

ORDINANCE OF THE CARROLL COUNTY BOARD OF SUPERVISORS ENACTING REGULATIONS PROVIDING FOR THE KEEPING OF PIT BULL DOGS WITHIN CARROLL COUNTY

WHEREAS, the Members of the Carroll County Board of Supervisors desire to adopt an Ordinance governing the owning, keeping, and harboring of pit bull dogs of all types and kinds in Carroll County; and

WHEREAS, the Carroll County Board of Supervisors pursuant to Miss. Code Ann. §#19-3-40 has authority to adopt ordinances, orders or resolutions with respect to County affairs, with such ordinances, orders or resolutions to apply countywide except when the governing authorities of any municipality situated in Carroll County has adopted similar ordinances, orders or resolutions regulating animals within municipal corporate city limits; and

WHEREAS, the Carroll County Board of Supervisors does hereby adopt the following ordinance to be known as the Carroll County Pit Bull Control Ordinance and directing that it shall be effective thirty (30) days from the first date of the publication of the said ordinance in a newspaper of general circulation in Carroll County, Mississippi,

NOW THEREFORE, BE IT ORDAINED, by the Carroll County Board of Supervisors as follows:

Section 1: Findings

- a) The State of Mississippi and nearby counties have. experienced a series of incidents in which citizens and animals have been threatened or attacked or injured by pit bull dogs.
- b) The pit bull breed was developed for the purpose of producing fighting dogs.
- c) To increase its effectiveness as a fighter, certain pit bull traits have been selected and maximized by controlled breeding, including:
 1. A set of powerful jaws with an exceptional ability to grip, lock and tear when dogs bite;
 2. A unique insensitivity to pain that causes pit bulls to be exceedingly tenacious in attack;
 3. An unusually aggressive temperament toward human beings and other animals; and
 4. An extraordinary directness in their method of attack that does not include the common warning signs such as barking or growling as displayed by other breeds.
- d) for the reasons provided in this section, pit bull dogs present a present danger to the health and welfare of the citizens and animals in the county different in degree and kind from the dangers presented by other breeds.

Section II. Regulations.

- a) *Generally.* This chapter is intended to utilize the authority and powers of the county in order to secure for the citizens of the county the protection of their health, safety and welfare. This chapter is intended to be applicable to dogs which are commonly referred to as "pit bulls" and which are defined herein. This chapter is designed to regulate these pit bull dogs and to ensure responsible handling by their owners through confinement. The unique history, nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this division which the Board of Supervisors hereby finds reasonable and necessary.
- b) *Definition and Identification of a Pit Bull Dog.* The term "pit bull" dog as used within this chapter shall refer to any which exhibits those distinguishing characteristics which substantially conform

to the standards established by the American Kennel Club for American Staffordshire, Terriers of Stafford Bull Terriers or which substantially conform to the standards established by the united Kennel Club for American Pit Bull Terriers. Technical deficiencies in a dog's conformance to the standards described herein shall riot be considered to indicate that the subject dog is not a pit bull dog pursuant to this ordinance. Testimony by a veterinarian or animal behaviorist that a particular dog exhibits distinguishing characteristics of a pit bull shall establish a rebuttable presumption that the dog is a pit bull.

c) *Confinement of Pit Bull Dogs.*

1. Because of the pit bull dog's inbred propensity to attack other animals, and because of the danger posed to humans and animals alike by a pit bull dog when running loose or while running together in a pack, pit bull dogs must at all times be securely confined indoors, or confined in a securely and totally enclosed and locked pen, constructed with cyclone type fencing material of at least nine (9) gauge wire thickness; with all four (4.) sides. to be at least six (6) feet in height; with a concrete slab foundation at least four (4) inches in thickness; and a secured cyclone fence top; such enclosure shall likewise have a conspicuous sign affixed thereto displaying the words "Dangerous Dog".
2. At any time which a pit bull is not confined as required in paragraph (1) above, the dog shall be muzzled as to prevent it from biting or injuring any person or animal; provided, however, that no pit bull maybe within fifty (50) feet of any public school ground, park or church when in session.
3. An exception to these confinement requirements is hereby provided for any pit bull in attendance at, or participating in, any lawful dog show, contest or exhibition sponsored by a dog club, association, society or similar organization.

d) *Owner Age Requirement.* Owners, keepers or harborers of pit bull dogs

or the like must be twenty-one (21) years of age. A person must be twenty-one (21) years of age to walk a pit bull dog or the like on a leash,

e) *Limits of Confinement.* No more than three (3) pit bull dogs or the like shall be confined at any single dwelling in Carroll County,

f) *Altering of Pit Bull Dogs.* All pit bull dogs shall be neutered or spayed.

g) *Liability insurance.* Owners of pit bull dogs or the like shall maintain a liability insurance policy in the amount not less than \$100,000.00 for bodily injury or property damages arising from events or occurrences associated with owning, keeping, or harboring pit bull dogs or the like. That in lieu of a liability insurance policy, owners of pit bull dogs may post a \$100,000 cash bond with a reputable bonding company to be approved by the county and licensed to do business in the State of Mississippi. Every personal surety, other than a surety company, used by a pit bull owner, shall make affidavit setting forth requisite information in strict compliance with Section 25-1-21 of the' Mississippi Code, as annotated and amended (1972).

Every personal surety bond shall be payable to Carroll County, Mississippi and approved by the Board of Supervisors of Carroll County, Mississippi and shall be filed with the Chancery Clerk of Carroll County, Mississippi.

h) *Enforcement.* It shall be the duty and responsibility of the sheriff to enforce the provisions of this ordinance. Owners, keepers, or harborers of pit bull dogs or the like, may be subjected to spot checks by local law enforcement and must be, able to produce proof of liability insurance and show confinement to the satisfaction of this ordinance.

- i) *Schedule of Penalties.* Violations of this ordinance shall be punishable as follows:
 - 1. *First Offense* - A fine of not less than \$250.00; nor more than \$499.00.
 - 2. *Second Offense* - A fine of not less than \$500.00 nor more than \$999.00
 - 3. *Third Offense and Subsequent Offense* - A fine of not less than \$1,000.00, nor more than \$1499.00, and permanent relinquishment of all pit bull dogs or the like by the owner, keeper, or harbinger. Enforcement of the penalties shall be within the jurisdiction of the Carroll County Justice Court.
- j) *Other Regulations.* Nothing in this chapter shall prevent the county from providing more stringent regulations of pit bull dogs and pit bull owners, or of other types of animals deemed to be a threat to the safety and welfare of the community.

Section. III. Severability Provision

If any section, paragraph, sentence, clause, phrase, or any part of this Ordinance is declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses and phrases shall be in no manner affected thereby, but shall remain in full force and effect. Section IV. Publication

The Clerk of this Board is hereby authorized and directed to cause to be published in a newspaper of general circulation in Carroll County a copy of this Ordinance once each week for three (3) consecutive weeks; said Ordinance to be in full force and effect thirty (30) days from and after the date of each first publication.

So ordered, this the 27th day of July, 2014.