

ORDINANCE NO. 1578

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF AMORY PROVIDING FOR THE VACCINATION AGAINST RABIES OF ALL DOGS OR OTHER ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF AMORY, MISSISSIPPI; PROHIBITING DOGS OR OTHER ANIMALS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF AMORY MISSISSIPPI; ADDRESSING FOR DOGS AND ANIMALS WHO BITE OR ATTACK A PERSON WITHIN THE CORPORATE LIMITS OF THE CITY OF AMORY, MISSISSIPPI; AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF DOGS OR OTHER ANIMALS UNDER CERTAIN CONDITIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING PREVIOUS ORDINANCE NO. 1444 OF THE CITY OF AMORY, MISSISSIPPI, AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

Section 21-19-9 M.C.A. provides specific authority for municipalities to prevent and regulate the running at large of animals of all kinds and the Mayor and Board of Alderman of the City of Amory consistent with said section for purposes of this ordinance adopt the following regulations and provisions:

Section 1. That for the purpose of this ordinance, the following definitions shall apply:

- (a) "Dog" shall include both male and female sex of any and all species of dog or canine.
- (b) "Other animal" shall include both male and female cats, monkeys, or other animals wild or domestic kept by the owner as a pet or as a caged animal.
- (c) "Owner" shall mean any person owning, keeping or harboring a dog or other animal.
- (d) "At large" shall mean off the owner's property and not under the owner's actual physical control or that of his immediate family.

Section 2. Every person in the City of Amory, Mississippi who owns or has in his possession or who keeps or harbors any dog or other animal within the corporate limits of the said City shall have and keep such dog or other animal inoculated (vaccinated) against rabies, as provided by the rules and regulations prescribed by the Mississippi State Board of Health and the

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State of Mississippi, and it shall be unlawful for any person to own, possess, keep or harbor any dog or other animal within the corporate limits of said City unless such dog or other animal has been so inoculated against rabies. Such dog or other animal shall bear a suitable metal tag approved by the Mississippi State Board of Health or the State of Mississippi which must be attached to the collar or harness of such dog or other animal. The tag shall have stamped thereon the serial number of vaccination and the year in which said dog was vaccinated. If any such dog or other animal should be without such tag at any time such action shall be prima facie evidence that the owner has failed to have such dog or other animal vaccinated as provided by law and such action shall be a violation of this ordinance.

Section 3. No dog or other animal shall be allowed to run at large (as defined in Section 1d), and it shall be unlawful for any person who shall own, keep or harbor any dog or other animal, to allow or permit such dog or other animal to run or to be at large at any time within the corporate limits of the City of Amory.

Section 4. No female dog in heat shall be permitted to run loose at any time, and it shall be a violation of this ordinance for the owner of any female dog or other animal in heat to cause or permit such dog or other animal to be at large at any time within the corporate limits of the City of Amory. Every female dog or other animal in heat shall be confined in a building or secure enclosure in such manner that such female animal cannot come in contact with another animal except for planned breeding.

Section 5. If any dog or other animal suffering with rabies or reasonably suspected of suffering with rabies, is caused or permitted to run loose within the corporate limits of the City of Amory, Mississippi, such dog or other animal may be killed by any Amory Humane Society officer, any police officer, or other designated authority, without such officer being required to

catch or impound such dog or other animal. If any such dog or other animal within the City of Amory, Mississippi can be caught or impounded safely then such dog or other animal shall be safely confined and in all respects dealt with in accordance with the directions of the County Health Officer. The provisions of this section shall be effective for the entire corporate limits of the City of Amory and shall not be limited to animals running at large.

Section 6. If any dangerous dog or other animal, or any dog or other animal having dangerous propensities or tendencies as herein defined, is found to run loose, then such dog may be killed by any Amory Humane Society officer, police officer, or other designated authority without such officer being required to catch and impound such dog. If a dog or other animal bites, attempts to bite, or attacks any person, then such dog or other animal shall be conclusively presumed to be a dangerous animal and an animal of dangerous propensities and tendencies. The provisions of this section shall be effective for the entire corporate limits of the City of Amory and shall not be limited to animals running at large.

Section 7. In addition to the provisions above, any dog or other animal which is caused or permitted to bite, attempt to bite, or attack any person of any age may be killed by any Amory Humane Society officer, any police officer, or any other designated authority if the dog or other animal cannot be caught or impounded in a manner that is safe for the officer or any other person. In the event the dog or other animal can be caught or impounded safely, then the dog shall be impounded as provided for below. The provisions of this section for dogs or other animals which bite, attempt to bite, or attack persons shall be effective for the entire corporate limits of the City of Amory and shall not be limited to animals running at large.

Section 8. Except as provided above, any dog or other animal that is at large, bites, attempts to bite, or attacks a person within the corporate limits of the City of Amory, Mississippi,

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in violation of the foregoing sections of this ordinance, shall be caught and impounded by any Humane Society officer, any police officer, or any other designated authority of the City of Amory. At such time of impounding a registry shall be made of the dog or other animal showing the description, breed, color, sex, etc. of the dog or other animal impounded.

Section 9. As provided by Section 41-53-11 M.C.A.; Each dog or other animal found at large, that bites, attempts to bite, or attacks a person shall be caught and impounded, and held at the City pound or other designated place of confinement for a minimum of five (5) days. The owner of any dog or other animal so impounded may reclaim such dog or other animal upon having such animal vaccinated for rabies if such animal has not been vaccinated as provided in Section 2 of this ordinance. Such owner shall be subject to a fine as provided by Section 13 of this ordinance and shall be liable for payment of the following costs and charges to the City of Amory for impounding, care, and maintenance of such dog or other animal:

- (a) fee for catching or otherwise apprehending dog or other animal--\$25.00;
- (b) fee for each day or portion of day dog or other animal is impounded--\$5.00;
- (c) costs of medical treatment for the victim of any bite or attack.

Section 10. If a dog or other animal has not been claimed within five (5) days after impoundment, such dog or other animal may be disposed of by execution in any humane manner, or by sale upon a buyer meeting the vaccination requirements and paying the fees previously set out in this ordinance. Disposition shall be in the discretion of the Amory Humane Society officer or other designated authority.

Section 11. It shall be the duty and responsibility of the Amory Humane Society or other designated authority to enforce the provisions of this ordinance, and any and all police officers and other employees of the City are fully authorized and empowered to enforce any and all of the

provisions hereof.

Section 12. Previous Ordinance No. 1444 of the City of Amory, Mississippi, and all other ordinances in conflict herewith, are hereby specifically repealed.

Section 13. The failure or refusal of any person to comply with any of the provisions of this ordinance, and the violation of any provision of this ordinance by any person shall constitute a misdemeanor. Any person guilty of violation of any provision of this ordinance shall, upon conviction thereof, be subject to a fine of up to \$1,000 or imprisonment for ninety days or both as allowable by Section 21-13-1 M.C.A.

Section 14. The appropriate city officer or authority shall have a right of entry onto any dog or other animal owner's property for purposes of enforcing this ordinance.

Sections 15. This ordinance has been considered section by section, provision by provision, and as a whole, and if any section or provision hereof should be unconstitutional or invalid for any reason, the remaining provisions and sections hereof shall be valid, it being hereby declared that all constitutional and valid provisions hereof would have been enacted after the exclusion of any section or provision which might be found to be unconstitutional or invalid.

Section 16. This ordinance shall take effect and be in force as provided by law.

The above and foregoing ordinance being first reduced to writing, was read, considered and adopted, first section by section, and then as a whole.

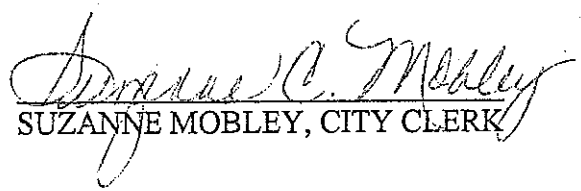
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THEREUPON, upon motion duly made by Alderman Farden, seconded by Alderman French, to adopt the foregoing ordinance, and the ordinance was adopted by unanimous vote.

THEREUPON, the Mayor declared said ordinance approved, passed, and adopted on this the 20th day of August, 2002.


THOMAS GRIFFITH, MAYOR

ATTEST:


SUZANNE MOBLEY, CITY CLERK