

AMENDED ANIMAL CONTROL ORDINANCE
OF THE CITY OF BYRAM, MISSISSIPPI

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

WHEREAS § 21-19-9 of the Mississippi Code of 1972 authorizes the governing authorities of municipalities to prevent or regulate the running at large of animals and related matters, the City of Byram, Mississippi, adopts the following regulations:

Section 1-1. Definitions.

The following words, whenever used in this Ordinance, shall have the following meanings ascribed to them unless a different meaning clearly appears from the context:

(a) "**Animal Control Officer**" shall mean the person (s) designated by the City of Byram to represent and act for the City of Byram, in the impoundment of domesticated animals controlling of domesticated animals running at large and as otherwise required in this Ordinance.

(b) "**At Large**" shall mean any domesticated animal shall be deemed to be at large when not on a leash, behind a fence or enclosure.

(c) "**Domesticated Animal**" shall mean any non-wild animal ordinarily domesticated by man and kept as a pet or used as livestock. This shall include but not be limited to dogs, cats, birds, rabbits, cattle, horses, sheep, goats, swine, and other animals normally kept for these purposes.

(d) "**Feral Animal**" shall mean an animal that has escaped from domestication and has become wild, dangerous, or untamed.

(e) "**Health Officer**" shall mean a licensed physician or veterinarian appointed by the Mayor and Board of Aldermen to have charge and control of the work of protecting and preserving the public health.

(f) "**Inhuman Treatment**" shall mean any treatment of any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, and any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing, poisoning, long term tethering, or staking or other abnormal treatments as may be determined by:

- (1) An authorized Health Officer; or,
- (2) An authorized law enforcement officer.

(g) "**Large Canine Breed**" shall mean dogs equivalent to or greater than the average size Labrador Retriever of approximately 60-65 pounds.

(h) "**Owner**" shall mean any natural or legal person, firm, association, syndicate, partnership, or corporation.

(i) "**Person**" shall mean any natural or legal individual, firm, association, syndicate, .

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partnership, or corporation.

(j) "Vaccination;" shall mean an injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian.

(k) "Vicious Animal" shall mean:

(i) An animal may be declared "vicious" or "dangerous" by an animal control officer or law enforcement officer if the animal, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack.

(ii) An animal may be considered vicious or dangerous if that animal has a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten safety of human beings or domestic animals.

(iii) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting will be considered vicious or dangerous.

(l) "Wild Animals" shall mean all animals which can normally be found in the wild state and are not ordinarily domesticated by man, whether raised in captivity or - the wild, including, but not limited to reptiles, lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, skunks, raccoons, opossums and squirrels. Also, Any animal considered a menace to the public. This shall include but not be limited to hybrid wolf-dogs, pit bull breeds (purebred or any amount) and/or fighting dogs.

Section 1-2. The Control or Protection of Domesticated and Wild Animals.

(a) It shall be unlawful for any person to:

(1) Permit any domesticated and/or wild animal(s) to run at large within the City of Byram.

(2) Commit any inhuman treatment against any domesticated and/or wild animal(s).

(3) Interfere with or molest any Domesticated and/or Wild Animal(s) used by law enforcement in the performance or the functions or the duties of such department.

(4) **Keep or harbor more than 3 domesticated/and or Wild Animal(s) of the same species over the age of six (6) months, Grazing Animal(s) of any species shall not be permitted in any Residentially Zoned District, except Agricultural or Residential Estate Districts, in the City of Byram Mississippi, or keep more than two (2) of which are large canine breeds.**

(5) Keep or harbor any animal(s) which by loud, repeated, and frequent or habitual barking, howling, yelping or other noise or action, disturbs any Person in the City of Byram.

(6) Allow any pens, kennels, or other enclosures, for the keeping of domesticated and/or wild animal(s) to become unsanitary, offensive, or disagreeable to persons

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residing in the vicinity of a platted and recorded subdivision nor shall they be maintained or kept as to breed flies or in any manner to cause any injury to the public health of any person residing in the vicinity of the pen, enclosure, cage, etc.

(7) Keep or harbor any domesticated and/or wild animal(s) 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.

(8) Fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(i) Proper shelter is defined as a roof and three (3) sided shelter for all equines and a recognizable dog house for canines.

(9) Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to said animal. In the event 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 police shall be authorized to remove said animal from such vehicle and to utilize any reasonable method to effectuate said removal.

(10) 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.

(11) Keep any wild animals within the City of Byram.

(i.) A variance to this provision may be requested by obtaining a special permit from the City of Byram. All permits issued to own a wild animal will be maintained by the City of Byram.

(b) The duly sworn and authorized animal control officer (s) of the City of Byram may seize or cause to have seized any animal whose owner is found to be in violation of any part of Section 1-2(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 five (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 Sub-Section (a). If such animal is not returned to the animal's owner pursuant to this Section 1-2(b), the animal shall be released to the Mississippi Animal Rescue League. The animal control officer shall designate to the owner what corrections are necessary to bring said owner into compliance with Subsection 1-2(a) during said five-day period.

Section 1-3. Vicious Animals.

It shall be unlawful for:

(1) Any animal that has been declared or is considered vicious or dangerous as defined hereinto be kept in or allowed to enter the City of Byram.

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(2) Any animal that has been declared vicious or dangerous to be kept on a chain or in any other manner kept tethered or to tie out.

(3) Any person who has been convicted of a felony offense to possess, harbor, control, own, or reside on the same premises as a vicious or dangerous animal.

Section 1-4. The Control or Protection of Animals.

(a) It shall be unlawful for a person to tether, fasten, chain, tie, or restrain an animal, either pet or livestock, to any stationary object in a manner that is inhumane or is detrimental to its welfare. A person may temporarily tether an animal no longer than is necessary for the person to complete a temporary task.

(b) It shall be unlawful to allow any animal to be unrestrained or unconfined while being transported in the open bed of a pickup or flatbed truck or trailer. If the animal is restrained by a tether, lead, chain, or other such restraint, such tether, lead, chain, or other such restraint must be short enough to prevent the animal from jumping from, or falling out of, the pickup truck bed, or flatbed truck or trailer.

(c) It shall be unlawful for any person, firm or corporation, to attempt to sell, exchange, trade, barter, donate or display any animal on any roadside, public right-of-way, parkway, median, park, playground, other recreational areas or any private parking lot that is generally accessible by the public, regardless of whether such access is authorized. Non-profit organizations founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals shall have rights to interior parking areas associated with commercial/retail stores with written permission from the property owner.

Section 1-5. Impoundment of Vicious Animals.

(a) An animal control officer or law enforcement officer may seize or cause to have seized any animal declared vicious or dangerous or whose owner has violated any part of this ordinance and have said animal impounded at the Mississippi Animal Rescue League facility or other designated government facility authorized to impound vicious animals.

(1) The owner of any vicious or dangerous animal shall be held liable for costs and damages incurred by the injured party and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal, regardless of whether the animal is returned to the owner.

(b) When an animal is determined by the animal control officer or law enforcement officer to be a vicious or dangerous animal or feral animal, that animal shall be destroyed by the animal control officer or his designee provided each of the following requirements are met:

- (1) The animal is at large without restraint;
- (2) There is no vaccination tag or other identification around the animal's neck; and
- (3) Attempts to capture the animal peacefully have been made and have

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proved unsuccessful.

If the animal is in the process of attacking and is a threat to human or animal life, the above requirements will be waived.

Section 1-6. Procedure on Retention, Observation, and Disposition of Animals which have bitten persons or other animals, or those suspected of having disease.

(a) The Animal Control Officer or the person designated by the City of Byram 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 any person or otherwise arrange for the authorized officer to pick up and retain such animal in a separate kennel at the Mississippi Animal Rescue League 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 the Hinds County Health Officer or designated official whether or not such animal is suffering from any disease. If no disease is found, the Hinds County Health Officer is to signify to the authorized animal officer that such animal may be released to the owner, provided that the authorized officer may authorize keeping of any such animal in the owner's premises, and provided further that the owner produces a 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, and provided further that the authorized officer may authorize any such animal to be retained for a period of not less than ten (10) days after biting such person, or animal in quarters supervised by a veterinarian, and provided further that Hinds County Health officer may authorize the keeping of certain animals confined on the owner's premises because of veterinary medical reasons, such as animals which are difficult to maintain or susceptible to diseases which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the Hinds County Health Officer.

(b) Any animal suspected of having disease shall be subject to the impoundment and observation provisions set out in Section 1-4.

(c) Any animal found to be infected with rabies shall be forthwith destroyed by the City of Byram officer or any other designated officer in a humane manner.

Section 1-7. Authorization for Quarantine.

In the event a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the Hinds County Health officer is hereby authorized and it shall his duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation. Under the publication of such proclamation by the Health Officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as in the definition "at large," except prescribed that any such animal under the control of any adult person on a lead or under a control by voice command, may do so only if the animal is effectively muzzled. All .dogs, cats or other animals found at large during the time specified by the Hinds County Health Officer in his quarantine proclamation without being

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property confirmed or muzzled if under the control of an adult person may be destroyed by an authorized officer, if said officer is unable with reasonable effort, to apprehend the animal for impoundment.

Section 1-8. Animal Control Officers - Training and Certification.

Animal control officer(s) shall be required to be familiar with the City of Byram's Ordinances pertaining to "Domesticated Animals" and applicable Federal and State Statutes pertaining thereto.

Section 1-9. Animal Control Officers- Police Powers and Enforcement Responsibility.

(a) Any animal control officer appointed by the City of Byram may utilize any equipment reasonable and necessary to enforce the provision of this Ordinance, including without limitation, humane wire box traps; and the 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 of Byram shall be vested with police powers and shall be, authorized to issue tickets, summons or other process in the same manner as other law officers of the City, subject to proper certification.

Section 1-10. Penalties.

(a) Any person who violates any of the provisions of Sections 1-2 and 1-4 pertaining to domesticated and/or wild animals shall be guilty of a misdemeanor. Each and every day the same shall continue shall constitute a separate and distinct offense. Each and every violation shall constitute a separate and distinct offense.

(1) First Offense - a fine of not less than \$100.00 per violation plus costs and damages incurred by the injured and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal.

(2) Second offense- a fine of not less than \$300.00 per violation plus costs and damages incurred by the injured party and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal.

(3) Third (and subsequent) Offense- a fine of \$1,000.00 per violation or by imprisonment a minimum of ninety (90) days or by both such fine and imprisonment.

(b) Any person who violates any of the provisions of Section 1-3 pertaining to vicious or dangerous animals shall be guilty of a misdemeanor. Each and every day the same shall continue shall constitute a separate and distinct offense. Each and every violation shall constitute a separate and distinct offense.

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(1) First offense - a fine of not less than \$250.00 per violation or by imprisonment for sixty (60) days or by both such fine and imprisonment, plus costs and damages incurred by the injured and/or the Mississippi Animal Re cue League or other government agency authorized to impound such vicious animal.

(2) Second offense - a fine of not less than \$500.00 per violation and imprisonment for a minimum of ninety (90) days or by both such fine and imprisonment, plus costs and damages incurred by the injured party and/or the Mississippi Animal Rescue League or other government agency authorized to impound such vicious animal.

(3) Third offense- a fine of not less than \$1,000.00 per violation or by imprisonment a minimum of ninety (90) days or by both such fine and . imprisonment.

Furthermore, any attack by an animal which has been deemed vicious or' dangerous which results in injury requiring hospital treatment (e.g., an emergency room visit), surgery and/or ongoing medical care, regardless of whether the animal has a history of harassing, attacking, or biting, may result in that animal being euthanized.

Section 1-11. Constitutionality.

Should any section or provision of this ordinance for any reason be held void, unconstitutional or invalid, it shall not affect the validity of any other section or provision hereof which is in itself

r not void, unconstitutional or invalid:

Section 1-12. Effective Date.

This Ordinance will become effective thirty (30) days after adoption.

So Ordained this the 9th day of October, 2014

Signed/By: Richard White, Mayor

Attest/By: Angela Richburg, City Clerk