

Section 1: Sections 18-109 through Section 18-111 shall read as follows:

Section 18-109~~111~~. Penalty for violation of the article.

- (a) *1st offense.* Up to 30 days in jail and/or \$200.00 fine.
- (b) *2nd offense.* Up to 60 days in jail and/or \$500.00 fine.
- (c) *3rd offense.* Up to 90 days in jail and/or \$1,000.00 fine.

Section 18-109. Banned Dangerous Dog Breeds

(a) General.

- (1) There shall be a recognized category of dogs designated as "dangerous breeds."
- (2) Beginning on the ninety-first day after passage of this section, it shall be unlawful for any person to keep within the city limits any dangerous breed, except in compliance with the provisions of this section.
- (3) A dangerous breed shall include the following:
 - (i) A pit bull, which is defined as any dog that is an American pit bull terrier, a Staffordshire terrier, or American Staffordshire terrier, and any dog of mixed breeding that has the primary characteristics of an American pit bull terrier, a Staffordshire terrier, or an American Staffordshire terrier. The American Kennel Club and United Kennel Club standards for the above breeds shall be on file for viewing at the city's animal shelter. The animal control authority, by rule, shall specify the criteria for determining whether a dog of mixed breeding has the "primary characteristics" of the afore-mentioned breeds, and said rule shall be on file for viewing at the city's animal shelter.
 - (ii) Any other breed that is so declared by ordinance.
- (4) For purposes of this section, an "owner" is defined as any person who owns, keeps, exercises control over, maintains, or harbors a dangerous breed.
- (5) Notwithstanding the special provisions set forth below as to keeping a dangerous breed within the city limits:
 - (i) Any such animal is also subject to the provisions for designation as a dangerous dog or as a vicious dog.

(ii) Any such animal declared to be a vicious dog shall be euthanized once process to declare the animal a vicious dog has been completed in accordance with Section 18-56(c).

(iii) The animal control authority may temporarily harbor and transport any dangerous breed for purposes of enforcing the provisions of this section.

(iv) An owner may transport into and temporarily hold in the city limits a dangerous breed for the limited purpose of transporting the dog to a veterinarian or groomer for care, or to participate in a contest or show sponsored by the American Kennel Club or the United Kennel Club.

(b) Permit required.

(1) Permit. A dangerous breed may not be kept within the city limits unless the registered owner or custodian strictly complies with the requirements and conditions of the dangerous breed permit.

(2) Permit fee. The owner or custodian shall pay an annual permit fee established by rule by the animal control authority, in addition to all other required fees, for each year that a dangerous breed is kept within the city limits. The annual permit fee shall be in amount reasonably calculated to cover the expenses in the regulation and enforcement of this ordinance.

(c) Registration requirements. The owner of any dangerous breed shall be allowed to keep such dog within the Jackson city limits only if the owner registers the dog with the animal control authority on an annual basis and obtains a dangerous breed permit and a window sticker with each annual registration. As a condition of registration, the owner shall at the time of application provide sufficient evidence that the owner is in compliance with all of the following requirements:

(1) Rabies vaccination. The dog must be vaccinated against rabies by a licensed veterinarian on an annual basis.

(2) Current city license. The owner must purchase an annual city license for the dog, and the dog must wear the city license tag on its collar at all times.

(3) Microchip. The animal control authority may establish a rule requiring the dog, at the owner's cost, to be identified by means of a microchip that is injected under its skin

by a licensed veterinarian and maintained as long as the animal is kept within the city limits.

(4) Photo. The owner must bring their potentially dangerous breed to the city animal shelter to have its photo taken with the owner.

(5) Sterilized. The owner must provide documentary proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply if:

(i) Animal services receives a letter from the owner's veterinarian, to be confirmed by the animal services veterinarian, stating that the dog is physically unable to reproduce or that the dog is medically compromised to the extent that it cannot be safely sterilized;

(ii) The dangerous breed is a registered AKC or UKC show dog with points or with documentation of training for show purposes, if the owner purchases an annual show dog permit for a fee established by the animal control authority;

(iii) The dog is a registered AKC or UKC dog with points, and the owner purchases an annual breeder's permit for a fee established by the city with the restriction that the dog shall be allowed to produce or sire no more than one (1) litter per calendar year beginning on January 1 and ending on December 31. For any additional litter produced in any calendar year, there shall be a fine, in addition to any other fine, of five hundred dollars (\$500.00) against both the sire and the bitch, and two hundred fifty dollars (\$250.00) for each live pup; or,

(iv) The Owner and dog resided in the City prior to the effective date of this section, and the neither owner or dog have been found to have violated any section of this chapter within the prior two year period.

(d) Permit conditions.

(1) Place of confinement. A dangerous breed must reside at the owner's residence. It may not be kept at a place of business while that business is closed and unoccupied by a responsible adult. Any area of temporary confinement at a place of business must comply with paragraph (d)(3) of this section.

(2) Window sticker. The animal control authority may require that an annual window sticker, provided at the time of registration, be posted on the owner's property, visible from the street to indicate that a dangerous breed resides on the property.

(3) Confinement. A dangerous breed of dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape. Dangerous breed of dog shall not be confined by means of an electronic containment device, or invisible fence. When outside of an area of confinement, a dangerous breed must be restrained by means of a secure leash held by an adult who has the ability to control the dog. When being transported in a motor vehicle, a dangerous breed must be restrained and contained inside the vehicle, or contained in a cage or kennel reasonably designed for such purpose.

(4) Unless the owner complies with Section 18-107(b), the owner may not take his unconfined dangerous breed dog to: any public school; daycare facility; public meeting of a county, municipality or other governmental body; a political rally or official political meeting; school, college or professional athletic event; or other like location specified by the rules and regulations of the animal control authority.

(5) No transfer of permit. A dangerous breed permit shall not transfer to a new owner residing in the city limits. The new owner must meet all registration requirements within ten (10) days of acquiring the dog.

(6) Relocation reported. The owner of a dangerous breed may relocate the dog to the owner's new Jackson residence or place of business if the owner contacts the animal control authority prior to the relocation in order to report the new address and obtain a new window sticker. The new window sticker must be posted at the new residence within thirty (30) days of the move.

(7) Maximum number. The number of dangerous breed dogs kept, maintained or harbored at one residence shall not exceed two (2).

(8) The animal control authority may by rule require owners of the dangerous breed dog to maintain homeowner insurance, or renters insurance, that (a) provides coverage for, and does not exclude, injuries inflicted by the dangerous breed dog, and (b) has a limit of at least \$100,000. However, an owner who has resided with his dangerous breed dog in the City prior to the effective date of this section shall not be required to maintain such insurance unless the owner has been found to have violated any section of this chapter within the prior two year period.

(e) Breed-designation appeals. The owner of a dog that has been identified as a dangerous breed under this section shall have the right to an administrative appeal of the breed designation by submitting a request for a hearing to the animal control manager, or his designee, in writing within five (5) days of the animal control authority's designation of the owner's dog as a dangerous breed. A hearing to consider disputes and to view the dog's physical characteristics and pedigree shall be conducted by a committee appointed by the animal control manager, or his designee, and comprised of at least the animal services veterinarian, and two (2) knowledgeable Jackson citizens. The committee shall make a final determination of the dog's breed or predominant breed characteristics. If the committee determines that the dog is a dangerous breed, as defined by this section, the owner shall have ten (10) days to meet all registration requirements and to comply with all permit conditions.

(f) Compliance period.

(1) Within ten (10) days after acquiring a dangerous breed, or after moving to the city with a dangerous breed, or after a dangerous breed designation has been affirmed on appeal, or after noncompliance under this section has been brought to the attention of the animal control authority, the owner of a dangerous breed must register their dog and comply with all dangerous breed regulations.

(2) Owner who has resided with his dangerous breed in the City prior to the effective date of this section shall have sixty (60) days to comply with all dangerous breed regulation.

(g) Enforcement.

(1) Dangerous breed regulation violations. Failure to comply with any dangerous breed registration requirement or permit condition within the allotted time period shall constitute a violation of this chapter and may result in the issuance of a citation and a warrant to seize the owner's dog if it is not removed from the city limits pending adjudication of the citation.

(2) Noncruelty violations. Permits to keep a dangerous breed within the city may be revoked by the animal control authority upon the owner's second conviction for violation of the city's noncruelty animal code provisions. If the permit(s) is revoked, a warrant to seize the dangerous breed may be served on the owner if the dog is not removed from the city limits. In addition, the owner shall lose their right to register any dangerous breed within the city for a period of two (2) years.

(3) Cruelty violations. Upon conviction for any animal cruelty charge, the owner of a dangerous breed shall lose their dangerous breed permit(s) and shall lose their right to register any dangerous breed within the city for a period of ten (10) years. A warrant may be obtained to seize the owner's dangerous breed dog(s) pending adjudication of the cruelty violation citation. Upon conviction for animal cruelty and revocation of the dangerous breed permit, the owner's dangerous breed dog(s) must be removed from the city limits or surrendered to the animal control authority.

(h) Authority to euthanize dangerous breed declared to be a vicious animal. Notwithstanding any provision of this Code of Ordinances, if a dangerous breed is declared to be a vicious animal pursuant to the provisions of Chapter 18 the dog may be euthanized in accordance with Section 18-56(c).

Section 18-110. Promulgation of Rules.

The animal control authority is authorized and directed to promulgate from time to time all reasonable rules, regulations, and fees necessary for the proper administration of Chapter 18 so long as the same are not repugnant to or inconsistent with this Code or other ordinances of the City. The rules, regulations and fees schedules adopted by the animal control authority shall be promptly recorded in the minutes of the City of Jackson.

Section 2: All provisions of the Code of Ordinances of the City of Jackson, Mississippi, in conflict with the provisions of this amendment shall be, and are hereby, repealed; and , all other provisions of the Code of Ordinances of the City of Jackson, not in conflict with the provisions of this Article shall remain in full force and effect.

Section 3: Should any sentence, paragraph, clause, phrase or section of this amendment be adjudged or held unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances of the City of Jackson, Mississippi, as a whole.

Section 4: The cost of publication of this ordinance shall be borne by the City of Jackson.

Section 5: This ordinance shall become effective ninety (90) days from the date of passage and publication.