

ORDINANCE NO. 283 OF THE TOWN OF TYLERTOWN, MISSISSIPPIAN ORDINANCE PROHIBITING THE KEEPING OF ANIMALS WHICH EMIT UNREASONABLY LOUD OR DISTURBING SOUNDS

WHEREAS, The Mayor and Board of Aldermen of the Town of Tylertown, Mississippi do hereby find and determine that unreasonably loud or disturbing sounds emitted by animals, including, without limitation, the incessant barking of dogs, can and does result in stress to people who are within the range of the noise so produced, and that stress can and does adversely affect the health and the physical, mental, and social well-being of the residents of the Town of Tylertown and interferes with the peaceful enjoyment of their property; and

WHEREAS, the Mayor and Board of Aldermen do hereby find and determine that -animals which emit unreasonably loud and disturbing sounds of such intensity, character and duration as to disturb the peace and quiet of the neighborhood in which the animals are located constitute a public nuisance which should be abated through the imposition of fines against the person or persons who maintain or keep, or allow such animals to be maintained or kept, on his or her property or on property under his or her control; and

WHEREAS, The Mayor and Board of Aldermen, pursuant to their general police powers and the provisions of Mississippi Code annotated, Section 21-19-1(1972) are authorized to make regulations to secure the general health of the municipality and to prevent, abate and remove nuisances; and

WHEREAS, a penalty should be established for imposition upon any person who maintains or keeps on his or her property, or allows to be maintained or kept on his or her property or on property under his or her control, any animal or animals which emit loud and disturbing sounds of such intensity, character and duration as to disturb the peace and quiet of the neighborhood in which the animal or animals are located.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF TYLERTOWN, MISSISSIPPI AS FOLLOWS:

Section 1 Definitions.

Whenever the following' terms are used in this ordinance they shall have the meaning respectively ascribed to them in this section:

ANIMAL. Means any organism in the kingdom *animalia* other than human beings, including, without limitation, dogs.

DOG. A canine animal (*canus domesticus*).

NEIGHBORHOOD. The area near, and surrounding, the location in which an animal or animals are kept.

Section 2. Prohibited Acts; Justification.

It shall be unlawful for any person to maintain, keep or harbor in the Town of Tylertown, or to allow to be maintained, kept or harbored on his or her property or on property under his or her control, any animal or animals which howl, bark, or emit audible sounds that are unreasonably loud or disturbing, or which sounds are of such character, intensity and duration as to disturb the peace and quiet of the

neighborhood in which, or around which, the animal or animals are kept or harbored, or which sounds are detrimental to the life and health of any individual. The presence of an intruder or trespasser on the property on which the animal is kept at the time the animal emits loud and disturbing sound shall be justification therefor.

### Section 3. Presumptions.

A violation of this ordinance shall be proven, and the existence of a nuisance shall be shown, by proof of the continual howling, barking, or emitting of audible sounds by an animal, which sounds are audible on any adjacent or nearby property or public right-of-way for any period in excess of five (5) minutes. All the owners and occupiers of property upon which an animal is situated when that animal emits continual howling, barking and other audible sounds, shall be presumed to be keeping and harboring that animal in violation of the provisions of this ordinance.

### Section 4. Required Cooperation by Complaining Witnesses.

It shall be the duty of the police department of the Town to enforce the provisions of this ordinance, however, each witness who makes a complaint of the violation of the provisions of this Ordinance must agree in writing to testify at a trial on the charges brought hereunder before any official complaint will be filed by a police officer.

### Section 5. Penalties.

Any person violating the provisions of this ordinance by keeping, maintaining or harboring one or more animals within the corporate limits of the Town of Tylertown, which emit loud or disturbing sounds in violation of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction of the first offense shall be fined not less than \$25.00 nor more than \$100.00, and for each second or subsequent offense shall be fined not less than \$100.00 nor more than \$500.00. Each day such an animal is kept, maintained or harbored shall be a separate and distinct offense.

This Ordinance shall be effective one month of the date of its publication

SO ORDAINED AND ADOPTED, this 5th day of June , 2007.