

ORDINANCE NO. 404

AN ORDINANCE REGULATING THE KEEPING OF DOGS WITHIN THE TOWN OF MT. OLIVE, MISSISSIPPI; PROVIDING THAT THE SAME SHALL BE VACCINATED AGAINST RABIES; PROHIBITING DOGS FROM RUNNING AT LARGE; REQUIRING OWNERS OR KEEPERS OF DOGS TO KEEP PEN SANITARY AND CLEAN; REQUIRING OWNERS TO PREVENT DOGS CREATING A NUISANCE; PROHIBITING CRUEL AND INHUMAN TREATMENT OF DOGS; AND FIXING PENALTIES FOR VIOLATION OF SAME.

WHEREAS, dogs have been running at large un-muzzled and unattended within the corporate limits of the Town of Mt. Olive, Mississippi, thereby creating a hazard to the safety and general health and welfare of the citizens of the said Town by virtue of dogs being positive carriers of rabies, so that it is necessary that action be taken to protect the property, person and lives of the citizens of the said Town; and

WHEREAS, dogs themselves cannot be held legally responsible for their actions, so that owners thereof must bear the full responsibility therefor:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF MT. OLIVE, MISSISSIPPI, AS FOLLOWS, TO-WIT:

SECTION 1: It shall be the duty of the owner of every dog which is six months of age or over, within the Town of Mt. Olive, Mississippi, to have the said dog vaccinated against rabies with the approved dosage of an approved antirabic vaccine properly administered by one legally authorized to administer the same, and to see that the said dog when so vaccinated wears about its neck and securely bradded to the collar a metal tag approved by the State Board of Health, with the serial number of the vaccination and the year in which the dog was inoculated stamped thereon, and to see that the said collar with the said tag attached thereto is worn by the dog at all times; and it shall further be the duty of the owner of every dog to have the said vaccination repeated annually on or before June 30 of each year.

SECTION 2: It shall be unlawful for the owner of any dog to permit the same to run at large in the Town of Mt. Olive. It shall be the duty of the Chief of Police to pick up a dog found running at large in the Town, and to impound the same in an enclosure kept for that purpose. Such dog shall be kept by the Chief of Police for at least five (5) days unless claimed sooner by the owner. Within five (5) days the rightful owner of any dog held by the Chief of Police may, provided the dog has been vaccinated and tagged, as above set forth, obtain the dog upon payment of a pound fee in the amount of \$20.00, and, in addition thereto, the payment of \$5.00 per day, or a fraction thereof, for the time the dog remained impounded. If an unvaccinated dog is claimed during the 5-day period, such dog shall not be released under any circumstances until vaccinated and tagged. If any dog is not claimed within the 5-day period, such dog shall be disposed of.

SECTION 3: For purposes of this ordinance, the term "run at large" shall mean a dog or dogs either (1) not enclosed in the owner's or harborer's ward or premises by fence or structure sufficient to contain said animal or animals; (2) not under leash by the owner or harborer or another person of sufficient capacity to restrain the animal or animals; or (3) muzzled with a wire or leather muzzle of a sufficient capacity to prohibit biting.

SECTION 4: The owners or harborers of all dogs within the Town of Mt. Olive are hereby required to keep the same within suitable enclosures and are further required to keep the said enclosures sanitary and clean so as to prevent disagreeable odors arising therefrom, or the presence or breeding of flies, mosquitoes, or other pests. It shall be unlawful for the owner or harborer of any dog to permit the same to create a disturbance in the neighborhood or annoy any person of family or become a nuisance in any manner, particularly by reason of noises, odors, filthy conditions or the breeding of flies, mosquitoes and other pests.

SECTION 5: It shall be unlawful for any person to torture, torment, unjustifiably injure, deprive of necessary sustenance, food or drink; or cruelly beat or needlessly mutilate any dog within the corporate limits of the Town of Mt. Olive, or permit the same to be done.

SECTION 6: Any person violating any of the terms or provisions of this ordinance shall be guilty of an misdemeanor and upon conviction shall be punishable by a fine in an amount of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Town Jail for thirty (30) days, or by both such fine and imprisonment. Each day that a violation of this ordinance is committed or permitted shall constitute a separate offense.

SECTION 7: All ordinances in conflict with this ordinance be, and the same hereby repealed to the extent of such conflict.

SECTION 8: The immediate and temporary, as well as the permanent health, welfare, and safety of the people, and the public convenience and necessity requiring it, the ordinance shall be effective thirty (30) days from and after the date of its passage.

On motion of Aldermen Sumrall, duly seconded by Aldermen Magee, the foregoing ordinance having been previously reduced to writing and read and considered, first by sections, and then as a whole, was passed and adopted, first as to sections, and then as a whole, by the following "Yea" and "Nay" vote, to-wit:

THOSE VOTING "YEA": Ival Murphy
Robert McNair

THOSE VOTING "NAY":

ABSENT AND NOT VOTING: Gene Holmes

WHEREUPON, the Mayor of the Town of Mt. Olive, Mississippi, declared said ordinance duly and legally adopted and approved on this the 30th day of October, A.D., 1996.



Mayor Earl S. Lee

ATTEST:



Linda Thornton, Town Clerk