

ORDINANCE NO 279-01

AN ORDINANCE **AMENDING ORDINANCE NO 279** PROVIDING FOR THE REGULATION OF THE POSSESSION AND BREEDING OF DANGEROUS DOGS; PROVIDING FOR PERMITS TO POSSESS OR BREED DANGEROUS BREEDS OF DOGS; PROVIDING A PENALTY FOR VIOLATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of McCrory (the "City") has determined that there is a potential danger to the city employees and the citizens of the City of McCrory from certain breeds of dogs being kept and bred within the city limits.

NOW, THEREFORE, BE IT ORDNANED BY THE CITY COUNCIL OF THE CITY OF MCCRORY, ARKANSAS:

CONFINEMENT OF CERTAIN DOGS AND OTHER ANIMALS

SECTION 1: Keeping of dangerous breed dogs limited within the city limits. No dangerous breed dog may be kept within the corporate limits of the City unless registered with the City within ten (10) days of being brought into the corporate limits and kept subject to the standards and requirements set forth in Section 2 of the chapter. "Dangerous Breed Dog" is defined to mean:

- A. The Staffordshire bull terrier breed of dog;
- B. The American pit bull terrier breed of dog;
- C. The American Staffordshire terrier breed of dog;
- D. Any dog which has the appearance and characteristics of being predominantly of the breeds listed above or a combination of any of these breeds;
- E. Any dog that bites or attempts to bite will be considered a dangerous breed of dog.

Any breed of dog may be added to the list as deemed necessary.

SECTION 2: Keeping of dangerous breed dogs. The keeping of named dogs shall be subject to the following standards:

- A. **Leash and Muzzle.** No person shall permit a dangerous breed dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. The leash must be made of heavy leather construction or heavy braided construction. No person shall permit a dangerous breed dog to be kept on a chain, rope or other type of leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all dangerous breed dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- B. **Confinement.** All dangerous breed dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered dangerous breed dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be in the ground no less than two (2) feet. All structures erected to the house must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and kept in a clean sanitary condition. The pens cannot be welded wire.
- C. **Confinement Indoors.** No dangerous breed 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 buildings on its own violation. In addition, no such animal may be kept in a house or structure when the windows are open or when screen doors are the only obstacles preventing the dog from exiting the structure.
- D. **Signs.** All owners, keepers or harborers of dangerous breed dogs within the City shall within thirty (30) days of the effective date of this ordinance display in prominent place on their premises a sign readable by the public using the words "BEWARE OF DOG." In addition, a similar sign is required to be placed on the kennel or pen of each animal which shall be visible from the street and alley.
- E. **Permits.** Permits must be purchased from the City of McCrory within ten (10) days of effective date of this Ordinance. You must have photos of the animal, along with a copy of the shot record, rabies vaccination, and city licenses, address of where the dog will be kenneled, and your name and photo ID. Permits will be issued for Twenty-Five Dollars (\$25.00) Annually per

dog beginning September first (1st) of each year, and permit must remain with owner of whomever has the dog out in public. If the dog is in public, if approached by Animal Control, Agent or City Police Officer, you must be able to show the permit for the dog or a citation will be issued and the animal may be impounded. No person under the age of eighteen (18) years, or lacking in physical strength to control the dog from getting loose may have the dog in any public area

- F. Identification Photographs. All owners, keepers or harborers of dangerous breed dogs must, within ten (10) days of the effective date of this Ordinance, provide to the City of McCrory two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal. One photograph shall show from head to tail from front, and one photograph shall be from side showing ground to full height.
- G. Reporting Requirements. All owners, keepers or harborers of dangerous breed dogs must, within ten (10) days of the incident, report the following information in writing to the: City of McCrory as required hereafter:
1. The removal from the City or death of a dangerous dog.
 2. The birth of offspring of a dangerous breed dog.
 3. The new address of a dangerous breed dog owner should the owner move within the corporate limits of the City.

H. Breeding: No dangerous dog breeds may be used for breeding purposes unless a breeding permit has been acquired from the City of McCrory

SECTION 3: Irrefutable Presumption. There shall be irrefutable presumption that any dog registered with the City as a dangerous breed dog or any of those breeds prohibited by Section 1 of this Ordinance is in fact a dog subject to the requirements of this Ordinance.

SECTION 4: Failure to Comply. It shall be unlawful for the owner, keeper or harborers of a dangerous breed dog within the City 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 this Ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license for such animal resulting in the immediate removal of the animal from the City.

SECTION 5: Violations and Penalties. Any person violating or permitting the violation of any provision of this Ordinance shall, upon conviction in District Court, be fined a sum not less than Two Hundred Dollars (\$200.00) and no more than One Thousand (\$1000.00). In addition to the fine imposed, the Court may sentence the Defendant to imprisonment in the County Jail for a period not to exceed thirty (30) days. In addition, the registration of the subject's dangerous breed dog shall be revoked and the dog removed from the City. If the owner shall refuse to remove said animal from the City, the District Court Judge shall find the Defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Ordinance shall pay all expenses, including shelter, food, handling, veterinarian care and testimony necessitated by the enforcement of this Ordinance.

SECTION 6: Severability. In any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.

SECTION 7: Emergency. It is, therefore, declared that an emergency exists, and this Ordinance being necessary in order to promote and protect the health, safety, and welfare of the citizens of McCrory, shall be in full force and effect immediately upon passage and the date of publication.

PASSED AND ADOPTED this 8th day of July, 2019

APPROVED: _____
MAYOR

ATTEST:

CITY CLERK