

Prepared by:  
William F. Smith, III  
City Attorney  
P.O. Box 428  
Russellville, AR 72811  
Sponsor: Mayor and Animal Control  
OB#64

CLERKS CERTIFICATE OF RECORD  
STATE OF ARKANSAS - COUNTY OF POPE  
I, FERN TUCKER, Circuit Clerk and Recorder of  
the County attested do hereby certify that this  
instrument was filed for record the 06/19/2006 a  
09:39:34 AM, and the same is now  
duly recorded in Miscellaneous Book 2006-42 Page  
668 - 673

# 1918  
ORDINANCE NO. 1918  
Witness my hand and the seal of said court this  
the 06/19/2006  
Fern Tucker - Circuit Clerk and Recorder  
By [Signature] D.C.

**AN ORDINANCE BANNING AND REGISTERING CERTAIN BREEDS OF DOGS AND ANIMALS WITHIN THE CITY LIMITS OF RUSSELLVILLE, AMENDING ORDINANCE NO. 1671 AND FOR OTHER PURPOSES**

WHEREAS, the City Council finds that certain breeds of dogs and animals are an immediate and present danger to the health, safety and welfare of the residents of the City of Russellville;

WHEREAS, the City Council determines that the banning of the physical presence of these particular breeds of dogs and animals in the best way to protect the residents of the City of Russellville;

WHEREAS, the City Council hereby bans the physical presence of these particular breeds of dogs and animals in the city limits of Russellville immediately upon the effective date of this Ordinance by the operate of law; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:**

**SECTION 1:** This Ordinance is passed pursuant to the authority granted to the City of Russellville by the State of Arkansas under Ark. Code Ann. §§ 14-43-601, 14-43-602, 14-54-103, 14-55-101, and 14-55-102.

**SECTION 2:** Ordinance No. 1671, is hereby amended with a new section added to read as follows:

“Section 3-1-5

(a) Banned pit bull breeds of dogs are banned entirely and may not be owned or kept within the city. Banned breeds of pit bull dogs are any of the following:

- (1) American Pit Bull Terrier.
- (2) Staffordshire Bull Terrier, unless they meet the requirements of Subsection 3-1-5(b).
- (3) American Staffordshire Terrier, unless they meet the requirement of Subsection 3-1-5(b).
- (4) American Bull Dog.
- (5) Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this section.
- (6) Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a banned breed.
- (7) Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier

06-42-668

or American Bull Dog as defined by the United Kennel Club or American Kennel Club.

- (8) Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such.

(b) Exemption of registered AKC show dogs. An AKC American Staffordshire Terrier or Staffordshire Bull Terrier may be exempted from the ban in subsection (a) provided that the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove that a dog is an AKC American Staffordshire Terrier or Staffordshire Bull Terrier show dog/performance dog must include:

- (1) An AKC registration;
- (2) AKC three-generation pedigree;
- (3) Proof of the dog being used as a show dog once the dog reaches the age of six months; and
- (4) The first five numbers of the AKC registration tattooed on the abdomen on the upper side of the left rear leg.

The exemption provided for in the subsection will not apply to any AKC registered dog discussed above that is found to be vicious pursuant to Subsection 3-1-3(b).

(c) For any breed which is banned by subsection (a) of this section, a copy of the standards of the American Kennel Club and United Kennel Club shall be kept on file in triplicate in the city clerk's office; and prior to the passage of any ban of such breed, the clerk shall advertise the incorporation by reference of the standards of such breed of dog and shall state that copies of the standards will be on file for public review in the clerk's office prior to passage of the ban of such breed.

(d) The owner of a pit bull dog will have 30 days after passage of this section to register the animal with City of Russellville Animal Control pursuant to the following criteria:

- (1) The animal was licensed prior to the effective date of this section.
- (2) The owner shall provide proof of rabies vaccination.
- (3) The owner and/or handler must be at least 21 years of age as of January 1, 2005.
- (4) The owner shall, at his/her own expense, have the animal spayed or neutered and shall present to the City of Russellville Animal Control documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a prohibited dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would put the dogs life at-risk or if the owner produces documentation showing that the dog is a registered AKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as required by subsection (b).

06-42-669

- (5) The owner shall bring the animal to the City of Russellville Animal Shelter where authorized City of Russellville Animal Control personnel shall assign a registration number to the animal and shall direct the owner to a licensed veterinarian to cause the registration number to be tattooed on the animal (said number to be one-half inch and located on the abdomen near the upper inside of the right rear leg). A dog owner shall have the option of self-tattooing their animal in accordance with procedures established by the City of Russellville Animal Control Director. Russellville Animal Control shall maintain a file containing the registration numbers and names of the animals and the names and addresses of the owners. The owner shall notify the City of Russellville Animal Control of any change of address.

(e) Keeping of registered pit bull dogs under subsection (d) of this section.

- (1) No owner and/or handler shall permit a registered pit bull to go outside its kennel, enclosure, electronic confinement area unless such dog is securely leashed with a leash no longer than six feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel, pen, or electronic confinement area unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings without the permission of Russellville Animal Control.
- (2) All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen, a fenced area, or electronic confinement area except when leashed as provided in subsection (d)(1). All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City of Russellville. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (3) No pit bull dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- (4) All owners, keepers or harborers of registered pit bull dogs within the city shall display in a prominent place on their premise a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (5) All owners, keepers or harborers of registered pit bull dogs must within ten days of the incident, report the following information in writing the City of Russellville Animal Control as required hereinafter:

06-42-670

- a. The removal from the city or death of a registered pit bull dog.
  - b. The new address of a registered pit bull dog owner should the owner move within the corporate city limits.
- (6) No person shall sell, barter or in any other way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog to persons who do not reside within the city and will, therefore, remove the dog outside the city. Upon notification to City of Russellville Animal Control that the dog has been sold to a person residing outside the city, Russellville Animal Control will make a notation in its files, and the animal will no longer be allowed in the city.
  - (7) There shall be an irrebuttable presumption that any dog registered within the city as a pit bull dog or any of those breeds prohibited by the city code is, in fact, a dog subject to the requirements of this section.
  - (8) It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the City of Russellville to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in revocation of the license of such animal, and initiation of the procedures set forth in subsection (f) below.
- (f) It is an exception to this Ordinance if one of the following has been found to occur.
- (1) A banned breed of dog shall not be considered owned or kept in the city if the dog is only brought into the city to a licensed doctor of veterinary medicine located in the city for the purpose of veterinary care, as is necessary for the completion of veterinary care or for special event dog shows sanctioned by the city. However, the dog at all times shall be subject to all applicable restrictions by virtue of the breed of dog or animal also being defined as a vicious animal in Section 3-1-3(b)
  - (2) Additionally, any dog used for law enforcement or other governmental purposes, by the police department, military, FDA or USDA are exempt from this section. However, the dog at all times shall be subject to all applicable restrictions by virtue of the breed of dog also being defined as a vicious animal in Section 3-1-3(b).
- (g) The owner or possessor of any dog found to be in violation of this ordinance shall be guilty of a misdemeanor and be subject to punishment as provided for pursuant to Section 9-1-4. Additionally the Animal Shelter shall handle dogs in violation of this section as follows:

06-42-671

- (1) The animal will be seized by City of Russellville Animal Control and held for three business days for the owner to reclaim the dog with a reclaim fee of \$100.00. The owner must sign an affidavit agreeing to immediately move the animal out of Russellville city limits. The animal must be marked with a City of Russellville Animal Control number and spayed or neutered prior to its release to the owner.
- (2) If the animal is not reclaimed within three business days as prescribed by Subsection 3-1-5(g)(1), it shall be humanely destroyed by City of Russellville Animal Control personnel.
- (3) If the animal is found within the city limits a second time, the owner shall, upon conviction in the Russellville District Court, be fined as provided for pursuant to Section 9-1-4 Any such order of conviction shall include seizure of the animal by City of Russellville Animal Control personnel to be humanely destroyed.

(h) This section may be enforced by either the City of Russellville Animal Control or Police Department.”

ORDAINED, this 18 day of May, 2006.



Ray Turner  
 RAYE TURNER, MAYOR

Kathy Collins  
 KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 198 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 18 day of May, 2006.

APPROVED AS TO FORM:  
William F. Smith III  
 WILLIAM F. SMITH III, CITY ATTORNEY

06-42-672

**SECTION 3:** Due to the dangerous nature of the breeds of dogs and animals that are the subject of this Ordinance, an emergency is declared to exist in order to protect the health, safety and welfare of the residents of the City of Russellville from attacks by banned breeds of dogs and animals. Further, the immediate implementation of this Ordinance is needed in order to provide immediate protection to residents of the City of Russellville.

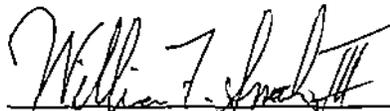
  
\_\_\_\_\_  
RAYE/TURNER, MAYOR

ATTEST:

  
\_\_\_\_\_  
KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1918 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 18 day of May, 2006.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
WILLIAM F. SMITH III, CITY ATTORNEY

06-42-673