

**AN ORDINANCE REGULATING THE
OWNING OR KEEPING OF DOGS, AND
PROVIDING PENALTIES FOR VIOLATIONS**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF ABERDEEN, MONROE COUNTY, MISSISSIPPI, AS FOLLOWS, TO-WIT:

Section 1: Definitions.

“Person” includes any natural person, association, partnership, organization, or corporation.

“Own” or “keep” means to own, keep, harbor, control, manage, possess, maintain, or have charge or custody of or provide care for. Any person over the age of 18 years who shall harbor or permit a dog for ten days or more, or let the same habitually remain to be fed for a period of ten days or more in or about his/her house, store, or other location shall be deemed the “owner, possessor, or custodian” of said dog. Any person under the age of 18 years in possession of a dog shall have his or her guardian, parent, or custodian stand fully responsible for his or her compliance with this Ordinance as the “owner, possessor or custodian” of said dog and any penalties for noncompliance.

“Owner” or “Keeper” means any person who owns or keeps a dog.

“At large” means off the premises, and not controlled by the owner or his immediate family by leash, cord, chain or otherwise. Any dog shall be deemed to be “running at large” if it is at any time off the premises of the owner, possessor, or custodian, and it shall not be sufficient that it is momentarily or accidentally off the premises of the owner, possessor, or custodian, or that said owner, possessor, or custodian is not aware that said dog was off his or her premises, or that

said dog is very young or known to be harmless.

Section 2: Running at large.

No person shall allow any dog to roam, run or be at large or on the premises of another within this City.

If an owner of a dog desires to walk his dog it must be on a leash at all times during the walk or if an owner of a dog desires to run his dog it must be in an area away from residents of the City of Aberdeen.

Section 3: Vaccination against rabies.

All dogs within the City above three months of age shall be vaccinated for rabies. An additional vaccination is to be administered at 15 months of age and subsequently thereafter in compliance with Mississippi state law. Dogs shall wear, at all times, a tag provided by the vaccinating veterinarian indicating such vaccination. All dogs shall be vaccinated as required by the Mississippi State Board of Health and this Ordinance shall automatically conform with and to any changes in required vaccinations of dogs by said Mississippi State Board of Health and/or state law as may subsequently change from time to time.

Section 4: Restrictions on owning, harboring or keeping any dog.

It shall be unlawful for any person to own, harbor, possess or keep any dog within the corporate limits of the City, except in compliance with the following specific provisions:

It shall be the duty of every owner of any dog, or anyone having possession or custody of any dog, to ensure that the dog is kept under restraint and that reasonable care

and precautions are taken to prevent the dog from leaving, while unattended, the property limits of its owner, possessor or custodian, and to ensure that:

- The dog is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own. Such enclosure must be securely locked at any time the dog is left unattended;

- The dog is on a leash under the control of a competent person, and that person is present with the dog any time it is not restrained while on the owner's property; and

- No dog shall be tethered in public areas and must be on a leash in public areas even when with the owner.

It shall be the responsibility of the owner of any dog to provide proper facilities for keeping his/her dog in a humane manner. The dog shall be kept in a fenced in yard, dog or animal pen, or on a leash. The owner must provide proper shelter for the dog at all times to protect his/her dog from extreme weather. The owner shall be responsible for keeping the area where the dog is kept clean at all times so as not to disturb the neighbors with an unpleasant odor.

Section 5: Licensure or Registration.

All dogs kept, harbored, or maintained by their owners in the City of Aberdeen, Mississippi shall be licensed and registered annually if over six (6) months of age. The dog license shall be issued by the City Clerk of the City of Aberdeen upon payment of a license fee of \$5.00 for each male or spayed female, and a fee of \$10.00 for each unspayed female.

The owner shall state at the time the application is made for such license and upon printed forms provided for such purpose his name and address, and the name, breed, color and

sex of each dog owned or kept. The provisions of this section shall not be intended to apply to dogs whose owners are non-residents temporarily within the City, nor to dogs brought into the City for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

Upon payment of the license fee, the said City Clerk shall issue to the owner a license certificate and metallic tag for each dog so licensed. The shape of the tag shall be changed every year and have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate.

Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of \$2.50 fee for such duplicate.

Tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the City before expiration of the license period.

If the owner, possessor or custodian moves within the City, the City Clerk must be notified in writing of the new address within ten days of the move. If the dog dies, the City Clerk should be notified. If the dog is given away, exchanged, or sold, then the City Clerk shall be notified by the old owner and by the new owner who must register the dog anew, including paying any fees.

Section 6: Dangerous or Vicious Dogs. The following dogs are hereby found and determined to be dangerous or vicious and as such are subject to all requirements and provisions of this Section and more particular restraints:

Any dog that exhibits any of the following characteristics:

Without provocation, approaches in a threatening or terrorizing manner any person in an apparent attitude of attack or exhibits any behavior that constitutes a physical threat of bodily harm to a person upon the streets, sidewalks, any public or common grounds or places or in any other place where such person is conducting himself or herself peaceably and lawfully; or

Without provocation, bites, inflicts injury, assaults or otherwise attacks a person in any place where such person is conducting himself or herself peaceably and lawfully whether on public or private property, or attacks another animal when such animal is not on the property of the owner, possessor, or custodian of the attacking animal; or

A known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise endanger the safety of human beings or their domestic animals; or

Owned or harbored primarily, or in part, for the purpose of fighting or any dog trained for fighting or being sold, bred, or maintained as a fighting animal.

For the purposes of this Section, a person shall be considered to be peaceably and lawfully upon the private property of an owner, possessor, or custodian of a dog when he or she is on such property in the performance of any duty imposed upon him or her by any laws or postal regulations of the United States, or the State of Mississippi, or any political subdivision thereof or when he or she is on such property upon invitation, expressed or implied, by law or by the owner, possessor, or custodian of said dog or of said premises.

The provisions of this Section notwithstanding, no dog may be determined to be dangerous or vicious due to the fact that it:

a. Inflicts injury or damage on a person committing a trespass or other tort upon the person or premises occupied by the person owning, or in possession, or in custody of the animal, or teasing, tormenting, abusing or assaulting the dog, or committing or attempting to commit a crime or ordinance violation; or

b. Inflicts injury or damage on another domestic animal that is or was teasing, tormenting, abusing or assaulting the dog or its young; or.

c. Takes any action to defend or protect a human being within the immediate vicinity of the dog from an unjustified attack or assault.

The following are exempt from the definition of “dangerous or vicious dogs”:

a. Dogs assisting a peace officer or other law enforcement officer engaged in law enforcement duties; or

b. Dogs in a licensed veterinary, animal or small animal hospital for treatment, or kept in a bona fide educational, medical or other research institution, or in zoos, museums or similar places where such dogs are kept as live exhibits or for study.

Section 7: Failure to Comply.

It shall be unlawful for the owner or keeper of any dog to fail to comply with the requirements and conditions of this Ordinance, and upon conviction for a violation shall be subject to those penalties in Section 11 of this Ordinance.

Section 8: Notice of Violation by Animal Control Officer.

When the Animal Control Officer has knowledge of a possible violation of this Ordinance, the Animal Control Officer shall forthwith cause the matter to be investigated. If after investigation there are reasonable grounds to believe there has been a violation of this Ordinance, the Animal Control Officer shall forthwith deliver written notice to the owner or keeper of the dog that a violation of the Ordinance has occurred and to take immediate corrective action.

Such a notice shall not be required when a dog has caused serious physical harm or death to any person or has escaped and it is at large in which case the Animal Control Officer shall cause said dog to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person or animal.

Section 9: Authority of Police Department.

The police department, law enforcement officers, and any other lawfully designated official or representative of the City shall also have the duty and responsibility of enforcing the provisions of this Ordinance. Any officer of the police department, all other law enforcement officers, and any such designated official or representative is fully authorized and empowered to enforce any and all of the provisions hereof.

Any official or representative of the City, lawfully designated to enforce the provisions of this Ordinance, shall have the power and authority to issue summons and citations returnable to the municipal court for violations of this Ordinance. Such summons and citations shall have the same full force and effect as is issued by the police department of the City for other law enforcement purposes. The section on penalties also applies for purposes of enforcement responsibility.

The police department or other designated official or representative of the City may develop and utilize such forms as may be required and necessary to exercise the police power of the City in Ordinance enforcement, and to actively enforce this Ordinance.

Any police officer or other lawfully designated official or member of law enforcement or representative of the City, having cause to believe that a dog is dangerous or vicious, shall conduct or cause to be conducted an investigation of the dog and the owner, possessor, or custodian shall have the opportunity to present evidence as to why the dog should not be determined to be dangerous or vicious. The results of any investigation with respect to a particular dog shall not bar the City from investigating any subsequent actions of the dog.

Should any police officer, member of law enforcement, or other designated official or representative of the City have reason to believe that a dog is vicious or dangerous and may pose a

threat of imminent or serious harm to persons or other domestic animals, said officer or official may immediately seize and impound the dog pending an investigation as described herein.

Section 10: Seizure and Impoundment of dangerous or vicious dog or any dog suspected of having rabies.

The Animal Control Officer shall forthwith caused to be seized and impounded any dangerous or vicious dog or any dog suspected of having rabies. Upon seizure and impoundment, the Animal Control Officer shall cause a complaint to be filed in the Aberdeen Municipal Court against the owner or keeper of the subject dangerous or vicious dog and said dangerous or vicious dog shall be delivered to a place of confinement and kept until further order of the Aberdeen Municipal Court.

Section 11: Seizure and Impoundment of dog running at large, other dogs.

The Animal Control Officer shall forthwith caused to be seized and impounded any dog running at large. No later than 24 hours after the impounding of any dog the owner shall be notified, or if the owner of the dog is unknown written notice shall be posted for six (6) days on the City Hall Bulletin Board in the City of Aberdeen describing the dog and place and time of taking.

The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, all costs and charges incurred by the City of Aberdeen for impounding and maintenance of the dog. The following charges shall be paid to the City Clerk's Office: For a first offense of a particular dog for impounding any dog \$15.00; for a second offense of a particular dog \$30.00; for keeping any dog \$7.50 per day. If the owner reclaims the dog, the owner shall present proof that the dog will have the proper care. Not until that proof is presented shall any dog be released from the pound.

It shall be the duty of the Animal Control Officer to keep all dogs so impounded for a period of at least six (6) days. If at the expiration of six (6) days from the date of notice to the owner or the posting of such notice said dog shall not have been redeemed, it may be destroyed or disposed of.

However, any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous diseases shall not be released but may be forthwith destroyed. Any dog which appears to be suffering from rabies or infected with hydrophobia shall be so impounded for a period of ten (10) days or as ordered by the Mississippi State Board of Health. If the dog continues to have symptoms of rabies, it shall be destroyed without notifying the owner. The head of any dog or other animal which appears to be suffering from rabies or infected with hydrophobia and which has bitten a person or persons shall be sent to the Mississippi State Board of Health for examination. The person or persons bitten shall be notified of the results of the examination.

Section 12: Violations and Penalties.

Any person violating any provisions of this Ordinance shall upon conviction be subject to a fine of not less than two-hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000.00).

In addition to the fine imposed, the Municipal Court may sentence the defendant to imprisonment in jail for a period not less than seven (7) days and not more than six (6) months.

Each day that a violation of this Ordinance continues shall be deemed a separate offense.

In addition to the foregoing penalties, any person who violates this Ordinance shall pay all expenses, including shelter, food, handling, veterinary care, witness fees, and expenses necessitated by the enforcement of this Ordinance. The minimum daily expense shall be no less than twenty-five dollars (\$25.00).

Section 13: Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or part thereof of this Ordinance or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction such decision shall not effect the validity of the remaining portions of this Ordinance.

Section 14: Effective Date. This Ordinance shall take effect and be in force one month from and after the date of its publication in the Monroe County Journal newspaper.

Section 15: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed. The City "Ordinance Prohibiting or Regulating the Owning or Keeping of Pit Bull Dogs, Providing for Permits, and Providing Penalties for Violations" shall remain in full force and effect.

WHEREUPON, said foregoing Ordinance having first been reduced to writing was read and considered section by section, and said Ordinance was put to a vote upon its final passage as a whole, and the same was passed as read, with the following votes, to-wit:

Aldermen voting "YEA":

Alderman Robert Devault
Alderwoman Carolyn Odom
Alderman John Allen

Aldermen voting "NAY":

Alderwoman Lady B. Garth
Alderman Edward Haynes


Aldermen absent or not voting:

THEREUPON, the Mayor declared said Ordinance approved, passed, and adopted this

17th day of May, 2022.


Charles Scott, Mayor

ATTEST:


Melissa Moore, City Clerk