

ORDINANCE NO. 2017- §

**AN ORDINANCE TO MODIFY ANIMAL CONTROL CODE, CODIFIED AT
ORDINANCE NO. 2016-15, TO ADDRESS VICIOUS DOGS AND ANIMALS;
DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

WHEREAS, City Council the City of Beebe, Arkansas, has recently enacted a revamped Animal Control Code; and

WHEREAS, the City Council wishes to ensure that Pit Bulls and other vicious animals in Beebe, Arkansas, are dealt with effectively, to protect the public.

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

Section 1. There is an immediate need to amend the Beebe Animal Control Code to amend the law to ensure that the public is protected from Pit Bulls and other vicious animals.

Section 2. Article I, Section 1, Paragraph 16, which is codified pursuant to Ordinance No. 2015-16, shall be hereby fully amended to read, as follows:

- “16. Pit Bull Dog- a dog is determined to be a Pit Bull Dog if any of the following apply:
- a. The dog is a Bull Terrier breed of dog;
 - b. The dog is a Staffordshire Bull Terrier breed of dog;
 - c. The dog is an American Pit Bull Terrier breed of dog;
 - d. The dog is an American Staffordshire Terrier breed of dog;
 - e. The dogs mixed breed or of other breeds than above listed breed or mixed breed is known as Pit Bull Dogs, or Pit Bull Terriers;
 - f. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier; any other breed

commonly known as Pit Bulls, Pit Bull Dogs or Pit Bull Terriers; or a combination of any of these breeds.

A Pit Bull Dog is a vicious dog and vicious animal, pursuant to the Beebe Animal Control Code.”

Section 3. Article I, Section 10, Paragraph 1, which is codified pursuant to Ordinance No. 2015-16, shall be hereby fully amended to read, as follows:

- “1. It shall be unlawful to keep, harbor, own or in any way possess a vicious dog within the corporate city limits of Beebe, except while transporting to a veterinarian office (restrained and muzzled) within the corporate city limits.
 - a. Determination:
 - i. A Beebe Animal Control Officer shall deem a canine to be a vicious dog if the Beebe Animal Control Officer determines that the canine satisfies the definition of vicious dog, in addition to dogs specifically enumerated as vicious dogs herein.
 - ii. A dog will be considered vicious if it is the offspring of a domestic dog and an innately wild animal. The behavior of the dog should not be considered vicious if the dog was provoked or teased. When rendering a determination pursuant to this section, any canine that reasonably resembles an innately wild animal shall be presumed to be the offspring of a domestic dog and an innately wild animal. However, this presumption may be defeated by a preponderance of evidence to the contrary. Offspring includes animals that are separated by less than three reproductive generations from an innately wild animal.
 - b. Notification: The Beebe Animal Control Officer shall notify the owner by hand delivery or mailing a certified notice to the owner.
 - c. Apprehending: The Beebe Animal Control Officer shall also apprehend the canine and shall not release it unless that is so ordered by a court of competent jurisdiction and the owner shall be responsible for all expenses incurred while animal is impounded.”

Section 4. Article I, Section 11, Paragraphs 1 - 4, which are codified pursuant to Ordinance No. 2015-16, shall be hereby fully amended to read, as follows:

- “1. The Beebe Animal Control Officer shall take into custody any animal found at large in the city or any animal that is a vicious dog or vicious animal found kept in the city and shall impound the animal in the Beebe Animal Facility or such other place as such Beebe Animal Control Officer may designate for the purpose of impoundment.
2. Such impounded animal shall be held for a period of five (5) business days, at the end of which time the animal may be destroyed unless custody of the animals release prior thereto as provided in the Beebe Animal Control Code.
3. Such animal may be destroyed prior to the expiration of such five (5) business day waiting period when such animal has been seriously injured or seriously ill and destruction would eliminate suffering on the part of the animal and would constitute the humane solution to such animal's suffering.
4. Such animal may be destroyed prior to the expiration of such five (5) business day waiting period when such an animal presents itself in a vicious or dangerous manner that places the public or Beebe Animal Control Employees in ongoing danger and such destruction would eliminate this threat. State law reference: Impoundment and destruction of any animal found at large, A.C.A. 14-54-1102.”

Section 5. Article VIII, Section 2, Paragraph 1, which is codified pursuant to Ordinance No. 2015-16, shall be hereby fully amended to read, as follows:

- “1. Any person who fails to abide by any of the provisions in this Chapter and that violations relates to a Pit Bull shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:
 - a. Any person violating or permitting the violation of any provision of this section shall upon conviction in the Beebe District Court be fined a sum not less than five hundred dollars (\$500) and not more than two thousand five hundred dollars (\$2,500). The court may also sentence the defendant to imprisonment in the county jail for a period not to exceed ninety (90) days. Any such conviction shall also include seizure of the animal by Beebe Animal Control personnel, if that has already not been done, to be humanely destroyed or sent to a suitable rescue outside of the corporate city limits of Beebe, if the dog has not already been destroyed.”

Section 6. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed. Should any section, paragraph, or provision of this Ordinance be held invalid, that shall not affect or impact the remaining portions thereof.

Emergency Clause. This Ordinance, being necessary for the preservation of the public peace, health, safety, and welfare, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this 27th day of March, 2017.



MIKE ROBERTSON, MAYOR

PREPARED AND APPROVED AS TO
FORM BY:

SCOTT BLES, CITY ATTORNEY
ABN 97105 / 501-858-9296

ATTEST:



CAROL CRUMP-WESTERGREN,
CITY CLERK-TREASURER