

ORDINANCE O-07-04

AN ORDINANCE RESTRICTING THE KEEPING OF PIT BULL BREED DOGS WITHIN THE CITY OF ARKADELPHIA, ARKANSAS.

WHEREAS, the unrestricted presence of certain breeds of Pit Bull dogs within the City of Arkadelphia poses a significant risk of injury to the citizens due to the aggressive nature of the breeds and the threat of attack; and

WHEREAS, the Arkadelphia Board of Directors finds that certain types of Pit Bull dogs should be restricted and certain types of AKC or UKC registered show dogs should be exempted from this restriction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS:

Section 1: Definitions:

(A) *Pit bull breed* includes (1) American Pit Bull Terrier (2) Staffordshire Bull Terrier and American Staffordshire Bull Terrier (unless exempted as a registered show dog); (3) American Bull Dog; (4) any dog whose sire or dam is a dog of a breed which is defined as a restricted breed of dog in this definition; (5) any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a restricted breed; (6) any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or American Bull Dog, as defined by the United Kennel Club or American Kennel Club; (7) any dog which is of the breed commonly referred to as "Pit Bull" and commonly recognized and identifiable as such.

(B) *AKC or UKC Registered Show Dog* means an American Staffordshire Terrier or Staffordshire Bull Terrier for which the owner thereof has documentation showing the dog to be a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove the animal is a show/performance dog must include: (a) an AKC or UKC registration; (b) AKC or UKC three (3) generation pedigree ; (3) proof the dog is being used as a show dog once the dog reaches the age of six (6) months; and (4) the first five (5) numbers of the AKC or UKC registration tattooed on the abdomen of the upper side of the left rear leg.

Section 2, Restrictions

A Pit Bull breed dog, other than an AKC or UKC Registered Show Dog, is restricted within the city limits of Arkadelphia, and must be registered pursuant to the provisions of Section 3 and comply with this Ordinance, unless the animal is owned and maintained by a local, state or federal agency and used for

law enforcement purposes. It shall be unlawful for any person to keep within the city limits of Arkadelphia any Pit Bull dog as defined in Section 1, except for AKC or UKC registered show dog as defined and identified in Section 1.B of this Ordinance, or registered in accordance with Section 3.

Section 3, Registration

No registration shall be issued for a Pit Bull breed until all requirements listed herein have been met. In addition to all other fees, the City of Arkadelphia will assess, and the owner or custodian of the dog must pay, the sum of twenty-five dollars (\$25.00) for issuance of the registration allowing possession of a Pit Bull breed in the city. The registration shall be for a one (1) year period and may be renewed for additional one-year periods upon payment of the \$25.00 fee and compliance with other requirements of this ordinance.

The owner of a Pit Bull Breed dog who desires to continue to keep the dog within the city limits will have sixty (60) days subsequent to the effective date of this Ordinance to register the animal with the City of Arkadelphia in order for that animal to be allowed to remain in the city, pursuant to the following criteria:

- (A) The animal must be registered with an identification chip inserted under skin by a licensed veterinarian,
- (B) The owner provides proof of rabies and other vaccinations;
- (C) The owner and handler must be at least twenty-one (21) years of age;
- (D) The owner shall, at his own expense, have the animal spayed or neutered, and shall present to the City of Arkadelphia documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a restricted dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would place the dog's life at risk or produces documentation showing that the dog is a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as defined in Section 1-B.
- (E) The City of Arkadelphia shall create and maintain a registration system containing the numbers and names of the animals and the names and addresses of the owners. The owner shall be responsible for notifying the City of Arkadelphia of any change in his address, within ten (10) days of the change (regardless of whether the new address is inside or outside the city limits), and the owner shall also be responsible for notifying the City of Arkadelphia when the dog dies.

(F) No person shall sell, transfer, give, trade, barter or otherwise dispose of a Pit Bull breed dog registered with the City of Arkadelphia to another person within the City. It is unlawful to abandon a Pit Bull breed dog in the city. An owner may sell or otherwise dispose of a registered Pit Bull breed dog to a person who is not a resident of the city and who will not maintain the animal within the city limits. In such cases the owner shall report the transaction to the City of Arkadelphia within the time frame set forth in paragraph (E) above.

Section 4. Conditions for keeping or maintaining a pit bull breed

(1) Confinement

All Pit Bull breeds shall be securely confined:

- a. Indoors, or
- b. In an enclosed and locked pen or physical structure upon the premises of the owner.

The pen must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the ground beneath the gate shall be secured by imbedded posts and the sides must be embedded into the ground no less than one (1) foot, unless such pen has a concrete bottom, in which case the sides need only be embedded two (2) inches deep into the concrete. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. Any stationary pen or enclosure shall be required to be of a size at least two (2) square feet per pound of animal so confined. This structure must be species-appropriate. Square feet per pound should be judged by the type of animal at average full-grown weight.

(2) Leash and Muzzle

The owner of a Pit Bull Breed shall not allow the dog to go unconfined unless the dog is securely muzzled and restrained by leash, and under the physical restraint of a person capable of restraining said dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

No person shall permit a Pit Bull dog to be kept on a chain, rope or other type of leash outside its kennel or open pen unless a person is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings.

(3) Signs

The owner of a Pit Bull breed dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a dangerous animal on the premises. A similar sign is required to be posted on each side of the pen, enclosure or kennel of the animal.

(4) Insurance

Owners of a Pit Bull breed dog must provide proof to the City of Arkadelphia of public liability insurance in the amount of at least one hundred thousand (\$100,000.00) insuring the owner for any personal injuries inflicted by his or her Pit Bull breed dog.

Section 5. Penalties

(1) It shall be unlawful and a misdemeanor for an owner or keeper of a Pit Bull breed dog to fail to comply with any of the provisions of this Ordinance. The owner or custodian of the animal, upon conviction, shall be subject to the maximum fine of \$500.00, or the maximum allowed by State law for a misdemeanor, per day.

(2) In addition, the dog found to be the subject of the violation of the regulations shall be subject to immediate seizure and impoundment, a revocation of the registration for keeping a Pit Bull breed dog in the City.

(3) A Pit Bull breed dog seized by the City of Arkadelphia shall be held for a period of ten (10) business days and the owner may reclaim the dog by payment of a fee of \$50.00. The dog shall not be released unless the reclaim fee is paid AND the owner meets all registration requirements or signs an affidavit or sworn declaration stating that the dog will be removed outside the city limits immediately.

(4) A dog released pursuant to the affidavit or sworn declaration, which remains in the city limits, is subject to immediate seizure. If not reclaimed within ten (10) days upon payment of the reclaim fee, the dog shall be removed as provided in this subsection and the owner who knowingly fails to remove the dog as required, shall be subject to a fine of \$500.00 per day.

(5) Animal Control personnel may humanely destroy an animal not reclaimed or abandoned.

Section 6. Severability

The provisions of the Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

Section 7. Repeals

Any ordinance and parts of ordinances in conflict here with are hereby repealed.

PASSED AND APPROVED THIS 18TH DAY OF October, 2007.

APPROVED: _____
C.T. Hollingshead, Mayor

ATTEST: _____
Rendi Currey, City Clerk