

CITY OF PETAL
MINUTE BOOK 31

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BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON MAY 11, 2011 AT 4:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR HAL MARX
ALDERMEN	DAVID CLAYTON TONY DUCKER WILLIE HINTON
OTHERS	CHIEF FULLER

THE MAYOR DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

THE NOTICE OF SPECIAL MEETING WAS PRESENTED FOR FILING. THE NOTICE READS AS FOLLOWS:

EXHIBIT "A"

NOTICE OF SPECIAL MEETING

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING ORDINANCE ON ANIMAL CONTROL AND REPEALING 2006 (101).

EXHIBIT "B"

ORDINANCE 2011-125

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE. ALDERMAN DUCKER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN TONY DUCKER
ALDERMAN WILLIE HINTON

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ADJOURN THE SPECIAL MEETING. ALDERMAN DUCKER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON
ALDERMAN TONY DUCKER
ALDERMAN WILLIE HINTON

THOSE PRESENT AND VOTING "NAY"

NONE

THEREBEING NO FURTHER BUSINESS, THE SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 11TH DAY OF MAY, 2011.



HAL MARX MAYOR

(SEAL)

ATTEST:



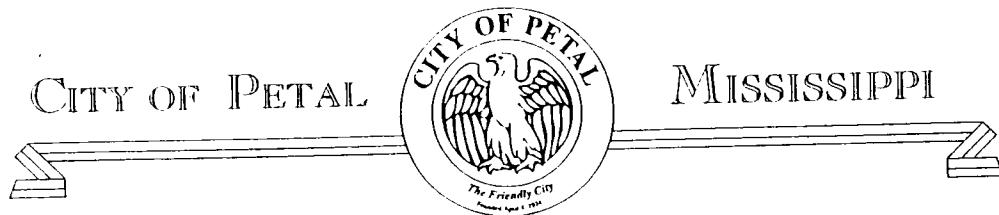
MELISSA MARTIN, CITY CLERK

" EXHIBIT A "

Hal Marx
Mayor

Melissa Martin
City Clerk

Thomas W. Tyner
City Attorney



www.cityofpetal.com

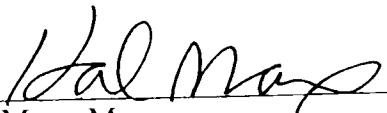
119 West 8th Avenue • Petal, MS 39465 • Ph: (601) 545.1776 • Fx: (601) 545.6685

David Clayt
Tony Duc.
Willie Hint
James Runr
Steve Strin
Aldern

May 11, 2011

There will be a special meeting of the Mayor and Board of Alderman today, May 11, 2011, at 4 p.m. in the boardroom at City Hall. The purpose of the meeting is to adopt **Ordinance 2011-125**, an Ordinance Regulating the Keeping of Animals, Including Dogs, Cats, and Fowl, and Providing for the Impoundment of Certain Animals.

The meeting is open to the public.



Hal Marx, Mayor

AN ORDINANCE REGULATING THE KEEPING
OF ANIMALS, INCLUDING DOGS, CATS, AND FOWL,
PROVIDING FOR THE MAKING OF AN IMPOUNDMENT
OF CERTAIN ANIMALS, PROVIDING PENALTIES FOR VIOLATION
OF THIS ORDINANCE, AND REPEAL OF ORDINANCE 2006 (101)

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

Section 1. Definitions.

(The following words, whenever used in this chapter, shall have the meanings ascribed to them in this section unless a different meaning clearly appears from the context)

- Person** shall mean any individual, firm, association, syndicate, partnership or corporation
- At large** . . . Any animal, dog, cat or fowl shall be deemed at large when it is not on a leash, behind a fence or enclosure or under the control of a competent person.
- Owner** shall mean any person, firm or corporation owning, keeping, feeding or harboring any animal or fowl.
- Vaccination** shall mean an injection of United States Department of Agriculture (USDA) approved rabies vaccine administered every 12 (twelve) calendar months by a licensed veterinarian.
- Animal Warden/Animal Control Officer** shall mean the person designated by the City of Petal to represent and act for the City of Petal, in the impoundment of animals, controlling of animals running at large and as otherwise required in this chapter.
- Inhumane treatment** shall mean any treatment to any animal which deprives the animal necessary sustenance, including food, water, protection from the weather or any other treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing or poisoning or other abnormal treatments as may be determined by:
 - The health officer and/or animal control officer; or
 - An authorized law enforcement officer.
- Health Officer** shall mean a licensed physician or veterinarian approved by the Mayor and Board of Aldermen to have charge and control of the work of protecting and preserving public health.
- Animal Shelter:** A place operated by or for the city, whether city facilities or by contract, for the detention of pets, dogs, cats and other animals as prescribed by law.
- Animal:** any living, vertebrae creature, domestic or wild, other than human beings.
- Stray:** any dog or cat that does not have a collar with an identification or current rabies tag attached to it. Appears to be thin and/or malnourished, including diseased.
- Pet:** any animal kept for pleasure rather than utility.
- Livestock:** shall mean all domesticated animals, including but not limited to: horses, cows, moles, goats, sheep and pigs.
- Wild animal** shall mean all undomesticated including but not limited to: lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, skunks, raccoons and opossums.
- Fowl:** any live bird including but not limited to: chickens, geese, ducks, guineas, turkeys, parrots, rheas and emu.
- Feral dog, cat or pet:** A dog, cat or pet that has escaped from domestication and becomes wild, dangerous or untamed.

necessary to bring said owner into compliance with subsection (a) during said (5) day period. If compliance is made and the animal may be returned to its owner, the owner shall be responsible for the costs incurred from impoundment and in agreement with the contract between the city and the designated animal shelter.

- In addition to, or in lieu of, impounding an animal, an animal control officer or any police officer may issue to the owner of such animal(s) a notice of violation. This notice shall provide a space thereon for the party charged to waive trial on the merits and enter a plea of guilty or nolo contendere. In the event the party charged desires to enter a plea of not guilty, such person may obtain a trial setting from the clerk of the municipal court. Notwithstanding any other provision of this subsection, persons charged with a violation may, after entering a plea of guilty or nolo contendere in the space provided, pay a fine in the amount designated by the city judge for such violation, to the clerk of the municipal court within (10) days unless otherwise noted by the city judge.

Section 2-2. Female Dogs and/or cats in heat.

Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female animal cannot come in contact with a male animal, except for the intentional breeding purpose. Any intentional breeding of dogs and cats, but not limited to, shall be done away from the view of the public and within the section of a private dwelling.

Section 3. Vaccination of dogs and cats required: issuance of certificate and metal tag.

- Every owner of a dog and/or cat, three (3) months or older, and reside within the corporate limits of the City of Petal, shall have such animals vaccinated against rabies by a licensed veterinarian and shall continue to do so each year after, keeping such pets current so not to expire out of a twelve (12) month period of vaccination.
- Evidence of vaccination shall consist of a metal tag and certificate issued and signed by the veterinarian administering the vaccination and containing pertinent data for identification of the dog or cat which data must consist of the owners name, address and telephone number. The tag must be worn at all times by the dog or cat.

Section 4-1. Keeping of livestock and Fowl.

- No persons shall own, keep or harbor any type of livestock or fowl described herein, within the corporate limits of the City of Petal except persons residing in a "RF" zoning section of the City.
- At the request of the animal control officer each livestock owner shall notify the animal control officer of the type, number and location of any and all livestock kept within the corporate city limits. Said owner shall also furnish his name, address and telephone number to the animal control authority and to the police department at the request of either.
- It shall be unlawful for the owner of such livestock or fowl to roam outside the property of said owner.

Section 4-2-1. Limitation on applicability of section 5-1.

The provisions relating to the keeping of livestock and fowl shall not apply to any area deemed as "RF" Rural Fringe as set out in ARTICLE VI, SCHEDULE OF REGULATIONS AND DISTRICT REGULATIONS, Section 6.012 Paragraph 1, Section 6.012 Paragraph 3 and Section 6.012 Paragraph 5 of the Zoning Ordinances for the City of Petal.

Section 4-2-2. Compliance with Article Not Relief from compliance with other regulations.

The keeping of any animal in accordance with the provisions of this article shall not be construed to authorize the keeping of the same in violation of the zoning ordinance or any other ordinance of the city.

Section 4-3-3. Ferocious, vicious or dangerous animals prohibited.

- It shall be unlawful for any person to keep or maintain within the corporate limits of the City of Petal, any vicious, ferocious or dangerous animal or fowl, including vicious dogs as determined by the Animal Warden. Such animal or fowl may be impounded or destroyed.
- The violation of this section shall constitute a misdemeanor.

Section 4-4-1. Performing animal exhibits or circuses: regulation.

- Vicious, Ferocious or Dangerous animal:** any animal or animals that constitutes a physical threat to human beings or other animals.

- Nuisance:** Any animal(s) that disturbs the peace and dignity of the public.

- Molests passers-by or passing vehicles;
- Attacks people or other animals;
- Trespasses on private, public or school property;
- Is repeatedly at large;
- Damages private or public property;
- Barks, whines, howls, screeches or makes other annoying noises in an excessive, continuous manner or at unreasonable hours; or
- Creates an excessive and continuous odor.

Section 2-1. Control & Protection

- It shall be unlawful:
 - For any animal to run at large within the corporate limits of the City of Petal;
 - For any person to carry out any inhumane treatment against any animal;
 - For any person to interfere or molest a dog used by the police department of the city in the performance of the functions or duties of such department;
 - For any person to keep or harbor any animal(s) which by loud or frequent, habitual barking, howling, yelping or other noise or action that disturbs any person or neighborhood within the corporate limits of the city.
 - For any person to keep or harbor any animal(s) 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;
 - For any person to fail to provide his/her animal(s) 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.
 - For any person to keep or maintain on their property any pen(s), enclosure(s) etc., for keeping animals or fowls 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;
 - For any person to leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to said animal; in the event of the owner of said vehicle is not available and cannot be found or refuses to prevent said harm or reasonably potential harm from continuing, the animal control officer or the City of Petal Police Department shall be authorized to remove said animal from such vehicle and to utilize and reasonable method to effect removal;
 - For any person to 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 said animal.
- The duly sworn and authorized animal control officer(s) or police officer(s) of the city, may seize or cause to have seized any animal whose owner is found to be in violation of any part of subsection (a) and impound or cause to be impounded such animal in a designated shelter. Such animal shall be held for a period not to exceed (5) 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 said subsection (a) if such animal is returned to him, the animal shall be released to the designated humane shelter. The animal control officer shall designate to the owner what corrections are

- 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.

- All equipment used on or by a performing animal shall fit properly and be in good working condition.
- The owners, managers and caretakers of animals used as performing animals shall provide them with good and sufficient food and water, shelter from extremes of weather and shall at no time hobble, tether, tie or stake them alongside city streets, state highways, public right-of-ways or any thoroughfare within the corporate limits of the city.
- The animal control officer is hereby authorized to inspect the conditions and premises of such operations at any given time to determine compliance with this section.

Section 4-4-2. Pet Shops, aviaries and 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 operated kennels.

Section 4-4-3. Inspection of animals and premises.

Animals and the premises where animals are kept or maintained shall be subject to inspection by the City Health officer or his/her authorized representative or employees, or an animal control officer, at any reasonable hour or at any hour, in cases of emergencies.

Section 5-1. Impoundment of Animals or Fowl.

Any dog, animal or fowl caught, picked up or impounded by the animal control officer of the City of Petal shall be forthwith turned over to the designated Animal Shelter or humane society to be held, impounded or disposed of in accordance with the rules and regulations of said animal shelter, and upholding the agreed contract between the City of Petal and the Designated Animal Shelter. Owner release of animals to the animal control officer may be adopted out by the animal control officer or released to the designated animal shelter or humane society, after the animal control officer has obtained signed permission from such owner.

Section 5-2. Procedure on retention, observation and disposition of animals which have bitten persons or other animals, or those suspected of having disease.

The animal control officer, in the course of his or her duties of investigation of cases in which animals have bitten persons or other animals, shall immediately notify the owner of such animal which has bitten a 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, at the discretion of the animal control officer and/or the city health official, at the designated animal shelter or humane society which owner officer and/or the city health official, at a veterinary office of the owners choice and expense, shall be responsible for any incurred expenses or at a veterinary office of the owners choice and expense, for (10) days after the biting of such person or other animal, during which period it shall be determined by the city health officer or designated official shall signify to the owner; provided further, that the animal control officer may authorize keeping of such animal on the owners premises provided that the animal produces a certificate of rabies vaccination performed by a veterinarian showing that the animal in question has been vaccinated for rabies not longer than twelve (12) months previous thereto and (other) the animal control officer may authorize any such animal to be retained for a period not less than ten (10) days after biting such person or animal in quarters supervised by a veterinarian; provided further, that the days after biting such person or animal in quarters supervised by a veterinarian; provided further, that the animal control officer and/or the animal control officer may authorize the keeping of certain animals confined on the owners premises because of veterinary medical reasons, such as small rodents, monkeys or other animals difficult to maintain or susceptible to diseases which might occur within changes of environment of a female dog with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the city health officer and/or city animal control officer. After such time of quarantine the owner will then provide the animal control officer with the appropriate documents proving compliance with this order forthwith.

Section 5-3. Authorize for quarantine.

In the event of a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the city health officer and/or the city animal control officer is hereby authorized and it shall be his duty to issue a quarantine proclamation ordering persons owning, keeping or

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harboring any dog or cat to muzzle the same or confine it as herein provided for such a time as may be specified in such quarantine proclamation. Under the publication of such proclamation by the health officer and/or city animal control officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as prescribed in the definition for "at large", except that any such animal under the control of an adult person, on a leash or under the control by voice command may do so only if the animal is effectively muzzled. All dogs, cats and other animals found at large during the same time specified by the city health officer and/or city animal control 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 said officer is unable, with reasonable effort, to apprehend the animal for impounding.

Section 6-1. Animal Control Officers - training and certification

Animal control officer(s) shall be required to be familiar with the City of Petal ordinances pertaining to "Animals & Fowl," and applicable Federal and State Statutes pertaining thereto.

Section 6-2. Same-Police Powers and enforcement responsibility.

- a. Any animal control officer may utilize any equipment reasonable and necessary to enforce the provisions of this Code, including and without limitation, humane wire box traps, and animal control officer(s) 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, summonses or other process in the same manner as other police officers of the city.
- c. For purposes of discharging the duties imposed by the provisions of this article, or other applicable laws, and to enforce the same, duly authorized representatives or employees of the city or the health department may enter upon the private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private, unenclosed property, when in pursuit of any animal which they have reason to believe is subject to impoundment pursuant to the provisions of this article or other applicable laws.

Section 6-3. Interference with the Animal Control Officer.

No person shall interfere with, hinder, abuse or molest the Animal Warden, City Health Officer or Police Officer in the performance of any duty of such agent, nor seek to release any animal in the custody of the Animal Warden, City Health Officer or Police Officer.

Section 7. Reporting vehicle accident involving animal.

Any person who, as the operator of a motor vehicle, strikes a domestic or wild animal shall at once report the accident to the police department and/or animal control officer or to the local Animal Shelter within a reasonable time. No such report shall be used against the maker thereof in any civil or criminal prosecution arising from said collision.

Section 8. Vicious or diseased animals.

- a. Vicious 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 are 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 prove unsuccessful.
- b. Incurably injured or diseased animals, etc. It shall be the duty of the police or the duly appointed animal control to discharge a firearm in order to mercifully end the life of an animal suffering from an incurable injury or disease or as a safe effective means of controlling a public nuisance or health hazard including but not limited to pigeons, rabbits, snakes and feral dogs.

Section 9. Personnel using firearms pursuant to chapter.

Personnel empowered by this chapter or section to discharge firearms within the city limits shall qualify with the police chief or other designated firearms instructor every 6 (six) months and may not discharge

any firearms within the scope of their employment unless and until he has been issued or renewed the appropriate certification. Said certification is to be issued based on the following consideration:

- a. Thorough instruction in operation of the type of firearms issued to the animal control officer.
- b. Thorough knowledge of all appropriate safety procedures.
- c. Competent performance on the firing range.
- d. Such other tests or qualifications as the Chief of Police and/or designated firearms instructor to his discretion, deems appropriate.

" EXHIBIT B "

In issuing that required certification, the chief of police or designated firearms instructor 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 the authorized personnel as it is required of police officers discharging firearms within city limits.

Section 10. Humane Euthanization.

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

Section 11. Penalties.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor. Each and every day the same shall continue shall constitute a separate and distinct offense.

Section 12. Repeal of Ordinance 2006 (101)

Ordinance 2006 (101) is hereby repealed.

Section 13. Effective Date

The Mayor and Board of Aldermen having determined that a threat to public safety presently exists within the City of Petal due to the presence of vicious dogs, this Ordinance shall be in full force and effect immediately from and after its passage.

THE ABOVE AND FOREGOING ORDINANCE having been presented to the Mayor and Board of Aldermen, first section by section, and then as a whole, the following action was taken:

Upon motion made and seconded, the following Aldermen voted "YEA," and in favor of the passage, approval, and adoption of the foregoing Ordinance:

Alderman David Clayton
Alderman Tony Ducker
Alderman Willie Hinton

THE ABOVE AND FOREGOING ORDINANCE having received the affirmative vote of the Aldermen present and voting, the foregoing Ordinance was duly passed and adopted on this, the 11th day of May, A.D., 2011.

HAL MARX,
MAYOR

Attest:

MELISSA MARTIN
CITY CLERK