

ORDINANCE NO. 9 OF 2019

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CODE OF CABOT, CHAPTER 4 ANIMALS FOR THE CITY OF CABOT; AND FOR OTHER PURPOSES

WHEREAS, it is the intent of the City Council of the City of Cabot, Arkansas to amend the Code of Cabot and adopt the new Animal Control regulations set forth below in an effort to encourage the humane treatment of animals.

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

SECTION 1: Chapter 4, Article II. – Administration and Enforcement § 4-114 Pit Bull

Dogs language is hereby repealed in its entirety and Municode shall replace and codify the following language as follows:

Sec. 4-114 – Pit Bull dogs.

(a) General.

(1) There shall be a recognized category of dogs designated as potentially dangerous breed.

(2) It shall be unlawful for any person to keep within the city limits any potentially dangerous breed, except in compliance with the provisions of this section.

(3) A potentially dangerous breed shall include the following:

(i) A pit bull, which is defined as any dog that is an American pit bull terrier, a Staffordshire terrier, or American Staffordshire terrier, Bull Terrier, and any dog of mixed breeding that has the primary characteristics of an American pit bull terrier, a Staffordshire terrier, Bull Terrier, or an American Staffordshire terrier. The American Kennel Club and United Kennel Club standards for the above breeds shall be on file for viewing at the city's animal shelter.

(ii) Any other breed that is so declared by ordinance.

(4) For purposes of this section an "owner" is defined as any person who owns, keeps, exercises control over, maintains, or harbors a potentially dangerous breed.

(5) Notwithstanding the special provisions set forth below as to keeping a potentially dangerous breed within the city limits:

(i) Any such animal is also subject to the provisions for designation as a dangerous dog or as a vicious dog.

(ii) Any such animal declared to be a vicious dog shall be subject to Article I, Section 11; and Article II, Section 11 of this ordinance.

(iii) The city's animal services division may temporarily harbor and transport any potentially dangerous breed for purposes of enforcing the provisions of this section.

(iv) An owner may transport into the city limits a potentially dangerous breed for the purpose of transporting the dog to a veterinarian or groomer for care, or to participate in a contest or show sponsored by the American Kennel Club or the United Kennel Club.

(b) Permit required.

(1) Permit. A potentially dangerous breed may be kept within the city limits only so long as the registered owner or custodian complies with the requirements and conditions of the potentially dangerous breed permit.

(2) Permit fee. The owner or custodian shall pay an annual permit fee established by the city council, in addition to all other required fees, for each year that a potentially dangerous breed is kept within the city limits.

(c) Registration requirements. The owner of any potentially dangerous breed shall be allowed to keep such dog within the Cabot city limits only if the owner applies for registration of the dog with the city's animal services division on an annual basis and obtains a potentially dangerous breed permit and a window sticker with each annual registration. As a condition of registration, the owner shall at the time of application provide sufficient evidence that the owner is in compliance with all of the following requirements:

(1) Rabies vaccination. The dog must be vaccinated against rabies by a licensed veterinarian as required by Arkansas Statutes.

(2) Current city license. The owner must purchase an annual city license for the dog, and the dog must wear the city license tag on its collar at all times.

(3) Microchip. The dog must be identified by means of a microchip that is injected under its skin by a licensed veterinarian and maintained as long as the animal is kept within the city limits.

(4) Photo. The owner must bring their potentially dangerous breed to the city animal shelter to have its photo taken with the owner.

(5) Sterilized. The owner must provide documentary proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply if:

(i) Animal services receives a letter from the owner's veterinarian, to be confirmed by the animal services veterinarian, stating that the dog is physically unable to reproduce or that the dog is medically compromised to the extent that it cannot be safely sterilized;

(ii) The potentially dangerous breed is a registered AKC or UKC show dog with points or with documentation of training for show purposes, if the owner purchases an annual show dog permit for a fee established by the city manager; or

(iii) The dog is a registered AKC or UKC dog with points, and the owner purchases an annual breeder's permit for a fee established by the city with the restriction that the dog shall be allowed to produce or sire no more than one (1) litter per calendar year beginning on January 1 and ending on December 31. For any additional litter produced in any calendar year, there shall be a fine, in addition to any other fine, of five hundred dollars (\$500.00) against both the sire and the bitch, and two hundred fifty dollars (\$250.00) for each live pup.

(6) Insurance. The owner must provide documentary proof from an insurance company, licensed in the State of Arkansas, of Liability coverage of not less than \$300,000.

(d) Permit conditions.

(1) Place of confinement. A potentially dangerous breed must reside at the owner's residence or place of business.

(2) Window sticker. An annual window sticker, provided at the time of registration, must be posted on the owner's property, visible from the street to indicate that a potentially dangerous breed resides on the property.

(3) Confinement. A potentially dangerous dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape. Potentially dangerous dogs shall not be confined by means of an electronic containment device, or invisible fence. When outside of an area of confinement, a potentially dangerous breed must be restrained by means of a secure leash held by an adult who has the ability to control the dog.

(4) No transfer of permit. A potentially dangerous breed permit shall not transfer to a new owner residing in the city limits. The new owner must meet all registration requirements within ten (10) days of acquiring the dog.

(5) Relocation reported. The owner of a potentially dangerous breed may relocate the dog to the owner's new Cabot residence if the owner contacts animal services prior to the

relocation in order to report the new address and obtain a new window sticker. The new window sticker must be posted at the new residence within thirty (30) days of the move.

(6) Maximum number. The number of potentially dangerous breed dogs kept, maintained or harbored at one residence shall not exceed two (2).

(e) Breed designation appeals. The owner of a dog that has been identified as a potentially dangerous breed under this section shall have the right to an administrative appeal of the breed designation to the Director of Animal Services. This appeal will require DNA test results administered by a licensed veterinarian along with a veterinarian statement of authenticity of the results within twenty-one (21) days of the date the “potentially dangerous dog” designation was made by the animal service officer.

(f) Compliance period. Within ten (10) days after acquiring a potentially dangerous breed, or after moving to the city with a potentially dangerous breed, or after a potentially dangerous breed designation has been affirmed on appeal, or after noncompliance under this section has been brought to the attention of animal services, the owner of a potentially dangerous breed must register their dog and comply with all potentially dangerous breed regulations.

(g) Enforcement.

(1) Potentially dangerous breed regulation violations. Failure to comply with any potentially dangerous breed registration requirement or permit condition within the allotted ten (10) day time period shall constitute a violation of this chapter and may result in the issuance of a citation under Article X Section 2 and a warrant to seize the owner's dog if it is not removed from the city limits pending adjudication of the citation.

(2) Non-Cruelty violations. Permits to keep a potentially dangerous breed within the city may be revoked by the animal services division upon the owner's second plea of guilty, plea of no contest, or conviction for violation of the city's Non-cruelty animal code provisions. If the permit(s) is revoked, a warrant to seize the potentially dangerous breed may be served on the owner if the dog is not removed from the city limits. In addition, the owner shall lose their right to register any potentially dangerous breed within the city for a period of two (2) years.

(3) Cruelty violations. Upon a plea of guilty, plea of no contest, or conviction for any animal cruelty charge, the owner of a potentially dangerous breed shall lose their potentially dangerous breed permit(s) and shall lose their right to register any potentially dangerous breed within the city for a period of ten (10) years. A warrant may be obtained to seize the owner's potentially dangerous breed dog(s) pending adjudication of the cruelty violation citation. Upon plea of guilty, plea of no contest, or conviction for animal cruelty and revocation of the potentially dangerous breed permit, the owner's potentially dangerous breed dog(s) must be removed from the city limits or surrendered to the Cabot Animal Services Division.

(i). Adoption

(1) Potentially dangerous breeds may be adopted out through the Cabot Animal Shelter to citizens within the City of Cabot subject to the permit and licensing requirements set forth in this section.

(2) Potentially dangerous breeds may be adopted out through the Cabot Animal Shelter to citizens outside the corporate city limits of Cabot to areas where there are no restrictions to their breed.

SECTION 2: Chapter 4, Article II. – Administration and Enforcement § 4-28. – Pit Bull violation penalties language is hereby repealed in its entirety and Municode shall replace and codify the following language as follows:

Sec. 4-28. – Potentially Dangerous Dog Penalties.

- (a) First Offense: Any person violating or permitting the violation of any provision of this section shall upon a plea of guilty, a plea of no contest, or conviction in the Cabot District Court be fined a sum not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000). The court may also sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days.
- (b) Second Offense: Any person violating or permitting the violation of any provision of this section a second time shall upon a plea of guilty, a plea of no contest, or conviction in the Cabot District Court be fined a sum not less than Five hundred dollars (\$500) and not more than two thousand dollars (\$2,000). The court may also sentence the defendant to Imprisonment in the county jail for a period not to exceed thirty (30) days. Any such second conviction shall include seizure of the animal by Cabot Animal Services personnel to be euthanized, adopted, or sent to a suitable rescue.

SECTION 3: Chapter 4, Article II. – Administration and Enforcement § 4-26. – Fee Structure of Code of Cabot is hereby amended to add the following:

- (n) Annual Pit Bull Permit Fee. The owner or custodian shall pay an annual permit fee of \$150.00, in addition to all other required fees, for each year that a potentially dangerous breed is kept within the city limits.

SECTION 4: Repealer. All Ordinances and parts of Ordinances, in conflict herewith are hereby repealed to the extent of the conflict; specifically, parts and sections delineated herein are hereby repealed.

SPONSOR:

Ed Long, Ward 1, Position 1

PASSED: 8-0

DATE: 4/19/2019

APPROVED: NO EC

Ken Kincade, Mayor

APPROVED AS TO FORM:

Jim Taylor, City Attorney

ATTEST:

Tammy Yocom, City Clerk~Treasurer