

## **ORDINANCE NO. 824**

### **AN ORDINANCE PERTAINING TO THE KEEPING OF PIT BULL DOGS AND OTHER ANIMALS OF A VICIOUS NATURE WITHIN THE CORPORATE LIMITS OF THE CITY OF WYNNE: AS AMENDED AND REVISED DECLARING AN EMERGENCY: AND FOR OTHER PURPOSES.**

**WHEREAS**, the city's Vicious Animal Ordinance, Ordinance No. 493 as amended, was over 27 years old, and as written, changes became necessary to reflect current standards, it was previously revised to Ordinance 750, and

**WHEREAS**, since such revision, because the City has continued to exhibit both growth and positive change, there comes a need to again revise both Ordinance 493, and Ordinance 750 to reflect acceptable and current standards for responsible pet ownership, and

**WHEREAS**, to provide a level of enforcement capabilities that will better protect the health, safety, and welfare of our citizens, as well as, to provide for the health, safety, protection, and humane treatment of innocent animals.

**NOW THEREFORE: BE IT ORDAINED THAT THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS THAT:**

#### **SECTION 1: DEFINITIONS**

##### **A. Pit Bull:**

1. The Pit Bull Terrier breed of dog;
2. Staffordshire Bull Terrier breed of dog;
3. The American Pit Bull breed of dog;
4. The American Staffordshire Terrier breed of dog;
5. The American Bull Dog breed of dog;
6. A new registered breed created from foundation stock of any of the listed breeds having similar appearance and characteristics;
7. Any dog, whether registered or mixed, which has the characteristics and appearance of the breed of dog commonly referred to as "Pit Bull", and is recognizable and identifiable as such;
8. Any dog conforming or substantially conforming to any of the above listed breed of dogs as defined by the United Kennel Club, or the American Kennel Club;

**B. Owner/Guardian:**

1. Any person, firm, partnership, or corporation who owns, keeps, possesses, exercises control over, maintains, harbors, feeds and cares for, transports, or sells a Pit Bull, or other domestic animal.

**C. Secure Transport Enclosure:**

1. An enclosure used for transporting a Pit Bull, or other domesticated animal away from its home. This enclosure must include a top and bottom permanently attached to the sides, except for the door, and must be made of such material, and the door secured in such a manner that the animal cannot exit the enclosure of its own accord. The enclosure must be large enough that the animal may stand, lay, or turn freely, and when standing in a normal position no part of the animal touches the enclosure.

**D. Escape Proof Secured Containment Enclosure:**

1. An area which is securely fenced, with the fence being constructed of either chain link or wood, having a minimum height of six (6) feet, or whatever higher height necessary to prevent escape. Enclosure shall have a minimum floor space of no less than sixty four (64) square feet, and a cover above to protect the animal(s) from the elements of sun, rain, and wind of no less than sixteen (16) square feet. Gates must be secure, of the same material as the enclosure, and shall be locked with either a keyed, or combination lock. Metal and chain link materials shall not have openings with a diameter of more than two (2) inches, wooden fences shall not have gaps between boards of more than two (2) inches, and the enclosure should be embedded in the ground a minimum of one (1) foot.

**E. Prohibited Breed Permit:**

1. A permit that allows an owner/guardian to possess within the corporate limits of the City of Wynne, a Pit Bull, or other domesticated animal of a vicious nature as described in Section 2-D.

**F. Relinquishment:**

1. To give up all owner/guardianship rights to an animal.

**G. Court Ordered Relinquishment:**

1. An order by the Court that removes the right and privilege of owner/guardianship of an animal.

**H. Tied Out:**

1. To tie an animal to inanimate objects, including but not limited to trees, posts, buildings, vehicles, stakes, etc. by way of chain, rope, leash, or by any other method.
- 2.

( **H-1 Ex.**) ANY individual who ties out, chains, or attaches an animal to any inanimate object as described in H-1 above, is in violation of this ordinance. You are in violation of this ordinance if you are the owner/guardian of the animal being tied out, or if you tie out an animal belonging to someone else.

**I. Vicious Animal:**

1. A domestic animal that without provocation attacks a person, or displays overly aggressive behavior to any person engaged in a legal activity.
2. A domestic animal, that while off the property of its owner/guardian, attacks another animal with such severity as to cause injury or death to that animal.
3. A domestic animal that is aggressive toward people or other animals.

**SECTION 2:**

**IT SHALL BE UNLAWFUL TO KEEP, HARBOR, OWN, SELL, TRANSPORT, (Unless in a Secure Transport Enclosure), OR IN ANY WAY POSSESS WITHIN THE CORPORATE LIMITS OF THE CITY OF WYNNE ANY OF THE FOLLOWING:**

- A.** Any warm-blooded carnivorous or omnivorous wild or exotic animal, (including but not limited to non-human primates, raccoons, skunks, foxes, bears, and wild or exotic cats; but excluding fowl, birds, ferrets, rabbits, and small rodents of varieties used for laboratory purposes.)
- B.** Any animal having a poisonous bite.
- C.** A Pit Bull. However, a Pit Bull may be kept as a companion animal if; it is registered with the City of Wynne, it is spayed or neutered, a proper Pit Bull permit (renewable annually) is acquired and kept current, has current City tags, and is properly confined, transported, and handled by the owner/guardian as required by this ordinance.
- D.** Any domestic animal that without provocation exhibits fierce or vicious behavior and/or poses a threat to human or animal safety. However, the owner/guardian of a domestic animal that exhibits fierce or vicious behavior may be allowed to keep the animal if; the animal is registered in compliance with all parts of this ordinance, and confined in a Secured Containment Enclosure as defined in Section 1-D of this ordinance.



### **SECTION 3:**

#### **THE KEEPING OF A PIT BULL AS PROVIDED IN SECTION 2-C, AND DOMESTICATED ANIMALS AS PROVIDED IN SECTION 2-D.**

##### **A. Pit Bull, or Any Vicious Animal Registration Requirements**

1. The owner/guardian of such animal must comply with all rules, regulations, registration requirements, and maintain current City tags. The owner/guardian must also pay a registration fee, and purchase a Prohibited Breed permit, from the Wynne Animal Rescue Shelter. The Prohibited Breed Permit must be renewed annually.
  - 1a. The Registration fee is set at twenty five (\$25.00) dollars, and the Permit fee is set at thirty five (\$35.00) dollars.
    - 1a(1). These fees will be retained by the Wynne Animal Rescue Shelter.
2. Rabies Vaccination:

The owner/guardian must have a licensed veterinarian vaccinate the animal, and provide proof of the same upon registration, and/or permit renewal.
3. Confinement and Restraint:

All structures, transport enclosures, and escape proof secured containment enclosures, must provide a safe, sanitary, and humane environment for the animal. The animal, at all times, must have access to fresh, clean, water and food. Enclosures shall be clean, and free of feces, debris, and trash. There must be a minimum of sixteen (16) square feet of shade, and a house large enough for the animal to stand up unrestricted, lie down, and turn around.

  - 3a. Compliance with confinement and restraint requirements will be monitored, and under the direction of the Wynne Animal Rescue Shelter. The Director(s) of the Wynne Animal Rescue Shelter, and their designee(s) thereof may inspect, any, and all, confinement and restraint enclosures, as they deem necessary, to assure humane animal treatment, and compliance with this ordinance.
4. Confinement Indoors:

Animals may be confined indoors, however, no animal may be kept on a porch, patio, or any part of a house or structure that would allow the animal to exit such building on its own volition. No animal may be kept in a structure when the windows are open, or when screen windows or doors are the only obstacles preventing the animal from exiting the structure.
5. Escape Proof Secured Containment Enclosure:

See Section 1-D.
6. Dog Kennel or Pen:

See Section 1-D.

7. Muzzle:

Any domestic animal deemed vicious, as covered by this ordinance, must be muzzled when outside their confinement area. The muzzle must be properly fitted, and allow the animal to open its mouth sufficiently to pant, and not restrict respiration.

8. Leash:

No person shall permit a domesticated animal, that is covered by this ordinance, to go outside its secured containment enclosure, unless such animal is harnessed and securely leashed, with a leash no longer than four (4) feet in length, and controlled by an adult with the ability and strength to control the animal.

9. Tied Out:

See Section 1-H

10. Photo:

A photo of the owner/guardian with their animal is required at the time of registration. This will be done by the Wynne Animal Rescue Shelter at the time of registration, and will be kept in the registration file of the animal.

11. Spay/Neuter

Any restricted animal covered by this ordinance, (Pit Bulls, Animals deemed vicious), must be spay/neutered at the owner/guardians expense before the owner/guardian is allowed to purchase a registration or restricted breed permit. Any owner/guardian possessing a restricted animal, covered by this ordinance, who is not spay/neutered, is in direct violation of this ordinance. All animals covered by this ordinance must be either spay/neutered, or removed from the corporate limits of the city of Wynne. In such case, that the owner/guardian states that their animal is altered, and it is not possible to determine this by examination of the animal, a statement from the licensed veterinarian who performed the spay/neuter of the animal in question will be required prior to the owner/guardian being allowed to purchase a registration or restricted breed permit.

a. Breeding of restricted animals

The breeding of restricted animals within the corporate limits of the City of Wynne is not allowed, and in direct violation of this ordinance.

b. Litters of restricted animals

Any person, firm, partnership, or corporation who owns, keeps, possesses, exercises control over, maintains, harbors, feeds, cares for, or sells, puppy litters (offspring), of a restricted animal, within the corporate limits of the City of Wynne, of an animal or animals bred outside the corporate limits of the City of Wynne, is in direct violation of this ordinance.



c. Breeding of non-restricted animals: Show/Breeders Permit

Any person breeding non-restricted animals within the corporate limits of the City of Wynne is required to purchase a Show/Breeders Permit. Such permit shall be renewed annually at a cost of one hundred fifty (\$150.00) dollars, and issuance of such permit is dependent upon approval by the Director, or designee(s) thereof of the Wynne Animal Rescue Shelter. All fees collected for Show/Breeders permits shall be collected and retained by the Wynne Animal Rescue Shelter. The Director, or designee(s) thereof, of the Wynne Animal Rescue Shelter, prior to the issuance of any Show/Breeders permit, shall inspect the breeding grounds, whelping pens, holding areas, kennels, and any and all areas used for the breeding, or keeping of litters of bred animals, to insure that they are clean, safe, sanitary, and humane for both mother and offspring, as well as all humans and neighboring residents. The Director, or designee(s) thereof, of the Wynne Animal Rescue Shelter, may also, and without notice, be allowed to inspect these areas, at any time they deem necessary, to assure that these areas are properly maintained and kept clean, safe, sanitary, and humane for both animals, as well as all humans and neighboring residents. The Director, or designee(s) thereof, of the Wynne Animal Rescue Shelter, may at any time, revoke, or suspend, a Show/Breeders Permit for failure to meet any of the necessary requirements for safe and humane breeding, and the care and transfer of resulting offspring.

d. Selling or transferring ownership of non-restricted animals by breeders, or their designees.

Any person selling, giving away free, or attempting to transfer ownership of a non-restricted animal, or animals, in any way, within the corporate limits of the City of Wynne, on any parking lot, street, alley, business property, resident property, street corner, flea market, or any other location, is considered a breeder, and must have a valid and current City Business License. Such license must be purchased at Wynne City Hall, and is renewed annually.

12. Identification Tags:

All domestic animals covered by this ordinance must wear an identification tag providing the owner/guardians name, address, and daytime phone number.

**SECTION 4:**

**PROHIBITED BREED RULES AND REGULATIONS:**

**A. Registration and Permit are not transferable:**

1. A prohibited breed permit and registration is only valid for the owner/guardian who purchased the permit and registration, and is only valid for the animal for which the permit and registration exist.

**B. Maximum Number:**

1. No more than two (2) animals may be housed at one address.

### **C. Signs:**

1. Owner/guardians of registered dogs covered by this ordinance shall display in a prominent location on their premises, and on gates entering the animals Secured Containment Enclosure, a sign easily readable by the public, using the words, "BEWARE OF DOG."

### **D. Reporting Requirements:**

1. Owner/guardians of registered animals, covered by this ordinance, must within ten (10) days of the incident, report the following information, in writing, to the Wynne Animal Rescue Shelter as required hereafter:
  - 1a. The removal of a registered animal from the City of Wynne, or the death of any registered animal.
  - 2a. Updated registration information when the owner/guardian moves to a new address within the City of Wynne.

### **E. Sale or Transfer of Ownership/Guardianship of Vicious Animal:**

1. No owner/guardian shall sell, barter, or in any way, dispose of a registered animal, who has been "Deemed Vicious" by the Wynne Animal Rescue Shelter, to any person residing within the corporate limits of the City of Wynne, unless the recipient person resides permanently in the same household as the original owner/guardian.

### **F. Dispute over Pit Bull Designation:**

1. An owner/guardian who claims that their animal is not a Pit Bull, must within five (5) days, provide statements stating such fact from two (2) licensed veterinarians. The veterinarians must state, that in their professional opinion, the dog in question is not a Pit Bull, as described in this ordinance, and the statements must be accompanied by two (2) clear photographs of the animal in question, which are signed by the veterinarian, depicting the animal's approximate size, color, and characteristics.

### **G. Pit Bull Registration of Annexed Area:**

1. Pit Bull registration is only permitted during the sixty (60) day grace period following an annexation, and only applies to residents within the annexed area.

## **SECTION 5:**

### **UNREGISTERED PIT BULLS AND OTHER VICIOUS ANIMALS FOUND WITHIN THE CORPORATE LIMITS OF THE CITY OF WYNNE:**

- A.** Stray Pit Bulls and all other vicious animals that growl, charge, bite, attempt to bite, or display extreme fear of people pose a threat to the public's safety. The animals found running at large, within the corporate limits of the city of Wynne, whether owned or stray, that pose such a threat, and are picked up by the Department of Animal Control, will be taken into the Wynne City Kennels, and if "deemed vicious," after evaluation by personnel of the Wynne Animal Rescue Shelter are subject to euthanasia after two (2) days.



- B.** Stray Pit Bulls, and all other non-vicious domestic animals, found running at large within the corporate limits of the City of Wynne, whether owned or stray, that are picked up by the Department of Animal Control, will be taken into the Wynne City Kennel. If after evaluation by personnel of the Wynne Animal Rescue Shelter, they are determined to be non-vicious, they will be held no less than five (5) days. After the five (5) day holding period in the Wynne City Kennels, if unclaimed, all rights of ownership and guardianship to the animal are transferred to the Wynne Animal Rescue Shelter, and the animal, by law, is considered abandoned by their owner/guardian and relinquished to the Wynne Animal Rescue Shelter for adoption.

B1 Ex; Any owner/guardian, attempting to claim an animal after the five (5) day holding period in the Wynne City Kennels;

By law, said animal has been abandoned by the owner/guardian making the claim, and also by law, said animal is now relinquished to the Wynne Animal Rescue Shelter, giving all rights of ownership and guardianship to the Wynne Animal Rescue Shelter; therefore, such claim, by the previous owner/guardian, whether for return, adoption, or denial is at the sole discretion of the Wynne Animal Rescue Shelter.

- C.** If it is determined, that an owner/guardian of an unregistered Pit Bull is unaware of the Rules and Regulations of this ordinance, and house's an animal within the corporate limits of the City of Wynne, the owner/guardian will be advised of the ordinance, and given fifteen (15) days to become compliant with all provisions of the ordinance. If the owner/guardian does not have a secure location to confine their pet during this period, the owner/guardian must relocate the animal outside the corporate limits of the City of Wynne, or it will be taken into custody by the Department of Animal Control.
- D.** Owned unregistered Pit Bulls, and all other domestic animals covered by this ordinance, found running at large, and taken into custody by the Department of Animal Control, if claimed during the five (5) day holding period:
1. The owner/guardian of the animal in custody, must pay all required and necessary fees prior to his animal being returned. Should this not be possible, the owner/guardian must immediately relocate the animal to a licensed boarding facility, or to a home outside the corporate limits of the City of Wynne, or relinquish their pet to the Department of Animal Control.
  2. The owner/guardian reclaiming an animal is required to provide verifiable information containing the name, address, daytime phone number, and a state issued identification card for the person reclaiming the animal. Also, the owner/guardian must provide photos, health records, veterinary reports, etc., of the animal being claimed, to insure they are in fact the true owner/guardian of the animal.
  3. Any person adopting a Pit Bull must provide verifiable information containing name, address, daytime phone number, and a state issued identification card. The person adopting the animal must live in an area that allows the keeping of the animal, and as the owner/guardian such person assumes all legal and financial responsibilities for the safekeeping of the animal.



4. In such case as the owner/guardian elects to relinquish owner/guardianship of the animal in custody, he is required to pay either, a relinquishment fee of Fifty (\$50.00) dollars, or a euthanasia fee at the time of relinquishment. The euthanasia fee will be determined by what a licensed veterinarian would charge the City of Wynne to euthanize the animal.
  - 4a. The relinquishment fee will be retained by the Wynne Animal Rescue Shelter. Wynne Animal Rescue Shelter personnel will determine the adoptability of the animal based on its temperament, actions, and behaviors, as well as the physical condition of the animal at the time of relinquishment. Animals that are deemed too aggressive to be rehabilitated, or are not suitable for adoption due to health reasons, by the Wynne Animal Rescue Shelter, will be humanely euthanized by the City of Wynne.
5. Any domestic animal picked up and taken into custody by the Department of Animal Control, which is injured, sick, or in severe pain, to the extent that recovery is unlikely, and at the recommendation of a licensed veterinarian, may be humanely euthanized at the time the animal is taken into custody with no holding period.

**SECTION 6:**  
**FAILURE TO COMPLY:**

It shall be unlawful for an owner/guardian of a Pit Bull, or any other animal of a vicious nature, whether registered or unregistered, to fail to comply with all requirements and conditions set forth in this ordinance. An owner/guardian failing to comply with this ordinance is subject to prosecution, and the animal is subject to immediate seizure and impoundment.

**SECTION 7:**  
**ENFORCEMENT:**

It is unlawful to interfere with an Officer of the Department of Animal Control, or the Director(s) of the Wynne Animal Rescue Shelter, or their designee(s) thereof, while they are enforcing this ordinance.

**SECTION 8:**  
**AUTHORITY OF THE DIRECTOR OF THE WYNNE ANIMAL RESCUE SHELTER:**

The Director of the Wynne Animal Rescue Shelter, or their designee(s) thereof, shall have the authority to promulgate rules, clarify definitions, establish procedures, and enact regulations to implement and carry out the provisions of this ordinance.

**SECTION 9:**  
**VIOLATIONS AND PENALTIES:**

- A.** Any person violating, or permitting the violation of this ordinance, shall upon conviction in a Court of a competent jurisdiction be fined the sum of not less than One Hundred Dollars (\$100.00), and not more than One Thousand Dollars (\$1000.00).
- B.** In addition to all fines by the court, the defendant shall pay all fees and restitution to the Wynne Animal Rescue Shelter, for the holding and care of their animal, before, during, and after Court proceedings, including, but not limited to, boarding, food, shelter fees, handling fees, veterinary costs, and all other costs incurred by the Shelter, made necessary for the enforcement of this ordinance.
- C.** Upon conviction, of a first offense, for violations of this ordinance, the dog in question, if deemed necessary, after evaluation by personnel of the Wynne Animal Rescue Shelter, is to be removed from the corporate limits of the City of Wynne within twenty four (24) hours, or the owner/guardian is to relinquish ownership/guardianship to the Wynne Animal Rescue Shelter, however, if the animal in question is non-vicious, and the owner/guardian assures future compliance with all parts of this ordinance, and this home is considered good and healthy for the animal, it is left to the Director, or designee(s) thereof, of the Wynne Animal Rescue Shelter to let the animal remain with its present owner/guardian, within the corporate limits of the City of Wynne.
- D.** Any owner/guardian guilty of non-compliance with this ordinance for the second offense or greater, has no choice but to remove the animal from within the corporate limits of the City of Wynne within twenty four (24) hours, or to relinquish ownership/guardianship of the animal to the Wynne Animal Rescue Shelter.
- E.** In addition to the foregoing penalties, the Court may order any or all of the following penalties:

  - 1. The defendant may be sentenced to imprisonment in the county jail for a period of time not to exceed thirty (30) days.
  - 2. The defendant may be required to relinquish the animal in question to the Wynne Animal Rescue Shelter.
  - 3. The defendant may be required to euthanize the animal in question if it is deemed vicious.
  - 4. In the case that the defendant should refuse to remove the animal in question from the corporate limits of the City of Wynne, and also refuse to relinquish the animal in question to the Department of Animal Control, the Court Judge shall find the defendant in contempt, and order the immediate confiscation, impoundment, and relinquishment of the animal, to the Department of Animal Control, and assign such fines and penalties as required necessary for a judgement of contempt.



**SECTION 10:**

**SEVERABILITY:**

If any section, sentence, clause, or phrase of this ordinance be held to be invalid, or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**SECTION 11:**

**CONFLICTING ORDINANCES:**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 12:**

**EMERGENCY CLAUSE:**

As to insure the continued safety of our citizens, and to insure the humane treatment of the animals covered by this ordinance, an emergency is therefore declared to exist, and this ordinance shall be in full force and effect from and after its date of passage.

Revised and adopted on this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

**Duly signed:**

**Jennifer Hobbs; Mayor of the City of Wynne**

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**Attest; Kevin Watts, Esq., City Clerk of the City of Wynne**

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