

ORDINANCE NO. 7673

AN ORDINANCE CREATING NLRMC § 10-46; PROHIBITING PIT BULL BREEDS OF DOGS WITHIN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, North Little Rock Municipal Code §§ 10-44-45 prohibit a person to own, possess, keep, or harbor an innately 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 North Little Rock poses a significant risk to the citizens due to the threat of attack; and

WHEREAS, the North Little Rock City Council finds that certain types of pit bull dogs should be prohibited and certain types of AKC Registered show dogs should be exempted from this prohibition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: North Little Rock Municipal Code § 10-46 shall henceforth read:

Sec. 10-46. Banning of pit bull breeds of dogs.

(a) 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, unless they meet the requirements of Sec. 10-46(b).
- (3) American Staffordshire Terrier, unless they meet the requirement of Sec. 10-46(b).
- (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.

(b) *Exemption of Registered AKC Show Dogs.* An AKC American Staffordshire Terrier or Staffordshire Bull Terrier may be exempted from the ban in Section (a) provided that the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove that a dog is an AKC American Staffordshire Terrier or Staffordshire Bull Terrier show dog/performance dog, must include:

- (a) an AKC registration;
- (b) AKC three (3) generation pedigree;
- (c) proof of the dog being used as a show dog once the dog reaches the age of 6 months; and
- (d) the first five numbers of the AKC registration tattooed on the abdomen on the upper side of the left rear leg.

The exemption provide for in the subsection will no apply to any AKC registered dog discussed above that is found to be vicious pursuant to NLRMC Section 10-44.

(c) *Publication.* For any breed which is banned by subsection (a) of this section, a copy of the standards of the American Kennel Club and United Kennel Club shall be kept on file in triplicate in the City Clerk's office; and prior to the passage of any ban of such breed, the clerk shall advertise the incorporation by reference of the standards of such breed of dog and shall state that copies of the standards will be on file for public review in the Clerk's office prior to passage of the ban of such breed.

(d) *Grandfathering.* The owner of a pit bull dog will have 30 days after passage of this Ordinance to register the animal with North Little Rock Animal Control (NLRAC) pursuant to the following criteria:

- (1) The animal was licensed prior to the effective date of this Ordinance.
- (2) The owner shall provide proof of rabies vaccination.
- (3) The owner and/or handler must be at least twenty-one (21) years of age as of January 1, 2005.
- (4) The owner shall, at his/her own expense, have the animal spayed or neutered and shall present to the North Little Rock Animal Control documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a prohibited 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 put the dogs life at-risk or if the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as required by Section (b).
- (5) The owner shall bring the animal to the North Little Rock Animal Shelter where an authorized person (NLRAC personnel or licensed veterinarian) shall cause a registration number assigned by the department to be tattooed on the animal (said number to be 1 inch in height and located on the abdomen near the upper inside of the right rear leg). NLRAC shall maintain a file containing the registration numbers and names of the

animals and the names and addresses of the owners. The owner shall notify NLRAC of any change of address.

- (e) *Keeping of registered pit bull dogs under subsection (d) of this section.*
- (1) No owner and/or handler shall permit a registered pit bull to go outside its kennel or enclosure unless such dog is securely leashed with a leash no longer than six (6) feet in length. 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 NLRAC.
 - (2) All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or fenced area, except when leashed as provided in subsection (d)(1). 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 North Little Rock. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
 - (3) 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 windows or screen doors are the only obstacle preventing the dog from exiting the structure.
 - (4) 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.
 - (5) All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the NLRAC as required hereinafter:
 - a. The removal from the City or death of a registered pit bull dog.
 - b. The new address of a registered pit bull dog owner should the owner move within the corporate city limits.
 - (6) 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 NLRAC that the dog has been sold to a person residing outside the City, NLRAC will make a notation in its files, and the animal will no longer be allowed in the City.
 - (7) 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.

- (8) It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City of North Little Rock 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 revocation of the license of such animal, and initiation of the procedures set forth in subsection (f) below.

(f) *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 or for special event dog shows sanctioned by the City. Additionally, any dog used for law enforcement or other governmental purposes, by the Police Department, Military, FDA or USDA are exempt from this section. However, the dog at all times shall be subject to all applicable restrictions by virtue of the breed of dog also being defined as a vicious animal in Section 10-44.

(g) *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 as provide for pursuant to NLRMC Section 1-8. Additionally the Animal Shelter shall handle dogs in violation of this ordinance as follows:

- (1) The animal will be seized by NLRAC and held for three (3) business 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 North Little Rock city limits. The animal must be marked with a NLRAC number and spayed or neutered prior to its release to the owner.
- (2) If the animal is not reclaimed within three (3) business days as prescribed by Section 10-46(g)(1), it shall be humanely destroyed by NLRAC personnel.
- (3) If the animal is found within the city limits a second time, the owner shall, upon conviction in the North Little Rock District Court, be fined as provided for pursuant to NLRMC § 1-8. Any such order of conviction shall include seizure of the animal by NLRAC personnel to be humanely destroyed.

SECTION 2: This Ordinance may be enforced by either the North Little Rock 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 provisions 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 provisions.

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 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.

PASSED:

11/22/04

APPROVED:



Mayor Patrick H. Hays

SPONSORS:

/s/ Patrick H. Hays

Mayor Patrick H. Hays

/s/ Martin Gipson

Alderman Martin Gipson

/s/ Gary Berry

Alderman Gary Berry

APPROVED AS TO FORM:

/s/ Paul Suskie

Paul Suskie, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/P

ATTEST:



Diane Whitbey, City Clerk

ORDINANCE NO. 7686

AN ORDINANCE AMENDING ORDINANCE NO. 7673 PROHIBITING PIT BULL BREEDS OF DOGS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance No. 7673 created North Little Rock Municipal Code § 10-46 banning pit bull breeds of dogs; and

WHEREAS, it is necessary to amend Ordinance No. 7673 to change the height of tattoos on said animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Ordinance No. 7673, to be codified as Section 10-46 (d)(5) of the North Little Rock Municipal Code, is hereby amended as follows:

(5) The owner shall bring the animal to the North Little Rock Animal Shelter where authorized North Little Rock Animal Control personnel shall assign a registration number to the animal and shall direct the owner to a licensed veterinarian to cause the registration number to be tattooed on the animal (said number to be ~~1-inch~~ one-half inch and located on the abdomen near the upper inside of the right rear leg). A dog owner shall have the option of self-tattooing their animal in accordance with procedures established by the North Little Rock Animal Control Director. North Little Rock Animal Control shall maintain a file containing the registration numbers and names of the animals and the names and addresses of the owners. The owner shall notify North Little Rock Animal Control of any change of address.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions 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 provisions.

SECTION 4: It is hereby found and determined that the adoption of this Ordinance is immediately necessary to insure the proper and orderly growth of the City of North Little Rock, Arkansas, and being 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 and approval.

PASSED:

December 27, 2004

APPROVED:



Mayor Patrick H. Hays

SPONSOR:

/s/ Gary Berry

Alderman Gary Berry

ATTEST:



Diane Whitbey, City Clerk

APPROVED AS TO FORM:

/s/ Paul Suskie

Paul Suskie, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/AGW