

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE
GARLAND COUNTY COURTROOM 200
FEBRUARY 26, 2018
IMMEDIATELY FOLLOWING HUMAN RESOURCE
COMMITTEE MEETING

AGENDA

1. Call to Order
2. Buoys on Lake Hamilton Discussion.
3. Noise Complaint Discussion.
4. Animal Control – Spay and Neuter Program
5. Adjourn

ORDINANCE NO. 0-03-30

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE REGULATING AND MANAGING THE PERMITTING, PLACEMENT, MAINTENANCE, AND REMOVAL OF NOW EXISTING AND FUTURE COAST GUARD APPROVED BUOYS (HEREINAFTER "BUOYS") ON LAKE HAMILTON AND THE GARLAND COUNTY PORTIONS OF LAKE CATHERINE (HEREINAFTER "THE SUBJECT WATERS"); DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the Garland County Quorum Court previously adopted Ordinance Nos. 0-93-14 and 0-94-8 pertaining to the regulation and placement of buoys upon the subject waters, and;

WHEREAS, since the enactment of said ordinances, there have been placement of buoys upon the subject waters that have not been properly approved and permitted in accordance with said Ordinances, and;

WHEREAS, the approval and permitting process, as described by said Ordinances, has proven to be ineffective and unworkable, and has resulted in the placement of both permitted and unpermitted buoys in both proper and inappropriate locations upon the subject waters, and;

WHEREAS, Ark. Code Ann. §27-101-102 and Ark. Code Ann. §27-101-107 allow for the adoption of any ordinance or local law relating to special rules and regulations with reference to the operation of vessels on any waters within its territorial limits including, but not limited to, the establishment and marking of speed limits and no wake zones consistent with said statutes, and;

WHEREAS, the Arkansas Game and Fish Commission has previously expressed its position that buoys should be allowed only at commercial establishments, public launching ramps, and public swimming areas, and;

WHEREAS, Entergy is the owner of Lakes Hamilton and Catherine and operates same under the authority of the Federal Energy Regulatory Commission pursuant to Entergy's Project 271 license, and;

WHEREAS, the Garland County Quorum Court desires to remove the Garland County Sheriff's Office from the buoy approval and permitting process, and likewise desires at the same time to ensure that buoys are placed and maintained on the subject waters only at appropriately permitted locations, and that any buoys located inconsistent therewith, either presently or so located in the future, are removed.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS THAT:

SECTION I: The Garland County Sheriff's Office will no longer be responsible for the approval or permitting of the future placement of buoys on the subject waters. Rather, authority for the approval and permitting of the future placement of buoys upon said waters shall vest with Entergy, subject to the below conditions of Article II.

SECTION II: Entergy shall approve and permit future buoy placement at locations in accordance with the previously expressed preference of the Arkansas Game and Fish

Commission, namely at commercial establishments, public launching ramps, and public swimming areas.

SECTION III: With regard to the buoys currently located upon the subject waters that were properly approved and permitted pursuant to County Ordinance Nos. 0-93-14 and 0-94-8, said buoys shall be permitted to remain in their previously approved and permitted locations, and it shall continue to be the responsibility of the owner/permittee of each said buoy for the maintenance of each respective buoy.

SECTION IV: With regard to the buoys currently located upon the subject waters that were not properly approved and permitted pursuant to the above-referenced County Ordinances, said buoys fall into two categories; (1) those buoys that qualify for approval and permitting due to their location or purpose; and (2) those that do not qualify for approval and permitting. Those buoys that so qualify shall be permitted by Entergy, and shall then be allowed to remain in their properly permitted location, with the maintenance for said buoys being the continuing responsibility of the permittee. Those buoys that do not so qualify and are, therefore, not permitted may forthwith be removed by the Garland County Sheriff's Office.

SECTION V: All permitted buoys, both present and future, shall remain in their specifically permitted and approved location, and it shall be the responsibility of the person, entity, or organization in whose name the buoy is permitted to ensure that each such buoy remains in its properly approved and permitted location. In the event a buoy is not properly maintained in its appropriate location, or is allowed to deviate from said location, and is not replaced or relocated to its proper location within three days, the approval and permit for said buoy shall be considered revoked, and said buoy may be removed from the subject waters forthwith by the Garland County Sheriff's Office.

SECTION VI: Although the Garland County Sheriff's Office shall no longer be responsible for, nor involved in, the approval and permitting of buoys, the Garland County Sheriff's Office shall continue to enforce all applicable laws and ordinances with regard to the permitted buoys on the subject waters.

SECTION VII: Any person, entity, or organization who hereinafter shall install or cause to be installed an unapproved/unpermitted buoy or buoys shall be subject of a fine to be determined by a court of competent jurisdiction in an amount not to exceed \$200 per buoy plus court costs, and shall forfeit ownership of each such buoy if same is not claimed within ten days of having been removed from the subject waters by the Garland County Sheriff's Office in accordance with Article V as above stated. Each day shall constitute a separate violation.

SECTION VIII: If any provision of this ordinance or the application thereto to any person, entity, organization, or circumstances held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION IX: This ordinance shall be codified in the Garland County Code of Ordinances, and the Sections may be renumbered and relettered to accomplish such intentions.

SECTION X: The summer months are the peak period for boating activity on area lakes, and this ordinance will promote water safety. Therefore, an emergency is declared to exist for the protection of the public peace, health, welfare and safety, and this ordinance shall be enforce and shall take affect upon passage and publication.

ATTEST: *Nancy Johnson*
Nancy Johnson
Garland County Clerk

APPROVED: *Larry Williams*
Larry Williams
Garland County Judge

SPONSOR: *Mickey Gates*
Mickey Gates
Justice of the Peace

DATE: 8/11/03

ORDINANCE NO. 0-05-19

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:


"AN ORDINANCE PROHIBITING UNREASONABLY LOUD NOISES AND DISTURBANCE OF THE PEACE IN GARLAND COUNTY; LEVYING A FINE FOR ANY VIOLATIONS OF SUCH, AND FOR OTHER PURPOSES."

- Section 1. The causing of any unreasonably loud and disturbing noises of such volume or duration as to be detrimental to the life or health of any individual, or to disturb the public peace and welfare is prohibited.
- Section 2. In addition to the disturbances set forth in Section 1, the following are specifically prohibited: the playing of any radio, stereo, music reproduction system or musical instruments in such a manner or of such volume, particularly between the hours of 10 p.m. and 7 a.m., as to disturb the peace and quiet of residents; and sustained engine noises.
- Section 3. It shall be unlawful for any persons, firm or corporation to allow barking, howling or other nuisance behavior. It shall be unlawful to keep on premises or allow to run at large any dog which by loud and frequent barking and howling shall disturb the peace and quiet of neighbors.
- Section 4. Any violation of this Ordinance shall be punished by a fine of not to exceed five hundred dollars (\$500), double that sum for each repetition thereof. The Garland County Sheriff's Department shall enforce this Ordinance.
- Section 5. This ordinance covers only those areas of Garland County which are unincorporated.
- Section 6. SEVERABILITY: If any part of this Ordinance is held invalid, such invalidity shall not affect any other portion of this Ordinance.
- Section 7. REPEALER: All laws and parts of laws in conflict with this Ordinance are hereby repealed.
- Section 8. This ordinance shall be codified in the Garland County Code of Ordinances and the sections may be renumbered and re-lettered to accomplish such intention.


ATTEST:


Judy Hughes
Garland County Clerk
Chief Deputy

APPROVED:


Larry Williams
County Judge

SPONSER:


Mike Rima
Justice of the Peace

Date: 5/9/05

ORDINANCE NO. 0-08-13

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

"AN ORDINANCE TO AMEND SECTION 2 OF ORDINANCE NO. O-05-19 PERTAINING TO THE PROHIBITION OF UNREASONABLY LOUD NOISES AND DISTURBANCE OF THE PEACE IN GARLAND COUNTY, ARKANSAS."

WHEREAS, the Public Health, Welfare and Safety Committee of the Quorum Court has reviewed Ordinance No. O-05-19 relating to the prohibition of unreasonably loud noises and disturbance of the peace in Garland County, Arkansas; and,

WHEREAS, the Public Health, Welfare and Safety Committee met and approved a revision of Section 2 of Ordinance No. O-05-19.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS:

SECTION 1. That Garland County Ordinance No. O-05-19, Section 2 is hereby amended as follows:

"Section 2. In addition to the disturbances set forth in Section 1, the following are specifically prohibited: the playing of any radio, stereo, music reproduction system or musical instruments in such manner or of such volume, particularly between the hours of 10 p.m. and 6 a.m., as to disturb the peace and quiet of residents; and sustained engine noises."

SECTION 2. SEVERABILITY. If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provisions or application, and to this end, the provision of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be renumbered and relettered to accomplish such intention.

ATTEST: Tammy Lambert
Tammy Lambert
Garland County Clerk

APPROVED: Larry Williams
Larry Williams
Garland County Judge

SPONSOR: Larry Griffin
Larry Griffin
Justice of the Peace

SPONSOR: Darryl Maloney
Darryl Maloney
Justice of the Peace

DATE: 3/10/08

1-2143



Rick Davis • County Judge

COURTHOUSE

HOT SPRINGS NATIONAL PARK, ARKANSAS 71901

501-622-3600 • FAX 501-622-3799

Dear (Veterinarian's Name) :

In November 2016, the Garland County Quorum Court voted to create the Voluntary Animal Control Tax. This voluntary tax allows residents to add \$10.00 to their personal property tax bill. A portion of the funds will go towards the county's newly developed "Prevent Littering" Spay and Neuter Program.

Our mission is to reduce pet overpopulation by providing spay and neuter services to all the Garland County residents. I would like to invite you to participate in our exciting new voucher program.

If you are interested, please review the enclosed contract. Once again, I cannot thank you enough for the services you provide to our community!

Sincerely,

Rick Davis

Garland County Judge



Helping Garland County

"Get Them Fixed"

Garland County "Prevent Littering" Spay & Neuter Program

**Contract between Garland County and Participating Veterinarians
for
for all Garland County Residents**

I agree to spay and neuter dogs and cats through Garland County's "Prevent Littering" Spay and Neuter program at the following reimbursement rates. If your clinic's posted rates are lower than those listed below, Garland County will reimburse at your clinic's posted rates, provided they do not exceed the rates listed below.

CATS		DOGS (no weight limit)	
Spay	\$__	Spay	\$__
Spay, pregnant or in heat	\$__	Spay, pregnant or in heat	\$__
Neuter	\$__	Neuter	\$__

The surgery reimbursement schedule above includes **partial** costs associated with the surgery, including: office call, anesthesia, pre and post care, and pain medicine given at the time of surgery.

🐾 Garland County requires that all animals be current on their rabies vaccine, and I accept proof of vaccinations from other clinics or veterinarians. **Vet Initial (optional):** _____

🐾 I recognize that **Garland County "Prevent Littering" Spay And Neuter Program** clients require no other services (e.g. heartworm or feline leukemia checks, kennel cough vaccinations, boarding charges, antibiotics, stool check, de-worming, pre-surgery blood work, etc.). If I offer these services, I will communicate that they are **optional** and that the client is financially responsible for them.

🐾 The only vaccine required by Garland County is the rabies vaccine. The voucher can only be applied toward the spay or neuter surgery and rabies vaccine. The client is responsible for any charge not covered by the voucher. It is also the client's responsibility to ensure their pet is free of fleas and ticks. If they are not, the financial responsibility for a flea treatment falls on the client. You are under no obligation to perform a surgery in a situation where you feel our contract guidelines do not agree with your office policies.

🐾 I would like to participate in the Garland County "Prevent Littering" Spay and Neuter Program and agree that my clinic will not charge the client for any services related to the surgery.
Vet Initial (required): _____

The Reimbursement Process: To be reimbursed by Garland County, simply mail the fully completed Garland County vouchers to Garland County. Please be sure to keep a copy of these vouchers for your records. In the event that items are lost in the mail, Garland County will need this information from your clinic before we can process your payment. Garland County operates on Net 30 terms.

Clinic Name:	_____
Address:	_____
City, State, Zip, County	_____
Phone:	_____ Fax: _____
Email:	_____
Website:	_____

I realize that Garland County may reimburse my practice \$600 or more, and is required by the IRS to have a completed W-9 form from my business before adding me to the vet network.

Vet Initial (required): _____

Veterinarian Signature _____

Printed Name _____

Date _____

For your convenience, simply return this completed contract using the enclosed per-addressed envelope, or email to Garland County at ldmartin@garlandcounty.org.



Garland County
525 Ouachita Avenue Rm B4
Hot Springs, AR. 71901
www.garlandcounty.org

"Prevent Littering" Spay and Neuter Program Application

Date: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____

Driver's License #: _____ State: _____

Proof of Residency: _____

Species: Dog Cat Sex: Male Female Age: _____

If Female, is the animal: In Heat Pregnant

If Cat, do you have access to a carrier: Yes No

Please return this form to the above address. You will receive a list of participating veterinarians and a coupon for \$ _____ off the cost of a spay or neuter.

I swear/affirm that these answers are true and correct to the best of my knowledge.

Signature: _____ Date: _____

Garland County Spay & Neuter Voucher

525 Ouachita Avenue Rm B4, Hot Springs, AR. 71901
www.garlandcounty.org



I hereby consent and authorize _____ to receive, prescribe for, treat and operate upon:

PART 1A: PET INFORMATION

CAT	DOG			M	F		<input type="checkbox"/> PREGNANT DOG*
							<input type="checkbox"/> NEEDS RABIES SHOT
Species	Pet's Name	Color / Breed	Sex	Age			

PART 1B: PET OWNER INFORMATION

Name (Last, First)		Street Address		City	State	Zip
Phone (Home)	Phone (Work or Cell)	Email				

The above described pet lives at my home address and I attest that the above information is true and correct to the best of my knowledge.

I understand my pet may have a pre-existing health condition, which may not be apparent at the time of surgery and could increase anesthetic and post-surgical recovery risk. I also understand that preoperative lab work such as CBC, BMP, EKG, etc. will not be performed before surgery and am agreeable with this. I also understand that if my pet is pregnant, she will still be spayed. I hereby consent to the pre-surgical rabies immunization, if required, and spay/neuter of the pet described above.

I understand the veterinarian performing surgery will take all reasonable precautions against injury, escape, or other destruction of the animal(s). I hereby agree the veterinarian facility performing surgery will not be held liable or responsible in any manner whatsoever on account of the care, treatment, transport or safekeeping of the animal(s) described, or otherwise in connection therewith, as it is thoroughly understood that I assume all risks.

I agree to participate in this program, assume all risks and voluntarily agree to this waiver of liability. *I have read the above and agree to all terms and conditions.*

*****(REQUIRED)** _____ **DATE** _____ ***

SIGNATURE OF PET OWNER

PART 2—VETERINARIAN INFORMATION, TO BE COMPLETED BY CLINIC

HOSPITAL/CLINIC NAME:	DATE OF SURGERY:
	WEIGHT OF ANIMAL:
<input type="checkbox"/> Rabies vaccine administered	If No: <input type="checkbox"/> Too Young
	<input type="checkbox"/> Not Needed

I HEREBY ATTEST THAT SPAY/NEUTERING /IMMUNIZATION OF THIS ANIMAL WAS CARRIED OUT AS RECORDED ABOVE.

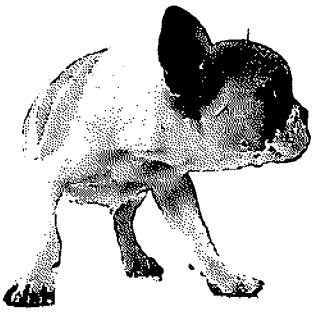
SIGNATURE OF VETERINARIAN PERFORMING SURGERY:

DATE:

Letter of Approval:	Telephone Confirmation:	Rabies Vaccination Tag #
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Garland County "Prevent Littering" Spay & Neuter Voucher Program



Apply for a Voucher To Help Get Your Pet "Fixed" !



What is the Garland County Dog and Cat Spay/Neuter Voucher Program?

The program allows Garland County residents to get their pets "fixed" for a co-pay of \$____. The program includes a spay or neuter surgery and rabies vaccination. To use this program, you must live in Garland County and show proof of residency.

The Truth About Spaying & Neutering

Getting your pet "fixed" will NOT make it fat, miserable, lazy or less able to love and protect you or your family. The one-time pet surgery will help your pet stay healthier, live longer, and have fewer behavior problems. Pets that are spayed or neutered:

- Cannot produce unwanted puppies or kittens
- Are less likely to develop serious diseases, such as cancer
- Are less likely to bite, run away, or fight with other animals
- Are often more clam and affectionate
- Are less likely to spray and mark territory
- Tend to live longer, healthier lives overall

Frequently Asked Questions

What do spay, neuter and sterilize mean?

These words describe a surgery done by veterinarians to prevent pets from having puppies or kittens. Some people call this having your pet "fixed." Females are spayed. Males are neutered.

What does the program cover?

Not only does the voucher program cover the actual spay or neuter surgery at a participating clinic or vet's office, it also provides a rabies vaccination (if your pet does not already have it).

Will there be extra fees?

There may be an additional cost for the procedure and medication after surgery.

What if I have more than one dog or cat?

One approved voucher may be used every six months.

What if I lose my voucher or it expires before I am able to use it?

Request a replacement by calling (501) 651-7773 and give your name and voucher number.

What if my dog or cat is sick when I bring it to the clinic for surgery?

Spay/neuter surgery may be postponed if your pet is sick, pregnant, nursing, in season (heat), or has other medical conditions. The veterinarian must make that decision, so contact that office for more information.

How old does my pet have to be to get it fixed?

Most dogs and cats can have spay/neuter surgery as early as eight (8) weeks of age. Important: pets can start having unwanted babies as early as four (4) months of age! It's best to "fix" or get them spayed/neutered as soon as possible.