

ORDINANCE NO. 2023-9

**AN ORDINANCE REGULATING THE OWNERSHIP OF LIVESTOCK AND FOWL IN THE
CITY OF POTTSVILLE, ARKANSAS; PROSCRIBING PENALTIES FOR VIOLATIONS
THEREOF; AND, FOR OTHER PURPOSES**

WHEREAS, the City Council for the City of Pottsville has determined that it is in the best interest of the City of Pottsville and its citizens to regulate the ownership of livestock and fowl within the City of Pottsville.

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

SECTION 1: Definitions.

- A. Livestock-Livestock includes, but is not limited to cattle, sheep, horses, goats, pigs, mules, donkeys and other domestic animals ordinarily raised or used on a farm.
- B. Fowl-Means any bird.
- C. R-1 Single-Family Residential District- This is the most restrictive residential district. The principal use of land is for detached single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. R-1 Residential Districts includes those areas identified as R-1 Single-Family Residential as defined by the City of Pottsville Zoning Code.
- D. Agricultural District-This district is intended to preserve and maintain the open character of designated areas by discouraging urban development and encouraging the pursuit of an agricultural livelihood and to be utilized to maintain agricultural activities on land suited to future urban development pending proper timing and economical provision of public utilities and community facilities needed to ensure orderly residential development. The uses permitted in the Agricultural District are intended to accommodate normal farming, forestry and gardening activities, along with rural residences. Agricultural Districts includes those areas identified as Agricultural Districts as defined by the City of Pottsville Zoning Code.
- E. Animal-Means any domesticated animal as well as livestock and fowl.

SECTION 2: Prohibitions.

- 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 or fowl except as provided in this Chapter.

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B. It shall be unlawful for any person to transport into the corporate limits of the city of Pottsville any animal affected with a contagious disease.

C. It shall be unlawful for any person to knowingly release any animal into any public place within the corporate limits of the city of Pottsville.

D. No person keeping animals in the City of Pottsville shall allow the enclosures or pastures for keeping said animals to become a breeding ground for flies, mosquitoes and rats, or allow the pastures or enclosures to become unsanitary, obnoxious, unhealthy or otherwise be a nuisance to any of the citizens of the city of Pottsville.

SECTION 3: Exceptions.

A. The keeping of livestock and fowl shall be permitted in Agricultural Districts within the corporate limits of the City of Pottsville.

B. The keeping of livestock shall be permitted in R-1 Residential Districts within the corporate limits of the City of Pottsville only under the following conditions:

i. The keeping of livestock, except for pigs, is permitted in R-1 Residential Districts where they are maintained on an enclosed pasture containing one (1) acre for each animal kept thereon.

a. Pigs shall not be kept outside in an R-1 Residential District.

C. The keeping of fowl shall be permitted in R-1 Residential Districts within the corporate limits of the City of Pottsville only under the following conditions:

i. The keeping of fowl is permitted in R-1 Residential Districts where they are maintained in an enclosed coop with a roof or fly top.

ii. The enclosed coop must have a minimum area of eight (8) square feet per fowl kept therein.

SECTION 4: Any person who owns, keeps or controls livestock or fowl within the corporate limits of the city of Pottsville shall also be subject to ordinances regulating noise, nuisance animals, and unsightly and unsanitary conditions upon property in the City of Pottsville as well as any other Ordinance not in conflict herewith and in effect in the City of Pottsville.

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SECTION 5: Penalties.

A. It shall be the duty of the Pottsville Police Department and Pottsville Code Enforcement to enforce the provisions of this Ordinance.

Additionally, should any of the enclosures or pastures for keeping animals become a breeding ground for flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthy or otherwise be a nuisance to any of the citizens of the city of Pottsville because of the conditions created by the keeping of said animals, the proper law enforcement official, upon investigation and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of the notice the owner or keeper has not corrected the conditions that exist upon the property, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate the same as nuisance.

B. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$150.00 for the first offense, not less than \$200.00 for the second offense, and not less than \$250.00 for the third and subsequent offenses. Each day that this conduct occurs or violation exists shall be considered another separate violation of this ordinance.

SECTION 6: Any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7: If any provision of this ordinance or the application thereof to any person or circumstances is declared to be invalid, such invalidity shall not affect the other provisions or applications of the ordinance which may be given effect without the invalid provision(s) or application(s), and to this end the provisions of this ordinance are declared severable.

PASS AND APPROVED this 25th day of September 2023.



RANDY TANKERSLEY, MAYOR

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Russellville, AR 72801

ATTEST:

I, Holly Fowler, City Clerk of Pottsville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-9 passed by the Pottsville City Council on the 25th day of September 2023.

Holly Fowler
HOLLY FOWLER

