

ORDINANCE NO. 20

AN ORDINANCE PROHIBITING THE KEEPING OR MAINTENANCE OF SWINE AND FOWL FOR COMMERCIAL PURPOSES WITHIN THE TOWN LIMITS OF OAK GROVE, ARKANSAS, AND DECLARING AN EMERGENCY.

WHEREAS, Ark. Stat. Ann. § 19-2303 grants certain regulatory power to cities and towns in the State of Arkansas, and

WHEREAS, the Town of Oak Grove, Arkansas, is located in close proximity to areas of expanding commercial broiler houses and other commercial activities, and it is necessary to enact measures to protect the citizens of the Town of Oak Grove from the deleterious effects of such commercial activities if carried on within the town limits; and

WHEREAS, the Council of the Town of Oak Grove has determined that this Ordinance is necessary in order to protect the residents of the Town of Oak Grove from offensive or noxious odors, and

WHEREAS, the passage and approval of this Ordinance will improve and protect the order, peace, comfort, convenience, safety, general welfare, health and prevent injury from offensive or unhealthy matters;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Oak Grove, Arkansas, as follows:

Section 1: Definitions.

Person as used in this Ordinance shall mean any individual, firm, association, joint stock company, syndicate, partnership or corporation.

Fowl as used in this Ordinance shall mean all animals that are included in the zoological class "Aves", and includes but shall not be limited to chickens, turkeys, ducks, geese, quail, guineas and other domestic or wild birds.

Swine as used in this Ordinance shall mean every kind and variety of hogs or pigs.

Commercial purposes as used in this Ordinance shall mean and include, but shall not be limited to any objective, end, operation, activity or usage which is designed or is intended to result or

results in the sale, barter, transfer, exchange, trade, growing, raising or transportation of swine or fowl made or done primarily for sale or profit. The term "commercial purposes" as used in this Ordinance shall also include the operation of brooder houses, broiler houses or range houses. The term "commercial purposes" does not include or prohibit limited activities strictly for personal consumption by an individual and not involving other parties.

Section 2: The raising, keeping, growing, maintenance, husbandry or quartering of either swine or fowl within the town limits of the Town of Oak Grove, Arkansas, by any person for any commercial purpose is hereby declared unlawful.

Section 3: This Ordinance shall be applicable to the entire area of the Town of Oak Grove, Arkansas.

Section 4: Any person who shall be convicted of violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the County jail for a period not exceeding one year or both such fine and imprisonment. Each day that a violation of this Ordinance occurs shall constitute a separate offense and shall be punishable hereunder as a separate violation, except that the amount of the fine shall not exceed Two Hundred Fifty Dollars (\$250.00) for each day that the violation may be unlawfully continued.

Section 5: Should any section or provision of this Ordinance for any reason be held void, unconstitutional or invalid, it shall not effect the validity of any other section or provision hereof which is in itself not void, unconstitutional or invalid.

Section 6: The repeal of any ordinance or parts of ordinances effectuated by the enactment of this ordinance shall not be construed as abating any actions now pending under or by virtue of such ordinance or as discontinuance, abating, modifying or altering any penalty accruing or to accrue or as affecting the liability of any person, or as waiving any right of the municipality under any section or provision existing at the time of the passage of this ordinance.

Section 7: Emergency Clause. It is hereby determined and declared by the Town Council that the keeping or maintenance of swine or fowl for commercial purposes within the town limits would be detrimental to the peace, health, safety and general welfare of the residents and inhabitants of the Town of Oak Grove, and the immediate enactment of the foregoing provisions will prevent the condition from arising. Therefore, an emergency is declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and general welfare, shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED this 14 day of October, 1987.

APPROVED:

Jean Morgan
Mayor

ATTEST:

Delma Allen
Clerk/Recorder