

Final As Adopted:

The Mayor and the Board of Aldermen of the City of Eupora, Mississippi, took up for further consideration the matter of this proposed Dog and Animal Control Ordinance.

DOG AND ANIMAL CONTROL ORDINANCE

WHEREAS, the Mayor and Board of Aldermen of the City of Eupora, Webster County, Mississippi, desire to adopt this Ordinance to provide proper, safe and humane rules and regulations pertaining to dogs and other animals within the City of Eupora and to repeal all prior ordinances pertaining thereto;

WHEREAS, the Mayor and Board of Aldermen pursuant to Mississippi Code Annotated Section 21-12-1 et seq. has authority to adopt ordinances with respect to city affairs within the municipal corporate limits and further pursuant to Mississippi code Annotated Section 41-53-1 et. Seq. the City of Eupora Mayor and Board of Aldermen are specifically authorized to regulate dogs situated in said City;

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

1.01 Purpose and Authority

The governing authorities of the City of Eupora recognize that it is the City's responsibility to properly ensure the safety of all citizens and their property.

This ordinance establishes a program of dog and animal control.

In order that the citizenry, their property and the community environment are protected and maintained within the City of Eupora, thereby promoting the benefits to be derived there from, the governing authorities of the City of Eupora hereby enact this dog and animal control Ordinance.

1.02 Application

The requirements set forth in this ordinance apply to all dogs and animals found within the incorporated city limits of the City of Eupora.

1.03 Definitions

- A. City: The City of Eupora, Mississippi
- B. Dog: Shall include both females and males canines.
- C. Owner: Shall mean any person, persons, firm, association or corporation owning, keeping or harboring a dog or any other animal.

D. At Large: shall mean that the dog is not inside a locked fenced yard or other enclosure on the owner's property which will securely confine the dog and will prevent the dog from escaping. A dog under the control of the owner(s) or a member of his/her immediate family, either by lease, cord, chain or otherwise, however, shall not be considered "at large".

E. Dangerous Dog: means a dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite, or has bitten, or has maimed, killed, or otherwise endangered any person, other dog, or other domesticated animal. This definition also includes all dogs over the age of six months and belonging to the breed of dogs commonly referred to as pit bulls, Rottweilers, Dobermans, Chows, Dalmatians, or Wolf Hybrids and any type of dog used as an attack dog, shall be considered prima facie as dangerous dogs under the terms and provisions of this ordinance. Technical deficiencies in a dog's conformance to American Kennel Club standards or any other dog registry organization shall not be considered to indicate that the subject dog is not one of the breeds mentioned above pursuant to the ordinance. Testimony by a veterinarian or an animal behaviorist that a particular dog exhibits distinguishing physical characteristics of the above mentioned breeds shall establish an accepted declaration that the dog is of such mentioned breed.

"Dangerous dog" shall not include:

A police dog being used to assist law enforcement officials in the performance of their official duties.

F. Menacing Fashion: means that the dog would cause a reasonable person being chased or approached to believe that the dog would attempt to cause physical injury to that person.

G. Proper Enclosure: means a locked pen which has a top, or any other locked enclosure which has a top, or a locked fenced back yard which will securely confine the dog and which will prevent the dog from escaping.

It is the owner's or owners' legal responsibility under this ordinance to provide such proper enclosure that absolutely prohibits escape by said dog(s). Any escape by said dog(s) will

constitute a violation of this ordinance. Such pen or enclosure must also provide protection for the dog from the elements.

- H. Public Nuisance: Any animal or animal which:
1. Molests passerby or passing vehicles.
 2. Attacks other animals, or:
 3. Trespasses school grounds or city parks or:
 4. Damages private or public property, or:
 5. Barks, whines, or howls in an excessive, continuous or untimely fashion.
- I. Wild animal: Any live monkey (non-human primate), raccoon, bear, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state, and is not ordinarily domesticated by man, whether raised in captivity or in the wild.
- J. Without Provocation: means that the dog was not teased, tormented or abused by a person, or the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

2.01 Procedures for Dangerous Dogs

- A. Owners, keepers, or harborers of any dangerous dog must be at least twenty one (21) years of age.
- B. No owner of a dangerous dog shall permit such dog to run at large and shall be kept in a proper enclosure .
- C. All owners of a dangerous dog, shall restrain such when unconfined by harness and leash which is no more than four (4) feet and muzzled and guarantee that the person controlling such dog is at least twenty one (21) years of age and discretion to adequately restrain the dog.
- D. No dangerous dog may be walked or exercised within fifty (50) yards of any public school grounds, nor enter any school grounds, or be present at or in a public event, parade, or public park.
- E. All owners shall keep their dogs collared with such collars containing the owners name, address, and phone number and the up-to-date license tag from a licensed veterinarian.

- F. It shall be unlawful for any person to own, keep or harbor a dangerous dog unless the dog is registered as provided in this ordinance.
- G. No more than two (2) dangerous dogs shall be confined at any single dwelling in the City of Eupora.
- H. All owners shall provide before registration with the City of Eupora proof of an annual anti-rabies vaccination to the offices of the City.
- I. Any dangerous dog must be neutered or spayed and proof presented from a licensed veterinarian before registration can be made with the City of Eupora.
- J. The City Clerk's Office shall issue a annual renewable certificate of registration to the owner, keeper, or harbinger of a dangerous dog for one (1) year upon such person:
 - (1.) paying an annual fee to the City of twenty five (\$25.00)dollars per dangerous dog,
 - (2.) and upon the demonstrating by photograph and police officer's on-site investigation and testimony to the clerk's office that a proper enclosure is confining the dog, and
 - (3.) documentation that the dog has received the proper vaccinations and has been spayed or neutered, and

2.02 Procedures for ensuring the well Being and Care of all Animals

- A. No owner shall fail to provide his 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.
- B. No person shall beat, cruelly ill treat, torment, overload, over-work, or otherwise abuse an animal, or cause instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- C. No owner of an animal shall abandon such animal.
- D. No person shall expose any known poisonous substance, whether mixed with food, or not, so that the same is likely to be eaten by any domesticated animal.

- E. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- F. Every dog within the city limits of Eupora shall have a collar with the owner's name, address and phone number along with a current anti-rabies tag from a licensed veterinarian.

2.03 KEEPING WILD ANIMALS AND REPTILES PROHIBITED:

- A. No person shall keep any wild animal(s) or poisonous reptile(s) within the corporate boundaries of the City of Eupora.
- B. The animal control officer or any law enforcement officer is hereby granted the authority to seize any wild animal(s) or reptile(s) kept in violation of this ordinance, Federal Laws, and/or State Statutes; and upon conviction of said owner for said offenses, and if seized, shall deliver said animal(s) or reptile(s) to the Mississippi Department of Wildlife, Fisheries and Parks or dispose of according to their institutions.

3.01 Method of Compliance

- A. It shall be unlawful for the owner of any dog to own, keep, or harbor a dangerous dog within the city unless the dog has met the requirements set forth in the previous sections of this ordinance.
- B. It shall be unlawful for any person to own any animal deemed a public nuisance after conviction in court twice under the requirements of this ordinance.
- C. It shall be the duty of every police officer or other designated officers of the City, sheriff, deputy, or game warden to destroy or impound any dog running at large on whose neck there is no collar or tag. (41-53-11 of the Mississippi Code of 1972) If a dog is impounded and at such time of impoundment, a registry shall be made of the dog, showing collared information, breed, color, and sex of the dog.
- D. All impounded dogs shall be kept at a designated area by the City for five (5) days, unless claimed. If an impounded dog has not been claimed within the five (5) days, the dog shall be disposed of by euthanasia or by sale upon the buyer meeting the vaccination requirement set forth in this ordinance. A twenty dollar (\$20.00) per day of impoundment maintenance fee shall be assessed for all claimed dogs by the owners.

4.01 Penalties for Violation

Any person who violates this ordinance shall be guilty of a misdemeanor and shall be punished by payment to the court. Violations of Section 2.01 shall be prosecuted as follows:

- (1.) full restitution of any documented personal injury or property damage so ordered by the Municipal Judge,
- (2.) a fine of at least one hundred dollars (\$100.00) but not more than five hundred dollars(\$500.00), and
- (3.) all court costs involved in the prosecution of such court case, and/or
- (4.) Up to thirty (30) days in jail.
- (5.) In addition to the above, the court may order the dog impounded until such time as the violator complies with all provisions of this ordinance or a maximum of ten(10)days. The costs of such impoundment shall be assessed in the same manner as court costs. If after ten (10) days of impoundment, the owner has not complied with the court's order, the said dog shall be disposed of as referred above unless new evidence or mitigating circumstances is accepted by the judge of the Municipal Court of the City whereas, if accepted, said animal may be impounded for an additional ten(10) days with all fees and expenses added to the defendant's court costs.
- (6.) Upon conviction of any "dangerous dog" offense contained in this ordinance, a surety bond or proof of insurance issued by a surety or insurance company will be required within thirty (30)days of said conviction to be approved by the Clerk's Office in the sum of at least fifty thousand dollars(\$50,000.00) per dangerous dog, payable to any person injured by such dog; or a policy of liability insurance, such as a homeowner's policy, in the amount of at least fifty thousand dollars (\$50,000.00) per dangerous dog, insuring the owner for any personal injuries inflicted by such dog. Lack of such surety or insurance will constitute a second "dangerous dog" offense under this ordinance.
- (7.) Any animal declared a public nuisance shall result in the owner paying a twenty five dollar (\$25.00) fine plus court costs for the first offense. The second offense shall result in a fifty dollar (\$50.00) fine plus court costs, and the animal will be either impounded or taken outside the corporate limits of the City of Eupora not to return. Violation of this order will result in the owner being held in contempt of court with payment of all penalties and

judgments deemed appropriate by the court.

(8.) Violations of Section 2.02 and 2.03 shall be prosecuted as follows:

Any person(s) who violates the above named sections of this ordinance shall be prosecuted as a misdemeanor in city court and upon being found guilty shall pay a fine of at least twenty five dollars (\$25.00) per animal involved plus all related court costs and not more than one hundred dollars (\$100.00) per animal involved plus all related court costs.

Alderman Billy Brister moved that the above motion be accepted.

Alderman Dan Burchfield seconded the motion. After discussion, the matter was put to a roll call vote. The result was as follows:

Alderman Dan Burchfield voted aye .

Alderman Henry Flowers voted aye .

Alderman Billy Brister voted aye .

Alderman Vickie Patterson voted aye .

Alderman Ricky Newton voted aye .

The Motion having received the affirmative vote of a majority of the members present, the Mayor declared the Motion carried and the Ordinance adopted this 5th day of April, 2010. This ordinance as passed shall take effect on July 1, 2010.

Tommy Lott, Mayor

ATTEST:

Lesia Hardin, City Clerk