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Supreme Court of Arkansas.
Steele HOLT, Appellant,
 v.
 CITY OF MAUMELLE, et al., Appellees.
No. 90-352.

Oct. 28, 1991.

Dog owner brought suit against city seeking judgment that city ordinance prohibiting owning American Pit Bull Terriers and other particular breeds within city was unconstitutional. The Circuit Court, Pulaski County, Third Division, Tom F. Digby, J., granted city's motion for summary judgment, and appeal was taken. The Supreme Court, H. Maurice Mitchell, Special Chief Justice, held that: (1) ordinance banning specific breeds from city was not impermissibly vague; (2) inclusion of the American Pit Bull Terrier and "Pit Bull" within classification of banned breeds was not unreasonable; and (3) even if owner had agreement from city board of directors stemming from prior litigation not to reenact ordinances prohibiting keeping of American Pit Bull Terriers, board of directors lacked authority to contract away legislative powers.

Affirmed.

West Headnotes

11 Animals 28  **3.5(3)**

28 Animals
28k3.5 Regulation in General
28k3.5(3) k. Constitutional Provisions, Statutes and Ordinances. [Most Cited Cases](#)
 (Formerly 28k4)

Constitutional Law 92  **4311**

92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applications

92XXVII(G)13 Animals and Plants, Regulation of

92k4311 k. Domestic Animals and Pets.
[Most Cited Cases](#)
 (Formerly 92k293, 28k4)

City ordinance prohibiting the keeping of particular breeds of dogs, including the American Pit Bull Terrier, within city, was sufficiently definite to withstand challenge as to vagueness. [U.S.C.A. Const.Amends. 5, 14.](#)


12 Animals 28  **3.5(3)**

28 Animals
28k3.5 Regulation in General
28k3.5(3) k. Constitutional Provisions, Statutes and Ordinances. [Most Cited Cases](#)
 (Formerly 28k4)

Because dogs were subject to city's police power, there was no reason why city ordinance could not make distinctions between breeds and ban American Pit Bull Terrier and Pit Bull from being kept within city, even if experts argued that those breeds should not be banned.

13 Municipal Corporations 268  **247**

268 Municipal Corporations
268VII Contracts in General
268k246 Unauthorized or Illegal Contracts
268k247 k. In General. [Most Cited Cases](#)

Release 331  **38**

331 Release
331II Construction and Operation
331k38 k. Operation and Effect in General.
[Most Cited Cases](#)
 Dog owner's release in settlement of prior litigation which stated that release was in consideration of repeal of municipal ordinance prohibiting keeping of American Pit Bull Terriers within city did not prohibit city from reenacting ordinance prohibiting keeping of Pit Bull Terriers, and, even if it did, city lacked authority to contract away its legislative powers. [U.S.C.A. Const.Amends. 5, 14.](#)
****209 *115** [William A. McLean](#), Little Rock, for