

AN ORDINANCE TO REGULATE AND PROHIBIT ANIMALS WITHIN THE CITY OF ELLISVILLE

Be it ordained by the Mayor and Board of Aldermen of the City of Ellisville that the following regulation governing animals within the City of Ellisville, be made:

ANIMAL CONTROL**ARTICLE 1 - GENERALLY**SECTION 1-1 - Definitions

As used in this ordinance, the following words shall have the meanings herein ascribed to them.

ANIMAL, Any living, vertebrate creature, domestic or wild, other than Homo Sapiens.

ANIMAL CONTROL WARDEN-The animal control supervisor or *his* authorized agents or employees of the animal control section, or Policemen.

AT LARGE OR RUNNING AT LARGE-Any animal within the city not kept under restraint. **CAT**-A domesticated member of the Felidae (feline) family, other than a lion, tiger', bobcat, jaguar, panther, leopard, cougar or other prohibited animal.

CITY ANIMAL SHELTER-A place operated by the City for the detention of dogs and other animals as prescribed by law.

DOG-A domesticated member of the Canile (canine) family, other than a wolf, jackal, fox, dingo, coyote or other prohibited animal. For *the* purpose of *this* definition, a puppy *shall* be considered a dog when it *is over the* age of 6 weeks.

IMPOUND-To apprehend, catch, trap or net a dog or cat or any other animal and thereafter confine it

LICENSED VETERINARIAN-A veterinarian licensed by the Mississippi Board of Veterinary Examiners.

LIVESTOCK-A domestic animal normally raised on a farm, such as poultry, swine, cattle, horses, sheep, goats or similar animals, but not wildlife.

OWNER-Any person owing, keeping or harboring one or more animals, An animal shall be deemed to be harbored if it is fed or sheltered.

PET-Any animal kept for pleasure rather than utility.

POULTRY-Any species of domesticated birds commonly kept for eggs and/or meat. **PUBLIC NUISANCE**- Any animal which:

- A. A Molests passers-by or passing vehicles;
- B. Attacks other animals or human beings;
- C. Trespasses art public or private property.
- D. Is repeatedly at large, exclusive of the owner's property.
- E. Damages private or public property;
- F. Barks, whines, howls or makes other annoying noises in an excessive, continuous manner or at unreasonable hours; or
- G. Creates an excessive and continuous odor.

- H. Deposits feces on public or private property and said feces is not removed by the animal's owner.

RESTRAINT-Any animal securely caged, or secured by a leash or lead and under the effective control of a responsible person and obedient to that person's commands, or within the confines of its owner's home or yard which is fully enclosed by a good, secure and substantial fence, In addition, a dog shall be deemed under restraint when the dog is used by a blind or deaf person to aid *the* person in going from place to place within the city.

SANITARY-Any condition of good order and cleanliness which precludes the possibility of disease transmission.

VACCINATION CERTIFICATE-The certificate issued by a licensed veterinarian, on a form approved by the Mississippi Board of Health, for presentation to the animal control section and showing on its fact that, at the time of such presentation, the dog or cat covered thereby has been vaccinated for rabies.

VICIOUS ANIMAL-Any animal that bites or scratches or attacks any other animal or human being within the city limits, without provocation.

SECTION 1-2 - Animal Control Section and Supervisor

The animal control section shall be in the charge of a person having suitable qualifications and designated by the city as the animal control supervisor.

The animal control supervisor shall supervise the operation of the city animal shelter.

SECTION 1-3 - Interference with Animal Control Warden

It shall be unlawful for any person to interfere with an animal control warden while such warden is engaged in the performance of his/her duties.

SECTION 1-4 - Compliance with Ordinance Required for Keeping Animals

It is unlawful and it shall be a misdemeanor for any person to do any act forbidden or fail to do any act required in this ordinance. *Unless* specifically required herein, no mental element of intent need be present to constitute an offense under this ordinance. SECTION 1-5 - Compliance with Sanitation Standards Required for Keeping Animals The owner of any animal, including owners of kennels or owners of breeding farms, within the city as authorized in this ordinance shall comply with the standards of sanitation established therefor by the county health officer.

SECTION 1-5 – Compliance with Sanitation Records Required for Keeping Animals

The owner of any animal, including owners of kennels or owners of breeding farms, within the city as authorized in this ordinance shall comply with the standards of sanitation established therefor by the county health officer.

SECTION 1-6 - Compliance with Ordinance not Relief from Compliance with Other Regulations.

The keeping of any animal in accordance with the provisions of this ordinance shall not be construed to authorize the keeping of the same in violation of the zoning ordinance or any other ordinance of the city.

SECTION 1-7 - Inspection of Animals and Premises

Animals and premises whereon *animals* are kept or maintained shall be subject to inspection by the county health officer or his/her authorized representative or employees, or an animal control warden, at any reasonable time, or at any hour, in cases of emergency.

SECTION 1-8 - Abatement of Conditions not Complying with Ordinance

Whenever any premises where animals are kept are *in* an unsanitary condition or the facilities are riot *in* keeping with the provisions of this ordinance or any other regulations herein, or if any health ordinance or law is not observed, the county health officer or Animal Control Warden or his/her representative may, *by* written notice to the person responsible for the condition of *the premises* or the keeping of the animals or the person owing or in control of such premises, order the abatement of the conditions which are not in accordance with this ordinance or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal proceedings, be grounds for, and entitle the city to obtain, relief by, injunction.

SECTION 1-9 - Pursuit of Animals

For purposes of discharging the duties imposed by the provisions of this ordinance, or other applicable laws, and to enforce the same, duly authorized representatives or employees of the city or the county health department may enter upon private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private, unfenced property, when in pursuit of any animal which they have reason to believe is subject to impoundment pursuant to the provisions of this ordinance or other applicable laws.

ARTICLE 1 - ANIMAL AND RABIES CONTROL

SECTION 1 -10 - Restraint

It shall be unlawful for an owner to fail to keep such owner's animals under restraint. Owners shall exercise care and control of their animals to prevent them from becoming public nuisances.

SECTION 1 -11 - Impoundment

- A. Animals may be impounded by the animal control section or Police Department in any of the following circumstances:
1. Any animal not kept under restraint as required by this ordinance;
 2. Any dog not having affixed to its collar a valid rabies tag;
 3. a Any animal which constitutes a public nuisance;
 4. Any animal that a person could responsibly suspect as having any infectious or contagious disease other than rabies and being in the custody of a keeper who fails or refuses to make arrangements satisfactory to the animal control supervisor looking to the proper treatment of such dog or other animal.
 5. Every animal that has rabies or symptoms thereof, or that a person could responsibly suspect as having rabies, or every animal that *has* been bitten or scratched by another animal, or that bites, scratches or otherwise attacks another animal or person within the city.
 6. Any animal not kept by the owner in conformity with this ordinance or state law.
- B. Impounded animals, other than those impounded for observation for rabies, shall be subject to immediate redemption. Such animals may be redeemed by anyone entitled to possession thereof while the same are in the city shelter, after paying the appropriate fees and making the required deposit, as follows:
1. Impoundment fee:
 - a) First Impoundment \$25.00
 - b) Second or subsequent impoundment within 12 months \$30.00
 2. Boarding charge: A daily boarding fee determined, published and set annually *by* the City Council but not to exceed the reasonable cost of boarding, feeding *and* caring for such animal for the period of impoundment. \$8.00 per day
 3. Rabies vaccination charge: All charges for rabies vaccination, if required. *In* case any impounded animal sought to be redeemed is suffering from any disease or ailment, it shall not be released until the animal shelter manager shall be satisfied that arrangements looking to *its* proper treatment are assured. Animals put under observation as described in Section 1 -11A (5) shall become subject to redemption when found to be free from rabies.
- C. Impounded animals not redeemed by their owner within five (5) working days following impoundment shall become the property of the city *and shall* be placed for adoption in a suitable home or humanely euthanized.
- D. A person may adopt an animal after the expiration of the redemption period provided *in* subsection (C) and after paying the fees and making the required deposits equal to those which would be required for redemption set forth in subsection (B), if said person is the previous owner. Others may adopt animals at regular adoption rates.

- E. No impounded dog or cat shall be released unless the person to whom the dog or cat is released holds a valid rabies certificate for such dog or cat. In the event an impounded dog or cat is released upon the owner's promise that the animal will be immediately vaccinated against rabies, the owner must display to the Animal Control Officer a valid rabies certificate within three days of the release or the owner will be charged with a -misdemeanor under provisions of Section 5 - 17 of this Ordinance.
- F. Dogs and other impounded animals not redeemed or adopted as provided for in *this* section shall be humanely euthanized at *the city shelter*, under the direction of the animal shelter manager.
- G. 'In the event an animal is picked up by the animal control section or Police Department and is found to have proper identification, and is not found to be in violation of any other section of this Ordinance, a fee of \$5,00 shall be charged to the owners for returning the animal.
- H. The City may humanely euthanize an *animal* for *its* owner under the following conditions: (a) the owner must be a resident of the City of Ellisville; (b) the owner must provide positive proof that he or she is the owner of the animal; and (c) the owner must pay a fee of \$20.00 for each animal euthanized.
- I. In addition to, or in lieu of, impounding an animal, an animal control warden or any police officer' *may issue* to the owner of such animal a notice of violation. This notice shall provide a space thereon for the party charged to waive trial on the merits and enter a plea of guilty or nolo contendere. In the event *the* party charged desires to enter a plea of not guilty, such person may obtain a trial setting from the clerk of *the* municipal court, Notwithstanding any other provision of this subsection, persons charged with a violation may, after entering a pleas of guilty or nolo contendere in the space provided, pay a *fine in* the amount of \$25.00 plus court cost.

SECTION 1-12 - Rabies vaccination.

It shall be unlawful for any person to own, keep, harbor or have custody or control of a dog over three (3) months of age within the city, unless such dog or cat has *been* immunized against rabies by the injection of anti-rabies vaccine by a licensed veterinarian,

Every owner of a dog immunized against rabies as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine.

A veterinarian who vaccinates a dog or cat as required herein shall furnish the owner thereof with a metal tag bearing a number corresponding to the number placed on the certificate, and with lettering showing immunization and the date thereof, This tag shall be attached to the collar of the dog for which it is issued, and shall *be worn* at all times in a conspicuous place on the collar.

SECTION 1-13 - Animals exhibiting symptoms of rabies.

- A. Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect of having rabies, or that bites, scratches or otherwise attacks another animal or any person within the city, shall be impounded at once and held for observation *and*

quarantine at the city shelter or other place designated by the city animal warden, for such period of time as the county health officer may deem necessary; provided, however, such period of time shall not be fewer than ten (10) days nor more than fourteen (14) days.

- B. No animal that has rabies shall be allowed at any time on the street or public ways of the city. No animal that has been suspected of having rabies shall be allowed at any time in public places, except as expressly provided herein, until said animal has been released from observation by the county health officer or his/her representative.
- C. The owner of any animal that is reported to have rabies or symptoms thereof, or to have been exposed to rabies, or to have bitten, scratched or otherwise attacked any person within the city or that the owner knows of, suspects to be rabid or to have attacked an individual, shall submit such animal for quarantine, to the animal control supervisor or any police officer.
- D. Any person having knowledge of any animal exhibiting any symptoms of, or exposed to, rabies or that has bitten or otherwise attacked any human being, shall immediately report the incident or animal to the animal control section. The report shall include the name and address of any victim and of the owner of the animal, if known, and any other information relating to the incident or animal. The animal control supervisor shall inform the county health officer at once, in person or by phone, and follow up with a written report.
- E. In case of epidemic, every veterinarian or other person who is called to examine or professionally attend any dog or other animal within the city having glanders or farcy, rabies, tuberculosis or any other communicable disease, shall, within twenty-four (24) hours thereafter, report in writing to the county health officer and the animal control supervisor the following:
 - 1. The location of such animal;
 - 2. The name and address of the owner thereof;
 - 3. The type and character of the disease;
- F. Every veterinarian practicing within the city limits shall keep detailed records of animal rabies vaccination and, upon request of the animal control supervisor, acknowledge to such officer whether an animal of a particular location, or owned by a named person, has been vaccinated within the last twelve (12) months.
- G. The county health officer shall investigate and record all cases of rabies and suspected rabies.
- H. The body of an animal that has died of rabies or that dies or is destroyed while in quarantine shall not be disposed of except as directed by the county health officer.

ARTICLE III - CARE AND KEEPING OF ANIMALS

SECTION 1-14 - Animal Care

It shall be unlawful to violate the following provisions for animal care:

- A. No owner shall fail to provide such owner's animals with sufficient good and wholesome food and water, necessary shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment,
- B. No person shall beat, cruelly treat, torment, overload, seriously overwork, or otherwise abuse an animal, or cause, instigate, or permit one animal to fight with another animal or human being.,
- C. No owner of such animal shall abandon or neglect such animal.

- D. Enclosures used to confine animals shall be maintained in a clean and sanitary condition at all times.

SECTION 1-15 - Keeping of certain animals prohibited.

No person shall keep, own, maintain, use or have in such person's possession or on premises, within the city, any vicious animal.

SECTION 1-16 - Animal Waste.

The owner of every animal shall be responsible for the removal of any feces deposited by such owner's animal on public or private property.

Feces deposited by an animal upon public property or upon the private property of any person other than such animal's owner shall be collected and removed at once by such animal's owner. Animal feces deposited upon any other property shall *be* collected and removed daily.

Collection and removal of animal feces shall be in a container of such a type that, when closed, it is rat-proof and fly-tight. Such container shall be kept closed after each collection. At least once a week, each such animal owner shall cause all feces so collected to be disposed of in such a way as not to permit fly breeding.

SECTION 1-17 - Penalties

It shall be unlawful for any person to violate any provision of this chapter. Such violation shall be a misdemeanor and *shall* be punishable by a fine of not more than two hundred dollars (\$200.00) and/or ninety (90) days Imprisonment.

If any violation is continuing, each day the violation occurs shall be deemed a separate offense.

SECTION 1.18 - Effective Date.

This Ordinance shall be *in* full force and effect thirty days after *its* passage and being published in a newspaper of general circulation in the City of Ellisville.

This the 3rd day of January; 1995.

ORDINANCE OUTLAWING PIT BULLDOGS / PIT BULLDOG MIX WITHIN THE CITY LIMITS OF THE CITY OF ELLISVILLE, MISSISSIPPI; PRESCRIBING METHODS OF ENFORCEMENT OF SAID ORDINANCE; AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF.

BE IT HEREBY ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF ELLISVILLE, MISSISSIPPI, AS FOLLOWS:

SECTION ONE: The breed of dog, commonly known as the "PIT BULLDOG" described in appearance as: Brick-like head, Eyes round, with erect ears set high on the skull. Medium size muzzle that is well proportioned to the head, Nose: black and self-colored according to coat. Bite: scissor or level, The neck is thick, muscular and well defined. The chest is deep, thick and well sprung. The body strong, muscular and slightly longer than its height. Legs: forelegs set wide apart and straight, with hind legs being well muscled. Tail: short in comparison to the body, tapered to a point. Weight approx. 45-90 lbs, This Breed is hereby outlawed in the City of Ellisville, Mississippi, and no Pit Bulldog or Pit Bulldog Mix shall be allowed to be kept or harbored within the City Limits of the City of Ellisville, Mississippi

SECTION TWO: If any dog is deemed by the Governing Authorities of the City of Ellisville, Mississippi, to be a "Pit Bulldog" or Pit Bulldog Mix, then the following procedures shall apply:

- A. The Municipality shall, by Resolution, make a determination that such dog is alleged to be a "Pit Bulldog" or "Pit Bulldog Mix".
- B. Notice shall then 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 Municipality, or by service of notice as provided by a Police Officer at least one (1) week before the date of the hearing, or if the owner be unknown or his/her address unknown, then by one (1) week's notice in the newspaper having a general circulation in the Municipality, of a hearing to determine whether or not the dog is a Pit Bulldog or Pit Bulldog Mix.
- C. C, At the hearing the Governing Authorities will adjudicate whether or not the dog is, in fact, a Pit Bulldog or Pit Bulldog Mix. If the Governing Authorities determine the dog to be a Pit Bulldog or Pit Bulldog Mix, then the owner shall be given seven (7) days from the date of the hearing to permanently remove the dog from the City Limits of the Municipality. If the dog is not removed within, said seven (7) day period, the owner of the dog may be fined, at the discretion of the Municipal Judge, up to One Hundred Dollars (\$100.00) per day for each day the dog is not removed, If the dog is not removed within fourteen (14) days from the date of the hearing, the dog will be deemed an animal running at large within the Municipality and it shall be destroyed.

SECTION THREE: The primary purpose and intent of this ordinance is to protect the safety and welfare of the citizens of the City of Ellisville, Mississippi. If notice is received by any of the Governing Authorities of the City of Ellisville that a dog, alleged to be a Pit Bulldog or Pit Bulldog Mix, is unrestrained and mining at large within the Municipality, then the Chief of Police or any other Police Officer of the City of Ellisville, Mississippi, shall be empowered, in their discretion, to destroy such dog deemed naming at large within. the Municipality or take what other actions they deem necessary, to insure the safety and wellbeing of any and all citizens of the City.

SECTION FOUR: That all owners or harborers of Pit Bulldogs or Pit Bulldog Mix, who shall violate this ordinance shall, in addition to any other fines and restrictions hereinbefore imposed, be guilty of a misdemeanor and shall be fined *an* additional sum of up to One Thousand Dollars (\$1,000.00) and be imprisoned for a term of up to thirty (30) days, for each violation of this ordinance.

SECTION FIVE: That all Ordinances and parts of Ordinances of the City of Ellisville, Mississippi, in conflict with any of the provisions of this Ordinance shall be and same are hereby repealed to the extent of such conflict.

The above and foregoing Ordinance having been first reduced to writing, was read and considered, section by section, and then as a whole, by the Board of Alderman of the City of Ellisville, Mississippi; the ordinance was adopted by the Board of Alderman of the City of Ellisville, Mississippi.

Whereupon, the Mayor declared said Ordinance approved and adopted on this the 2¹ day of October, 2007.

AN ORDINANCE OF THE CITY OF ELLISVILLE ADDRESSING DANGEROUS DOGS, CONFINEMENT OF DANGEROUS DOGS, TETHERING OF DOGS, AND RELATED MATTERS

WHEREAS, the Mayor and the Board of Alderman of the City of Ellisville, Mississippi have determined that it is necessary to place certain restrictions on the keeping of dogs in the City of Ellisville, Mississippi, for the preservation of the public health, safety and welfare; and

WHEREAS, Section 21-19-9 Mississippi Code Annotated of 1972, as amended, provides Municipalities with the authority to prevent or regulate the running at large of animals of all kinds; and

WHEREAS, dog bites and attacks are a serious public health problem that inflict considerable physical and emotional damage on victims and negatively affect the community at large and the quality of life in the community; and

WHEREAS, the Board finds that it is an appropriate use of its police power to regulate dog behavior in order to address safety concerns from dogs that may be dangerous and could potentially harm, attack, or injure humans or other domestic animals.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF ELLISVILLE, MISSISSIPPI, as follows:

SECTION 1: DEFINITIONS

The following words, whenever used in this Ordinance shall have the meaning ascribed to them in this Section unless a different meaning clearly appears from the context:

- A. "Person" shall mean any individual, firm, association, partnership or corporation.
- B. "Dangerous Dog" shall mean any dog of any breed which meets any of the following characteristics:
 - 1. Any dog which, without provocation, attempts to bite, inflict injury, assault, or otherwise attempts to attack a human being or a domestic animal; or
 - 2. Any dog which, without provocation, approaches any person or domestic animal in a threatening or terrorizing manner, upon any street, sidewalk, public grounds or private property; or
 - 3. Any dog that is trained to attack, cause injury, intimidate, or otherwise endanger the safety of human beings or domestic animals, or any dog that has a history of attacking any person or domestic animal; or
 - 4. Any dog which demonstrates propensities for aggression or violent behavior toward any person or domestic animal; or
 - 5. Any dog that has been trained, tormented, badgered, abused, baited, or encouraged to engage in unprovoked attacks or aggressive behavior upon or toward any person or domestic animal; or
 - 6. Any dog that has killed another domestic animal, unless the animal killed was the initial aggressor; or
 - 7. Any dog which, without provocation, chases any person in a menacing fashion or apparent attitude of attack; or
 - 8. Any dog with a known propensity, tendency or disposition to attack a person or domestic animal without provocation; or

9. Any dog which is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
 10. Any dog declared by the Ellisville Municipal Court to be a dangerous dog.
 11. However, no dog may be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time such threat, injury, or damage was sustained, was
 12. committing a willful trespass, tort, or criminal act upon the premises of the owner of the dog.
- C. "Owner" shall mean, any person or persons owning, keeping, or harboring any dog or a person having control over any dog. A dog shall be deemed harbored if it is fed or sheltered. For purposes of this ordinance, an owner and a keeper of dogs shall be deemed one and the same. It is not necessary that a person keeping or having possession of the dog be the actual registered owner or rightful owner of a dog or the purchaser of a dog in order to be deemed the owner for purposes of this ordinance.
 - D. "Tether" shall mean the fastening, affixing or restraining of a dog to a stationary or inanimate object, including but not limited to a dog house, pole, post, building, tree, in ground restraint, tie down, or similar object, by tie, cable, rope, chain, leash or similar means of restraint
 - E. "City's Designee" shall mean the person or persons designated to act for the City of Ellisville, Mississippi, in the capture and impoundment of animals, controlling of animals running at large and as otherwise required in this Ordinance. These persons may include the Chief of Police, Police Officers, City employees and/or any recognized humane society.

SECTION 2: UNLAWFUL KEEPING OF DANGEROUS DOGS PROHIBITED

It shall be unlawful for any person to own, possess, keep, exercise control over, maintain harbor, transport, or sell any dangerous dog within the City of Ellisville, unless such dog is kept in accordance with the terms of this ordinance or falls within an exception as provided herein below.

It shall be unlawful for any person to keep any dog tethered, except in the manner provided for in this ordinance,

It shall not be lawful to tether a dangerous dog in the City of Ellisville.

SECTION 3: EXCEPTIONS

The following exceptions, are allowable:

- a) The owner of a dangerous dog who maintains the dog at all times in compliance with the terms of this Ordinance may keep a dangerous dog within the City of Ellisville,
- b) The City's Designee may temporarily harbor and transport any dangerous dog for Purposes of enforcing the provisions of this Ordinance.
- c) Any humane society operating an animal shelter which is recognized by the City of Ellisville may hold any dangerous dog that it has received or otherwise recovered.
- d) The keeping of such animal in a bona fide, licensed veterinary hospital for treatment
- e) All dogs used and/or maintained under the supervision of law enforcement for law enforcement purposes, including police dogs, guard dogs, and drag dogs.
- f) All dogs considered service dogs or K-9 teams which are used under supervision by the military, governmental agencies, or corporations for bona fide service purposes.

- g) The owner of a dangerous dog may transport the dog for legitimate veterinary purposes, vacation purposes, or other legitimate travel. During transport such person must provide protective measures adequate to prevent such dogs from escaping or injuring the public or other animals. The person who transports and holds a dangerous dog shall, at all times when the dog is being transported within the City, keep the dangerous dog confined in a secure temporary enclosure such as a dog carrier or crate.

SECTION 4: LEASH AND CONFINEMENT REQUIREMENTS FOR DANGEROUS DOGS

Owners of dangerous dogs shall properly restrain and confine such dogs at all times in accordance with the requirements of this ordinance, The owning or keeping of a dangerous dog is subject to the following minimum requirements for restraint and confinement:

1. Leash. No person shall permit a dangerous dog to go outside of the home or building if kept indoors, or outside its enclosure if kept outdoors, unless such animal is securely leashed with a leash no longer than four feet in length.
2. Muzzle. No person shall permit a dangerous dog to go outside its enclosure unless such animal is securely muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.
3. Outdoor Confinement. Dangerous dogs may be confined outdoors in accordance with the following terms or confinement:
 - a) A dangerous dog must be kept inside a secure outside enclosure as defined herein except when leashed and muzzled as above provided, The enclosure must be constructed in a manner that is satisfactory to the City of Ellisville or its designee, and written approval from the City of Ellisville or its designee must be obtained by the owner. The enclosure must contain a minimum of 100 square feet per dog housed in order to allow adequate space for exercise and humane living conditions. The enclosure is to have adequate shading and cover in order to protect the dog from heat, rain and other elements. Adequate shading and cover shall include but not be limited to a top or cover over the enclosure and/or an adequate dog house inside the enclosure. The enclosure is to be constructed of chain link, wood, or prefabricated materials, with all four sides enclosed. The enclosure shall be of sufficient height and strength to prevent the dog from escaping from such enclosure. The enclosure is to be locked and closed at all times except for when the dog is entering and exiting the enclosure while leashed and muzzled as above provided.
 - b) All enclosures are to be adequately ventilated and kept in a clean and sanitary condition.
 - c) All enclosures erected to house dangerous dogs must also comply with all zoning and building regulations of the City of
4. Confinement Indoors. Dangerous dogs may be kept and confined indoors. All such dogs are to be kept in a secure manner, in order to prevent the dog from exiting and/or escaping the indoor confinement. No dangerous dogs may be kept on a porch, patio, or any part of a house or structure or in any manner that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
5. Signs. All owners or keepers of dangerous dogs within the City of Ellisville shall within thirty days of the effective date of this Ordinance display in a prominent place on their premises a sign

easily readable by the public using the words "Beware of Dog." In addition, a similar sign shall be posted on the enclosure housing such animal.

SECTION 5: LOCATION RESTRICTIONS

Dangerous dogs shall not be kept, confined, or located within five hundred feet from the property line of any property upon which is located a church, school, preschool or kindergarten facility, daycare, hospital, nursing home, athletic field or recreational area.

SECTION 6: RESTRAINT OF DOGS BY TETHERING:

Any person owning, keeping and/or controlling a dog, other than a dangerous dog, for any purpose whatsoever, shall not allow such dog to be tethered for more than ten (10) hours per day.

While the dog is tethered, the following rules shall apply:

- a) water, food and shelter shall be provided at all times.
- b) length of chain/tie/tether must be at least 6 feet in length but not more than 12 feet. -dogs may only be tethered in the back yard of residences and not in the front or side yard. - tethered dogs must be at least ten feet from city right of way.
- c) No person shall permit a dangerous dog to be tethered outside its enclosure.

SECTION 7: FAILURE TO COMPLY:

It shall be unlawful for the owner or person that is a keeper of any dog to fail to comply with the requirements and conditions of this Ordinance, and upon conviction for a violation, such owner or person shall be subject to those penalties set out herein below.

SECTION 8: NOTICE OF VIOLATION:

When the City Designee has knowledge of a possible violation of this ordinance, the City Designee shall forthwith cause the matter to be investigated. If after investigation there are reasonable grounds to believe there has been a violation of this Ordinance, the City Designee shall forthwith deliver written notice to the owner of the dog that is the subject of a violation of this ordinance.

Upon delivery of notice, the City Designee may confer with the owner as to the nature of the dog and its confinement in accordance with the requirements of this ordinance. In the event an owner agrees to properly confine such dog and promptly does so in accordance with the requirements of this ordinance, then no violation will be deemed to have occurred. The City Designee is to make a report of the agreement, including the terms thereof and the

time frame in which the confinement is to be accomplished. In the event the owner does not comply with the terms of the agreement reached, then the City Designee may proceed with the filing of an affidavit and/or complaint in the Ellisvine Municipal Court in the manner set forth herein below.

If the violation concerns a dangerous dog, the notice may require such person to safely remove the dangerous dog from the City or arrange for its confinement within the City until the matter can be heard by the Ellisville Municipal Court. Confinement may be on the

owner's premises if done in a secure manner that is acceptable to the City Designee, or with a humane society operating an animal shelter which is recognized by the City of Ellisville or in a bona fide, licensed

veterinary clinic within 5 days of the date of said notice. If owner fails to do so, then the owner will be in violation of this ordinance.

After notice is delivered, assuming the owner does not make proper arrangements to confine the dog in accordance, the City Designee shall promptly cause an affidavit and/or complaint to be filed in the Ellisville Municipal Court. The Ellisville Municipal Court will then make a determination of whether or not a violation of this ordinance has occurred and whether or not the dog is a dangerous dog as provided below.

In the event the Ellisville Municipal Court determines that a violation of this ordinance has occurred, the court, in addition to any penalties provided for herein below, shall declare any dog involved in such violation and meeting the above definition to be a dangerous dog. Upon such declaration, the dog must be confined_ in accordance with the terms of this ordinance. Further, the declaration shall establish the dog as a dangerous dog for purposes of determining any future violations of this ordinance. Failure of the owner to confine such dog in accordance with this ordinance after such declaration shall be deemed a separate violation of this ordinance and subject the owner to the enhanced penalties set forth herein.

The City Colin Clerk will notify the City Clerk of the name, location and owner of all dogs declared dangerous by the municipal court. The City Clerk will maintain a registry of all such information on file in the office of the City Clerk.

Such notice shall not be required when a dangerous dog has caused serious physical harm or death to any person or has escaped and it is at large.

If the violation concerns tethering a dog other than a dangerous dog, then the City Designee shall give notice that the owner or keeper is in violation of the ordinance and cause an affidavit and/or complaint to be filed in the Ellisville Municipal Court. However, for tethering violations of non-dangerous dogs, the removal of the dog shall be discretionary with the City's Designee.

SECTION 9: SEIZURE, IMPOUNDMENT:

The City Designee may cause to be seized and impounded, any dangerous dog, when the Owner of such dog has failed to comply with the terms of this ordinance after receiving the notice sent pursuant to Section 8. Upon seizure and impoundment, the City Designee shall promptly cause an affidavit and/or complaint to be filed in the Ellisville Municipal Court against the owner of the dangerous dog and said dog shall be delivered to a place of confinement and kept until further order of the Ellisville Municipal Court. The Ellisville Municipal Court will then hear the matter on one of its regularly scheduled Court dates in the same manner provided for in Section 8 hereinabove.

SECTION 10: APPEAL:

Any aggrieved party may appeal the decision and findings of the Ellisville Municipal Court judge pursuant to applicable Mississippi Code statutes. However, the filing of such an appeal under this subsection shall not stay any action taken pursuant to this Ordinance.

SECTION 11: VIOLATIONS AND PENALTIES:

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as follows:

- A. Upon the first conviction of a violation of any of the provisions of this Ordinance, by a fine of \$300.00 or by imprisonment for not more than ninety (30) days, or by both such fine and imprisonment.
- B. Upon a second conviction of a violation of any of the provisions of this Ordinance, by a fine of \$600.00 or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.
- C. Upon the third or subsequent conviction of a violation of any of the provisions of this Ordinance, by a fine of \$900.00 or by imprisonment for not more than ninety (180) days, or by both such fine and imprisonment.
- D. In addition to the foregoing penalties, upon a violation having occurred that concerns a dangerous dog, the Court may order the permanent removal of the dangerous dog from the City. Should the defendant refuse to remove the dangerous dog from the City, the Court may find the defendant in contempt and order the immediate impoundment of the dangerous dog, or continued impoundment if the dangerous dog has already been impounded. The Court may also order the destruction of the dangerous dog.

In addition to the foregoing penalties, any person who violates this Ordinance shall pay all expenses, including shelter, food, handling, veterinary care, witness fees, and expenses necessitated by the enforcement of this Ordinance. The minimum daily expense shall be not less than twenty-five (\$25.00).

Each day that a violation of this Ordinance continues shall be deemed a separate offense.

SECTION 12: SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or part thereof of this Ordinance or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction such decision shall not effect the validity of the remaining portions of this Ordinance.

SECTION 13: EFFECTIVE DATE:

This Ordinance as amended shall take effect and be in force as provided for by law. This Ordinance having first been reduced to writing was read, considered and adopted, first section by section. and then as a whole.

Thereupon, the Mayor declared said Ordinance approved, passed and adopted on this the 6th day of May, 2014.