

## ORDINANCE NO. 372

### **AN ORDINANCE RESCINDING ORDINANCE NUMBERS 109 AND 165 OF THE CITY OF SENATOBIA, MISSISSIPPI, AND ESTABLISHING GUIDELINES AND REGULATIONS FOR THE ENFORCEMENT OF ANIMAL CONTROL WITHIN THE CITY LIMITS OF SENATOBIA, MISSISSIPPI**

In order to better serve and protect the health, safety, welfare and well being of the citizens and animals of the City of Senatobia, Mississippi, the Mayor and Board of Aldermen do hereby adopt the above Ordinance under the following terms and conditions:

#### **Definitions**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

*Owner* means any person, partnership, corporation or any like legal entity owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed and/or sheltered.

*Pet* means any animal kept for pleasure rather than utility.

*Public Nuisance* means any animal which:

- Attacks other animals
- Trespasses on school grounds, city parks or private property
- Repeatedly runs at large
- Damages private or public property
- Barks, whines, screams or howls in an excessive, continuous or untimely fashion
- Defecates or frequently urinates on public property or private property of one other than its owner
- Is allowed by its owner to become a nuisance to people or other animals

*Restraint* means the condition of securing any animal, by a leash or lead of less than (6) feet, within the fenced real property limits of its owner, or by tethering in such a way that the animal is within the real property limits of its owner.

*Running at large* means any animal not under restraint.

*Dog* means both the male and female sex of the canine species.

*Vicious dog* means:

- Any dog which has shown a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- Any dog which unprovoked bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property, or chases or approaches a person upon the streets, sidewalks or on any public grounds in a menacing or terrorizing manner or apparent attitude of attack.
- Any dog which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- Notwithstanding the above, no dog may be considered a vicious dog if an injury or damage is sustained by a person who at the time of such injury or damage was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No dog may be considered vicious if an injury or damage was sustained by a domestic animal which at the time of such injury or damage was teasing, tormenting, abusing or assaulting the dog. No dog may be considered vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be considered vicious if the injury inflicted upon a domestic animal or livestock was caused by the dog while it was working as a hunting animal, herding animal or predator control animal on property of, or under the control of, its owner, and the damage or injury was to a species or type of animal which is specific to the work of the dog.

*Tethering* means the act of securing an animal by means of a leash, wire cable or similar restraint attached to a swivel or pulley, so located as to keep the animal exclusively on the secured premises. Tethers shall be located so that they cannot become entangled with other objects. Collars used to attach an animal to a tether shall not be of a choke type. No tether shall employ a restraint, which is less than (10) feet in length. Further, no tether shall be mounted more than seven (7) feet above ground level nor shall it weigh more than 1/8 of the animal's body weight.

*Wild animal* means any animal that can normally be found in the wild state and is not ordinarily domesticated by man, whether raised in captivity or in the wild.

## **ENFORCEMENT**

The chief of police shall delegate to the police officers of the city the responsibility of enforcing the provisions of this ordinance. In addition, the Mayor and Board of Alderman may appoint or employ a person outside the police department who shall be authorized to pick up and impound animals at the city's animal shelter.

- (a) Any police officer or animal control officer having probable cause that a person has violated a section of this ordinance may, in lieu of obtaining a misdemeanor warrant for arrest of such suspect, issue a copy of the ordinance that is being violated and asked to sign for the receipt of such ordinance. If deemed necessary, by the officer, the officer may go straight to part (b).
- (b) The officer will issue a written citation requiring the person to appear at a date and time in the municipal court to answer the charge or charges specified in the citation.
- (c) It shall be a violation of this ordinance to interfere with an animal control officer in the performance of his duties.

(d) It shall be a violation of this ordinance for any person to remove, alter, damage, or otherwise tamper with a trap or equipment belonging to or set out by any employee of the Police Department or Animal Service Department. Any person found to be in violation of this provision shall be ordered to pay restitution to the Police Department or Animal Service Department in addition to any other penalties provided for herein.

### **CRUELTY, ABUSE, FIGHTING**

No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate, promote or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans, unless otherwise permitted by law. The police officer or animal control officer shall have the authority to take an abused animal into protective custody pending disposition of charges of cruelty or abuse against owner.

### **EXPOSING TO POISONS**

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any animal; provided that, it shall not be unlawful for a person to expose on his own property common pest-control poison mixed with only vegetable substance.

### **CROPPING DOG'S EARS, PERFORMING OTHER SURGICAL PROCEDURE**

No person except a licensed veterinarian shall crop the ears or tail of any dog or perform any surgical procedure on animals.

### **LEAVING UNATTENDED ANIMALS INSIDE MOTOR VEHICLE**

It shall be unlawful to leave an animal unattended inside a motor vehicle when such action offers reasonable potential for harm to the animal. An animal control officer or any police officer shall have the authority to make such a determination of potential harm and shall have the authority to remove an animal from such a vehicle if force is not required to gain entry. If force is required to gain entry to a locked vehicle, such force shall only be used by a police officer according to the applicable police department policy.

### **KEEPING OF LIVESTOCK AND FOWL**

No person shall raise, have or keep any fowl, livestock or other animals, excepting dogs, cats, birds and other household pets, within the city and within 300 feet of the residence of any other person who shall complain, in writing, to the mayor and board of alderman regarding the same.

Any premises on which any fowl, livestock or other animals, excepting dogs, cats, birds and other household pets, are raised, had or kept within the corporate limits of the city shall be kept in a clean and sanitary condition so as to prevent offensive odors and offensive sights in connection therewith. This section shall be enforced only upon a written complaint, filed with the Mayor and Board of Alderman, by some resident citizen on premises within 300 feet from where any such acts occur,

setting out in detail the name of the person, location of the premises and type of violation, including what fowl, livestock or animals are being raised, kept or maintained.

Upon the filing of a written complaint regarding any act set out in this section, it shall be the duty of the city clerk to give written notice to the person against whom the complaint is filed, to cause such act to cease, and in the event such person so notified does not cease, within five days, to continue such act, such person shall then be in violation of this section and the proper official shall make proper charges regarding the violation.

## **KEEPING OF SWINE PROHIBITED**

It shall be unlawful for any person to raise or keep hogs and pigs within the corporate limits of the city.

## **RUNNING AT LARGE**

It shall be unlawful for any person to permit any animals owned or kept by him/her to run at large within the corporate limits of the city.

Any animal found running at large may be impounded and disposed of in the same manner and following the same procedure as is prescribed in the impoundment section.

## **FOWL RUNNING AT LARGE**

It shall be unlawful for any person owning or having under his/her control any domestic fowl or poultry, such as chickens, turkeys, ducks, geese, guineas or any such fowl, to permit or allow the same to run at large upon the premises of another person, or upon the streets, alleys or other public places of the city. All such fowl or poultry shall be confined in a safe enclosure upon the premises or lands belonging to, or under the control of, the owner or keeper of such fowl or poultry.

## **KEEPING OF VICIOUS ANIMALS OR DOGS; PENALTY**

- A vicious dog shall be securely confined indoors or confined in a securely enclosed and childproof locked pen or structure upon the premises of the person owning or harboring the same. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two (2) feet.
- Every vicious animal shall be securely muzzled or caged whenever off the premises of its owner.
- No person owning or harboring or having the care of a vicious dog shall permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the animal control supervisor. Such dog may not be leashed to inanimate objects, e.g., trees, buildings, etc., and the muzzle must be sufficient to prevent such dog from biting persons or other animals.
- No vicious dog may be kept on a porch or patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be

kept in a house or structure when the windows are open or when screen windows or doors are the only obstacle preventing the dog from exiting the structure.

- All owners, keepers or harborers of vicious dogs within the city shall display in a prominent place on their premises a sign easily readable by the public using such words as “Beware of Dog.” In addition, a similar sign shall be posted on the kennel or pen of such animal.
- The owner or harbinger of any dog which according to the records of the animal shelter or police department seriously injures a person without provocation or which has aggressively killed a domestic animal shall be required to provide public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property resulting from the ownership, keeping or maintenance of such dog.
- The owner of any vicious animal shall, at the owner’s expense, have a licensed veterinarian permanently insert a computer micro-chip in the animal for the purpose of identification of the animal and proof of such micro-chipping shall be provided to the Animal Service Department.
- No vicious animal will be allowed to be kept within one hundred (100) yards of a school, daycare facility or other facility designed primarily to provide services to children.
- The persons having the enforcement duty under this ordinance may enter the premises where a vicious dog or animal is kept for the inspection of the premises to ascertain whether such complies with the provisions of this ordinance. Such inspection shall be made only after twenty-four (24) hours notice to the occupant of the premises and shall require that a police officer be present.
- This section shall not apply to dogs kept by law enforcement agencies.

## **FIGHTING ANIMALS**

- It shall be unlawful to train for fighting, keep, harbor, breed, transport through the city limits, own or in any way possess an animal for the purpose of fight exhibitions, displays, training or acts. For the purpose of this section fight training shall include, but not be limited to:
- the use of treadmills unless under the direction of a veterinarian
- actions designed to torment, badger or bait any dog for the purpose of encouraging the animal to fight
- the use of weights on the animal unless under the direction of a veterinarian
- any activity designed for the purpose of training or encouraging the animal for aggression or vicious activity
- use of heavy chains, weights, or staking in such a way as to build neck strength or jaw strength.

Scars and wounds on the animal are evidence that the animal is a fighting animal or is trained for fighting.

## **LIMITATIONS ON NUMBER KEPT**

It shall be unlawful for any person to have in his/her possession or on his/her premises more than three dogs over the age of three (3) months. This section shall not apply to the owners of animal

hospitals, animal clinics or animal shelters.

## **RESPONSIBILITY OF OWNER GENERALLY**

No owner shall fail to:

- Exercise proper care and control of his/her animals including but not limited to dogs or cats;
- Prevent them from becoming a public nuisance or private nuisance;
- Comply with the standards set out next below and all other provisions of this ordinance.

It shall be unlawful for any lot or stall or other place where animals are kept to be in an unclean, filthy or unsanitary condition. All lots, stalls, stables, pens, yards and other places where cattle, horses, mules, hogs, dogs, cats or other animals are kept for any purpose whatsoever, anywhere in the city, shall be kept clean and wholesome by removal of all offensive matter and by suitable cleansing and disinfecting as often as may be necessary, which care is hereby required and made the duty of every person having, owning or controlling such places.

The owner of every animal, including but not limited to cats and dogs, shall remove any fecal matter deposited by such animals on public walks, streets, recreation areas or private property of another. It shall be unlawful for the owner of any property to allow unsanitary or malodorous conditions to develop on his property due to the keeping, maintaining, owning or harboring of animals. Yards, pens, premises and animals shall be kept free of insect infestations.

Animal pens or enclosures shall be large enough to provide reasonable freedom of movement to the animals contained therein.

No owner of an animal shall abandon such animal or fail to maintain such animal in a healthy condition or to provide appropriate veterinary treatment immediately if ill.

No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and to generally provide humane care and treatment. If probable cause exists to believe that any animal or animals, including but not limited to dogs and cats, are kept under such conditions as to constitute a nuisance in violation of this ordinance, the Police Department or Animal Control division may issue a written warning of offending nuisance conditions. If a previous warning has been issued within the past twelve (12) months of a second charge of violation of this section, and the same or similar offending nuisance conditions are found on the premises cited, then, if convicted, a mandatory fine shall be assessed against the person in the amount of one hundred eighty-nine dollars (\$189.00) and the condition ordered to be corrected. Upon a third offense, the person responsible shall be fined a minimum mandatory fine of two hundred fifty dollars (\$250.00), if convicted of failing to meet the standards of responsibility established by this section. Neither mandatory fine shall be suspended.

## **VACCINATION OF DOGS, CATS AGAINST RABIES**

*Required.* Any person owning, keeping, harboring or having custody of any dog or cat three (3)

months of age or older within the city shall have that animal vaccinated against rabies with the approved antirabic virus (vaccine) properly administered by a person legally authorized to do so; it shall be unlawful for any person to own or have in his/her possession any dog or cat not so vaccinated. Every dog or cat must be vaccinated in accordance with the Compendium of Animal Rabies Vaccines as prepared by the National Association of State Public Health Veterinarians, Inc.

*Tag bearing vaccination serial numbers to be worn.* The owner of any dog or cat shall see that the animal wears a securely attached metal tag with the serial number of the vaccination and the year in which the animal was inoculated stamped thereon and shall see that the collar and tag are worn by the animal at all times.

*Penalties for violations.* The failure to comply with this section shall constitute a twenty-five dollar (\$25.00) fine for the first offense, fifty dollars (\$50.00) for the second offense and seventy-five dollars (\$75.00) for the third offense.

## **ELIMINATION OF ANIMALS, WHEN AUTHORIZED**

*Vicious animals or feral or vicious dogs.* When an animal is determined by the city police or animal control to be a vicious animal or a feral or vicious dog, that animal may be destroyed by the city police or his designee, provided two (two) of the following requirements are met:

- The animal is running at large or not properly confined or muzzled as described herein.
- There is no vaccination tag around the animal's neck.
- Attempts to peacefully capture the animal have been made and proven unsuccessful.

Any dog that aggressively attacks and causes severe injury or death of any humans shall be immediately confiscated by the city police or animal control, placed in quarantine for ten (10) days, and thereafter destroyed in an expeditious and humane manner. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

*Incurably injured or diseased animals, etc.* It shall be the duty of the police and/or a duly authorized animal control officer to see that any animal suffering from an incurable injury or disease is humanely euthanized with an injection at the animal shelter by a veterinarian or a qualified individual (as defined by the state). In such cases of humane euthanization, reasonable efforts not to exceed forty-eight (48) hours shall first be made to locate the owner of any such injured or diseased animal unless the animal cannot be made comfortable for that period. If the animal is in a continual state of suffering, the euthanization shall be performed immediately. Furthermore, it shall be the sole duty of the police (on behalf of the city) as the sole effective means of controlling a public nuisance or health hazard to mercifully end the life of an animal by the discharging of a firearm.

## **IMPOUNDMENT**

*Authority to seize; confinement period.* An unrestrained dog or animal constituting a public nuisance

may be taken by the police or animal control officers and impounded in an enclosure or animal shelter kept for that purpose, to be provided and maintained by the city, and there confined in a humane manner. Such animal shall be kept for at least five (5) days unless claimed sooner by the owner. Impounded dogs and cats not suffering from an injury or infectious disease shall be kept for not less than five (5) days.

Any vicious dog shall be immediately seized by the city police or animal control if:

- The owner does not maintain the dog in a proper enclosure; or
- The owner willfully or negligently permits the dog outside the dwelling of the owner or outside the proper enclosure and does not have the dog muzzled and under personal physical restraint of the owner.

*Notice to owner; redemption.* If by a tag or other means the owner of an impounded animal can be readily identified, the animal control division (shelter) shall, upon impoundment, notify the owner by telephone or mail. Within five (5) days, the rightful owner of any animal held under this section may obtain said animal upon the payment of an impoundment fee; if the animal is a pet required to be properly vaccinated and tagged, the owner may obtain the animal upon proof of vaccination and the payment of an impoundment fee. If an unvaccinated pet is claimed by the owner, the owner must make arrangements for the vaccination of the animal by prepaying for a vaccination and presenting the receipt to the shelter.

*Disposition if not reclaimed by owner; waiver of waiting period.* Any animal not reclaimed by its owner within five (5) days shall become the property of the city and shall be placed in process for adoption to a suitable home for a fee established by the city for a cat or dog or humanely euthanized with an injection under conditions deemed necessary by the animal shelter director. For other unclaimed animals deemed pets, such will be sent to appropriate rescue services or shelters that meet the specific needs of the animal. All adopted cats and dogs shall be provided vaccinations prior to adoption as appropriate. If the cat or dog has not been sterilized prior to adoption, it shall be the responsibility of the new owner to have this procedure performed.

The five (5) day waiting period shall be waived for a vicious or feral dog, or for any animal suffering from an infectious disease. Pursuant to MCA 1972, 97-41-3, an injured or neglected animal may be humanely euthanized without any waiting period

The owner of an impounded animal may also be proceeded against for any violation of this ordinance.

## **IMPOUNDMENT OF ANIMALS ATTACKING, INJURING PERSONS; DESTRUCTION OF RABID ANIMALS**

If impounded by the city, and such animal does not have rabies, the animal may be taken possession of by the owner at the end of the quarantine period as designated by a qualified veterinarian, upon payment of the designated fee.



## RELINQUISHMENT OF CATS AND DOGS

If a resident voluntarily relinquishes a cat or dog to the animal shelter, there will be a fee. The cat or dog will become the property of the city and shall be placed for adoption in a suitable home for a fee or humanely euthanized, whichever is deemed necessary by the animal shelter director. Only cats and dogs shall be accepted for relinquishment. All fees shall be determined by the Mayor and the Board of Alderman.

The Motion to adopt this Animal Control Ordinance and to Rescind Ordinances 109 and 165 was made by Alderman Frazier, seconded by Alderman Nail, and was voted on as follows:

	YEA	NAY	ABSTAIN
CATHEY	<u>  X  </u>	<u>      </u>	<u>      </u>
CLANTON	<u>  X  </u>	<u>      </u>	<u>      </u>
FRAZIER	<u>  X  </u>	<u>      </u>	<u>      </u>
NAIL	<u>  X  </u>	<u>      </u>	<u>      </u>
PUTT	<u>  X  </u>	<u>      </u>	<u>      </u>

Duly adopted and ordained on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

MISSISSIPPI

CITY OF SENATOBIA,

BY: \_\_\_\_\_

ALAN CALLICOTT, MAYOR

ATTEST:

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KAREN VANSICKLE, CITY CLERK

(SEAL)