

ORDINANCE NO. 117

AN ORDINANCE PRESCRIBING CERTAIN RULES AND REGULATIONS WITH RESPECT TO THE CARE AND KEEPING OF CERTAIN ANIMALS, AND PROHIBITING THE KEEPING OF CERTAIN ANIMALS AND FOWL WITHIN THE CITY OF CHERRY VALLEY.

WHEREAS, THE City Council of the City of Cherry Valley, Arkansas (the "City"), has determined that there is an urgent need for regulations concerning the care and keeping of certain animals and fowl within the City of Cherry Valley; and,

WHEREAS, it is necessary to enact this Ordinance in order to regulate the care and keeping of certain animals, and to prohibit the keeping of certain animals and fowl:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CHERRY VALLEY, ARKANSAS as follows:

SECTION 1: Horses & Cows:

- 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 cows and/or horses except as provided herein. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.***
- b. The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.***
- c. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the proper law enforcement official. Should any enclosures become harbors for breeding flies, mosquitoes, and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating 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 notice said owner or keeper has not corrected the conditions the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.***

ORDINANCE NO. 117

-2-

SECTION 2: Hogs, Goats, and Sheep

It shall be unlawful for any person to keep any hogs, goats or sheep within the city or to permit any such animals to run at large within the city; except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.

SECTION 3: Diseased Animals

No person shall be allowed to transport into this city any animal affected with a contagious disease.

SECTION 4: Releasing Animals

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

SECTION 5: Fowl

It shall be unlawful for any person owning or having control of any chickens, turkeys, or other fowl to allow the same to run at large within the city.

SECTION 6: Cruelty to Animals

If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelty beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor.

SECTION 7: Possession of Wild, Poisonous or dangerous Animals or Reptiles

It shall be unlawful for any person to keep, maintain, sell or have in his possession or under his control within the city any poisonous reptile or any other dangerous or carnivorous wild animal or reptile.

ORDINANCE NO. 117

-3-

SECTION 8: Animals Listed

It shall be unlawful for nay person to keep, maintain, sell or have in his possession or undo his control within the city any of the following animals:

- 1. All poisonous animals including rear fang snakes*
- 2. Apes: chimpanzees (pan); gibbons (Hylobates), gorillas (Gorilla); orangutans (pongo) and siamangs (symphalangus).*
- 3. Baboons (Papoi, Mandrillus)*
- 4. Bears (Ursidae)*
- 5. Cheetahs (Acinonyx jubatus)*
- 6. Alligators or crocodilians (Crocodilia)*
- 7. Snakes*
- 8. Coyotes (Canis latrans)*
- 9. Elephants (Elephas and Loxodonta)*
- 10. Hippopotami (Hippopotamidae)*
- 11. Hyenas (Hyaenidae)*
- 12. Jaguars (Panthea onca)*
- 13. Leopards (Panthea pardus)*
- 14. Lions (Panthera leo)*
- 15. Lynxes (Lynx)*
- 16. Monkey, old world (Cercepithecidae)*
- 17. Piranha fish (Characidae)*
- 18. Puas (Felis concolor), also known as cougars, mountain lion and panthers*
- 19. Rhinoceroses (Rhinocero toidac)*
- 20. Tigers (panthera tigirs)*
- 21. Wolves (Canis lupus)*

SECTION 9: Exceptions

Those animals and reptiles listed in Section 8 are specific animals or reptiles prohibited, but this section is not limited to those animals or reptiles listed and any animal or reptile which meets the prohibition of Section 7 is also prohibited.

SECTION 10: Rodeos and Circuses

This section does not apply to entertainment events approved by the City Council in advance, such as rodeos or circuses.

ORDINANCE NO. 117

-4-

SECTION 11: Penalties

Any person violating any provisions of this ordinance shall be deemed guilty of a Class A Misdemeanor and subject to such penalties. In addition, after notice is given to the owner of any such wild animal or reptile, the Mayor and police department are authorized to have the animal or reptile removed from the city limits.

SECTION 12: Emergency Clause

It is hereby found and declared that there is an urgent need for the regulation of certain animals and fowl within the City of Cherry Valley, Arkansas; therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public health, peace, safety, and welfare, shall take effect and be in force immediately upon its passage and approval.

Passed this 10th day of May, 2005.

Attest:

Stacey Bennett
Stacey Bennett, City Clerk

Mike Wood
Mike Wood, Mayor