

**AN ORDINANCE OF THE MAYOR AND
BOARD OF ALDERMAN OF THE CITY OF AMORY
ADDRESSING ANIMALS UPON CERTAIN PREMISES
WITHIN THE CITY DURING THE AMORY RAILROAD FESTIVAL**

ORDINANCE NO. 1635

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

WHEREAS, Section 21-19-1 provides that the municipal governing authorities of any municipality shall have the power to make regulations to secure the general health of the municipality;

WHEREAS, the Mayor and the Board of Aldermen of the City of Amory, have determined that it is necessary to place certain restrictions on the keeping of animals in the City of Amory, Mississippi, during the Amory Railroad Festival for the preservation of the public health, safety and welfare; and

WHEREAS, the Amory Railroad Festival is an annual event that takes place within the City of Amory which draws citizens and visitors alike to the City of Amory; and

WHEREAS, the City of Amory leases certain municipal property to the Amory Railroad Festival, Inc. upon which certain festival events and festivities take place; and

WHEREAS, the Mayor and Board of Alderman have noticed at prior festivals that certain persons are bringing certain animals upon the above premises and that such animals are brought into close proximity with residents and visitors including adults and children.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF AMORY, MISSISSIPPI, as follows:

SECTION 1. Definitions.

The following words, whenever used in this Ordinance shall have the meaning ascribed to them in this Section unless a different meaning clearly appears from the context:

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

B. "Owner" shall mean any person or persons owning, possessing, keeping, or harboring any animal or a person having control over any animal.

C. "Animal" shall mean any animal, of any age, whether domesticated, wild, or otherwise, except as specifically exempted herein.

D. "Premises" shall mean the municipal real property leased each year from the City of Amory to the Amory Railroad Festival, Inc.

SECTION 2. Control or Protection of Animals in General.

~~It shall be unlawful for any person or owner to possess, bring, place, keep or locate any~~ animal upon the premises as defined herein during the Amory Railroad Festival from the commencement of the festival until the termination of the festival as set out in that certain lease entered into each year by and between the City of Amory of the Amory Railroad Festival, Inc.

SECTION 3. Persons in violation and Animals.

A. The Chief of Police of the City of Amory and all officers under his command are hereby authorized to require all persons violating the terms of this ordinance to leave the premises and to remove any and all animals located upon the premises during the Amory Railroad Festival.

B. In the event a person returns to the premises with an animal after previously being required to leave the premises, then each such occurrence shall be treated as a separate offense.

SECTION 4. Exemptions. The following shall be exempt from this ordinance:

(1) Service dogs: For example, a sightless person who has the charge or control of a guide dog or a Police Dog in the performance of law enforcement duties shall be exempt from the provisions of this ordinance.

(2) Pony rides authorized by the Amory Railroad Festival, Inc.

(3) Petting Zoo authorized by the Amory Railroad Festival, Inc.

(4) Puppies or kittens under the age of 6 months held for sale as authorized by the Amory Railroad Festival, Inc.

(5) Such other animal or animals as authorized by the Amory Chief of Police.

SECTION 5. Penalties.

Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as follows:

A. Upon the first conviction of a violation of any of the provisions of this Ordinance, by a fine of not less than \$25.00 and not more than \$1000.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

B. Upon a second or subsequent conviction of a violation of any of the provisions of this Ordinance, by a fine of not less than \$50.00 and not more than \$1,000.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

SECTION 6. Severability.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7. Repeal of Conflicting Ordinances.

All parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect during the limited time in which this ordinance applies.

SECTION 8. Effective Date: As allowable by Section 21-13-11, MCA, this ordinance shall take effect from and after its passage by unanimous vote. This is necessary for the immediate preservation of the public peace, health and safety during the Amory Railroad Festival. The festival will bring large numbers of residents and visitors to the city in close proximity to one another and the presence of animals upon the premises would place the safety and health of such persons at risk.

SO ORDAINED, this the 3rd day of April, 2007.

Said Ordinance having previously been reduced to writing, a motion was made by Alderman Tony Poss and seconded by Alderman Peggie Wilkerson to adopt the Ordinance, and no request having been made by any member of the Mayor and Board of Aldermen that said Ordinance be read by the Clerk before a vote was

taken, said Ordinance was adopted by the unanimous vote of the Board of Aldermen, the results being as follows:

Alderman Dan Rogers Absent not Voting

Alderman John E. Darden Voting Yea

Alderman Tony Poss Voting Yea

Alderman Peggie Wilkerson Voting Yea

The motion having received the affirmative vote of all members of the Board of Aldermen present, the Vice Mayor, Glen Bingham declared the motion so carried and this Ordinance unanimously adopted, this the 3rd day of April, 2007.

Glen Bingham
GLEN BINGHAM, VICE MAYOR

ATTEST:

Suzanne C. Mobley
SUZANNE C. MOBLEY, CITY CLERK