

**ORDINANCE SETTING STANDARDS, CONDITIONS AND REQUIREMENTS FOR THE KEEPING, MAINTAINING AND TREATMENT OF ANIMALS IN THE TOWN OF BELMONT, MS AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.**

WHEREAS 21-19-9 of the Ms State Code of 1972 as amended authorizes a municipality to control the running of animals at large; and

WHEREAS, 97-41-1 through 91-41-17 prohibit cruelty to animals:

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BELMONT, MISSISSIPPI:**

Section 1: Definitions: As used in this ordinance, the following terms mean:

**Animal:** Any live, vertebrate creature, domestic or wild;

**Animal Control Officer:** Any person designated by the Town of Belmont, Mississippi, as a law enforcement and control officer who is qualified to perform such duties under the laws of this state; including but not limited to police officers and employees of the Public Works Department;

**Animal Shelter:** Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law;

**Kennel:** Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs;

**Owner:** Any person, partnership, or corporation owning, keeping or harboring one or more animals. An animal shall be deemed harbored if it is fed or sheltered.

**Inhumane Treatment:** Shall mean any treatment to any animal which deprives 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, poisoning, or other abnormal treatment as may be determined by: (1) health officer, (2) authorized law enforcement officer;

**Public Nuisance:** Any animal or animals which:

1. molests passerby or passing vehicles, or;
2. attacks other animals, or;
3. trespasses on school grounds, in city parks, or in a zoological park, or;
4. is repeatedly at large, or;
5. damages private or public property, or;
6. barks, whines, or howls in an excessive, continuous or untimely fashion, or;
7. is allowed by its owner to become a nuisance to people or other animals.

Restraint: Any animal secured by a leash or lead of less than six (6) feet within the fenced real property limits of its owner; or is secured by a chain or cable sufficient to keep the animal within the property limits.

Running at large: An animal not under restraint is running at large;

Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;

Vicious animal: Any animal or animals that constitute a physical threat to human beings or other animals, or any animal that could be perceived, by a reasonable person, to be a physical threat to human beings or other animals;

Wild animal: Any live monkey (non-human primate), raccoon, bear, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can be found in the wild state, and is not ordinarily domesticated by man, whether raised in captivity or in the wild;

#### Section 2: Rabies Vaccinations:

- A. Any person owning, keeping, harboring, or having custody of any dog six (6) months of age or older within the town shall have that animal vaccinated against rabies with the approved dosage of an approved anti-rabic virus (vaccine) properly administered by one legally authorized to do so; it shall be unlawful for any person to own or have in his possession any dog not so vaccinated. Every dog must be so vaccinated immediately upon attaining the age of six (6) months, and every year thereafter on or before June 30.
- B. The owner of any dog shall see that the animal wears a securely bradded metal tag approved by the State Board of Health with the serial number of the vaccination and the year in which the animal was inoculated stamped thereon, and to see that the collar and tag are worn by the animal at all times.
- C. The failure to comply with this section shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second, and five hundred dollars (\$500.00) for the third offense.

#### Section 3: Impoundment and Quarantine of Animals Having Bitten Person and Destruction of Rabid Animals:

- A. It shall be unlawful for any person to keep or maintain within the Town of Belmont, Mississippi any vicious, ferocious or dangerous animal. Any such animal may be impounded or destroyed.

- B. In case of an attack by animal resulting in injury to any person, such animal shall be impounded by the Town of Belmont for observation for a period of ten (10) days, or the Town of Belmont shall have such animal impounded for ten (10) days with a private veterinarian licensed to practice veterinary medicine within the state, or after having first produced evidence of current vaccination, the owner may sign an agreement to a daily check (for a period of quarantine) by the Animal Control Officer to insure compliance and observe for signs of disease. All costs of the veterinarian will be paid by the owner.

Section 4: Running at Large Prohibited:

- A. It shall be unlawful for the owner of any animal to permit it to run at large within the corporate limits of the Town of Belmont, Mississippi.
- B. Impoundment of animals at large: Animals running at large may be impounded as provided in Section 5 of this chapter.
- C. It shall be lawful and it shall be the duty of any sheriff, game warden, or peace officer of a county or municipality to destroy any dog above the age of three months found running at large on whose neck there is no collar or tag. (41-53-11 of the MS Code of 1972) No action shall be maintained by the owner for the destruction of the animal. However, it shall be the duty of said officer who finds a dog or dogs running at large to first keep said dog or dogs for a period of five (5) days in order for the owner to claim the animal. It shall be the duty of any sheriff, game warden, or peace officer of a county or municipality to destroy any dog above the age of six (6) months found running at large that has not been inoculated.
- D. No dog shall be allowed within the grounds of any municipal park unless it is under restraint at all times. No dog shall be allowed to run at large within any municipal park.
- E. Penalties: In addition to or in lieu of impounding an animal found at large, the animal control officer or police officer may issue to the known owner of such animal a citation or violation. Such citation shall impose upon the owner a penalty as follows:  
First offense: \$ 50.00  
Second offense: 100.00  
Third offense: No less than \$100 and not to exceed \$500
- F. All subsequent offenses will be set by the city judge. The penalty is to be paid at the Belmont City Hall within five (5) days. In the event that such citation is not paid within the prescribed time, a criminal warrant may be issued.

Section 5: Impoundment Generally:

A. Authority to seize; confinement period:

An unrestrained dog or a nuisance animal shall be taken by the police or animal control officer and impounded in an enclosure or animal shelter kept for the purpose, to be provided and maintained by the town and there confined in a humane manner. Such an animal shall be kept for at least five (5) days, unless sooner claimed by the owner; impounded dogs not suffering from an incurable injury or disease shall be kept for not less than five (5) working days.

B. Notice to owner; redemption:

If by a tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail. Within five (5) days, the rightful owner of any animal held under this section may, provided the animal is properly vaccinated, licensed and tagged, obtain the animal upon payment of a pound fee as hereinafter provided. If an unvaccinated animal is claimed by owner, the owner must make arrangements for the vaccination of said animal satisfactory to the department of animal control. An owner reclaiming an impounded animal shall pay a fee as follows: \$10.00 plus \$5.00 for each day of impoundment.

C. Disposition if not reclaimed by owner; waiver of waiting period:

Any animal not reclaimed by its owner within five (5) working days shall become the property of the Town of Belmont and shall be placed for adoption in a suitable home for the fee of fifty (\$50.00) dollars, or humanely euthanized with an injection of sodium pentobarbital; provided that if an unclaimed animal is adopted, the adoptive owner must make arrangements for the vaccination of said animal satisfactory to the superintendent of animal control. The five-day waiting period is waived for a vicious or fetal animal, or for any animal suffering from an incurable disease. Pursuant to 97-41-3, MS Code Annotate(1972), an injured or neglected animal may be humanely euthanized without any waiting period. Animals may also be released to the Mississippi Animal Rescue League.

D. Additional proceedings against owner authorized:

The owner of any impounded animal may also be proceeded against for violation of this chapter.

Section 6: Animal Care:

- A. No owner shall fail to provide his animals 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.

B. No person shall beat, cruelly ill treat, torment, overload, over-work, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

C. No owner of an animal shall abandon such animal.

D. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same is likely to be eaten by any animal. It shall not be unlawful for a person to expose on his own property common pest-control poison mixed only with vegetable substances.

E. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

F. Every vicious animal, as determined by the Town of Belmont, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

G. No person shall leave an animal unattended inside a motor vehicle when such action is harmful or potentially harmful to said animal. In the event the owner of said vehicle is not available and cannot be found or refused to prevent said harm or reasonable potential harm from continuing, the animal control officer or police department shall be authorized to remove said animal from such vehicle and to utilize any reasonable method to effect said removal.

H. Any person who, as an operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the police department and /or the animal control officer or to the local humane society within a reasonable time.

#### Section 6-A: Authority to Seize:

The duly sworn and authorized animal control officers or police officers of the Town of Belmont may seize or cause to have seized any animal whose owner is found to be in violation of any part of Section 6 and impound or cause to be impounded said animal in a designated shelter. Said animal shall be held for a period not to exceed five (5) days. If no corrections are made by the owner within the five (5) day period, the animal shall become the property of the town of Belmont.

#### Section 7: Animal Waste:

The owner of every animal shall be responsible for the removal of any excrete deposited by his animal on public walks, recreation areas, or private property.

Section 8: Keeping Wild animals and Reptiles Prohibited:

- A. No person shall keep any wild animal or poisonous reptile within the corporate limits of Belmont, Mississippi.
- B. No person shall keep or cause to be kept on the premises or in any roadside zoo or pet store, any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.
- C. The animal control officer is hereby granted the authority to seize any wild animal or reptile kept in violation of this ordinance, Federal Laws, State Statutes, upon conviction of said owner for said offences and if seized shall deliver said animal or reptile to the Department of Wildlife Conservation or dispose of according to their institutions.

Section 9: Pet Shops, Aviaries, and Kennels:

The animal control officer of the Town of Belmont is hereby authorized at any reasonable time, upon receipt of public complaints or request to inspect any store or business located within the boundaries of the Town of Belmont which buy, sell, give away, or trade live animals, birds, or operate kennels.

Section 10: Enforcement:

- A. The civil and criminal provisions of this ordinance shall be enforced by the animal control officer, the Belmont police department and any other authorized personnel of the Town of Belmont. It shall be a violation of this ordinance to interfere with any of the aforementioned in the performance of their duties
- B. Any animal control officer appointed by the Town of Belmont shall be vested with police powers and shall be authorized to issue tickets, summons, or other process in the same manner as other police officers of the Town of Belmont with regard to animal control.
- C. Any animal control officers may utilize any equipment reasonable and necessary to enforce the provisions of this code, including without limitation, humane wire box traps.

Section 11: Penalties:

Any person violating any provision of this chapter except as provided for in Section 2(C) and 4(E) shall be deemed guilty of a misdemeanor and shall be punished by fine of not less than fifty (50) dollars nor more than one hundred (100) dollars or imprisonment in the county jail not to exceed one (1) day, or both fine and imprisonment. If any violation continues, each day's violation shall be deemed a separate violation.

PASSED by the Mayor and Board of Aldermen of the Town of Belmont, Mississippi the 5<sup>th</sup> day of January, 2010.

Section 12: Effective Date

This ordinance shall be effective thirty (30) days after passage.

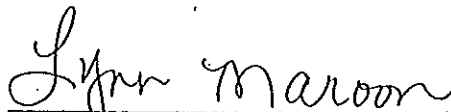
Section 13: Repealer:

This ordinance repeals and supercedes all previous animal control ordinances for the Town of Belmont, Mississippi.

TOWN OF BELMONT, MISSISSIPPI

  
Buddy Wiltshire, Mayor

ATTEST:

  
Lynn Maroon, Town Clerk