

ORDINANCE # 2013-10-1

AN ORDINANCE PROHIBITING THE KEEPING OF LIVESTOCK, HORSES, GOATS, SWINE, AND FOWL WITHIN THE CITY LIMITS OF THE CITY OF ASH FLAT, FULTON AND SHARP COUNTIES, ARKANSAS, EXCEPT IN CERTAIN INSTANCES, INCLUDING A BILL OF ASSURANCE, PROVIDING A PENALTY FOR VIOLATIONS AND FOR OTHER PURPOSES

WHEREAS, it has been brought to the attention of the City Council of Ash Flat, Arkansas (the "City Council") that there is an increasing problem with the keeping of livestock, horses, goats, sheep, swine, and fowl within the city limits of the City of Ash Flat, Fulton and Sharp Counties, Arkansas, and

WHEREAS, the City Council has determined that it is in the best interest of the residents of the city that the keeping of such livestock, horses, goats, sheep, swine, and fowl not be allowed within the city limits except in those certain situations enumerated herein; and

WHEREAS, the City Council has determined that the ordinances currently in place do not adequately address the issue of keeping livestock, horses, goats, sheep, swine, and fowl within the city limits, both Fulton and Sharp County, and, therefore, desires to enact an ordinance which address the issue.

NOW, THEREFORE, BE IT ORDAINED by the city council of the City of Ash Flat, Fulton and Sharp County, Arkansas:

1. No person shall keep any livestock, horses, goats, sheep, or fowl, as defined herein, within the city limits of the City of Ash Flat, Fulton and Sharp County, Arkansas, except as otherwise specifically provided for herein.

2. Any resident of the City of Ash Flat, Arkansas, Fulton and Sharp County, who, at the time of the enactment of this ordinance, keeps livestock, goats, sheep, horses, or fowl within the city limits on a parcel of land smaller than three (3) acres, may continue to keep said livestock, horses, goats, sheep, or fowl on said property, provided that in the event said *property* lot is sold, leased, subdivided or otherwise transferred or redeveloped said livestock, horses, goats, sheep, swine, or fowl *shall* can no longer be kept on said property.

Swine shall not be allowed within the city limits of Ash Flat on any parcel of land smaller than ten (10) acres.

In the event said livestock, horses, goats, sheep, swine or fowl are sold or disposed of in any manner, said animals shall not be replaced for any reason.

No more than two (2) horses, two (2) cows, (6) six goats or sheep, or twenty (20) fowl may be kept on a three (3) acre plot. Any property of ten

(10) or more acres, and deemed as agricultural, livestock numbers shall be at the owners discretion, so as not to pose a health hazard to the public.

All areas where livestock are maintained shall be fenced sufficiently to keep the animals enclosed.

The terms "livestock", "swine", and "fowl" shall be defined as follows:

LIVESTOCK shall include cows, goats, sheep, horses, or other hoofed animals.

SWINE shall include hogs, pigs, boars, Vietnamese pot-bellied pigs and other like animals; and

FOWL shall include chickens, guineas, turkeys, ducks, and other like birds.

3. The Ash Flat Police Department and/or Code Enforcement Officer shall enforce the provisions of this ordinance. Any person found in violation of this ordinance shall be subject to a fine not to exceed \$100.00 per violation.
4. All recorded Bill of Assurance for any subdivision located within the City of Ash Flat, Arkansas, shall remain in full force and effect and shall be enforceable as provided by the laws of the State of Arkansas.
5. Any conflict between a restriction in this ordinance and a restriction in a recorded Bill of Assurance for any subdivision shall be resolved in favor of this ordinance.
6. The provisions of this ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of the ordinance.
7. All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.
8. The keeping of livestock, horses, goats, sheep, swine, or fowl within the city limits poses a health risk to the residents of the City of Ash Flat, Fulton and Sharp County, Arkansas. Therefore, it is determined that this ordinance is necessary to preserve and insure the public peace, health, and safety. An emergency is hereby declared to exist and this ordinance shall be in effect immediately upon and after its passage and approval.

ORDINANCE PASSED and APPROVED this 22nd day of Oct, 2013.

APPROVED:

Danuel L. Traw
Danuel L. Traw, Mayor

ATTEST:

Charlotte Goodwin
Charlotte Goodwin,
Recorder/Treasurer

