

STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

CITY OF WINONA

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WINONA MISSISSIPPI ENACTING REGULATIONS PROVIDING FOR THE KEEPING OF PIT BULL DOGS WITHIN THE CITY OF WINONA AND FOR RELATED PURPOSES

WHEREAS, the Board of Aldermen of the City of Winona desire to adopt an ordinance governing the owning, keeping, and harboring of pit bull dogs of all types and kinds in the City of Winona; and

WHEREAS, the City of Winona Board of Aldermen pursuant to Miss. Code Ann. Section 21-12-1 et seq. has authority to adopt ordinances with respect to City Affairs within the municipal corporate limits and further pursuant to Miss. Code Ann. Section 41-53-1 et seq. the City of Winona Board of Aldermen is specifically authorized to regulate dogs situated in said City; and

WHEREAS, the City of Winona Board of Aldermen does hereby adopt the following ordinance to be known as the City of Winona Pit Bull Control Ordinance and directing that it shall be effective in the time and manner prescribed by law after publication.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Winona, Mississippi as follows:

Section I. Findings.

- (a) The City of Winona has experienced a series of incidents in which citizens and animals have been threatened or attacked and 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 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 city different in degree and kind from the dangers presented by other breeds of dogs.

Section II. Regulations.

(a) *Generally.* This chapter is intended to utilize the authority and powers of the City in order to secure for the citizens of the city 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 and registration. The unique history, nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this ordinance which the Board of Aldermen hereby finds reasonable and necessary.

(b) *Definition; identification of a pit bull dog.* The term "pit bull" as used within this chapter shall refer to any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire 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 standards described herein shall not be considered to indicate that the subject dog is not a pit bull dog pursuant to the ordinance. Testimony by a veterinarian or an animal behaviorist that a particular dog exhibits distinguishing physical 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, measuring a minimum of 10 feet by ten feet for one dog, and a minimum of 12 feet by twelve feet for more than one dog, constructed with intertwined cyclone type fencing material of at least 9 gauge wire in thickness; with all four (4) sides to be at least six (6) feet in height; with concrete slab foundation at least 4 inches in thickness; and a secured cyclone type fence top; and must be kept clean and sanitary at all times. Such enclosures shall have a conspicuous sign affixed thereto displaying the words "Dangerous Dog." In

addition thereto, all dogs covered under this Ordinance shall be kept no closer than fifteen (15) feet from any utility easement or right-of-way.

(2) At any time that a pit bull dog is not confined as required in paragraph (1) above, the dog shall be muzzled in such a manner as prevent it from biting or injuring any person or animal, and kept on a halter with the owner or custodian in attendance; provided, however that no put bull dog may be walked within fifty (50) feet of public school ground nor enter such school ground, public event, parade, or public park.

(3) An exception to these confinement requirements is hereby provided for any pit bull dog in attendance at, and participating in, any lawful dog show, contest or exhibition sponsored by a dog club, association, society or similar organization, provided such events are not carried out in a public venue and that adequate measures are employed to insure the dogs will be under the control of their owners at all times.

Registration of pit bull dogs. Every owner of a pit bull dog within the city shall register said dog with the City of Winona Animal Shelter. The registration shall include the following: Name, address, and telephone number of the dog's owner; the address where the dog is harbored, if different from that of the owner; a complete identification of the dog, including the dog's sex, color and other distinguishing physical characteristics; a color photograph of the dog, and a description of the method of compliance with the confinement requirements. The registration tag shall be worn on the dog's collar at all times. Certification of rabies vaccination shall be presented upon registration.

(e) *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 halter.

(f) *Limits of confinement.* No more than three (3) pit bull dogs or the like shall be confined at any single dwelling in the City of Winona.

(g) *Altering of pit bull dogs.* All pit bull dogs shall be neutered or spayed, and the appropriate certification shall be provided the City of Winona Animal Shelter upon registration.

(h) *Liability insurance.* Owners of pit bull dogs or the like shall maintain a liability insurance policy in an amount not less that \$50,000.00, for bodily injury or property damages arising from events or occurrences associated with owning, keeping, or harboring pit bull dogs or the like.

(i) *Enforcement.* It shall be the duty and responsibility of the city animal control officer(s) and police 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 registration, proof of liability insurance, and show confinement to the satisfaction of this ordinance.

- (j) *Schedule of penalties.* Violations of this ordinance shall be punished as follows:
- First offense**- A fine of not less than \$100.00; nor more than \$299.00;
- Second offense** – A fine of not less than \$300.00 nor more than \$500.00;
- Third and subsequent offenses** – A fine of not less than \$500.00 nor more than \$999.00, and permanent relinquishment of all pit bull dogs or the like by the owner, keeper, or harborer. Enforcement of penalties for violations of this ordinance shall be within the jurisdiction of the City of Winona Municipal Court.
- (k) *Other regulations.* Nothing in this chapter shall prevent the City from providing more stringent regulations of pit bull dogs and pit bull dog owners, or of other types of animals deemed to be a threat to the safety and welfare of the community.

Section III. Publication.

The City Clerk is hereby authorized and directed to cause to be published in *The Winona Times* a copy of this Ordinance, to be in full force and effect in the time and manner as prescribed by law.

The motion for adoption of said Ordinance was duly made by Alderman J. R. Graves, duly seconded by Alderman Jerry Flowers, and said Ordinance was considered section by section and then as a whole. A vote was called upon the question, which resulted as follows:

1. Section 1-3:

Alderman Charles L. Shelton voted	"Aye ";
Alderman J. R. Graves voted	"Aye ";
Alderman Jerry Flowers voted	"Aye ";
Alderman Franklin Seals	"Abstain ";
Alderman David Ware voted	"Abstain ".

2. As a whole:

Alderman Charles L. S Shelton voted	"Aye ";
Alderman J. R. Graves voted	"Aye ";
Alderman Jerry Flowers voted	"Aye ";
Alderman Franklin Seals voted	"Abstain ";
Alderman David Ware voted	"Abstain ".

Thereupon, the Mayor declared the motion carried and said Ordinance adopted on this the 24th day of May 2006.

David Putman, Mayor

ATTEST:

Bonita Smith, City Clerk