

STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

CITY OF WINONA

AN ORDINANCE OF THE CITY OF WINONA, MISSISSIPPI ADOPTING PROPER RULES AND REGULATIONS FOR THE KEEPING OF PIT BULL DOGS WITHIN THE CITY LIMITS OF THE CITY OF WINONA, MONTGOMERY COUNTY, MISSISSIPPI, AND REPEALING ALL PRIOR ORDINANCES RELATING THERETO.

WHEREAS, the Mayor and Board of Aldermen of the City of Winona, Montgomery County, Mississippi 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.

## **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. 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) *Restraint of pit bull dogs.* Pit bull dogs shall be kept on a halter with the owner or custodian in attendance; provided, however that no pit bull dog may be walked within fifty (50) feet of a public school ground nor shall the pit bull dog be allowed to enter such school ground, public event, parade, or public park.

(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) *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.

(h) *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.

(i) *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 Charles Harris, duly seconded by Alderman Mickey Austin, 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. Sections 1-3:

Alderman Mickey Austin voted	“Aye”;
Alderman Travis Johnson voted	“Aye”;
Alderwoman Sylvia Clark voted	“Aye”;
Alderwoman Linda Purnell voted	“Aye”;
Alderman Charles Harris voted	“Aye”.

2. As a whole:

Alderman Mickey Austin voted	“Aye”;
Alderman Travis Johnson voted	“Aye”;
Alderwoman Sylvia Clark voted	“Aye”;
Alderwoman Linda Purnell voted	“Aye”;
Alderman Charles Harris voted	“Aye”.

Thereupon, the Mayor declared the motion carried and said Ordinance adopted on this the 22<sup>nd</sup> day of February 2022.

  
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Aaron Dees, Mayor

ATTEST:

  
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Monica Turner, City Clerk