

ORDINANCE 142**AN ORDINANCE AMENDING THE EXISTING ORDINANCE(S) OF THE TOWN OF LEAKESVILLE, 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 LEAKESVILLE AND FOR RELATED PURPOSES**

WHEREAS, it has been brought to the attention of the Mayor and Board of Aldermen of the Town of Leakesville, Mississippi that attacks by dogs on humans and other animals are a problem, as well as the harboring of said dogs, and the intimidation of pedestrians by said dogs, and;

WHEREAS, when this issue was raised in the Town, a number came forward and expressed their concern for the safety and welfare of the citizens of the Town because of certain breeds of dogs; and,

WHEREAS, during these on-going discussions, information was provided and personal knowledge shared that a disproportionate number of attacks and pedestrian intimidation are caused by Pit Bull type breeds, Rottweilers, and Wolf-Hybrids; etc., and,

WHEREAS, evidence was also presented that these dogs are not intimidated by size; and that some irresponsible owners and breeders are attracted to these dogs for certain reasons and have bred into a number of the animals certain traits to include:

1. A set of powerful jaws with an exceptional ability to grip, lock and tear when the dog bites;
 2. A unique insensitivity to pain that causes the dogs to be exceedingly tenacious in an attack;
 3. An unusually aggressive temperament toward human beings and other animals;
 4. An extra-ordinary directness in their method of attack that does not include the common warning signs such as barking or growling displayed by other breeds;
- and,

WHEREAS, for the above-stated reasons and because the first attack by these breeds of dogs can be a significantly life changing event or even lethal, the use of the first bite warning is no longer appropriate; and

WHEREAS, these dogs present a danger to the health and welfare of the citizens of the Town of Leakesville, Mississippi, different in degree and kind, from the dangers presented by other breeds of dogs.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the Town of Leakesville, Mississippi that the existing ordinances of the Town of Leakesville, Mississippi concerning the regulation and control of animals shall be amended as follows:

Section 1.

The aforesaid findings are hereby incorporated by reference and made a part hereof. This Ordinance shall be supplementary in nature to other Town Ordinances, and subject to all superseding federal and state laws.

Section 2.

The following are “Banned Breeds”:

A. American Pit Bull Terrier;

B. Staffordshire Bull Terrier;

C. American Staffordshire Terrier;

D. Wolf-dog hybrid;

E. Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this Section;

F. Any dog whose owner registers, defines, admits, or otherwise identified said dog as being of a banned breed;

G. Any dog conforming, or substantially conforming, to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull 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. The testimony by a veterinarian, animal control officer, chief of police or his designee, that a particular dog exhibits distinguishing physical characteristics of a banned breed of dog shall establish a rebuttable presumption that the dog is a banned breed of dog;

H. 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,

I. Any other vicious dog bred which has been determined as a nuisance and danger to the citizens of the Leakesville by the Chief of Police or his designee, or by the animal control officer.

Section 3: 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 Leakesville,

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 Leakesville, Mississippi, shall be charged with violation of this statute.

- a. 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.
- b. Any person desiring to keep one dog as set forth in the immediately preceding section shall register said dog within sixty (60) days from the effective date of this amendment by completing a form at Town Hall and paying a non-refundable registration fee of one hundred (100) dollars. Registration shall not exempt the owner of the other requirements of this ordinance for the maintaining of one banned breed.
- c. Confinement of one excepted banned breed: It shall be a violation of this ordinance to keep a chained or confined by a rope or other material to a single area for any period greater than one (1) hour. Further said confinement to the extent possible shall not be in location that will allow the dog to intimidate, harasses, etc., pedestrians and ordinary street traffic. At registration, 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.
- d. No Banned Breed of Dog shall be kept or harbored at any apartment complex, multi-family residential facility, or mobile home park unless the owner can present sufficient proof that all requirements of this Section can be and are in place to protect the public.

Section 4. Failure to Register: Failure to register a Banned Breed of Dog within the Sixty (60) day grace period shall be *prima facie* evidence that the banned breed of dog is a newly acquired animal. Nothing herein shall prevent a properly registered dog from later being declared dangerous or vicious pursuant to this chapter and subsequently removed.

Section 5. Penalties:

A. Any person violating the provisions of this Ordinance or any part thereof shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$1,000.00, or imprisoned not exceeding 90 days or both. Each day such violation continues shall be considered a separate offense and shall be enforced as such. Nothing in this Ordinance shall prevent the City from taking such other lawful action as deemed necessary to prevent or remedy any violation of this Ordinance.

B. Failure to remove, properly confine, or properly control a Banned Breed of Dog shall result in seizure of the animal and humane disposal of the animal may result by order of the Municipal Court.

Section 6. Effective Date:

This Ordinance shall become effective thirty (30) days from and after its adoption and first publication as required.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the Town of Leakesville, Mississippi at a meeting thereof held on the 19th day of August, 2014.

The motion for adoption was made by Alderman Joe Bullard and seconded by Alderman Carolyn Garretson and the foregoing Ordinance having been first reduced to writing and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the Town Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote being as follows, to-wit:

Alderman Joe Bullard	Aye
Alderman Bill Burley	Aye
Alderman Jimmy Breland	Aye
Alderman Carolyn Garretson	Aye
Alderman Karen Smith	Aye

Whereupon, the Mayor declared the motion carried and Ordinance adopted. The foregoing Ordinance is approved this the 14 day of August, 2014.

MAYOR

Clerk: _____