

**CITY OF NETTLETON
AMENDED DOG ORDINANCE AUGUST 2023**

AN ORDINANCE PROHIBITING DOGS OR FOWLS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF NETTLETON, MISSISSIPPI, AND AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF DOGS UNDER CERTAIN CONDITIONS; PROVIDING FOR THE REGISTRATION AND ADOPTION. PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

Be it ordained by the Mayor and Board of Aldermen of the City of Nettleton, Mississippi:

SECTION A. DEFINITIONS

That for the purpose of these ordinances, the following definitions shall apply when used herein:

- a. The word **“dog”** shall include both the male and female sex of the canine species.
- b. The word **“owner”** or **“keeper”** shall include any person, partnership, firm or corporation owning, keeping, or harboring one or more dogs. “Own” or “Keep” means to own, keep, harbor, manage, possess, maintain, or to have charge or custody of, or provide care for.
- c. The word **“at large”** shall mean any animal outside enclosed premises and not in control of the owner/caretaker.
- d. The words **“dangerous dog”** shall mean any dog that exhibits any of the following characteristics:
 1. 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 or bodily harm to a person on the street, sidewalks, any public or common grounds, or places, or any place where such person is conducting himself peaceably and lawfully.
 2. Without provocation, bites, inflicts injury, assaults, or otherwise attacks a person in any place where such person is conducting himself peaceably and lawfully, or an animal when such animal is not on the property of the attacking animal.
 3. It has known propensity, tendency, or to otherwise endanger the safety of human beings or other domestic animals.
 4. Is allowed or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
- e. The words **“proper enclosure”** or **“secure enclosure”** shall mean a locked pen which has a top, or any other locked enclosure which has a top, or a locked fence yard which will securely confine the dog, and which will prevent the dog from escaping.
- f. The words **“without provocation”** shall mean that the dog was not teased, tormented, or abused by a person, or that dog was not coming to the aid or the

- defense of a person who has not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.
- g. The Words **“menacing fashion”** shall mean that the dog would cause a reasonable person to be chased or approached to believe that the dog would attempt to cause physical harm/injury to that person.
 - h. The word **“restraint”** shall mean that said dog be under the actual physical control of the owner.
 - i. The words **“securely tied”** shall mean a dog is temporarily confined to the owner’s premises by means of a properly fitted collar or harness attached to a rope, chain, or leash.
 - j. The word **“pack”** shall mean two or more dogs at large grouped or traveling together, that do not have any means of identification and/or proof of vaccination.
 - k. The word **“City”** shall mean the City of Nettleton, Mississippi, and any and every place within the corporate limits of the City of Nettleton, Mississippi.
 - l. The words **“electronic fence”** or **“radio collar”** or **“electronic collar”** is defined as a fence or collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner’s or keeper’s property. The collar may be controlled manually by a person or automatically in a predetermined manner.
 - m. The words **“noise”** or **“disturbance”** unwanted or excessive sound that can have deleterious effects on human health, enjoyment of property, wildlife, and environmental quality.

The word **“person”** includes any natural person, association, partnership, organization, or corporation.

SECTION 1: Vaccination and Registration/Licensing of dogs

Every person in the City of Nettleton, Mississippi, who owns or has in his or her possession or who keeps or harbors any dog within the corporate limits of said City, shall have and keep such dog inoculated (vaccinated) against rabies, as provided by the laws of the State of Mississippi, and as provided by the Mississippi State Board of Health, and it shall be unlawful for any person to own, possess, keep, or harbor any dog within the corporate limits of said City unless such dog has been so inoculated against rabies. Such dog must provide City inoculation papers for registration/licensing of said dog.

Provision 1. Every dog so vaccinated must bear a suitable metal tag which may be bradded to or hung the collar or harness of such dog which said tag shall have stamped thereon the serial number of the vaccination, the year in which said dog was vaccinated and the name of the owner of said dog.

Provision 2. If any dog should be without such tag at any time such action shall be prima facie evidence that the owner has failed to have such dog vaccinated as provided by the law and such action shall be violation of this ordinance, and such dog may be picked up by any police officer, animal control officer, or other designated representative of said City. No action shall be maintained by the owner of such dog for said animal being taken to shelter.

SECTION 2: Dogs running at Large

It shall be unlawful for any person who owns or has in his or her possession or under his or her control or who keeps or harbors any such dog within the corporate limits of the City of Nettleton Mississippi, to cause or permit any such dog to be owned, in possession of, and/or harboring within said City and until such dog bears a suitable metal tag provided by The City of Nettleton, Mississippi which may be hung to the collar or harness of such dog which said tag shall have stamped thereon the serial number of license tag provided by the City of Nettleton, Mississippi upon registering your dog with the City, the dog must have a yearly rabies inoculation (vaccination) certificate. The fact that such dog fails at any time to bear such tag shall be prima facie evidence that the owner of such dog has failed to have such dog inoculated against rabies as provided by law as therein provided.

Provision 1. Any dog that is allowed off its owner's premises shall be under the actual physical control of the owner by means of a secure, properly fitted collar or harness attached to a leash that is not more than six (6) feet in length and is constructed of material of such strength that it cannot be broken by said dog, but must not be so heavy or binding as to cause undue discomfort for said dog. If for any reason any dangerous dog or dog having dangerous propensities and tendencies as herein defined must be removed from its owner's premises, then said dog shall be under the actual physical control of its owner by means of a secure, properly fitted muzzle, as well as a secure, properly fitted collar or harness attached to a leash that is not more than six (6) feet in length and is constructed of a material of such strength that it cannot be broken by said dog, but must not be so heavy or binding as to cause undue discomfort for said dog.

Provision 2. Any dog that is allowed off its owner's premises and that is under the actual physical control of the owner as described herein, such dog must be controlled by a person of suitable age and discretion to adequately restrain the dog.

Provision 3. If at any time a group of two or more dogs traveling together at large within the corporate limits of said City and do not have collars/harness providing City tag and/or ownership, these dogs shall be considered to be a pack and are subject to being humanely captured, seized, or taken by a police officer/animal control officer. No action shall be maintained by the owner of such dogs for said animals being taken to shelter.

SECTION 3: Dangerous and mischievous

No dog of dangerous, vicious, fierce, or mischievous propensities or tendencies may be at large at any time within the corporate limits of said City, and it shall be unlawful for the owner or other person having any such dog in his or her possession or under his or her control, or in any manner keeping or harboring any such dog within the corporate limits of said City to cause or permit such dog to be at large in said City. If any dog bites or attempts to bite any person while such dog is at large, then such dog shall be conclusively presumed to be a dog having vicious propensities and tendencies. If any dog at large chases or otherwise attempts to catch a person, then such dog shall be conclusively presumed to be a fierce dog and to have fierce propensities and tendencies. If any dog at large overturns a securely covered garbage container, or trespasses upon the premises of any person other than the owner thereof, then such dog shall be conclusively presumed to be a mischievous dog and a dog of mischievous propensities and tendencies.

SECTION 4: Confinement required for dangerous animals.

All dangerous dogs shall be confined to prevent the injury of small children. Such enclosures should be securely closed, locked, and equipped with secure sides, top and bottom. The bottom should be concrete and sides and top of steel wire or other materials sufficient to prevent an animal from escaping. No dangerous animal shall be allowed outside of residence or required enclosure unless securely muzzled and restrained with a chain with minimum strength of 300 lbs. and not exceeding 3 ft, in length.

Provision 1. Any dog that is allowed off its owner's premises shall be under the actual physical control of the owner by means of a secure, properly fitted collar or harness attached to a leash that is not more than six (6) feet in length and is constructed of material of such strength that it cannot be broken by said dog, but must not be so heavy or binding as to cause undue discomfort for said dog. If for any reason any dangerous dog or dog having dangerous propensities and tendencies as herein defined must be removed from its owner's premises, then said dog shall be under the actual physical control of its owner by means of a secure, properly fitted muzzle, as well as a secure, properly fitted collar or harness attached to a leash that is not more than six (6) feet in length and is constructed of a material of such strength that it cannot be broken by said dog, but must not be so heavy or binding as to cause undue discomfort for said dog.

Provision 2. Any dog that is allowed off its owner's premises and that is under the actual physical control of the owner as described herein, such dog must be controlled by a person of suitable age and discretion to adequately restrain the dog.

Provision 3. If any owner of a dog is unable to immediately provide a proper enclosure or pen for the dog, then said dog may be securely tied temporarily on said owner's premises until such an enclosure can be provided or constructed. The only exception to this is when said dog is dangerous or has dangerous propensities and tendencies as herein defined, in which case said dog must always be confined in a secure enclosure. The owner of a dog that is securely tied shall be allowed a period of sixty (60) days in which to provide or construct a proper enclosure or pen for said dog. Failure to do so within this time frame shall result in violation of this ordinance. Any time a dog is securely tied on an owner's premises, the dog must be tied by means of a properly fitted collar or harness that is attached to a rope, chain or leash with which the dog is tied must be constructed of such length as to prevent the dog from being able to exceed the limits of the owner's premises, but long enough to allow the dog free exercise on said premises. The rope, chain, or leash must be attached to a heavy-duty wire but not so high as to cause the dog to become hung or strangled or to prevent the dog from lying down, reaching sustenance, or exercising comfortably. The rope, chain, or leash must slide freely along the length of said wire or cable for the dog to have free exercise.

Provision 4. No Dangerous animals shall be allowed outside of the residence or owners premises boundaries, unless it is securely muzzled and restrained, with a leash having a tensile strength of three hundred (300) pounds and not to exceed thee (3) feet in length. No dangerous animal shall be allowed outside unless under the direct control and supervision of an owner, possessor, or custodian who is at least twenty-one (21) years of age and sufficiently able to restrain said animal.

Provision 5. No dangerous animal shall be kept or allowed within three hundred (300) feet of a school, sports, public or church event, park, daycare, or other public facility, which provides services to children.

SECTION 5: Dangerous dogs at large

If any dangerous dog or dog having dangerous propensities and tendencies as herein defined is found at large after owner thereof has previous knowledge or notice that such dog is dangerous or has dangerous propensities and tendencies as herein defined, then such dog may be dealt with by lethal means by the Police/Animal Control Officer of said City without such Officer having to catch or impound such dog when aggressively approaching citizens or City Officials if said dog cannot safely be captured first.

SECTION 5a: Dogs in Heat

No female dog in heat shall be permitted to be at large at any time, and it shall be unlawful for the owner of any female dog in heat to cause or permit such dog to be at large at any time within the corporate limits of said City.

SECTION 6: Rabid dogs at large

If any dog suffering with rabies or reasonably suspected of suffering with rabies is caused or permitted to be at large within the corporate limits of said City, such dog may be dealt with by lethal means by the Police/Animal Control Officers of said City, if such officer is not able to safely capture said dog.

SECTION 7: Confinement of rabid dogs

If any dog within said City shall at any time have rabies or shall be suspected by the County Health Officer or their representatives of having rabies, or shall have been exposed to rabies, such dog shall be safely confined and, in all respects, dealt with in accordance with the directions of the County Health Officer.

SECTION 8: ENCLOSURES (REGULATIONS)

Every person in the City of Nettleton, Mississippi, who owns or has in his possession or who keeps or harbors any dog within the corporate limits of said City, shall provide for such dog(s) in a proper and secure enclosure and shall restrict such dog to said enclosure at all times unless the dog is under the actual physical control of said owner as described herein. Such enclosures are locked pens which have a top, or any other locked enclosure which has a top, or a locked fenced yard which will securely confine the dog, and which will prevent the dog from escaping.

Provision 1. Such pen(s) or enclosure(s) must also provide protection for the dog from the elements. Any dog so confined shall at all times have access to an adequate supply of fresh clean water and good and wholesome food and shall have adequate space per dog to allow free movement for exercise.

Provision 2. Owners will keep dog pens or enclosures in a clean and sanitary manner free from odor. The number of dogs kept by any one owner shall not be large enough in number to interfere with the proper enjoyment of nearby property and will not create a material annoyance, disturbance, or discomfort. Neither the number of dogs nor the manner in which they are kept shall be such as to create a public or private nuisance.

Provision 3. If any dangerous dog or a dog that has dangerous propensities and tendencies as herein defined is kept in a proper and secure enclosure, then it is the responsibility of the owner of said dog or dogs to clearly post a visible warning sign that there is a dangerous dog or dogs on the premises.

Provision 4. At no time shall any dog within the corporate limits of the said City be treated or confined or restrained in a cruel or inhumane manner.

Provision 6. The City reserves the right to issue more or reduce specific containment requirements where enclosures may be insufficient to prevent the escape of such animals or to prevent such animals from coming into contact with people adjacent to such property.

SECTION 9: Animal noise disturbance

No person shall own, possess, or harbor an animal making excessive noise in a residential area. Excessive noise means and includes an animal making noise so loud it disturbs a neighbor's sleep or interferes with the enjoyment of a neighbor's property.

Provision 1. No animal shall exceed a noise/sound of **70db** for more than **thirty (30) minutes** duration during the daytime hours of **(6:00am) to (10:00pm) CST** or exceed noise/sound of **50db** for more than **fifteen (15) minutes** during the nighttime hours of **(10:00pm) to (6:00am) CST**.

SECTION 10: Posted/Beware of dog signs.

All premises which a dangerous animal is kept, possessed, or harbored shall be posted with signs that are visible to the public and legible from the property, public or private.

SECTION 10a: Posted/Beware of dog signage on fenceless radio-controlled fence system

All premises in which fenceless radio-controlled fence systems are used shall also be posted with signs that are visible to the public and legible from property, public or private.

Provision 1. Non-Dangerous Dogs may be confined to the premises of the residential property of their owner or keeper by an electronic fence or an electronic collar. Dogs confined to residential property of the owner or keeper by an electronic fence or an electronic collar, shall not be permitted to be nearer than five (5) feet from any public sidewalk or property line that is contiguous to neighboring property. **No dangerous dog or other dangerous animal** shall be confined by an electronic fence or an electronic collar. All owners or keepers of dogs who use an electronic fence shall clearly post their property to

indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Electronic collars may not be used to control a dog when it is off its owner's or keeper's property.

SECTION 11: Birds of fowl

It shall be unlawful for any person who owns or has in his possession or under his or her control or who harbors or keeps such fowl within the corporate limits of the City of Nettleton, Mississippi, to cause or permit any such fowl to be at large within said City.

Provision 1. All fowl of any kind must be contained on the owner's property at all times in said City and not allowed of property without being in physical control of owner.

SECTION 12: Licensing, Registration, Adoption, and Permits

No dog shall be owned, possessed, or harbored within the City limits without first obtaining a license/permit from the City of Nettleton Mississippi. An application for such an animal shall include the name, address, and phone number of the owner, which said animal is located. Said animal shall also have current rabies certificate along with rabies tag number, form will also include name of animal, dog, sex of animal male or female, if animal is spayed or neutered, breed of animal, and color. Also, must provide photos of the front, both sides of the animal. Said animal shall be reregistered if new ownership transfers to another person within city's jurisdiction. These animals must be registered within a fourteen-day period to be in compliance if being transferred to a new owner.

Provision 1. Every dog so registered must bear a suitable metal tag provided by the City and must be hung on the collar or harness of such dog which said tag shall have stamped thereon the serial number of the City.

Provision 2. If any dog should be without such tag at any time such action shall be prima facie evidence that the owner has failed to have such dog registration as provided, such action shall be violation of this ordinance, and such dog may be humanely captured, seized, picked up, or taken by any police officer, animal control officer, or other designated representative of said city. No action shall be maintained by the owner of such dog for picking up, capturing, taking, or seizing said dog.

SECTION 12a: Dangerous dog additional Licensing and Registration

The City of Nettleton Mississippi requires the licensing/registration within the city of any dog that falls under the classification of dangerous. Dangerous meaning that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property. Also meaning when either muzzled, or unleashed, or unattended by its owner or keeper approaches a person in a vicious or terrorizing manner with apparent attitude of attack upon the street, sidewalk, or any public grounds or place. An application for such form shall include, owners name, driver's license number, address, daytime phone, evening phone number, breed of dog, sex of dog male or female, name of dog, description of color of dog and any other distinctive markings. The form shall also include photos of dog's front, both sides, and back, name of Veterinary Clinic/Doctor, and address. Shall also provide a copy of current immunization and health

record of the dog from the veterinary of said dog. Said animal shall be reregistered if new ownership transfers to another person within city's jurisdiction. These animals must be registered within a fourteen (14) daytime period to be in compliance once the animal has been deemed dangerous or a transfer of ownership of said animal occurs.

PROVISION 1. ALL DANGEROUS DOGS WILL BE DECIDED BY THE COURTS RULLING ON A CASE-BY-CASE BASIS. NO DOG IS PRESUMED DANGEROUS BY BREED.

SECTION 12b: Registration/Licensing, Adoption, and Permit

It shall be at the City Boards discretion to set the dollar amount for Registration/Licensing, Adoption, and Permit fees, as these amounts may change from year to year.

SECTION 12c: Service animal Exemption

Service animals shall have no fee for registration/licensing, with proper certification. A person must provide a certificate of completion from a service animal program, an accreditation form and a doctor's written approval to provide proof that animal is an official service animal going through a credited dog training course stating such dog has passed evaluation.

SECTION 12d: Registration/licensing time

Registration of all indoor and outdoor dogs must be done at the beginning of every January 1st of each year. Standard registration timeline is between January 1st and March 31st of each year, after that a late charge will be added to the cost of the registration. You have fourteen (14) days from moving into the City of Nettleton Mississippi, or adopting, taking possession of, or harboring any dog within the corporate limits of said City.

SECTION 13: Euthanasia of an animal

When the City of Nettleton must use a veterinarian to use euthanasia on an animal the cost will be charged to the owner of the animal. This cost could vary from year to year depending on the fee charged by the veterinarian.

SECTION 14: Penalty

The failure or refusal of any person to comply with any of the provisions of this ordinance, and the violation of any provision of this ordinance by any person shall constitute a misdemeanor; and any person guilty of any violation of any provision of this ordinance shall on conviction thereof, be punished by up to ninety (90) days in jail and/or a fine up to one thousand dollars (\$1,000.00).

SECTION 14a: Fees and Penalty Costs

The failure of any person to comply with any of the provisions of this ordinance, and state statutes shall and will be responsible for all fees and fines accrued from any seizure, court fees, rehousing of animal, or any fees deemed by the courts.

SECTION 15: Effective date

The public and necessity so requiring, this ordinance shall take effect and be in full force and effect from and 30 days after its passage and approval.

BE IT FURTHER ORDAINED that the financial condition of the City of Nettleton, Mississippi requires that this ordinance become effective August 7th, 2023.

After the aforesaid Ordinance was read and considered Alderman Daniel Lee moved that the foregoing Ordinance be adopted and approved. The motion was seconded by Levi Lee. and the matter was put to vote:

- Alderman Herbert Arnold YAY
- Alderman Levi Lee YAY
- Alderman Jeff Finch YAY
- Alderman Eric Moore YAY
- Alderman Daniel Lee YAY

WHEREUPON, the foregoing Ordinance was declared passed and adopted at a meeting of the Mayor and Board of Alderman held at 6:30 p.m. on the 7th day of July, 2023.

Phillip Baulch, Mayor

Attest:

Dana Burcham, City Clerk

