

**ORDINANCE NO. 2010-11-01**

**AN ORDINANCE OF THE CITY OF BATESVILLE, ARKANSAS, AMENDING THE BATESVILLE CITY CODE REGARDING FOWL WITHIN THE CITY LIMITS OF BATESVILLE, AND FOR OTHER PURPOSES**

**WHEREAS**, the City council recognizes that the city has a great number of domesticated animals within various neighborhoods in the City and that citizens and visitors must interact with such animals at times; and

**WHEREAS**, the city council wishes to update the provisions of the Animal control provisions of the City Code; and

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

**SECTION 1.** Section 6.04.05 Premises and Pens-conditions of: of the Batesville Municipal code (the Code) is amended as follows:

- (1) All poultry within the corporate limits of the city shall be maintained in suitable houses, pens or other enclosures by the owner or person having responsibility for the care and maintenance of the poultry.

**SECTION 2.** Section 6.04.04 Animals at Large Prohibited: of the Code is hereby amended as follows:

- (a) It shall be unlawful for any person to permit or allow any fowl to run at large within the corporate limits of the city.
- (b) It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the city in all other zones, under the following terms and conditions:
  - (1) No more than ten hens shall be allowed for each single family dwelling. No birds shall be allowed in multifamily complexes, including duplexes.
  - (2) No roosters shall be allowed.
  - (3) There shall be no outside slaughtering of birds.
  - (4) All fowl must be kept at all times in a secure enclosure constructed at least two feet above the surface of the ground.
  - (5) Enclosures must be situated at least 25 feet from the nearest neighbors' residence.
  - (6) Enclosures must be kept in a neat and sanitary condition at all time, and must be cleaned on a regular basis so as to prevent offensive odors.

(7) Persons wishing to keep fowl within the city must obtain a permit from the office of the city clerk after inspection and approval by the office of animal control.

(c) Subsection (2) of this section is not intended to apply to the ducks and geese at row Lake, nor to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to poultry kept in areas of the city zoned I-2.

(d) Fowl currently existing in the city shall not be "grand fathered" or permitted to remain after the effective date of the ordinance from which this article is derived.

**SECTION 3. CODIFICATION:** It is the intention of the City Council of the City of Batesville that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Batesville, Arkansas, and that the Sections of this ordinance may be renumbered,, re-lettered and the work "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**SECTION 4. SEVERABILITY:** If any clause, section of other part of this Ordinance shall be held b6y nay court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effect the validity of the other provisions of this Ordinance.

**SECTION 5. REPEALER:** All Ordinances or parts of Ordinances, Resolutions or part of Resolutions in conflict herewith, e and the same are hereby repealed by extent of such conflict.

**ADOPTED** this 9<sup>th</sup> day of November, 2010.

APPROVED:

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Rick Elumbaugh, Mayor

ATTEST:

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Denise M. Johnston, City Clerk

APPROVED AS TO LEGAL FORM:

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Scott M. Stalker, City Attorney