

## CITY OF BOONEVILLE ANIMAL CONTROL ORDINANCE

BY THE ADOPTION OF THIS ORDINANCE THE CITY OF BOONEVILLE DOES HEREBY REPEAL THE FOLLOWING SECTIONS OF THE CITY OF BOONEVILLE, MISSISSIPPI CODE OF ORDINANCES: 3-21, 3-22, 3-24,3-25,3-29 AND 3-30.

THE BOARD OF ALDERMAN AND THE MAYOR FOR THE CITY OF BOONEVILLE DO HEREBY DECLARE AND ADOPT THE FOLLOWING AS THE ANIMAL CONTROL ORDINANCE FOR THE CITY OF BOONEVILLE, MISSISSIPPI. THE FOLLOWING ORDINANCES AND SECTIONS THERETO SHALL BE ADDED TO THE CITY OF BOONEVILLE, MISSISSIPPI, CODE OF ORDINANCES.

### ANIMAL CONTROL ORDINANCE

#### SECTION 3.33. DEFINITION OF TERMS

THE FOLLOWING TERMS AS USED IN THIS ORDINANCE SHALL HAVE THE MEANINGS ASSIGNED TO THEM IN THIS SECTION:

- A. ANIMAL: Every nonhuman species of animal, both domestic and wild.
- B. ANIMAL AT LARGE: An animal shall be deemed to be at large whenever said animal is not on the owner's property or under the immediate physical control of a responsible person capable of physically restraining the animal.
- C. ANIMAL CONTROL OFFICER: that person or his authorized representative designated as such by the City of Booneville to perform duties described by this Ordinance.
- D. ANIMAL CONTROL SHELTER: any facility designated by the City of Booneville for the detention of animals.
- E. ANIMAL UNDER RESTRAINT: An animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or confined within a vehicle or within the real property limits of its owner and/or its custodian.
- F. CRUELTY TO ANIMALS/ABUSED ANIMALS: Shall be defined as a person who:
  - 1. Overworks, overloads, tortures, torments, abandons, administers poison to, cruelly beats or mutilates an animal, exposes a poison with intent that it be taken by an animal;
  - 2. Ties, tethers, or restrains an animal, either a pet or livestock, in a manner that is inhumane or is detrimental to its welfare. Livestock and poultry husbandry practices are exempted;
  - 3. Deprives an animal which a person owns, possesses or acts as an agent for, of adequate food, water, shelter, rest or sanitation, or necessary medical attention, or transports an animal in overcrowded vehicles;

4. Owns, possesses, keeps or trains an animal engaged in an exhibition of fighting, or possesses, keeps or trains any animal with intent that it be engaged in an exhibition of fighting, or permits any such act to be done on premises under his or her charge or control;
- G. OWNER OR OWN: Any person, partnership, association or corporation having a right of property in an animal and any person who keeps or harbors an animal or has it in his care or acts as custodian or permits it to remain on, or about, any premises occupied or controlled by him/her.
- H. PUBLIC NUISANCE ANIMAL: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than the owners, to the enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to any animal that:
1. Is repeatedly found at large;
  2. Damages the property of anyone other than its owner;
  3. Molests or intimidates pedestrians or passers by;
  4. Chases vehicles;
  5. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
  6. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
  7. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
  8. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
  9. Attacks other domestic animals;
  10. Has been found by the Board of Alderman and Mayor, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare and safety.
- I. CITATION: "Citation" means a charging document issued to the owner by the Animal Control Officer or Booneville Police Officer, or any other law enforcement agency.
- J. KEEPING OR HARBORING — The act or sufferance of either feeding or sheltering an animal on the premises of the occupant or owner thereof
- K. VICIOUS ANIMAL — A vicious animal is any animal that:
1. Poses a physical threat to persons or to domestic or farm animals by virtue of its specific training or demonstrated behavior. "Physical threat" means conduct that places a person in reasonable apprehension of imminent, serious physical harm and includes any attempt or actual infliction of physical harm;

2. Has been declared to be a vicious animal by the animal control officer or Booneville Police Officer, or any other law enforcement agency, by written notice sent to the animal's owner by the animal control officer;
3. Except that no animal belonging to a government agency shall be deemed a vicious animal for conduct occurring while the animal is acting in the official performance of authorized duty;
4. Any dog which is entirely or partially comprised of the following breeds: American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, and any animal commonly known as a Pit Bull or Rottweiler.

#### SECTION 3.34. WHEN ANIMALS ARE TO BE RESTRAINED, CONFINED, MUZZLED, ETC...

- A. All dogs shall be kept under restraint by their owners or the person physically with the animal;
- B. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance;
- C. Every animal in heat shall be confined by its owner in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for a planned breeding.
- D. Every vicious animal, as defined herein, shall be confined by the owner within a building or secure enclosure. Such enclosure must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded in the ground no less than two (2) feet. All vicious animals shall be securely muzzled or caged whenever off the premises of the owner;
- E. No vicious animal may be kept on a porch or patio or any part of a house or structure when the windows are open or when the screen windows or doors are the only obstacle preventing the animal from exiting the structure;
- F. All owners, harborers, or keepers of vicious animals within the City Limits shall display in a prominent place on their premises sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign shall be placed on the kennel or pen of such animal;
- G. All owners must keep vicious animals at a point on their property that is the greatest distance for each and every other neighbor.

#### SECTION 3.35. ADDITIONAL RESPONSIBILITY OF OWNERS OF VICIOUS ANIMALS

All owners of vicious animals, as defined herein shall be required to maintain an insurance policy in the amount of at least \$25,000.00, issued by an insurer authorized to transact business in this State, insuring the owner of the vicious animal against liability for any personal injuries inflicted by the vicious animal or a surety bond in the amount of at least \$25,000.00, issued by a surety company authorized to transact business in this state, payable to any person or person injured by the vicious animal.

### SECTION 3.36. LICENSING, REGISTRATION AND PERMITS

- A. No vicious animal, as defined herein, may be owned, harbored or kept with the City Limits without the Owner or person in possession or control of the animal first obtaining a license or permit from the City Clerk at City Hall or her/his designee. All applications for such license or permit shall include the name and address of the owner, the address at which the animal will be located or confined, a description of all measures to be take to secure the animal, a complete description of the animal, including type of animal, age, sex, color, and any other distinguishing marks, and a photograph of the animal, and proof of rabies vaccination. All registrations shall be made at the Booneville City Hall with a \$25.00 registration fee being paid at the time of registration.
- B. Persons owning or in possession or control of a vicious animal shall upon the birth, death or transfer of such animal report such fact to the city within 14 days of the event. A separate license or permit shall be filed with the Chief of Police or his designee stating the name and address of the person to whom the animal is sold or transferred and the address at which the animal is to be located if known;
- C. The application for such license or permit must be signed and dated by the owner of the vicious animal. The owner must sign a statement attesting to the fact that all provisions of this ordinance have been and will be complied with in their entirety, and that the City shall be notified immediately of any attack or other violation of this ordinance by such animal in his possession or control.
- D. The Board of Mayor and Aldermen may establish fees for issuance of the license of permit. The fees may apply to the initial issuance of such license or permit and any required renewals, at the discretion of the Board of Mayor and Alderman.
- E. Any license or permit issued pursuant to this section shall be revocable upon any noncompliance with any of the terms of this ordinance by any person owning or in possession or control of a vicious animal.

### SECTION 3.36 (A) EXEMPTIONS

The only exemption to this Ordinance shall be persons 65 years of age or older and whose animal is at least 8 years old, as verified by a certified veterinarian. Said exemptions are as follows:

- A. Said person shall not be required to pay the \$25.00 registration fee;
- B. Said person shall not be required to obtain an insurance policy or bond in the amount of \$25,000.00;
- C. Said person shall be exempt from the housing requirements of confining animal by an enclosure with secure sides and a secure top.

### SECTION 3.37. IMPOUNDMENT AND REDEMPTION

- A. Unrestrained dogs and nuisance animals shall be taken by the police, animal control officers, or humane officers, and impounded in an animal shelter and there confined in a humane manner,
- B. Impounded dogs and nuisance animals shall be kept for not fewer than five (5) working days.

- C. If, by a tag or other means, the owner of an impounded animal can be identified, an animal control officer shall immediately upon impoundment, notify the owner by telephone or certified mail.
- D. An owner reclaiming an impounded animal shall pay a fee of fifteen dollars (\$15.00) and three dollars (\$3.00) for each day the animal has been impounded. Subsequent impoundments occurring within twelve (12) months are charged a fee of twenty-five dollars (\$25.00), plus three dollars (\$3.00) for each day the animal is impounded.
- E. Any animal not reclaimed by its owner within seven (7) working days shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized. Vicious animals may not be placed for adoption. Vicious animals shall be humanely euthanized unless within seven (7) working days, the owner can present an appropriate Court order preventing the same.
- F. The owner of an impounded animal may also be proceeded against for violation of this chapter.
- G. The animal control officer or the shelter director shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter.
- H. The animal control officer or law enforcement officer shall be allowed to kill any vicious animal, if in that officers judgment, the vicious animal has caused injury to person(s) or animal(s), or is likely to cause injury to person(s) or animal(s), or is a threat to the public's safety and welfare.
- I. The animal control officer or law enforcement officer shall have the authority to enter any premises where animals are kept, and shall seize and deliver to the animal shelter, any abused animal. Said animal shall be placed for adoption or humanely euthanized unless within seven (7) working days, the owner can present an appropriate Court order preventing the same.

#### SECTION 3.38. ENFORCEMENT

Any animal control officer shall be vested with police powers to enforce animal control ordinances and state laws and shall be authorized to issue tickets, summonses or other processes within the scope of their authority. Likewise any Law Enforcement Officer may do the same.

Further the animal control officer or any Law Enforcement Officer may:

- A. The animal control officer or any Law Enforcement Officer shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed upon him by this Ordinance where there is reasonable belief that a violation of this Ordinance has been committed.
- B. The animal control officer or any Law Enforcement Officer shall have the right to issue a citation to any owner/custodian found violating any provision of this ordinance.
- C. The animal control officer or any Law Enforcement Officer shall be authorized and empowered to enforce and administer this Ordinance.

- D. The Animal Control Officer, or any Law Enforcement Officer shall issue a citation if there is probable cause to believe that a person is committing or has committed a violation of this Ordinance.

#### SECTION 3.39. PENALTY

Any person violating any provisions of this Ordinance shall be deemed to have committed a misdemeanor and upon conviction thereof before the City Court of Booneville, Mississippi, shall be fined a sum of not less than TWENTY-FIVE DOLLARS (\$25.00) nor more than TWO HUNDRED FIFTY DOLLARS (\$250.00) and/or up to 6 months in jail.

#### SECTION 3.40. SEVERABILITY

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

PUBLICATIONS - A certified copy of this ordinance shall be published in The Banner Independent, a newspaper having general circulation within the City of Booneville, Prentiss County, Mississippi, for the information and guidance of the citizens of the City of Booneville.

ON MOTION MADE BY ALDERWOMAN LIVINGSTON AND SECONDED BY ALDERMAN BARRETT AND WITH ALL MEMBER OF THE BOARD PRESENT THE FOLLOWING VOTE WAS HAD:

ALDERMAN DAVID BOLEN: "AYE"

ALDERMAN MITCH BARRETT: "AYE"

ALDERMAN BOBBY GODDARD: "AYE"

ALDERWOMAN BETTY LIVINGSTON: "AYE"

ALDERMAN DAVID WEST: "AYE"

THE ANIMAL CONTROL ORDINANCE WAS UNANIMOUSLY ADOPTED.