

**AN ORDINANCE REGULATING THE CONTROL OF DOGS
AND ALL OTHER ANIMALS; THE VACCINATION
OF DOGS; PROVIDING FOR VIOLATIONS THEREOF; ETC.**

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

SECTION 1. DEFINITIONS

- a) The term "dog" whenever used in this ordinance, shall be held to apply to both male and female dogs, regardless of age or size.
- b) Any person over the age of eighteen (18) years who shall harbor or permit an animal for ten (10) days or more or let the same habitually remain to be fed for a period of ten days or more in or about his house, store, etc., shall be deemed the "owner", and shall be liable under this ordinance.
- c) Any animal shall be deemed to be "running at large" if it is at any time off the premises of the owner, and it shall not be sufficient that said animal is trained to obey the commands of its handler or that it is merely momentarily or accidentally off the premises of the owner or that said owner is not aware that said animal was off his premises or that said animal is very young or known to be harmless except that said animal shall not be deemed "running at large" if it be controlled as follows at all times while on the premises of the owner;
 - 1. If enclosed in adequately ventilated cage, pen, vehicle, trailer, or other enclosure suitable to prevent escape of said animal.
 - 2. If chained or tied to a leash not to exceed six (6) feet in length and having sufficient strength to restrain said dog, said leash being securely affixed to an object of sufficient rigidity that it cannot be moved by said dog, or leash being securely held by a person over the age of six (6) years and who is otherwise capable of controlling and restraining said dog.

SECTION 2. HEALTH AND SAFETY

- a) The Mayor of the municipality, whenever in his opinion the danger to the public safety from rabid dogs is imminent, may issue a Proclamation Order requiring all persons owning a dog to muzzle same, or CO confine it within a suitable cage, pen, or building, for a period of time to be specified in said Proclamation.
- b) Any dog which is reasonably suspected of having bitten any person may be impounded and kept under observation by the municipality for a sufficient length of time to determine if said dog is rabid.
- c) It shall be unlawful for any person to intentionally administer or cause to be administered poison of any sort to any animal or to in any manner intentionally injure, maim or destroy any animal, or place any poison where it may be accessible to any animal; provided, however, any police or humane officer, in the performance of his duties required by this ordinance, may, if absolutely necessary in order to catch an animal for the purpose of impounding it, use such force and means as are necessary therefor,
- d) It shall be unlawful for the owner of any animal to permit said animal to run at large.
- e) It shall be unlawful for any owner or keeper of any animal to permit such animal or animals, by loud and persistent habitual barking, howling or yelping, to disturb any person or neighborhood, and the same is hereby declared to be a public nuisance. It

shall not be necessary, for the purpose of this section, to identify and describe the particular animal which is barking, howling, or yelping, provided only that it shall be shown who has possession, care, custody and control of said animal.

- f) Any owner or harbinger of an animal within the town which is kept in a pen, structure, building or other enclosure is hereby required to keep such enclosure in a sanitary and clean condition so as to prevent disagreeabl. odors from arising therefrom, and to prevent the presence or breeding of flies, mosquitoes and other pests therein.

SECTION 5. VACCINATION

- a) It shall be the duty of the owner of every dog within the Town of Ackerman, Mississippi, said dog being of the age of five (5) months or over, to have said dog vaccinated against rabies annually, and to see that said dog wears a collar which has owner's identification, and a metal tag approved by the Scare Board of Health with the serial number of the vaccination and the year in which the dog was vaccinated stamped thereon.

SECTION 4. PENALTIES

- a) Any animal whose condition or demeanor violates any provision of this ordinance may be seized, impounded or destroyed by the designated agents of the municipality.
- b) The owner of any impounded animal may redeem said animal by paying a redemption fee of \$25.00, plus \$2.00 a day, or fraction thereof, of impoundment.
- c) All animals impounded under this ordinance, which have not been redeemed as authorized herein within five (5) days of such impoundment, may be disposed of in a human manner by the agents of the municipality.
- d) Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and, or conviction, be fined an amount not exceeding \$200.00, or imprisoned in the County jail for a period not exceeding thirty (30) days, or by both fine and imprisonment, within the discretion of the Court.

SECTION 5. REPEAL, SEVERABILITY, CONFLICT AND EFFECTIVE DATE

- a) Repeal. The Ordinance enacted by the Mayor and Board of Aldermen of the Town of Ackerman, Mississippi. being adopted on the 1st day of January, 1957, the same being an Ordinance entitled AN ORDINANCE REQUIRING ALL DOGS WITHIN THE TOWN OP ACKERMAN TO BE MUZZLED AT ALL TIMES, EXCEPT AT FEEDING TIME. AND TO BE VACCINATED FOR RABIES, WITH A TAG OF SUCH VACCINATION SHOWING DATE THEREOF ATTACHED TO THE COLLAR AT ALL TIMES, recorded in Ordinance Book A, at pages 26 and 27, of said Town of Ackerman, Mississippi, be, and the same is hereby repealed.
- b) Severability. Should any section, clause, paragraph, provision, or part of this Ordinance for any reason be held invalid or unconstitutional by any court of competent Jurisdiction, this act shall not effect the validity of any other section, clause, paragraph, provision, or part of this Ordinance. All provisions of this Ordinance shall be considered separate provisions, and completely severable from all other portions.
- c) Conflict. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the Town of Ackerman, Mississippi, existing on the effective date of the Ordinance, the provisions of this Ordinance shall take precedence.

d) Effective Date. This Ordinance shall take effect and be enforced from and after its passage in the manner provided by law, on and after the 5th day of July, 1996.

SECTION 6. ADOPTION AND CERTIFICATION

The above and foregoing Ordinance was previously reduced to writing, proposed and introduced for the consideration of the Mayor and Board of Aldermen of the Town of Ackerman, Mississippi, and was read, considered, and voted upon by sections and as a whole; the vote on each and all of the sections and upon the Ordinance as an entirety was taken by a "yea" and "nay" vote. Those voting "ye" being as follows:

Alderman Carroll Cornish, Jr.	voted: Yea
Alderman Michael D. Thomas	voted: Yea
Alderwoman Sheila Miller	voted: Yea
Alderman Tommy Curtis	absent
Alderman Robert Bruce Burney, Jr	voted: Yea

and those voting Nay being:

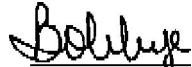
None

The said Ordinance was adopted, enacted and passed on the 4th day of June, 1996, by the Mayor and Board of Aldermen in lawful session, all as appears of record in Ordinance Book "A" at pages 142-143



 WM

ATTEST:



BOBBYE K WEBB, Town Clerk
 Town of Ackerman, Mississippi