

## ARTICLE II. ANIMAL CONTROL

### Sec. 14-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal control officer* means the person designated by the city to represent and act for the city in the impoundment of animals, controlling of animals running at large and as otherwise required in this article.

*At large.* Any dog, cat, fowl or other animal shall be deemed to be at large when not on a leash, behind a fence or enclosure, or under the control of a competent person.

*Feral dog* means a dog that has escaped from domestication and has become wild, dangerous, or untamed.

*Health officer* means a licensed physician or veterinarian appointed by the mayor and board of aldermen to have charge and control of the work of protecting and preserving the public health.

*Inhumane treatment* means 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, or poisoning or other abnormal treatments as may be determined by:

- (1) The health officer; or
- (2) An authorized law enforcement officer.

*Large canine breeds* means dogs equivalent to or greater than an average size cocker spaniel -- 30 pounds.

*Livestock* means all domesticated animals, including but not limited to, horses, cows, mules, goats, sheep and pigs.

*Owner* means any person, firm or corporation owning, keeping, or harboring any animal or fowl.

*Vaccination* means an injection of state board of health approved rabies vaccine administered every 12 calendar months by a licensed veterinarian or other competent person granted a permit to administer vaccine by the state board of health.

*Vicious animal* means any animal or animals that constitute a physical threat to human beings or to other animals.

*Wild animals* means all undomesticated animals, including, but not limited to, lions, tigers, bears, wolves, apes, monkeys foxes, baboons, skunks, raccoons, opossums and squirrels.

(Ord. of 2-4-2003, § 1-1)

**Cross references:** Definitions generally, § 1-2.

**State law references:** Definitions, MCA 1972, §§ 49-8-3, 75-45-153; veterinarians, MCA 1972, § 73-39-1 et seq.

**Sec. 14-32. Control and protection of animals in general.**

- (a) It shall be unlawful for any person to:
- (1) Permit any animal to run at large within the corporate limits of the city;
  - (2) Carry out any inhumane treatment against any animal;
  - (3) Interfere with or molest a dog used by the police department of the city in the performance of the function or duties of such department;
  - (4) Keep or harbor more than four domesticated animals of the same species over the age of six months in any residential area within the corporate limits of the city or keep more than two of which are large canine breeds (guide dogs, hearing ear dogs or other animals trained to assist physically disable persons do not count in this number);
  - (5) Keep or harbor any animal which by loud, frequent, or habitual barking, howling, yelping, or other noise or action disturbs any person or neighborhood within the corporate limits of the city;
  - (6) Keep or maintain on their premises any pen, enclosure, etc. for keeping of animals or fowl so as to become a public nuisance to persons residing in the vicinity thereof, nor shall they be maintained or kept in any manner as to cause bodily injury to any person residing in the vicinity of the pen, enclosure, etc.;
  - (7) Keep or harbor any animal or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to persons residing in the vicinity thereof;
  - (8) Fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
  - (9) Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to such animal; in the event the owner of such vehicle is not available and cannot be found or refuses to prevent such harm or reasonably potential harm from continuing, the animal control officer or the police department shall be authorized to remove such animal from such vehicle and utilize any reasonable method to effect the removal;
  - (10) Expose any known poisonous substance, whether mixed with food or not in such a manner as to be ingested by any animal to purposely harm such animal;
  - (11) Hobble, tether, tie, stake or otherwise confine an animal in the front yard of any residence or business. This subsection does not apply to an animal on a leash or other restraint under the control of its owner. Maintaining an animal in a front yard through means of an electric fence shall not be a violation of this article for all electric fences in existence and operation on February 4, 2003.
- (b) The duly sworn and authorized animal control officers or police officers of the city may

seize or cause to have seized any animal whose owner is found to be in apparent violation of any part of subsection (a) of this section and impound or cause to have impounded such animal in a designated shelter. Such animal shall be held for period not to exceed five days, and if reasonable corrections are not made by the owner of the animal so that the owner will not be in further violation of subsection (a) of this section if such animal is returned to the owner, the animal shall be released to the Mississippi Animal Rescue League or similar organization. The animal control officer shall notify the owner of the apparent violation of subsection (a) of this section during such five-day period.

(Ord. of 2-4-2003, § 1-2)

**Sec. 14-33. Vaccination of dogs and cats required; issuance of certificate and metal tag.**

- (a) On or before August 1 of each year every owner or keeper of a dog or cat three months or older in the city shall cause such dog or cat to be vaccinated against rabies by a veterinarian licensed to practice in the state or other competent person granted a permit to administer vaccine by the state board of health.
- (b) Evidence of vaccination shall consist of a metal tag and certificate issued and signed by the person administering the vaccination and containing pertinent data for identification of the dog or cat which data must consist of the owner's name, address and telephone number. The metal tag must be worn at all times by the dog or cat.

(Ord. of 2-4-2003, § 1-3)

**Sec. 14-34. Keeping of livestock.**

- (a) No person shall keep livestock closer than 150 feet to any property line adjoining that on which the livestock is kept; provided that each animal defined as livestock in this article shall be kept on a lot or tract of three acres or greater.
- (b) At the request of the animal control officer each livestock owner shall notify the animal control officer of type, number and location of any and all livestock kept within the corporate limits. Such owner shall further furnish his name, address, and telephone number to the animal control authority and to the police department at the request of either.

(Ord. of 2-4-2003, § 1-4)

**Sec. 14-35. Keeping fowl regulated.**

- (a) No person shall keep more than two fowl such as chickens, ducks, turkeys, geese, pigeons or guineas, except when 150 feet from any property line adjoining that on which the fowl are kept, or except by special permit issued by the city or designated agency of the city.
- (b) It shall be unlawful for the owner of such fowl to allow such fowl to roam outside the property of such owner, except carrier pigeons on training or racing flights.

(Ord. of 2-4-2003, § 1-5)

**Sec. 14-36. Ferocious, vicious or dangerous animals prohibited.**

It shall be unlawful for any person to keep or maintain within the city any vicious, ferocious or dangerous animal or fowl. Any such animal or fowl may be impounded or destroyed.

(Ord. of 2-4-2003, § 1-6)

**Sec. 14-37. Keeping wild animals and reptiles prohibited.**

- (a) No person shall keep any wild animal or reptile within the corporate limits of the city.
- (b) No person shall keep or cause to be kept on his premises or in any roadside zoo or pet store, any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.
- (c) The animal control officer is hereby granted the authority to seize any wild animal or reptile kept in violation of this section, federal law, or state statutes, upon conviction of the owner for such offenses, and, if seized, shall deliver such wild animal or reptile to the state department of wildlife, fisheries and parks or equivalent state agency. In his discretion, the animal control officer may grant the owner of such animal 24 hours to remove them from the boundaries of the city to a lawful place if the public safety and welfare will not be jeopardized thereby.

(Ord. of 2-4-2003, § 1-7)

**Sec. 14-38. Performing animals exhibits or circuses; regulations.**

- (a) No performing animal exhibit or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which is likely to cause physical suffering or injury to the animals.
- (b) All equipment used on or by a performing animal shall fit properly and be in good working condition.
- (c) The owners, managers, and caretakers of animals used as performing animals shall provide them with good and sufficient food and water, and shelter from extremes of weather, and shall at no time hobble, tether, tie or stake them alongside city streets, state highways, public right-of-way, or any thoroughfare within the corporate limits of the city.
- (d) The animal control officer is hereby authorized to inspect the conditions and premises of such operations at any time to determine compliance with this section.

(Ord. of 2-4-2003, § 1-8)

**Sec. 14-39. Pet shops, aviaries, kennels; investigation of complaints.**

The animal control officer of the city is hereby authorized at any reasonable time upon written request or demand of any citizen of the city to inspect any store or business which buys, sells, gives away, or trades live animals, birds, or operates kennels.

(Ord. of 2-4-2003, § 1-9)

**Sec. 14-40. Impoundment and recovery of animals.**

Any dog, animal or fowl caught, picked up or impounded by the animal control officer or any police officer of the city shall be forthwith turned over to the Mississippi Animal Rescue League or similar organization. Any impounded animal may be reclaimed within five days of impoundment upon the payment of all impoundment fees and upon showing proof of current vaccination.

(Ord. of 2-4-2003, § 1-10)

**Sec. 14-41. Procedure for retention, observation and disposition of animals which have bitten persons or other animals, or those suspected of having disease.**

- (a) The animal control officer, in the course of his duties shall investigate in cases in which animals have bitten persons or other animals and shall immediately notify the owner of such animal which has bitten any person or animal to surrender the animal to the animal control officer immediately or otherwise arrange for the animal control officer to pick up and retain such animal in a separate kennel at the designated animal shelter for a period of not less than ten days after the biting of such person or other animal, during which period it shall be determined by the city health official or other designated official whether or not such animal is suffering from any disease. If no disease is found, the city health official or the designated official shall signify to the animal control officer that such animal may be released to the owner; provided further, that the animal control officer may authorize keeping of any such animal on the owner's premises provided that the owner produces a certificate of rabies vaccination showing that the animal has been vaccinated for rabies not longer than 12 months previous thereto or other vaccination period recognized by the United States Department of Agriculture and provided further, that the animal control officer may authorize the owner of any such animal to be retained for a period of not less than ten days after biting such person or animal in quarters supervised by a veterinarian; provided further, that the city health officer, or other designated official may authorize the keeping of certain animals confined on the owner's premises because of veterinary reasons, such as small rodents, monkeys or other animals difficult to maintain or susceptible to diseases which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the city health officer or other designated official.
- (b) Any animal suspected of having disease shall be subject to the impoundment and observation provision set out in subsection (a) of this section.
- (c) Any animal found to be infected with rabies shall be forthwith destroyed by the animal control officer, an officer of the police department, or by other designated officer.

(Ord. of 2-4-2003, § 1-11)

**Sec. 14-42. Authorization for quarantine.**

If a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the city health officer or other designated official is hereby authorized and it shall be their duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the dog or cat or confine it as provided in this article for such time as may be specified in quarantine proclamation. Under the publication of such proclamation by the health officer or other designated official, the person keeping or harboring any dog, cat or other animal shall follow the procedures as prescribed in this article, except that any such animal under the control of an adult person on a leash or under control by voice command may do so only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the city health officer in a quarantine proclamation, without being properly confined or muzzled if under the control of an adult person, may be destroyed by any officer of the city if such officer is unable, with reasonable effort, to apprehend the animal for impoundment.

(Ord. of 2-4-2003, § 1-12)

**Sec. 14-43. Animal control officers--Training and certification.**

Animal control officers shall be required to be familiar with the city ordinances pertaining to animals and fowl, and applicable federal and state statutes pertaining to animal and fowl.

(Ord. of 2-4-2003, § 1-13)

**Sec. 14-44. Same--Police powers and enforcement responsibility.**

- (a) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provisions of this article, including without limitation, humane wire box traps; and the animal control officer may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.
- (b) Any animal control officer appointed by the city shall be vested with police powers and shall be authorized to issue tickets, summons or other process in the same manner as other police officers of the city.

(Ord. of 2-4-2003, § 1-14)

**Sec. 14-45. Reporting vehicle accident involving animal.**

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the police department and/or the animal control officer or to the local humane society within a reasonable time.

(Ord. of 2-4-2003, § 1-15)

**Sec. 14-46. Vicious or diseased animals.**

- (a) *Vicious animals or feral dogs.* When an animal is determined by the animal control officer to be a vicious animal or a feral dog, that animal may be destroyed by the animal control officer or his designee providing each of the following requirements is met:

- (1) The animal is running at large;

- (2) There is no vaccination tag around the animal's neck;
  - (3) Attempts to peacefully capture the animal have been made and proved unsuccessful.
- (b) *Incurably injured or diseased animals, etc.* It shall be the duty of the police and duly authorized animal control officer to discharge a firearm in order to mercifully end the life of an animal suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard, including but not limited to pigeons, rabbits, squirrels, snakes and feral dogs.

(Ord. of 2-4-2003, § 1-16)

**Sec. 14-47. Personnel using firearms pursuant to article.**

- (a) Personnel empowered by this article to discharge firearms within the city limits shall qualify with the chief of police once every six months and may not discharge any firearms within the scope of their employment unless and until the chief of police has issued or renewed the appropriate certification. Such certification is to be used based on the following considerations:
- (1) Thorough instruction in operation of the type of firearms issued to the animal control officer;
  - (2) Thorough knowledge of all appropriate safety procedures by the animal control officer;
  - (3) Competent performance on the firing range by the animal control officer;
  - (4) Such other test or qualification as the chief of police in his discretion; deems appropriate.
- (b) In issuing the required certification, the chief of police is to take into consideration all the requirements in keeping with good police practice, and will at all times bear in mind the safety of the citizens of the city, and shall require the same degree of competence from authorized personnel as is required of police officers discharging firearms within the city limits.

(Ord. of 2-4-2003, § 1-17)

**Sec. 14-48. Humane euthanization.**

An injured or neglected animal may be humanely euthanized by the animal control officer or his designee immediately.

(Ord. of 2-4-2003, § 1-18)

**Sec. 14-49. Penalties.**

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor. Any person found guilty of violating this article shall be punished as follows:

- (1) First offense, a fine not to exceed \$100.00;

- (2) Second offense, a fine not less than \$250.00 and not more than \$500.00 if the offense is committed within one year of the first offense;
- (3) For a third offense, the animal involved will be removed from the city limits or euthanized as necessary. It shall be a rebuttable defense that the animal was protecting the home, homeowner, its litter or itself;
- (4) Dogs running free:
  - a. First citation, a fine not to exceed \$50.00.
  - b. Second citation, a fine not to exceed \$75.00.
  - c. Third or more citation, a fine not to exceed \$100.00.



AN ORDINANCE AMENDING THE EXISTING ORDINANCES OF THE CITY OF CLINTON AS TO THE REGULATION AND CONTROL OF ANIMALS AND FOWLS WITHIN THE MUNICIPAL LIMITS, BY ADDING THE DEFINITION OF VICIOUS DOG AND BANNING SPECIFIC BREEDS OF DOGS FROM THE CITY OF CLINTON AND FOR RELATED PURPOSES

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Clinton, Mississippi that the existing ordinances of the City of Clinton as to the regulation and control of animals and fowls be amended as follows:

1. The following section is added as Section 1-1(j):

(j) vicious dog: any dog that without provocation kills or injures any person or kills or injures any domestic animal or livestock when not on the offending dog owner's real property or approaches a person when not on the offending owner's property in a vicious or terrorizing manner, in an apparent attitude of attack upon the sworn affidavit of at least two witnesses.

The following section is added as Section 1-6.1:

2. Section 1-6.1 Banning of Specific Breeds of Dogs. "Banned Breeds of Dogs" are banned entirely and may not be owned, harbored or kept within the City of Clinton, Mississippi. "Banned Breeds of Dogs" are defined as any one of the following:
  - A. American Pit Bull Terrier;
  - B. Staffordshire Bull Terrier;
  - C. American Staffordshire Terrier;
  - D. Rottweiler;
  - E. Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this Section 1-6.1;
  - F. Any dog whose owner registers, defines, admits, or otherwise identifies said dog as being of a banned breed;
  - G. Any dog conforming, or substantially conforming, to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier or Rottweiler as

defined by the United Kennel Club or American Kennel Club. Technical deficiencies in the dog's conformance to these standards shall not be construed to indicate that the subject dog is not a Banned Breed of Dog under this ordinance; or

H. Any dog which is of the breed commonly referred to "pit bull" or "rottweiler" and commonly recognizable and identifiable as such;

I. Any vicious dog which is found at large in violation of this Ordinance.

In the event that the animal control officer finds any of the Banned Breeds of Dogs within the City, he shall attempt to capture the dog and hold the dog until such time as a judge determines that the dog is a Banned Breed of Dog. If the animal control officer cannot capture the dog the officer shall proceed as set forth in this Ordinance. In the event the animal control officer captures the dog, the dog will be held until the case is disposed of by the court or the dog is turned over for disposition by the animal control officer.

3. This Ordinance shall become effective 30 days from and after its adoption.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the 18<sup>th</sup> day of July, 2006.

A Motion for adoption was made by Alderman Bishop and seconded by Alderman Barnett and the foregoing Ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Brabham: no

Alderman Hisaw: yes

Alderman Greer: yes  
Alderman Bishop: yes  
Alderman Fisher: ABSENT  
Alderman Morgan: yes?  
Alderman Barnett: yes

Whereupon the Mayor declared the Motion carried and the Ordinance approved and adopted.

The foregoing Ordinance was approved this the 18<sup>th</sup> day of July 2006.

CITY OF CLINTON, MISSISSIPPI

By: Rosemary A. Aultman  
ROSEMARY AULTMAN, Mayor

ATTEST:

By: Russell L. Wall  
RUSSELL WALL, City Clerk



I, RUSSELL L. WALL, City Clerk in and for the City of Clinton, Mississippi, do hereby certify that the above is a true and correct copy of a Resolution passed and adopted at the July 18, 2006 regular meeting of the Mayor and Board of Aldermen of said City.

Witness my hand and Official Seal of the City of Clinton, Mississippi.  
This the 18th day of August, 2006.

Signed: Russell L. Wall  
Russell L. Wall, City Clerk

Clinton-ordinance-vicious dog  
July 18, 2006jbell

