

AN ORDINANCE OF THE TOWN OF TERRY, MISSISSIPPI, PROVIDING REGULATIONS FOR THE KEEPING OF ANIMALS WITHIN THE TOWN OF TERRY, MISSISSIPPI

WHEREAS, the Mayor and the Board of Aldermen of the Town of Terry, Mississippi, desire to adopt certain regulations pertaining to maintaining of animals within the Town of Terry, as well as providing for the control thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF TERRY, MISSISSIPPI, AS FOLLOWS:

Section 1. Purpose

The purpose of this ordinance is to control animals throughout the Town of Terry in the interest of the health, safety and general welfare of its residents.

Section 2. Special Definitions as used in this Ordinance unless the context otherwise indicates:

"VICIOUS ANIMAL" shall mean

1. any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury to, or to otherwise threaten or endanger the safety of human beings, pets, or domesticated animals; or,
2. any animal that bites, inflicts injury, assaults, or otherwise attacks a human being, pet or domesticated animal without provocation; or
3. any animal that has been trained to fight with another animal;
4. Exceptions to the definition of "Vicious Animal" shall include:
 - a) any animal trained for use by law enforcement personnel and actually engaged in service to a particular law enforcement agency, or under the physical control of an active duty law enforcement officer;
 - b) any animal who attacks a person over the age of fourteen who willfully trespasses or commits some other tort upon the real property of the owner of the animal, or who otherwise teases, torments or abuses said animal;
 - c)

"OWNER" shall mean any person, firm, association or corporation owning, keeping or harboring an animal within the Town of Terry, Mississippi.

"AT LARGE" shall mean off the premises of the real property occupied by the owner of said animal, not under the control of any person by means of physical restraint or ability to manipulate and command the conduct of the animal.

Section 3. License Required

All animals kept, harbored or maintained by their respective owners in the Town of Terry, Mississippi, shall be registered and tagged in accordance with the appropriate laws of the State of Mississippi. It shall be deemed a violation of this ordinance for a resident of the Town of Terry, Mississippi, to maintain, harbor, or keep a Vicious Animal.

Section 4. Disturbing the Peace

It shall be a violation of this ordinance for an owner of an animal to cause or permit such animal to emit barking, yelping, howling, or other similar sounds continuously for twenty (20) minutes or intermittently for one (1) hour or more between the hours of 10:00 p.m. and 6:00 a.m.

Section 5. Running at Large

It shall be a violation of this ordinance for any animal to be At Large as defined herein.

Section 6. Impounding

The Chief of Police for the Town of Terry, or the designee thereof, may seize, impound, or restrain any animal violating this ordinance at the expense of the owner in order to promote the purposes of this Ordinance.

Section 7. Impoundment Procedure

When impounding an animal as contemplated herein, the Chief of Police or the designee thereof, should, at the time of such impoundment or as reasonably thereafter as practicable, describe the violation(s) of this Ordinance as noted, the date of impoundment, and the breed, color, sex, and general condition of the animal (as can be reasonably ascertained). The animal may be impounded at any location convenient to the Chief of Police or the designee thereof at the expense of the owner. When an animal is impounded under the provisions of this Article, a reasonable effort to notify the owner or keeper, if the identity can be ascertained, should be made.

Once the owner is notified, the animal may be released to the owner, assuming that the animal is not found to be a Vicious Animal as defined herein, the owner pays all fees associated with the impoundment, and the owner produces evidence that the animal is capable of being properly licensed and tagged in accordance with the laws of the State of Mississippi, and is current on all vaccinations.

Section 8. Enforcement

The Chief of Police for the Town of Terry shall have the primary responsibility for enforcing this Ordinance and may designate from time to time others who may enforce this Ordinance.

Section 9. Penalties

Any owner of an animal found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation, and upon conviction thereof as a first offense, shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) to be recovered by a complaint before the Municipal Court for the Town of Terry, Mississippi.

Where any owner of an animal found in violation of any of the provisions of this Ordinance within a period of twelve months from the date of a conviction for a first offense hereof, said Owner shall be guilty of a civil violation, and upon conviction thereof as a second offense, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) to be recovered by a complaint before the Municipal Court for the Town of Terry, Mississippi.

Where any owner of an animal found in violation of any of the provisions of this Ordinance within a period of twelve months from the date of a conviction for a second offense hereof, said Owner shall be guilty of a civil violation, and upon conviction thereof as a third offense, shall be fined not less than five hundred dollars (\$500.00) nor more than nine hundred ninety-nine dollars (\$999.00) to be recovered by a complaint before the Municipal Court for the Town of Terry, Mississippi, and, in addition thereto, the Municipal Judge may, in his/her discretion, enter an Order prohibiting said violating owner from possessing an animal within the Town of Terry, Mississippi.

Section 10. Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section 11. Amendments

This Ordinance may be amended by a majority vote of any legal meeting of the Board of Aldermen for the Town of Terry, Mississippi, in accordance with Mississippi law.

Section 12. Effective Date

This Ordinance shall be in full force and effect upon passage inasmuch as the Mayor and Board of Aldermen find that it is in the best interest of the health, safety and welfare of the residents of the Town of Terry, Mississippi, that this Ordinance take effect immediately upon passage.

SO ORDAINED, this the 2nd day of March, 2010.