

CITY OF CLINTON
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, FEBRUARY 4, 2003 - 7:00 P.M.
MUNICIPAL COURTROOM - 305 MONROE STREET

WELCOME AND CALL TO ORDER - Mayor Rosemary Aultman

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Alderman Hisaw, followed by the Pledge of Allegiance to the Flag led by Alderman Greer.

ROLL CALL - City Clerk Wayne Derrick

Present: Jehu Brabham - Alderman-At-Large
Tony Hisaw - Alderman Ward 1
Tony Greer - Alderman Ward 2
Clint Brantley - Alderman Ward 3
Phil Fisher - Alderman Ward 4
Sharbert Lott - Alderman Ward 6
Ken Dreher - City Attorney

Absent: Herb Touchton - Alderman Ward 5

APPROVAL OF AGENDA ITEMS A-T

MOTION made by Alderman Brabham and SECONDED by Alderman Lott to approve Consent Agenda Items A-T. Item I will serve to advertise favorably the opportunities, possibilities and resources of the City of Clinton. MOTION CARRIED UNANIMOUSLY

ADOPTION OF ORDINANCE AMENDING THE EXISTING ORDINANCES OF THE CITY OF CLINTON AS TO THE REGULATION AND CONTROL OF ANIMALS AND FOWLS

The proposed ordinance was presented to the Mayor and Board of Aldermen by City Attorney Dreher. After discussion of certain proposed changes in the ordinance by City Attorney Dreher, the Mayor and Board, MOTION was made by Alderman Fisher and SECONDED by Alderman Brabham that the City adopt the proposed ordinance amending the existing ordinances of the City as to the regulation of control of animals and fowls within the municipal limits. MOTION CARRIED UNANIMOUSLY A copy of said Ordinance is attached.

APPOINTMENT OF JERRY MILLS AS SPECIAL COUNSEL TO CITY OF CLINTON

Upon recommendation made by Mayor Aultman, MOTION was made by Alderman Brabham and SECONDED by Alderman Greer to appoint Jerry Mills as Special Counsel to the City of Clinton regarding matters associated with the City's proposed annexation ordinance. MOTION CARRIED UNANIMOUSLY

ADJOURN 7:11 P.M.

MOTION made by Alderman Greer and SECONDED by Alderman Lott to adjourn. MOTION CARRIED UNANIMOUSLY

APPROVED:

Rosemary G. Aultman
Rosemary G. Aultman, Mayor

February 6, 2003
Date

ATTEST:

W. Derrick
Wayne Derrick, City Clerk

February 6, 2003
Date

BOARD APPROVED

CITY OF CLINTON AGENDA ITEM FACT SHEET

BOARD MEETING DATE: February 4, 2003 _____

AGENDA ITEM NO. 7

CONSENT AGENDA: _____ TO: _____

_____ FOR: _____

_____ ACCT. NO: _____

INTRODUCED BY: _____

EXHIBITS FOR REVIEW:

Minutes _____	Invoice _____	Other _____
Ordinance _____	Plans, Maps _____	_____
Resolution _____	Contract _____	_____

RECOMMENDATION: Animal Control Ordinance _____

Introduced by: Ken Dreher _____

BOARD ACTION: _____ MOTION MADE BY: Fisher

SECONDED BY: Brabham

VOTE CAST:	"AYE"	"NAY"	ACTION TAKEN:
Brabham	<u>7</u>	_____	_____
Hisaw	_____	_____	_____
Greer	_____	_____	_____
Brantley	_____	_____	_____
Fisher	_____	_____	_____
Touchton	<u>absent</u>	_____	_____
Lott	_____	_____	_____
Mayor Aultman	_____	_____	_____

AGENDA ITEMS MUST BE TURNED IN TO THE CITY CLERK WITH ALL ATTACHMENTS NO LATER THAN 5 P.M. ON THE WEDNESDAY PRECEEDING THE TUESDAY BOARD MEETING TO BE INCLUDED ON THE AGENDA. THIS DEADLINE WILL BE STRICTLY ENFORCED.

AN ORDINANCE AMENDING THE EXISTING ORDINANCES OF THE CITY OF CLINTON AS TO THE REGULATION AND CONTROL OF ANIMALS AND FOWLS WITHIN THE MUNICIPAL LIMITS, PROVIDING FOR THE MANNER OF MAINTAINING AND SECURING ANIMALS, SETTING FORTH GENERAL RESTRICTIONS ON THE KEEPING OF ANIMALS, PROVIDING FOR PENALTIES FOR VIOLATIONS AND FOR RELATED MATTERS

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) Person shall mean any individual, firm, association, syndicate, partnership or corporation.
- (b) At Large. Any animal, dog, cat or fowl shall be deemed to be at large when not on a leash, behind a fence or enclosure, or under the control of a competent person.
- (c) Owner shall mean any person, firm or corporation owning, keeping, or harboring any animal or fowl.
- (d) Vaccination shall mean an injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian.
- (e) Animal Control Officer shall mean the person(s) designated by the City of Clinton to represent and act for the City of Clinton, Mississippi, in the impoundment of animals, controlling of animals running at large and as otherwise required in this ordinance.
- (f) 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, or poisoning or other abnormal treatments as may be determined by
 - (1) The health officer, or
 - (2) An authorized law enforcement officer.
- (g) 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.
- (h) Livestock shall mean all domesticated animals, including but not limited to, horses, cows, mules, goats, sheep and pigs.
- (i) Feral Dog: A dog that has escaped from domestication and has become wild, dangerous, or untamed.
- (j) Vicious Animal: Any animal or animals that constitute a physical threat to human beings or to other animals.
- (k) Large canine breeds shall mean dogs equivalent to or greater than an average size cocker spaniel – 30 pounds.
- (l) Wild animals shall mean all undomesticated animals, including, but not limited to, lions, tigers, bears, wolves, apes, monkeys foxes, baboons, skunks, raccoons, opossums and squirrels.

Section 1-2. Control and Protection of Animals in General:

- (a) It shall be unlawful for any person to:
- (1) Permit any animal to run at large within the corporate limits of the city;
 - (2) Carry out any inhumane treatment against any animal;
 - (3) Interfere or molest a dog used by the police department of the city in the performance of the function or duties of such department;
 - (4) Keep or harbor more than four (4) domesticated animal(s) of the same species over the age of six (6) months in any residential area within the corporate limits of the city or keep more than two (2) of which are large canine breeds (seeing eye dogs or other animals trained to assist the handicapped to not count in this number);
 - (5) Keep or harbor any animal which by loud, frequent, or habitual barking, howling, yelping, or other noise or action disturbs any person or neighborhood within the corporate limits of the city;
 - (6) Keep or maintain on their premises any pen(s), enclosure(s), etc. for keeping of animals or fowl 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.;
 - (7) Keep or harbor any animal 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;
 - (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 with humane care and treatment;
 - (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 Police Department shall be authorized to remove said animal from such vehicle and utilize any reasonable method to effect 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) Hobble, tether, tie, stake or otherwise confine an animal in the front yard of any residence or business. This does not apply to an animal on a leash or other restraint under the control of its owner. Maintaining an animal in a front yard through means of an electric fence shall not be a violation of this Ordinance for all electric fences in existence and operation at the time of passage of this Ordinance.
- (b) 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 if found to be in apparent violation of any part of subsection (a) and impound or cause to have impounded such animal in a designated shelter. Such animal shall be held for 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 subsection (a) if such animal is returned to the owner, the animal shall be released to the Mississippi Animal Rescue League or similar organization. The animal control officer shall notify the owner of the apparent violation of subsection (a) during the said five-day period.

Section 1-3. Vaccination of Dogs and Cats Required;

Issuance of Certificate and Metal Tag.

- (a) On or before August first of each year every owner or keeper of a dog or cat six (6) months or older in Clinton shall cause such dog or cat to be vaccinated against rabies by a veterinarian licensed to practice in the State of Mississippi.
- (b) 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 owner's name, address and telephone number. The metal tag must be worn at all times by the dog or cat.

Section 1-4. Keeping of Livestock.

- (a) No person shall keep livestock closer than one hundred fifty (150) feet to any property line adjoining that on which the livestock is kept; provided that each animal herein defined as livestock shall be kept on a lot or tract of three (3) acres or greater.
- (b) At the request of the animal control officer each livestock owner shall notify the animal control officer of type, number and location of any and all livestock kept within the corporate limits. Said owner shall further furnish his name, address, and telephone number to the animal control authority and to the City of Clinton Police Department at the request of either.

Section 1-5. Keeping fowl Regulated.

- (a) No person shall keep more than two (2) fowl such as chickens, ducks, turkeys, geese, pigeons or guineas, except when one hundred fifty (150) feet from any property line adjoining that on which the fowl are kept, or except by special permit issued by the City of Clinton or designated agency of the City.
- (b) It shall be unlawful for the owner of said fowl to allow such fowl to roam outside the property of said owner, except carrier pigeons on training or racing flights.

Section 1-6. Ferocious, Vicious or Dangerous Animals Prohibited.

- (a) It shall be unlawful for any person to keep or maintain within the City of Clinton, Mississippi, any vicious, ferocious or dangerous animal or fowl. Any such animal or fowl may be impounded or destroyed.
- (b) The Violation of this section shall constitute a misdemeanor.

Section 1-7. Keeping Wild Animals and Reptiles Prohibited.

- (a) No person shall keep any wild animal(s) or reptile(s) within the corporate limits of Clinton, Mississippi.
- (b) No person shall keep or cause to be kept on his 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(s) or reptile(s) kept in violation of this Section, federal law, or state statutes, upon conviction of the owner for such offenses, and, if seized, shall deliver said wild animal(s) or reptile(s) to the Department of Wildlife Conservation or equivalent state agency. In his discretion, the animal control officer may grant owner of such animal(s) twenty-four (24) hours to remove them from the boundaries of the City to a lawful place if the public safety and welfare will not be jeopardized thereby.

Section 1-8. Performing Animals Exhibits or Circuses: Regulations.

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

Section 1-9. Pet shops, Aviaries, Kennels: Investigation of Complaints.

- (a) 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 operates kennels.

Section 1-10. Impoundment and Recovery of Animals.

- (a) Any dog, animal or fowl caught, picked up or impounded by the animal control officer or any police officer of the City of Clinton shall be forthwith turned over to the Mississippi Animal Rescue League or similar organization. Any impounded animal may be reclaimed within five (5) days of impoundment upon the payment of all impoundment fees and upon showing proof of current vaccination.

Section 1-11. Procedure or retention, observation and disposition of animals which have bitten persons or other animals, or those suspected of having disease.

- (a) The animal control officer, in the course of his duties shall investigate in cases in which animals have bitten persons or other animals and shall immediately notify the owner of such animal which has bitten any 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 in a separate kennel at the designated animal shelter 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 city health official or other designated official whether or not such animal is suffering from any disease. If no disease is found, the city health official or the designated official shall signify to the animal control officer that such animal may be released to the owner; provided further, that the animal control officer may authorize keeping of any such animal on the owner's premises provided that the owner produces a certificate of rabies vaccination performed by a veterinarian showing that the animal has been vaccinated for rabies not longer than twelve (12) months previous thereto or other vaccination period recognized by the United States Department of Agriculture and provided further, that the animal control officer may authorize the owner of 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; provided further, that the city health officer, or other designated official may authorize the keeping of certain animals confined on the owner's premises because of veterinary reasons, such as small rodents, monkeys or other animals 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 city health officer or other designated official.
- (b) Any animal suspected of having disease shall be subject to the impoundment and observation provision set out in subsection (a) of this section.
- (c) Any animal found to be infected with rabies shall be forthwith destroyed by the animal control officer, an officer of the Clinton Police Department, or by other designated officer.

Section 1-12. 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 immanent, the city health officer or other designated official is hereby authorized and it shall be their 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 quarantine proclamation. Under the publication of such proclamation by the health officer or other designated official, the person keeping or harboring any dog, cat or other animal shall follow the procedures 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 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 city health officer in a quarantine proclamation, without being properly confined or muzzled if under the control of a adult person, may be destroyed by any officer of the city if said officer is unable, with reasonable effort, to apprehend the animal for impoundment.

Section 1-13. Animal Control Officers – Training and Certification

Animal control officer(s) shall be required to be familiar with the City of Clinton Ordinances pertaining to “Animal and Fowl”, and applicable Federal and State Statutes pertaining thereto.

Section 1-14. Same – Police Powers and Enforcement Responsibility

- (a) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provision of this code, 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 shall be vested with police powers and shall be authorized to issue tickets, summons or other process in the same manner as other police officer of the city.

Section 1-15. Reporting Vehicle Accident Involving Animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the Clinton Police Department and/or the Animal Control Officer or to the local humane society within a reasonable time.

Section 1-16. Vicious or Diseased Animals.

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

Section 1-17. Personal Using Firearms Pursuant to Ordinance.

Personnel empowered by this Ordinance to discharge firearms within the city limits shall qualify with the Police Chief once every six (6) months and may not discharge any firearms within the scope of their employment unless and until the Chief of Police has issued or renewed the appropriate certification. Said certification is to be used 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 by the animal control officer;
- (c) Competent performance on the firing range by the A.C.O.;
- (d) Such other test or qualification as the Chief of Police in his discretion; deems appropriate.

In issuing the required certification, the Chief of Police 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 authorized personnel as is required of police officers discharging firearms within the city limits.

Section 1-18. Humane Euthanization.

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

Section 1-19. Penalties.

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor. Each and every day the same violation shall continue shall constitute a separate and distinct offense. Any person found guilty of violating this ordinance shall be punished as follows:

- (a) First offense – a fine not to exceed One Hundred Dollars (\$100.00);
- (b) Second offense – a fine not less than Two Hundred Fifty Dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00) if the offense is committed within one (1) year of the first offense;
- (c) For a third offense, the animal involved will be removed from the city limits or euthanized as necessary. It shall be a rebuttable defense that the animal was protecting the home, homeowner, its litter or itself;
- (d) Dogs running free:

1st citation – a fine not to exceed \$50.00

2nd citation – a fine not to exceed \$75.00

3rd or more citation – a fine not to exceed \$100.00.

Section 1-20. Repeals of Previous Ordinance.

All provisions of prior Animal Control Ordinances are expressly repealed.

Section 1-21. Effective Date.

The Ordinance will become effective thirty (30) days after adoption by the Mayor and Board of Aldermen.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, at a meeting thereof held on the
4th day of February, 2003.

A Motion for adoption was made by Alderman Fisher and seconded by
Alderman Brabham and the foregoing Ordinance having been first reduced to
writing, and no request being made by the Mayor or any member of the Board of Aldermen
that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to
the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as
follows, to-wit:

Alderman Brabham:	<u>Yes</u>
Alderman Hisaw:	<u>Yes</u>
Alderman Greer:	<u>Yes</u>
Alderman Brantley:	<u>Yes</u>
Alderman Fisher:	<u>Yes</u>
Alderman Touchton:	<u>Absent</u>
Alderman Lott:	<u>Yes</u>

Whereupon the Mayor declared the Motion carried and the Ordinance approved and
adopted.

The foregoing Ordinance was approved this the 6th day of February, 2003.

CITY OF CLINTON, MISSISSIPPI

By: Rosemary D. Aultman

Rosemary Aultman, Mayor

ATTEST:

By: W. Derrick

W. WAYNE DERRICK, City Clerk