

ORDINANCE 2013-7

AN ORDINANCE BANNING AND REGISTERING CERTAIN BREEDS OF ANIMALS
WITHIN THE CITY LIMITS OF THE CITY OF DOVER, ARKANSAS

WHEREAS, the City Council finds that certain breeds of dogs and animals are an immediate and present danger to the health, safety, and welfare of the residence of the City of Dover, Arkansas;

WHEREAS, the City Council determines that the banning of the physical presence of these particular breeds of dogs and animals is the best way to protect the residents of the City of Dover, Arkansas;

WHEREAS, the City Council hereby bans the physical presence of these particular breeds of dogs and animals in the city limits of Dover, Arkansas immediately upon the effective date of this Ordinance by the operation of law; and

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

SECTION 1: This Ordinance is passed pursuant to the authority granted to the City of Dover by the State of Arkansas under A.C.A §§ 14-43-601, 14-43-602, 14-54-103, 14-55-101, and 14-55-102.

SECTION 2: (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 the dog meets the requirements of Section 2(B);
- (3) American Staffordshire Bull Terrier, unless the dog meets the requirements of Section 2(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 Pit Bull Dog as defined by the United Kennel Club or American Kennel Club; and
- (8) Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such.

(5) The owner shall bring the animal to the City Clerk for the City of Dover where the City Clerk 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 one-half inch and located on the abdomen near the upper inside of the right rear leg) or shall have an electronic chip implanted in the animal which contains the registration number assigned to the animal by the City Clerk. A dog owner shall have the option of self-tattooing their animal in accordance with procedures established by City of Dover. The City Clerk shall maintain a file containing the registration numbers and the names and addresses of the owners at Dover City Hall. The owner shall notify the Dover City Clerk 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 enclosed area 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, pen, or electronic confinement area 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 the Dover Animal Control Officer.

(2) All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or fenced, such pen or fenced area shall be a minimum of five (5) feet in height, except when leashed as provided in subsection (E)(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 Dover. 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 or such animal.

(3) Any dog used as a service dog pursuant to the Americans with Disabilities Act ("ADA") and A.C.A 20-14-301 et. seq. are exempt from this Section.

(a) For purposes of this Ordinance a "service dog" is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, neurological, or other mental disability. This definition shall include guide dogs or signal dogs as that term is used in A.C.A. 20-14-301 et. seq.

(b) Pursuant to the ADA and for the purpose of this Section, the work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence do not qualify that animal as a service animal and an animal individually trained to provide aggressive protection, such as an attack dog, is not a service animal pursuant to the terms of this section. Further, a dog whose sole function is to provide emotional support, well-being, comfort, or companionship is not considered service animals for the purpose of this Ordinance.

(c) Notwithstanding the provisions of this Section, service animals are required to be leashed or harnessed except when performing work or tasks where such tethering would interfere with the dog's ability to perform.

(d) Further, notwithstanding the provisions of this Section, any dog, including any dog set forth in Section 2 above which qualifies as a service dog, shall not be exempt from this Ordinance if said dog is found to be a vicious animal. For purposes of this Ordinance, a "vicious animal" is defined to be any animal that attacks or bites humans or other domestic animals or otherwise jeopardizes the health, safety, and well-being of humans or other domestic animals.

(G) Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred fifty dollars (\$150.00) and not more than five hundred dollars (\$500.00), and if such violation be continued, each day's violation shall be a separate offense. The maximum fine per day for a continuing violation shall be two hundred fifty dollars (\$250.00).

Additionally, the Dover Animal Control Officer and/or Dover Marshal's Office shall handle dogs in violation of this Section as follows:

(1) The animal will be seized by the City of Dover Animal Control Officer or Dover Marsha's Office and held for three (3) business days for the owner to reclaim the dog with a reclaim fee of one hundred dollars (\$100.00). The owner must sign an affidavit agreeing to immediately move the animal out of the Dover city limits. The animal must be marked with a City of Dover Animal Control number and spayed or neutered prior to its release to the owner.