

ORDINANCE NO. 1708

AN ORDINANCE OF THE CITY OF AMORY, MISSISSIPPI REGULATING THE RUNNING AT LARGE OF ANIMALS OF ALL KINDS; ESTABLISHING RULES AND REGULATIONS FOR THE KEEPING OF ANIMALS; PROVIDING PENALTIES FOR VIOLATIONS OF THE TERMS OF THIS ORDINANCE; AND REPEALING PROVISIONS OF PRIOR ORDINANCES IN CONFLICT WITH THIS ORDINANCE

WHEREAS, pursuant to Section 21-19-9 M.C.A., the City of Amory, Mississippi, (herein the “City”), has the power to prevent or regulate the running at large of animals of all kinds, and to exercise all powers and authority granted pursuant to said statute; and

WHEREAS, pursuant to Section 21-19-9 M.C.A., the City has the power to cause such animals as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such regulations and the expense of impounding and keeping and selling the same; and

WHEREAS, pursuant to Section 21-19-9 M.C.A., the City has the power to regulate and provide for the taxing of owners and harborers of dogs, and to destroy dogs running at large, unless such dogs have proper identification indicating that said dogs have been vaccinated for rabies; and

WHEREAS, pursuant to Section 21-19-9 M.C.A., the City has the power to provide for the erection of all needful pens, pounds and buildings for the use of the municipality, within or without the municipal limits, and to appoint and confirm keepers thereof, and to establish and enforce rules governing the same; and

WHEREAS, pursuant to Section 21-19-1 M.C.A., the City has the power to make regulations to secure the general health of the municipality and to prevent, remove, and abate nuisances; and

WHEREAS, pursuant to Section 21-13-1 M.C.A., the City has power to pass ordinances, enforce same, and provide penalties for violations; and

WHEREAS, pursuant to Section 21-17-5 M.C.A., the City has the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and

WHEREAS, the City has previously adopted Ordinances regulating and/or preventing the running at large of animals of all kinds, and the City now desires to adopt this Ordinance and repeal all provisions of prior Ordinances in conflict with the provisions of this Ordinance, except as specifically provided to the contrary herein, including, but not limited to, Ordinances 17, 53, 63, 122, 123, 136, 165, 176, 177, 225, 233, 236, 237, 1008, 1212, 1578, 1636, and 1665.

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

ARTICLE I. - IN GENERAL

Section 1-1 - 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. This includes but is not limited to dogs, cats, other animals, etc.

At large means off the premises of the owner or custodian of the animal and not under the actual physical 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 any and all species of dog or canine.

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 owned or kept as pets.

Owner means any person, persons, partnership, association, firm, or corporation owning, keeping or harboring an animal. An animal shall be deemed harbored if it is fed or sheltered.

Person shall mean any individual, firm, association, partnership, or corporation.

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

Vaccination shall mean injection of United States Department of Agriculture approved rabies vaccination administered every twelve (12) calendar months by a licensed veterinarian.

City's Designee shall mean the person or persons designated to act for the City of Amory, Mississippi, in the capture and impoundment of animals, controlling of animals running at large, and as otherwise required in this Ordinance. These persons may include the Chief of Police, City employees, and the Amory Humane Society and the employees or authorized representatives of the Amory Humane Society under certain instances. Amory Police Department shall have the authority to issue citations for violation(s) of this Ordinance. Other city designees, including but not limited to the Amory Humane Society, shall have the ability to file sworn affidavits of violation of this ordinance with the City of Amory Municipal Court.

Chief of Police shall mean the elected Chief of Police of the City of Amory or any officer under his command acting in accordance with his directions.

Inhumane Treatment shall mean any treatment to any animal which deprives the animal of necessary sustenance, including food, water, and protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing,

poisoning, or other abnormal treatment as may be determined by an authorized law enforcement officer and with assistance by the Amory Humane Society.

Section 1-2 - 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) Excepting exclusions detailed within other articles of this Ordinance, any person owning or in control or possession of animals of such a type or in such a manner so as to be in violation of this chapter must come into full compliance with all terms of this chapter within thirty (30) days of the ordinance from which this chapter was derived becoming effective excluding those conditions listed in the exclusions and exemptions clause of this ordinance including any livestock properly housed and maintained prior to the enactment of this Ordinance. All violations continuing at the expiration of this thirty-day period will be prosecuted to the fullest extent of the law.

Section 1-3 - 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, including but not limited to employees and authorized representatives of the Amory Humane Society, 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 City of Amory municipal court. 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.

Section 1-4 - Places where animals kept are to be kept clean.

It shall be unlawful for any pen, enclosure, cage, lot, stall, stable or other place where animals or fowl are kept to be in an unclean, filthy, unsanitary, offensive condition, or disagreeable to persons residing in the vicinity thereof or to be maintained or kept as to breed flies, ticks, or fleas in any manner causing any injury to the public health or any person residing in the vicinity of the pen, enclosure, cage, etc. All lots, stalls, stables and other places where cattle, horses, mules, hogs, or other animals are lawfully kept for any purpose whatever, 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.

Section 1-5 - 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.

Section 1-6 - 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 and will issue a statement in writing for court purposes.

(b) *Prohibited.* No person shall own or keep any animal which by making excessive noise habitually disturbs a neighbor or neighborhood between the hours of 10:00 p.m. and 7:00 a.m.

(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 requiring his testimony in the matter.

Section 1-7 - Cruelty to animals.

It shall be unlawful for any person to overcrowd, overwork, willfully or maliciously torture, torment, beat, kick, mutilate, injure, disable, needlessly kill any animal, 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 to cause or permit such abuse to be done, or to cause, instigate, or permit any fight or other combat between animals or between animals and humans.

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. It shall be unlawful for any person to leave an animal unattended inside a motor vehicle within the City when such action is reasonably potentially harmful to the animal. This includes the leaving of animals within vehicles and placing of animals in a hostile, violent, or improper environment. The City of Amory Police Department shall have the authority to remove an animal from such unattended vehicle.

No person shall expose any known poisonous substance whether mixed with food or not, so that the same shall be liable to be eaten by any animal.

No owner of an animal or person who has the charge and control of an animal may abandon such animal.

Tethering. Any person owning, keeping, controlling a dog, other than a dangerous dog, for any purpose whatsoever, shall not allow such dog to be tethered for more than ten (10) hours per day. While the dog is tethered, the following rules shall apply:

-water, food, and shelter shall be provided at all times.

- length of chain/tie/tether shall be at least six (6) feet in length but not more than twelve (12).
- dogs may only be tethered in the back yard of residences and not in the front or side yard.
- tethered dogs must be at least ten feet from the City of Amory right of way, to help insure safety of the animal, safety of motorists and safety of pedestrians

Section 1-8 - Operator of vehicle striking animal to report accident.

Any person, as the operator of a motor vehicle, who strikes a domestic animal within the City of Amory shall report the accident at once to the Amory Humane Society and/or the City of Amory within a reasonable period of time.

Section 1-9 - Responsibilities of Owner.

It shall be unlawful in the City of Amory for the owner or person having charge or control of any animal to permit such animal to defecate and allow the feces to remain upon any public street, sidewalk, pathway, park, pedestrian way, or any public facility; or any school ground; or on any private property not owned or possessed by the owner or person having the charge or control of such animal unless the person shall immediately and securely enclose all feces deposited by the animal in a bag, wrapper, or other container and dispose of it in a sanitary manner.

Any person who has the charge and control of an animal on any public street, sidewalk, pathway, park, pedestrian way, or any public facility; or any school ground; or on any private property not owned or possessed by the owner or person having the charge or control of such animal shall at all times maintain in his or her possession sufficiently suitable wrappers, bags, or containers for the purpose of complying with the requirements of this Ordinance.

Sections 1-10 through 1-25. - Reserved.

ARTICLE II. - LIVESTOCK

Section 2-1. - Restrictions on keeping in certain areas.

- (a) It shall be unlawful for any person to house, keep or confine any livestock in any area of the city zoned for residential or business purposes, unless the livestock is kept in an open area of at least one (1) acre per animal, with no part of the area lying within two hundred fifty (250) feet of any residence.
- (b) The following are exempt and excluded from the requirements of this section:
 - (1) Any duly authorized livestock or cattle barn permitted to lawfully operate within the city;
 - (2) Any lawfully operated animal hospital or animal shelter;
 - (3) Any hospital for humans or laboratory lawfully using animals for research or experimental purposes;
 - (4) 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.

(5) Any livestock properly housed and maintained prior to the enactment of this Ordinance.

Section 2-2. - 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:
 - (1) Any duly authorized dealers in hogs or pigs permitted to lawfully maintain hog and pig pens within the city, provided that no such pens are located within areas of the city zoned for residential or business purposes, and provided that all such pens meet all state and local health and sanitation requirements.
 - (2) 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.

Section 2-3. - 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.

Section 2-4. - Horses, mules standing in streets.

It shall be unlawful for any horse or mule to be allowed to stand in any street unless the driver or rider is in charge of the same or unless the animal is securely hitched to a sufficient weight of not less than twenty (20) pounds.

Section 2-5. - 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 within the corporate limits of the city.

Section 2-6. - 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.

Section 2-7. - Same—Notice.

Upon the apprehension and impounding of any livestock, the city shall make every due effort to contact the owner. This includes notice to be given by one (1) publication in a newspaper published in or of general circulation within 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.

Section 2-8. - Same—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 costs 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.

Section 2-9. - Same—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 the 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.

Section 2-10 - 2-45 Reserved

ARTICLE III. - FOWL

Section 3-1. - Restrictions on keeping in certain areas.

- (a) It shall be unlawful for any person to house, keep or confine any chicken, duck, turkey, goose or other domestic fowl in any area of the city zoned for residential or business purposes, unless:
 - (1) The domestic fowl is kept in an open area of at least one (1) acre, with no part of the area lying within two hundred fifty (250) feet of any residence; or
 - (2) The domestic fowl is kept penned in such a manner as to restrict the movement of such fowl completely to the penned area. No such penned area shall exceed two hundred (200) square feet in size nor violate health regulations.

- (b) The following are exempt from the requirements of this section:
- (1) Any duly authorized dealers in domestic fowl permitted to lawfully maintain pens for such fowl within the city, provided that no such pens are located within areas of the city zoned for residential or business purposes, and provided that all such pens meet all state and local health and sanitation requirements;
 - (2) Any lawfully operated animal hospital or animal shelter;
 - (3) Any hospital for humans or laboratory lawfully using animals for research or experimental purposes;
 - (4) Any lawfully operated livestock show, rodeo, carnival, charitable function or similar event at which the presence of such fowl is a part of the temporary event.
 - (5) Any domestic fowl that are kept penned in such a manner as to restrict the movement of such fowl completely to the penned area that is larger than the prescribed area in (a) (2) that is in use prior to the adoption of this ordinance and remains in use for such purposes. .

Section. 3-2. - Places where fowl kept to be clean.

It shall be unlawful for any lot, stall, stable or other place where fowl are kept to be in an unclean, filthy or unsanitary condition. All lots, stalls, stables and other places where fowl are lawfully kept for any purpose whatever, 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.

Section 3-3. - Promoting fights between fowl prohibited.

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

Section 3-4. - Domestic fowl running at large—Prohibited.

It shall be unlawful for any person who may own or have in his possession or control any chicken, duck, turkey, goose or other domestic fowl to intentionally, knowingly, carelessly or negligently permit any such domestic fowl to run or be at large at any time within the corporate limits of the city. This excludes all non-domestic fowl, natural to the area that roost, light, swim or wander outside the control of any individual that could be deemed as housing such fowl.

Section 3-5. - Same—Confiscation and destruction.

- (a) 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 fowl found in violation of this article. Such officers or officials may, at their discretion:
- (1) Destroy such fowl at the location where they may be apprehended; or
 - (2) Impound such animals in a suitable place, private or public, to be selected by such officials, to be later destroyed at their convenience.

- (b) Should any such fowl enter the lands or premises of any person other than the owner or person having possession or control thereof, such person upon whose land or premises such fowl shall go, shall be and is hereby given the right to apprehend and hold such fowl for disposition by proper officials as indicated herein.

Sections 3-6—3-65. - Reserved.

ARTICLE IV. - DOGS

DIVISION 1. - GENERALLY

Section 4-1-1. - 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 from odor that would be considered a nuisance to neighboring property owners.
- (b) The number of dogs kept in all pens and other enclosed areas shall not be large enough to interfere with the quality of life of nearby property or to create a material annoyance, disturbance or discomfort to adjoining property owners. 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, if after a formal written complaint made by adjoining property owner and 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 the manner in which they are kept shall be such as to create a public or private nuisance. The verification of said nuisance shall be through issuance of formal written complaint, investigation and inspection, and proof of validity of complaint and ordinance violation.

Section 4-1-2. - 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. An owner's use of a leash or harness for the dog shall be prima facie evidence of said animal being under the individual's control.

Section 4-1-3. - Same—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.

Section 4-1-4. - Same—Impoundment, redemption or disposition of dogs.

- (a) If ANY dog (whether stray or deemed owned and running at large) 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, including but not limited to employees and authorized representatives of the Amory Humane Society, to be held and/or disposed of as herein provided.
- (b) If any such dog is so impounded, the same may be released to the owner thereof only if payment of fee is made within five (5) working days to the city or its designee, such as Amory Humane Society, such sums as may be designated from time to time by the mayor and board of aldermen 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.
- (c) In addition to, or in lieu, of impounding a dog found at large, any police officer of the city may issue to the person known to own or be in possession or control of such dog a citation for any violation of this article. Such citation issuance by city of Amory police officer shall result in individual presenting themselves before the Municipal Court of Amory, Mississippi. Also, in addition to, or in lieu, of impounding a dog found at large, the Amory Humane Society may file with the City of Amory Municipal Court an affidavit of violation of any article of this ordinance, after which a warrant may be issued against such alleged violator, and court date set for alleged violator's presence in municipal court. Upon conviction of such misdemeanor offense before city court, the individual shall be punished as determined by City of Amory Municipal Court Judge in accordance with any current City ordinances and/or Mississippi State Statute .
- (d) All fees and fines imposed pursuant to this section shall be paid by any violator before a dog impounded pursuant to this article may be released. In circumstances where no citation is issued and/or no presentation of violation is made before the Amory Municipal Court, if such fees as mentioned in paragraph (b) of this section are not paid within five (5) working days, then any such dog so impounded may be destroyed or otherwise disposed of. In circumstances that require disposition of an alleged violation before the City of Amory Municipal Court whether by citation, affidavit or otherwise, and a fine is ordered by said Court, if such fine is not paid within the time prescribed by the Court then any such dog so impounded may be destroyed or otherwise disposed of.

Sections 4-1-5 - 4-1-80. - Reserved.

DIVISION 2. - RABIES CONTROL

Section 4-2-1. - Rabies vaccination required; tags.

- (a) 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.
- (b) Every dog so vaccinated must bear a suitable metal tag approved by the state board of health which shall be attached 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 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.

Section 4-2-2. - 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.

Section 4-2-3. - 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.

Section 4-2-4. - Rabies quarantine proclamation authorized; effect.

Whenever the mayor and board of aldermen 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 at 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 board of aldermen 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.

Sections 4-2-5. - 4-2-60. - Reserved.

ARTICLE V. - DANGEROUS ANIMALS, WILD ANIMALS, AND OTHER

Section 5-1. - Definitions.

- (a) "Dangerous animal" is any animal or any dog or breed of animal that meets the following characteristics:
- i. Any animal or any dog or breed of animal which, without provocation, attempts to bite, inflict injury, assault, or otherwise attack a human being or a domestic animal; and/or
 - ii. Any animal or any dog or breed of animal which, without provocation, approaches any person or domestic animal in a threatening or terrorizing manner, upon any street, sidewalk, public grounds, or private property; and/or
 - iii. Any animal or any dog or breed of animal that is trained to attack, cause injury, intimidate, or otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking any person or domestic animal; and/or
 - iv. Any animal or any dog or breed of animal which demonstrates propensities for aggression or violent behavior toward any person or domestic animal; and/ or
 - v. Any animal or any dog or breed of animal that has been trained, tormented, badgered, abused, baited, or encouraged to engage in unprovoked attacks or aggressive behavior upon or toward any person or domestic animal; and/or
 - vi. Any animal or any dog or breed of animal that has killed another domestic animal, unless the animal killed was the initial aggressor; and/or
 - vii. Any animal or any dog or breed of animal which, without provocation, chases any person in a menacing fashion or apparent attitude of attack; and/or
 - viii. Any animal or any dog or breed of animal with a known propensity, tendency, or disposition to attack a person or domestic animal without provocation; and/or
 - ix. Any animal or any dog or breed of animal which is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; and/or
 - x. Any animal or any dog or breed of animal declared by the City of Amory Municipal Court to be a dangerous dog.
- (b) The Amory Humane Society is authorized to compile and maintain a list of such animals as may be determined to be regulated by this article. Any list so compiled must be shared with the Amory Police Department for preservation and recording of permits.
- (b) "Person" includes any natural person, association, partnership, organization or corporation.
- (c) "Own" or "keep" means to own, keep, harbor, control, manage, possess, maintain, or to have charge or custody of or provide care for.
- (f) "Owner" or "keeper" means any person who owns or keeps a "dangerous animal" or "dangerous dog".

Section 5-2. - General prohibition.

It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the City of Amory any dangerous animal, subject to those exceptions set out herein below.

Section 5-3. - General applicability.

- (a) 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 law or postal regulations of the United States or any political subdivision thereof or when he is on such property upon invitation, express or implied.
- (b) The provision of this section notwithstanding, no animal may be determined to be dangerous due to the fact that it:
 - (1) **Inflicts injury or damage on a person who is committing a willful trespass or 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;**
 - (2) Inflicts injury or damage on another domestic animal that is or was teasing, tormenting, abusing or assaulting the animal;
 - (3) Takes any action to defend or protect a human being within the immediate vicinity of the animal from an unjustified attack or assault.

Section 5-4. - Exceptions.

- (a) The owner of a dangerous dog, who has applied for and received a dangerous dog permit in accordance with this article, and who maintains the dangerous dog at all times in compliance with the dangerous dog requirements of this article and all other applicable requirements of this article, may keep a dangerous dog within the City of Amory.
- (b) The Amory Humane Society, the city's animal control officer(s), any police officer or other lawfully designated official or representative of the city may temporarily harbor and transport any dangerous animal for purposes of enforcing the provisions of this article.
- (c) Any humane society operating an animal shelter which is registered and licensed in the City of Amory may temporarily hold any dangerous dog that it has received or otherwise recovered, but only for so long as it takes to contact the Amory Humane Society, the city's animal control officer(s), any police officer, or other lawfully designated official or representative of the city and turned said dog over to such officer or receive permission to destroy or have said dog destroyed.
- (d) The Amory Humane Society may temporarily house a dangerous dog and offer for adoption a dangerous dog subject to all of the Amory Humane Society special adoption rules and in compliance with all ordinances within the adopter's city or county.
- (e) The keeping of a dangerous animal in a bonded, licensed veterinary hospital for treatment.
- (f) Any lawfully operated circus, carnival, performing act or similar functions and events of a temporary nature as may be authorized by the City of Amory.
- (g) Dogs assisting a law enforcement officer or military personnel engaged in official duties.
- (h) A person may temporarily transport into and hold in the City of Amory a dangerous dog only for the purposes of showing such dangerous dog in a place of public exhibition, contest or show sponsored by a dog association or similar association. However, the sponsor of the exhibition, contest or show must receive written permission from the city council, must obtain any other permits required by city ordinance, and must provide protective measures adequate to prevent dangerous dogs from escaping or injuring the public. The person who

transports and holds a dangerous dog for showing shall, at all times when said dog is being transported within the city, to and from the place of exhibition, contest or show, keep said dog confined in a secure temporary enclosure.

- (i) The owner of any dangerous dog which has been permitted pursuant to this article shall be allowed to keep such dog within the city only if the owner applies for and receives a dangerous dog permit. The owner may receive a permit from the Amory Humane Society that shall be approved by the Amory Police Chief. This form shall be maintained by the Amory Humane Society and City of Amory Police Department.
- (j) The owner of a dangerous dog may transport the animal for legitimate veterinary purposes, vacation purposes, or other legitimate travel. During transport such person must provide protective measures adequate to prevent such animals from escaping or injuring the public or other animals. The dog shall at all times be confined in a secure temporary enclosure such as a dog carrier or crate. The enclosure shall comply with all sanitary and humane conditions as otherwise stated in this Ordinance.

Section 5-5. - Licensing, registration, and permits.

- (a) An application for a one-time (unless transferred) dangerous dog permit pursuant to this article shall be made to the Amory Police Department for approval no later than thirty (30) days following the effective date of this ordinance, or thereafter within ten (10) days of any person first owning or keeping a dangerous dog. Applications shall be made on a form provided by the City of Amory Police Department. Application copies will be provided to the Amory Humane Society for record retention.
- (b) As a condition of issuance of a dangerous dog permit, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:
 - (1) The owner of the dangerous dog shall provide proof of rabies vaccination and shall pay the annual dangerous dog permit fee of seventy-five dollars (\$75.00).
 - (2) The dangerous dog permit for such dog is not transferable. A microchip or proof of microchip registration is required before issuance or renewal of a permit.
 - (3) The owner must be at least twenty-one (21) years of age.
 - (4) A dangerous dog cannot be taken onto the campus of a school.
 - (5) The Amory Humane Society and Amory Police Department shall maintain a file containing the permit numbers and names of the dangerous dogs and names and addresses of the owners. The owner shall notify the Amory Humane Society and Amory Police Department of any change of address.
 - (6) At all times when a dangerous dog is at the property of the owner, the owner shall keep said dog confined. At all times when a dangerous dog is away from the property of the owner, the owner shall keep the dog either leashed securely and muzzled or in a secure temporary enclosure.
 - (7) The owner shall not sell or otherwise transfer the dangerous dog to any person unless to a person who will then become the owner and will be subject to all of the provisions of this article. The transferor owner shall notify the City of Amory Police Department & Amory Humane Society within five (5) days of such transfer of ownership. The transferee owner shall obtain a new permit from the Amory Police Department within five (5) days of the transfer of ownership. Any owner shall notify the Amory Police

Department who shall then notify the Amory Humane Society if the dog dies or is transferred out of the City of Amory permanently.

Section 5-6. - Posting of premise.

- (a) All premises upon which a dangerous dog 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 not less than two (2) inches in height and a message sufficient to warn the general public of the presence of the dangerous dog. Such signs shall be placed at all locations where entry to the owner's property is common and expected and upon all enclosures within which dangerous dogs are confined, including residencies and other structures.
- (b) 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.
- (c) Notwithstanding the exceptions granted in this ordinance, the requirements of this section shall apply to all duly authorized and lawfully operated dealers in animals within the city and 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 dangerous dogs lawfully.

Section 5-7. - Leash and confinement.

- (a) The owning or keeping of a city registered dangerous dog is subject to the following requirements:
 - (1) **Leash.** No person shall permit a city registered dangerous dog to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than three (3) feet in length and having at a minimum tensile strength of three hundred (300) pounds. No person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless an adult person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings.
 - (2) **Muzzle.** No person shall permit a city registered dangerous dog to go outside its kennel or pen unless such animal is securely muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.
 - (3) **Confinement.** All city registered dangerous dogs shall be securely confined indoors or, if outdoors, in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. All structures must include a concrete floor with secure walls of either sealed and painted cinderblock or heavy gauge chain link fence. Structure size cannot be less than ten (10) feet by ten (10) feet in size with a wall height of at least six (6) feet. The structure must have a heavy gauge chain link on the ceiling. All structures used to confine a city registered dangerous dog must be locked with a key lock or combination lock when such animals are within the structure. All structures erected to house dangerous dogs must comply with all zoning and building regulations of the city. All such structures must be adequately ventilated, provide shading and cover in order to protect the animal from heat, rain, and other elements, and kept in a clean

and sanitary condition All confinement and enclosure areas must comply with all other articles and sections of this Ordinance.

- (4) *Confinement indoors.* No dangerous dog may be kept on a porch, patio or any part of a house or structure or any manner that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- (5) *Rabies tag.* All city registered dangerous dogs shall be required to wear an up-to-date rabies vaccination tag. The tag shall be visible on the dog when it is in a kennel or pen or on a leash.
- (6) *Microchip.* All city registered dangerous dogs will be required to have a microchip installed and registered with the Amory Humane Society and Amory Police Department.
- (7) *Injury.* For purposes of this section, injury shall be defined as any of the following: puncture wounds, lacerations, broken bones, bites resulting in blood loss, or other similar injury.
- (8) *Reporting requirements.* All owners or keepers of city registered dangerous dogs must within ten (10) days of any of the following incidents report in writing to the Amory Humane Society and Amory Police Department as required herein:
 - a. The removal from the city or the death of a city registered dangerous dog.
 - b. The move of a permit owner or keeper of a city registered dangerous dog to a new location within the city limits. In such case, the new address of the city registered dangerous dog and that of the owner or keeper shall also be reported to the Amory Humane Society and Amory Police Department.
 - c. No dangerous dog may be walked upon school property or within five hundred (500) feet of a school.

Section 5-8. - Determination of status, impoundment, redemption or disposition of dangerous dogs.

- (a) Any police officer, animal control officer, employee or authorized representative of the Amory Humane Society, or 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 dogs or for the performance of other duties in the enforcement of this article. Any police officer, animal control officer, employee or authorized representative of the Amory Humane Society 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.
- (b) Should any police officer, animal control officer, employee or authorized individual of the Amory Humane Society 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 other official may immediately seize and impound the animal, pending an investigation as described in this section.

- (c) Any police officer, animal control officer, employee or authorized individual of the Amory Humane Society 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.
- (d) 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, animal control officer, employee or authorized individual of the Amory Humane Society or other designated official of the city, to be held and disposed of as provided in this section.
- (e) If such animal was so impounded, the animal may be released to the owner thereof only if payment is made within five (5) working days to the city or its designee, including but not limited to Amory Humane Society, of such sums as may be designated from time to time by the mayor and board of aldermen 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.
- (f) In addition to or in lieu of impounding an animal found in violation of this article, any police officer, of the city may issue to the person known to own or be in possession or control of such animal a citation for any violations of this article. Such citation issuance by city of Amory police officer shall result in individual presenting themselves before the Municipal Court of Amory, Mississippi. Also, in addition to, or in lieu, of impounding a dog found to be in violation of this article, the Amory Humane Society may file with the City of Amory Municipal Court an affidavit of violation of this article, after which a warrant may be issued against such alleged violator, and court date set for alleged violator's presence in municipal court.
- (g) 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 may be released. If such fees are not paid within five (5) working days, then any such animal so impounded may be destroyed or otherwise disposed of. If any fines imposed by the City of Amory municipal court are not paid within the time prescribed by the court's order, then any such animal so impounded may be destroyed or otherwise disposed of.

Section 5-9. - Killing of dangerous animals.

When any dangerous animal, in the judgment of any police officer, animal control 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.

When an animal is determined to be a vicious animal or feral dog by the Chief of Police, that animal may be destroyed by the City of Amory or its designee provided each of the following requirements is met:

- (a) The animal is found to be running at large.
- (b) All attempts to peacefully capture the animal could reasonably result in injury to any person or the animal cannot reasonably be captured.
- (c) The owner cannot control the animal.

Prior to the destruction of any animal, the Chief of Police shall make all reasonable attempts to ascertain the owner of the animal.

Section 5-10. - Appeals.

- (a) Any person aggrieved by any of the following decisions, rulings, actions, or findings set out herein may, within ten (10) days thereafter, file a written notice of appeal from said decision, ruling, action or finding to the Amory Municipal Court for an administrative hearing thereon:
 - (1) The determination that a dog is a dangerous dog;
 - (2) The denial of a permit; or
 - (3) The replication of a permit.
- (b) An administrative fee of fifty dollars (\$50.00) shall be paid to the municipal court clerk for each appeal to the municipal court. No appeal shall be set for hearing until such fee has been paid.
- (c) The filing of an appeal under this subsection shall not stay any action pursuant to this article.
- (d) The hearing of the appeal shall be conducted by the Judge of the Amory Municipal Court who shall act as an administrative judge for purposes of this article. The sole issue for determination shall be whether the decisions, rulings, actions or findings of the Amory Police Department with assistance from the Amory Humane Society and/or the city were supported by substantial evidence and not arbitrary or capricious in nature.
- (e) The Amory Municipal Court is empowered to hold hearings, subpoena witnesses, take testimony, and require the production of any evidence relating to the matter being heard. In the case of the refusal of any person to comply with a subpoena issued hereunder or to testify in any manner regarding which he or she may be lawfully questioned, the Amory Municipal Court may order such person to comply with such subpoena and testify.
- (f) Any aggrieved party may appeal the decision and findings of the Amory Municipal Court pursuant to law. However, the filing of such appeal under this subsection shall not stay any action pursuant to this article.

Section 5-11. - Additional remedies for violations.

- (a) In addition to the penalties for violation of this ordinance, 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 required enclosure of the owner or person in possession or control or whether on or off the property the owner, whether or not such animal is leashed or muzzled, and whether or not such animal escaped without 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 a rebuttable presumption as a matter of law that the owner, in 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 the dangerous animal knew that the animal possessed the propensity to cause such damage or that the animal had a dangerous nature.

- (b) Nothing in this chapter shall be construed so as to restrict any other remedies of law available to persons aggrieved by an attack of a vicious animal, nor so as to prohibit criminal prosecution of persons owning or in possession of such animal as may be allowed by law.

Section 5-12. - Wild Animals

- (a) For Display or Exhibition. No person shall keep or permit to be kept on his premises, or in any roadside zoo or pet store, any wild animal for display or for exhibition purposes, whether gratuitously or for a fee.
- (b) As Pets. No person shall keep or permit to be kept any wild animal as a pet.
- (c) Exceptions. The provisions of this Section shall not apply to:
 - i. Any duly authorized and lawfully operating dealers in within the City;
 - or
 - ii. 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 a zoo, museum, or similar places where such animals are kept as live exhibits or for study.

Section 5-13. - Procedure on Retention, Observation, and Disposition of Animals which have bitten any persons or other animals, or those suspected to have disease.

(a) The Chief of Police, or his designee, shall investigate all cases in which animals have bitten persons or other animals and shall make a reasonable attempt to immediately notify the owner of such animal which has bitten any person or animal to arrange for the animal to be retained by the Amory Humane Society at the cost of the owner or in a commercially run kennel or pound for a period of not less than ten (10) days after the biting of such person or other animal, during which period it shall be determined by a licensed veterinarian whether or not such animal is suffering from any disease or condition transmissible from animal to man. A veterinarian is to signify to the Chief of Police that it may be released to the owner or, if applicable that the animal is suffering from any such disease. The costs of such impoundment and examination shall be charged to the owner and paid prior to release of the animal if the release of the animal is approved by the Chief of Police. If the owner of such animal cannot reasonably be identified, then the Chief of Police may restrict or dispose of any such animal in any manner as allowed by this ordinance or by law. Every attempt shall be made to find the owner via telephone, social media, mail, visits to residence, etc.

Alternatively, after notice as required by the terms of this ordinance, or after reasonable attempts at notice in the event the Owner of an animal cannot be located, the Chief of Police may authorize the elimination and humane destruction of an animal or place such restrictions upon any such animal as allowable by Article V of this ordinance.

Sections 5-14 - 5-120. - Reserved.

ARTICLE VI. - CATS

Section 6-1. - Rabies vaccination; tags for cats.

- (a) 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.
- (b) 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.

Section 6-2. - Nuisances.

It shall be unlawful for any person to own, or allow to be in or upon any premises occupied by him or under his charge or control, any cat 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.

Section 6-3. - Impoundment, redemption or disposition of cats in violation.

- (a) If **ANY** cat (whether stray or deemed owned and running at large) 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 cat may be apprehended and impounded by any police officer or other designated official of the city, including but not limited to employees and authorized representatives of the Amory Humane Society, to be held and/or disposed of as herein provided.
- (b) If any such cat is so impounded, the same may be released to the owner thereof only if payment of fee is made within five (5) working days to the city or its designee, such as Amory Humane Society, such sums as may be designated from time to time by the mayor and board of aldermen 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.
- (c) In addition to, or in lieu, of impounding a cat found at large, any police officer of the city may issue to the person known to own or be in possession or control of such cat a citation for any violation of this article. Such citation issuance by city of Amory police officer shall result in individual presenting themselves before the Municipal Court of Amory, Mississippi. Also, in addition to, or in lieu, of impounding a cat found at large, the Amory Humane Society may file with the City of Amory Municipal Court an affidavit of violation of any article of this ordinance, after which a warrant may be issued against such alleged violator, and court date set for alleged violator's presence in municipal court. Upon

conviction of such misdemeanor offense before city court, the individual shall be punished as determined by City of Amory Municipal Court Judge in accordance with any current City ordinances and/or Mississippi State Statute .

- (d) All fees and fines imposed pursuant to this section shall be paid by any violator before a cat impounded pursuant to this article may be released. In circumstances where no citation is issued and/or no presentation of violation is made before the Amory Municipal Court, if such fees as mentioned in paragraph (b) of this section are not paid within five (5) working days, then any such cat so impounded may be destroyed or otherwise disposed of. In circumstances that require disposition of an alleged violation before the City of Amory Municipal Court whether by citation, affidavit or otherwise, and a fine is ordered by said Court, if such fine is not paid within the time prescribed by the Court then any such cat so impounded may be destroyed or otherwise disposed of.

Section 6-4. - Maintenance of pens and yards.

- (a) All pens and other enclosed areas within which cats may be enclosed shall be kept in a clean and sanitary manner and free from odor.
- (b) The number of cats kept in all pens and other enclosed areas shall not be large enough to interfere with the proper enjoyment of nearby property or to create a material annoyance, disturbance or discomfort to adjoining property owners. Any cat or cats, regardless of number or size, which, due to excessive noise, 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 cats nor the manner in which they are kept shall be such as to create a public or private nuisance.

ARTICLE VII. - MISCELLANEOUS

Section 7-1 - Penalties for Violation.

Any person who violates any of the provisions of this ordinance, other than the provisions concerning dangerous animals, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than \$100.00 and not more than \$1,000.00, or imprisonment not exceeding ninety (90) days, or both.

Any person who violates any of the provisions of this ordinance concerning dangerous animals shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00, or imprisonment not exceeding ninety (90) days, or both. In addition, the municipal court shall order the revocation of any permit of the dangerous animal and shall order the removal of the dangerous animal from the city. Should the person refuse to remove the dangerous animal from the city, the court may find the person in contempt and order the immediate impoundment of the dangerous animal or continued impoundment if said animal is already in impoundment, as well as destruction of the dangerous animal. Each day that a violation of this article continues shall be deemed a separate offense. In addition to the foregoing penalties, the person violating the provisions of this ordinance concerning dangerous animals shall pay all expenses, including shelter, food, handling, veterinary care, witness fees and expenses necessitated by the enforcement of this ordinance. The minimum daily expense shall be no less than twenty-five dollars (\$25.00).

Section 7-2 - Repealer.

Except as expressly provided herein, all provisions of prior Ordinances of the City in conflict with the provisions of this Ordinance shall be and the same are hereby repealed. All other provisions of prior Ordinances of the City which are not in conflict with the provisions of this Ordinance shall remain in full force and effect. Specifically excepted from this repealer clause is Ordinance 1635 which shall remain in full force and effect.

Section 7-3 - Severability.

Should any sentence, paragraph, subdivision, clause, phrase, section or other portion of this ordinance be adjudged or held to be unconstitutional, illegal, unlawful or invalid for any reason, such portion shall not affect the validity of the remainder of his Ordinance which shall remain in full force and effect.

Section 7-4 - Effective Date.

This Ordinance shall be in full force and take effect one month after its passage.

Section 7-5 - Publication.

The City Clerk shall cause this Ordinance to be published in a local newspaper with a general circulation as required by law.

After a full discussion of this matter, Alderman John Darden moved that the foregoing Ordinance be adopted, and said motion was seconded by Alderman Glen Bingham, and upon the question being put to a vote, the results were as follows:

Alderman Buddy Carlisle	voting YES
Alderman John Darden	voting YES
Aldermen Tony Poss	voting YES
Alderman Glen Bingham	voting YES
Alderman Joe McGonagill	voting YES

The motion having received the affirmative vote of a majority of the Aldermen present, the Mayor declared the motion carried and the Ordinance adopted.

WHEREUPON, the foregoing Ordinance was declared, passed and adopted at a regular meeting of the Mayor and Board of Aldermen on this the 3rd day of October, 2017.

CITY OF AMORY, MISSISSIPPI

BRAD J. BLALOCK, MAYOR

ATTEST:

JAMIE E. MORGAN, CITY CLERK