

ORDINANCE NO. 270**AN ORDINANCE TO REGULATE AND CONTROL ANIMALS IN THE CITY OF LUCEDALE MISSISSIPPI**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LUCEDALE, MISSISSIPPI:

SECTION 1. SHORT TITLE. This ordinance shall be known and may be cited as the "Animal Control Ordinance."

SECTION 2. ANIMAL CONTROL OFFICER. There is hereby created within the City of Lucedale, Mississippi, the position of Animal Control Officer. The officer shall be appointed by the Mayor subject to the approval of the Board of Aldermen.

The Animal Control Officer shall have full police powers to enforce, and act under this ordinance. In addition, and when necessary, the Animal Control Officer may ask the Chief of Police to provide him with the assistance of city police officers to enforce this ordinance and, when the Animal Control Officer is not available, city police officers may also enforce and act under this ordinance.

It shall be unlawful for any person knowingly and willfully to oppose or resist the Animal Control Officer or any city police officer in executing or attempting to execute any lawful process or in attempting to make or in making any lawful arrest or in the discharge of any regular duty, or in any way to interfere with, hinder, or prevent any such officer from discharging his duty.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, the following words and phrases shall have the following meaning:

Animal Control Center - The place designated or used as such by the City for a place of confinement for animals held under the authority of this ordinance.

At large - Any animal shall be "at large" when it is off the property of its owner or person in charge and not carried by said person, kept in an effective enclosure, or controlled by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking said persons or animals. Provided, however, that a dog which is not vicious or presumed to be vicious, and which is obedient either by training or temperament, shall not be considered "at large" while upon a public street or other public place and in the immediate presence and under voice control of its owner or a competent handler. A dog which is more than 15 feet from the actual location of its handler shall not be considered in the immediate presence of and under voice control of said handler.

Bitten - Seized with teeth or jaws, such that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin as determined by a licensed physician.

Caged - Confinement in a container, which may include a vehicle, in such a way that the free movement of an animal is restrained and so as to prevent the animal so caged from biting or attacking a person or animal.

Cat - Shall mean and include all members of the domestic feline family.

Corral - Any uncovered, enclosed parcel of land where animals are kept.

Dog - Shall mean and include all members of the domestic canine family.

Dog Presumed to be vicious - Any dog which is known by the owner or person in charge habitually to chase moving vehicles or to charge persons on the public streets and other public ways whether or not such dog has actually bitten or attacked a person or other animal.

Horse - Shall mean and include all members of the equine family.

Keep - Such term shall include confine, harbor and allow to remain.

Pen - An enclosure in which animals or fowl are kept.

Person - Any individual, partnership, company, corporation or other legal entity.

Restraint - An animal is considered to be under restraint if it is confined within the property limits of its owner or person in charge by a suitable fence or securely restrained within the premises by a leash affixed to a securely affixed object.

Stable - Any building, structure, or shed in which animals or fowl are kept.

SECTION 4. KEEPING WILD OR VICIOUS MAMMALS, FOWL, OR REPTILES.

It shall be unlawful for any owner or person in charge to keep any wild, dangerous, or poisonous animal on his premises in such a manner as to endanger the life or health of any person. Any wild, dangerous, or poisonous animal shall be securely and humanely confined or bound in such a manner as to prevent such animal from biting or attacking a person or another animal.

It shall be unlawful for any owner or person in charge to suffer, allow or permit any animal which is vicious or presumed to be vicious to be off the premises of the owner or person in charge, unless said animal is caged or leashed and muzzled and under effective control or restraint such as will prevent it from attacking or injuring a person or, another animal.

It shall be unlawful for any owner or person in charge to keep or to permit to be kept on any residential premises any wild or vicious animal for display or for exhibition purposes either gratuitously or for a fee.

SECTION 5. NOISY ANIMALS

It shall be unlawful and a nuisance for any person to keep on a residential lot or premises within the corporate limits of the City any animal or group of animals, known to said person, habitually, continuously, or intermittently to make or emit sounds or noises of such volume and nature as reasonably to interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities within the neighborhood, in the reasonable use and enjoyment of adjacent property.

It shall be unlawful and a nuisance for any person to keep on any tract, lot or premises within the City any animal or group of animals, whether the same is housed in a corral, kennel, building or other structure(s), under such circumstances that the sounds or noises emitted by said animals are of such volume and nature as unreasonably to interfere with or disturb the peace, quiet, comfort and repose

of persons of ordinary sensibilities in the reasonable use and enjoyment of any adjacent property used for residential purposes.

Any owner or person in charge violating this section shall be guilty of maintaining a nuisance. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section, except upon affidavit made before, and warrant issued by, the City Judge.

SECTION 6. KEEPING OF HOGS PROHIBITED• EXCEPTIONS.

It shall be unlawful for any person to keep hogs within the corporate limits of the City, except on establish. , farms where hogs have been kept continuously since prior to the passage of this ordinance, and under circumstances where no noise, odor, or pollution violation or nuisance is occasioned thereby, and at a place more than 300 yards from any residence, business house, church, or school yard other than the residence of the owner or person, in Charge of said hogs.

All hogs in transit or housed or penned 'for sale at a duly authorized marketing place within the corporate limits of the City Shall be removed by sale, slaughtering, or otherwise within twenty-four (24) hours. All pens or enclosures wherein said hogs are kept shall be approved by the Health Department, and must be cleaned daily and suitable insecticides or deodorants , or both, as approved by the Health Department, shall be used each day to the extent that fly control is satisfactorily maintained.

SECTION 7. SANITATION OF PREMISES WHERE ANIMALS KEPT.

It shall be unlawful for any owner or person in charge to keep or maintain a pen, stable, or enclosure, wherein animals are kept in such:an unsanitary condition that the lives, health of the public generally, of the owner or person in charge or his family, or of the animals contained, shall be endangered. The presence in or about such pen, stable or enclosure of the live larva of flies under conditions which permit or favor growth or development of flies shall be prima facie evidence of keeping or maintaining such pen, stable or enclosure wherein animals are kept in violation of this section. All pens, stables, or enclosures where animals are kept shall comply with all the regulations of the County Board of Health pertaining to same and shall be cleaned each day and the residue disposed of in a sanitary manner.

SECTION 8. PERMITTING ANIMALS TO RUN OR BE AT LARGE PROHIBITED.

It shall be unlawful for the owner or person in charge of any animal to cause, permit or allow any such animal to run or to be at large. It shall be the 'special duty of the owner or person in charge of each premises where animals are kept to see that no animal kept upon said premises is permitted or allowed to be in violation of this ordinance. The fact that a particular animal has been kept on a particular premises together with its subsequent appearance at large shall raise a prima facie presumption that the owner or person in charge of the premises committed or authorized the violation and the burden of proof shall be upon said owner or person in charge to prove otherwise.

SECTION 9. ANIMALS AT LARGE TO BE IMPOUNDED. DISPOSITION OF ANIMALS IMPOUNDED.

Any animal found to be running at large within the City is hereby declared to be a nuisance and shall be seized and confined by the Animal Control Officer and shall be cared for in a humane manner for a period of not less than five (5) days or such other time as hereinafter provided.

Any person within the corporate limits of the City finding any animal running at large about his residence or the residence of which he is in charge may take custody of said animal and deliver said animal to the Animal Control Officer, as an at large or stray animal, whether the owner or person in charge of said animal is actually known, and whether there is any license tag or identification affixed thereto.

When such animal has been seized and confined, and is not claimed by its owner within five (5) days (which said owner shall pay the fine hereinafter provided, shall pay the charges hereinafter provided for picking up and keeping the animal impounded, and, if the animal is a dog, shall pay the cost of a rabies shot and an identification tag in order to claim the animal), the Animal Control Officer shall, in his discretion, either destroy the animal in a humane manner or sell the animal at a private sale, with the proceeds from any such private sale to be paid to the City Clerk for the City treasury.

SECTION 10. CHARGES FOR ANIMALS IMPOUNDED.

When an animal is claimed by its owner, the Animal Control Officer shall require the owner to pay to the City Clerk for the City Treasury the charges for picking up and keeping the animal, which said charges shall be calculated according to the following schedule:

1. Dog- \$5.00 for the first day + \$1.00 for each additional day
2. Cat- \$5.00 for the first day + \$1.00 for each additional day
3. Horse - \$20.00 for the first day + \$5.00 for each additional day
4. Sheep - \$15.00 for the first day + \$5.00 for each additional day
5. Cow - \$20.00 for the first day + \$5.00 for each additional day
6. Hog - \$15.00 for the first day + \$5.00 for each additional day
7. Any other animal \$5.00 for the first day + \$1.00 for each additional day.

SECTION 11. CORRALS, PENS & STABLES – MINIMUM AREA AND SITANCES.

It shall be unlawful for any person to keep any sheep, horse, cow, goat, swine, or other animal of like species or type, in any corral unless such, corral shall have a minimum area of one thousand (1,000) square feet for each such animal there kept; to every position of which each and every such animal shall have free and unrestricted access.

It shall be unlawful for any person to keep any duck, goose, chicken, guinea, peacock, turkey, pigeon, or other fowl of like species or type in any corral unless such corral shall have a minimum area of fifteen (15) square feet of space for each such fowl; to which space each and every fowl shall have access.

It shall be unlawful for any owner or person in charge to keep any sheep, horse, cow, goat, swine, or like species or type animal, or any fowl in the City in any corral or stable any part of which is within one hundred fifty (150) feet of a dwelling occupied by a person other than the owner or person in charge of said animal or fowl or if such dwelling is not occupied, owned by a person other than the owner or person in charge of such animal or fowl.

SECTION 12. CITATIONS.

When any animal is found by the Animal Control Officer to be in violation of any provision of this chapter, and the person or persons responsible become known to the Animal Control Officer, he may

issue a citation to the owner or person in charge for said violation directing him to appear in the Municipal Court of the City of Lucedale, Mississippi, at a time and a date stated therein to answer to charges of violations of this chapter, which said charges shall be stated in said citation. It shall be unlawful and a misdemeanor for any person to fail to appear in Municipal Court of the City of Lucedale, Mississippi, at the time and place stated in a citation issued by the Animal Control Officer.

SECTION 13. PENALTIES.

Any person violating any provision of this chapter shall be punished as follows:

1. Allowing an animal to run at large
First Offense - \$25 • Second Offense - \$50 • Third/Habitual Offense - \$100
2. Allowing an animal known or presumed to be vicious to be at large
First Offense - \$100 • Second Offense - \$200 • Third/Habitual Offense - \$500
3. Keeping a noisy animal
First Offense - \$25 • Second Offense - \$50 • Third/Habitual Offense - \$100
4. Any violation of Section II of this ordinance
First Offense - \$50 • Second Offense - \$100 • Third/Habitual Offense - \$200
5. Keeping pen, stable, or enclosure in unsanitary condition
First Offense - \$100 • Second Offense - \$200 • Third/Habitual Offense - \$500

Each day a violation continues shall be considered a separate offense.

Nothing contained herein shall prevent the City from taking such other action, legal and equitable, as may be necessary to prevent or remedy a continuing violation.

SECTION 14. ORDINANCES REPEALED.

City of Lucedale, Mississippi, Ordinances No. 58, 83, 119, and 157 are hereby repealed. Any other ordinances or parts of ordinances in conflict with the provisions of this ordinance are, to the extent of the conflict, hereby repealed.

SECTION 15. EFFECTIVE DATE.

This ordinance shall take effect and be in force thirty (30) days from and after its passage.

SECTION 16. PUBLICATION.

This ordinance shall be published for one time in a newspaper published in the City.

On May 3, 1983, the foregoing ordinance was read, discussed, considered, voted on and passed as a whole.

ORDINANCE NO. 392**AN ORDINANCE TO AMEND ORDINANCE NO. 270
(BEING KNOWN AS THE ANIMAL CONTROL ORDINANCE)
TO PROVIDE A FEE FOR THE ADOPTION OF A DOG OR CAT FROM THE
LUCEDALE ANIMAL SHELTER**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LUCEDALE,

Ordinance No. 270, being known as the Animal Control Ordinance, is hereby amended to add the following section:

SECTION 10-A. FEE FOR ADOPTIONS FOR CATS AND DOGS

The following fees will be charged for adoption of cats and dogs at the Lucedale Animal Control Shelter in order to offset the ongoing operational costs. This fee will be paid at City Hall with a receipt issued to adopter. Receipt will be presented at the shelter before adoption occurs,

Adoption of a dog - \$25.00

Adoption of a cat - \$15.00

SECTION 2. EFFECTIVE DATE.

This ordinance shall take effect and be in force 30 days after its passage:

SECTION 3. PUBLICATION.

This ordinance shall be published for one (1) time in a newspaper published in the City.

On December 2, 2003, the foregoing ordinance was read, discussed, and considered, voted on, and passed as a whole.