

ORDINANCE NO. 2017-6

AN ORDINANCE AMENDING THE ANIMAL CONTROL LAWS OF THE CITY OF CARAWAY; DEFINING PIT BULL DOGS AND DECLARING THEM DANGEROUS ANIMALS; EXEMPTING CERTAIN SERVICE DOGS; DESCRIBING MEASURES OF CONTROL OF DOGS BY THE ANIMAL CONTROL OFFICER, INCLUDING IMPOUNDMENT AND DESTRUCTION; SETTING PENALTIES FOR OWNERS IN VIOLATION; AMENDING ORDINANCE 2004-4; AND DECLARING AN EMERGENCY.

SECTION 1 - SCOPE. This Ordinance shall be considered an amendment to Ordinance #2004-4 as to animals described herein as Pit Bull Dogs.

SECTION 2 – 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 dog is a mixed breed or of other breeds than above listed breed or mixed breed known as Pit Bull Dogs or Pit Bull Terrier.
- f. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire 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 dangerous animal, pursuant to the Caraway Animal Control Ordinances.

SECTION 3 - DANGEROUS DOGS

1. It shall be unlawful to keep, harbor, own or in any way

possess a dangerous dog within the corporate limits city limits of Caraway, except when transporting to a veterinarian office (restrained and muzzled).

a. Determination:

i. An Animal Control Officer shall deem a canine to be a dangerous dog if the Animal Control Officer determines that the canine satisfies the definition of dangerous dog, in addition to dogs specifically enumerated as dangerous dogs herein.

ii. A dog will be considered dangerous if it is the offspring of a domestic dog and an innately wild animal. The behavior of the dog should not be considered dangerous 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.

#### SECTION 4: SERVICE DOGS

No animal that is shown to be a Certified Service Animal registered with the National Service Animal Registry shall be subject to this or previous animal control ordinances. The City will comply with all laws and regulations of the American Disabilities Act. If it is not obvious that it is a service animal, two questions will be asked of its controller: (1) Is the dog a service animal required because of a disability, (2) What work or task has the dog been trained to perform.

#### SECTION 5: IMPOUNDMENT AND DESTRUCTION AUTHORIZED

1. The Animal Control Officer shall take into custody any animal found kept in the city that is a dangerous dog or

dangerous animal and shall impound the animal in a Animal Facility or such other place as such 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 is released prior thereto as provided in other portions of the Caraway Animal Control ordinances.

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 the five (5) day waiting period when such animal presents itself in a vicious or dangerous manner that places the public or the Animal Control Officer or 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 6: PIT BULL VIOLATIONS AND PENALTIES

1. Any person who fails to abide by any of the provisions in this Ordinance and that violation relates to a Pit Bull shall be deemed to be 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 shall upon conviction in the District Court be fined a sum not less than two hundred dollars (\$200) 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 include seizure of the animal by the Animal Control Officer or personnel, if that has not already been done, to be humanely destroyed or sent to a suitable rescue outside the corporate limits of the City Of Caraway, if the dog has not already been destroyed. Additional fines shall be in accord with the Amendment to Ordinance 2004-4.

SECTION 7: AMENDMENT TO ORDINANCE 2004-4

1. Article 7 – Punishment, of Ordinance 2004-4 is hereby amended to provide for a fine of One Hundred dollars (\$100) for a first offense, Three Hundred Dollars (\$300) for a second offense, and not less than five Hundred Dollars (\$500) or more than Two Thousand Five Hundred Dollars (\$2,500) for all subsequent offenses.

SECTION 8 – EMERGENCY CLAUSE

The City Council of the City of Caraway, having considered the dangerous nature of pit bull dogs, including recently two such attacks on innocent walkers in the city, determines that it is necessary for the public peace, health and safety to provide strict control of such dogs, and declares an emergency, and this Ordinance shall take effect immediately upon passage.

ADOPTED this 11 day of MAY, 2017

Benny Riley  
Mayor

Attest:

[Signature]  
City Clerk