

ORDINANCE NO. 16 OF 2020

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CODE OF CABOT,
CHAPTER 4 ANIMALS FOR THE CITY OF CABOT; AND FOR OTHER PURPOSES**

WHEREAS, it is the intent of the City Council of the City of Cabot, Arkansas to amend the Code of Cabot and adopt the new Animal Control regulations set forth below in an effort to encourage the humane treatment of animals.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF CABOT,
ARKANSAS THAT:**

SECTION 1: Chapter 4, Article I. – In General § 4-1. Definitions shall be amended to add and codify the following language:

Chicken Tractor means a lightweight movable enclosure in which chickens can scratch the ground for food.

SECTION 2: Chapter 4, Article II. Administration and Enforcement § 4-26. – Fee Structure shall be amended and codified as follows:

(1) Fowl permit fee. A fowl permit shall be \$10.00 per year and shall be paid on or before July 1 of each year.

SECTION 3: Chapter 4, Article II. – Administration and Enforcement § 4-27. – General Penalties is hereby amended and shall be codified as follows:

Any person who fails to abide by article I, V, VI or VIII of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:

- (1) *First offense.* Any sum not less than \$100.00 minimum and a maximum of \$1,000.00.
- (2) *Second offense.* Any sum not less than \$250.00 minimum and a maximum of \$1,000.00.
- (3) *Third offense.* Mandated judge appearance and a fine of not less than \$500.00.

SECTION 4: Chapter 4, Article VI. – Livestock, Farm Animals, Fowl, Bees § 4-172. – Keeping of Fowl is hereby amended and shall be codified as follows:

Permit To Keep Fowl; Investigation; Fee

- a. It shall be unlawful for any person to own guineas, ducks, geese or other fowl in a residential district (as defined in City of Cabot, Arkansas Zoning Code). This section does not

include fowl that are of a migratory species, wild by nature, or allowed through permit within this ordinance.

b. It shall be unlawful for any person to keep chickens within the city without a permit from the Cabot Animal Services.

c. The Director of Community Services and his authorized agents shall make an investigation to determine whether or not the person seeking a permit under this section has met all of the requirements of this section and all other health and sanitary ordinances of the city.

d. Upon approval of the application for a permit under this section by the Animal Services Department, such approval shall be presented to the Community Services Director who shall issue the permit. The cost of the permit shall be \$10 per year and shall be paid on or before July 1st of each year.

e. Permits will be issued for a maximum of 6 adult chickens consisting of only females and 6 chicks of various genders.

f. It shall be unlawful for any person to own, keep, or harbor Roosters within the corporate city limits.

g. Nothing in this section shall be read to prohibit the rights of any valid Homeowners' Association, Property Owners' Association, or any similar organization from prohibiting the keeping of chickens within the bounds of its authority."

Pens, Enclosures, and sanitary requirements for Chickens;

a. Where the keeping or maintaining of fowl is permitted under this article, it shall be unlawful to keep fowl in any enclosure in the front yard of a residence within the city. For the purpose of this section of this ordinance the front yard is described as any area forward of the front corners of the primary residential dwelling.

b. Where the keeping or maintaining of fowl is permitted under this article, it shall be unlawful to maintain stationary coops, pens or enclosures where chickens are kept in an unsanitary manner or in such a condition that odors from such premises or enclosures are a nuisance to surrounding properties. Places so maintained are hereby declared to be unsanitary nuisances.

c. Where the keeping or maintaining of fowl is permitted under this article, it shall be unlawful to maintain chicken tractors stationary more than 48 hours or as to where chickens are kept in an unsanitary manner or in such a condition that odors from such premises or enclosures are a nuisance to surrounding properties. Places so maintained are hereby declared to be unsanitary nuisances.

d. Any person who has been authorized pursuant to this article to keep or maintain chickens shall clean the pens, coops or other enclosures where such fowl are kept each 24 hours, shall spray and disinfect such areas each third day, and shall remove and destroy all refuse, droppings, feathers or other matter cleaned from such pens, coops or enclosures. All droppings from such

fowl shall not be left above ground upon any premises in the city for longer than 48 hours. Any person occupying, owning or having control of the premises where fowls are permitted to be kept shall collect and remove and carry away all such droppings and refuse each 48 hours.

- e. Each pen, coop or enclosure shall provide no less than 3 cubic feet of area per chicken.
- f. Each pen, coop or enclosure will be subject to all city zoning and building codes.
- g. Nothing in this section shall be read to prohibit the rights of any valid Homeowners' Association, Property Owners' Association, or any similar organization from prohibiting the keeping of chickens within the bounds of its authority."

SECTION 5: Repealer. All Ordinances and parts of Ordinances, in conflict herewith are hereby repealed to the extent of the conflict; specifically, parts and sections delineated herein are hereby repealed.

COSPONSORS:

Ed Long, Ward 1, Position 1
Kevin Davis, Ward 1, Position 2

PASSED: 7-0

DATE: 5/18/2020

APPROVED:

Ken Kincade, Mayor

APPROVED AS TO FORM:

ATTEST:

Ben Hooper, City Attorney

Tammy Yocom, City Clerk~Treasurer