

STATE OF MISSISSIPPI**COUNTY OF MONTGOMERY****CITY OF WINONA****ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WINONA, MISSISSIPPI, ADOPTING PROPER RULES AND REGULATIONS PERTAINING TO DOGS AND OTHER ANIMALS LOCATED WITHIN THE CITY OF WINONA, MISSISSIPPI, AND REPEALING ALL PRIOR ORDINANCES PERTAINING HERETO.**

WHEREAS, the Mayor and Board of Aldermen of the City of Winona, Montgomery County, Mississippi, desire to adopt this Ordinance to provide proper rules and regulations pertaining to dogs within the City of Winona and to repeal all prior ordinances pertaining thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WINONA, MISSISSIPPI, AS FOLLOWS:

SECTION ONE. All prior ordinances adopting rules and regulations pertaining to dogs within the City of Winona, Mississippi, are hereby repealed.

SECTION TWO. For the purpose of this ordinance, the following terms shall have the respective meanings ascribed to them:

1. "Dog" shall include both males and females.
2. "Owner" shall mean any person or persons, firm, association, or corporation, owning, keeping, or harboring a dog. This shall include, without limitation, any property owner who permits a dog or other animal to remain about their premises without reporting the animal as a stray to the animal control officer or other city official and/or a person who regularly provides sustenance to an animal.
3. "At large" shall mean that the dog is not inside a locked

fenced yard, other enclosure, on the owner's property which will securely confine the dog and will prevent the dog from escaping.

4. A dog under the control of the owner, or a member of his immediate family, whether by leash, cord, chain, or otherwise, however, shall not be considered "at large".

SECTION THREE. If any section, subsection, sentence, clause, phrase, or other portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof.

SECTION FOUR. (1.) It shall be the duty of the owner of each dog of the age of six (6) months or over, within the City of Winona, Mississippi, to have said dog vaccinated against rabies with an approved antirabic vaccine and to be properly administered by one legally authorized to administer said vaccine and to see that the attached thereto a metal tag approved by the Mississippi State Board of Health, attesting to the said vaccination. Tag shall bear the serial number of the vaccination, the year in which the dog was inoculated and the words "Ms. Rabies Vaccinated". The said dog shall wear the tag at all times.

(2.) It shall be the further duty of the owner of each dog to have the said vaccination repeated annually, or at such intervals of time as may be prescribed by the Mississippi State Board of Health.

(3.) It shall also be the duty of the owner of each dog within the City of Winona to have attached to the collar of the dog a name plate with owner's name, address and telephone.

SECTION FIVE. Any dog found running at large in the City of Winona may be immediately picked up by any authorized city employee or the Animal control Officer and impounded in an enclosure kept for that purpose. Any dog thus impounded shall be kept by the City impounders for a period of ten (10) consecutive days unless claimed

sooner by the owner. Within ten (10) days from the time a dog is picked up, the rightful owner of any dog held by the City impounders may obtain the dog upon payment of an impounding fee in the amount of \$25.00 plus \$10.00 for each day said dog is impounded to the Animal Control Officer, provided proof of current vaccination is produced. In the event proof of vaccination is not provided said dog must be vaccinated at owner's expense before being released to owner.

SECTION SIX. (1.) At the time impoundment a registry shall be made noting the dog's breed, color and sex.

(2.) No later than two (2) days following impoundment of a dog the owner, if known, shall be personally notified by telephone or otherwise.

(3.) If the owner of any impounded dog is not known a written notice shall be posted for ten (10) days on the bulletin board of Winona City Hall, describing said dog with the time and place said dog was taken for impounding.

(4.) Dogs, which have bitten a person or persons, shall be impounded and held under quarantine as prescribed by the Mississippi State Board of Health. Upon the lifting of any such quarantine the owner of said dog shall pay to the Animal Control Officer of the City of Winona, Mississippi, the sum of \$100.00 plus \$10.00 per day for each day said dog is impounded.

SECTION SEVEN. Any dangerous, fierce, or vicious dog found at large whether wearing required identification or not that cannot be safely taken or impounded may be destroyed by any law enforcement personnel authorized to carry a deadly weapon.

SECTION EIGHT. No person shall own, keep or harbor any dog which chases after cars, bites, attacks or charges pedestrians or cyclists, or which barks or howls to such an extent that it constitutes a disturbance of the peace. It shall be the

responsibility of the owner of each dog in the City of Winona to see that said dog does not disturb the owners of neighboring properties in any manner. No person shall own, keep or harbor any dog, cat or other domesticated animal, or livestock, including, without limitation, goats, pigs, cows, horses, chickens, llamas, emus, ostriches, which disturbs the neighborhood or causes damage to, or interferes with the property of others.

SECTION NINE. The owners or harborers of dogs within the City of Winona shall be required to keep dog enclosures sanitary and clean so as to prevent disagreeable odors arising therefrom and to prevent the presence or breeding of fleas, flies, mosquitoes and other pests.

SECTION TEN. It shall be unlawful for any person to torture, torment, unjustifiably injure, deprive food or drink or cruelly beat or mutilate any dog within the City of Winona or to cause or permit the same to be done.

SECTION ELEVEN. The City of Winona Police Department and/or Animal Control Officer is hereby empowered to go upon the property of any person for the purpose of investigating all complaints regarding nuisance animals at large. No officer of the City of Winona or Animal Control Officer shall be guilty of trespassing and no action may be taken by the owner against the same.

SECTION TWELVE. Any violation of any of the provisions of this Ordinance shall be deemed a misdemeanor and shall be punished by a fine of \$50.00 to \$150.00 for a first offense, and \$100.00 to \$250.00 for any second or subsequent offense occurring within three years of the first offense.

SECTION THIRTEEN. No dog shall be released to any owner or

prospective owner unless and until all fines, costs or fees are paid for that animal.

SECTION FOURTEEN. Anyone claiming an animal impounded shall, after paying all fines, costs and fees, be required to provide photo identification with name, address and telephone number.

SECTION FIFTEEN. That the Clerk of the City of Winona, Mississippi, be and she is hereby directed to cause publication of this ordinance in the time and manner required by law and then obtain from the publisher of The Winona Times, a newspaper in which said publication is to appear, a proof of publication reflecting said publication.

SECTION SIXTEEN. That this Ordinance shall be in full force and effect as provided by law.

The above and foregoing Ordinance having been first reduced to writing, was read and considered section by section and then as a whole, a motion to adopt the foregoing Ordinance being made by Alderman David Ware, duly seconded by Alderman Franklin Shelton, the vote section by section and then as a whole being as follows:

1. SECTION ONE - FOURTEEN:

Alderman Mickey Austin voted "aye";
Alderman Clifford Dance voted "aye";
Alderman Charles L. Shelton voted "aye";
Alderman David Ware voted "aye"; and
Alderman Franklin Seals voted "aye".

15. AS A WHOLE:

Alderman Mickey Austin voted "aye";
Alderman Clifford Dance voted "aye";
Alderman Charles L. Shelton voted "aye";
Alderman David Ware voted "aye"; and
Alderman Franklin Seals voted "aye".

Thereupon, the Mayor declared said Motion carried and said Ordinance adopted on this the 15th day of September, A.D., 2009.

JERRY FLOWERS, MAYOR

ATTEST:

JUNE WILLIAMS, CITY CLERK