

ORDINANCE NO. 1037

CITY OF LOWELL, BENTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 6-74: KEEPING OF LIVESTOCK PROHIBITED OF CHAPTER 6: ANIMALS OF THE LOWELL MUNICIPAL CODE IN ORDER TO REGULATE THE KEEPING OF AND CARE OF AGRICULTURAL ANIMALS WITHIN THE CITY OF LOWELL, ARKANSAS AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Lowell, Arkansas has determined that it is necessary to regulate the keeping, care and sheltering of animals to protect the health, safety, and welfare of the citizens of Lowell, Arkansas; and

WHEREAS, having heard from concerned citizens, the City Council of the City of Lowell now finds it to be in the best interest of the City of Lowell to amend Lowell Municipal Code Section 6.74: KEEPING OF LIVESTOCK PROHIBITED of Chapter 6: ANIMALS to better regulate the keeping, care and sheltering of agricultural animals.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Lowell, Arkansas as follows:

Section 1. Section 6.74: KEEPING OF LIVESTOCK PROHIBITED of the Lowell Code of Ordinances is amended and shall now read as follows:

Sec.6-74- 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, chickens, including, but not limited to the order "Galliformes," and any other large birds such as emus or other related species, except where allowed in the land development code and subject to the restrictions provided herein.
- 1) The keeping of horses, cows, or ratites is permitted where they are maintained on an enclosed pasture. Such enclosures shall be kept in a sanitary, healthful, and secure condition so as to prevent any nuisance to citizens.
 - 2) Additionally, adequate supplemental fees 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.
 - 4) The keeping of agricultural animals is permitted only under the following conditions which shall be strictly enforced:
 - a) No more than six (6) hens shall be allowed for each single-family dwelling located in Zones C, D, and E. No more than eight (8) hens shall be allowed for each single-family dwelling located in Zone B. No more than then (10) hens shall be allowed for each estate single-family dwelling located in Zone A, with an

additional five (5) hens for an additional one-half acre over one (1) acre in Zone A. A maximum of fifteen (15) chickens shall be allowed in Zone A. The description of the current zoning districts with corresponding lot size minimums is attached to this ordinance as Exhibit "A". In the event the zoning districts should change, the minimum lot sizes corresponding to the current zoning designations shall remain in effect for the purposes of this ordinance. No birds shall be allowed in multi-family complexes, including but not limited to duplexes.

- b) No roosters shall be allowed.
- c) There shall be no outside slaughtering of birds.
- d) All chickens must be kept at all times in a secure enclosure with a minimum of four (4) square feet per bird. Secure enclosure shall include a self-contained coop and/or within a fenced yard. A fenced in yard shall only suffice as an enclosure if said fence is constructed from a solid, non-permeable material built with either solid wood, metal, or plastic components and located at least (25) feet from the boundary of each neighboring property.
- e) Chickens kept within the city may only be kept on lots that are single-family residential lots. No hens nor any other birds or fowl may be kept on lots of medium or high density residential.
- f) No chicken enclosure may be placed within twenty-five (25) feet of the boundary between the property with the chicken enclosure and any referenced residential property or commercial property. Further, any chicken enclosure must be placed in the rear or side yard of the property.
- g) All chicken enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis as to prevent offensive odors.
- h) All food used for chickens shall be kept in a suitable container with a tight-fitting cover so as to be inaccessible to rodents.
- i) Persons wishing to keep chickens within the city must obtain a permit from Lowell Animal Services. An inspection will be scheduled by Lowell Animal Services, and if approved, the permit holder must pay an annual fee.
- j) Chickens currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of the ordinance from which this article is derived.
- k) These regulations are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor the lawful transportation of fowl through the corporate limits of the city. Neither shall they apply to poultry kept in areas of the city which are zoned agricultural.

B) For any other animals commonly referred to as farm animals, including but not limited to chickens, goats, sheep, and ducks, these are prohibited except under conditions set forth in this code, and if allowed, space allotment and food and water must be adequate enough for each animal to be maintained in a comfortable, healthy, and stress-free manner.

Section 2. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not have an effect on the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

Section 4. Emergency Clause. The City Council for the City of Lowell finds that revised and amended regulations of the keeping, care and sheltering of agricultural animals should be implemented by the City of Lowell, through changes to this ordinance, is imperative to preserve the orderly growth of the City of Lowell and that these changes should go into effect immediately, therefore, an emergency is declared to exist, and this ordinance shall go into effect immediately upon its passage.

PASSED and APPROVED this 18TH day of June, 2019.

APPROVED:

CHRIS MOORE, Mayor

ATTEST:

ELIZABETH ESTES, City Clerk
(Seal)