

**RESOLUTION TO ENACT ORDINANCE FOR DOG CONTROL**

WHEREAS, it is the desire of the Mayor and Board of Aldermen of the Town of Decatur, Mississippi to adopt in all respects the dog control ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DECATUR, MISSISSIPPI that an Ordinance be enacted as hereinafter set forth to be in full force and effect as provided by law;

**DOGS****SECTION 1: Collar and vaccination tag.**

It shall be unlawful for an owner to allow any dog to run at large within the town unless the dog shall have a Substantial collar placed around its neck by the owner on which there shall be a metal plate with the name and address of the owner of said animal, and there shall be attached to the collar of said dog a tag showing that said dog has been properly vaccinated and immunized against rabies.

The owner of a dog shall see that it is wearing the collar with the appropriate tags attached thereto at all times.

**SECTION 2: Destruction.**

The chief of police or any other officers of the town shall destroy any dogs found running at large within the corporate limits which do not have the required collar and certificate properly attached to it.

SECTION 3: This ordinance shall be in effect on the 1st day of May, 1987.

**ORDINANCE OF THE TOWN OF DECATUR ENACTING REGULATIONS PROVIDING FOR THE BANNING OF VICIOUS ANIMALS WITHIN THE TOWN OF DECATUR**

WHEREAS, the members of the Town of Decatur Board of Aldermen desire to adopt an ordinance governing the banning of vicious animals of all types and kinds in the town of Decatur; and

WHEREAS, the town of Decatur Board of Aldermen does hereby adopt the following ordinance to be known as the Decatur Vicious Animal Ordinance and directing that it shall be effective thirty (30) days from the first date of publication of the said ordinance in the local paper.

NOW THEREFORE, BE IT ORDAINED, by the Town of Decatur Board of Aldermen as follows:

Section I. Definitions: For the purposes of this ordinance, the following definitions shall apply when used herein:

- a) "Animal" includes both the male and female sex of any species, except the human species.
- b) "Owner" shall include any person, partnership, firm or corporation owning, keeping, and harboring one or more animals. An animal shall be deemed harbored if it is fed or sheltered.
- c) "At Large" shall mean outside 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, rope or secure enclosure.
- d) "Town" shall mean the Town of Decatur and any and every place within the corporate •limits of the Town of Decatur, Mississippi.
- e) "Secure Enclosure" shall mean an enclosure, which must include the following features:
  1. Secure sides and a secure top
  2. Concrete pad
- f) "Vicious Animal" Shall be defined as the following:
  1. Any animal which has shown or demonstrated a propensity, tendency or disposition to attack while unprovoked, to cause injury or to otherwise endanger the safety of human beings or pets or domesticated animals.
    - a. Propensity can be defined as aggressive behavior, such as growling, snarling, snapping or attempts to bite or lunging at people or other animals.
  2. Any animal which, while unprovoked: (1) bites, inflicts injury, assaults or otherwise attacks a human being, pet or domesticated animal on public or private property, or, (ii) chases or approaches a person upon the streets, sidewalks or on any public grounds in a menacing or terrorizing manner or apparent attitude of attack.
  3. cAny animal which is owned, bred or harbored with the intent, in whole or part to be willfully entered into a fighting match with another animal.

Section II: If any animal is deemed vicious by the Governing Authority in the Town of Decatur, Mississippi, the following procedure shall apply:

- a) The town shall conduct a hearing to make a determination that an animal is a vicious animal.
- b) Notice shall be given to the owner of the dog, by U.S. registered mail or certified mail, Return Receipt Requested at least one (1) week before the date of the hearing, to be set by the town or by service of notice as provided by a Police Officer at least one (1) week before the hearing date, or if the owner is unknown or his/her address unknown, then by one (1) week notice in the

newspaper having a general circulation in the town, of a hearing to determine whether the animal is a vicious animal.

- c) Prior to the hearing the town shall have the right to have a veterinarian go upon the property where the animal is located to offer evidence as to the animals temperament and disposition to be a vicious animal.
- d) At the hearing, the governing authority will adjudicate whether the animal is vicious. If the governing authority determines the animal as vicious animal, then the owner shall be given seven (7) days from the date of the hearing to permanently remove the vicious animal from the town limits. If the animal is not removed within the seven (7) day period, the owner of the animal may be fined, at the discretion of the Municipal Judge, up to One Hundred Dollars (\$100.00) per day for each day the animal is not removed. If the animal is not removed in fourteen (14) days from the date of the hearing, the animal will be deemed an animal running at large within the town and the town shall be authorized to impound the animal with costs assessed to owner and thereafter the town may dispose of the animal as necessary.

SECTION III: The primary purpose and intent of this ordinance is to protect the safety and welfare of the citizens of the town of Decatur, Mississippi. Nothing in this Chapter shall prevent the town from providing more stringent regulations of vicious animals and vicious animal owners.

#### SECTION IV. Severability Provision

If any section, sentence, clause, phrase, or any part of this Ordinance is declared to be unconstitutional or void, or if for any reason is declared to be invalid or of not effect, the remaining sections, paragraphs, sentences, clauses and phases shall be in no manner affected thereby, but shall remain in full force and effect.

#### Section V. Publication

The Town Clerk is hereby authorized and directed to cause to be published in the Newton County Appeal a copy of this Ordinance once and this ordinance to be in full force and effective thirty (30) days from and after the date of publication.

The motion carried.

SO ORDERED, this 2<sup>nd</sup> Day of December, 2014.