

ORDINANCE NO. 53-24**AN ORDINANCE AMENDING THE 2019 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 87-19 which adopted the Unified Development Ordinance on October 15, 2019, and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflict with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding the amendment and recommended on May 14 2024, that changes be made; and,

WHEREAS, three (3) copies of the June 2024 Fowl Enforcement Amendment to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

WHEREAS, the June 2024 Fowl Enforcement Amendment to the Unified Development Ordinance includes amendments to the enforcement of illegal fowl,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: The June 2024 Fowl Enforcement Amendment to the Unified Development Ordinance is hereby adopted.

SECTION 2: The codifier shall codify the adopted amendment by amending existing sections and by adding new sections of the UDO.

SECTION 3: It is hereby found and determined that the adoption of the amendment to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendment be effective, and the amendment is hereby made effective, as of date of approval of the Ordinance.

PASSED AND APPROVED THIS 4th DAY OF June, 2024.

ATTEST:



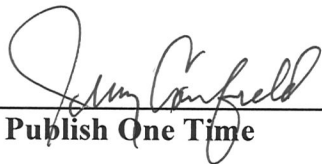
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

June 2024 UDO Amendments –
Fowl Enforcement

27-701-3 Small Domestic Animals

Small domestic animals, including household pets (not including pot-bellied pigs; please see other regulations for chickens and rabbits), may be kept according to the following conditions:

- A. No other ordinance of the city prohibits such use.
- B. The number of such animals is confined to reasonable size so as to be compatible with conditions of the zone in which they are kept. The intent of this section is to recognize that a nuisance may be caused in a more densely occupied area by the keeping of a number of small animals but that the same condition may not cause nuisance to adjacent property owners in a less densely occupied area.
- C. No prevailing noises or odors which would constitute a nuisance at common law shall be allowed.
- D. The existence of a health hazard as defined by the City-County Health Department shall be cause for immediate abatement of the existing conditions. See also Fort Smith Municipal Code, Chapter 4, Animals.
- E. No keeping or raising of small domestic animals for commercial purposes or retail sales shall be allowed in residential zones.
- F. For swine, including pot bellied pigs, see Chapter 4-5 of the Fort Smith Municipal Code.

27-701-4 Fowl

- A. This section shall not supersede or invalidate any sections of the Fort Smith Municipal Code. Section 4.4 shall take precedence over any conflicting provisions of this section.
- B. It shall be ~~lawful to keep fowl~~ **unlawful and a violation of this section to keep fowl** within the corporate limits of the City **except** under the following conditions:
 1. Allowed fowl shall include ducks and/or female chickens only. No roosters shall be allowed. All fowl shall be a breed that cannot fly or must be wing-clipped to prevent flight.
 2. The principal use of the property **containing fowl** shall be educational or residential.
 3. A maximum of twenty (20) fowl shall be allowed on lots of at least 21,780 square feet to five (5) acres.
 4. All fowl shall be kept in a fenced rear yard.
 5. If coops, roosts, or a water feature are utilized they must be kept in a sanitary condition

and shall not be located closer than 25 feet to an adjacent residential structure

6. The City may further restrict or prohibit the keeping of fowl if the fowl have created a public nuisance or public health issue. Order of Abatement of nuisance/health issue shall be issued by City-County Health Official, shall be served on offending owner, and shall be subject to review by the City Administrator if requested by the owner within three (3) days of service of Order of Abatement

7. Nothing in this section shall be deemed or construed to prevent the keeping of fowl within a school property for the purposes of study or education.

C. An owner or other individual violating this section may be issued a citation pursuant to section 1-13