

**ORDINANCE SETTING STANDARDS, CONDITIONS AND REQUIREMENTS FOR THE KEEPING, MAINTAINING AND TREATMENT OF ANIMALS IN THE CITY (TOWN) OF WOODVILLE AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.**

WHEREAS § 21-19-9 of the Mississippi State Code of 1972 as amended authorizes a municipality to control the running of animals at large; and

WHEREAS, § 97-41-1 through § 97-41-17 prohibits cruelty to animals:

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF WOODVILLE, MISSISSIPPI:

SECTION .1: Definitions: As used in this ordinance, the following terms mean:

Animal: Any live, vertebrate creature, domestic or wild;

Animal Control Officer: Any person designated by the Town of Woodville, Mississippi, as a law enforcement and control officer who is qualified to perform such duties under the laws of this State;

Animal Shelter: Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law;

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs;

Livestock: All domesticated animals, including but not limited to, horses, cows, mules, goats, sheep and pigs.

Owner: Any person, partnership, or corporation owning, keeping or harboring one or more animals. An animal shall be deemed harbored if it is fed or sheltered;

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, poisoning, or other abnormal treatment as may be determined by (1) health officer, (2) authorized law enforcement officer.

Public Nuisance: Any animal or animals which:

1. Molests passerby or passing vehicles, or;
2. Attacks other animals, or;
3. Trespasses on public property, or;
4. is repeatedly at large, or;
5. Damages private or public property, or;
6. Barks, whines, or howls in an excessive, continuous or untimely fashion, or;
7. Is allowed by its owner to become a nuisance to people or other animals.

Restraint: Any animal secured by a leash or lead of less than six (6) feet or within the fenced real property limits of its owner;

Running at Large: An animal not under restraint is running at large;

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;

Vicious Animal: Any animal that has shown itself to be dangerous to humans. Loosely, one belonging to a breed or species that is known or reputed to be dangerous or exhibit a vicious propensity. A vicious animal may be domestic, feral (untamed) **or** wild;

Vicious Propensity: An animal's tendency to endanger the safety of persons or property;

Domestic Animal: An animal that is customarily devoted to the service of humankind at the time and place where it is helped.

Wild Animal: Any live monkey (non-human primate), raccoon, bear, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, **or** any other warm-blooded animal which can normally be found in the wild state, and is not ordinarily domesticated by man, whether raised in captivity or in the wild;

#### SECTION 2: Rabies Vaccinations:

Any person owning, keeping, harboring, or having custody of any dog or cat six (6) months of age or older within the Town shall have that animal vaccinated against rabies with the approved dosage of an approved anti-rabic virus (vaccine) properly administered by one legally authorized to do so; it shall be unlawful for any person to own or have in his possession any dog or cat not so vaccinated. Every dog or cat must be so vaccinated immediately upon attaining the age of six (6) months, and every year thereafter on or before June 30.

The owner of any dog shall see that the animal wears a securely bradded metal tag approved by the State Board of Health with the serial number of the vaccination and the year in which the animal was inoculated stamped thereon, and to see that the collar and tag are worn by the animal at all times.

The failure to comply with this section shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second, and two hundred fifty dollars (\$250.00) for the third offense.

#### SECTION 3: Impoundment and Quarantine of Animals Having Bitten. Person and Destruction of Rabid Animals:

It shall be unlawful for any person to keep or maintain within the Town of Woodville Mississippi any vicious, ferocious or dangerous animal Any such animal may be impounded or destroyed.

In case of an attack by an animal resulting in injury to any person, such animal shall be impounded by the Town of Woodville for observation for a period of ten (10) days, or the Town of Woodville shall have such animal impounded for ten (10) days with a private veterinarian licensed to practice veterinary medicine within the State, or after having first produced evidence of current vaccination (Ref. Section 2 Paragraph 1), the owner may sign an agreement to a daily check (for a period of quarantine) by the Animal Control Officer to insure compliance and observe for signs of disease. All costs of the veterinarian will be paid by the owner.

SECTION 4: Running at Large Prohibited:

It shall be unlawful for the owner of any animal to permit it to run at large within the corporate limits of the Town of Woodville.

Impoundment of animals at large: Animals running at large may be impounded as provided in Section 5 of this chapter.

It shall be lawful and it shall be the duty of any sheriff, game warden, or peace officer of a county or municipality to destroy any dog above the age of the three months found running at large on whose neck there is no collar or tag. (§41-53-11 of the Mississippi Code of 1972) No action shall be maintained by the owner for destruction of animal. However, it shall be the duty of said officer who finds a dog or dogs running at large to first keep said dog or dogs for a period of five (5) days in order for the owner to claim the animal. It shall be the duty of any sheriff, game warden, or peace officer of a county or municipality to destroy any dog above the age of six (6) months found running at large that has not been inoculated.

No dog shall be allowed within the grounds of any municipal park unless it is kept under restraint at all times. No dog shall be allowed to run at large within any municipal park.

Penalties: In addition to or in lieu of impounding an animal found at large, the animal control officer or police officer may issue to the known owner of such animal a citation or violation. Such citation shall impose upon the owner a penalty as follows:

First Offense:	\$50.00
Second Offense:	\$100.00
Third Offense:	\$250.00

All subsequent offenses will be set by the city judge. The penalty is to be paid at the Woodville City Hall within five (5) days. In the event that such citation is not paid within the prescribed time, a criminal warrant may be issued.

SECTION 5: Impoundment Generally:

Authority to seize; confinement period:

An unrestrained dog or a nuisance animal shall be taken by the police or animal control officer and impounded in an enclosure or animal shelter kept for the purpose, to be provided and maintained by the city (town), and there confined in a humane manner. Such an animal shall be kept for at least five (5) days unless sooner claimed by the owner; impounded dogs not suffering from an incurable injury or disease shall be kept for not less than five (5) working days.

Notice to owner; redemption:

If by a tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail. Within five (5) days, the rightful owner of any animal held under this section may, provided the animal is properly

vaccinated, licensed and tagged, obtain the animal upon payment of a pound fee as hereinafter provided. If an unvaccinated animal is claimed by owner, the owner must make arrangements for the vaccination of said animal satisfactory to the department of animal control. An owner reclaiming an impounded animal shall pay a fee as follows: \$10.00 plus \$5.00 for each day of impoundment.

Disposition if not reclaimed by owner; waiver of waiting period: Any animal not reclaimed by its owner within five (5) working days shall become the property of the Town and shall be placed for adoption in a suitable home for the fee of twenty five dollars (\$25.00), or humanely euthanized with an injection of sodium pentobarbital; provided that if an unclaimed animal is adopted, the adoptive owner must make arrangements for the vaccination of said animal satisfactory to the superintendent of animal control. The five-day waiting period is waived for a vicious or fetal animal, **or** for any animal suffering from an incurable disease. Pursuant to § 97-41-3, Mississippi Code Annotated (1972), an injured or neglected animal may be humanely euthanized without any waiting period. Animals may also be released to the Mississippi Animal Rescue League or the Humane Society.

D. Additional proceedings against owner authorized:

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

SECTION 6: Animal Care:

No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

No person shall beat, cruelly ill treat, torment, overload, over-work, or otherwise abuse an animal, or cause instigate **or** permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

No owner of an animal shall abandon such animal.

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

No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

Every vicious animal, as determined by the Town of Woodville shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

No person shall leave an animal unattended inside a motor vehicle when such action is harmful or potentially harm. to said animal. In the event the owner of said vehicle is not available and cannot be found or refused to prevent said harm or reasonable potential harm from continuing, the animal control officer or police department shall be authorized to remove said animal from such vehicle and to utilize any reasonable method to effect said removal.

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

No person shall keep or maintain on their premises any pen(s), enclosure(s) or keeping of animals or fowl so as to become a public nuisance to persons residing in the vicinity thereof, nor shall they be maintained or kept in any manner as to cause bodily injury to any person residing in the vicinity of the pen.

No person shall keep or harbor any animal(s) or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to persons residing in the vicinity thereof;

K.. Expose any known poisonous substance, whether mixed with food or not in such a manner as to be ingested by any animal to purposely harm said animal.

SECTION 6-A: Authority to Seize:

The duly sworn and authorized animal control officers or police officers of the City (Town), may seize or cause to have seized any animal whose owner is found to be in violation of any part of Section 6 and impound or cause to be impounded said animal in a designated shelter. Said animal shall be held for a period not to exceed five (5) days. If no corrections are made by the owner within the five (5) day period, the animal shall become the property of the Town of Woodville.

SECTION 7: Animal Waste:

The owner of every animal shall be responsible for the removal of any excrete deposited by his animal(s) on public walks, recreation areas, or private property.

SECTION 8: Keeping of Livestock

No person shall keep livestock closer than one hundred fifty (150) feet to a property line adjoining that of which the livestock is kept, provided that each animal herein defined as livestock shall be kept on a lot or tract of three (3) acres or greater.

At the request of the animal control officer each livestock owner shall notify the animal control officer of the type, number and location of any and all livestock kept within the corporate city limits. Said owner shall further furnish their name, address and telephone number to the animal control officer and to the Town of Woodville Police Department at the request of either,

SECTION 9: The provisions relating to the keeping of livestock and fowl shall not apply to any area in the city not subdivided or platted or on tracts of three (3) acres or more.

SECTION 10: Ferocious, Vicious or dangerous animals prohibited.

It shall be unlawful for any person to keep or maintain within the Town of Woodville any vicious, ferocious or dangerous animal or fowl. Any such animal or fowl may be impounded or destroyed.

The violation of this section shall constitute a misdemeanor punishable under Section 14 of this Ordinance.

SECTION 11: Keeping Wild Animals and Reptiles Prohibited:

No person shall keep any wild animal(s) or poisonous reptile(s) within the corporate limits of Woodville, Mississippi.

No person shall keep or cause to be kept on the premises or in any roadside zoo or pet store, any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.

The animal control officer is hereby granted the authority to seize any wild animal(s) or reptile(s) kept in violation of this ordinance, Federal Laws, State Statutes, upon conviction of said owner for said offenses and if seized, shall deliver said animal(s) or reptile(s) to the Department of Wildlife Conservation or dispose of according to their institutions.

SECTION .12: Pet Shops, Aviaries, and Kennels:

The animal control officer of the Town of Woodville is hereby authorized at any reasonable time, upon receipt of public complaints or request to inspect any store or business located within the boundaries of the Town of Woodville which buy, sell, give away, or trade live animals, birds, or operate kennels.

SECTION .3: Enforcement:

A. The civil and criminal provisions of this ordinance shall be enforced by the animal control officer, the Woodville Police Department and other authorized personnel of the Town of Woodville. It shall be a violation of this ordinance to interfere with any of the aforementioned in the performance of their duties.

Any animal control officer appointed by the Town of Woodville shall be vested with police powers and shall be authorized to issue tickets, summons, or other process in the same manner as other police officers of the Town with regards to animal control.

Any animal control officers may utilize any equipment reasonable and necessary to enforce the provisions of this code, including without limitation, humane wire box traps.

SECTION-14: Penalties:

Any person violating any provision of this chapter except as provided for in Section 2(C) and 4(E) shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment in the county jail not to exceed thirty (30) days, or by both fine and imprisonment. If any violation continues, each day's violation shall be deemed a separate violation.

PASSED by the Mayor and Board of Aldermen of the Town of Woodville, Mississippi, no Motion of Alderman Fry, second by Alderman. Anthony and approved unanimously, this the 1<sup>5t</sup> day of December, 2009.

SECTION 15: Effective Date:

This ordinance shall be effective thirty (30) days after passage.

SECTION 16: Repealer:

This ordinance repeals and supercedes all previous animal control ordinances for the Town of Woodville.