

**AN ORDINANCE PROVIDING FOR THE LICENSING AND REGISTRATION OF ALL DOGS WITH IN THE CITY LIMITS OF WATER VALLEY, 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**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WATER VALLEY, MISSISSIPPI; that

SECTION 1: Definitions.

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

- a) Dog shall include both male and female sex of the canine species.
- b) Owner shall include any person owning, possessing, harboring or keeping a dog. .
- c) 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 lease, cord or otherwise.

SECTION 2: Licensing.

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

SECTION 3: When Licensed.

January is hereby designated as the month in each year in which all dogs shall be licensed by the City and, during that month, all dog owners shall make application to the City 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 or her.

SECTION 4: Who Issues Licenses and Amount of Fees.

Dog license, as required by Section 2 hereof, shall be issued by the City Clerk upon all requirements of this 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 City Clerk shall issue to the owner a license certificate and tag for each dog so licensed. However, before the City Clerk shall issue such license the applicant therefor shall present to the City 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 City Clerk upon the owner presenting a receipt showing the payment of the license fee for the current year and the payment of the additional fee of \$3.00 to the City 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 City.

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 City 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 or danger to public health or safety shall be impounded immediately.

SECTION 8: Notice of Impounding and How Reclaimed.

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 City 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 cost and charges to the City 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 City 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 within 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 in 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 City are fully authorized and empowered to enforce any and all of the provisions hereof.

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 City, to cause or permit any such dog to be at large in the City limits.

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.

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.

If any dog at large over turns 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.

Any dangerous or vicious dog or dogs having 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 City without such officer having to catch or impound such 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 the 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 16th day of May, 1995.

SECTION 3. RUNNING AT LARGE

No dog, licensed or unlicensed, shall be allowed to run at large and it shall be unlawful for the owner or any other person having any such dog in his or her possession or under his or her control to cause or permit any such dog to run at large within the City of Water Valley, Mississippi.

Further, no vicious dog or dangerous dog or potentially vicious dog as defined in this ordinance shall be allowed to run at large and it shall be unlawful for the owner or any other person having any such dog in his or her possession under his or her control to cause or permit such dog to run at large within the corporate limits of the City of Water Valley, Mississippi.

SECTION 8. PENALTIES

Violating this ordinance shall be punishable as follows:

- A. For a violation of Section 2 herein:
  1. First Offense: A fine of not less than \$ 100.00 but not more than \$ 500.00.
  2. Second Offense: A fine of not less than \$200.00 but not more than \$ 1,000.00.

3. Third and subsequent offenses: A fine of not less than \$ 300.00 but not more than \$1,500.00 or imprisonment in jail for a term of not more than 170 days or both.
- B. For a violation of SECTION 3-A herein:
1. First Offense: A fine of not less than \$ 50.00 but not more than \$ 250.00.
  2. Second Offense: A fine of not less than \$ 100.00 but not more than \$ 500.00.
  3. Third and subsequent offenses: A fine of \$ 200.00 but not more than \$ 1,000.00 or imprisonment in jail for a term of not more than 170 days or both.
- C. For a violation of SECTION 3-B herein:
1. A fine of not less than \$ 500.00 but not more than \$ 1,000.00 and/or imprisonment in jail for a term not to exceed 170 days or both.

SECTION 8-C-7: OK

SECTION 8-C-9: OK

SECTION 8-C-10: PUBLIC NUISANCE

1. First Offense: A fine of not less than \$ 100.00 but not more than \$ 500.00.
2. Second Offense: A fine of not less than \$ 200.00 but not more than \$ 1,000.00.
3. Third and subsequent offenses: A fine of not less than \$1,000.00 and/or imprisonment for a term of not more than 170 days.