

COFFEEVILLE ORDINANCE

PROVIDING FOR THE LICENSING AND ALL DOGS WITHIN THE CITY LIMITS OF COFFEEVILLE, MISSISSIPPI, FOR THE VACCINATION OF DOGS, FOR THE IMPOUNDING OF THOSE NOT LICENSED, THE PROCEDURE FOR NOTIFYING THE OWNER OF AN IMPOUNDED DOG, THE DISPOSITION OF UNCLAIMED DOGS, FOR ENFORCEMENT AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF:

SECTION 1 - DEFINITIONS

For the purpose of this ordinance the following definitions shall apply:

Dog shall include both male and female sex of the canine species.

Owner shall include any person owning, possessing, harboring, or keeping a dog.

At Large shall mean off the premises of the owner and not under the owner's control or that of his immediate family or some member thereon by leash, cord, or otherwise.

SECTION 2 - LICENSING

All dogs in the Town shall be licensed and registered by the Town as hereinafter provided, except dogs belonging to non-residents temporarily in the Town.

SECTION 3 - WHEN LICENSED

January is hereby designated as the month in each year in which all dogs shall be licensed by the Town, and, during that month, all dogs owners shall make an application to the Town for such dog license upon forms printed for that purpose, giving the owner's name and address, and the name, breed, sex and color of each dog owned or kept by him/her.

SECTION 4 - WHO ISSUES LICENSES & AMOUNT OF FEES

Dog licenses, as required by Section 2 hereof, shall be issued by the Town Clerk upon all requirements of the ordinance being met and upon the payment of the sum of \$5.00 for each dog, of which there shall be no refund because of removal from the City or death of the dog or dogs prior to the expiration of the license.

SECTION 5 - VACCINATION, TAG, ETC.

Upon payment of the license fee, the Town Clerk shall issue to the owner a license certificate and tag for each dog so licensed. However, before the Town Clerk shall issue such license the applicant therefore shall present to the Town Clerk satisfactory proof that the dog has been vaccinated by a licensed veterinarian, surgeon, or other qualified person with anti-rabies vaccination, not earlier than September 1, preceding each January licensing month. Every owner shall be required to provide each dog with a collar to which the license must be affixed and see that the collar is worn by the dog at all times. In case the tag is lost or destroyed, a duplicate will be issued by the Town Clerk upon the owner presenting a receipt showing the payment of the license fee for the current year and the payment of a fee of \$3.00 to the Town Clerk for said duplicate. Dog tags shall not be transferable from one dog to another.

SECTION 6 - RUNNING AT LARGE

No dog shall be allowed to run at large, and it shall be unlawful for any person who shall own, keep or harbor any dog to allow or permit such dog to run or be at large at any time within the Town.

SECTION 7 - IMPOUNDING-REGISTRATION

Any dog not vaccinated as herein required or found running at large contrary to this ordinance, whether vaccinated or not, shall be impounded in the Town dog pound, or other suitable place at the discretion of the Chief of Police. At the time of impounding, a registry shall be made of the dog, showing the breed, color and sex of the dog. Any animal that becomes a menace to danger to public health or safety shall be impounded immediately.

SECTION 8 - NOTICE OF IMPOUNDMENT

Not later than two days after the impounding of any dog, the owner if known shall be personally notified by telephone or otherwise. If the owner of the impounded dog is unknown a written notice shall be posted for 5 days at the Town Hall describing such dog and the place and time such dog was taken for impounding. The owner of any dog so impounded may reclaim such dog upon having such dog vaccinated as provided in Section 5 and payment of the license fee hereinabove provided and payment of the following costs and charges to the Town for impounding and maintenance of such dog:

For impounding any dog, the sum of \$10.00.

For keeping any dog, the sum of \$5.00 per day or any part of the day.

SECTION 9 - DISPOSITION OF UNCLAIMED DOGS

All impounded dogs kept in the Town Dog Pound or Elsewhere as the Chief of Police may select for 5 days or until the owner has claimed as provided in Section 8; however, if any impounded dog has not been claimed with 5 days after seizure such dog may be disposed of by execution in any humane manner or by sale upon a buyer meeting the vaccination requirements and paying the fees set out in Section 8. Disposition shall be by the discretion and under the direction of the Chief of Police.

SECTION 10 - ENFORCEMENT

It shall be the duty and responsibility of the Chief of Police to enforce the provisions of this Ordinance and all Police officers and other employees of the Town are fully authorized and empowered to enforce any and all of the provisions hereof:

1. It shall be unlawful for the owner or other person having any such dog in his possession or under his or her control, or in any manner keeping or causing or harboring any such dog within the limits of the Town, to cause or permit any such dog to be at large in the Town limits.
2. If any dog bites or attempts to bite any person, dog or other animal while such dog is at large, then such dog shall be conclusively presumed to be a dangerous dog and a dog of dangerous propensities, habits and tendencies.
3. If any dog attacks or attempts to attack any other dog or other animal, or any man, woman or child, or children, while such dog is at large, or chases or otherwise attempts to catch such a person, dog or other animal, then such dog shall be conclusively presumed to be a vicious dog and to have vicious propensities and tendencies.

4. If any dog at large overturns a securely covered garbage can, or removes any garbage from a plastic covered container, then such dog shall be conclusively presumed to be a mischievous dog and a dog of mischievous propensities and tendencies.
5. Any danger or vicious dog or dogs have dangerous or vicious propensities found at large after the owner has previous knowledge or notice that such dog is dangerous or vicious or has dangerous or vicious propensities and tendencies, may be killed by any police officer of the Town without such officer having to catch or impound the dog.

SECTION 11 - REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12 - SAVING CLAUSE

If, for any reason, any section, paragraph, provision, clause or part of this Ordinance shall be held unconstitutional or invalid, that fact shall not affect or invalidate any other section, paragraph, provision, clause or part of this Ordinance in and of itself valid, but the remaining portion thereof shall be in full force and effect without regard to that part so invalidated.

SECTION 13 - PENALTY

The failure or refusal of any person to comply with any of the provisions of this Ordinance shall constitute a misdemeanor and shall be punishable, and upon conviction, such person shall be fined an amount not to exceed \$500.00 and/or shall be imprisoned for a term not to exceed 6 months in jail.

SECTION 14

This Ordinance shall become effective upon publication and one (1) month from the date hereof.

The above and foregoing Ordinance, having been first reduced to writing, and read, first section by section, and then as a whole, was unanimously adopted this 4th day of November, 1997.

AN ORDINANCE REGULATING THE REGISTRATION, LICENSING, OWNING, KEEPING AND HARBORING OF DOGS AND POTENTIALLY VICIOUS DOGS IN THE TOWN OF COFFEEVILLE, MISSISSIPPI AND RELATED PURPOSES

SECTION I - DEFINITIONS

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Animal Control Officer" means any person designated by the Town as a law enforcement or animal control officer who is qualified to perform such duties under the laws of this state and includes any full time or part time police officer of the Town.
2. "Animal Shelter" means any facility operated by a municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this title or state law.
3. "Feral Dog" means a dog that has escaped from domestication and become wild, dangerous or untamed.
4. "Owner" means any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered.
5. "Pet" means any animal kept for pleasure rather than utility.
6. "Potentially Vicious Dog" is defined to mean:
 - a. Any bull terrier breed of dog;
 - b. Any dogs of mixed breed or of other breeds than above listed which are known as pit bulls, pit bull dogs, pit bull terriers, or any other commonly accepted derivative names of the other named forces listed above;
 - c. Any dog which has the appearance and characteristics of being predominantly of any of the breeds of dogs listed above; or a combination of any of those listed above;
 - d. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
 - e. Any dog which attacks a human being or domestic animal without provocation.
 - f. Notwithstanding the above, no dog may be considered a vicious dog if any injury or damage is sustained by a person who at the time of such injury or damage was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No dog may be considered vicious if any injury or damage was sustained by a domestic animal which at the time of such injury or damage was teasing, tormenting, abusing or assaulting the dog. No dog may be considered vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
7. "Public Nuisance" means any animal which:
 - a. Molests passersby or passing vehicles;
 - b. Attacks other animals;
 - c. Trespasses on school grounds, city parks or private property;
 - d. Repeatedly runs at large;

- e. Damages private or public property;
- f. Barks, whines or howls in an excessive, continuous or untimely fashion;
- g. Defecates or frequently urinates on public property or private property of one other than its owner;
- h. Is allowed by its owner to become a nuisance to people or other animals.
- i. "Restraint" means the condition of securing any animal within the fenced real property limits of its owner or by tethering in such a way that the animal is within the real property limits of its owner.

SECTION II - LICENSING

All dogs in the Town shall be licensed and registered by the Town as hereinafter provided, except dogs belonging to non-residents temporary in the Town.

SECTION III - TIME OF LICENSING

January is hereby designated as the month in each year in which all dogs shall be licensed by the Town, and, during that month, all dogs owners shall make application to the Town for such dog license upon forms printed for that purpose, giving the owner's name and address, and the name, breed and sex and color of each dog owned or kept by the owner. Additional, all owners, keepers or harborers of registered potentially vicious dogs much, within ten (10) days of the effective date of this Ordinance, provide the Town Clerk with (2) color photographs of the registered animal, clearly showing the color and approximate size of the animal.

SECTION IV - ISSUANCE OF LICENSES AND AMOUNT OF FEES

Dog licenses in the form of a tag shall be issued by the Town Clerk upon all requirements of the Ordinance being met and upon the payment of the sum of \$5.00 for each dog, of which there shall be no refund because of removal from the Town or death of the dog or dogs prior to the expiration of the license.

SECTION V - VACCINATION AND TAG FOR EACH LICENSED DOG

Upon payment of the license fee, the Town Clerk shall issue to the owner a license certificate and tag for each dog so licensed. However, before the Town Clerk shall issue such license, the applicant therefore shall present to the Town Clerk satisfactory proof that the dog has been vaccinated against rabies with the approved dosage of an approved antirabic virus (vaccine) properly administered by a person legally authorized to do so; it shall be unlawful for any person to own or have in his possession any dog not so vaccinated. Every dog must be vaccinated in accordance the the Compendium of Animal Rabies Vaccines as prepared by the National Association of State Public Health Veterinarians, Inc.

The owner of any dog shall see that the animal wears the license tag as well as a metal tag with the serial number of the vaccination and the year in which the animals was inoculated stamped thereon and shall see that the collar and tag are worn by the animal at all times, showing the dog was vaccinated preceding the January licensing month. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and see that the collar is worn by the dog at all times. In case the tag is lost or destroyed, a duplicate will be issued by the Town Clerk upon the owner presenting a receipt showing the payment of the license fee for the current year and the payment of a fee of \$3.00 to the Town Clerk for said duplicate. Dog tags shall not be transferable from one dog to another.

SECTION VI - KEEPING OF REGISTERED POTENTIALLY VICIOUS DOGS

The keeping of such dogs will be subject to the following standards:

Responsibility of owner.

1. No owner shall fail to:
 - a. Exercise proper care and control of his animals, including but not limited to dogs or cats;
 - b. Prevent them from becoming a public or private nuisance, as defined in Section I;
 - c. Comply with the standards set out next below and all other provisions of this title.
2. It shall be unlawful for any place where animals are kept to be in an unclean, filthy or unsanitary condition. All pens, yards and other places where dogs or other animals are kept for any purpose whatsoever, anywhere in the Town, shall be kept clean and wholesome by removal of all offensive matter and by suitable cleansing and disinfecting as often as may be necessary, which care is hereby required and made the duty of every person having, owning or controlling such places.
3. The owner of every dog or other animal shall remove any fecal matter deposited by such dog or animal on public walks, streets, recreation areas or private property of another. It shall be unlawful for the owner of any property to allow unsanitary or malodorous conditions to develop on his property due to the keeping, maintaining, owning or harboring of dogs or other animals. Yards, pens, premises and dogs and animals shall be kept free of insect infestations.
4. Animal pens or enclosures shall be large enough to provide reasonable freedom of movement to the animals contained therein.
5. No owner of an animal shall abandon such animal or fail to maintain such animal in a healthy condition or to provide appropriate veterinary treatment immediately if ill.
6. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and to generally provide humane care and treatment.

SECTION VII - LEASH AND MUZZLE

No person shall permit a registered potentially vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a potentially vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless person is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, etc. All potentially vicious dogs on a leash outside its kennel shall be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals. In addition, no person under the age of sixteen (16) years of age shall physically control a potentially vicious dog.

SECTION VIII - CONFINEMENT OF POTENTIALLY VICIOUS DOGS

All registered potentially vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure shall have secure sides, floor and roof. All structures used to confine registered potentially vicious dogs shall be locked with a key or combination lock when such animals are within the structure. Such structure shall have a secure bottom or floor attached to the sides of the pen. All structure shall keep in a clean and sanitary condition.

SECTION IX - CONFINEMENT INDOORS

No potentially dangerous vicious dogs may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition.

SECTION X - SIGNS

All owners, keepers or harborers of registered potentially vicious dogs with the Town shall within ten (10) days of the effective date of this section 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 is required to be posted on the kennel or pen of such an animal.

SECTION XI - RUNNING AT LARGE

It shall be unlawful for the owner of a dog to permit it to run at large within the corporate limits of the Town.

Dogs running at large may be impounded as provided elsewhere herein.

SECTION XII - CRUELTY, ABUSE, FIGHTING

No person shall beat, cruelly ill-treat, torment or otherwise abuse a dog, or cause, instigate, promote or permit any dogfight. The animal control officer shall have the authority to take an abused animal into protective custody pending disposition of charges of cruelty or abuse against owner.

SECTION XIII - ELIMINATION OF DOGS, WHEN AUTHORIZED

Vicious or feral dogs. When a dog is determined by the chief of police to be a vicious or feral dog, that dog may be destroyed by the supervisor of animal control or his designee, provided two (2) of the following requirements are met:

1. The animal is running at large or not properly confined or muzzled as described herein.
2. There is no vaccination tag around the animal's neck.
3. Attempts to peacefully capture the animal have been made and proven unsuccessful.

Any dog that aggressively attacks and causes severe injury or death of any humans shall be immediately confiscated by animal control, placed in quarantine for ten (10) days, and thereafter destroyed in an expeditious and humane manner. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Incurably injured or diseased dogs, etc. It shall be the duty of the police and/or a duly authorized animal control officer to see that any animal suffering from an incurable injury or disease is humanely euthanized. In such cases of humane euthanization, reasonable efforts not to exceed forty-eight (48) hours shall first be made to locate the owner of any such injured or diseased animal unless the animal cannot be made comfortable for that period. If the animal is in a continual state of suffering, the euthanization shall be performed immediately. Furthermore, it shall be the sole duty of the police as the sole effective means of controlling a public nuisance or health hazard to mercifully end the life of an animal by the discharging of a firearm.

SECTION XIV - IMPOUNDMENT GENERALLY

Authority to seize; confinement period. Any dog found running at large contrary to this ordinance, whether vaccinated or not, shall be impounded in the Town animal shelter or other suitable place at the discretion of the Chief of Police. At the time of impounding, a registry shall be made of the dog,

showing the breed, color and sex of the dog. Any animal that becomes a menace or danger to public health or safety shall be impounded immediately. Such an animal shall be kept for at least five (5) days unless sooner claimed by the owner; impounded dogs not suffering from an injury or infectious disease shall be kept for not less than five (5) working days.

Any vicious dog shall be immediately seized by the division of animal control if:

- 1. The owner does not maintain the dog in a proper enclosure; or**
- 2. The owner permits the dog outside the dwelling of the Owner or outside the proper enclosure and does not have the dog muzzled and under personal physical restraint of the owner.**

Notice to owner. If by a tag or other means the owner of an impounded animal can be readily identified, the animal control division shall, upon impoundment notify the owner by telephone or mail. Within five (5) days, the rightful owner of any animal held under this section may obtain said animal upon the payment of an impoundment fee; if the animal is a pet required to be properly vaccinated, licensed and tagged, the owner may obtain the animal upon the payment of an impoundment fee as hereinafter provided. If an unvaccinated pet is claimed by the owner, the owner must make arrangements for the vaccination of the animal satisfactory to the animal control director and then pay the relevant fee. An owner reclaiming an impounded animal (or quarantined animal as noted below) shall pay a fee of: \$20.00 a day or any portion thereof plus a catch fee of \$25.00.

Disposition if not reclaimed by owner; waiver of waiting period. Any animal not reclaimed by its owner within five (5) days shall become the property of the Town and shall be placed in process for adoption to a suitable home for a fee established by the Town or humanely euthanized. All adopted dogs shall be provided vaccinations prior to adoption as appropriate and shall be altered as appropriate to their gender and age prior to adoption or arrangements shall be made by the new owner to have this procedure performed when the animal is of an appropriate age all to the satisfaction of the animal control director. The five day waiting period shall be waived for a vicious or feral dog, or for any animal suffering from an infectious disease. An injured or neglected animal may be humanely euthanized without any waiting period. Any dog which is not adopted shall be humanely euthanized.

Additional proceedings against owner authorized. The owner of an impounded animal may also be proceeded against for any violation of this title.

SECTION XV - IMPOUNDMENT OF ANIMALS ATTACKING, INJURING PERSONS; DESTRUCTION OF RABID ANIMALS.

If impounded by the Town, and such animal does not have rabies, the animal may be taken possession of by the owner at the end of the quarantine period as designated by a qualified veterinarian, upon payment of the designated fee.

SECTION XVI - RELINQUISHMENT OF DOGS.

If a resident voluntarily relinquishes a dog to the animal shelter, there will be a fee. The dog shall become the property of the Town and shall be placed for adoption in a suitable home or humanely euthanized with an injection under conditions deemed necessary by the animal control officer. No animals other than dogs shall be accepted for relinquishment. All fees noted shall be as determined by the Mayor and Board of Aldermen.

SECTION XVII - SCHEDULE OF PENALTIES.

Violations of this ordinance shall be punishable as follows:

1. First Offense - a fine of not less than \$100.00 nor more than \$300.00 plus assessments and/or shall be imprisoned for a term not to exceed six (6) months in jail.
2. Second Offense - a fine of not less than \$300.00 nor more than \$500.00 plus assessments and/or shall be imprisoned for a term not to exceed six (6) months in jail.
3. Third Offense and Subsequent Offenses - a fine of not less than \$500.00 nor more than \$1,000.00 plus assessments and a permanent relinquishment of all potentially vicious dogs by the owner, keeper or harbinger and/or shall be imprisoned for a term not to exceed six (6) months in jail. Enforcement of the penalties shall be within the jurisdiction of the Municipal Court of the Town of Coffeeville, Mississippi.

SECTION XVIII - FAILURE TO COMPLY

It shall be unlawful for the owner, keeper or harbinger of potentially vicious dogs to fail to comply with requirements and conditions set forth heretofore in this ordinance and if any owner, keeper or harbinger of said potentially vicious dog(s) shall fail to comply, said potentially vicious dog(s) shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of license of such animal(s) and result in the immediate removal of the animal from the Town of Coffeeville.

SECTION XIX - DEAD ANIMAL REMOVAL

The city animal control division in conjunction with the sanitation component of the Town public works division will provide a dead animal pick up service from any residence within the corporate limits of the city. The Town has a minimum charge of twenty-five dollars per animal paid in advance (such revenue to be transferred to the general fund).

SECTION XX - PUBLICATION

The Town Clerk is hereby authorized and directed to cause a summary of this ordinance to be published pursuant to Section 21-17-19 of the Mississippi Code of 1972, Annotated, as amended and to post a copy of the ordinance as required by law and shall be in full force and effect thirty days from November 3, 2009. (ie. on December 3, 2009)

The foregoing Ordinance was introduced, seconded and voted on by the Board of Aldermen as reflected in the minutes of the Board at its regularly scheduled meeting on November 3, 2009.

The ordinance having received the required vote of the Board and the Mayor approving, the Mayor declared the ordinance adopted and effective according to its terms.

So ordered and ordained, this the 3rd day of November, 2009.