

ORDINANCE NO. 2015-__16__

AN ORDINANCE ADOPTING AND ESTABLISHING A NEW ANIMAL CONTROL CODE FOR THE CITY OF BEEBE, STATE OF ARKANSAS; REPEALING ALL ORDINANCES IN CONFLICT THEREOF; DECLARING THAT AN EMERGENCY EXISTS; AND FOR OTHER PURPOSES

WHEREAS, The City Council of the City of Beebe, Arkansas has determined that there is an immediate need to adopt a new Animal Control Code and animal control regulations, attached hereto as Exhibit "1" and incorporated herein by reference, in an effort to protect the public health and safety of the residents of the City of Beebe, Arkansas, and encourage the humane treatment of animals inside the City.

BE IT ADOPTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEEBE, ARKANSAS:

SECTION 1. The Beebe Animal Control General Guidelines, attached hereto as Exhibit "1" and incorporated herein by reference, are hereby adopted by the City of Beebe and the provisions thereof shall be controlling from the date this ordinance takes effect.

SECTION 2. All prior animal control ordinances enacted by the City Council of the City of Beebe are hereby repealed and this new Animal Control Code, The Beebe Animal Control General Guidelines, completely supersedes the prior Animal Control Code of the City of Beebe.

SECTION 3. If for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions of the ordinance which remain valid, and such valid portions shall remain in full force and effect.

EMERGENCY CLAUSE: This Ordinance being necessary so as to protect the health, safety, and welfare of the citizens of the City of Beebe and to encourage the humane treatment of animals within the City, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this 23rd day of November, 2015.


MAYOR MIKE ROBERTSON

ATTEST:



CAROL WESTERGREN, CITY CLERK

PREPARED AND APPROVED AS TO FORM BY:

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EXHIBIT “1”: BEEBE ANIMAL CONTROL GENERAL GUIDELINES

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Article 1: General Provisions

Section 1: Definitions

The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Abandoned- A domesticated animal that an owner has forsaken entirely or neglected or refused to provide care and support.
2. Animal - Every vertebrate non-human species of creature.
3. Animal Establishments- Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaging in the handling of animals, excluding licensed veterinarians and veterinary clinic and hospitals.
4. Beebe Animal Control - A term that collectively refers to all City Animal Control Employees, including Officers.
5. Beebe Animal Facility- An animal facility operated by the City of Beebe or a facility operated by a non-profit organization organized to benefit animals under section 501 (c) (3) of the Federal Internal Revenue Code.
6. At Large Animal -An animal that is not confined to the premises of the owner, within a house, fence, or other structure, or restrained by a leash sufficiently strong enough to prevent the animal from escaping and restricting the animal to the premises; or an animal that is not confined by leash or within an automobile when away from the premises of the owner.
7. Breeder- Any person, partnership, or corporation which maintains an unaltered (unsterilized) dog and breeds such animal for any consideration or profit, fee, or compensation.
8. Cat- Any commonly domesticated feline animal that includes both male and female gender of the species.
9. Direct-Point Chaining- To tether or chain an animal to one fixed object such as a stake, tree, car, etc.
10. Dog- any commonly domesticated canine animal and includes both the male and female gender of the species.

11. Domesticated Animal- An animal that is socialized to humans and appropriate as a companion for humans.
12. Fence- A physical barrier constructed out of such a material as to provide a barrier between an animal and the public. This fencing must be not being of a material that requires electricity or batteries to operate.
13. Hog- A hoofed mammal of the family Suidae, order Artiodactyla, comprising boars and swine.
14. Innately Wild Animal- Any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or characteristics, is dangerous to human beings. Such animals shall include, but not limited to, lions, tigers, leopards, panthers, bears, wolves and wolf- hybrids, cat-hybrids, cougars, coyotes, skunks {whether deodorized or not), apes gorillas, monkeys, foxes, elephants, rhinoceroses, alligators, crocodiles, caimans, fowl larger than a macaw, all form of venomous reptiles and any snake that is greater than eight (8) feet in length. The terms shall also include any animal listed as an "endangered species" under the federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act. The term innately wild animal shall not include gerbils, hamsters, guinea pigs, mice or domesticated rabbits.
15. Owner - An adult person or custodian possessing, harboring, keeping, or feeding for a period of five (5) days.
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.
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- 17. Public Nuisance Animal- Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owner, to enjoyment of life or property.
 - 18. Running at Large- Any animal roaming freely at will.
 - 19. Stray- An animal that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.
 - 20. Sterilized- Any animal that has been spayed or neutered.
 - 21. Vicious Dog- Any member of the canine family that has exhibited fierce or vicious behavior towards a person or has attacked a person or another animal with such severity as to cause physical injury or property damage. This includes, but is not limited to, any dog that is a pit bull dog, as defined in this section.

Section 2: Interference with Enforcement

- 1. It shall be unlawful for any person to:
 - a. Interfere in any manner with the any Beebe Animal Control Employee while they have in their custody any animal;
 - b. Remove from the Beebe Animal Facility any animal which is in the custody of the Beebe Animal Facility unless authorized by a Beebe Animal Control Employee; and/or
 - c. Knowingly obstruct, impair or hinder, directly or indirectly, the lawful performance of enforcement and animal control functions of any Beebe Animal Control Employee.

Section 3: Cruelty to Animals

- 1. It shall be unlawful for any person to:

- a. Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in vehicle in an inhumane manner, or otherwise mistreat, any animal;
 - b. Fail to provide any animal with proper food, drink, and protection from the weather or veterinary care;
 - c. Abandon any animal;
 - d. Intentionally poison any animal;
 - e. Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;
 - f. Allow an animal to be kept in unsanitary conditions; and/or
 - g. Keep or confine an animal in any other capacity than a humane manner;
 - h. Molest any animal in any manner annoying, harassing or sexual.
2. This section does not replace A.C.A. 5-62-103 or any other relevant provisions of State law.
 3. Beebe Animal Control Officers have the authority to remove any animal subject to cruelty and impound such animal. The animal shall be impounded and not released unless:
 - a. The owner of the animal, who will not be charged, is allowed to claim the animal from the facility; or
 - b. The owner of the animal, who was charged and is found not guilty, is allowed to claim the animal from the facility.
 4. If any owner of such impounded animal pleads guilty, nolo contendere, or is found guilty of cruelty to animals, the animal shall become the property of the Beebe Animal Facility and may be available to the public for adoption.

Section 4: Releasing Animals in Public Places in the Corporate City
Limits of Beebe

1. It shall be unlawful for any person to knowingly release any animal in any public or private place within the city. This includes dumping of animals at the Beebe Animal Facility without prior knowledge of a

Beebe Animal Control Employee.

2. As used in this section the term "animal" shall mean any animal other than a human being: the term "public or private place" shall include all properties within the city not owned by the person charged with releasing the animal.

Section 5: Keeping of Innately Wild Animals

1. It shall be unlawful for any person to possess or harbor any innately wild animal.
2. Affirmative Defenses.
 - a. No person shall be convicted of violating this section if such person can establish a defense listed in this subsection by a preponderance of the evidence.
 - b. Zoos, circuses, etc. This section shall not apply to any zoo, circus or sanctuary complying with the applicable laws and regulations and keeping such innately wild animals for the education and entertainment of the public.
3. Domestic dogs. This section shall not apply to domestic dogs that have been duly licensed and properly treated with a vaccine which the compendium of animal rabies prevention has established is capable of effectively preventing the spread of rabies in the applicable species.
4. Liability for Innately wild animals that attacks a person. Any person, household, or residence, which homes, keeps, harbors, or possesses an innately wild animal that attacks a person causing harm to a person or property or exhibits vicious or ferocious behavior towards a person causing fear, shall be guilty of a violation. It is an affirmative defense to this section that the animal was provoked. Any person convicted of violating this subsection shall be fined according to the penalty section. Additionally, the convicting court shall either (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for the lawful disposition, or (2) order the humane destruction of the animal.

Section 6: Veterinarian to Report Cases of Rabies to Beebe Animal

Control

1. Every veterinarian shall promptly report to the Beebe Animal Control all cases of rabies in all animals treated by him or her from the City of Beebe, giving the name and address of the owner and owners' addresses of any animals bitten, as far as is known. A.C.A. 20-19-307, et al

Section 7: Public Nuisance Animals

1. It shall be unlawful for any person, household, or residence to own or harbor a Public Nuisance Animal. Public Nuisance Animals shall include, but are not be limited to:
 - a. Any animal that is repeatedly found running at large.
 - b. Any dog in any section of a public park or public recreation area unless the dog is controlled by a leash or similar restraint.
 - c. Any animal that damages, soils, defiles or defecates on any property other than of its owner.
 - d. Any animal that causes fouling of the air by noxious or offensive odors from unsanitary conditions and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - e. Any animal in-heat that is not confined so as to prevent attraction or contact with other animals.
 - f. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right away.
 - g. Any animal that chases motor vehicles in a public right-of-way.
 - h. Any animal that attacks domestic animals.
 - i. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
 - j. Any animal in which by loud or frequent noise may disturb the peace and quiet of any person who may reside within reasonable proximity of

the place where the animal is kept. Any claim of excessive noise must be validated by the Police Department or Beebe Animal Control. If said claim of excessive noise cannot be witnessed by the police officer or Beebe Animal Control, the person claiming such nuisance should file an affidavit with the Beebe District Court and be required to pay any court costs associated therewith. If the animal owner is found guilty of this offense on three separate occasions, Beebe Animal Control after the third offense shall impound the offensive animal(s) until a decision of the animal(s) fate is decided by the Beebe District Court.

Section 8: Outside Animal Sales

1. No person or business shall sell, exchange, barter, trade, lease, rent, give away, or display any live animal on roadside, public right-of-way, parking lot, median, park, playground or other recreational area, outside flea markets, commercial or retail property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not.
2. Exception: This section shall not apply to humane societies, animal control agencies, or no-profit organizations sponsoring animal adoption events, having obtained prior approval from Beebe Animal Control.

Section 9: Vicious Animals

1. It shall be unlawful to keep, harbor, own or in any way possess within the corporate city limits of Beebe, except while transporting to a veterinarian office (restrained and muzzled) within the corporate city limits:
 - a. Any vicious animal or vicious dog, as defined above.
 - b. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, including but not limited to non-human primates, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes.
 - c. Any animal having a poisonous bite.
 - d. Any animal that exhibits fierce or vicious behavior or that has attacked a person or animal with such severity as to cause physical injury or property damage. However, the fact that an animal has attempted to bite a person when that person provoked or teased it shall not constitute the animal's being a

vicious animal.

Section 10: Biting Animals

1. It is unlawful for any person bitten, family, treating physician, or veterinarian that has knowledge of a person bitten by any animal to refuse to notify Beebe Animal Control promptly. It is further unlawful for the owner of the animal to sell, give away, transfer, transport to another area, or otherwise dispose of the animal that is known to have bitten a person until it is released by health authorities.
2. It is unlawful for the owner of the animal to refuse or fail to comply with the written or printed instructions of the health authorities in any particular case. The written instructions will be delivered in person by health authorities or their authorized agent. If instructions cannot be delivered in person, they shall be sent by regular mail, postage paid, and addressed to the owner of the animal. The affidavit or testimony of the health authorities or the authorized agent, who delivered or mailed such instructions, shall be prima facie evidence of the receipt of the instructions by the owner of the animal.
3. State law reference: Illegal acts when person bitten, A.C.A. 20-19-306.

Section 11: Impoundment and Destruction Authorized

1. The Beebe Animal Control Officer shall take into custody any animal found at large 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 this division.
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.

5. State law reference: Impoundment and destruction of any animal found at large, A.C.A. 14-54-1102

Section 12: Reclaiming Impounded Animals

1. Any person owning, possessing or keeping an animal which has been impounded may claim and retrieve such animal from the Beebe Animal Facility by payment of the required fee. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the animal from the Beebe Animal Control Officer under this article.
2. Any person claiming an unvaccinated and/or licensed animal shall cause said animal to be vaccinated by a veterinarian and licensed by Beebe Animal Control prior to, and as a condition of, release. Failure to comply will result in issuance of a citation to the owner with a fine as set forth in the Penalty Section.
3. If the owner of an impounded animal fails or refuses to reclaim such animal within five (5) business days after impoundment, the city facility is hereby authorized to release to such a person other than the owner upon payment of the required fees.
4. It is unlawful for any person owning, possessing, or harboring an animal to fail or refuse to reclaim such an animal within five (5) business days after impoundment.

Section 13: Acceptance of Unwanted Animals

1. Beebe Animal Control shall accept unwanted dogs from city residents upon the payment of relinquishment fee by such resident of the required fee thereon, provided room at the facility is available. Fees shall be established by Beebe Animal Control.
2. All animals accepted by Beebe Animal Control as provided in this section shall immediately become the property of the city.
3. Beebe Animal Control shall accept all animals found to be at large within the corporate city limits of Beebe.

4. It shall be unlawful for anyone to fraudulently bring an animal to the Beebe Animal Facility that was found to be at large outside the corporate city limits of Beebe by reporting that the animal was found within the corporate city limits of Beebe.

Article II: Dogs

Section 1: Running at Large Prohibited

1. No person, household, or residence, owning, possessing, or keeping a dog shall allow such a dog to run at large within the city.
2. State law references: Authority of the city to prevent dogs from running at large and providing for the destruction of the same. A.C.A. 14-54-1102.

Section 2: Conditions of Premises

1. It shall be unlawful for any person, household, or residence, keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of such premises to avoid said holes from holding water, urine or feces. It shall be unlawful to allow premises where dogs are kept to become unclean by failing to diligently and systematically remove all waste from the premises.

Section 3: Minimum Care (Dog)

1. Facility.
 - a. All dogs shall have continuous access to a structurally sound, moisture-proof and windproof facility large enough to keep the dog reasonably clean and dry.
 - b. A facility which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.
 - c. A dog's facility and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.

2. Nutrition.

- a. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh, potable water adequate for the dog's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighed or secured to prevent tipping.
- b. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.

Section 4: Chaining or Tethering of Dogs

1. It shall be unlawful to chain or tether a dog in any way within the city limits.

Section 5: Vehicular Confinement

1. It shall be unlawful for any person to confine any animal in a parked vehicle if the outside air temperature is higher than 80 degrees Fahrenheit, unless the vehicle is running and the air conditioner is working properly. Beebe Animal Control Officers or other Law Enforcement Officers shall not be liable for any damage resulting to the vehicle when such confined animals must be removed for their safety and wellbeing.

Section 6: Dogs - Number Owned

1. It shall be unlawful for any person, household, or residence to own, keep or harbor more than three (3) dogs, which are 16 weeks old within the corporate city limits of Beebe and the burden of proof shall be the owners to show the age of such.

Section 7: Dog - License Required

1. Any person, household, or residence, who owns, keeps, or harbors a dog in the city that is at least sixteen (16) weeks old, shall obtain a city license on an annual basis. City licenses are renewable in January of every year and license must be obtained by the January dates specified by Beebe Animal Control.
2. No dog license shall be issued for a dog unless a licensed veterinarian has

vaccinated the animal against rabies. If a dog is found without the required license the owner shall be charged with the offense of failure to license a dog.

3. The cost of the dog license is listed in the Fee Section.
4. Any person who fails to abide by this section be deemed guilty of a misdemeanor and upon conviction shall be subject to the fines and penalties section.
5. State law reference: Authority of city to place a tax on dogs. A.C.A. 14-54-110

Section 8: Dogs - Rabies Vaccination

1. All dogs and cats within the City of Beebe shall be vaccinated at least once a year against rabies, unless indicated otherwise by a veterinarian. It is made the duty of all owners of dogs within this city to have the animals vaccinated against rabies. Such rabies vaccinations are required to be administered by a licensed veterinarian.

Section 9: Adopted Animals- Sterilized

1. It shall be unlawful for any pound, facility, or humane organization, or animal rescue group to release to a new owner any dog over three (3) months of age which has not been sterilized except as provided below:
 - a. An animal which in the opinion of a veterinarian licensed to practice veterinary medicine in the State of Arkansas is medically compromised to the extent that it cannot withstand immediate sterilization may be temporarily released pursuant to a foster care agreement until such time as it can safely be sterilized or until two (2) veterinarians licensed to practice veterinary medicine in the State of Arkansas certify that it is unlikely that the animal will ever recover to the extent that it can safely be sterilized.
 - b. At that time, ownership of the animal may be transferred to an owner who certifies that the animal will not be used for breeding.
 - c. An owner who violates the agreement shall be subject to the penalties set forth in the penalties section.
2. All animals adopted from Beebe Animal Control that fall under the above

provision of not being sterilized under the age of three (3) months will be required to be sterilized at the age of three (3) months and provide proof to the Beebe Animal Control. An owner who violates this agreement shall be subject to penalties set forth in the penalties section.

Section 10: Vicious Dogs

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.
 - 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 until the requirements have been met or until so ordered by a court of competent jurisdiction and the owner shall be responsible for all expenses incurred while animal is impounded
 - d. Release: A canine that has been apprehended shall only be released by the Beebe Animal Facility if the following condition has been met: The owner shall immediately remove the animal to a location outside the city limits that is safe for the animal and society, and shall submit a sworn affidavit as to the owner's compliance with this provision. Beebe Animal Control shall have complete discretion to determine whether or not the affidavit is sufficient and whether or not the

removal is sufficient pursuant to this paragraph.

ARTICLE III: LIVESTOCK & FOWL

Section 1: Keeping of Horses and Cows

1. No person, household, or residence, shall keep any horse or cow except in an enclosed pasture containing a minimum of one (1) acre for each horse or cow.

Section 2: Keeping of Hogs, Goats or Sheep

1. It is hereby declared to be unlawful for any person to possess, maintain or keep any hogs, goats or sheep within the corporate city limits of Beebe or to permit any hogs, goats or sheep to run at large within the corporate city limits; except that hogs, goats and sheep in transit may be kept for a period not to exceed twenty-four (24) hours in a duly established stockyard.

Section 3: Livestock Running at Large Prohibited

1. No person owning, possessing or keeping livestock shall allow any such animal to run at large within the corporate city limits of Beebe.
2. State law references: Livestock running at large, A.C.A. 14-54-1101

Section 4: Fowl Running at Large Prohibited

1. It shall be unlawful for any person to permit any chickens, ducks, geese, or other animal to run at large.

ARTICLE IV: DISPOSAL OF ANIMAL REMAINS

Section 1: Disposal

1. All animal remains will be disposed of in a manner that is in accordance with the state law.

ARTICLE V: FRAUDULENT REDEMPTION

Section 1: Fraudulent Redemption

1. It shall be unlawful for any person to obtain possession or provides false identification of an animal on behalf of the owner for the purpose of avoiding payment of fees, penalties, or fines, both the owner and the person shall be charged with a misdemeanor.

ARTICLE VI: ENFORCEMENT

Section 1: Citations

1. Animal Control. The Beebe Animal Control Department, also known as the Department of Animal Control, shall be a separate department under the control of the Mayor of the City of Beebe, with its own Department Head and budget. Hiring and firing for this Department shall be in accordance with City ordinances and policy.
2. Police Department and Beebe Animal Control Officers are hereby authorized to issue citations for any violations of these articles.
3. If citations cannot be delivered in person, they shall be sent certified mail and addressed to the owner of the dog or other animal, if known. If not known, then the citation will be issued to the property owner to which the dog or other animal belongs.
4. The affidavit or testimony of the Beebe Animal Control Officer, Police Officer or the authorized agent, who delivered or mailed such instructions, shall be prima facie evidence of the receipt of the instructions by the owner of the dog or other animal.

ARTICLE VII: FEES

Section 1: Fee Structure

1. Reclaiming Fee (Standard):
 - a. Twenty dollars (\$20) for each animal; plus five dollars (\$5) per day boarding fee for each animal.
 - b. Reclaiming fee shall double for each recurring offense for each animal; plus five dollars (\$5) per day boarding fee for each animal.
 - c. Pit Bull Reclaim Fee: Violators will be charged a one hundred dollar (\$100) fee.
2. Adoption Fee: Shall be set and published by Beebe Animal Control.

ARTICLE VIII: PENALTIES

Section 1: General Penalties

1. Any person who fails to abide by any of the provisions in this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:
 - a. First Offense: Any sum not less than one hundred dollars (\$100) minimum and a maximum of one thousand dollars (\$1,000).
 - b. Second Offense: Any sum not less than two hundred fifty dollars (\$250) minimum and a maximum of one thousand dollars (\$1,000).
 - c. Third Offense: Mandated judge appearance and a fine of not less than five hundred dollars (\$500) minimum and a maximum of two thousand five hundred dollars (\$2,500).

Section 2: Pit Bull Violation Penalties

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. First Offense: 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 two hundred dollars (\$200) 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. Subsequent Offenses: Any person violating or permitting the violation of any provision of this section a subsequent time 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 second conviction shall include seizure of the animal by Beebe Animal Control personnel to be humanely destroyed or sent to a suitable rescue outside of the corporate city limits of Beebe.