

## Chapter 4 - ANIMALS AND FOWL

## FOOTNOTE(S):

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**Editor's note**— Former Ch. 4, which pertained to similar subject matter, has been deleted at the discretion of the editor as superseded by the provisions of Ord. No. 861, §§ 1-36, adopted May 21, 1990, included herein as a new Ch. 4. Chapter 4 formerly consisted of §§ 4-1-4-4, 4-9-4-18, 4-24-4-29 and 4-34-4-39 and derived from the 1962 Code, §§ 9-15, and the following ordinances:

Ord No.	Sec tion	Dat e
497	1— 7, 9— 11	12- 30- 58
502	1	8- 4-5 9
534	1	7- 9-6 2
535	1— 6	7- 9-6 2
582	1, 2	9-1 3-6 5
592	1	1-1 6-8 7
688	1	3-2 5-7 4

772	1	4- 5-8 2
775	1	8-3 0-8 2

**Cross reference**— Health and sanitation, Ch. 11; removal of dead animals, § 11-12; nuisances, § 14-25 et seq.; zoning, App. A. ([Back](#))

Sec. 4-1. - Purpose.

The purpose of this chapter is to promote harmonious relationships in the interaction between man and animal by:

- (a) Protecting animals from improper use, abuse, neglect, exploitations, inhumane treatment and health hazards;
- (b) Delineating the animal owner's responsibility for the acts and behavior of his animal at all times;
- (c) Providing security to residents from annoyance, intimidation, injury and health hazards by animals;
- (d) Encouraging responsible pet ownership; and
- (e) Providing standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing in animals in any manner whatsoever.

(Ord. No. 861, § 1, 5-21-1990)

Sec. 4-2. - Definitions.

As used in this chapter:

*Animal* means any mammal, domestic or wild, other than man, which may be affected by rabies.

*Animal control officer* means that person trained in the care, seizure, custody and confinement of animals, or his agent, as may be appointed by the board of mayor and commissioners, under the supervision of the city police department or such other city departments as may be from time to time assigned such supervision.

*Animal nuisance* is created when an animal:

- (1) Runs uncontrolled;
- (2) Molests or disturbs persons or vehicles by chasing, barking, snapping, biting or scratching;
- (3) Attacks persons or other animals;
- (4) Damages property other than that of the owner;
- (5) Barks, whines, howls, honks, brays, cries or makes other noises excessively;
- (6) Creates noxious or offensive odors; or
- (7) Overturns garbage containers, removes garbage from a container or trespasses upon the premises of any person other than the owner thereof.

*Animal shelter* means a licensed facility, public or private, used to confine and house animals seized, lost, abandoned or given over by owners.

*Bite* means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or pierced, and saliva of the biting animal has contacted the resulting break or abrasion of the skin.

*Boarding kennel* means a licensed facility, other than an animal hospital, the city pound or an animal shelter, where animals, normally dogs and cats, not owned by the proprietor, are temporarily sheltered, fed, watered and/or exercised in return for a fee.

*Breeder.*

(1) *Breeder (professional)* is any person who breeds animals for profit or who produces more than two (2) litters of animals, normally dogs or cats, in any one calendar year.

(2) *Breeder (hobbyist)* is any person who harbors four (4) or more animals, normally dogs or cats, or who breeds animals as a hobby, producing not more than two (2) litters in any one calendar year.

*Cat* means any member of the animal species *Felis catus* three (3) months or more in age.

*City* means the City of Clarksdale, Mississippi, and, whenever the context so requires, the corporate boundaries thereof.

*Control* of an animal means that same is on a leash not more than six (6) feet in length, is under voice control in the presence of a competent person, is on or within a vehicle being driven or parked, or is within the property limits of its owners or upon the premises of another person with the consent of that person.

*Dog* means any member of the animal species *Canis familiaris* three (3) months or more in age.

*Domestic animal* includes dogs, cats, domesticated sheep, horses, cattle, goats, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

*Euthanasia* means a death brought about by any method which produces rapid loss of consciousness to a painless death.

*Exhibitor* means a person who exhibits animals, normally dogs and cats, for compensation or improvement of the breed.

*Face bite* means a bite anywhere above the shoulders of a human.

*Groomer* means a person who performs the service of trimming, bathing or pedicure of animals, normally dogs and cats.

*Owner* means any person having a right of property in any animal; who keeps an animal; who has an animal in his care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him, and includes any person who provides food and shelter for any domesticated animal on other than a periodic or temporary basis.

*Person* means any individual, firm, corporation, partnership, association, trust, estate or other legal entity.

*Pet shop* means an establishment operated by a person which acquires animals, birds, reptiles and fish bred by others, whether as owner, agent or on consignment, and sells, offers to sell, exchanges or offers for adoption, with or without charge, such animals, birds, reptiles and fish as domestic pets to the general public, at wholesale or retail.

*Pound* means that facility designated by the city and used to temporarily confine and house animals that have been seized.

*Scratch* means to be raked with the claws of an animal so that a person's or animal's skin has been wounded or pierced, resulting in a break or abrasion in the victim's skin.

*Trainer* means a person qualified by training and experience in various facets of animal life, normally dogs.

*Vaccination* means the administration of antirabic vaccine by a licensed veterinarian at such intervals as required by state statutes and the state public health department.

*Vicious (dangerous) animal* means any animal, domestic or wild, known to attack a person, where he may lawfully be at any time, without provocation, and includes any animal that bites, scratches or otherwise injures any human.

*Voice control* means that an animal:

- (1) Is physically capable of hearing normal commands;
- (2) Is, at the time under consideration, within reasonable proximity to the controller, so that shouting or excessively loud commands are not necessary;
- (3) Has been adequately trained in obedience so as to be capable of understanding control commands; and
- (4) Either continually demonstrates, or is able to demonstrate on demand, response to a command that will cause the animal to immediately come into close proximity to the controller, and cease any kind of aggressive behavior or action that would be offensive to other persons or animals.

*Wild animal* means any animal, fowl or reptile not included in the definition of domestic animal set forth above.

*Work dog* means any member of the animal species *Canis familiaris* trained for and actively engaged in rescue, law enforcement or war work, or as a guide for the blind or deaf.

(Ord. No. 861, § 2, 5-21-1990)

#### Sec. 4-3. - Animal control officer.

There is hereby created the position of animal control officer under the control of the city police department. The animal control officer or his agent, or any officer of the law:

- (a) May enter upon private premises to apprehend a stray animal, a vicious or dangerous animal, a wild creature or an animal suspected of being infected with rabies;
- (b) May enter upon private premises to investigate complaints of irresponsibility, inhumane animal care, or any attack or injury to humans, including biting or scratching; and
- (c) May seize, impound or dispose of any vicious or dangerous animal of any kind when necessary for the protection of any person, animal or property.

(Ord. No. 861, § 3, 5-21-1990)

#### Sec. 4-4. - Animal shelter.

A facility for proper impoundment of animals on a temporary basis shall be provided by the city, under the supervision and control of the city police department or, at the discretion of the board of mayor and commissioners of the city, of a recognized animal humane society or group.

(Ord. No. 861, § 4, 5-21-1990)

#### Sec. 4-5. - Responsibility for animal care.

It shall be unlawful for any owner of a domestic animal not to provide for his or her animal:

- (a) Sufficient quantities of good and wholesome food and water;
- (b) Proper protection and shelter from the weather;

(c) Veterinary care when needed to prevent suffering; and

(d) Humane treatment.

(Ord. No. 861, § 5, 5-21-1990)

#### Sec. 4-6. - Rabies control.

All cases of rabies occurring within the city shall be promptly reported by the animal control officer to the county health department and such other agencies as required by law. If, in the opinion of the animal control officer, danger of a rabies epidemic exists, legal notice shall be used to inform all owners of animals to confine or securely muzzle their animals for such period of time as shall be designated in the published notice.

(Ord. No. 861, § 6, 5-21-1990)

#### Sec. 4-7. - Impoundment and disposition of animal affected by rabies.

It shall be unlawful for the owner of any animal to refuse or fail to promptly surrender any animal suspected of being affected by rabies. Any animal suspected of being affected by rabies shall be seized by the animal control officer and impounded with a licensed veterinarian for observation, examination and testing as necessary for positive diagnosis. Upon declaration by a licensed veterinarian that an animal is affected by rabies, the animal control officer shall cause the immediate destruction of the affected animal. Disposition of the animal's body shall be controlled by the animal control officer, for his position in accordance with the terms of this chapter, and with Mississippi Code Annotated section 97-41-1 et seq. (1972) and any amendments thereof.

(Ord. No. 861, § 7, 5-21-1990)

#### Sec. 4-8. - Diseased animals.

It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place anywhere in the city, or to ship or remove such animal from the owner's premises when same is afflicted with a contagious or infectious disease, except under the supervision of the animal control officer. It shall be the duty of the animal control officer to order the disposition of such diseased animal and treatment of the affected premises to prevent the communication and spread of contagion or infection, except in cases where the state veterinarian is empowered to act and does act.

(Ord. No. 861, § 8, 5-21-1990)

#### Sec. 4-9. - Cruelty to animals.

It shall be unlawful for any person to:

- (a) Underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the city;
- (b) Torture, abuse or cruelly beat, strike or abuse any animal, or any act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals;
- (c) Fail or refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal to hot, stormy, cold or inclement weather, or to carry such animal in or upon any vehicle in a cruel and inhumane manner;
- (d) Sell, offer for sale, barter or give away as a pet or a novelty any rabbit, hare, baby chick, duckling or other fowl which has been dyed, colored or otherwise treated to impart an artificial color thereto;

- (e) Kill or wound, or attempt to kill or wound, or take the eggs or young of any game or song bird;
- (f) Knowingly poison or cause to be poisoned any domestic animal, except that common rat poison mixed only with vegetable or grain substances may be exposed for the protection of property;
- (g) Give away any domestic animal as a prize for or as an inducement to enter any contests, game or other competition; or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement when the offer was for the purpose of attracting trade; or
- (h) Take any other action which violates the terms of this chapter.

(Ord. No. 861, § 9, 5-21-1990)

#### Sec. 4-10. - Prohibited animals.

It shall be unlawful for any person to keep, permit or have custody of anywhere in the city:

- (a) Any wild creature contrary to federal, state or local laws or regulations, except that such a creature too young to survive without the presence of species adults native to the area may be temporarily kept, cared for and protected in the same manner as a domestic animal;
- (b) An imported creature which is subject to special permit and licensing by the state department of agriculture or other regulatory agency; or
- (c) Any horses, sheep, cattle, swine, mules, goats or other animals normally kept confined in an agrarian environment, except premises of licensed meat packing or processing plants or abattoirs, but not including animals shown in exhibition as defined hereinafter, and further except as specifically provided in section 4-29 hereinafter.

(Ord. No. 861, § 10, 5-21-1990)

#### Sec. 4-11. - Animal exhibitions.

Exhibitions or parades involving ferae naturae or domestic animals or both may be conducted only upon the issuance of a permit therefor by the city clerk. Performing exhibits, circuses and parades must be investigated in advance as to purpose, intent, animal care procedures and assurances for human health and safety.

(Ord. No. 861, § 11, 5-21-1990)

#### Sec. 4-12. - Female animals in heat.

All female animals in heat shall be confined in a building or secure enclosure or upon leash in such a manner that the animal cannot come into contact with a male animal except for planned breeding. The owner shall be responsible for ensuring that a female animal in heat shall not attract other members of the species nor otherwise create a nuisance.

(Ord. No. 861, § 12, 5-21-1990)

#### Sec. 4-13. - Biting animals.

It shall be unlawful for the owner of an animal involved in a biting or scratching incident to euthanize, sell, give away or otherwise dispose of such animal until: (i) a full investigation of the incident has been made by the animal control officer and (ii) a release regarding the incident has been issued to the owner by the animal control officer.

(Ord. No. 861, § 13, 5-21-1990)

#### Sec. 4-14. - Bite or scratch procedure.

- (a) *Voluntary impoundment.* Regardless of animal age or license status, the owner of an animal inflicting a bite or scratch which breaks the skin of a human victim shall impound the animal within twenty-four (24) hours with a licensed veterinarian. Such impoundment shall be for a period of a minimum of ten (10) days. The cost of impoundment, including all charges of the veterinarian so impounding, shall be borne by the owner of the animal impounded. In the event that the animal is found to be rabid, it shall be disposed of in accordance with the provisions of section 4-7. In the event that it is found to be free of disease, the animal so impounded may be returned to the owner after the expiration of ten (10) days, upon the payment by the owner of the fees charged by the veterinarian for impounding and/or testing.
- (b) *Involuntary impoundment.* In the event that the owner of such animal inflicting a bite or scratch necessitating impoundment refuses to so impound the animal, the animal control officer and/or any police officer of the city or other law enforcement officer is authorized and empowered to enter upon the premises, to take custody of such animal and to impound the same pursuant to the provisions hereof. Any person refusing to impound his or her animal shall be deemed guilty of a violation of this chapter and may be punished in accordance with the provisions hereof.
- (c) *Impounding exception.* When the bitten or scratched person is a member of the same household as the owner of the animal inflicting the bite or scratch, such impoundment may, upon the prior written consent of the animal control officer, be confined upon the premises. In such event, confinement shall be within a structure or secure enclosure or upon leash only upon the premises of the owner, and the animal inflicting the bite or scratch shall be examined by a licensed veterinarian on the first and tenth day of such confinement.
- (d) *Reporting.* All incidents of biting or scratching in which the skin is broken shall be reported immediately to the animal control officer or his agent.
- (e) *Disposition of animal.* It shall be unlawful for the owner of an animal which has inflicted a bite for the second or subsequent time to dispose of such animal by sale, exchange, barter or giveaway without a full complete disclosure of the animal's history.

(Ord. No. 861, § 14, 5-21-1990)

#### Sec. 4-15. - Animals at large.

It shall be unlawful for the owner of any domestic animal to cause or allow the same to run at large in the city or be picketed or tied in any public place; or to allow an animal nuisance as termed in section 4-2 hereinabove. It shall be the duty of the animal control officer or his agent to apprehend and impound any animal in violation of this section. In the event any such animal cannot be safely taken up and the animal is deemed to be a threat to any person or property, the animal control officer and/or city police officer is hereby empowered to eliminate same. Depending upon circumstances, impounding shall be in the city pound as follows:

(a) *Known ownership.*

- (1) When the owner of a stray animal is known through licensing, collar identification or other immediate means, the animal control officer shall notify such person of the impounding in the most expeditious manner available.
- (2) The release of an impounded animal shall not be made by the animal control officer until all expenses of apprehension, notification and impounding have been paid by the owner.
- (3) If the impounded animal is one requiring a license and/or rabies vaccination, the owner shall have forty-eight (48) hours in which to present proof of licensing and/or rabies vaccination to the animal control officer.
- (4) The known owner of the stray animal shall have seven (7) days from the time of notification in which to claim the animal. Failure by the known owner to obtain release of the impounded animal within this time period shall be deemed an act of disclaiming, and the animal control

officer shall consign said animal to a recognized animal humane society or animal shelter, or dispose of the same.

(b) *Unknown ownership.*

- (1) When the owner of a stray animal cannot be ascertained, the animal shall be locally impounded for no less than seventy-two (72) hours.
- (2) If unclaimed beyond this time period, the animal control officer shall consign said animal to a recognized humane society or animal shelter, or otherwise dispose of said unidentified stray animal.

(c) *Disclaimed animals.* If, for any reason, the owner of any stray animal chooses to disclaim ownership of the same upon receipt of the impounding notification, the animal control officer shall proceed to consign the disclaimed animal as provided in section 4-17 without regard to the time periods cited above. The owner shall, nonetheless, be responsible for any costs or fees incurred by the city in the disposition of the animal.

(Ord. No. 861, § 15, 5-21-1990)

Sec. 4-16. - Vicious animals.

- (a) It shall be unlawful for a person to keep or otherwise maintain within the city any animal which is known to be vicious or dangerous or which has evidenced a disposition to attack human beings without provocation.
- (b) If any animal bites or attempts to bite any person while such animal is at large, then such animal shall be conclusively presumed to be a dangerous animal of dangerous propensities and tendencies. If any animal attacks or attempts to attack any other animal while such attacking animal is at large, such animal shall likewise be conclusively presumed to be a vicious animal having vicious and dangerous propensities and tendencies.
- (c) If any dangerous or vicious animal, as defined [in section 4-2], or animal having dangerous or vicious propensities and tendencies as defined in subsection (b) of this section is found at large, then such animal may be killed by the animal control officer and/or any police officer of the city without such officer having to catch or impound such animal.

(Ord. No. 861, § 16, 5-21-1990)

Sec. 4-17. - Disclaimed animals.

If, for any reason, the owner of an animal chooses to disclaim ownership of same or voluntarily delivers the animal to be disclaimed to the animal control officer, executes formal acknowledgment of such an act, and pays the consignment fee and other costs involved, the animal control officer shall process the consignment of said animal to a recognized humane society or animal shelter, or dispose of the same.

(Ord. No. 861, § 17, 5-21-1990)

Sec. 4-18. - Animals prohibited in certain areas.

No owner of any animal shall allow said animal to go upon any of the properties of the Clarksdale Municipal Separate School District, or any school or educational campus or grounds, or any streets or alleys immediately adjacent to said properties. Any animal in violation of this provision may be captured and impounded by the animal control officer or police officers immediately and without notice, to be disposed of as provided herein.

(Ord. No. 861, § 18, 5-21-1990)

Sec. 4-19. - License required for dogs and cats.

- (a) It shall be unlawful for any person who owns or has in his or her possession or under his or her control or who keeps or harbors any dog or cat within the city [to keep or harbor such dog or cat], unless or until such dog or cat bears a suitable metal tag approved by the state board of health, which may be bradded to the collar or harness of such dog or cat, or attached thereto in any manner approved by the state board of health. Said tags shall have stamped thereon the serial number of vaccination and the year in which the dog or cat was inoculated/vaccinated. The fact that any dog or cat fails at any time to bear such tags shall be prima facie evidence that the owner of such dog or cat has failed to have such dog or cat inoculated/vaccinated against rabies as provided by law and as provided herein.
- (b) It shall be unlawful for any person owning or having custody of any dog or cat to cause or allow the same to be in any public place anywhere in the city unless such dog or cat shall be wearing a collar to which a current tag is securely fastened. Any dog or cat found in any public place not wearing a collar and tag for the current year shall be deemed a stray animal and shall be seized immediately.

(Ord. No. 861, § 19, 5-21-1990)

Sec. 4-20. - Rabies inoculation—Dogs and cats.

It shall be the duty of every owner of a dog or cat harbored in the city to have such dog or cat inoculated against rabies. The owner of such dog or cat shall at all times keep in his possession evidence of rabies inoculation consisting of a certificate signed by the licensed veterinarian administering the vaccine.

(Ord. No. 861, § 20, 5-21-1990)

Sec. 4-21. - Same—Other animals.

The inoculation of all other warm-blooded animals, domestic or wild, being susceptible to rabies, which disease may be fatal to uninoculated animals and untreated humans, is required for animals kept as pets within the city. The owner of such animals shall at all times keep in his possession evidence of rabies inoculations consisting of a certificate signed by the licensed veterinarian administering the vaccine.

(Ord. No. 861, § 21, 5-21-1990)

Sec. 4-22. - Limitation on number of dogs or cats.

It shall be unlawful for any person to own, keep, care for, have custody of or knowingly permit at any time more than four (4) dogs or cats, in any combination thereof (excluding work dogs) to be upon any property in the city, excluding, however, animal shelters, animal hospitals and clinics, grooming parlors, animal training schools and boarding kennels, the city pound, and the premises of professional or hobby breeders.

(Ord. No. 861, § 22, 5-21-1990)

Sec. 4-23. - Expense liability.

The owner of any animal requiring veterinarian, impounding, licensing, destruction or disposition services as a result of the provisions of any violations of this chapter shall be responsible for all such expenses. Failure to assume such expenses shall be deemed an act of disclaiming and the animal involved shall be considered a stray animal. Further, the failure to assume such expenses shall be deemed a violation of this chapter and violations may be punished in accordance with the provisions hereof.

(Ord. No. 861, § 23, 5-21-1990)

Sec. 4-24. - Sanitation requirements.

Every kennel and pet shop shall be kept in a sanitary condition and shall be free and clear from decaying food and filth of any kind. All kennels, barns and pens shall be cleaned and disinfected on a

regular schedule, and shall be kept in a sanitary condition satisfactory to the animal control officer or his designee, who shall have the right to cause an inspection of said premises to be made from time to time.

(Ord. No. 861, § 24, 5-21-1990)

Sec. 4-25. - Zoning compliance for kennels, pet shops.

Any kennel or pet shop shall comply with the provisions of city's zoning ordinance and with all city ordinances regulating health, safety and sanitation.

(Ord. No. 861, § 25, 5-21-1990)

Sec. 4-26. - Penalties—Nuisance violation.

Any person found guilty of permitting a nuisance to exist as defined by section 4-2, and in violation of section 4-9 or 4-15 shall be:

- (a) Fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for the first offense;
- (b) Fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the second offense within a consecutive twelve-month period;
- (c) Fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the third or subsequent offense within a consecutive twelve-month period; and/or
- (d) Ordered to remove such animal permanently from the city within twenty-four (24) hours of such order.

Such fines as are stated hereinabove shall be in addition to court costs.

(Ord. No. 861, § 26, 5-21-1990)

Sec. 4-27. - Same—Vicious animal violation.

Any person found guilty of keeping or maintaining a vicious animal, as defined by section 4-2, and in violation of section 4-16 may be:

- (a) Fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); and/or
- (b) Ordered to remove such animal from the city within twenty-four (24) hours of such order or within twenty-four (24) hours after the rabies observation period has expired, if applicable; and/or
- (c) Punished by imprisonment as set forth in section 4-28 below.

Such fines as are stated hereinabove shall be in addition to court costs.

(Ord. No. 861, § 27, 5-21-1990)

Sec. 4-28. - Same—Other violations.

- (a) Any person found guilty of violating any provision of this chapter, excluding sections 4-9, 4-15 and 4-16, shall be fined not more than five hundred dollars (\$500.00) for each offense. A separate offense shall be held to have been committed each day that any such violation shall occur or continue, including those specified in sections 4-9, 4-15 and 4-16.
- (b) In addition to the fines set forth herein, any person convicted hereunder may, in addition to such fine, be imprisoned for not more than ninety (90) days, or punished by both such fine or imprisonment, and in addition thereto shall be assessed with all costs of such proceeding.

- (c) The reasonable costs of veterinary services and impounding costs may also be assessed as a cost thereof.

(Ord. No. 861, § 28, 5-21-1990)

Sec. 4-29. - Miscellaneous provisions.

- (a) *Keeping of livestock.* It is hereby declared a nuisance to keep livestock within the corporate limits of the city, except that horses may be pastured upon the special written consent of the board of mayor and commissioners of the city.
- (b) *Abatement of nuisances.* In addition to the remedies granted hereby, the abatement of any nuisances described herein may be carried out in the manner provided by section 14-26 of this Code, or under other nuisance ordinances as may, from time to time, be adopted by the city.
- (c) *Live capture of animals.* Nothing in this chapter shall prohibit the animal control officer, the chief of police, or any other city official from enlisting the aid of any humane society officers or employees of any organization operating for the benefit of animals or professional animal handlers, in attempting to capture any animal alive.

(Ord. No. 861, § 29, 5-21-1990)

Sec. 4-30. - Killing and injuring birds.

It shall be unlawful for any person to injure or destroy any kind of bird within the city or to throw stones, shoot at or use any implements with the intention of killing or injuring any bird within the city. However, the provisions hereof shall not be applicable to licensed pest controllers who may be employed by owners of buildings or premises within the city who suffer from infestation by pigeons, blackbirds, or other nuisance fowl or to city officials or employees or their agents.

(Ord. No. 861, § 30, 5-21-1990)

Sec. 4-31. - Additional powers of city officials.

The chief of police, the animal control officer, the director of public works or their designees, shall have additional powers to issue any orders necessary to control animals deemed to be a nuisance or a health hazard to the general public.

(Ord. No. 861, § 31, 5-21-1990)

Sec. 4-32. - Parental liability for animal owned by minor.

The parent or guardian of any minor claiming ownership of any animal shall be deemed to be the owner of such animal, and shall be responsible for the behavior of said animal, and shall be charged for all penalties and fees imposed by this chapter.

(Ord. No. 861, § 32, 5-21-1990)

Sec. 4-33. - Disposal of unclaimed animal.

Any animal remaining in the city pound, unclaimed or not redeemed at the expiration of the time limit set forth in section 4-15 hereof may be destroyed in a humane manner unless, in the judgment of the animal control officer, a suitable home may be found for such animal, whether through his efforts or those of any humane society operating within the city. The owner of any animal which is impounded or destroyed under this chapter shall be held responsible for the payment of veterinary fees, impoundment fees and any other fees set out in this chapter, plus the expenses incident to the impoundment for observation required by this chapter, and shall pay such fee or expense to the city within five (5) days after the destruction of such animal.

(Ord. No. 861, § 33, 5-21-1990)

Sec. 4-34. - Exceptions.

The provisions of this chapter shall not apply to the keeping of animals, dangerous or otherwise, in the following cases:

- (a) The keeping of such animals in zoos, bona fide educational institutions, museums, or any other place where they are kept as live specimens for the public to view or for the purpose of instruction or study.
- (b) The keeping of such animals for exhibition to the public by a circus, carnival or other exhibit or show, provided that such circus, carnival or other exhibit or show shall first comply with all requisite licensing provisions of this Code and the laws of the state.
- (c) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.

(Ord. No. 861, § 34, 5-21-1990)

Sec. 4-35. - Trapping.

- (a) It is the purpose of this section to prevent the potential harm that may be inflicted upon people, particularly children, and to prevent the maiming, unselective catching and destruction of wild animals, domestic animals and/or birds which come into contact with the traps.
- (b) As used in this section, the terms below shall have the meanings described:
  - (1) *Trap* shall mean any mechanical device or snare which seeks to hold, capture or kill an animal.
  - (2) *Trapping* shall mean the setting or laying or otherwise using of a trap.
- (c) No person shall do or perform any trapping within the corporate limits of the city, [except] as provided in subsection (d) hereinafter.
- (d) Exceptions:
  - (1) The provisions of this section do not apply to the use of any traps specifically designed to kill rats, mice, gophers or moles, or other noxious vermin, with the consent of the owner or occupant of the property upon which the trap is set;
  - (2) The provisions of this section shall not apply to the use of cage-type live traps employed for the control of nuisance animals, so long as such traps are tended each twelve (12) hours; and
  - (3) The board of mayor and commissioners of the city may specifically authorize the use of traps to control noxious birds or animals, but such authorization shall be obtained in writing prior to any trapping hereunder.

(Ord. No. 861, § 35, 5-21-1990)

Sec. 4-36. - Livestock carriers.

It shall be unlawful to stand or park any vehicle containing livestock any place in the city for a period of time longer than ten (10) minutes, except for loading or unloading.

(Ord. No. 861, § 36, 5-21-1990)

Sec. 4-37. - Keeping of pit bulls in city; penalties.

(a) *Findings.*

- (1) Clarksdale has experienced a series of incidents in which citizens and animals have been threatened or attacked and injured by pit bull dogs.

- (2) The pit bull breed was developed for the purpose of producing fighting dogs.
- (3) To increase its effectiveness as a fighter, certain pit bull traits have been selected and maximized by controlled breeding, including:
  - a. A set of powerful jaws with an exceptional ability to grip, lock and tear when dog bites;
  - b. A unique insensitivity to pain that causes pit bulls to be exceedingly tenacious in attack;
  - c. An unusually aggressive temperament toward human beings and animals; and
  - d. An extraordinary directness in the method of attack that does not include the common warning signs such as barking or growling as displayed by other breeds.
- (4) For the reasons provided in this Section, unregulated and inadequately controlled 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.

(b) *Regulations.*

- (1) *Generally.* This ordinance is intended to utilize the authority and powers of the City in order to secure for the citizens of Clarksdale the protection of their health, safety and welfare. This ordinance is intended to be applicable to dogs which are commonly referred to as "pit bulls" and which are defined herein. This ordinance 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 hereby finds reasonable and necessary.
- (2) *Definition; identification of a pit bull dog.* The term "pit bull" dog as used within this ordinance 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 of 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 the standards described herein shall not be considered to indicate that the subject dog is not a pit bull dog pursuant to this ordinance. Testimony by a veterinarian or an individual with training, experience, education and qualifications duly recognized by the Municipal Court, that a particular dog exhibits distinguishing physical characteristics of a pit bull shall establish a rebuttable presumption that the dog is a pit bull.
- (3) *Confinement of pit bull dogs.*
  - a. 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, constructed with 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 fence top; such enclosure shall likewise have a conspicuous sign affixed thereto displaying the words "Dangerous Dog."
  - b. 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 to prevent it from biting or injuring any person or animal, and kept on a leash with the owner or custodian in attendance; provided, however, that no pit bull dog may be walked within fifty (50) feet of any school, nursery or daycare ground, nor enter onto such school, nursery or daycare ground.
  - c. 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.

- (4) *Registration of pit bull dogs.* Every owner of a pit bull dog within the City shall annually register said dog with the Clarksdale Animal Shelter and pay a fee of \$10 per pit bull. 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. Certification of rabies vaccination and proof of liability insurance shall be presented upon registration. The rabies vaccination tag shall be worn on the dog's collar at all times. Owners of pit bulls shall annually re-register their dog(s) on or by the anniversary date of the initial registration.
- (5) *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 leash.
- (6) *Limits of confinement.* No more than three (3) pit bull dogs or the like shall be confined at any single dwelling in Clarksdale.
- (7) *Altering of pit bull dogs.* All pit dogs shall be neutered or spayed, and the appropriate certification shall be provided to the Clarksdale Animal Shelter upon registration.
- (8) *Liability insurance.* Owners of pit bull dogs or the like shall maintain a liability insurance policy in an amount not less than \$100,000.00, for bodily injury or property damages arising from the events or occurrences associated with owning, keeping or harboring pit bull dogs or the like.
- (9) *Enforcement.* It shall be the duty and responsibility of the City's animal control officer and/or police department 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.
- (10) *Schedule of penalties.*
  - a. Violations of this ordinance shall be punished as follows:
    1. First offense. A fine of not less than \$100.00 nor more than \$300.00 nor more than 10 days in jail, or both.
    2. Second offense. A fine of not less than \$300.00 nor more than \$500.00 nor more than 20 days in jail or both.
    3. A fine of not less than \$500.00 nor more than \$1000.00 nor more than 30 days in jail or both, and permanent relinquishment of all pit bull dogs or the like by the owner, keeper or harborer.
  - b. A separate offense shall be held to have been committed each day that such violation shall occur or continue.
  - c. The Municipal Court may order violators to pay all costs incurred by the City to include, but not limited to, veterinarian and boarding costs. Additionally, the Municipal Court may order the removal of a dog from the City limits of Clarksdale. This Ordinance does not preclude the concurrent prosecution of other animal control ordinances relating to the owner or dog.
  - d. Enforcement of penalties for violations of this ordinance shall be within the jurisdiction of the City of Clarksdale Municipal Court.

(Ord. No. 1036, §§ 1, 2, 9-12-2011)