

ADJOURNED MEETING OF MAYOR AND BOARD OF ALDERMEN
TUESDAY, JUNE 19, 1990 - 7 P.M.
A. E. WOOD MEMORIAL LIBRARY

The Mayor and Board of Aldermen of the City of Clinton met in Adjourned Meeting at 7 p.m. at the A. E. Wood Memorial Library, 111 Clinton Boulevard, pursuant to a Recess Order adopted by said Mayor and Board of Aldermen at their Regular Meeting of June 5, 1990, as found on Page 724 of this Minute Book T.

WELCOME AND CALL TO ORDER - Mayor Billy Ray Smith

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The invocation was led by Father Paul Yerger, Holy Resurrection Orthodox Church followed by Pledge of Allegiance to the Flag led by Alderman Ronnie Chappell.

ROLL CALL - City Clerk Julia M. Todd

Present - Willard Ryan - Alderman-at-Large
O. C. George Ferrell - Alderman Ward 1
Edward Valente - Alderman Ward 2
Ronnie Chappell - Alderman Ward 3
Keith Montgomery - Alderman Ward 4
Jean W. Johnson - Alderman Ward 5
Sharbert K. Lott - Alderman Ward 6

City Attorney William E. Spell
City Clerk Julia M. Todd

PUBLIC HEARING - UNSAFE CONDITION OF BRICK STRUCTURE 250-A WEST LEAKE STREET

Mayor Smith now conducted a Public Hearing concerning the unsafe condition of brick structure at 250-A West Leake Street and Public Works Director, Harold Alderman, stated that an orderly removal of the debris is being made on a daily basis and the brick structure is nearly torn down to ground level. No Public comments were made.

BID RECOMMENDATION FOR THE PURCHASE OF A 20 H.P. GAS HYDROSTATIC DRIVE COMPACTOR (PUBLIC WORKS)

As shown by Proof of Publication found on Page 756 of this Minute Book T, the following sealed bids were received and opened for purchase of a 20 h.p. gas hydrostatic drive compactor:

Bids received:

1. Capitol City Equipment & Supply Co.	\$11,715.00
2. Mid-South Machinery, Inc.	10,522.80
3. Anglin Machinery Co.	16,385.00
4. Super Pac	18,775.00

Upon Mayor Smith's recommendation, MOTION made by Alderman Montgomery and SECONDED BY Alderman Johnson to accept the low bid of Mid-South Machinery, Inc., in the said amount of \$10,522.80 for the purchase of a 20 h.p. gas hydrostatic drive compactor. MOTION CARRIED UNANIMOUSLY. Said bids are on file in the Office of the City Clerk. Copy of Bid Tabulation found on Page 757 of this Minute Book T.

APPROVAL OF CONSENT AGENDA ITEMS A-H:

- A. \$1,096.00 Layne-Western Co., Inc. - emergency purchase of a complete chlorinator for Briars Treatment Plant (Pub. Works)
- B. \$572.50 - Statewide Communications, Inc., Motorola Radios M-100 radio to replace one in C-5's truck (unrepairable) (Pub. Works)
- C. \$2,804.20 - Central Pipe Supply, Inc. - Badger meters, boxes and fittings which are standard to City - sole source ((Pub. Works)
- D. \$4,042.41 - Central Pipe Supply, Inc. - sole source for risers for standard manhole - 1990 St. Impr. Phase I - bids accepted by Board 5-1-90 (Public Works)
- E. \$1,710.00 - Network Computing Service renewal of Software Mtc. 6 months (Administration)
- F. \$715.80 - Sunbelt Diesel, Inc. repair and service to (2) generators to be used during emergencies at Public Works Office and Shelter at 4-C's building (Public Works)
- G. Capital Outlay - Equipment Purchase (1) Camcorder Panasonic AG-180 \$895.00; (2) Battery Pack Panasonic AGBP202 \$45.00; (3) Video Cassette Tapes (4) \$21.54 totaling \$961.54 - sole source - State Contract - MS School Supplies (to be made with seized monies) (Police)
- H. Victory Manor CDBG final expenses totaling \$2,579.54 itemized as follows: \$816.15 to Frierson, \$658.15 to Cowboy Maloney; \$110.00 to Billy Childress; \$500.00 to Sample & Associates; and \$495.24 (reimbursement) to Victory Manor

MOTION made by Alderman Johnson and SECONDED by Alderman Lott to approve Consent Agenda Items A-H as listed above. MOTION CARRIED UNANIMOUSLY.

PRESENTATION - ROSEMARY AULTMAN - CHAMBER OF COMMERCE - REQUESTING CITY TO ALLOW A 1 DAY VARIANCE TO THE FIREWORKS ORDINANCE SO THAT THE CHAMBER CAN HAVE A JULY 4TH FIREWORKS SHOW IN TRACEWAY PARK

Following a presentation by Rosemary Aultman on behalf of Amending the present Fireworks Ordinance to allow a 1 day variance to the Fireworks Ordinance so that the Chamber can have a 4th of July Fireworks show in Traceway Park, and under the said terms stating: Certificate of Insurance from Southern International Fireworks Company listing the Chamber of Commerce and the City of Clinton as Co-Insurers; No City employee will participate in shooting Fireworks; Fire truck will be designated for the premises; and parking and traffic control will be administered by the Police Department. It was understood that there will be a professional shooter sent to perform the Fireworks, if help is not sent, assistance will be obtained through the National Guard. MOTION made by Alderman Chappell and SECONDED by Alderman Ryan to replace the old Ordinance with the new Ordinance as presented by City Attorney Bill Spell. MOTION CARRIED UNANIMOUSLY. Copy of new Ordinance may be found on Page 758-60 of this Minute Book T with Proof of Publication of said Ordinance Amendment found on Page 761 of this Minute Book T and 459-461 of the City of Clinton Ordinance Book II. Proof of Publication on Page 462 of Ordinance Book II.

REIMBURSEMENT - HUNTCLIFF MANOR APTS. - WATER/SEWER CHARGES \$3,037.81 METER HEADS 2" AND METER 1 1/2" CAUSING INCORRECT CONSUMED AMOUNT (PUBLIC WORKS)

MOTION made by Alderman Lott and SECONDED by Alderman Montgomery to reimburse Huntcliff Manor Apartments on Water/Sewer Charges in the amount of \$3,037.81 due to meter heads 2" and meter 1 1/2" causing incorrect consumption. MOTION CARRIED UNANIMOUSLY.

SPRINGRIDGE ROAD FUNDING INFO FROM HINDS COUNTY ADMINISTRATOR

Upon request to bring back figure from Hinds County Administrator and Board of Supervisors as to possible funding contributions from Hinds County State Aid Funds for Springridge Road Thoroughfare, Alderman Montgomery reported that State Aid Funding cannot be used if project starts and ends within corporate limits of a Municipality. Other avenues of funding the said project was suggested. Alderman Valente offered MOTION to Adopt Resolution to request the Board of Supervisors to designate State Aid Funding of \$500,000 approximately 15% of project cost 89/90 fiscal year if possible, or 90/91 fiscal year. Approved project extending from Springridge Road N/S of U.S. Hwy 80 making connections with Pinehaven Road at Northside Drive or McRaven Road striking "corporate limits in the City of Clinton." SECONDED by Alderman Chappell. ROLL CALL VOTE on the Resolution striking "corporate limits in the City of Clinton": Alderman Ryan - "aye", Alderman Ferrell - "aye", Alderman Valente - "aye", Alderman Chappell - "aye", Alderman Montgomery - "aye", Alderman Johnson - "aye", Alderman Lott - "aye". MOTION CARRIED UNANIMOUSLY. Copy of complete Resolution found on Pages 762-63 of this Minute Book T.

DISCUSSION/ADOPTION - REVISED ANIMAL CONTROL ORDINANCE

MOTION made by Alderman Montgomery to revise the Animal Control Ordinance and SECONDED by Alderman Johnson to adopted as presented. Amendment made to MOTION adding provisions for effective date and repealing all Ordinances in conflict with new Ordinance by Alderman Montgomery. SECONDED by Alderman Johnson. MOTION CARRIED UNANIMOUSLY with provisions added. MOTION THEN CARRIED UNANIMOUSLY as Amended. Copy of Adopt Ordinance found on Pages 764-773 of this Minute Book T and on Pages 463-472 of the City of Clinton Ordinance Book II. MOTION CARRIED UNANIMOUSLY. Proof of Publication of the Animal Control Ordinance may be found on Page 774 of this Minute Book T with Proof of Publication of said Revised Ordinance found on Page 473 of the City of Clinton Ordinance Book II.

RE-CONSIDERATION OF MR. ROBERT OWEN'S REQUEST CONCERNING GREENWOOD SUBDIVISION

*Correction
made to
minutes
7-3-90
change line
13, 1st
word from
"nay" to
"aye"
C. Waller*

MOTION made by Alderman Chappell, and SECONDED by Alderman Lott granting Mr. Owens permission, which previously was denied, to remove top soil and silt from the said property in order to develop and build six (6) houses. ROLL CALL VOTE for reconsideration: Alderman Ryan - "nay", Alderman Ferrell - "nay", Alderman Valente - "nay", Alderman Chappell - "aye", Alderman Montgomery - "aye", Alderman Johnson - "aye", Alderman Lott - "aye". MOTION TO RECONSIDER CARRIED 4-3. Upon further discussion of the said matter, MOTION made by Alderman Chappell, and SECONDED by Alderman Johnson calling for Re-Vote on original motion made by Alderman Ferrell on June 5, 1990. ROLL CALL VOTE to Rescind the Motion was as follows: Alderman Ryan - "nay", Alderman Ferrell - "nay", Alderman Valente - "nay", Alderman Chappell - "aye", Alderman Montgomery - "aye", Alderman Johnson - "aye", Alderman Lott - "aye". MOTION TO RESCIND CARRIED 4-3. After a lengthy discussion, Alderman Ferrell restated his previous MOTION of June 5, 1990, stating: "to approve Mr. Owen's request to build the six (6) houses but deny the request to remove top soil or silt from said property." SECONDED by Alderman Valente. ROLL CALL VOTE on previous motion was as follows: Alderman Ryan - "abstain", Alderman Ferrell - "aye", Alderman Valente - "aye", Alderman Chappell - "nay", Alderman Montgomery - "nay", Alderman Johnson - "nay", Alderman Lott - "nay". MOTION FAILS 2-5. Alderman Ryan abstained but vote counted to prevailing side.

DISCUSSION/ACTION - REIMBURSE CURTIS CARTER, PRAISE PROMOTIONS, FOR EQUIPMENT USED AT CITY-WIDE GOSPEL SING

Discussion and action on reimbursement to Curtis Carter, Praise Promotions, for equipment used at City-Wide Gospel Sing was tabled until such time this matter is thoroughly discussed in a working meeting. NO BOARD ACTION taken.

OTHER BUSINESS - ACTION ITEMS

- A. Pebblebrook Subdivision - Alderman Valente reported that 4 of 35 residents involved in the Pebblebrook Drainage Control Project (PDCP) had not signed Easements required to proceed with the Project. Residential addresses is as stated: 206, 208, 210, and 212 Pebblebrook. MOTION made by Alderman Valente for the City Attorney to begin Eminent Domain proceedings against the remaining 4 outstanding property owners in assurance of the completion of the said project. SECONDED by Alderman Ferrell. MOTION CARRIED 7-0. Alderman Ryan abstained, but vote counted toward prevailing side. Copy of Resolution being made a part of these Minutes and may be found on Pages 775-776 of this Minute Book T.

ADJOURNMENT - 9:25 p.m.

MOTION made by Alderman Montgomery and SECONDED by Alderman Lott to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

Copy of Agenda may be found on Pages 777-778 of this Minute Book T.

APPROVED:

Billy R. Smith
Billy Ray Smith, Mayor

6-28-90
Date

ATTEST:

Julia M. Todd
Julia M. Todd, City Clerk

6-28-90
Date

SEAL

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PASTE PROOF HERE

204 Bid Notices

ADVERTISEMENT
FOR BIDS
Sealed bids for the purchase of a 20 H.P., gas hydrostatic drive, compactor will be received by the Mayor and Board of Aldermen, 300 Jefferson Street, Clinton, Mississippi, in the Mayor's office, Clinton, Mississippi, until 10:00 A.M. local time on June 8, 1990, and immediately thereafter will be opened and publicly read. The purchasing agency is the city of Clinton. The detailed specifications may be obtained in the Office of the City Clerk, Clinton, Mississippi, 300 North Jefferson Street, Clinton, Mississippi. All bids shall reflect delivery to the vehicle barn, Department of Public Works for the City of Clinton, in Clinton, Mississippi.
City Of Clinton, Mississippi
By:
/s/ Julia M. Todd
Julia M. Todd,
City Clerk
Approved by:
/s/ Billy R. Smith
Billy Ray Smith,
Mayor
May 24, 31, 1990

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

Kimberly Allday,
an authorized clerk of THE CLARION-LEDGER, a daily newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

Date May 24, 19 90
Date May 31, 19 90
Date _____, 19____
Date _____, 19____
Date _____, 19____
Date _____, 19____
Number of Lines 36
Published 2 Times
Total \$ 19.72
Signed Kimberly Allday
Authorized Clerk
of The Clarion-Ledger

SWORN to and subscribed before me the 31st day of May,
19 90.

Maria Mills
Notary Public

My Commission Expires:

My Commission Expires Nov. 9, 1992

(Seal)

BID TABULATION

OWNER: CITY OF CLINTON, CLINTON, MS
DEPT: PUBLIC WORKS
BID DATE: JUNE 8, 1990 10:00 A.M.
MAYOR'S OFFICE
CITY HALL, 300 JEFFERSON STREET
CLINTON, MS

VENDORS

BID

SUPER PAC

18,775.00

CAPITOL CITY EQUIPMENT
AND SUPPLY CO.

11,715.00

ANGLIN MACHINERY CO.

16,385.00

MID-SOUTH MACHINERY, INC.

10,522.80

ORDINANCE

An Ordinance providing that it shall be unlawful for any person, firm or corporation to sell, barter, exchange, give away or distribute at retail, or use or explode within the City of Clinton, Mississippi, any sky rockets, firecrackers, torpedoes, roman candles, or any other explosive commonly known as fireworks and providing for a penalty for violation and providing for exceptions.

BE IT ORDAINED by the Board of Aldermen of the City of Clinton, Mississippi:

Section 1. That it shall be unlawful for any person, firm or corporation to sell, barter, exchange or give away or distribute, or use or explode within the City of Clinton, Mississippi, any sky rockets, firecrackers, torpedoes, roman candles, or other explosives commonly known as fireworks, but nothing herein shall prohibit the sale of said commodities by regular wholesalers to dealers outside the City.

Section 2. Provided, however, the prohibition of Section 1 of this Ordinance shall not apply to an organized fireworks display of not more than one (1) hour held in conjunction with the celebration of a national holiday if five (5) days prior to such fireworks display the sponsor of same has obtained from the Fire Chief of the City of Clinton, Mississippi, and filed with the City Clerk a Certificate of the Fire Chief in which the Fire Chief certifies that he has examined the plans for the fireworks demonstration and has determined that the fireworks display, if conducted according to the plan, will provide no significant threat to the health and safety of any person or property.

Section 3. This Ordinance shall become effective immediately upon passage for the reason that it is necessary to protect the health, safety and welfare of the citizens of this City and to accommodate the proper and appropriate celebration of the 160th Anniversary of the founding of the City of Clinton and for

the celebration of Independence Day, a national holiday.

Section 4. That any person, firm or corporation who violates the terms and provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and each separate sale shall be and constitute a separate offense.

Section 5. This Ordinance being one for the preservation of the peace, health and safety, and having been adopted by unanimous vote of the Board of Aldermen, the same shall become effective from and after its passage.

Section 6. All Ordinances in conflict herewith are hereby expressly repealed.

Alderman Chappell moved that the foregoing Ordinance be adopted. Alderman Ryan seconded. The vote was as follows:

Alderman Ryan voted:

"aye"

Alderman Ferrell voted:

"aye"

Alderman Valente voted:

"aye"

Alderman Chappell voted:

"aye"

Alderman Montgomery voted:

"aye"

Alderman Johnson voted:

"aye"

Alderman Lott voted:

"aye"

APPROVED on the 19th day of June,

1990.

Billy R. Smith
BILLY RAY SMITH, MAYOR

ATTEST:

Julia M. Todd
JULIA M. TODD, CITY CLERK

CERTIFICATE

I, JULIA M. TODD, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the above

and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen of the City of Clinton at its Meeting duly held on 19th, June, 1990, as the same appears in Minute Book I at Pages 758-760 of the Minutes of the said Board and recorded in the Ordinance Book II of the City of Clinton at Pages 459-461 thereof.

21st GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the day of June, 1990.

Julia M. Todd
Julia M. Todd, City Clerk

PASTE AD HERE

110 Clinton
legals

ORDINANCE
An Ordinance providing that it shall be unlawful for any person, firm or corporation to sell, barter, exchange, give away or distribute at retail, or use or explode within the City of Clinton, Mississippi, any sky rockets, firecrackers, torpedoes, roman candles, or any other explosive commonly known as fireworks and providing for a penalty for violation and providing for exceptions.

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Section 3. This Ordinance shall become effective immediately upon passage for the reason that it is necessary to protect the health, safety and welfare of the citizens of this City and to accommodate the proper and appropriate celebration of the 160th Anniversary of the founding of the City of Clinton and for the celebration of Independence Day, a national holiday.

Section 4. That any person, firm or corporation who violates the terms and provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and each separate sale shall be and constitute a separate offense.

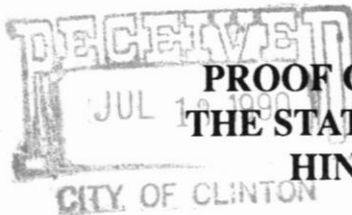
Section 5. This Ordinance being one for the preservation of the peace, health and safety, and having been adopted by unanimous vote of the Board of Aldermen, the same shall become effective from and after its passage.

Section 6. All Ordinances in conflict herewith are hereby expressly repealed.

Alderman Chappell moved that the foregoing Ordinance be adopted. Alderman Ryan seconded. The vote was as follows:
Alderman Ryan voted: "Aye"
Alderman Ferrell voted: "Aye"
Alderman Valente voted: "Aye"
Alderman Chappell voted: "Aye"
Alderman Montgomery voted: "Aye"
Alderman Johnson voted: "Aye"
Alderman Lott voted: "Aye"
APPROVED on the 19th day of June, 1990.
/s/ Billy R. Smith
BILLY RAY SMITH
MAYOR

ATTEST:
/s/ Julia M. Todd
JULIA M. TODD,
CITY CLERK

CERTIFICATE
I, JULIA M. TODD, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen of the City of Clinton at its Meeting duly held on 19th, June, 1990, as the same appears in Minute Book T at Pages 758-760 of the Minutes of the said Board and recorded in the Ordinance Book II of the City of Clinton at Pages 459-461 thereof.
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 21st day of June, 1990.
Julia M. Todd, City Clerk
July 5, 1990



PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PERSONALLY appeared before me, the undersigned notary public for Hinds County, Mississippi,

Janet Boatner

an authorized clerk of THE CLINTON NEWS, a weekly newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

Date July 5, 1990

Date, 19

Date, 19

Date, 19

Date, 19

Number of Lines 150

Published 1 Times

Total \$ 50.00

Signed Kimberly Allday
Authorized Clerk
of The Clinton News

Sworn to and subscribed before me the 5th day of
July 19 90.

Marie Miller
Notary Public

My Commission Expires:

My Commission Expires Nov. 9, 1992

(Seal)

A RESOLUTION REQUESTING HINDS COUNTY TO DESIGNATE STATE-AID
FUNDS FOR SPRINGRIDGE ROAD EXTENSION FROM U.S. HIGHWAY 80
TO PINEHAVEN ROAD, CITY OF CLINTON

WHEREAS the City of Clinton, Mississippi, desires to improve public convenience, to promote safety of travel, to efficiently provide emergency services by restructuring north-south municipal traffic from 2-lane residential streets to a 4-lane thoroughfare, and

WHEREAS the present major north-south traffic artery in Clinton south of Interstate-20 is Springridge Rd. which the City of Clinton is currently widening from 2-lanes to 4-lanes for xxxx feet south of the interstate in conjunction with a State Highway Department project to reconstruct and widen the Interstate-20 interchange and widen Springridge Rd. from 2 and 3-lanes to 4 and 5-lanes from the Interchange north to U. S. Highway 80, and

WHEREAS north of the present terminus of Springridge Rd. there exists no 4-lane traffic artery connecting with Northside Dr. in Clinton, and northbound and southbound traffic in this area must heavily use 2-lane residential streets and negotiate several turns, which promotes inconvenience, traffic congestion, and slow response of official vehicles in emergencies, and

WHEREAS Springridge Rd. is presently a State Aid approved road in Hinds County and its extension would meet State Aid specifications and naturally connect it with Pinehaven Rd., a 2-lane artery directly connecting U. S. Highway 49, and

WHEREAS the City of Clinton has completed a engineering study of the project and found that the extension of Springridge Rd. from U. S. Highway 80 to Pinehaven Rd. will require approximately \$3.25 million to complete, a major portion of which will be requested from its citizens through a referendum for authority to issue bonds,

NOW THEREFORE BE IT RESOLVED that the City of Clinton through its Mayor and Board of Aldermen hereby request the Board of Supervisors of Hinds County, Mississippi, designate and commit State Aid Funds in the amount \$500,000 or approximately 15% of the project cost in the 1989-1990 fiscal year if possible or by resolution in the 1990-1991 fiscal year to be used for the construction of a State Aid approved project extending Springridge Rd. north or south of U.S. Highway 80 making connection with Pinehaven Rd. at Northside Dr. or with McRaven Rd., Hinds County, Mississippi.

Upon motion made by Alderman Valente and seconded by Alderman Chappell, the Clerk recorded the following vote:

Alderman-at-Large Willard Ryan
Alderman Ward 1 O. C. George Ferrell
Alderman Ward 2 Edward J. Valente
Alderman Ward 3 Ronnie Chappell
Alderman Ward 4 Keith Montgomery
Alderman Ward 5 Jean Johnson
Alderman Ward 6 Sharbert Lott

"aye"
"aye"
"aye"
"aye"
"aye"
"aye"
"aye"

ACTION taken in the City of Clinton at the regular meeting of the Mayor and Board of Alderman this 19th day of June, 1990

Billy R. Smith
Billy Ray Smith, Mayor

Julia O. Todd
Julia Todd, Clerk

ANIMAL CONTROL ORDINANCE

CITY OF CLINTON

ANIMALS AND FOWL

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 licenced 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 licenced 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.

CLINTON ANIMAL CONTROL ORDINANCE

(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 domesticated 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;

(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(s) or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to 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 with humane care and treatment;

CLINTON ANIMAL CONTROL ORDINANCE

(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 to 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.

(b) The duly sworn and authorized animal control officer(s) of police officer(s) of the city, may seize or cause to have seized any animal whose owner is found to be in violation of any part of subsection (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 subsection (a) if such animal is not returned to the owner, 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 (a) during the said five-day period. CWB

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.

CLINTON ANIMAL CONTROL ORDINANCE

(b) At the request of the animal control officer each livestock owner shall notify the animal control officer of the 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 the owner of such animals 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.

CLINTON ANIMAL CONTROL ORDINANCE

**Section 1-8. Performing Animal 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 rights-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 given 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 of the City of Clinton shall be forthwith turned over to a designated animal shelter in Clinton. Any impounded animal may be reclaimed within five (5) days of impoundment upon the payment of Three Dollars (\$3.00) per day of impoundment and upon showing proof of current vaccination.

CLINTON ANIMAL CONTROL ORDINANCE

Section 1-11. 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, in the course of his 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 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 officer or designated official whether or not such animal is suffering from any disease. If no disease is found, the City health official or other 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 medical 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.

CLINTON ANIMAL CONTROL ORDINANCE

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 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 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 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 an 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 "Animals 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 officers 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.

CLINTON ANIMAL CONTROL ORDINANCE

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 requirement 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. Personnel 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 issued based on the following considerations:

(a) Thorough instruction in operation of the type of firearms issued to the animal control officer;

(b) Thorough knowledge of all appropriate safety procedures;

(c) Competent performance on the firing range;

(d) Such other tests or qualifications 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.

CLINTON ANIMAL CONTROL ORDINANCE

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 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 Ten Dollars (\$10.00);
- (b) Second offense -- a fine not less than Twenty-five Dollars (\$25.00) and not more than Fifty Dollars (\$50.00) if the offense is committed within one (1) year of the first offense;
- (c) Third offense -- not less than Fifty Dollars (\$50.00) and not more than Seventy-Five (\$75.00) if the offense is committed within one (1) year of the first offense.

Section 1-20. Repeal of Previous Ordinance.

All provisions of prior Animal Control Ordinances are expressly repealed.

Section 1-21. Effective Date.

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

Adoption:

Alderman Montgomery moved the adoption of the foregoing Ordinance. Alderman Johnson seconded. The Clerk recorded the vote as follows:

Alderman-at-Large Willard Ryan	<u>"aye"</u>
Alderman Ward 1 O. C. George Ferrell	<u>"aye"</u>
Alderman Ward 2 Edward J. Valente	<u>"aye"</u>
Alderman Ward 3 Ronnie Chappell	<u>"aye"</u>
Alderman Ward 4 Keith Montgomery	<u>"aye"</u>
Alderman Ward 5 Jean Johnson	<u>"aye"</u>
Alderman Ward 6 Sharbert Lott	<u>"aye"</u>

CLINTON ANIMAL CONTROL ORDINANCE

This action taken in the City of Clinton at the regular meeting of the Mayor and Board of Alderman this 19th day of June, 1990

Billy R. Smith
Billy Ray Smith, Mayor

6-20-90
Date

Julia Todd
Julia Todd, Clerk

I, Julia M. Todd, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen, City of Clinton at its meeting duly held on June 19, 1990 as the same appears in Minute Book I at pages 764-773 of the minutes of said Board and recorded in Ordinance Book II of the City of Clinton at Pages 463-472 thereof.

Given under my hand and official seal of office this the 20th day of June, 1990.

Julia M. Todd
Julia M. Todd, Clerk

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Clinton
legals

ANIMAL CONTROL
ORDINANCE
CITY OF CLINTON
ANIMALS AND FOWL

Section 1-1: Definitions.
The following words, when
ever 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 ad-
ministered every twelve (12)
calendar months by a li-
censed veterinarian.

(e) Animal control officer
shall mean the person(s) de-
signated 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 re-
quired in this Ordinance.

(f) Inhumane treatment shall
mean treatment to any ani-
mal which deprives the ani-
mal of necessary sustenance,
including food, water and
protection from weather, or
any treatment of any animal,
such as overloading, over-
working, tormenting, beating,
mutilating, teasing, or poison-
ing or other abnormal treat-
ments as may be determined
by:

- (1) The Health officer, or
- (2) An authorized law en-
forcement officer.

(g) Health officer shall mean
a licensed physician or veter-
inarian appointed by the
mayor and board of alder-
men to have charge and con-
trol of the work of protecting
and preserving the public
health.

(h) Livestock shall mean all
domesticated animals, includ-
ing 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, dan-
gerous, or untamed.

(j) Vicious Animal: Any ani-
mal or animals that consti-
tute a physical threat to hu-
man beings or to other ani-
mals.

(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 domesticated animals, in-
cluding, but not limited to, li-
ons, tigers, bears, wolves,
apes, monkeys, foxes, ba-
boons, skunks, raccoons, op-
possums and squirrels.

Section 1-2. Control and Pro-
tection of Animals in General:
(a) It shall be unlawful for
any person to:

(1) Permit any animal to
run at large within the cor-
porate limits of the city; (2)
Carry out any inhumane
treatment against any ani-
mal; (3) Interfere or molest
a dog used by the police de-
partment 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;

(5) Keep or harbor any ani-
mal which by loud, frequent,
or habitual barking, howling,
yelping, or other noise or ac-
tion disturbs any person or
neighborhood within the cor-
porate limits of the city;

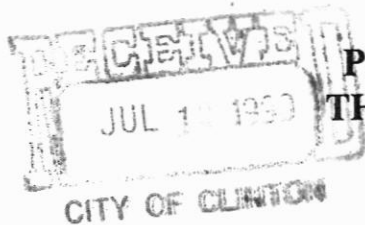
(6) Keep or maintain on
their premises any pen(s),
enclosure(s), etc. for keeping
of animals or fowl so as to
become a public nuisance to
persons residing in the vicini-
ty thereof, nor shall they be
maintained or kept in any
manner as to cause bodily
injury to any person residing
in the vicinity of the pen, en-
closure, etc.;

(7) Keep or harbor any ani-
mal(s) or fowl in such a
manner as to constitute a
public nuisance by reason of
odor or unsanitary conditions
to person residing in the vi-
cinity 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 unat-
tended inside a motor vehicle
when such action is harmful
or reasonably potentially
harmful to said animal; in the
event the owner of said vehi-
cle is not available and can-
not be found or refuses to
prevent said harm or reason-
ably potential harm from
continuing, the animal control
officer or the Police Depart-
ment shall be authorized to
remove said animal from
such vehicle and to utilize
any reasonable method to ef-
fect said removal.

(10) Expose any known
poisonous substance, whether
mixed with food or not in
such a manner as to be in-
gested by any animal to pur-



PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PERSONALLY appeared before me, the undersigned notary
public for Hinds County, Mississippi,

Kimberly Allday

an authorized clerk of THE CLINTON NEWS, a weekly
newspaper as defined and prescribed in Sections 13-3-31 and
13-3-32, of Mississippi Code of 1972, as amended, who, being
duly sworn, states that the notice, a true copy of which is
hereto attached, appeared in the issues of said newspaper as
follows:

Date July 12, 1990

Date, 19

Date, 19

Date, 19

Date, 19

Number of Lines 733

Published 1 Times

Total \$ 236.56

Signed Kimberly Allday
Authorized Clerk
of The Clinton News

Sworn to and subscribed before me the 12th day of
July 1990.

Marie Mills
Notary Public

My Commission Expires:

My Commission Expires Nov. 9, 1992

(Seal)

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.

(b) The duly sworn and authorized animal control officer(s) of police officer(s) of the city, may seize or cause to have seized any animal whose owner if found to be in violation of any part of subsection (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 subsection (a) if such animal is returned to the owner, 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 (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 the 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 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.

(c) 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 the owner of such animals 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.

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(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 rights-of-way, or any thoroughfare within the corporate limits of the city.

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(a) The animal control officer of the city is hereby authorized at any reasonable time upon written request or de-

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 that 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 officer or designated official whether or not such animal is suffering from any disease. If no disease is found, the city health officer or other 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 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 medical 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 imminent, 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 it 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 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 an 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.

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(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 officers 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 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. If it shall be

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Section 1-21. Effective Date.

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Adoption:

Alderman Montgomery moved the adoption of the foregoing Ordinance. Alderman Johnson seconded. The Clerk recorded the vote as follows:

Alderman-at-Large Willard Ryan, "Aye"
Alderman Ward 1 O.C. George Ferrell, "Aye"
Alderman Ward 2 Edward J. Valente, "Aye"
Alderman Ward 3 Ronnie Chappell, "Aye"
Alderman Ward 4 Keith Montgomery, "Aye"
Alderman Ward 5 Jean Johnson, "Aye"
Alderman Ward 6 Sharbert Lott, "Aye"

This action taken in the City of Clinton at the regular meeting of the Mayor and Board of Aldermen this 19th day of June, 1990.

/s/Billy R. Smith
Billy Ray Smith, Mayor
6-20-90

/s/Julia Todd
Julia Todd, Clerk
I, Julia M. Todd, the undersigned City Clerk of the City of Clinton, Hinds County, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen, City of Clinton at its meeting duly held on June 19, 1990 as the same appears in Minute Book T at pages 764-773 of the minutes of said Board and recorded in Ordinance Book II of the City of Clinton at Pages 463-472 thereof.

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RESOLUTION AUTHORIZING CITY ATTORNEY TO FILE EMINENT DOMAIN
PROCEEDINGS TO ACQUIRE NECESSARY PROPERTY RIGHTS
FOR PEBBLEBROOK DRAINAGE PROJECT

WHEREAS, the appropriate governing authorities of the State of Mississippi with jurisdiction in the subject matter; and

WHEREAS, the appropriate governing authorities for the United States Government have an interest in and provide programs for drainage control, management of soil and land conservation, through the United States Soil Conservation Service; and

WHEREAS, the City of Clinton has developed a plan for the correction of drainage problems and especially where such drainage remediates erosion, provides for stabilization of drainage channels, and results in a long term benefit to its citizens through preservation of their property and efficient management of storm drainage; and

WHEREAS, the City of Clinton has studied the drainage and erosion problems along what is commonly called the "Pebblebrook Ditch", and its engineer has recommended that this area satisfies the criteria for eligibility as a joint project to be undertaken by the City of Clinton and the United States Soil Conservation Service; and

WHEREAS, the City of Clinton has been awarded a grant in the present year for the relief of drainage damage and control of attendant soil erosion, the project commonly called the "Pebblebrook Drainage Control Project" being one of the areas specifically studied and recommended for such relief, and the City of Clinton will participate by expending 20% of the project costs for installation of the project and additionally provide for the long term maintenance of the project at the rate of 2% of the project cost per annum through its budget; and

WHEREAS, the City of Clinton has in years past begun drainage control work in conjunction with the United States Soil Conservation District on a portion of the drainage basin immediately downstream of the presently contemplated project to the benefit of its citizens and promotion of public welfare; and

WHEREAS, the City of Clinton has notified all property owners who own property within the project and working limits of the "Pebblebrook Drainage Project", and has requested easements upon their properties for the implementation and permanent maintenance of the project, and specifically with Mr. Bobby May, Mr. Eugene Darmer, Ms. Pamela Smith, and Mr. Mike Hopkins, owners of properties within the description of the project situated in the city limits of Clinton, Mississippi, in the Second Judicial District of Hinds County, Mississippi; and

WHEREAS, after diligent negotiations with the owners of the properties, the City of Clinton has been unsuccessful in its attempt to acquire the necessary easements for implementation of the "Pebblebrook Drainage Project" on the aforementioned properties, which is more particularly described in Exhibits A through D hereto which are made a part of this Resolution the same as if copied herein verbatim; and

WHEREAS, the professional engineer employed by the United States Soil Conservation District had recommended the "Pebblebrook Drainage Project" as a long term corrective measure for control of erosion in that drainage channel, which project cannot be undertaken with the full long term benefits by omission of that part of the project described by easements on the aforementioned properties;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Clinton, Mississippi, as follows:

1. The "Pebblebrook Drainage Project" to be undertaken jointly by the United States Soil Conservation Service and the City of Clinton as requested by the latter and designed by the former is found to be reasonable, sufficient, and necessary to control erosion due to drainage especially involving storm drainage in the affected area within the corporate limits of the City of Clinton, and for the protection of health, safety, welfare, public convenience, and the protection of the property of the citizens of the City of Clinton.

2. The acquisition of the property rights through easements as described in Exhibits A through D is necessary to protect the health, safety and general welfare of the citizens of Clinton.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Attorney for the City of Clinton is directed to institute eminent domain proceedings to acquire easements upon the aforementioned properties for the aforesaid purposes.

Alderman Valente moved the adoption of the foregoing Resolution, and Alderman Ferrell seconded the Motion. The Clerk recorded the vote on the Motion as follows:

Alderman-at-Large Willard Ryan
Alderman Ward 1 O. C. George Ferrell
Alderman Ward 2 Edward J. Valente
Alderman Ward 3 Ronnie Chappell
Alderman Ward 4 Keith Montgomery
Alderman Ward 5 Jean Johnson
Alderman Ward 6 Sharbert Lott

Abstain
"Aye"
"Aye"
"Aye"
"Aye"
"Aye"
"Aye"

ACTION taken in the City of Clinton at the ^{Adjourned} regular meeting of the Mayor and Board of Aldermen this 19th day of June, 1990

Billy R. Smith
Billy Ray Smith, Mayor

Julia M. Todd
Julia M. Todd, City Clerk

ADJOURNED MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TUESDAY, JUNE 19, 1990 - 7 P.M.
A. E. WOOD MEMORIAL LIBRARY
AGENDA

1. Welcome and Call to Order - Mayor Billy Ray Smith
2. Invocation - Holy Resurrection Orthodox Church, Father Paul Yerger
3. Pledge of Allegiance to the Flag - Alderman Ronnie Chappell
4. Roll Call - City Clerk Julia M. Todd
5. Public Hearing - unsafe condition of brick structure 250-A West Leake Street
6. Bid Recommendation for the purchase of a 20 h.p. gas, hydrostatic drive compactor (Public Works)

Bids Received:

- | | |
|--|-------------|
| 1. Capitol City Equipment & Supply Co. | \$11,715.00 |
| 2. Mid-South Machinery, Inc. | 10,522.80 |
| 3. Anglin Machinery Co. | 16,385.00 |
| 4. Super Pac | 18,755.00 |

7. Approval of Consent Agenda Items A-H:
 - A. \$1,096.00 Layne-Western Co., Inc. - emergency purchase of a complete chlorinator for Briars Treatment Plant (Pub. Works)
 - B. \$572.50 - Statewide Communications, Inc., Motorola Radios M-100 radio to replace one in C-5's truck (unrepairable) (Pub. Works)
 - C. \$2,804.20 - Central Pipe Supply, Inc. - Badger meters, boxes and fittings which are standard to City - sole source (Pub. Wks.)
 - D. \$4,042.41 - Central Pipe Supply, Inc. - sole source for risers for standard manhole - 1990 St. Impr. Phase I - bids accepted by Board 5-1-90 (Public Works)
 - E. \$1,710.00 - Network Computing Service Renewal of Software Mtc. 6 months (Administration)
 - F. \$715.80 - Sunbelt Diesel, Inc. repair and service to (2) generators to be used during emergencies at Public Works Office and Shelter at 4-C's building (Public Works)
 - G. Capital Outlay - Equipment Purchase (1) Camcorder Panasonic AG-180 \$895.00; (2) Battery Pack Panasonic AGBP202 \$45.00; (3) Video Cassette Tapes (6) \$21.54 totaling \$961.54 - sole source - State Contract - MS School Supplies (to be made with seized monies) (Police)
 - H. Victory Manor CDBG final expenses totaling \$2,579.54 itemized as follows: \$816.15 to Friersons; \$658.15 to Cowboy Maloney; \$110.00 to Billy Childress; \$500.00 to Sample & Associates; and \$495.24 (reimbursement) to Victory Manor
8. Presentation - Rosemary Aultman - Chamber of Commerce - requesting City to allow a 1 day variance to the fireworks ordinance so that the Chamber can have a July 4th Fireworks Show in Traceway Park
9. Reimbursement - Huntcliff Manor Apts. - water/sewer charges \$3,037.81 meter heads 2" and meter 1 1/2" causing incorrect consumed amount (Public Works)
10. Springridge Road Funding Info from Hinds County Administrator
11. Discussion/Adoption - Revised Animal Control Ordinance

12. Re-consideration of Mr. Robert Owen's request concerning Greenwood Subdivision
13. Discussion/Action - reimburse Curtis Carter, Praise Promotions, for equipment used at City-wide Gospel Sing
14. Other Business
15. Motion to Adjourn.

GOVERNING BODY

Willard Ryan - Alderman-at-Large
O. C. George Ferrell - Alderman Ward 1
Edward Valente - Alderman Ward 2
Ronnie Chappell - Alderman Ward 3
Keith Montgomery - Alderman Ward 4
Jean Johnson - Alderman Ward 5
Sharbert Lott - Alderman Ward 6
Mayor Billy Ray Smith - Presiding

City Attorney William E. Spell
City Clerk Julia M. Todd