

**AMENDED ANIMAL CONTROL ORDINANCE
OF THE TOWN OF WESSON, MISSISSIPPI**

ORDINANCE 2010 - 3

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

NOW, THEREFORE, BE OR ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF WESSON, 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, associations, partnership or corporation.
- B. "At large" shall mean off the premises of the owner and not under control of the owner or other persons authorized by the owner to care for the animal by leash, cord, chain or rope.
- C. "Owner" shall mean any person or persons owning, keeping, or harboring any animal. An animal shall be deemed harbored if it is fed or sheltered.
- D. "Vaccination" shall mean an injection of United States Department of Agriculture approved rabies vaccination administered every twelve (12) calendar months by a licensed veterinarian.
- E. "Animal Control Officer" shall mean the person or persons designated act for the Town of Wesson, Mississippi, in the capture and impoundment of animals, controlling of animals running at large and as otherwise required in this Ordinance.
- F. "Inhumane treatment" shall mean any treatment to any animal which deprived 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 treatment as may be determined by an authorized law enforcement officer.
- G. "Livestock" shall mean all domesticated animals, including, but not limited to, horses, cows, mules, goats, sheep, and pigs.
- H. "Vicious animal" shall mean any animal or animals that constitutes a physical threat to human beings or other animals.

SECTION 2. Control or Protection of Animals in General. It shall be unlawful for any person to:

- A. Permit any animal to run at large within the corporate limits of the City.
- B. Carry out any inhumane treatment against any animal.

C. Keep or harbor any animal(s) 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.

D. Keep or harbor any dangerous or vicious animal within the corporate limits of the City.

E. Allow any pen(s), etc. for the keeping of animals or fowl to become unsanitary, offensive, or disagreeable to person residing in the vicinity thereof, nor shall they be maintained or kept as to breed flies, ticks, or fleas or in any manner cause any injury to the public health or any person residing in the vicinity of the pen, enclosure, cage, etc.

F. Keep or harbor any animals(s) or fowl in such a manner as to become offensive by reason of odor or unclean condition or in such a manner as to annoy any person residing in the vicinity thereof.

SECTION 3. Limitation on Number of Animals.

A. Livestock. 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 herein defined as livestock shall be kept on a lot or tract of 4,500 square feet or greater. The requirement of a 150 foot setback to any adjoining property line may be reduced or eliminated if the adjoining property owner consents to such in writing. The provisions relating to the keeping of livestock and fowl shall not apply to any area in the City not subdivided or platted or on tracts of two acres or more.

B. Other Domesticated Animals.

(1) No person shall keep more than four domesticated animals, over the age of six months, upon any lot having an area of less than 2 acres which is located in an R-1 Single Family Residential District, R-2 Multi-Family Residential District, or R-3 Mobile Home Residential District.

(2) The Mayor and Board of Aldermen may grant a special permit to keep a greater number of domesticated animals than is permitted by this Section 3 of this Ordinance. Any person desiring such a permit shall file a written request with the Mayor and Board of Aldermen. Such permit may be granted upon a showing that adequate and sufficient provision will be made to assure that the keeping of animals in excess of the number permitted by this Ordinance will not result in unsanitary conditions, offensive odors, excessive noise or other conditions which will adversely effect adjacent properties. The Mayor and Board of Aldermen may place such conditions, restrictions or limitations on the keeping of such animals as they deem appropriate. Such permit may be revoked in the event that there is a violation of such conditions, restrictions or limitations.

C. Wild Animals.

(1) 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.

(2) As Pets. No person shall keep or permit to be kept any wild animal as a pet.

SECTION 4. Impounding, Redemption and Disposition of Animals Running at Large or Those Animals Involved in Biting Persons or Other Animals.

A. The Animal Control Officer is hereby authorized to capture and impound animals running at large, vicious animals and feral dogs. The Animal Control Officer shall notify the owner of any animal impounded hereunder by telephone, personal service or certified mail not later than the day following such impoundment, excluding weekends and legal holidays, provided that the animal is wearing a reasonable means by which the owner may be identified.

B. Any currently vaccinated animal may be reclaimed by its owner upon the payment of a boarding fee of \$35.00 per day for each animal and any veterinary fees and expenses incurred by the City in caring for and treating the animal together with a cash bond in an amount adequate to secure the payment of any fines for violations of this Ordinance.

C. Any unvaccinated animal which is required by this Ordinance to be vaccinated may be reclaimed by its owners upon payment of the amounts set forth in B above and must make arrangements satisfactory to the Animal Control Officer to have the animal vaccinated.

D. All impounded, unclaimed animals not redeemed within seven (7) calendar days shall be destroyed in a humane manner, or sold by the Animal Control Officer. The Chief of Police may extend said seven (7) day period as he may deem necessary provided that the owner of the animal pay any additional costs incurred by the City in connection therewith.

SECTION 5. Procedure on Retention, Observation and Disposition of Animals which have Bitten Persons or Other Animals, or those Suspected of having Disease. The Chief of Police in the course of his duties of investigating cases in which animals have bitten persons or other animals shall immediately notify the owner of such animal which has bitten any person or animal to arrange within 24 hours for the animal to be retained 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, provided further, that the Chief of Police may authorize keeping of any such animal securely confined on the owner's premises provided that within 24 hours the owner produces a current certificate of rabies vaccination performed by a veterinarian showing that such animal has been vaccinated for rabies not longer than twelve (12) months previous thereto or vaccination period recognized by the

U.S. Department of Agriculture. In the event that the owner fails to arrange for the animal to be retained or fails to produce a current certificate of rabies vaccination as set forth above, the Chief of Police may have the animal impounded for a period of not less than ten (10) days 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. The costs of such impoundment and examination shall be charged to the owner and paid prior to release of the animal if the animal is released. If, at the end of said period of time, or any time prior thereto, it is determined that the animal has rabies, such animal shall immediately be destroyed.

SECTION 6. Procedure on Vaccination. The owners of all animals capable of transmitting rabies, such as dogs, cats, and other animals, are hereby required to have said pets vaccinated against rabies with an approved vaccine administered by a veterinarian, who shall retain such certificate until the vaccination is renewed. At the time of vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinarian or clinic, the tag number, and the year of issuance.

SECTION 7. Exposing to Poisons. 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; provided that it shall not be unlawful for a person to expose on his own property common pest control poison mixed only with vegetable substance.

SECTION 8. Elimination of Animals - When Authorized.

A. **Vicious Animals or Feral Dogs.** When an animal is determined by the Animal Control Officer to be a vicious animal or a Banned Breed of Dog as defined in Section 12 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) Attempts to peacefully capture the animal have been made and proved unsuccessful or an attempt to peacefully capture could reasonably result in injury to any person.
- (3) The owner cannot immediately control the animal or the owner cannot be immediately found.

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 for the sole effective means of controlling a public nuisance or health hazard, including, but not limited to: pigeons, rabbits, squirrels, snakes and feral dogs.

SECTION 9. 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

other than Section 12, by a fine of not less than \$25.00 and not more than \$1,000.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

B. Upon a second conviction of a violation of any of the provisions of this Ordinance other than Section 12, 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.

C. Upon the third or subsequent conviction of a violation of any of the provisions of this Ordinance other than Section 12, by a fine of not less than \$100.00 and not more than \$1,000.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

D. Upon a conviction of a violation of the provisions of Section 12 of this Ordinance by a fine of not less than \$500.00 and not more than \$1,000.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. The dog determined to be Banned Breed of Dog shall be immediately removed from the City. In the event the dog is not removed the dog shall be destroyed. The minimum fine provided for herein shall not be suspended unless the owner of the Banned Breed of Dog shall voluntarily surrender the dog to the animal control officer to be disposed of or shall provide sufficient evidence to the Court that the dog has been removed from the Town of Wesson.

SECTION 10. 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 11. Repeal of Conflicting Ordinances. All ordinances or 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.

SECTION 12. Banning of Specific Breeds of Dogs. "Banned Breeds of Dogs" are banned entirely and may not be owned, harbored or kept within the Town of Wesson, 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. Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this Section 12; Subsections A, B, C, E, F, G, or H of this Ordinance;
- E. Any dog whose owner registers, defines, admits, or otherwise identifies said dog as being of a banned breed;

F. Any dog conforming, or substantially conforming, to the breed of American Pit Bull Terrier, American Staffordshire Terrier, or Staffordshire Bull Terrier 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

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

H. 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 Section 8 of 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.

SECTION 13. Impoundment of Livestock. Any hog, cow, bull, sheep, goat, horse, mule or other livestock found straying or running at large shall be captured and impounded in a place designated by the animal control officer. Within five (5) days of its capture, the rightful owner or owners of any animal or animals so impounded may claim and obtain the release of the same by payment of an impoundment fee for each instance with said fee to be based on the actual costs incurred by the City in having the animal or animals impounded, but in no event less than \$100.00 nor more than \$1,000.00 and a boarding fee for each animal in the amount of \$10.00 per day for each day, or fraction thereof, during which the animal has remained impounded. If any such animal is not claimed and redeemed by its owner within the five (5) day period, the same shall be sold upon sealed bids to the highest and best bidder in satisfaction of all fees and expenses therewith incurred.

SECTION 14. Effective Date: This Ordinance as amended shall take effect and be in force as provided for by law, except that the provisions hereof concerning Banned Breeds of Dogs shall take effect and be in force and effect as of June 1, 2010.

SO ORDAINED, this the 2nd day of March 2010.

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