

CITY OF COTTER

ORDINANCE NO. 2019-05

AN ORDINANCE AMENDING ORDINANCE 2002-05 IN REFERENCE TO THE PIT BULL TERRIER BREED OF DOGS AND VICIOUS ANIMALS WITHIN THE CITY OF COTTER, ARKANSAS,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS;

For the purpose of this ordinance, the following words or phrases shall have the following meaning:

SECTION 1: DESCRIPTION

A. PIT BULL TERRIER: As used herein, is defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

B. VICIOUS DOG / DANGEROUS DOG:

(1) An owner or handler may not keep or permit a dog to be in the city if the dog has:

(a) On at least three separate occasions that a dog has attempted to attack or attempted to bite a human being or domestic animals without provocation in the city. However, the fact that a dog has bitten or attempted to bite someone when that person was teasing the dog shall not constitute a vicious dog.

(b) On at least one occasion bitten or injured a person or owner's pet to an extent that treatment was required by a physician/veterinarian and has presented an affidavit stating that the person and/or pet's life may have been endangered by the dog; or has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(c) On at least one occasion killed another dog, cat, or other domestic pet, fowl, or livestock; or seriously injured another animal to an extent that an attending veterinarian has presented an affidavit to the health authority stating that the injured animal's life was seriously endangered or taken by the dog, or that the dog caused a significant permanent impairment of the injured animal's basic bodily functions or mobility; provided, however, that when the incident occurred, the injured animal was not in violation of a provision of this or any other ordinance in the City.

ORIGINAL

SECTION 2: PIT BULL TERRIER AND VICIOUS DOG

A. No person shall own or keep a Pit Bull Terrier or any mix of Pit Bull Terrier within the municipal limits of the City of Cotter, Arkansas.

B. No one may keep a vicious dog in the City of Cotter, Arkansas.

C. This ordinance is a necessary control to eliminate the risk of attack by Pit Bull Terrier and vicious dogs on human beings in the City of Cotter, Arkansas. Lack of knowledge or lack of intent is not a defense.

D. Whoever is found guilty of violating this ordinance shall be fined not less than \$250.00 (two hundred fifty dollars) and no more than \$500.00 (five hundred dollars) per violation. Two or more offenses may be fined \$1000.00 (one thousand dollars) and an additional fine of \$250.00 (two hundred fifty dollars) shall be assessed per day that the violation continues, plus court costs.

SECTION 3. SEVERABILITY:

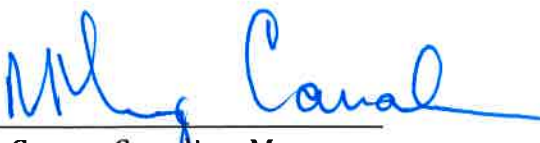
If any part of this ordinance shall be held void such part shall be deemed severable, and the invalidity there of shall not affect the remaining parts of the ordinance.

SECTION 4.

This Ordinance amends Ordinance 2002-05 in its entirety.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF COTTER, ARKANSAS:

THIS ORDINANCE ADOPTED THIS 21st DAY OF November, 2019

APPROVED: 
McGeorge Caradine, Mayor

ATTEST: 
Andrea Kray, Recorder/Treasurer

ORIGINAL