

REVISED ANIMAL CONTROL ORDINANCE CITY OF OKOLONA, MISSISSIPPI

ARTICLE I - IN GENERAL

1. DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

"Animal" means any and all types of animals and other nonhuman living creatures, whether a member of the animal kingdom or not, both domesticated and wild, male and female, singular and plural.

"At large" means off the premises of the owner or custodian of the animal and not under the control of the owner or custodian, a member of the immediate family of the owner or custodian, or a person expressly designated by the owner or custodian, either by means of a leash, cord, chain or other secure means. For multifamily residential structures, the premises of the owner of the animal shall be construed as only that area under the direct physical control of the owner and shall not include common areas such as, but not limited to, parking areas, common entry areas and driveways.

"Cat" means both the male and female sex of the feline species.

"Dangerous animal" means any animal as defined or determined to be vicious in nature according to article V of this chapter.

"Dog" means the male and female sex of the canine species.

"Fowl" means any and all fowl, domesticated and wild, male and female, singular and plural.

"Livestock" means any farm or tame animals owned, kept or raised for profit or pleasure, with the exception of domestic dogs and cats and owned or kept as pets.

"Owner" means any person, partnership, association, firm or corporation owning, keeping or harboring an animal.

"Residence" means any dwelling utilized or capable of being utilized for residential purposes.

Adoption of this Ordinance will repeal the existing animal ordinance and supersedes any Ordinance that conflicts with this Ordinance.

2. APPLICABILITY

- a) This chapter shall apply to all animals and persons owning animals or in control or possession of animals within the corporate limits of the city, regardless of when such animals were obtained, acquired or otherwise received.
- b) Any person owning or in control or possession of animals of such a type or in such a manner as to be in violation of this chapter must come into full compliance with all terms of the chapter within thirty (30) days of the ordinance from which this chapter was derived becoming *effective*. All violations containing at the expiration of this thirty-day period will be prosecuted to the fullest extent of the law.

3. ENFORCEMENT RESPONSIBILITY

- a) The Police department and any other lawfully designated official or representative of the city shall have the primary duty and responsibility of enforcing the provisions of this

chapter. Any officer of the city's police department and any such designated official or representative is fully authorized and empowered to enforce any and all of the provisions hereof.

- b) Any official or representative of the city lawfully designated to enforce the provisions of this chapter shall have the power and authority to issue summonses returnable to the municipal court or to any other proper authority for violations of this chapter. Such summonses shall have the same full force and effect as if issued by the police department.
- c) The police department or other designated official or representative of the city may develop and utilize such forms as may be required and necessary to implement these powers and actively enforce this chapter.

4. PENALTIES

The failure or refusal of any person to comply with any of the provisions of this chapter and the violation of any provision of this chapter by any person shall constitute a misdemeanor. Any person guilty of any violation of any provision of this chapter shall, on conviction thereof, be subject to punishment allowed by law. The municipal court is hereby authorized to establish a schedule of penalties for various offenses, subject to review by the mayor and city council.

5. PLACES WHERE ANIMALS KEPT TO BE CLEAN

It shall be unlawful for any lot, stall, stable or other place where animals are kept to be unclean, filthy or in an unsanitary condition. All lots, stalls, stables and other places where cattle, horses, mules, hogs, or other animals are lawfully kept for any purpose whatsoever, anywhere in the city, shall be kept clean and wholesome by the removal of all offensive matter and by suitable cleansing and disinfecting as often as may be necessary, which is hereby required and made the duty of every person having, owning or controlling such places.

6. PROMOTING ANIMAL FIGHTS PROHIBITED

It shall be unlawful for any person to promote or allow or cause to be promoted or allowed any fight involving animals within the corporate limits of the city.

7. ANIMALS MAKING EXCESSIVE NOISE

- a) Definitions as used in this section:

"Excessive noise" means and includes any noise made and produced by an animal which is so loud or continuous or untimely so as to disturb the sleep of a neighbor, interfere with the proper enjoyment of a neighbor's property, or create a material disturbance or discomfort to a neighbor.

"Neighbor" means an individual residing in a residential structure that is within three hundred (300) feet of the property on which the animal is kept or harbored and who does in writing state that he will testify under oath to such animal making excessive noise.

- b) Prohibited. No person shall own or keep any animal, which by making excessive noise disturbs a neighbor or neighborhood.
- c) Issuance of subpoena in contested proceedings. Should a charge of a violation under this section be contested, a subpoena shall be issued to the disturbed neighbor required his testimony in the matter.

8. CRUELTY TO ANIMALS

It shall be unlawful for any person to overcrowd, overwork, willfully or maliciously torture, torment, beat, kick, mutilate, injure, disable or needlessly kill any animal or to carry in any vehicle or otherwise transport in a cruel or inhumane manner any animal or to cause any of these acts to be done. It shall be unlawful for any person having charge or custody of any animal to fail to provide it with proper food, drink and protection from the weather, or to cause any of these acts to be done.

ARTICLE II - LIVESTOCK

1. RESTRICTIONS ON KEEPING IN CERTAIN AREAS

It shall be unlawful for any person to house, keep or confine any livestock in any area of the city unless they have adequate land for the animal or animals to roam freely in a fenced area.

2. KEEPING SWINE WITHIN THE CITY

- a) It shall be unlawful for any person to raise or keep hogs and pigs within the corporate limits of the city.
- b) The following are exempt from the requirements of this section:
 - Any lawfully operated livestock show, rodeo, carnival, charitable function or similar event at which the presence of animals is a part of the temporary event.

3. RIDING, DRIVING ANIMALS ON SIDEWALKS

It shall be unlawful for any person to ride or drive a horse or other like animal or to stop or stand any horse or like animal upon any sidewalk in the city.

4. RUNNING AT LARGE OR ALLOWING ON STREETS OR SIDEWALKS

It shall be unlawful for any person who may own or have in his possession or control, any horse, mule, ox, cow, yearling, sheep, goat, hog or other livestock to intentionally, knowingly, carelessly or negligently permit such animal to run or be at large at any time within the corporate limits of the city. It shall also be unlawful for any person who may own or have in his possession or control any such animal to permit such animal on any vacant property in the city adjacent to any street or sidewalk or be so near thereto so as to allow or permit such animal to be or go upon any sidewalk or street with the corporate limits of the city.

5. IMPOUNDMENT - GENERALLY; REGISTRATION

It shall be the duty of any police officer or other official of the city designated by order or resolution to apprehend any and all livestock or other animals found in violation of this article and to impound such animals in a suitable place, public or private, to be selected by such official. Upon the impounding of such animals, the designated official shall make a complete registry thereof, entering the date, kind of animal, sex, color, brand, if any, and other identifying marks, place of apprehension and the name and address of the place where such animals are impounded.

6. NOTICE

Upon the apprehension and impounding of any livestock, the city shall cause notice to be given by one (1) publication in a newspaper published in or of general circulation with the city stating the fact of the apprehension and impounding of such livestock, a general description thereof, and setting a date for the sale of such livestock at public auction, at a place and time therein named, which date shall not be less than ten (10) and not more than twenty (20) days from the date of such publication; in addition, the city shall cause copies of such notice to be posted at three (3) public places in the city on the date corresponding with the newspaper publication of notice. Such sale may be made at the place of impoundment of such livestock, or at the city hall or at the county courthouse.

7. REDEMPTION PRIOR TO SALE

If any person admits the ownership of any livestock impounded pursuant to this article, such person shall be subject to punishment as prescribed herein for violations of this article and, in addition, shall pay all cost incurred in the apprehending and impounding of such livestock and all costs and expenses incurred in the publication of notice required and in the feeding, maintaining and housing of such livestock after apprehension and impoundment. All required fines, costs, and expenses shall be paid to the city before such impounded livestock may be released to such person.

8. SALE REQUIRED IF UNREDEEMED; DISPOSITION OF PROCEEDS

If no person admits the ownership of such livestock or, if admitting ownership, refuses or fails to pay all penalties, costs and expenses due against such impounded livestock as prescribed herein, then such impounded livestock may be sold at public outcry to the highest bidder for cash. After the deduction from proceeds of such sale, all penalties due, the cost of impounding, the expense of feeding, maintaining and housing such livestock, and the expense of sale, the net proceeds becoming a part of the general funds of the city.

ARTICLE III - DOGS

DIVISION 1. - GENERALLY

1. MAINTENANCE OF PENS AND YARDS

- a) All pens and other enclosed areas within which dogs may be enclosed shall be kept in a clean and sanitary manner and free of odor.
- b) The number of household pets, being dogs and/or cats, shall not exceed three (3). Any dog or dogs, regardless of number or size, which, due to excessive barking or howling, cause such an interference, annoyance, disturbance or discomfort, shall be deemed, upon inspection and verification by any police officer or other designated city official, to be in violation of this section.
- c) Neither the number of dogs, nor any other type of animal, nor the manner in which they are kept shall be such as to create a public or private nuisance or disturbance to the neighborhood. Such public nuisance and disturbance may be found upon one or more of the following circumstances: (1) number of animals, (2) odor associated with animals, (3) lack of space for animals, (4) noise created by animals, (5) fecal material left by animals, (6)

destruction of private property by animals, and other circumstances that indicate that the animals being kept by such person constitute a nuisance and/or disturbance and further constitute a detriment to the safety and well-being and peaceful enjoyment of the citizens of the City of Okolona.

2. CONFINEMENT

No animal shall be restrained by being tied by means of a rope, chain, etc. to a pole, stake, building or other object. All animals must be inside a fence, house, or pen or under the direct physical control of the owner.

3. REGISTRATION

All animals in the City shall be registered with the City within thirty (30) days of passage and/or thirty (30) days of acquiring the animal. The registration shall be good for one (1) year. At time of registration, the owner shall present proof of vaccination for rabies. The yearly cost of registration shall be One Hundred Fifty Dollars (\$150.00) for dangerous animals.

4. RUNNING AT LARGE - GENERALLY

It shall be unlawful for any person who owns or has in his possession or under his control or who keeps or harbors any dog within the corporate limits of the city to cause or permit any such dog to be at large within the city unless such dog is under the actual physical control of such person.

5. FEMALE DOGS IN HEAT

It shall be unlawful for any person who owns or has in his possession or under his control or who keeps or harbors any female dog in heat within the corporate limits of the city to cause or permit any such female dog in heat to be at large within the city at any time. Every female dog in heat shall be kept confined in a building or other secure enclosure in such a manner that such female dog cannot come into contact with another animal except in the instances of planned breeding activities.

6. IMPOUNDMENT, REDEMPTION OR DISPOSITION OF DOGS

If any dog is caused or permitted or is found to be at large within the corporate limits of the city in violation of the provisions of this article, such dog may be apprehended and impounded by any police officer or other designated official of the city, to be held or disposed of as herein provided.

If any such dog is so impounded, the same shall be released to the owner thereof only if payment is made within five (5) days to the city or its designee such sums as may be designated from time to time by mayor and city council for compensation for catching or otherwise apprehending such dog and for harboring and caring for such dog on a daily basis during the time of impoundment.

In addition to or in lieu of impounding a dog found at large, any police officer or designated official of the city may issue to the person known to own or be in possession or control of such dog a citation for any violations of this article.

DIVISION 2. - RABIES CONTROL

1. RABIES VACCINATION REQUIRED; TAGS

Every person who owns or has in his possession or who keeps or harbors any dog within the corporate limits of the city shall have and keep such dog inoculated (vaccinated) against rabies, as provided by the laws of the state and as provided by the rules and regulations prescribed and promulgated by the state board of health. It shall be unlawful *for* any person to own, possess, keep or harbor any dog within the corporate limits of the city unless such dog has been so inoculated against rabies.

Every dog so vaccinated must bear a suitable metal tag approved by the state board of health which shall be branded to the collar or harness of such dog, which tag shall have stamped thereon the serial number of the vaccination and the year in which such dog was vaccinated. If any such dog should be without such tag at any time, such action shall be prima facie evidence that the owner has failed to have such dog vaccinated as provided by law, and such action shall be a violation of this article.

2. CONFINEMENT AND DISPOSITION OF RABID AND SUSPECTED RABID ANIMALS

If any dog within the city shall at any time have rabies or be suspected by the county health officer or his representative of having rabies or shall have been exposed to rabies, such dog shall be safely confined and in all respects dealt with in accordance with the direction of such officer or representative.

3. KILLING OF RABID OR SUSPECTED RABID DOGS AT LARGE

It shall be the lawful duty of any police officer or other lawfully designated official of the city to kill any dog suffering from rabies or any dog reasonably and in good faith suspected of suffering from rabies found at large within the corporate limits of the city, without requiring such officer or official to catch or impound such dog.

4. RABIES QUARANTINE PROCLAMATION AUTHORIZED; EFFECT

Whenever the mayor and city council find and adjudge, by order or resolution duly passed by them and entered upon their minutes, that it has become necessary to further safeguard the public from the dangers of hydrophobia, they may, in the exercise of their sound discretion, issue a proclamation directing every person owning or possessing a dog in the city to securely confine such dog on the premises of the owner thereof. Any dog caused or permitted to be a large in violation of the terms of any such proclamation may be impounded and dealt with as provided in this article. Before issuing any such proclamation, the mayor and city council may, in their discretion, seek and abide by the advice of the health officer of the county or other representative of the state board of health.

ARTICLE IV - DANGEROUS ANIMALS

1. DEFINITION

The following animals are hereby found and determined to be dangerous animals and as such are subject to all requirements and provisions of this article;

- a) Any animals, other than domestic dogs and cats, which in a wild state are carnivorous or poisonous or which, due to their physical makeup or capabilities, are capable of inflicting serious physical harm or death to human beings. This includes, but is not limited to, animals belonging to the cat or snake family, including all constrictors, bear, wolverines, badgers, lions, tigers and such other animals as the city council may from time to time determine by order or resolution to be vicious animals. The city clerk is authorized to compile and maintain a list of such animals as may be determined to be regulated by this article.
- b) Any pit bull terrier, which shall be herein defined as any Staffordshire bull terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier or American Staffordshire bull terrier so as to be identifiable as partially of the breed of Staffordshire bull terrier or American Staffordshire bull terrier by any qualified veterinarian duly licensed as such by the state.
- c) Any domestic dog or cat or any other animal that exhibits any of the following characteristics:
 - i. Without provocation approaches, in a threatening or terrorizing manner, any person in an apparent attitude of attack or exhibits any behavior that constitutes a physical threat of bodily harm to a person upon the streets, sidewalks, any public or common grounds or places, or in any place where such person is conducting himself peaceably and lawfully;
 - ii. Without provocation bites, inflicts injury, assaults or otherwise attacks a person, in any place where such person is conducting himself peaceably and lawfully, or animal when such animal is not on the property of the owner of the attacking animal;
 - iii. A known propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise endanger the safety of human beings or other domestic animals;
 - iv. Owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

For the purposes of this article, a person shall be considered to be peaceably and lawfully upon the private property of an owner of an animal when he is on such property in the performance of any duty imposed upon him by any laws or postal regulations of the United States or any political subdivision thereof or when he is on such property upon invitation, expressed or implied.

The provisions of this section notwithstanding, no animal may be determined to be dangerous due to the fact that it:

- a) Inflicts injury or damage on a person who is committing a willful trespass or other tort upon the premises occupied by the person owning or in possession of the animal or who is teasing, tormenting, abusing or assaulting the animal or who is committing or attempting to commit a crime;

- b) Inflicts injury or damage on another domestic animal that is or was teasing, tormenting, abusing or assaulting the animal;
- c) Takes any action to defend or protect a human being within the immediate vicinity of the animal from an unjustified attack or assault.

Unless specifically stated to the contrary, the following are exempt from the requirements of this article:

- a) Any duly authorized and lawfully operating dealers in animals within the city;
- b) Any lawfully operated circus, carnival, performing act or similar functions and events of a temporary nature as may be authorized by the city;
- c) Dogs or other animals lawfully used to guard private property;
- d) Dogs or other animals assisting a peace officer engaged in law enforcement duties;
- e) Animals in a licensed veterinary, animal or small animal hospital for treatment or kept in a bona fide educational, medical or other research institution or in zoos, museums or similar places where such animals are kept as live exhibits or for study.

2. LICENSING, REGISTRATION AND PERMITS

No dangerous animal may be owned, kept, possessed or harbored within the city without the owner or person in possession or control of such animal first obtaining a license or permit from the city. An application 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 measures to be taken to secure the animal, a complete description of the animal, including type of animal, sex, color and other distinguishing marks, and, at the city's discretion, a photograph of the animal.

Person owning or in possession or control of dangerous animals shall, upon the birth, death or transfer of such animals, report such fact to the city. A separate license or permit shall be issued for each dangerous animal. Upon the transfer of any dangerous animal, a statement shall be filed with the city 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.

The application for such license or permit must be signed and dated by the owner or the person in possession or control of the dangerous animal. The owner or person in possession or control must sign a statement attesting to the fact that all provisions of this chapter 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 chapter by such animal in his possession or control.

Any owner or person in possession or control of a dangerous animal who fails to obtain a license or permit from the city shall be fined one hundred fifty dollars (\$150.00) per dangerous animal. The owner or person in possession or control shall have ten (10) days from the date the city provides written notice of such failure to obtain a license or permit. Failure to obtain a license or permit within the ten (10) day time period shall subject the owner to an additional fine of one hundred fifty dollars (\$150.00) per day for each dangerous animal until such permit or license is obtained.

Any license or permit issued pursuant to this section shall be revocable upon any non-compliance with any of the terms of this chapter by any person owning or in possession or control of any dangerous animal.

Any person who owns or possesses a dangerous animal as described in this ordinance shall carry a minimum of One Hundred Thousand Dollars (\$100,000.00) liability insurance. Proof of insurance shall be file with the City Clerk.

3. POSTING OF PREMISES

All premises upon which a dangerous animal is kept, possessed or harbored shall be posted with signs that are conspicuously visible to the public and legible from property, public or private, adjacent to such premises. Such signs or notices shall contain letters of not less than two (2) inches in height and a message sufficient to warn the general public of the presence of the dangerous animal. Such signs shall be place at all locations where entry to the owner's property is common and expected and upon all enclosures within which dangerous animals are confined, including residences and other structures.

The absence of any required signs shall be considered prima facie evidence of a violation of this section. Signs shall be constructed and maintained in a manner to withstand the elements.

Notwithstanding the exemptions granted in this article, the requirements of this section shall apply to all duly authorized and lawfully operated dealers in animals within the city any lawfully operated circus, carnival, performing acts or similar functions and events of a temporary nature as may be authorized by the city and to any premises utilizing dogs or other animals lawfully for guard purposes.

4. CONFINEMENT REQUIRED

All dangerous animals shall be kept confined within the residence or other permanent structure on the premises of the owner or other person in possession or control of such animals or within an enclosure as defined in this section.

All dangerous animals to be kept on the premises of the owner or person having possession or control of such animals and not within the residence or other permanent structure shall be confined within a fence or structure area of at least four (4) feet in height, forming a confined area sufficient to prevent the entry of young children and, in conjunction with tethering or other measures, effective in containing a dangerous animal. Such enclosure shall be securely closed and locked and equipped with secure sides, top and bottom, and shall be designed to prevent the animal from escaping the enclosure. The bottom of such enclosure shall be concrete, and the side and top shall be constructed of steel wire or other materials sufficient to prevent the animal from escaping the enclosure. The city reserves the right to issue more specific confinement requirements in instances where enclosures prove to be insufficient to prevent escape of such animals or to prevent such animals from coming into contact with people adjacent to such enclosures.

Such enclosure, fence or structure must be at least five (5) feet from any fenced property line of the owner or person in control or possession of such animals, provided that such enclosure, fence or structure is within a separately and totally enclosed fenced area. In the event that the area of the property of the owner or person in control or possession of such animals devoted to the confinement or enclosure of such animals is not within a separately and totally enclosed fenced area, any animals confined in such enclosure must be securely tethered or otherwise restrained so that they cannot come within five (5) feet of the walls of the enclosures or area within which they are confined.

No dangerous animal shall be allowed outside of the residence or required enclosure unless it is securely muzzled and restrained with a chain, having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and under the direct control and supervision of the owner.

5. DETERMINATION OF STATUS, IMPOUNDMENT, REDEMPTION OR DISPOSITION OF DANGEROUS ANIMALS

Any police officer or any other lawfully designated official or representative of the city shall have the right to enter any private property for the purpose of inspecting the property for the presence of dangerous animals or for the performance of other duties in the enforcement of this article. Any police officer or other lawfully designated official or representative of the city having probable cause to believe that an animal is dangerous shall conduct or cause to be conducted an investigation into the facts of each such case. The owner of the animal shall be notified of the investigation and shall have the opportunity to present evidence as to why the animal should not be determined to be dangerous. The results of this investigation and any such determination shall be made in writing and shall constitute an administrative action of the city, appealable according to law. The results of any investigation with respect to a particular animal shall not bar the city from investigating any subsequent actions of the animal. The procedure to be followed is that the police officer or animal control officer shall issue a citation for dangerous animal returnable to municipal court at first opportunity, the City Judge will determine, if contested, whether the animal is dangerous; such decision may not be appealed with a stay/suspension of decision.

Should any police officer or other designated official or representative of the city have reason to believe that an animal is vicious and may pose a threat of serious harm to persons or other domestic animals, the officer or official may immediately seize and impound the animal, pending an investigation as described in this section.

Any police officer or other lawfully designated official or representative of the city, upon complaint by any citizen or on his own initiative, may make inquiries to determine compliance with this article and may seize and impound any animal found in violation of any of its provisions.

If any animal is caused or permitted or is found to be within the corporate limits of the city and in violation of the provisions of this article, such animal may be apprehended and impounded by

any police officer or other designated official of the city, to be held or disposed of as provided by this section.

If any such animal is so impounded, the animal shall be released to the owner thereof only if payment is made within five (5) working day to the city or its designee of such sums as may be designated from time to time by the mayor and city council for compensation for catching or otherwise apprehending such animal and for harboring and caring for such animal on a daily basis during the time of impoundment. Any such animal which is held as vicious animal shall be held until there is a court hearing to determine whether it is vicious if disputed by the owner. The five (5) day period for disputation will not begin to run until the owner has a due process hearing before the City Judge. The owner may waive the hearing and agree the animal is vicious within the meaning of the statute.

In addition to or in lieu of impounding an animal found in violation of this article, any police officer or designated official of the city may issue to the person know to own or be in possession or control of such animal a citation for any violations of this article. Any fines imposed, as set from time to time by the mayor and city council, shall be paid within three (3) working days of such citation. If such fine *is* not paid with the time prescribed, a criminal warrant shall be issued for such person who may, upon conviction of such offense before the city court, be punished as allowed by law.

All fees and fines imposed pursuant to this section shall be paid by any violator, and all other requirements of this chapter with respect to a dangerous animal shall be met before an animal impounded pursuant to this article shall be released. If such fees and fines are not paid *within five (5) working days*, then any such animal so impounded may be destroyed or otherwise disposed of.

6. KILLING OF DANGEROUS ANIMALS

When any dangerous animal, in the judgment of *any* police officer or other designated official or representative of the city, poses a serious and immediate threat of serious harm or injury to human life, it shall be the lawful duty of such officer or official to kill such animal, without requiring such officer or official to catch, restrain or impound such animal.

7. ADDITIONAL REMEDIES FOR VIOLATIONS

Should any dangerous animal, when unprovoked, kill or wound or assist in killing or wounding any livestock, fowl or other domestic animal belonging to or in possession of any person or attack, bite or otherwise assault or injure any human being or assist in doing so, whether out of or within any required enclosure of the owner or person in possession or control or whether on or off the property of the owner, whether or not such animal is leashed or muzzled, and whether or not such animal escaped with the fault of the owner, the owner of the animal shall be liable to the person aggrieved for all damages sustained, to be recovered in a civil action, with costs of suit. It is rebuttably presumed as a matter of law that the owning, keeping or harboring of a dangerous animal in violation of this article is a nuisance. It shall not be necessary, in order to sustain such action, to prove that the owner of such dangerous animal

knew that the animal possess the propensity to cause such damage or that the animal had a dangerous nature.

Nothing in the chapter shall be construed so as to restrict any other remedies at law available to person aggrieved by any attack of a vicious animal, nor so as to prohibit criminal prosecution of person owning or in possession of such animals as may be allowed by law.

Should any employee of or person carrying out contractual responsibilities for the city be attacked by any dangerous animal or other animal while such employee or person is engaged in the lawful performance of his official duties, any rights, privileges or services enjoyed by the residents of property on which the attack occurs or by the owner of such animal, at the discretion of the city, may be immediately terminated without further notice. This includes, but is not limited to, termination of water, sewer and electrical service, termination of garbage pickup service, and revocation of building permits or privilege licenses.

No person shall knowingly keep, possess, harbor or own a dog that constitutes a nuisance. It shall be a violation of this Ordinance to keep as dog after being notified by the police that the dog's barking is a nuisance. The owner may attempt to resolve the barking issue. If not resolved or rectified, the owner may be given a ticket for violating this Ordinance.

ARTICLE V - CATS

1. RABIES VACCINATION; TAGS FOR CATS

Every person who owns or has in his possession or who keeps or harbors any cat within the corporate limits of the city shall have and keep such cat inoculated (vaccinated) against rabies, as provided by the laws of the state and as provided by the rules and regulations prescribed and promulgated by the state board of health. It shall be unlawful for any person to own, possess, keep or harbor any cat within the corporate limits of the city unless such cat has been so inoculated against rabies.

Every cat so vaccinated must bear a suitable metal tag approved by the state board of health, which shall be braided to the collar or harness of such cat and shall have stamped thereon the serial number of the vaccination and the year in which such cat was vaccinated. If any such cat should be without such tag at any time, such action shall be prima facie evidence that the owner has failed to have such cat vaccinated as provided by law and such action shall be a violation of this article.

2. NUISANCES

It shall be unlawful for any person to knowingly own, or allow to be in or upon any premises occupied by him or under his charge or control, any cat that has shown prior disposition to destroy or damage property or that in any manner injures or destroys any real or personal property of any description belonging to another. In addition to any fine imposed, the person so offending shall make restitution to the party injured in an amount equal to the value of the property so injured or destroyed.

3. IMPOUNDMENT, REDEMPTION OR DISPOSITION OF CATS IN VIOLATION

If any cat within the corporate limits of the city is found to be in violation of the provisions of this article, such cat may be apprehended and impounded by any police officer or other designated official(s) of the city, to be held or disposed of as herein provided.

If any such cat is so impounded, the same shall be released to the owner thereof only if payment is made within five (5) working days to the city or its designee such sums as may be designated from time to time by the mayor and board of alderman for compensation for catching or otherwise apprehending such cat and for harboring and caring for such cat on a daily basis during the time of impoundment.

In addition to or in lieu of impounding a cat in violation of this article, any police officer or designated official(s) of the city may issue to the person known to own or be in possession or control of such cat a citation for any violations of this article. If such fine is not paid within the time prescribed, a criminal warrant shall be issued for such person, who may, upon conviction of such offense before city court, be punished as allowed by law.

All fees and fines imposed pursuant to this section shall be paid by any violator before a cat impounded pursuant to this article shall be released. If such fees and fines are not paid within five (5) working days, then any such cat so impounded may be destroyed or otherwise disposed of.

ARTICLE VI - PENALTIES

Penalties

For any violation of this Ordinance, the fine will be set at a minimum of Twenty-Five Dollars (\$25.00) and up to Five Hundred Dollars (\$500.00) for each offense.

For violation of the vicious dog Ordinance provisions, the fine may be up to One Thousand (\$1,000.00) and one (1) year in jail for each violation.

ON MOTION MADE BY BENNETT MOORE AND SECONDED BY ANTHONY FLOYD THIS ORDINANCE IS HEREBY APPROVED BY THE CITY COUNCIL THIS THE 14TH DAY OF AUGUST 2012 AS AN ORDINANCE OF THE CITY OF OKOLONA, MISSISSIPPI.