ORDINANCE NUMBER 26 - _____

AN ORDINANCE REPEALING ORDINANCE NO. 6 of 1948, PROVIDING FOR THE KEEPING OF LIVESTOCK AND FOWL IN THE CITY OF BRYANT, AND FOR OTHER PURPOSES

WHEREAS, The City of Bryant has an increased population density, and;

WHEREAS, The City of Bryant has experienced more neighborhood development since the original livestock ordinance was adopted, and;

WHEREAS, The needs of the community and its animals have changed since ordinance number 6 of 1948 was adopted, and;

WHEREAS, There has been an increase in the number of reported human-animal conflicts especially in regard to the keeping of livestock and fowl, and;

WHEREAS, There has been strong public engagement regarding the keeping of livestock and fowl within the City of Bryant, and;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, THAT:

Article 1. Repealing Ordinance No. 6 of 1948

Ordinance Numbers 6 of 1948 is hereby repealed in its entirety, including amendments and replaced with the following:

Article 2. Definitions

The following words, terms and phrases, when used in this code, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Animal: Every vertebrate non-human species of creature, except insects.

Animal Control Authority: The officers and employees of Bryant Animal Control and Adoption Center.

At Large: An owned or stray domesticated or exotic animal that is not confined to the premises of the owner, within a house, fence, or other structure, or restrained by a leash, lead or tie-out, which is of sufficient strength and length to prevent the animal from escaping and restricting the animal to the premises; or an animal that is not confined by a lead, halter, carrier, cage, within an automobile or trailer designed for such purpose when away from the premises of the owner.

Chicken Tractor: A lightweight movable enclosure in which chickens can scratch the ground for food.

City: Bryant, Arkansas located within the County of Saline.

City Animal Shelter: An animal shelter operated by the city or a shelter operated by a nonprofit organization organized to benefit animals under section 501(c)(3) of the Federal Internal Revenue Code.

Code: As used herein, the term “code” refers to the collective Ordinances of the City of Bryant.

Control: Under restraint or other means restricting the animal’s actions and physical location.

Domesticated Animal: An animal that is socialized to humans and appropriate as a companion for humans.

Fowl: Any breed or species of bird, except ratites, that are commonly kept and raised for human consumption, whether that consumption be the flesh of the animal or their eggs or other item produced by the animal for use or consumption by humans or other animals, also commonly referred to as poultry.

Fence: A physical barrier that is visible, constructed out of such a material as to provide a barrier between an animal and the public. This fencing must not be of a material that requires electricity or batteries to operate.

Hog: A hoofed mammal of the family Suidae, order Artiodactyla, comprising boars and swine.

Humane Manner: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animals size, species and breed.

Impoundment: An animal shall be considered impounded by the animal control department once any officer or staff member of the animal control department takes physical control of the animal whether it be by physically holding the collar or leash of such animal, placing a leash or rope upon the neck, harness or body of such animal, picking up or holding the animal, capturing within a trap or other device or other enclosure.

Livestock: Any animal, except fowl and ratites, which are commonly kept and raised for human consumption, whether that consumption be the flesh of the animal, their eggs, milk or other item produced by the animal for use or consumption by humans or other animals.

Nuisance Animal: Owned animals which infringe upon the rights of another animal or person causing conditions which are damaging or disruptive on an on-going basis. An animal shall be considered a nuisance if it repeatedly damages, soils, defiles, defecates on private property other than the owner’s, or public walks and recreational areas; causes unsanitary, dangerous, or offensive conditions while on the property of the owner or off; causes a disturbance by excessive barking or other noise making; molests, or interferes with persons in the public right-of-way; chases vehicles or attacks domestic animals; trespasses on school grounds; or is repeatedly at large.

Owned animal: Any animal that is owned by any person and can be a farm animal, livestock, a domestic animal or exotic pet.

Owner: An adult person, caregiver or custodian possessing, harboring, keeping, or feeding an animal that has been adopted, purchased, been given to or kept in their care for a period of seven consecutive days, allowed a stray or at large animal to remain on or about their property, while providing care, of a period of not less than two weeks; or is otherwise reasonably considered the legal property of the individual of the animal in their possession.

Person: Any individual, corporation, partnership, association or institution commonly recognized by law as a unit.

Private Nuisance: Any animal that repeatedly creates or their owner causes them to create a nuisance as defined by this code while on the property of the owner or keeper.

Public Nuisance: Any animal that repeatedly creates or their owner causes them to create a nuisance as defined by this code while off of the property of the owner or keeper.

Public Nuisance Person: Any person who is convicted of an excess of ten (10) counts of violations of any City of Bryant ordinance which causes a situation that unreasonably annoys other humans living outside of their residence, endangers the life or health of persons or other animals, or by means of keeping or owning animals, substantially and repeatedly interferes with the rights of citizens to the enjoyment of life or property.

Stray: An owned animal that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

Article 3: Prohibitions

Section 1. Prohibited Species or Breeds

A. It shall be unlawful for any person to own, keep, harbor, house or otherwise possess any swine or hog within the City limits, except for the following species: Vietnamese Pot-bellied pigs, Julianas, American Mini pigs, Kunekune, or Gottingen Minipig; and

B. It shall be unlawful for any person to own, keep, harbor, house or otherwise possess any of the allowable breeds of swine without first obtaining and maintaining a Livestock Permit from the animal control department.

Section 2. Exceptions for the Possession of Prohibited Species

A. It shall be lawful for an individual who is not a resident of the City of Bryant, and has a prohibited species in their possession, temporarily within the City limits either traveling through the jurisdiction or bringing an animal into the jurisdiction for the purpose of visiting a veterinary clinic, attend a show or other lawful event to display the animal, is the operator, staff, employee or volunteer of a bonafide public or private animal shelter,

acting in their official capacity, and the animal is kept within the City limits for a length of time less than 10 days per year, unless the condition, or circumstances of such intake require a longer hold period.

B. It shall be lawful for any person who is a resident to own, keep, harbor, house or otherwise possess any prohibited species or breed of animal otherwise prohibited by this code to continue to keep such animal if they have been granted a variance as defined by and pursuant to this code.

Article 4: Restraint and Confinement

Section 1: Generally

It shall be the duty of any owner or keeper of any livestock or fowl as defined by this code to keep such animal under control so as to:

A. Prevent such animal from becoming a danger to persons or property; or trespassing upon another person's property without that person's permission or encroaching upon the curtilage of another's home or business; and

B. Prevent such animals from running at large upon the streets, sidewalks, alleys, parks or other public places of the city.

Section 2. Tethering Roosters as a Means of Confinement

It shall be unlawful for any rooster to be contained by means of a tether, tie-out or any other device which restricts the movement of the animal by means of tying a rope, lead, cable or other item to any part of the rooster's body. This provision shall not include rooster collars or similar devices designed to humanely reduce the volume and frequency of rooster crowing.

Article 5: Keeping of Fowl

It shall be unlawful for any person owning or having control of any chickens, ducks or other fowl or livestock within the city to permit them to be at large; and

A. It shall be unlawful for any person to have more than 4 individuals of any type of female fowl which are 4 months of age or older, on any property or parcel that is less than .25 acre in size, and no roosters, drakes, ganders or males of the species.

B. It shall be unlawful for any person to have more than 6 individuals of any type of fowl which are 4 months of age or older, on any property or parcel that is less than .5 acre in size, and no more than one (1) rooster, drake, gander or males of the species, provided that the male is kept in an enclosure that is at least 50 feet from any occupied structure on any neighboring property or parcel and no less than 20 feet from any property line.

C. It shall be unlawful for any person to have more than 10 individuals of any type of fowl which are 4 months of age or older, on any property or parcel that is less than .75 acre in size, and no more than one (1) rooster, drake, gander or males of the species, provided

that the male is kept in an enclosure that is at least 50 feet from any building on neighboring property or parcel and no less than 20 feet from any property line.

D. It shall be unlawful for any person to have more than 20 individuals of any type of fowl which are 4 months of age or older, on any property or parcel that is less than one (1)

acre in size, and no more than two (s) roosters, drakes, ganders or males of the species, provided that the male is kept in an enclosure that is at least 100 feet from any building on neighboring property or parcel and no less than 25 feet from any property line.

E. For properties or parcels over one (1) acre in size, there shall be no restrictions on the number of individual female chickens, ducks or other fowl, except those expressly prohibited by this code, but shall be restricted to four (4) roosters, drakes, or other male fowl, provided that the enclosure housing such animals is at least 100 feet from any occupied structure on neighboring properties and no less than 25 feet from any property lines.

F. The use of chicken tractors is lawful if:

1. Such device is not the primary housing of the fowl; and

2. Only hens or females are kept within the tractor enclosure; and

3. The use of the chicken tractor only occurs during daylight hours; and

4. When used outside of a completely fenced area, the owner, keeper or other responsible person must be present and within a reasonable distance to observe and maintain the tractor while the chickens are within it; and

5. Use of such a device does not constitute a nuisance to any person residing within a reasonable distance of where the device is deployed.

Article 6. Keeping of Livestock

Section 1. Permit Required

A. Due to the nature of capturing and transporting stray and at large livestock, as well as the cost of transporting and housing impounded livestock by the animal control department, it shall be unlawful for any person to own, harbor, keep or raise any livestock as defined and allowable by this code without first obtaining a Livestock Permit from the animal control department.

B. The Livestock Permit shall be free of charge, and shall be obtained in order to ensure compliance with the ordinances and maintain a list of livestock keepers within the city limits in order to ascertain ownership of stray and at large livestock for timely reunification purposes.

C. The owner of any livestock shall provide their name, address, phone number and email address, as well as a list of the species they are keeping with descriptions, and

microchip numbers of individuals, if microchips are implanted within their animals to the animal control department via a form provided by the department.

D. Permits shall be based upon calendar years. Application for renewal of a permit shall be made thirty (30) days prior to and sixty (60) days following January 1st of each year.

Section 2. Individual Limits

A. It shall be unlawful for any person to keep, house or harbor any species of livestock defined by this code on any property or parcel that is less than .25 acre in size.

B. It shall be unlawful for any person to have more than 2 individuals, except for equines and cattle, of any species of livestock on any property or parcel that is more than .25 acres and less than .5 acre in size, and the enclosure must be at least 50 feet from any occupied structure on any neighboring property or parcel and at least 20 feet from any property line.

C. It shall be unlawful for any person to have more than 4 individuals, except for equines and cattle, of any species of livestock on any property or parcel that is more than .5 acres and less than one (1) acre in size, and the enclosure must be at least 50 feet from any occupied structure on any neighboring property or parcel.

D. For properties or parcels over one (1) acre in size, there shall be no restrictions on the number of individual livestock, except for equines and cattle, and there shall be at least one acre of pasture for each individual of those species, and any areas where groups of these individuals shall be housed in close quarters, such as corrals or barns, these enclosures shall be at least 50 feet from any neighboring occupied structures, and at least 25 feet from any property lines.

Section 3. Determining Size of Parcels and Property

For the purposes of this code, the animal control department shall use the City of Bryant GIS to ascertain the size of parcels and real property, recognizing that these reported measurements are only as accurate as the last recorded property survey; and considering this fact and use their best judgement when determining the size of such parcels and lots.

Article 7. Application for Variances

The animal control department and the City leaders are aware that some parts of the City have, historically, been areas where livestock and fowl have been kept and raised for many decades and that in recent years, subdivisions have been erected in some of these areas which have created a conflict between those living on smaller parcels and those who wish to keep fowl or livestock.

A. Therefore, any person already in possession of prohibited, restricted or other animals, which, upon the date this ordinance was adopted, will become unlawful to continue to keep may apply for a temporary variance so that they may be allowed to lawfully keep

their pets, fowl or livestock until which time that they come into compliance with the ordinance.

B. Such variance must be approved by the Bryant City Council at a regular council meeting to allow any resident in opposition to the variance request to allow their objections to be heard and considered by the Council.

C. Any application for the variance must be submitted within sixty (60) days of the passage of this ordinance to the Animal Control Director in writing and providing the resident's name, address, and a description of the species and number of animals already at the location.

D. Upon receipt of the application, the Animal Control Director, or their designee shall conduct a visit to the location to verify information provided in the application, and a hearing shall be held at the next regularly scheduled City Council meeting.

E. Should any information on the application be found to be inaccurate, the application may be denied by the Animal Control Director; and an opportunity to correct the information and reapply may be granted, and If the information provided in the application is purposefully fraudulent, or information is found to be withheld from the application, the application shall be denied and the applicant forfeits their right to request a variance.

Article 8. Maintenance of Premises and Disturbing Noises

A. An owner of an animal shall maintain their premises in such a manner as not to constitute either a private nuisance to adjoining residents or a nuisance to the public generally; and

B. Pens or enclosures in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and

C. The animals themselves shall be restrained in such a fashion that any noise emanating from them shall not be disturbing to such persons.

Article 9. Public and Private Nuisances Prohibited

Section 1. Removal of Animal Waste Required

It shall be unlawful for any person, when their animal is off the property of the owner, including service animals, to:

A. Fail to immediately remove any feces when such animal defecates on any public or private property not belonging to the pet owner or handler, and properly dispose of such fecal material; except when such animal(s) is/are participating in an organized and public parade, within a public or private arena or sale barn, or other space in which an exhibition or other display is taking place and it is generally expected such defecation would not normally be immediately removed from the area; and

B. Fail to immediately rinse with clean water any area of metal, stone, cement, brick, wood,

cloth or other material that wholly or partially part of public or private property, including but not limited to: mailbox posts, signs, solid material driveways, vehicle or bicycle wheels, sidewalks, walkways, and any other such property, or where an accumulation of urine could otherwise create a public or private nuisance, as defined by this code.

Section 2. Public Nuisance Animal

It shall be unlawful for any person to own, keep, harbor or have custody of any animal that is a public nuisance.

A. The animal control department may, at its discretion, declare an animal a public nuisance as defined by this code, and subsequently impound and hold such animal(s) until such time as the owner can demonstrate that the environment in which the animal is being kept, housed, harbored or maintained has been improved or repaired such that the nuisance caused by such animal(s) is rectified and/or the court orders the animal(s) disposition.

B. If, upon conviction of keeping a nuisance animal, the court may, at its discretion, order that the animal be reprimanded to the custody and ownership of the animal control department.

Section 3. Public Nuisance Person

A. A person may be declared a public nuisance by the court, if convicted of ten (10) or more episodes of violations of any City of Bryant animal control related ordinance within a ten (10) year period, which due to their action or inaction regarding the care and/or keeping, harboring housing or maintaining of animals:

1. Causes a public or private nuisance as defined by this code; or

2. Endangers the life, health or safety of persons or other animals; or

3. Substantially interferes with the rights of resident(s) to the enjoyment of life or property.

B. The court may, at its discretion, order such person(s) to not own, keep, harbor or have custody of any animal(s) for a period of no less than three (3) years and no more than five (5) years.

C. Additionally, if such person(s) is/are found to be owning, keeping, harboring or have custody of any animal(s) during the term of the order, such action will constitute a separate offense, and the animal control authority may, at its discretion, impound and hold such animal(s) until the court may, at its discretion:

1. Order that such person may not own, keep, harbor or have custody of any animal(s) for a period of no less than five (5) years and no more than fifteen (15) years; and

2. That ownership of any animal(s) seized under this article be remanded to the animal control department; and

3. Order any restitution requested as a result of the cost of such seizure owed to the animal control department be paid to them by the defendant pursuant to this code.

Article 10: Disposal of Deceased Animal Remains or Parts

Section 1. Slaughtered, Harvested, Deceased Animals or Parts

All deceased animal remains which are not immediately prepared for consumption or use and will not be either placed under refrigeration or frozen, shall be disposed of in a manner that is in accordance with the state law, and local ordinances.

All deceased animal remains which require other preparation for use, such as but not limited to drying, shall be handled in such a way as to not constitute either a private or public nuisance as defined by this code.

Section 2. Tanning Prohibited

Except in areas of the City where tanning is allowed under the zoning codes, tanning practices which use chemicals, except for salt, shall be prohibited within the City of Bryant, and such practices shall not be conducted in such a way as to constitute either a private or public nuisance as defined by this code.

Section 3. Disposal Fees

Any fees associated with the pick up and cremation of a deceased animal by animal control shall be paid for by the animal's owner, pursuant to the Animal Control Fee Schedule.

Article 11: Fees

All fees charged by the department shall be set by a separate ordinance to be reviewed by the Animal Control Director at least once every three (3) years and if recommended for amendments, taken to City Council for consideration and approval, as appropriate.

Article 12. Found Animals in the Care of Private Residents and Rescues

Livestock or fowl that become displaced from their owner or keeper shall be handled humanely and in accordance with all local and state laws and ordinances.

Article 13. Impoundment; Disposition of Animals

Section 1. Impoundment

Not withstanding any provision in this code to the contrary, the animal control department is empowered to impound any animal being kept, harbored or maintained in violation of this code or in violation of any rules and regulations adopted by the Bryant Animal Control and Adoption Center as duly authorized.

Section 2. Mandatory Holding Periods, Reunification, Impound Fees, and Acquisition of Ownership

A. Minimum holding periods for stray livestock and fowl, reunification responsibilities,

acquisition of ownership, and release of impounded animals or euthanasia for any animals impounded under this code shall be set by separate ordinance.

B. Fees for reclaiming impounded animals shall be set by a Fee Schedule set by ordinance, and approved by the Bryant City Council.

Article 14. Restitution Authorized

Upon conviction, the court may order that restitution be paid to the animal control department by the defendant for any real costs associated with the care and keeping of an impounded animal

in relation to any violation of this code and such restitution shall be subtracted from any bond amounts paid by the defendant prior to such conviction.

Article 15. Enforcement Authority and Responsibilities

The provisions of this code shall be enforced by Bryant Animal Control and Adoption Center and by the Bryant Police Department.

Article 16. Citations

The officers of the animal control department and officers of the Bryant police department are hereby authorized to issue a citation to any person for alleged violations of any provision of this code. The citation shall be in a form approved by the Bryant District Court, shall designate the offense charged and shall require the person charged to appear before the Bryant municipal court on a certain date to answer the charges therein contained.

Article 17. Penalties for Violations

Any person who fails to abide by any article of this code, shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:

Section 1. Fines for Violations Related to Livestock

If the animal involved in the violation is livestock, as defined by this code:

A. *First offense.* Any sum not less than one hundred and twenty-five dollars $125.00 minimum and a maximum of $1,000.00.

B. *Second offense.* Any sum not less than two-hundred and fifty dollars $250.00 minimum and a maximum of $1,000.00.

C. *Third offense.* Any sum not less than five hundred dollars ($500.00) and a maximum of one thousand dollars ($1000.)

Section 2. Fines for Violations Related to Fowl

If the animal involved in the violation is fowl, as defined by this code:

D. *First offense.* Any sum not less than seventy-five dollars $75.00 minimum and a maximum of $1,000.00.

E. *Second offense.* Any sum not less than one hundred and twenty-five dollars $125.00 minimum and a maximum of $1,000.00.

F. *Third offense.* Any sum not less than two hundred and fifty dollars ($250.00) and a maximum of one thousand dollars ($1000.)

Article 18. Statute of Limitations

The statute of limitations for any city ordinance violation shall be three (3) years from the date of the violation per Arkansas Code § 5-1-109.

Article 19. Funds Collected from Fines

All money collected for violations of any part of this ordinance shall go to the city of Bryant's General Revenue Fund.

Article 20. Authorization to the Use of Equipment

The animal control department is authorized to employ any equipment it deems necessary to enforce the provisions of this code, including, without limitation, humane wire box traps; and the animal control authority may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

Article 21. General Repealer

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Article 22. Severability

Should any title, article, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the Ordinance.

PASSED AND APPROVED this _____ day of _____ 2026.

_____

Mayor Chris Treat

ATTEST:

_____

Mark Smith, City Clerk