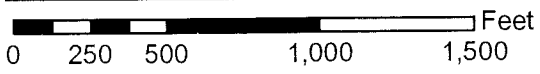
was reviewed by the Planning Commission at its regular meeting on April 16, 2007. The Planning Commission voted 8 – 0 that the request be sent to the City Council with a recommendation of approval with the below stated conditions attached to the conditional use.

- 1) Free standing signage is limited to no more than 25 feet tall and 150 square feet in area per side.
- 2) Signage lighting shall conform to FAA requirements.
- 3) Lighting is to be inward, downward, and shrouded.
- 4) Standard site plan review is required.
- 5) Parking is limited to 21 parking spaces
- 6) Opaque fencing (non see-through) at least 6 feet in height is required on the north side and the south side of the property to hide the storage area, or suitable vegetation screening that will serve the same purpose.

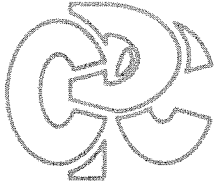
Submitted by,  
Adam Thomas, Chairman  
Planning Commission



Conditional Use



**Langford Conditional Use**



**CITY OF CONWAY  
PLANNING COMMISSION**

1201 Oak Street  
Conway, Arkansas 72032  
(501) 450-6105

6B-7

April 17, 2007

Council Members  
Conway, AR 72032

Dear Council Members:

A request for a conditional use permit for flammable gases or liquids—storage and sales (petroleum products) for property located on the south side of Amity Road, approximately 430 feet south of the northwest corner of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, Township 5 North, Range 13 West, immediately west of Schlumberger Technology Corporation site in Guy Murphy Industrial Park with the legal description:

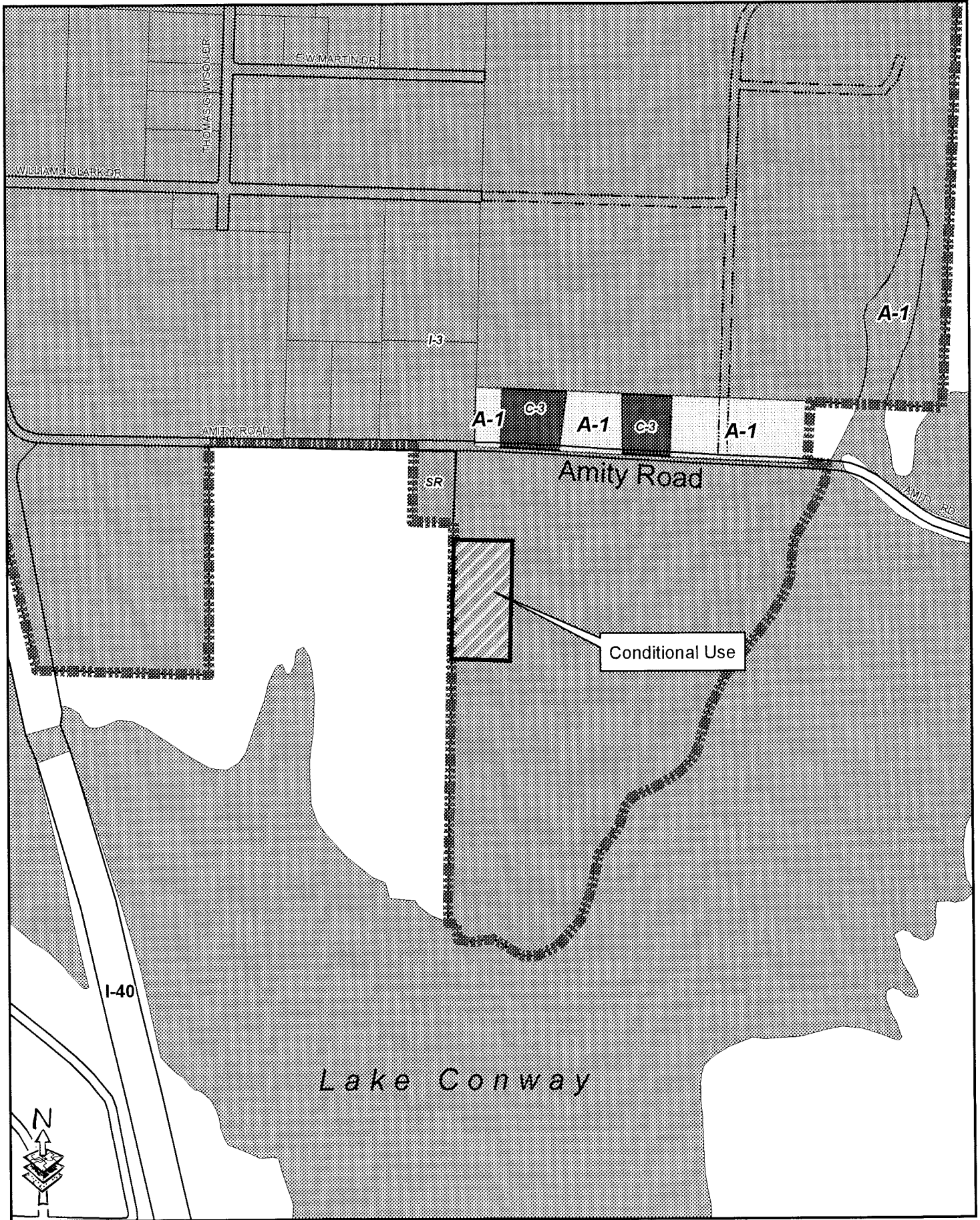
*A part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, Township 5 North, Range 13 West, Faulkner County, Arkansas being more particularly described as commencing at the Northwest corner of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  and running thence South 01 degrees 39 minutes 46 seconds West, along the West line of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 791.52 feet to the point of beginning; thence run South 88 degrees 20 minutes 14 seconds East, 330.00 feet; thence South 01 degrees 39 minutes 46 seconds West 265.00 feet; thence run along an arc to the right having a chord bearing and distance of South 46 degrees 39 minutes 46 seconds West, 49.50 feet; and radius of 35.00 feet; thence run North 88 degrees 20 minutes 14 seconds West, 295.00 feet to the West line of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; thence run North 01 degrees 39 minutes 46 seconds East, 300.00 feet to the point of beginning. Said tract contains 2.267 acres, more or less;*

*Also, a part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, Township 5 North, Range 13 West, Faulkner County, Arkansas being more particularly described as commencing at the Northwest corner of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  and running thence South 01 degrees 39 minutes 46 seconds West, along the West line of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 461.52 feet to the point of beginning; thence run South 88 degrees 20 minutes 14 seconds East, 330.00 feet; thence South 01 degrees 39 minutes 46 seconds West, 330.00 feet; thence run North 88 degrees 20 minutes 14 seconds West, 330.00 feet to the West line of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; thence run North 01 degrees 39 minutes 46 seconds East, 330.00 feet to the point of beginning. Said tract contains 2.500 acres, more or less.*

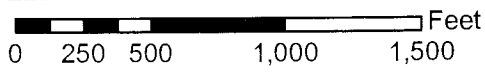
was reviewed by the Planning Commission at its regular meeting on April 16, 2007. The Planning Commission voted 8 – 0 that the request be sent to the City Council with a recommendation of approval with the below stated condition attached to the conditional use.

- 1) Petroleum storage containment areas and equipment must meet Fire Department approval.

Submitted by,  
Adam Thomas, Chairman  
Planning Commission



Conditional Use



CDC Conditional Use

# Proposed Old Conway Design Overlay Ordinance Amendments

## Outline of Proposed Amendments

**Section 1: Design Review Board Membership:** The original ordinance called for 7 members on the Old Conway Design Review Board, one of which was a registered architect. This amendment revises membership to allow one member from Conway at large and an architect or historic preservationist serving as a consultant as needed.

**Section 2: Deadline:** The original ordinance required the application to be filed no less than 17 days prior to a design review meeting. All notifications must be done no less than 15 days prior. The application is changed to 15 days also for consistency.

### **Section 3: Standards:**

**Exceptions:** This section allows the Old Conway Design Review Board to make exceptions to the standards of the Old Conway Overlay Ordinance.

These exceptions will help the Board produce desired development in the Old Conway area. The Old Conway area is unique nature due to its traditional pattern of development which for the most part was built with lack of regulation. The Old Conway Design Review Board may grant exceptions to these numbers on a case by case basis without considering or setting precedent. However, in no case may the Board make an exception to not construct or pay an in-lieu fee for sidewalks.

### **Building Setbacks:**

Secondary frontage was added at 8 feet min. This is the distance from the side of a structure to the right of way line on the side of a corner lot. This is the same measurement as exterior setback in the conventional ordinance.

**Outbuilding Setbacks:** The original ordinance did not separate outbuilding setbacks from primary building setbacks. The Board felt that separate requirements were necessary.

### **Garage / Outbuildings:**

This change makes detached versus attached garages clearer. It also spells out that an outbuilding should be no more than 50% of the footprint of the primary structure.

**Sidewalks:** The Board debated this issue at length, but decided that sidewalks are a vital part of Old Conway and recommends changes that support this decision. The original ordinance required the construction and/or repair of sidewalks with any new construction including additions, and with the construction of an outbuilding over 160 square feet in size. The Board decided to keep the requirement that any addition would require sidewalks and that an outbuilding with a footprint greater than 30% would require sidewalks. A phrase is added that requires in-lieu monies collected to be spent in the Old Conway area. The Board also discussed whether to make an in-lieu payment run with the land or the owner, but decided to be silent on this issue.

**Outbuildings:** Language about the footprint of an outbuilding was added along with the requirement that an outbuilding be no more than 30% of the footprint of the primary structure.

## Enclosures:

A copy of the proposed ordinance is enclosed.

**ORDINANCE NO. O-07-\_\_**

**AN ORDINANCE AMENDING THE OLD CONWAY DESIGN OVERLAY DISTRICT,  
DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:**

**Whereas**, the City of Conway wishes to preserve the historic character of the older residential areas in Conway by requiring new construction to conform to proper design standards,

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

**That Ordinance O-06-139, Old Conway Design Overlay District Ordinance adopted  
October 10, 2006 is amended as follows:**

**Section 1: Ordinance Section 2: Establishment of Old Conway Design Review Board:**

The Old Conway Design Review Board shall be appointed by the Mayor. This review board shall consist of the following (7) seven members: one (1) Planning Commissioner, four (4) homeowners residing within the boundaries of the Old Conway Design Overlay District, one (1) member of the Asa P. Robinson Historic District Commission, *and one (1) citizen of Conway. One (1) architect, City Planner, or professional architectural historian, with knowledge of historic architecture may be retained, as needed, as a consultant to the Board;* The Conway Planning Department shall act as staff for this board.

**Section 2: Ordinance Section 4: Meetings of the Board C. Hearing an application:**

1. The applicant shall file an application with the Old Conway Design Review Board for review. Said application shall be filed no less than ~~seventeen (17)~~ **fifteen (15)** days prior to the Old Conway Design Review Board meeting.

**Section 3: Ordinance Section 6: Standards**

***Paragraph Four, Exceptions:***

*All specific numbers listed in Section 6 Standards such as setbacks, lot coverage, heights, footprints, etc. shall be used as minimal guidelines to produce desired development in the Old Conway area. However, due to the unique nature of Old Conway and its traditional pattern of development, the Old Conway Design Review Board may grant exceptions to these numbers on a case by case basis without considering or setting precedent in order to allow development that is appropriate to unique circumstances. In no case shall an exception be made to not construct or pay an in-lieu fee for sidewalks.*

**Building Setbacks:**

Setback - The area of a lot measured from the lot line to a building façade or elevation. This area must be maintained clear of permanent structures with the exception of: fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces, and decks (that align with the first story level) which are permitted to encroach on the setback.



## ***Building Setback***

Front: The new construction shall be located between 85% and 115% of the average front setback distance established by the existing adjacent historic structures. If all buildings along a block have similar setbacks, that setback line shall be respected.

***Secondary Front: 8 feet min.***

Side: 6 feet minimum in all residential zones, 0 feet minimum in C-1 areas

Rear: 3 feet or 15 feet from centerline of alleyway in residential zones, 0 feet minimum in C-1 areas

## ***Outbuilding Setback***

***Front: Rear of Principal Building***

***Secondary Front: 8 feet min.***

***Side: 3 feet min.***

***Rear: 2 feet min.***

## **Garages / Outbuildings:**

***Detached*** garages / ***outbuildings*** shall be located at the rear of the primary structure. If lot width or depth prohibits a rear location, the garage may be ~~placed~~ ***attached*** at the side of the structure. This garage façade should not extend in front of the transverse centerline of the house. In the case of a side location, the garage façade shall not dominate the façade of the structure.

***The footprint of a detached garage / outbuilding shall be no more than 30% of the footprint of the primary structure.***

## **Sidewalks:**

A Sidewalk shall be constructed or repaired as part of new construction in the Old Conway Design Overlay District.

## ***Sidewalk Exceptions:***

***The construction of an outbuilding with a footprint area greater than 30% of the primary structure will require the construction or repair of sidewalks.***

~~**The addition of outbuildings less than 160 square feet will not require the construction / renovation of sidewalks.**~~ Sidewalks are historically correct and add an essential pedestrian element to the area. Sidewalks shall be constructed / repaired for all street frontages and shall be 5 feet wide unless the width differs historically. Sidewalks shall pass through driveways. In the downtown area, sidewalks shall meet downtown sidewalk requirements.

If sidewalks are not prevalent in the area or not technically feasible due to utilities, easements, rights of way, etc., an in-lieu fee of \$3 per square foot may be paid into the general sidewalk fund ***to be used within the boundaries of the Old Conway area.*** The Old Conway Design Review Board will determine if a request for a sidewalk exception is reasonable. This per square foot in-lieu fee shall be reviewed by the City Council at least every 5 years.

## **Outbuildings:**

The design of new outbuildings ***with a footprint of*** 160 square feet or larger should use materials, windows, doors, and architectural detailing that are compatible with the existing or

proposed residential structure. *The footprint of an outbuilding may be a maximum of 30% of the footprint of the primary structure.*

**Section 4:** That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

**Section 5:** That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance will be in full force and effect from and after its passage and approval.

**PASSED** this 24<sup>th</sup> day of April, 2007

**Approved:**

---

**Mayor Tab Townsell**

**Attest:**

---

**Michael O. Garrett**  
**City Clerk/Treasurer**

AGREEMENT  
between  
University of Central Arkansas  
and  
City of Conway, Arkansas  
for  
Rental use of the Jefferson D. Farris Jr. Softball Fields  
for  
2007

Period of Use:

1. The Jefferson D. Farris Jr. Softball Fields number 1,2, and 3 (hereafter "fields") may be used by the City of Conway, Arkansas (hereafter "City") beginning April 30 through July 3, 2007.
2. On or about March 15 each year the City will inform the University of Central Arkansas (hereafter "University") through the Intramural Sports and Recreation Department in writing regarding their intended period of usage of the fields for that year.
- ~~3.~~ The fields will be available for the City Monday through Friday. Weekend days (Saturday and Sunday) may be reserved through the University Calendar Office.
4. Either party may cancel this agreement upon written notice to the other party; provided however, the University must notify the City of its intent to cancel the agreement by November 1 of each year if the fields will not be available for the next year.

Terms of Agreement:

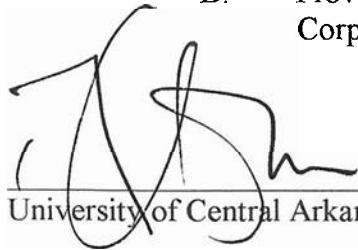
1. During the period of use the City will maintain the fields within a standard set by the University and the City. The City will:
  - A. Mow the grass on and around the fields a minimum of once each week. The areas and height to be mowed will be determined by the University.
  - B. Trim (weed eat) in and around the fields, including but not limited to the area around fences and sidewalks and in areas not reachable by mowers.
  - C. Clean the area in and around the fields, including but not limited to parking lots, fields, areas surrounding the fields, bathrooms, concession area, bleachers, and dugouts.
  - D. Water fields and areas around fields in accordance with University standards. Maintain and repair irrigation system on and around fields.
  - E. Maintain dirt infields by 1) drag daily; 2) contain weed and grass growth; and 3) repair areas damaged by usage.
  - F. Any chemicals or fertilizers added to the grass (in addition to normal standards) on or around the fields must be approved by the University prior to application.

AGREEMENT (page #2)

- G. Any field conditioner added to the infield must be approved by the University prior to application.
  - H. Repair any and all damage to the fields or areas surrounding the fields.
  - I. Replace any field lights that go out during usage.
  - J. City will not allow 'soft toss' hitting into the chain link fence around the fields.
- 2. The City will supply all field marking equipment and supplies.
  - 3. The City will contact and work with ARAMARK with regard to concessions during the period of usage.
  - 4. Security.
    - A. **The University Police Department (UCAPD) will be notified of City usage of softball fields at least (2) weeks prior to usage.**
    - B. Should the service of UCAPD be required, necessary or otherwise requested, prior permission must be obtained during this period of time. A fee may be assessed for these services.
  - 5. The City will uphold State regulations and University policy of facility usage by non-student groups.
  - 6. The City will carry liability insurance naming the University in the policy rider as an additional insured and will provide the University with a copy of the certificate.
  - 7. The University will provide:
    - A. Bases and pitcher plates.
    - B. Irrigation parts and supplies.
    - C. **Storage area for City supplies to maintain fields.**
  - 8. No rights or obligations under this agreement may be assigned or transferred without the written consent of all parties.

Rental Fee:

- 1. The City will not pay a rental fee to the University, but will:
  - A. **Maintain the fields and surrounding area as stipulated in "Terms of Agreement"**.
  - B. Provide for the cost of all water and electric charges from Conway Corporation during the period of use by the City.



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University of Central Arkansas

3-19-07

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Date

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Mayor, City of Conway

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Date

April 12, 2007

Mayor Townsell  
PO Box 915  
Conway, AR 72033

Mayor Townsell:

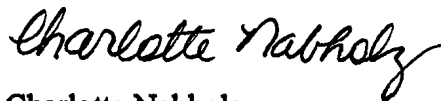
On behalf of the Keep Faulkner County Beautiful Organization and in conjunction with the City of Conway Sanitation Department we request inclusion on the April 24, 2007, City Council Agenda to bring forth before the Council a proposal for a one-day reduction in dumping rate for county residents to coincide with the 2007 Great American Spring Cleanup event.

We propose allowing Faulkner County residents the same dumping rate at Conway city residents on Saturday, May 19, 2007, to aid them in cleaning their property and public areas around the county. A similar ordinance (NO. O-05-113) was passed on September 13, 2005 (please see enclosure).

The Arkansas Department of Environmental Quality has agreed to waive landfill tipping fees for cleanup events around the state coinciding with the Great American Spring Cleanup (additional enclosure) thereby ensuring Conway Sanitation will not incur additional expense for the increased rate of county residents dumping during this one-day event.

We appreciate your consideration of allowing our organization to present at the April 24<sup>th</sup> city council meeting.

Sincerely,



Charlotte Nabholz  
Chairman  
Keep Faulkner County Beautiful

# ADEQ

ARKANSAS  
Department of Environmental Quality

March 15, 2007

Mr. Robert Phelps, Executive Director  
Keep Arkansas Beautiful Commission  
One Capitol Mall, 400A, 107  
Little Rock, AR 72201

RE: Request for Waiver of Tipping Fees for the Great Arkansas Cleanup.

Dear Mr. Phelps:

As in the past the Arkansas Department of Environmental Quality applauds your efforts and commitment to maintaining the beauty of Arkansas, and I believe that both our agencies share this common interest. In regard to your request for a waiver on the tipping fees for landfills participating in the Great Arkansas Cleanup, the Department will grant a waiver to those landfills one day in the spring and one day in the fall. When coordinating this effort please inform the participating landfill to notify the ADEQ Solid Waste Management Division of the day in which they choose to allow waste disposal for this cleanup effort.

Should you have questions regarding this waiver please feel free to contact me.

Sincerely,



Teresa Marks  
Director

Cc: Mary Leath, Chief Deputy Director, ADEQ  
Steve Martin, Chief, Solid Waste Management Division, ADEQ

**INFORMATION ONLY**

**ORDINANCE NO. O-05-113**

**AN ORDINANCE TO OFFER A REDUCED RATE TO FAULKNER COUNTY RESIDENTS FOR A ONE TIME EVENT AT THE CITY OF CONWAY SANITATION DEPARTMENT, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES,**

**WHEREAS**, the Faulkner County Quorum Court is asking all Faulkner County residents to cleanup their properties; and

**WHEREAS**, the Conway Landfill will be open for this one time event to all residents of Faulkner County with proper identification and a current utility bill on a date and time to be determined later; and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:**

**SECTION 1.** The City of Conway Sanitation Department shall open for two days only as stated above for all Faulkner County residents, excluding commercial haulers and shall accept all household trash except:

- Tires
- Hazard materials
- Yard Waste
- Liquids (paints, freon, oil, etc.)

**SECTION 2.** The City will charge each county residents with proper identification a standard fee of \$22.74 per ton or \$11.37 per half ton/minimum.

**SECTION 3.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 4.** This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

**PASSED** this 13<sup>th</sup> day of September, 2005.

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasuer**

**ORDINANCE NO. O-07- \_\_\_\_**

**AN ORDINANCE TO OFFER A REDUCED RATE TO FAULKNER COUNTY RESIDENTS FOR A ONE TIME EVENT AT THE CITY OF CONWAY SANITATION DEPARTMENT, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES,**

**WHEREAS**, the Faulkner County Quorum Court is asking all Faulkner County residents to cleanup their properties; and

**WHEREAS**, the Conway Landfill will be open for this one time event to all residents of Faulkner County with proper identification and a current utility bill on Saturday, May 19, 2007; and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:**

**SECTION 1.** The City of Conway Sanitation Department shall open for the date stated above for all Faulkner County residents, excluding commercial haulers and shall accept all household trash except:

- Tires
- Hazard materials
- Yard Waste
- Liquids (paints, freon, oil, etc.)

**SECTION 2.** The City will charge each county residents with proper identification a standard fee of \$22.74 per ton or \$11.37 per half ton/minimum.

**SECTION 3.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 4.** This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

**PASSED** this 24<sup>th</sup> day of April, 2007.

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**





**CITY OF CONWAY**  
**SANITATION DEPARTMENT**

*P.O. Box 915  
4550 Hwy. 64 West  
Conway, AR 72033  
(501) 450-6155  
Fax: (501) 450-6157*

**Cheryl Harrington**  
*Director*

April 16, 2007

Mayor Tab Townsell  
City Hall  
1201 Oak Street  
Conway, AR 72032

Re: Front-End Loading Refuse Truck

Dear Mayor Townsell,

Bids were submitted at 10:00 am, Wednesday April 4, 2007 at City Hall for Front-End Loading Refuse Truck. Four bids were submitted:

#1 Barloworld	\$180,487.00
#2 Glover's Truck	\$181,210.00
#3 Downing Sales	\$182,650.00
#4 Downing Sales	\$196,054.00

I recommend the bid from Barloworld of \$180,487.00. It was the bid that met or exceeded all specifications that we required.

Please advise if you have questions or need additional information.

Sincerely,

*Cheryl Harrington*  
Cheryl Harrington  
Sanitation Director

# BID SUMMARY

## Front-End Loading Refuse Truck

Bid # 1 submitted by Barloworld  
2007 Freightliner Condor  
(Old Engine)  
New Way Mammoth 40 yard Packer Body  
Total.... \$180,487.00  
60-100 Day Delivery

Bid # 2 submitted by Downing Sales  
2008 American La France Condor  
Bridgeport Super-Duty 40 yard Packer Body  
(Many Exceptions to Bid Spec.)  
Total.... \$182,650.00  
120-180 Day Delivery

Bid # 3 submitted by Glover's Truck  
2008 American La France Condor  
New Way Mammoth 40 yard Packer Body  
Total.... \$181,210.00  
90 Day Delivery

Bid # 4 submitted by Downing Sales  
2008 American La France Condor  
Kann 41 yard Packer Body  
Total.... \$196,054.00  
165-185 Day Delivery

I recommend accepting the bid from Barloworld for \$180,487.00. This truck is a 2007 that does not require unscheduled catalytic burns. It is the last of these trucks available to us or anyone else in the U.S. Scheduling this truck for immediate delivery will be in our best interest. This truck is on hold with our name on it for only 21 days after bid opening date. Freightliner, not Barloworld, is going to pull it from their inventory for immediate build as they have a buyer on standby.

ORDINANCE NO. O-07-\_\_\_\_\_

**AN ORDINANCE APPROPRIATING DONATED FUNDS FOR EQUIPMENT AT THE TRAINING SITE FOR THE CONWAY FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Conway Fire Department requests \$1910 to purchase material to build two new props for the Conway Fire Department training site.

**WHEREAS**, funds in the amount of \$1910 were donated by various organizations (Fred's, Thomson Learning, etc.) to be used for such purpose:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**SECTION 1.** The City of Conway shall appropriate \$1910 from the General Fund Revenue Donation Account (01.909) to the Fire Department Training & Education Operating Account (01.115.335).

**SECTION 2.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 3.** This ordinance is necessary for the protection of the public peace, health and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

**PASSED** this 24<sup>th</sup> day of April, 2007

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/ Treasurer**

ORDINANCE NO. O-07-\_\_\_\_\_

**AN ORDINANCE APPROPRIATING DONATED FUNDS TO PURCHASE 2  
MANIKINS FOR THE CONWAY FIRE DEPARTMENT; DECLARING AN  
EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the Conway Fire Department requests \$700 to purchase 2 Combat Challenge Kid Manikins for the Conway Fire Department Fire Kids Competition.

**WHEREAS**, funds in the amount of \$1,000 were donated by First State Bank to be used for such purpose:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF CONWAY, ARKANSAS THAT:**

**SECTION 1.** The City of Conway shall accept donated funds in the amount of \$1,000 and appropriate \$700 from the General Fund Revenue Donation Account to the Fire Department Fire Kids Competition Operating Account (01.115.773, \$700).

**SECTION 2.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 3.** This ordinance is necessary for the protection of the public peace, health and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

**PASSED this 24<sup>th</sup> day of April, 2007.**

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**

## ORDINANCE NO. O-07-\_\_\_\_\_

**AN ORDINANCE APPROPRIATING ASSET FORFEITURE  
FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER  
PURPOSES**

**WHEREAS**, the Conway Regional Drug Task Force has received \$24,543.68 from the Prosecuting Attorney's Office which was obtained through court orders and default judgments on seized asset cases, and;

**WHEREAS**, a sharing guideline was signed in 2003 between the Conway Regional Drug Task Force and other local agencies that states a percentage of seizures will be distributed to supporting agencies;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**SECTION 1.** The City of Conway shall appropriate \$4,306.78 from Asset Forfeiture Revenue account to the Asset Forfeiture Professional Services account to be distributed as follows:

Faulkner County Sheriff's Office	\$3,536.78
UCA Police Dept	\$770.00

**SECTION 2.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 3.** This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

Passed this 24<sup>th</sup> day of April, 2007

**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**

City of Conway  
Mayor's Office

# Memo:

**To:** Mayor Tab Townsell  
**CC:** City Council Members  
Shona Osborne, Animal Welfare Manager  
**From:** Felicia Rogers  
**Date:** April 18, 2007  
**Re:** Bids Tabulation / Custom Adoption Trailer

---

On April 1<sup>st</sup>, 2007 bids were published for a Customer Adoption Trailer for the Conway Animal Welfare Unit in the Log Cabin Democrat and sent to the following vendors:

- Jones Trailer Company, Woodson Texas
- Deerskin MFG, Inc. , Springtown Texas

On April 16<sup>th</sup>, 2007 at 10:00am at City Hall; bids were opened for the purchase of a custom adoption trailer.

Only one bid was submitted; it is tabulated as follows:

- Deerskin MFG Inc.                      \$28,500.00

We recommend the approval of this submitted bid by Deerskin MFG inc., for the purchase of the adoption trailer.

Please advise if you have any questions.

**AN ORDINANCE AMENDING TITLE 6 OF THE CONWAY MUNICIPAL CODE; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the Mayor and City Council desire to amend Title 6 of the Conway Municipal Code;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:**

**SECTION 1.** Title 6 shall be amended to read as follows:

**TITLE 6**

**ANIMALS AND FOWL**

Chapters:

6.04	Dogs and Cats
6.08	Wildlife, Wild Animals and Reptiles
6:12	Penalty

**Chapter 6.04**

**DOGS AND CATS**

Sections:

6.04.01	Definitions
6.04.02	Enforcement
6.04.03	Confinement of Dogs and/or Cats on Premises of Owner
6.04.04	Impoundment
6.04.05	Reclaiming Animals/Fee for Reclaiming
6.04.06	Nuisance Animals and Hazardous Animals
6.04.07	Condition of Pen and Premises
6.04.08	Number of Animals
6.04.09	Fraudulent Redemption of Domestic Animals
6.04.10	Annual License Tag
6.04.11	Rabies Vaccination Required
6.04.12	Running at Large
6.04.13	Interference
6.04.14	Dogs or Cats Doing Physical or Property Damage
6.04.15	Citations
6.04.16	Animal Care
6.04.17	Transportation
6.04.18	Animal Bites
6.04.19	Quarantine After Bite
6.04.20	Penalty: Dogs or Cats that Attack a Human Being
6.04.21	Diseased or Injured Animals
6.04.22	Keeping of Dangerous or Vicious Dogs
6.04.23	Killing Rabid, Vicious or Dangerous Animals
6.04.24	Penalty
6.04.25	Deposit of Funds/Assisted Spay and Neutering

#### 6.04.01 Definitions

The following words and phrases shall have the following meaning for the purposes of this ordinance:

(a) Animal. Every vertebrate nonhuman species of animal, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

(b) Domestic Animal. Animals which are trained and kept as pets, or which commonly rely upon humans for food and shelter, including, but not limited to, dogs, puppies, cats, kittens; birds kept indoors; hamsters, gerbils and such other small rodents; chinchillas, rabbits; non-poisonous lizards, except crocodiles and alligators, and non-poisonous snakes, which animals or reptiles are capable of being maintained continuously in cages; and other living creatures generally referred to as domestic pets. The term "domestic animals" shall also mean animals of husbandry or livestock.

(c) Animal Acceptance. The act of the Animal Welfare Unit accepting a dog, puppy, cat or kitten brought in to the Shelter by an individual for permanent relinquishment.

(d) Animal Welfare Officer. The person or persons employed by the City of Conway and designated by the City of Conway as enforcement officer or officers and having authority to carry out all provisions of this ordinance including Police Officers of the City of Conway, Arkansas.

(e) Animal Welfare Unit. Any premises designated by the City of Conway for the purpose of impounding and caring for dogs and cats found running at large in violation of this ordinance.

(f) At Large. An animal is at large within the meaning of this ordinance when it is not confined to the premises of the owner or not within a house or other building or enclosure or not restrained on the premises of the owner by a leash sufficiently strong to prevent the animal from escaping and restricting the animal to the premises of the owner or not confined by a leash or not confined in an automobile when away from the premises of the owner.

(g) Dog. Any domestic canine or canine crossbreed (*Canis familiaris*) over the age of six (6) months

(h) ~~"Dangerous Dog"~~ "Dangerous or Vicious Dog". Any dog that according to the records of Conway Animal Welfare Unit or the Conway Police Department,

1. Inflicts bites on a human or a domestic animal either on public or private property, or chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude tendency, or disposition to attack either provoked or unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals

~~1. Has inflicted severe injury on a human being without provocation on public or private property~~

2. Has killed a domestic animal without provocation while off the owner's property, . or

~~3. Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.~~

3. Causes death or serious physical injury to any person.

(i) ~~"Potentially Dangerous Dog"~~. Any dog that when unprovoked:

~~2. Inflicts bites on a human or a domestic animal either on public or private property, or chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals~~

~~(j) "Vicious Dog". Any dog which:~~

**Green - Insert**



- ~~1. Causes death or serious injury to any person;~~
- ~~1. Causes death;~~
- ~~2. Causes serious physical injury to any person.~~
- ~~3. On two (2) or more occasions within a 12-month period, attacks or bites a person without provocation;~~
- ~~4. On more than one (1) occasion within a 12-month period, while off the property of its owner and without provocation, kills or seriously injures another domestic animal or livestock; or~~
- ~~5. Is trained for dog fighting or is owned or kept for the purpose of dog fighting.~~

- (k) Puppy. Any dog under the age of six (6) months
- (l) Cat. Any domestic or feral cat (*Felis catus* or *Felis domesticus*) over the age of six (6) months.
- (m) Kitten. Any domestic or feral cat (*Felis catus* or *Felis domesticus*) under the age of six (6) months.
- (n) Restraint. An animal is under restraint within the meaning of this ordinance if he is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.
- (o) Euthanasia. The act of humanely and painlessly putting an animal to death.
- (p) Owner / harborer. Any person, group of persons, or corporations owning, keeping or harboring an animal or animals.
- (q) Spayed. A female animal that has undergone an ovario-hysterectomy, unsterilized dogs or cats too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's or cat's licensing by a veterinarian licensed to practice within the state.
- (r) Neutered. A castrated male animal, unsterilized dogs or cats too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's or cat's licensing by a veterinarian licensed to practice within the state.
- (s) Repeatedly At Large. An animal is repeatedly at large within the meaning of this ordinance when it is not confined to the premises of the owner or not within a house or other building or enclosure or not restrained on the premises of the owner by a leash sufficiently strong to prevent the animal from escaping and restricting the animal to the premises of the owner or not confined by a leash or not confined in an automobile when away from the premises of the owner more than three times within the previous year.

#### 6.04.02 Enforcement.

The provisions of this ordinance shall be enforced by the Animal Welfare Officer of the City of Conway and by members of the Conway Police Department.

#### 6.04.03 Confinement of Animals on Premises of Owner.

(a) Confinement of Dogs. Any person owning, possessing or keeping a dog or dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure within a house, garage or other building, ~~or shall confine such dog or dogs by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large.~~

(b) Confinement of Cats. Any person owning, possessing or keeping a cat or cats whether vaccinated or unvaccinated, licensed or unlicensed shall confine such cat or cats to his or her property in such a manner adequate to prevent the cat from running at large.

(c) Confinement by chain, rope, cable, or other means.

~~1. If any animal is confined by chain, rope or cable, the restraint must be no less than 6 feet long and so placed that the animal may not intrude on other property, whether public or private, and provide adequate room for normal postural adjustments and for exercise. The area where any animal is confined must provide proper and adequate drainage.~~

1. Any person owning animals, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal within an adequate fence or enclosure, or within a house, garage or other building. Animals shall not be tied or chained to doghouses or other stationary objects but must be in an approved enclosure. Any persons found in violation shall be fined One Hundred Dollars (\$100.00) for the first offense, and Two Hundred Dollars (\$200.00) for 2<sup>nd</sup> offense and each subsequent offense that shall occur.

2. No animal may be tethered and left unattended in any Park, school, business, or public place at anytime.

6.04.04 Impoundment

(a) Any domestic animal found to be at large within the corporate limits of this city shall be picked up by the Animal Welfare Officer and impounded in the Animal Welfare Unit and there confined in a humane manner. Dogs or cats which are not claimed by their owners or an authorized representative identified in writing by the owner within five (5) business days may be destroyed at the discretion of the Animal Welfare Officer in a humane manner.

(b) Prior to destroying any dog found running at large where the dog carries its owner's address, the Animal Welfare Officer shall give the dog's owner at least five (5) business day's notice of the date of the proposed destruction of the dog. The notice shall be by certified letter, return receipt requested and shall otherwise conform to A.C.A. 14-54-1102.

(c) The owner of an impounded animal who refuses to claim his or her animal shall be proceeded against for abandonment under the provisions of Arkansas Code Annotated §5-62-101.

(d) Upon payment of a Twenty Dollar (\$20.00) adoption fee per dog or cat paid to the Animal Welfare Unit and a spaying/neutering fee, which shall be set by the veterinarian selected to perform the alteration and paid to the Veterinarian performing the sterilization, the Animal Welfare Officer may transfer title of all dogs and cats held by the Animal Welfare Unit to any party except the owner or owner's representative after the aforementioned five (5) business day period has expired and the animal has not been claimed by its owner subject to the licensing and vaccination requirements set out in this ordinance. Upon payment of the adoption and altering fees, sterilization shall be performed within thirty (30) days except that the Animal Welfare Unit may grant an extension of time not to exceed thirty (30) days upon the request of the owner, unless in the opinion of a veterinarian licensed to practice veterinary medicine in the State of Arkansas, the animal is medically compromised to the extent that such sterilization should not be performed at that time. The signed promise (see attachment) shall be binding and failure to comply shall constitute a violation of this section. In such case, the animal described therein shall be returned to the Animal Welfare Unit upon demand. Ownership of the animal reverts to the Animal Welfare Unit in such instance. No claim may be made by the owner to recover expenses incurred for maintenance of the animal including the initial procurement cost.

(e) Upon impounding domestic animals, the Animal Welfare Officer shall make a reasonable effort, if possible, to notify the owners of such animals so impounded, and inform such owners of the condition whereby they may regain custody of such animals.

6.04.05 Reclaiming Animals/Fee for Reclaiming.

(a) Any person owning, possessing or keeping an animal which has been allowed to run at large and which has been impounded may claim and retrieve such animal from the Animal Welfare Unit by payment of a fee of Ten Dollars (\$10.00) per day that the animal remains in custody if the animal has been vaccinated against rabies within 11 months immediately preceding such impounding and is currently licensed as required by law. If said dog or cat has not been vaccinated against rabies within the immediately preceding 12 months and/or is not currently licensed, as applicable, said dog or cat shall not be reclaimed without payment of the appropriate fees. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog or cat from the Animal Welfare Officer under this ordinance.

(b) An additional fee of Twenty Dollars (\$20.00), plus the regular license fee shall be assessed to the party reclaiming an unlicensed animal. An additional Twenty Dollar (\$20.00) fee shall be assessed for reclaiming a dog or cat unvaccinated for rabies within the above stated period. If the person claiming the animal is a Conway resident, that person shall also cause said animal to be licensed in accordance with the regulations of the city then in force, and the costs or expense of such vaccination and/or license fee shall be paid by the party reclaiming such animal and shall be in addition to the fees hereinabove set out. It shall be the responsibility of said party to furnish proof of such vaccination to Animal Welfare within 10 days of the animal being reclaimed.

(c). The Animal Welfare Officer shall keep complete and accurate records of all dogs and cats impounded and should an owners animal be impounded a second time, within an eighteen (18) month period then in such event, the Animal Welfare Officer, prior to releasing said animal shall require an impound fee of Twenty Dollars (\$20.00) to be paid by such owner, possessor or keeper of said spayed/neutered dog or Seventy-five Dollars (\$75.00) for said un-spayed/un-neutered dog or cat, plus Ten Dollars (\$10.00) per day board. In addition a citation may be issued for a nuisance dog or cat.

(d) Upon the third and each subsequent impoundment within an eighteen (18) month period, then in such an event, of said owner's spayed/neutered dog or cat, the Animal Welfare Officer, prior to releasing said animal shall require an impound fee of \$50.00, to be paid by such owner, possessor or keeper of said spayed/neutered dog or cat, or an impound fee of One Hundred Dollar (\$100.00), for an un-spayed/un-neutered dog or cat, plus Ten (\$10.00) Dollars per day board. Upon said subsequent violation, the owner, keeper or possessor of such dog/cat shall in addition, comply with the above licensing and vaccination fees. In addition a citation may be issued for a nuisance dog or cat.

All fees described in this section shall be in addition to whatever penalties might be assessed for misdemeanor violations described in other sections under this ordinance.

#### 6.04.06 Nuisance Animals and Hazardous Animals.

(a) Owners of nuisance animals shall be subject to fine. Nuisance animals are any animals which infringe upon the rights of another animal or a person, or:

1. Molest passersby or passing vehicles
2. Attacks other domestic animals
3. Trespass on school grounds
4. Are repeatedly at large
5. Damage private or public property
6. Bark, whines, or howls in an excessive, continuous, or untimely fashion
7. Causes fouling of the air by odor and thereby creates unreasonable annoyance
8. Interferes with refuse collection or other service personnel.
9. Defecates on property other than property owned by its owner keeper or harbinger while at large or while under restraint.

(b) In the case of animals causing a noise problem and after owner of such animal has been duly notified twice that the problem needs correcting, and such correction has not been put in place, nuisance animals can then be impounded and a notice left at the owner's residence so as to provide the owner with instructions for reclaiming the animal.

(c) For purposes of this section, each day that a violation occurs shall be considered a separate offense, and if a separate citation is issued for each offense, each such separate offense may be punished separately.

(d) The fine for Nuisance Animal shall be One Hundred Dollars (\$100.00) for the first offense, and One hundred fifty dollars (\$150.00) for 2<sup>nd</sup> and each subsequent offense that shall occur.

6.04.07 Condition of Pen and Premises. It shall be unlawful for any person, firm or corporation keeping or harboring domestic animals to fail to keep the premises where such domestic animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises and shall be unlawful to allow premises where dogs or cats are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

6.04.08 Number of Animals. It shall hereafter be unlawful for any person, to own, keep, or harbor more than a total of four (4) dogs and/or cats over the age of 6 months on one premise within the corporate limits of the city. This provision shall not apply to proprietors of animal hospitals and veterinarians when such animals are kept upon premises used by such business. This provision shall not apply to persons who hold a permit from the city for kennel operations, who possess a permit from the city to operate a home-based business relating to dogs or cats, or representatives of rescue organizations who are temporarily boarding such animals in accordance with the criteria of the city herein established, providing such persons shall be subject to provisions for humane and sanitary living conditions, that their operations shall not be a nuisance to the neighbors and that they shall be subject to periodic inspection by the Animal Welfare personnel to determine that the above conditions are being satisfactorily met.

#### **CRITERIA FOR PERMITTING OF TEMPORARY BOARDING FOR ANIMALS**

1. Permits for temporary boarding of animals awaiting adoption shall be issued annually, renewable each year as long as requirements regarding cleanliness, space, confinement and animal health have been shown to be met on inspection by Animal Welfare.
2. Animal Welfare shall make annual inspections for the issuance of permits, and random inspections may occur as considered feasible by Animal Welfare with reasonable consideration for the operators of the boarding facility.
3. A temporary boarding permit allows only up to three (3) animals to be boarded for a maximum of ninety (90) days per animal.
4. Permits for temporary boarding shall not be issued to individuals or at a residence where an individual resides who has been cited under any provisions of Conway Animal Code (Title 6). Any citation and/or conviction under any part of Title 6 shall result in the immediate revocation of the temporary boarding permit.
5. All animals being boarded at the temporary facility shall have proper vaccinations and city tags and shall be spayed/neutered or be scheduled for spaying/neutering when of age. Records of these items shall be maintained by the boarding facility for presentation to Animal Welfare when requested.

6. No animal shall be boarded which has been trained to attack or fight, or which has been used as a “bait animal” for training purposes.
7. No animal shall be boarded which is known to fall under the categories described in Title 6 as Potentially Dangerous, Dangerous or Vicious.

Keeping on the premises more than a total of four (4) dogs and/or cats over the age of 6 months without permit shall be prima facie evidence of violation of this section. The keeping of dogs or cats on parcels of property greater than one (1) acre in area and zoned A-1 (Agricultural District) is exempt from this limitation on number of dogs or cats allowed.

6.04.09 Fraudulent redemption of domestic animals. If any person shall obtain possession and custody of any domestic animal for or on behalf of the owner thereof for the purpose of avoiding payment of the fees and penalties imposed upon the owner by this ordinance, both the owner of such animal and the person so obtaining possession and custody of the animal for the owner shall be deemed to have violated the terms of this ordinance both such persons and such owner shall be punished as hereinafter provided.

6.04.10 Annual License and Tag.

(a) Levy and Amount of License. There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the City. Said fee shall be paid to the City or to any authorized licensed veterinarian. Said fee shall be paid to the City via one of these methods: by mail with a self addressed, stamped envelope enclosed; paid at the Animal Welfare Unit; or paid at the Conway Police Department, or any licensed Veterinarian participating in the City’s Spay/Neuter program. It shall be the duty of any licensed Veterinarian collecting a fee under the provisions of this section to remit such fee to the city, (less a Two dollar (\$2) fee per license issued as allowed to the Veterinarian issuing the Annual License on the behalf of the City of Conway). It shall be a prerequisite for any licensed Veterinarian to participate in the City of Conway Spay/Neuter program, to offer for sale at their clinic the City Animal Annual Licenses as outlined above.

(b) For each neutered male or spayed female the levied fee shall be in the amount of \$10.00 annually. The fee for each unspayed female or unaltered male shall be \$20.00, except for any animal under six months of age. If a dog or cat is of such age that a license is not required and if the dog or cat is not required by this ordinance to have a license tag, the owner of the dog or cat shall obtain any durable tags which state the name of the owner, the address, and a telephone number whereby the owner keeper or harbinger can be notified.

(c) Should a dog or cat be brought into the City, the person owning or keeping such dog or cat shall have 30 days in which to pay the licensing fee levied hereby. Any person failing to pay said fee within such period shall be required to pay an additional fee of \$10.00. Any person bringing a dog or cat into the city on a temporary basis (30 days or less) is not subject to City of Conway licenses.

(d) Issuance of License Receipt and Tag. The City official or a licensed veterinarian to whom the fee levied by subsection (A) above is paid shall issue a receipt therefore and shall issue to each person paying said fee a metal tag indicating that said fee has been paid; provided a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies within one year prior thereto.

(e) License Period. A license, if not revoked, shall be valid for one year from the date of Rabies vaccination. Every owner and a new fee paid shall obtain a new license each year. An owner shall have 10 days from the date the license expires to obtain a new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of \$10.00.

(f) Tag to be attached to Animal's Collar. It shall be the duty of the owner or keeper of every dog or cat within the City to attach the tag provided for in subsection (b) to a collar securely fixed around the neck of said dog or cat. If the animal's tag is lost, and proof of previous sale is available, the tag will be replaced FREE of charge by the issuing authority.

(g) All owners of seeing eye dogs, hearing ear dogs, assistance dogs, or guide dogs, such dogs being used to aid sensory impaired citizens, or other citizens who, upon medical advice, require the use of an assistance dog, shall not be required to pay an annual city license fee; but shall be required to obtain a license tag and identification tag.

6.04.11 Rabies Vaccination Required.

(a) All dogs, cats and other pets in the City that are subject to rabies shall be annually vaccinated against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every animal in the City. Any person who shall keep any pet which is subject to rabies in the City without first having such pet vaccinated for rabies at least once a year shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

(b) In case a tag for the animal licensing fee or rabies vaccination required by this chapter is lost or destroyed, a duplicate shall be issued by the City upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag.

(c) No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another.

(d) No refunds shall be made on any fee because of the death of the animal or because the owner leaves the City before the expiration of the license period.

(e) Nothing in this section shall be construed to apply to any dog or cat under the age of three months.

6.04.12 Running at Large. No person owning, possessing or keeping an animal shall allow the same to be at large within the City of Conway, Arkansas.

6.04.13 Interference. No person shall interfere with, hinder or molest the Animal Welfare Officer in the performance of any duty of such officer or seek to release any animal in the custody of the Animal Welfare Officer except as herein provided. No person shall remove any animal or assist any other person in removing any animal from the Animal Welfare Unit except as herein provided.

6.04.14 Dogs or Cats Doing Physical or Property Damage. The owners of all dogs and cats running at large in the City of Conway, which while running at large do damage to the property of any person shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 Dollars, plus court costs, and no more than \$500.00 Dollars, plus court costs.

6.04.15 Citations. The Animal Welfare Officer(s) as members of the Conway Police Department are hereby authorized to issue a citation for arrest as defined by the Arkansas Rules of Criminal Procedure to the owner, keeper or possessor of any dog or cat violating any provision of this ordinance. The citation shall be in the form as approved by the District Court of Faulkner County. Said citation shall designate the offense committed and shall require the person so charged to appear before the District Court of Faulkner County to answer the charges therein contained or present said citation at the District Court of Faulkner County Building prior to said court date for disposition. Should an arrest be required for Failure to appear in response to said citation, the Animal Welfare Officer(s) shall seek the assistance of the Patrol Services Division of the Conway Police Department to affect such arrest.

#### 6.04.16 Animal Care.

(a) All animals, excluding livestock, must be provided with appropriate shelter and a safe, non-injurious environment, as per Federal Animal Welfare Act Guidelines. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are the appropriate size, strength, and material that allows the animal to stand, stretch, turn around, and lie down freely. The shelters, enclosures, and fenced areas for animals must be kept free of hazards such as trash, sharp edges, protruding nails, broken or splintered wood, metal or glass shards, machinery, loose wires, or any other material that may cause injury.

(b) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.

(c) No person shall fail to provide his animals with sufficient, good, wholesome and nutritious food, water in sufficient quantities, proper air, shelter which provides protection from the weather which includes four sides with opening, roof, and floor; veterinary care when needed to prevent suffering, and humane care and treatment. No dog or cat may be kept on flooring of suspended wire grid.

(d) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals and/or humans.

(e) No owner, keeper or harbinger of an animal shall abandon such animal.

(f) No person shall confine any animal in a parked vehicle if the outside air temperature is higher than 80 degrees Fahrenheit, unless the vehicle is running and the air conditioner is working properly. Animal Welfare Officers, or other law enforcement officers shall not be liable for any damage resulting to the vehicle when such confined animals must be removed for their safety and well being.

(g) There shall be at least one hundred (100) square feet in either pen or yard for each dog over six (6) months of age kept therein.

(h) It shall be unlawful to allow animals on premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

(i) Animal Welfare Officers have the authority to remove any animal subject to cruelty and impound such animal. The animal shall be impounded and not released unless:

- (1) The owner of the animal, who wasn't charged, claims the animal from the animal shelter; or
- (2) The owner of the animal, who was charged is found not guilty, claims the animal from the Animal Welfare Unit.

If any owner of such impounded animal pleads guilty, nolo contendere, or is found guilty of cruelty to animals, the animal shall become the property of the Conway Animal Welfare Unit and be available to the public for adoption, unless such abuse and neglect has rendered the animal unfit for adoption at the discretion of the Animal Welfare Supervisor.

6.04.17 Transportation. No person shall transport or carry any animal by motorized means unless the animal is safely enclosed within the vehicle or trailer, or enclosed in a portable kennel, crate, or dog

box designed for this purpose, which is then fastened by a secure and appropriate means to the bed or the chassis of the vehicle. Dogs may be transported in open beds of pickup trucks provided they are secured in the vehicle by means of a humane cross tether and/or harness. In all cases where animals are transported by motorized vehicles, it must be in a safe and humane manner that will prevent the animal from falling from, being thrown from, or jumping from the motorized vehicle or trailer being pulled by such.

#### 6.04.18 Animal Bites

(a) When any animal has bitten, scratched, or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately notify Animal Welfare.

(b) Any animal may be quarantined of at least (10) days at the expense of the owner, or ownership may be relinquished, and the animal euthanized, and its head taken to the State Health Department for a pathological examination.

(c) Unclaimed stray animals may be humanely euthanized after forty-eight (48) hours or two (2) working days and the head removed and taken to the lab for pathological examination.

#### 6.04.19 Quarantine After Bite.

(a) Any animal, which has bitten a person, is a rabies suspect and the owner or custodian shall immediately release such animal for quarantine confinement in a veterinary hospital approved by the city. Such quarantine may also be carried out at the Animal Welfare Unit, or if vaccination is current within the past year, within an enclosure approved by Animal Welfare on the premises of the owner at the discretion of and under the supervision of the Animal Welfare Supervisor. All quarantines shall be for a period of ten (10) days.

(b) Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the City (or by a parent or legal guardian of a person bitten who is under a disability), the Animal Welfare Officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine and quarantine same under the provisions of 6.04.19 (a) above or under the supervision of a licensed veterinarian, who shall keep such dog or animal in quarantine until he shall issue his certificate that:

(1) The veterinarian has complied with the observation provisions of Section 3 of Act 11, First Extraordinary Session of the 1968 Arkansas General Assembly (Rabies Control Act); and the dog or other animal appears to be free of infection of rabies (hydrophobia).

(c) When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under subsections (a) and (b) shall issue the certificate provided for in subsection (b) (1), the owner of such dog or animal may retake custody of it upon tender to such veterinarian or the city Animal Welfare officer of their customary and reasonable fees and charges for impounding, boarding, lodging, observation and testing; except a person who is bitten by an animal while baiting, teasing, or molesting said animal or while trespassing on the premises of the owner or keeper of said animal shall pay all customary and reasonable charges and fees resulting from his request to have said animal confined and quarantined.



(d) The fee for quarantining an animal at the Conway Animal Welfare Unit shall include board of \$10.00 per day; impound fee of \$25, cost of rabies vaccination and city license if applicable.

(e) If any dog or other animal confined under subsections (a) and (b) is not reclaimed by its owner, such dog shall be released by the veterinarian to the Animal Welfare Officer who shall treat such dog or animal as one found running at large within the corporate limits of the City.

(f) Any dog or other animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or animal to the Animal Welfare Officer and the Animal Welfare Officer shall confine such dog or animal in quarantine as provided for above.

6.04.20 Penalty: Liability for Animals That Attack a Human Being. Any person who owns, keeps, harbors, or possesses an animal that attacks a person causing harm to a person or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It shall be an affirmative defense to this offense if the animal was provoked or teased. Any person convicted of violating this Section shall be fined not more than five hundred dollars (\$500.00) plus court costs. Additionally, the convicting court may, in the courts discretion, order that the dog to be humanely destroyed.

6.04.21 Diseased or Injured Animals.

(a) It shall be unlawful for any person to knowingly keep any injured animal without providing proper treatment for such injury, or any animal infected with a disease which may contaminate other animals and which may be a health hazard. A person acts "knowingly" when he is aware that such circumstances exist.

(b) Any such untreated injured animal or any diseased animal shall be immediately treated or, when necessary, humanely destroyed, to prevent unwarranted suffering. The disposition of such animals shall be at the direction of the Supervisor of Animal Welfare Unit or a licensed veterinarian.

(c) Animal Welfare will transport deceased animals for Licensed Veterinarians who participate in the sales of City Animal license tags and collection of fees for same, and the City's Spay/Neuter program as provided in 6.04.10(a) FREE of charge as requested. The animals will be disposed of in the same manner as any animals that are euthanized at the Animal Welfare Unit.

~~6.04.23~~ 6.04.22 Keeping of Dangerous or Vicious Dogs.

(a) Initial Determination. An Animal Welfare Officer shall deem a canine to be a dangerous/vicious dog if the Animal Welfare Officer determines that the canine satisfies the definition of a dangerous/vicious dog as described in Section 6.04.01. Upon deeming the canine to be a dangerous/vicious dog, the Animal Welfare Officer shall notify the owner by hand delivery or by mailing a notice by certified mail to the owner. The officer shall also apprehend the canine and shall not release it until the requirements of Section 6.04.22 have been met or until so ordered by a court of competent jurisdiction.

(b) Appeal of Determination. Any person who has received notice that his or her canine has been deemed dangerous/vicious may appeal such decision to the Director of Conway Animal Welfare. The appeal must be made within ten (10) days of the day the notice was made in accordance with

subsection (a). Upon receiving an appeal, the director shall schedule and hold a hearing within ten (10) days to determine whether the initial determination was rendered in error. The director's decision shall be considered the final decision of the city as to whether the canine is a dangerous/vicious dog. If the initial determination is not appealed or if the right to appeal is waived, the initial determination shall be considered the final decision of the city as to whether the canine is a dangerous/vicious dog. An appeal from the decision of the director may only be made to a court of competent jurisdiction.

(c) Release. A canine that has been apprehended pursuant to subsection (a) shall only be released by the animal shelter if all of the following conditions have been met:

1. The owner has signed a written agreement that unless and until the canine is determined to no longer be a dangerous/vicious dog by the Animal Welfare Unit or a court of competent jurisdiction, the canine shall be controlled in a manner consistent with this section when it is within the municipal limits of Conway.

The Animal Welfare Unit shall establish and maintain standardized forms to implement the requirements of this subsection. No dangerous/vicious dog in possession of the Animal Welfare Unit shall be released to any person other than the owner.

(d) Failure to Retrieve. The Animal Welfare Unit may humanely destroy any dangerous/vicious dog that is not retrieved by the owner within five (5) days of the day the owner is notified that a final decision has been reached deeming the canine a dangerous/vicious dog or within five (5) days of the day that the owner is notified that the dangerous/vicious dog has been impounded, whichever is later. A canine that is found to not be a dangerous/vicious dog shall be retrieved, destroyed, or adopted in accordance with the ordinances, rules, and regulations of the city and the Animal Welfare Unit that generally apply to all impounded dogs.

~~(a)~~(e) The keeping of such dogs shall be subject to the following standards:

1. Leash and Muzzle. No person shall permit a ~~vicious or dangerous~~ dangerous or vicious dog to go outside its kennel or pen unless such dog is securely maintained with a leash no longer than four feet in length. Any ~~vicious or dangerous~~ dangerous or vicious dogs on a leash outside its kennel must be muzzled by a device sufficient to prevent the dog from biting people or other animals

2. No person shall permit a ~~vicious or dangerous~~ dangerous or vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash.

3. The person in control of the animal must be of size and strength to adequately maintain control of the dog.

4. Such dogs may not be secured to inanimate objects such as trees, posts, buildings, etc.

~~5. Any vicious or dangerous dangerous/vicious dogs on a leash outside its kennel must be muzzled by a device sufficient to prevent the dog from biting people or other animals.~~

~~(b)~~(f) Confinement. All dogs designated ~~vicious or dangerous~~ dangerous or vicious shall be securely confined indoors or in a securely enclosed kennel, except when leashed and muzzled as provided above. The pen kennel or structure must have secure sides and a secure top, which is attached to the sides. All structures used must be locked with a key or combination lock when the animals are within the structures. The pen or kennel must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground at a depth of no less than two feet. All structure used to house dangerous or vicious dogs must also comply with all zoning and building regulations of the city. Kennels must be adequately lighted and ventilated and be kept in a clean and sanitary condition.

~~(c)~~(g) Confinement Indoors. No ~~vicious or dangerous~~ dangerous or vicious dog may be kept on a porch, patio or in any part of a house or building that would allow the dog to exit on its own volition unless to a kennel or fenced back yard. In addition no such animal may be kept in a building when

the windows are open or when screen window or screen doors are the only obstacles preventing the dog from exiting the structure unless they exit to the proper enclosure.

~~(e)~~ (h) Signs. All owners, keepers or harborers of ~~vicious or dangerous~~ dangerous or vicious dogs within ten days of being so designated shall display in a prominent place on their premises a sign easily readable by the public, using the words "Beware of dog". In addition, a similar sign will be posted on the kennel or pen.

~~(e)~~ (i) Insurance. All owners, keepers or harborers of ~~vicious or dangerous~~ dangerous or vicious dogs must within ten (10) days of being so designated provide proof to the Animal Welfare Unit of public liability insurance in a single incident amount of ~~Fifty Thousand~~ One-hundred Thousand (\$100,00.00) dollars for bodily injury or death of any person or persons or for damage to property owned by any persons which may result from the keeping or maintenance of the dog. The insurance policy shall provide that no cancellation shall be made without ten days written notice being provided to the city clerk.

~~(f)~~ (j) All owner's keepers or harborers of a ~~vicious or dangerous~~ dangerous or vicious dogs must within ten (10) days notify in writing the Animal Welfare Unit of any of the following:

1. The death of the dog.
2. The removal of the dog from the city
3. The new address of the owner if the owner moves within the corporate city limits of Conway.

~~(g)~~ (k) The Sale or Transfer of Ownership. Any person may sell, barter or in any other way dispose of the dog, to any person within the city provided that the seller notifies the Animal Welfare Unit on the day of the sale, and that the buyer complies with all of the requirements set forth in this section.

~~(h)~~ (l) Failure to Comply. It is unlawful for the owner or keeper of a ~~vicious or dangerous~~ dangerous or vicious dog registered in the city to fail to comply with the requirements set for in this section. Failure to comply shall be subject to immediate seizure and impoundment of the animal. In addition, failure to comply will result in the revocation of the license of the animal resulting in the immediate removal of the animal from the city.

~~(i)~~ (m) Irrefutable Presumptions. There shall be an irrefutable presumption that any dog registered within the city as a ~~vicious or dangerous~~ dangerous or vicious dog is in fact a dog subject to the requirements of this section.

~~(j)~~ (n) Any person violating or permitting the violation of any provisions of this section shall upon conviction in district court be fined in a sum of not less than \$250.00 nor more than \$500.00. In addition, the court shall order the registration of the subject vicious dog revoked and the dog removed from the city. Should the defendant refuse to remove the dog from the city, the district court judge shall find the defendant in contempt and order immediate confiscation of and impoundment of the dog.

~~(k)~~ (o) Each day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expense, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section.

#### 6.04.23 Killing Rabid, ~~vicious or dangerous~~ Dangerous or Vicious Animals.

(a) A police officer may kill without notice to the owner any dog, cat, or any other animal, domestic or wild if such animal is reasonably suspected of being rabid whether it bears the tag provided for or not.

(b) A police officer may kill any animal without notice to the owner if it is reasonably suspected by the officer to be a vicious or dangerous animal and is putting persons or property in immediate and unreasonable danger.

6.04.24 Penalty. Conviction for failure to confine a dog or cat in violation of Section 6.04.03 above shall result in a fine as follows:

(a) For a spayed or neutered dog or cat:

1. The first violation within an eighteen month period shall result in a \$10.00 fine.
2. The second violation within an eighteen month period shall result in a \$20.00 fine.
3. The third and each subsequent violation within a three-year period shall result in a \$50.00 fine.

(b) For an unspayed or unaltered dog or cat:

1. The first violation within an eighteen month period shall result in a \$75.00 fine, unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized animals in Section 6.04.24(a)1 above shall apply.
2. The second and each subsequent violation within an eighteen month period shall result in a \$100.00 fine unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized animals in Section 6.04.24(a) 2 and Section 6.04.24 (a) 3 shall apply.
3. The fine structure applicable to sterilized animals in 6.04.05(d)1 shall also apply to unsterilized dogs or cats too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's or cat's licensing by a veterinarian licensed to practice within the state.

6.04.25 Deposit of Funds/Assisted Spay/Neutering.

All fees paid to the City of Conway for the licensing of dogs or cats collected after this ordinance becomes effective shall be set aside for an assisted spay and neuter program and other animal health needs.

## **Chapter 6.08**

### **FOWL, LIVESTOCK, WILDLIFE, WILD ANIMALS AND REPTILES**

#### Sections:

- 6.08.01 Deposit on Streets
- 6.08.02 Running at Large – Fowl
- 6.08.03 Running at Large – Stock
- 6.08.04 Keeping of Livestock Prohibited
- 6.08.05 Hunting and Trapping
- 6.08.06 Keeping of Innately Wild Animals, Non-human Primates or Venomous Reptiles
- 6.08.07 Keeping of Hogs

6.08.01 Deposit on Streets. Every dead cow, horse, or other animal found lying on any of the streets, alleys or any other place is declared to be a nuisance and whoever shall deposit the same in such place shall upon conviction thereof be fined not greater than \$200.00.

6.08.02 Running at large – Fowl.

It shall be unlawful for any chicken, guinea, duck, goose or other fowl to stray beyond the enclosure of its owner or owners, keeper or keepers, within the city limits of the City of Conway, Arkansas.

6.08.03 Running at large – Stock.

The running at large or in the public streets, alleys, sidewalks, commons or unenclosed grounds or public or private property within the corporate limits of the City of Conway, of any cattle, horses, mules, asses, swine, sheep, goats or any other animals of like kind, is hereby made unlawful.

6.08.04 Keeping of Livestock Prohibited.

(a) It shall be unlawful for any person to keep, maintain, or permit to run at large within the corporate limits of the city, any livestock, except as provided herein.

1. The keeping of horses, cows, or ratices is permitted where they are maintained on an enclosed pasture containing 3 acres for each animal. Such enclosures shall be kept in a sanitary, healthful, and secure condition so as to prevent any nuisance to citizens.
2. Additionally, adequate supplemental feed shall be supplied, such supplemental feed provided so as to maintain good health and proper condition of each head of livestock.
3. Water vessels appropriately constructed and located must be available so that each animal kept will have 24-hour access to wholesome water.

(b) For any other animals commonly referred to as farm animals including but not limited to chickens, goats, sheep, and ducks, space allotment and food and water must be adequate enough for each animal to be maintained in a comfortable, healthy, and stress free manner.

6.08.05 Hunting and Trapping

(a) It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any other manner whatsoever catch any wildlife within the city limits of Conway, except pursuant to the rules, regulations and licensing requirements of the Arkansas Game and Fish Commission. However, should it be determined by Conway Animal Welfare Unit that a wild or domestic animal is causing a nuisance or creating verifiable property damage, humane live traps may be used to capture and translocate or impound such animal.

(b) Hunting on property owned by the City of Conway is prohibited. Provided, the Mayor's Office may, in cooperation with the Arkansas Game and Fish Commission, issue hunting permits for nuisance wildlife on property owned by the City of Conway.

(c) No person shall set any trap, to catch any animal, permit any trap owned by them or in their control to be set to catch any animal, or allow a trap to be set to catch an animal on their property unless approved by the Animal Welfare Unit. Any animal so trapped shall be immediately relinquished to the Animal Welfare Unit.

(d) This section shall not apply to the indoor trapping of rats and mice.

(e) Nothing in this paragraph shall apply to fur bearing season traps authorized by the Arkansas Game and Fish Commission pursuant to Game and Fish Commission Code of Regulations, Section 10.02 and 10.04.

6.08.06 Keeping of innately wild animals, nonhuman primates or venomous reptiles.

(a) As used in this section, the term "innately wild animals" shall mean lions, tigers, cougars, leopards, panthers, bears, wolves and other non-domestic animals or carnivora, notwithstanding that their natural wildness may be intermittently dormant, as such wildness is likely to be awakened at any time, suddenly and unexpectedly. The failure to specifically list any animal in this subsection will not preclude such animal from being deemed an innately wild and non-domestic animal.

(b) Innately wild animals shall include all members of the order Carnivora which are all meat-eating animals, excluding domestic breeds of dogs and cats.

(c) Keeping of prohibited animals. In this section:

1. Carnivora shall include, but not be limited to, the following families, with representatives of those families as indicated:
  - A. Ursidae: Bears
  - B. Canidae: Wolves, coyotes, foxes, or the hybrid offspring of such canidae (including, but not limited to, domestic dog – canidae crosses).
  - C. Hyaenidae: Hyenas
  - D. Filidae: Lions, tigers, leopards, American lions (commonly know as pumas, cougars, and panthers), cheetahs, bobcats, ocelots, jaguars, African panthers, lynx, margays.
  - E. Procyonidae: Raccoons and relatives.
  - F. Mustelidae: Weasels, skunks, and relatives
  - G. Viverridae: Binturongs, civets, and relatives.
2. Nonhuman primates shall include, but not be limited to, the following families:
  - A. Monkeys: Spider monkeys, squirrel monkeys, marmosets baboons and relatives.
  - B. Great Apes: Gorillas, orangutans, gibbons, siamangs, chimpanzees and relatives.
3. Venomous reptiles shall include, but not be limited to, the following families:
  - A. Colubridae: (two genera only), Dispholidus (boomslang) and Thelotornis (twin snakes).
  - B. Elapidae: Cobras, kraits, coral snakes and relatives.
  - C. Hydrophilidae: Sea snakes.
  - D. Viperidae: Vipers, adders.
  - E. Crotalidae: Pit vipers (commonly known as rattlesnakes, water moccasins, copperheads).
  - F. Helodermatidae: Gila monsters.

(d) The possession, maintenance or keeping of innately wild animals within the city is hereby prohibited.

(e) There shall be a three (3) day grace period after notice for removal of the innately wild animal from the City before the penalty for violation of this section shall be imposed.

6.08.07 Keeping of Hogs. It shall be unlawful for any person or persons to keep or confine any hog or swine within any lot, pen, building, or enclosure of any kind within the City of Conway; provided this ordinance shall not apply to the keeping or confining of hogs or swine for a period not longer than eight (8) days, within the City of Conway by any person or persons in pens or other enclosures owned or leased by and adjacent to the premises of any auction company or for the purpose of exhibit at the Faulkner County Fair when said hogs or swine are confined for the purpose of sale at auction.

## Chapter 6.12

### PENALTY

6.12.01 Penalty. Any person violating any provisions of this ordinance not punished differently in another section of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Fifty (\$50.00) Dollars, no more than Five Hundred (\$500.00) Dollars, and if such violation be continued, each days violation shall be a separate offense.

**SECTION 2.** That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**SECTION 3:** That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

**Passed** this 24<sup>th</sup> day of April, 2007

**Approved:**

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**Mayor Tab Townsell**

**Attest:**

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**Michael O. Garrett**  
**City/Clerk Treasurer**

<b>Proposed Position: Network Engineer</b>		
<p>Assumptions: The following cost have been figure based on the assumption the employee is hired on May 1, 2007. Based on this information cost will decrease daily until employee is hired.</p>		
Hourly Rate		19.2308
Per pay period		\$1,538.46
Social Security		\$95.38
Medicare		\$22.31
Pension		\$92.31
Life Insurance		\$1.00
Medical Insurance		\$239.20
Dental Insurance		\$20.80
Unemployment per pay period		\$5.19
Workers Compensation Insurance		\$25.84
<b>Total per Pay period</b>		<b>\$2,040.49</b>
20 Pay periods as of April 1		\$40,809.89
<b>Total Expected 2007 Cost</b>		<b>\$40,809.89</b>



**ORDINANCE NO. O-07-\_\_****AN ORDINANCE APPROPRIATING FUNDS FOR NETWORK ENGINEER STAFF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

**WHEREAS**, the City Council of the City of Conway has determined that there is a need for a network engineer;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:**

**SECTION 1.** The authorized staffing level in the City of Conway CEOC Department is increased by one (1) Network Engineer position.

**SECTION 2.** The City of Conway shall appropriate \$7,530 from the General Fund-Fund Balance Appropriation Account to the CEOC Department Personal Services Accounts for the current year expenditures for the Network Engineer. Funding for the remainder of the 2007 cost for this position will be provided through a budget transfer utilizing CEOC part time salary funds.

**SECTION 3.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 4.** This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

**PASSED** this 24th day of April 2007.

**Approved:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett**  
City Clerk/Treasurer

**MEMORANDUM**

**TO:** The Honorable Tab Townsell  
and Members of City Council

**FROM:** Robin Scott  
Chief Financial Officer

**DATE:** April 18, 2007

**REFERENCE:** Lease Agreement with Pitney Bowes

Effective May 14, the U. S. Postal Service will increase postage rates and fees. This increase reflects a change in that postage will not be based on weight alone, but also on the dimensions of the mailing. Basically, anything other than a standard business office envelope that is no more than ¼ inch thick will have a surcharge fee. Our current postage machine is under lease from Pitney Bowes at a cost of \$385 per month and has 18 months remaining. However, our current machine does not have the capability of sensing the dimensions. We do not have the ability to assess the weight and dimensions of mailings and would either have to take a large number of mailings to the Post Office daily to determine the proper postage or use the “best guess” approach—neither choice representing a good business decision.

I would like to request approval to acquire a new postal machine with sensing capabilities from Pitney Bowes. This will ensure that mailings from the City of Conway will have proper postage and will also enhance our capability to electronically track priority and registered mail. Financing of the new machine would entail entering a new lease agreement with Pitney Bowes for the equipment and maintenance charges at a cost of \$479/mo over 60 months for a total cost of \$28,740.

**MEMORANDUM**

TO: MAYOR TAB TOWNSELL

FROM: RONNIE HALL, P.E.  
CITY ENGINEER

DATE: March 14, 2007

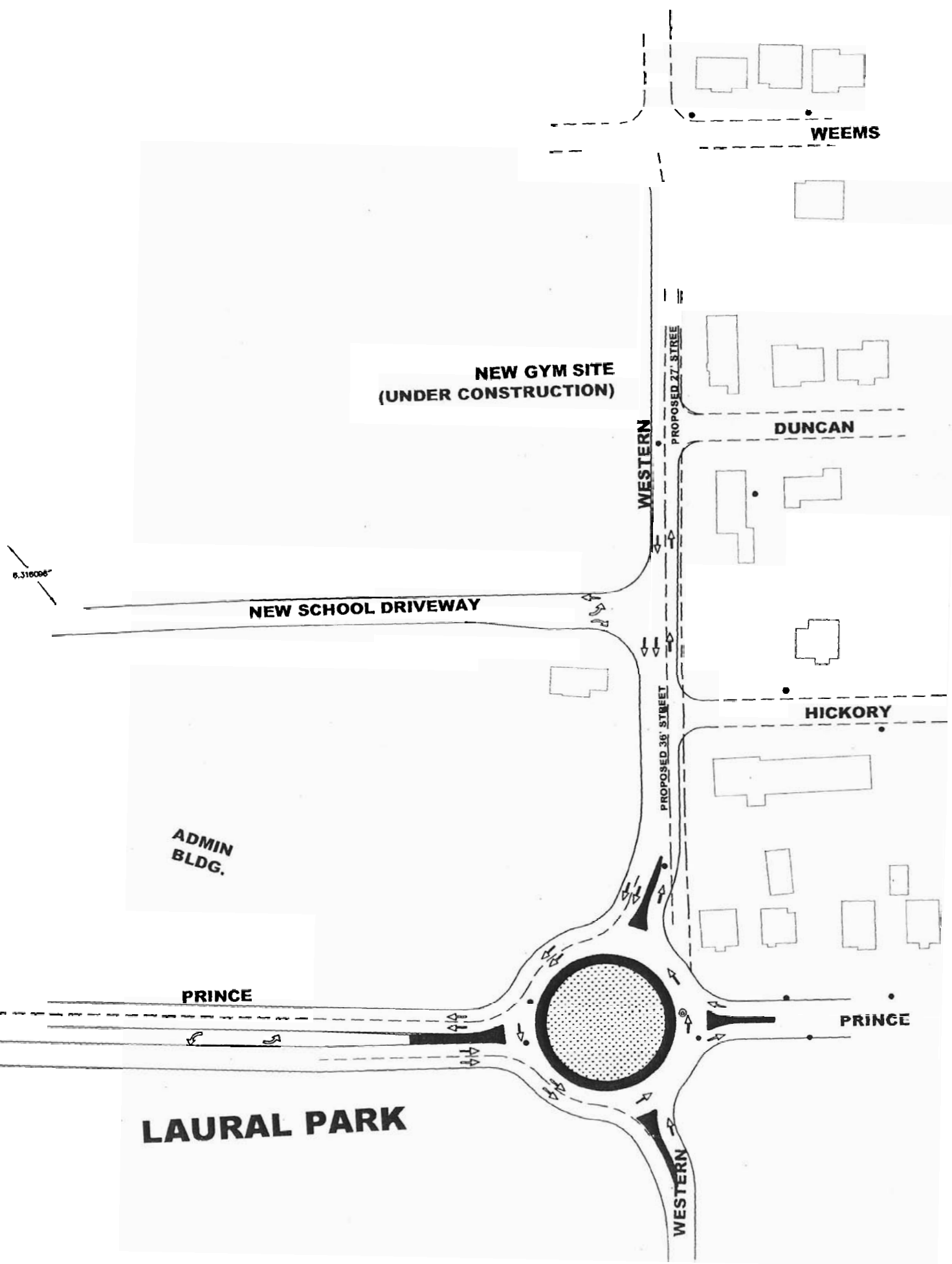
REFERENCE: Prince - Western Roundabout

At the March 13, 2007 Conway School Board Meeting, the school board voted to request that the city proceed with a roundabout at Prince & Western. The reasons discussed at the meeting that make this roundabout deemed desirable are as follows:

- The roundabout would provide for left turns out of the Conway High School West Campus onto Prince Street. The roundabout would provide for a safer and more efficient traffic movement for people desiring to go east from this campus.  
The tendency for traffic to travel thru the residential areas along Poplar, Weems, Duncan, and Hickory to exit the school campus would be reduced with the availability of a more efficient route to travel east bound from the campus.
- The west bound traffic on Caldwell to Prince and the east bound traffic on Prince to Caldwell could avoid the left turns at Donaghey by utilizing the roundabout and the Western to Caldwell connection.
- The Prince Street traffic flow may be inconvenienced by reducing their speed as they maneuver thru the roundabout as they leave or approach the Donaghey traffic signal. The roundabout would provide some traffic calming measures as the traffic approaches the residential area from the west or the school area from the east.
- The Western-Prince roundabout is larger than the roundabout at Tyler-Winfield-Washington and would allow school bus traffic to more readily move thru the intersection. The dimension across the proposed Western-Prince Roundabout is 200' compare to 122' across the Winfield-Washington-Tyler-Roundabout.
- The improvement of Western Avenue with or without the Roundabout needs to be completed prior to school starting in August.

The estimated cost of this roundabout is \$80,000 in material and services with the city forces performing the work. Funding for the roundabout is not included in our budget.

A schematic for the Western-Prince Roundabout is attached for you comments.



**NEW GYM SITE  
(UNDER CONSTRUCTION)**

**NEW SCHOOL DRIVEWAY**

**ADMIN  
BLDG.**

**LAURAL PARK**

**WESTERN**

**PROPOSED 27' STREET**

**PROPOSED 36' STREET**

**WEEMS**

**DUNCAN**

**HICKORY**

**PRINCE**

**PRINCE**

**WESTERN**

6.316006°