

ORDINANCE NO. 2006-831**AN ORDINANCE PROHIBITING PIT BULL BREEDS OF DOGS WITHIN THE CITY OF OSCEOLA; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Osceola Ordinance 2004-799 prohibits a person to own, possess, keep, or harbor a wild animal or vicious dogs within the city, but does not prohibit specific breeds of dogs; and

WHEREAS, the unrestricted presence of certain breeds of pit bull dogs within the City of Osceola poses a significant risk to the citizens due to the threat of attack; and

WHEREAS, the City of Osceola City Council finds that certain types of pit bull dogs should be prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA, ARKANSAS:

SECTION 1.0 BANNING OF PIT BULL BREEDS OF DOGS.

- 1) Banned pit bull breeds of dogs are banned entirely and may not be owned or kept within the city. Banned breeds of pit bull dogs are any of the following:
 - (1) American Pit Bull Terrier.
 - (2) Staffordshire Bull Terrier
 - (3) American Staffordshire Terrier
 - (4) American Bull Dog.
 - (5) Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this section.
 - (6) Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a banned breed.
 - (7) 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.
 - (8) Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such.
- 2) **Publication.** For any breed which is banned by subsection (1) of this section, a copy of the standards of the American Kennel Club and United Kennel Club shall be kept on file at the Animal Shelter office and City Hall.

3) **Grandfathering.** The owner of a pit bull dog will have 60 days after passage of the Ordinance to register the animal with the City of Osceola Animal Control pursuant to the following criteria:

- a) The owner shall provide proof of rabies vaccination.
- b) The owner and/or handler must be at least twenty-one (21) years of age.
- c) The owner shall, at his/her own expense, have the animal spayed or neutered and shall present to the Osceola Animal Control documentary proof from a licensed veterinarian that this sterilization has been performed.
- d) The owner shall pay an additional \$150.00 annual fee to acquire a City License and Tag. The owner shall notify Osceola Animal Control of any change of address. Licenses may be denied to anyone who has been convicted of a criminal offense or animal cruelty, as well as anyone who lives with someone convicted of those crimes

4) **Keeping of registered pit bull dogs under subsection "3" of this section.**

- a) No owner and/or handler shall permit a registered pit bull to go outside its kennel or enclosure unless such dog is securely muzzled and leashed with a leash no longer than 3 feet in length and must be approved by an animal control officer. Chain leashes will not be permitted. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings without the permission of animal control.
- b) All registered pit bull dogs shall be securely confined indoors or in a permanent, securely enclosed locked pen and a 6 ft. fenced area, except when leashed as provided in subsection (4)(A). All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City of Osceola. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. All property confining pit bull dogs are subject to monthly inspection by animal control.
- c) No pit bull dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen window or screen doors are the only obstacles preventing the dog from exiting the structure.

- d) All owners, keepers or harborers of registered pit bull dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition a similar sign is required to be posted on the kennel or pen of such animal.
 - e) Owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to animal control as required hereinafter:
 - i) The removal from the city or death of registered pit bull dog.
 - ii) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.
 - f) No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog to persons who do not reside within the City and will, therefore, remove the dog outside the City. Upon notification to animal control that the dog has been sold to a person residing outside the City, animal control will make a notation in its files, and the animal will no longer be allowed in the City.
 - g) There shall be an irrebuttable presumption that any dog registered within the City as a pit bull dog or any of those breeds prohibited by the City code is, in fact, a dog subject to the requirements of this section.
 - h) Owners, keepers or harborers of registered pit bull dogs within the City are required to carry liability insurance.
 - i) It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City of Osceola to fail to comply with the requirements and conditions set forth in this Ordinance. Any dog found to be the subject of a violation of the Ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in revocation of the license of such animal, initiation of the procedures set forth in subsection (6) below.
- 5) **Exceptions.** A banned breed of dog shall not be considered owned or kept in the city if the dog is only brought into the City to a licensed doctor of veterinary medicine located in the city for the purpose of veterinary care, as is necessary for the completion of veterinary care.
- 6) **Procedure for dealing with violators.** The owner or possessor of any dog found to be in violation of this ordinance shall be guilty of a violation and be subject to punishment of \$500 fine for each violation. Additionally the Animal Shelter shall handle dogs in violation of this ordinance as follows:

- a) The animal will be seized by Animal Control and held for (3) days for the owner to reclaim the dog with a reclaim fee of \$100.00. The owner must sign an affidavit agreeing to immediately move the animal out of the Osceola city limits.
- b) If the animal is not reclaimed within 3 days as prescribed by Section 1 (6)(a) it shall be humanely destroyed or adopted out of the Osceola city limits.
- c) If the animal is found within the city limits a second time, the owner shall, upon conviction be fined up to \$1,000.00 and shall include seizure of the animal by animal control personnel to be humanely destroyed or adopted out of the Osceola city limits.

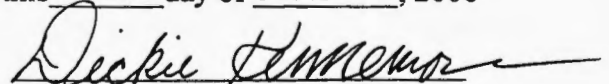
SECTION 2: This Ordinance may be enforced by either the City of Osceola Animal Control or Police Departments.

SECTION 3: To the extent that any prior ordinance or resolution of the City is in irreparable conflict with this ordinance, the conflicting parts of the prior ordinance or resolution are hereby repealed to the extent of the conflict.

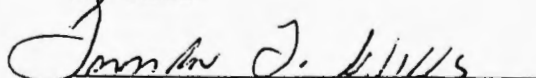
SECTION 4: The provision of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provision.

SECTION 5: It is hereby found and determined that the prohibition of pit bull dogs within the City as provided herein will inhibit attacks against humans and is necessary for the immediate preservation for 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.

PASSED AND APPROVED this 19th day of JUNE, 2006


DICKIE KENNEMORE, MAYOR

ATTEST:


LYNDA WELLS, CITY CLERK