

**AN ORDINANCE OF THE MAYOR AND
BOARD OF ALDERMAN OF THE CITY OF AMORY
PROVIDING FOR ANIMAL CONTROL AND ADDRESSING
VICIOUS ANIMALS**

ORDINANCE NO. 1636

WHEREAS, the Mayor and the Board of Aldermen of the City of Amory, Mississippi have determined that it is necessary to place certain restrictions on the keeping of animals in the City of Amory, Mississippi, for the preservation of the public health, safety and welfare; and

WHEREAS, Section 21-19-9 Mississippi Code Annotated of 1972, as amended, provides municipalities with the authority to prevent or regulate the running at large of animals of all kinds.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF AMORY, MISSISSIPPI, as follows:

SECTION 1, Definitions

The following words, whenever used in this Ordinance shall have the meaning ascribed to them in this Section unless a different meaning clearly appears from the context:

- A. "Person" shall mean any individual, firm, association, partnership or corporation.
- B. "At large" shall mean off the premises of the owner and not under control of the owner or other persons authorized by the owner to care for the animal by leash, cord, chain or rope.
- C. "Owner" shall mean any person or persons owning keeping, or harboring any animal or a person having control over any animal. An animal shall be deemed harbored if it is fed or sheltered.
- D. "Vaccination" shall mean injection of United States Department of Agriculture approved rabies vaccination administered every twelve (12) calendar months by a licensed veterinarian.
- E. "City's designee" shall mean the person or persons designated to act for the City of Amory, Mississippi, in the capture and impoundment of animals, controlling of animals running at large and as otherwise required in this Ordinance. These persons may include the Chief of Police, City employees and any appropriate humane society.

- F. "Chief of Police" shall mean the Chief of Police of the City of Amory or any officer under his command acting in accordance with his directions.
- G. "Inhumane treatment" shall mean any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing, or poisoning or other abnormal treatment as may be determined by an authorized law enforcement officer.
- H. "Vicious animal" shall mean any animal or animals that constitute a physical threat to human beings or other animals.

SECTION 2. Control or Protection of Animals in General.

It shall be unlawful for any person to:

- A. Permit any animal to run at large within the corporate limits of the City.
- B. Carry out any inhumane treatment against any animal.
- C. Keep or harbor any animal(s) which by loud, frequent or habitual barking, howling, yelping or other noise or action, disturbs any person or neighborhood within the corporate limits of the City.
- D. Keep or harbor any dangerous animals, wild animals, vicious animals within the corporate limits of the City of Amory.
- E. Allow any pen, enclosure, cage, etc. for the keeping of animals or fowl to become unsanitary, offensive, or disagreeable to persons residing in the vicinity thereof or be maintained or kept as to breed flies, ticks, or fleas or in any manner cause any injury to the public health or any person residing in the vicinity of the pen, enclosure, cage, etc.
- F. Keep or harbor any animal(s) or fowl in such a manner as to become offensive by reason of odor or unclean condition or in such a manner as to injure or annoy any person residing in the vicinity thereof.

SECTION 3. Wild Animals

A. Wild Animals

1. For Display or Exhibition. No person shall keep or permit to be kept on his premises, or in any roadside zoo or pet store, any wild animal for display or for exhibition purposes, whether gratuitously or for a fee.

2. As Pets. No person shall keep or permit to be kept any wild animal as a pet.

B. Exceptions. The provisions of this Section shall not apply to:

1. Any duly authorized and lawfully operating dealers in animals within the City;
or
2. Animals in a licensed veterinary; animal or small animal hospital for treatment, or kept in a bona fide educational, medical, or other research institution or in a zoo, museum or similar places where such animals are kept as live exhibits or for study.

SECTION 4. Impounding, Definition of Animals Running at Large and Feral Dogs.

- A. The Chief of Police and all appropriate City designees are hereby authorized to capture and impound animals running at large and feral dogs. The Chief of Police shall make reasonable efforts to notify the owner of any animal impounded hereunder by telephone, personal service or certified mail after such impoundment provided that the animal is wearing a reasonable means by which the owner may be identified. If the owner of any such animal can not reasonably be identified, then the chief of police may dispose of any such animal as allowable by this ordinance in this Section, Section 6, or by law.
- B. In the event the animal running at large has not bitten or attacked any person or other animal, or does not have any disease or condition transferable to man, the following shall apply:
 1. Any currently vaccinated animal may be reclaimed by its owner upon the payment of a boarding fee as set by the City or its designee for each animal and any veterinary fees and expenses incurred by the City in caring for and treating the animal together with a cash bond in an amount adequate to secure the payment of any fines for the violations of this Ordinance.
 2. Any unvaccinated animal which is required by this Ordinance to be vaccinated may be reclaimed by its owners upon payment of the amounts set forth in B.(1) above and must make arrangements satisfactory to the Chief of Police to have the animal vaccinated.
 3. All impounded, unclaimed animals not redeemed within five (5) calendar days shall be destroyed in a humane manner, or sold by the Chief of Police. The Chief of Police may extend said five (5) day period as he may deem necessary provided that the owner of the animal pay any additional costs incurred by the City in connection therewith.

SECTION 5. Procedure on Retention, Observation and Disposition of Animals which have Bitten any Persons or Other Animals, or those Suspected of having Disease.

The Chief of Police shall investigate all cases in which animals have bitten persons or other animals and shall make a reasonable attempt to immediately notify the owner of such animal which has bitten any person or animal, to arrange for the animal to be retained by the Amory Humane Society at the cost of the owner or in a commercially run kennel or pound for a period of not less than ten (10) days after the biting of such person or other animal, during which period it shall be determined by a licensed veterinarian whether or not such animal is suffering from any disease or condition transmissible from animal to man. A veterinarian is to signify to the Chief of Police that it may be released to the owner or if applicable, that the animal is suffering from any such disease. The costs of such impoundment and examination shall be charged to the owner and paid prior to release of the animal if the release of the animal is approved by the Chief of Police. If, at the end of the said period of time, or any time prior thereto, it is determined that the animal has rabies, such animal shall immediately be destroyed.

If the owner of any such animal cannot reasonably be identified, then the chief of police may dispose of or restrict any such animal in any manner as allowed by this ordinance or by law.

Alternatively, after notice as required by Section 6 herein the Chief of Police may :

1. Authorize the elimination and humane destruction of an animal which meets any of the requirements for elimination under Section 6 of this ordinance; or
2. Place such restrictions upon any such animal as allowable by Section 6 of this ordinance.

SECTION 6. Elimination of Animals - When Authorized and Restrictions on Animals Which Attack or Bite Humans or Other Animals

A. Vicious Animals or Feral Dogs. When an animal is determined by the Chief of Police to be a vicious animal or a feral dog, that animal may be destroyed by the City or its designee provided each of the following requirements is met:

1. The animal is running at large.
2. Attempts to peacefully capture could reasonably result in injury to any person or the animal cannot reasonably be captured.
3. The owner cannot immediately control the animal or the owner cannot be immediately found.

- B. Animals which attack or bite Humans and cause injury. The Chief of Police may order the elimination and humane destruction of any animal, including but not limited to any dog of any breed, any wild animal, or reptile which attacks or bites a human being and causes injury. For purposes of this section, injury shall be defined as any of the following: puncture wounds, lacerations, broken bones, bites resulting in blood loss or other similar injury. All such animals shall be immediately impounded at the cost of the owner.

Prior to the destruction of the animal, the Chief of Police shall make reasonable attempts to ascertain the owner of the animal. If the owner of any such animal cannot reasonably be identified, then the chief of police may dispose of any such animal in any manner as allowable by this ordinance or as allowable by law.

If such owner can be located or comes forward admitting to be the owner of such animal, then the Chief of Police will set a hearing date no less than five days and no more than fifteen days from the date the Chief of Police is made aware of the attack or bite on a human being. At this hearing, the owner and any other interested party may present evidence as to the animal and its nature and propensities. The Chief of Police may then order the elimination and humane destruction of the animal or release the animal to the owner upon such terms and conditions as the Chief of Police may require in order to protect the health and safety of any victim or the health and welfare of the City of Amory and its citizens. These terms and conditions may include but are not limited to any of the following:

1. **Registration** - The Chief of police may order the owner of an animal to register such animal with the police department. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and any other identifying marks of the dog, the location where the animal is to be kept if not at the address of the owner, and any other information which the Chief of Police may require. The application for registration pursuant to this subsection shall be accompanied by a registration fee of \$25.00. Each animal registered pursuant to this subsection shall be assigned an official registration number by the police department. Such registration number shall be inscribed on a metal tag which shall be attached to the dog's collar at all times. The tag and a certificate of registration shall be of such form and design, and shall be issued to the owner upon payment of the registration fee and the presentment of sufficient evidence that the owner has complied with all of the orders of the Chief of Police as prescribed at the determination hearing.
2. **Confinement** - The Chief of Police may order the owner of an animal to confine the animal at all times indoors, or in a proper enclosure for an animal, which shall consist of a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, or any part of their

bodies or other foreign objects, and designed to prevent the animal from escaping, and shall also provide the animal with protection from the elements. The owner of such animal shall consciously display on the pen or structure, and on or near the entrance to the residence where the animal is kept, a sign designed with a warning symbol approved by the Chief of Police which indicates to both children and adults the presence of an animal. At any time that the animal is not confined as required in this subsection, the animal shall be muzzled in a manner so as to prevent the animal from biting or injuring any person, and such animal shall be kept on a leash which is no longer than six feet, with the owner or some other responsible person attending such animal.

3. Liability Insurance - The Chief of Police may order the owner of the animal to maintain, in full force and effect, a liability insurance policy of \$300,000.00 for personal injury or death of any person resulting from an attack of such animal. If the owner or keeper of the animal is a minor, the parent or guardian of such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by such animal.

SECTION 7. Investigation, Right of Entry, and Immediate Impoundment

Any police officer and any appropriate City designee shall have the right to enter any private property for the purpose of inspecting the property for the presence of vicious animals or for the performance of other duties in the enforcement of this ordinance. Any police officer or any appropriate City designee having probable cause to believe that an animal is dangerous shall conduct or cause to be conducted an investigation into the facts of each such case. The owner of the animal shall be notified of the investigation and at a hearing shall have the opportunity at a hearing to present evidence as to why the animal should not be determined to be dangerous. The results of the investigation, any such determination, and the results of any hearing shall be made in writing and shall constitute an administrative action of the city, appealable according to law. The results of any investigation or hearing with respect to a particular animal shall not bar the city from investigating any subsequent actions of the animal.

- a) Should any police officer or City designee have reason to believe that an animal is vicious and may pose a threat of serious harm to persons or other domestic animals, the officer or official may immediately seize and impound the animal, pending an investigation as described in this section.
- b) Any police officer or appropriate City designee, upon complaint by any citizen or on his own initiative, may make inquiries to determine compliance with this ordinance and may seize and impound any animal found in violation of any of its provisions.

- c) If any animal is caused or permitted or is found to be within the corporate limits of the city and in violation of the provisions of this ordinance, such animal may be apprehended and impounded by any police officer or appropriate City designee, to be held or disposed of as provided in this ordinance.
- d) For purposes of this section whenever a hearing or opportunity to present evidence is required, the Chief of Police shall follow the notification and hearing procedures in the same manner as provided for in Sections Four, Five, and Six hereinabove and shall follow the procedures and have the options for disposition, confinement, and destruction of the animal as provided for in said sections.

SECTION 8. Procedure on Vaccination.

The owners of all animals capable of transmitting rabies, such as dogs, cats, and other animals, are hereby required to have said pets vaccinated against rabies with an approved vaccine administered by a veterinarian, who shall retain such certificate until the vaccination is renewed. At the time of vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinarian or clinic, the tag number, and the year of issuance. Failure to so vaccinate shall subject the owner to all penalties allowable by law including the provisions of Section 41-53-1 et at seq. M.C.A.

SECTION 9. Exposing to Poisons. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to 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 only with vegetable substance.

SECTION 10. Cruelty to animals

It shall be unlawful for any person to overload, overwork, torture, torment, unjustifiably injure, deprive of necessary sustenance, food or drink, or cruelly beat or ill-treat or needlessly mutilate or otherwise abuse any animal within the corporate limits of the city, or to cause or permit such abuse to be done, or to cause, instigate or permit any bull fight or other combat between animals or between animals and humans.

SECTION 11. Leaving unattended inside motor vehicle: authority to remove from vehicle.

It shall be unlawful for any person to leave an animal unattended inside a motor vehicle within the city when such action is reasonably potentially harmful to the animal. The police shall have the authority to remove an animal from such unattended vehicle.

SECTION 12. Operator of vehicle striking animal to report accident.

Any person, as the operator of a motor vehicle, who strikes a domestic animal within the city shall report the accident at once to the police department and/or the humane society with a reasonable period of time.

SECTION 13. Pet Stores.

Stores that deal in live pets shall be subject to reasonable inspections at reasonable times, on demand, by the Chief of Police or any officer under his command.

SECTION 14. Responsibilities of Owner and Scoop Provisions.

A. No owner of an animal within the city shall fail to exercise proper care and control of an animal in order to prevent such animal or animals from becoming a public nuisance.

B. Also, It shall be unlawful in the City of Amory for the owner or person having charge or control of any animal to permit such animal to defecate and to allow the feces to remain upon any public street, sidewalk, pathway, park, pedestrian way, or any public facility; on any school ground; or on any private property not owned or possessed by the owner or person having the charge or control of such animal unless the person shall immediately and securely enclose all feces deposited by the animal in a bag, wrapper, or other container and dispose of it in a sanitary manner.

Any person who has the charge and control of an animal on any public street, sidewalk, pathway, park, pedestrian way, or any public facility; on any school ground, or on any private property now owned or possessed by the owner or person having the charge or control of such animal shall at all times maintain in his possession sufficient suitable wrappers, bags, or containers for the purpose of complying with the requirements of this Section.

A sightless person who has the charge or control of a guide dog, or a Police Dog in the performance of law enforcement duties, shall be exempt from the provisions of this Subsection.

SECTION 15. Abandonment.

No owner of an animal within the city shall abandon such animal.

SECTION 16. Penalties

Any person who violated the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as follows:

- A. Upon the first conviction of a violation of any of the provisions of this Ordinance, by a fine of not less than \$100.00 and not more than \$1000.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.
- B. Upon a second conviction of a violation of any of the provisions of this Ordinance, by a fine of not less than \$200.00 and not more than \$1,000.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.
- C. Upon the third or subsequent conviction of a violation of any of the provisions of this ordinance, by a fine of not less than \$300.00 and not more than \$1,000.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.
- D. In addition to the above fines and prison time, any owner or person in control of an animal who is convicted of any of the above offenses may also be ordered to pay all medical costs and expenses resulting from any animal which attacks, injures, or bites a human being within the city.

SECTION 17. Severability.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 18. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 19. Effective Date. This Ordinance as amended shall take effect and be in force as provided for by law.