

ORDINANCE NO. 05-03

AN ORDINANCE REGULATING THE KEEPING AND RAISING OF LIVESTOCK, FOWL, FARM ANIMALS AND OTHER NON-DOMESTIC ANIMALS WITHIN THE CITY LIMITS OF THE CITY OF GREENWOOD, ARKANSAS, DEFINING THE PROVISIONS OF NUISANCE ANIMALS, AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Greenwood, Arkansas has determined that there is a great need to regulate livestock, fowl, non-domestic and nuisance animals within the city limits of the City of Greenwood, Arkansas, to preserve the health of the citizens and the aesthetics of the city; and that the City Council recognizes certain types of livestock, fowl and other animals represent a nuisance to the public in terms of unsanitary or unhygienic conditions and may require exceptional treatment within the city limits of Greenwood, Arkansas; and

WHEREAS, it is further declared by the City Council that Ordinance No. 99-16, any amendment thereto, or any ordinance in conflict herewith as previously adopted need amending, they shall upon adoption of this ordinance be repealed.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, ARKANSAS:

SECTION 1: No person shall keep, raise or maintain livestock, farm animals or other non-domestic animals within the city limits of the city of Greenwood on any piece of property of less than (5) five contiguous acres unless provided by this ordinance or by a special exemption granted by the Mayor or his designated representative.

SECTION 2: Nuisance Animals

1. A nuisance refers to any animal which, as a result of its actions, cause a human being any financial loss or loss of rights or privileges.
2. An owner shall prevent any animal within their care or upon their property from becoming a public nuisance.
3. Owners of nuisance animals shall be subject to warnings, fines or revocation of their exemption as provided in SECTION 6.
4. A public nuisance includes, but is not limited to, any animals that: deposits feces on public or private property other than the owners, trespasses on public or private property other than the owners, causes damage to another persons property, creates a danger to public health or safety, disturbs or creates foul odors or noise disturbances that interfere with the peace or sleep of a reasonable person who may reside within a reasonable proximity of a place where such animal is kept, the preceding as determined by the Mayor or his assigned designate.
5. Animals permitted to be kept within the city limits of the City of Greenwood, by Section 1 of this ordinance shall be kept restrained to their property by a pen which must be kept clean of all unwholesome matter, i.e., feces, and other forms of waste and the area surrounding the pen must be kept and maintained so as not to become a nuisance to the community of Greenwood, Arkansas.

SECTION 3: Animals Permitted

Domestic animals such as dogs, cats, small animals typically kept indoors as pets, pot bellied pigs, or any animal deemed appropriate and acceptable for a given use and/or property as determined by the office of the Mayor or his assigned designate.

Fowl, poultry or caged birds, including all species of chickens, peacocks and water fowl shall be permitted within the City of Greenwood. This ordinance does not pertain to household caged domestic birds such as finches, canaries, parakeets, etc.

The preceding will only be permissible as long as they are not considered a nuisance by Section 2 of this ordinance.

SECTION 4: Definition of Exemption

Any person keeping livestock, farm animals or other non-domestic animals within the city limits on property that is less than (5) five contiguous acres must be registered and on file at the City of Greenwood, Arkansas. There will be no fee charged or permit issued to the land owner.

Exemption to be approved and signed by the Mayor, if desired the Mayor may appeal to the City Council for advice and approval. Exemption will be based upon property location, number of animals, type of animal(s), and consideration of the neighborhood and/or surroundings that might be affected.

SECTION 5: Temporary Use

Animals being kept temporarily within the City of Greenwood, Arkansas for the reason of a Rodeo, Fair, Show, or other acceptable reason as determined by the Mayor or his designated representative shall be exempt from this ordinance.

SECTION 6: Fines and Other Provisions

Any person violating this ordinance shall be subject to issuance of a warning, giving the individual seven (7) days to come into compliance with the ordinance; if the condition persists after the expiration of seven (7) days, the individual may be charged with a violation and subject to a maximum fine of \$100.00, with each day the condition continues to exist constituting a separate offense.

Any person keeping animals within the city limits per Section 4 of this ordinance whose animal(s) are deemed a nuisance by Section 2 of this ordinance may have their exemption revoked for failure to comply with the requirements set forth herein.

If any person is found to be in direct violation of this ordinance where a danger to the health or safety of the public or animals is deemed imminent the city is hereby authorized to order immediate action to mitigate the problem, including the notification and assistance from the Board of Health, Animal Control Division or other applicable agencies. If deemed necessary; the office of the Mayor, his representative or the City Council may order the removal or reduction in the number of animals kept on a property and may destroy vicious or dangerous animals that have attacked or threatened the well being of another animal or person.