

ORDINANCE NO. 949

AN ORDINANCE PROHIBITING PIT BULL BREEDS OF DOGS WITHIN THE CITY LIMITS OF DE QUEEN, ARKANSAS AND DECLARING AN EMERGENCY

WHEREAS, the City Council of De Queen, Arkansas recognizes that the City has a great number of domesticated dogs identified as "pits bulls" within the various neighborhoods in the City and that citizens and visitors must interact with such animals at times; and

WHEREAS, the unrestricted presence of "pit bulls" within the City of De Queen, Arkansas, poses a significant risk of injury to the citizens due to the aggressive nature of the breed and threat of attack.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DE QUEEN, ARKANSAS, THAT:

Section 1. It shall be unlawful for any person to keep within the City of De Queen, Arkansas, any breed of dog identified as "Pit Bull" as defined below.

Section 2. Definitions: Banned breeds of pit bull dogs are any of the following:

American Pit Bull Terrier

Staffordshire Bull Terrier

American Staffordshire Terrier

American Bull Dog

Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a banned breed.

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 States Kennel Club or American Kennel Club.

Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such.

Section 3. Exceptions. It shall not be unlawful for a person to travel through the City of De Queen with a Pit Bull Breed provided that the dog is kept confined in a secure temporary enclosure during transport. It shall not be unlawful for a veterinarian to temporarily board a Pit Bull Breed dog for which he/she is providing care and treatment.

Section 4. American Kennel Club Standards. For any breed which is banned by section 1, a copy of the standards of the American Kennel Club and United Kennel Club shall be kept on file in the City Clerk's Office; and such standards shall be incorporated by reference and shall be on file for public review in the Clerk's office.

Section 5. Penalties.

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. Each day that the owner remains in violation shall constitute a separate offense.

In addition, the dog found to be the subject of the violation of the regulations shall be subject to immediate seizure and impoundment.

A Pit Bull breed dog seized by the City of De Queen 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

signs an affidavit or sworn declaration stating the dog will be moved outside the city limits immediately.

A dog released pursuant to the affidavit or sworn declaration, which remains in the city limits, is subject to immediate seizure and may be destroyed by animal control. The owner/keeper who knowingly fails to remove the dog as required, shall be subject to a fine of up to \$500.00 per day.

Upon authority of Animal control personnel an animal not reclaimed or which is abandoned may be humanely destroyed.

Section 6. Effective Date. This ordinance shall be effective, upon passage. However, the penalties noted above in paragraph 4 shall be enforceable on the 90th day after its passage.

Section 7. Confinement pending enforcement of penalties. During the period from date of passage until enforcement of penalties, each pit bull located in the city limits of De Queen, Arkansas, must be securely confined so as to pose no threat to humans or other animals. The owner of a Pit Bull Breed shall not allow the dog to go unconfined unless the dog is securely muzzled and restrained by lease, rope or chain and under the control of a person capable of restraining said dog. The owner/keeper of a Pit Bull shall display in prominent place on his/her premises a clearly visible sign warning the public that a Pit Bull is on the premises; e.g. "PIT BULL INSIDE" or "CAUTION-PIT BULL" or similar sign.

Section 8. Additional Penalties. Any person violating the provisions of the ordinance relative to confinement after passage of this ordinance shall be issued a citation and, upon conviction, shall be punished in a sum not to exceed Five Hundred Dollars (\$500.00). Each day of violation after issuance of the citation shall constitute a separate offense.

Section 9. Enforcement. This Ordinance may be enforced by either the De Queen Animal control Officer or any law enforcement agency with jurisdiction within the city limits of De Queen, Arkansas.

Section 10. 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 11. Repeals. Any ordinance and parts of ordinances in conflict here with are hereby repealed.

Section 12. Emergency. It is hereby found and determined that the prohibition of pit bull dogs within the City of De Queen, Arkansas, as provided herein will inhibit attacks against humans and is necessary for the immediate preservation of the public health, safety and welfare; Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage.