

**ORDINANCE NO. 309****AN ORDINANCE AMENDING THE EXISTING ORDINANCE #301 OF THE TOWN OF PRENTISS, MISSISSIPPI, CONCERNING THE REGULATION AND CONTROL OF ANIMALS WITHIN THE MUNICIPAL LIMITS BY ADDING THE BANNING OF SPECIFIC BREEDS OF DOGS FROM THE TOWN OF PRENTISS, MISSISSIPPI AND FOR RELATED PURPOSES**

WHEREAS, the Mayor and Board of Aldermen of the Town of Prentiss, Mississippi did on February 6, 2007, adopt an ordinance in and for the said Town, which ordinance provided certain restrictions on the keeping of animals in the Town of Prentiss, Mississippi, for the preservation of the public health, safety and welfare:

WHEREAS, Section 4 of said ordinance provides for Impounding, Redemption and Disposition of Certain Animals. The Board of Aldermen of the Town of Prentiss, after consideration of the same find and determine it to be to the best interest of the people of said Town to amend said ordinance by adding the following sub-section (to be known as Section 4, Subsection I of Ordinance #301) to read as follows:

**SECTION 4****SUB-SECTION 1: BANNING OF SPECIFIC BREEDS OF DOGS**

"Banned breeds of dogs" are banned entirely and may not be owned, harbored or kept within the Town of Prentiss, Mississippi. "Banned breeds of dogs" are defined as any one of the following:

- a. American Pit Bull Terrier;
- b. American Staffordshire Terrier;
- c. Staffordshire Bull Terrier;
- d. Rottweiler
- e. Wolf-dog hybrid
- f. Any dog whose sire or dame is a dog of a breed which is defined as a banned breed of dog under this Section;
- g. Any dog whose owner registers, defines, admits or otherwise identifies said dog as being a banned breed;
- h. Any dog conforming or substantially conforming to the breed of American Pitt Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier or Wolf-dog hybrid as defined by the United Kennel Club or American Kennel Club. Technical deficiencies in the dog's conformance to these standards shall not be construed to indicate that the subject dog is not a Banned Breed of dog under this ordinance;
- i. Any dog which is of the breed commonly referred to as "pit bull", "wolf", or "wolf hybrid" and commonly recognizable and identifiable as such; or,
- j. Any vicious dog which is found at large in violation of this Ordinance.

**Enforcement**

From and after the effective date of these amendments, all Banned Breeds of Dogs shall be removed from the corporate limits of the Town of Prentiss, Mississippi.

Thereafter, except as provided hereinafter, any person found to keep or harbor a Banned Breed of Dog on their property, house or motor vehicle located within the corporate limits of the Town of Prentiss, Mississippi, shall be charged with violation of this statute.

#### Registration

One Banned Breed of Dog which is presently harbored within the city may be maintained by the present owners until such dog dies, is moved from or is ordered removed from the city, if the following requirements are met, within Sixty (60) days from the effective date of this Amendment.

Owner of the Banned Breed of Dog must come to City Hall and register said animal and comply with the following regulations:

- A. A safe, secure enclosure must be provided for the dog. It shall be a violation of this ordinance to keep a dog tethered, chained or confined by a rope or other material to a single area for any period greater than one (1) hour. The owner shall acknowledge in writing the city's right to make unannounced inspections to ensure that the requirements for secure enclosure, construction and maintenance are met at all times.
- B. Within ninety (90) days of registration, the owner and dog must successfully register for an American Kennel Club K-9 Good Citizen Certification or similar course in order for the dog to be kept within the city. The course must be completed within six (6) months of registration or by the completion date of the earliest available class after registration.
- C. Failure to register a Banned Breed of Dog within the Sixty (60) day grace period shall be prima facia evidence that the banned breed of dog is a newly acquired animal.
- D. Nothing herein shall prevent a properly registered dog from later being declared dangerous or vicious pursuant to this chapter and subsequently removed or destroyed.
- E. Failure to remove, properly confine, or properly control a Banned Breed of dog shall result in seizure of the animal and humane destruction of the animal may result by order of the Municipal Court.

#### **SUB-SECTION II: KEEPING OF PIT BULL BREED DOGS PROHIBITED AND VARIANCE PROCESS FOR THE KEEPING OF PIT BULL BREED DOGS:**

- A. Variance procedure for keeping Pit Bull Breed Dogs (pure-bred or any amount identified in Sub Section 1)
  1. (a) A variance from the prohibition may be sought by submitting a written request to the City Clerk on the form approved by the Town of Prentiss for this purpose. When seeking a variance, in addition to the written request, the applicant must have in place an approved pen/enclosure for each dog approved by the Director of Law Enforcement for the Town of Prentiss, or his designee, and which pen/enclosure shall secure an area of not less than 100 sq. ft. and shall have a concrete floor covering the entire enclosed area, a chain link fence, a minimum of 6 ft in height, around the entire pen/enclosure, and a roof and/or cover over the entire pen/enclosure capable of preventing the dog from escaping. The approved pen/enclosure shall be located within a fenced in back yard. The applicant must also submit, at the time of the filing of the variance request, proof of an effective homeowner's liability

policy (including the Declaration Pages of such insurance policy) insuring the property where the dog(s) are kept and insuring the dog(s) which are the subject of the variance, with minimum liability coverage of \$100,000 and an original letter from the homeowner's insurance company addressed to the Town of Prentiss indicating knowledge of the insurance company of the presence of the dog(s) at the insured address, by name or other identification method, and that the insurance is in force and effect, and that the insurance provides liability coverage for injuries to persons or property caused by the dog(s) and that in the event the insurance is canceled, non-renewed or otherwise terminated for any reason that the Town of Prentiss will be provided notice thereof in writing before the cancellation, non-renewal or termination thereof.

(b) Owners in possession of any prohibited dogs as of the time of the adoption of this Ordinance, shall be permitted 60 days from adoption to apply for and obtain a variance to keep such prohibited dog(s).

2. Upon receipt of the variance request, the Town of Prentiss shall consider the same and may approve the same, if all of the conditions precedent have been accomplished by the applicant, and it is determined that the granting of the same will not otherwise create a nuisance or negatively affect the quiet use and enjoyment of others in the community.
3. The granting of a variance shall not relieve the owner of the dog(s) or those otherwise in possession and/or control of the dog(s) from any and all liability resulting from the conduct of the dog(s), and/or the action or inaction of the owner, or possessor of the dog(s).
4. Any variance granted hereunder shall be specific to each dog which shall be specifically identified, and is non-transferrable.
5. The owner of any dog(s) receiving a variance shall immediately and without delay, notify the City Clerk of any change in the conditions precedent to the granting of the variance and until such time as such conditions precedent are reinstated and restored in all respects, the variance shall terminate in all respects and the dog(s) shall be impounded at the owner's expense or shall be removed by the owner from the Town of Prentiss. At such time as the conditions precedent to the granting of the variance are reinstated, the Town of Prentiss shall consider the same and determine whether and to what extent to reinstate the variance.
6. Because of the nature of the dog(s) which are subject to the prohibition in Section 4, Sub-section 1, at all times necessary, the owner of the dog(s) grants the Director of Law Enforcement, or his designee, access to the property where the dog(s) are kept to inspect the condition of the required pen/enclosure. If it is determined that the required pen/enclosure requires repairs and/or maintenance to comply with the provisions hereof, the Director of Law Enforcement, or his designee, is authorized to require the same to occur within a reasonable time and if necessary to require the owner to remove the dog(s) from the Town of Prentiss, or impound the dog(s) at the expense of the owner, until such necessary repairs and/or maintenance can be made while permanent repairs and/or maintenance is performed and that such temporary repairs/and or maintenance will prevent the dog(s) from escaping during the pendency of the permanent repairs and/or maintenance. If in the opinion of the Director of Law Enforcement, or his designee, the required pen/enclosure is in such a state of disrepair to exhibit willful neglect by the owner, the Director of Law Enforcement, or his designee, shall impound the dog(s) and shall declare

- the condition precedent to the granting of the variance breached. At such time, in order for the owner to keep the dog(s) in the Town of Prentiss, the owner will be required to seek reinstatement of the variance.
7. At all times relevant, all dog(s) which are allowed to be kept by the owner by a variance granted under the provisions hereof, shall be kept in the approved pen/enclosure and when not being kept in the required pen/enclosure, the dog(s) must be kept on a secure leash personally controlled by the owner or his/her designee who is able to control the dog(s) so as to not constitute a threat to the public. At no time while the dog(s) are not in the required pen/enclosure, shall the dog(s) be allowed to be off a secure leash and unattended by the owner or his/her designee who is able to control the dog(s) so as to not constitute a threat to the public. Any violation of this provision shall constitute a violation of the terms of the variance and will cause the variance to immediately terminate.
  8. Nothing herein shall relieve the owner of the dog(s) of any other provision of the Town of Prentiss Animal Control Ordinance. Any conviction of a violation of the conditions and requirements of the Town of Prentiss Animal Control Ordinance, with respect to the dog(s) which are the subject of a variance under this section, shall constitute a violation of the terms and conditions of the variance and the variance is terminated accordingly and the dog(s) shall be removed by the owner from the Town of Prentiss.
  9. Any violation of the conditions of the variance shall constitute sufficient grounds to deny the reinstatement of the variance for the dog(s) which are the subject of the original variance and to deny a variance to the owner for any other prohibited dog(s).
- B. Any violation of Sub-Section II shall constitute a misdemeanor and in addition to the remedies provided, the owner of the dog(s) shall be subject to a fine of up to \$1,000 and/or punishment of up to 90 days in jail, or both. Each day a violation is determined to occur shall constitute a separate offense.

These amendments to Ordinance #301 shall become effective thirty (30) days from and after its adoption.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the Town of Prentiss, Mississippi at a meeting thereof held on the 7<sup>th</sup> day of September, 2010.

**TOWN OF PRENTISS, MISSISSIPPI  
PIT BULL VARIANCE REQUEST FORM AND CHECK LIST**

NAME:

ADDRESS:

TYPE/NAME/NUMBER OF ANIMAL(S)

REQUEST DATE:

I HAVE READ AND UNDERSTAND THE ORDINANCE OF THE TOWN OF PRENTISS PERTAINING TO THE PROHIBITION OF KEEPING PIT BULL DOGS IN THE TOWN OF PRENTISS AND THE PROVISIONS REGARDING OBTAINING AND MAINTAINING A VARIANCE WITH RESPECT TO THE SAME. I UNDERSTAND THAT THE FAILURE TO COMPLY WITH ANY OF THE SAID ORDINANCE OR ANY OTHER ORDINANCE OF THE TOWN OF PRENTISS RELATIVE TO SAID DOG(S) SHALL RESULT IN THE TERMINATION OF SUCH VARIANCE TO KEEP SUCH PROHIBITED DOG(S). IF SUCH IS GRANTED BY THE TOWN OF PRENTISS, AND SUCH FAILURE MAY SUBJECT ME TO FINES AND PENALTIES, INCLUDING IMPRISONMENT IN JAIL, AND/OR THE REMOVEAL OF THE DOG(S) FROM THE TOWN OF PRENTISS, THE IMPOUNDMENT OF THE DOG(S) AND/OR DESTRUCTION OF THE DOG(S), WHICH ARE THE SUBJECT OF THE VARIANCE, AT YOUR EXPENSE.

I CERTIFY THAT ALL INFORMATION SUBMITTED IN CONJUNCTION WITH THIS REQUEST IS TRUE AND CORRECT IN ALL RESPECTS.

SIGNATURE OF APPLICANT

DATE

DRIVER'S LICENSE #

DOB

SSN

NOTE: THE GRANTING OF A VARIANCE DOES NOT RELIEVE THE OWNER FROM ANY AND ALL LIABILITY INCURRED AS A RESULT OF ACTIONS OF THE DOG(S).

1. PEN ENCLOSURE (INSPECTION BY PRENTISS POLICE DEPT.	ACCEPTABLE
a. CONCRETE FLOOR COVERING ENTIRE ENCLOSED AREA	
b. CHAIN-LINK FENCE AROUND ENCLOSURE, MIN. OF 6 FT. IN HEIGHT	
c. ROOF COVER CAPABLE OF PREVENTING DOG(S) FROM ESCAPING	
d. PEN/ENCLOSURE LOCATED WITHIN A FENCED IN BACK YARD	

INSPECTED BY:

BADGE #

DATE

COMMENTS:

INSURANCE: APPLICANT MUST INCLUDE PROOF OF AN EFFECTIVE \$100,000 (MINIMUM) HOME OWNER'S LIABILITY POLICY AND INCLUDE THE DECLARATION PAGES THEREOF AND LETTER FROM INSURANCE COMPANY WHICH INCLUDES THE INFORMATION REQUIRED.

COMPANY:

AGENT

POLICY #

VERIFIED BY CITY:

DATE

ACTION TAKEN BY CITY: VARIANCE APPROVED DATE:  
VARIANCE DENIED DATE:

ANY CHANGE IN THE ABOVE CONDITIONS REQUIRES RE-INSPECTION AND APPROVAL. ANY VARIANCE APPROVED MAY BE SUBSEQUENTLY REVOKED FOR GOOD CAUSE OR IF A DOG IS FOUND OUT OF THE APPROVED PEN/ENCLOSURE.

RETURN FORM TO PRENTISS CITY CLERK, P. O. BOX 1344, PRENTISS, MS 39474 FOR FILING AND FOR CONSIDERATION OF APPROVAL/DENIAL BY BOARD OF ALDERMEN.

PRENTISS CITY CLERK 601-792-5196