

**ORDINANCE NO. 288**

**AN ORDINANCE FOR ANIMAL CONTROL IN THE CITY OF MAGEE, MISSISSIPPI,  
AMENDING ORDINANCE 227 AND PRESCRIBING PENALTIES FOR THE  
VIOLATION OF ITS PROVISIONS AND RELATED MATTERS**

WHEREAS, the Mayor and Board of Alderman have determined that the health, safety, and welfare of the citizens of the City of Magee require the amendment of the adopted Animal Control Ordinance (Ordinance No. 227), to add additional subsection(s). Ordinance No. 227 shall be amended to read as follows:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MAGEE, MISSISSIPPI, as follows:

**SECTION 1: DEFINITIONS**

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

**PERSON.** Any individual, firm, association, syndicate, partnership, corporation or other legal entity.

**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.

**OWNER** Any person, firm or corporation owning, keeping, or harboring any animal or fowl.

**VACCINATION.** An injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian.

**ANIMAL CONTROL OFFICER.** The person(s) designated by the City of Magee to represent and act for the City of Magee, Mississippi, in the enforcement of this Ordinance.

**INHUMANE TREATMENT.** 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 overcrowding, overloading, overworking, tormenting, beating, mutilating, teasing, or poisoning or other abnormal treatment as may be determined by a licensed health officer, an authorized law enforcement officer, or an animal control officer.

**FERAL DOG.** A dog that has escaped from domestication and has become wild, dangerous, or untamed.

**VICIOUS ANIMAL.** Any animal or animals that constitute a physical threat to humans or other animals.

**LARGE CANINE BREEDS.** Dogs equivalent to or greater than fifty pounds.

KENNEL. Any premises wherein any person, partnership, corporation or other legal entity, engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats or other animals.

ANIMAL SHELTER. Any publicly owned and/or nonprofit establishment operated for the purpose of housing, maintaining, and/or boarding any lost, abandoned, or abused animals.

## **SECTION 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 of Magee;
  2. Interfere with, attack or molest a dog used by any law enforcement agency in the performance of the function or duties of such agency.
  3. 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 of Magee;
  4. Keep or maintain on their premises any pen(s) enclosure(s), etc. for keeping of animals 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 persons residing in the vicinity of the pen, enclosure, etc.;
  5. 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 person(s) residing in the vicinity thereof;
  6. Fail to provide animals with sufficient good and wholesome food and water, adequate shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
  7. Leaving 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;
  8. Expose any known poisonous substance, whether mixed with food or not purposely intended to harm or cause harm to animals 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) or police officer of the City of Magee may seize or cause to have seized any animal whose owner is found to be in violation of any part of this 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 is no longer in violation of said subsection (a), 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).

### **SECTION 3: TETHERING REGULATIONS**

- a) Tethering of dogs is not allowed except for when the dog is:
1. Tethered while receiving medical care or treatment by a licensed veterinarian or is being groomed except that the collar or tether must be humanely applied;
  2. Is actively participating in an exhibition, show, contest, or other legal event in which skill, breeding, or stamina of the dog is judged or examined except that the collar or tether must be humanely applied;
  3. Being actively trained by a federal, state, or local law enforcement agency, military, or National Guard unit except that the collar or tether be humanely applied;
  4. Under the direct control of its owner or handler, and the leash or tether is affixed in a humane manner.
- b) Each incident involving a violation of this section shall be a separate offense. A person who violates this section is subject to the following penalties:
1. A first offense shall result in a correction warning being issued requiring the offense to be corrected by the person who owns, keeps, or controls the dog within 48 hours, unless the offense poses an immediate risk to the health or safety of the dog or the dog has been injured as a result of the offense.
  2. A second offense or failure to comply with the first offense warning will result in the removal and impoundment of the dogs by the responding animal control officer, law enforcement officer, or agent of the city or the county and a violation of this ordinance shall constitute a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) or thirty (30) days in jail, or both; however, if it is determined that the violation was intended as punishment or intended cruelty to the dog, the violation shall be prosecuted under the applicable state anti-cruelty to animals statute.

### **SECTION 4: VACCINATION OF DOMESTICATED ANIMALS REQUIRED, ISSUANCE OF CERTIFICATES AND METAL TAG.**

- a) Each year every owner or keeper of a domesticated animal, three (3) months old or older in the City of Magee shall cause such domesticated animal 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 domesticated animal which data must consist of the owner's name, address, and telephone number. The metal tag must be worn at all times by the domesticated animal.

#### **SECTION 5. FEROCIOUS, VICIOUS, OR DANGEROUS ANIMALS PROHIBITED.**

- a) It shall be unlawful for any person to keep or maintain within the City of Magee, Mississippi, any vicious, ferocious, or dangerous animal. Any such animal may be impounded or destroyed.

#### **SECTION 6. PET SHOPS, AVIARIES, KENNELS, INVESTIGATION OF COMPLAINTS.**

- a) The animal control officer of the City of Magee is hereby authorized at any reasonable time upon written request or demand of any citizen of the City of Magee to inspect any store or business which buys, sells, gives away, or trades live animals, birds, or operates a kennel.

#### **SECTION 7. IMPOUNDMENT AND RECOVERY OF ANIMALS.**

- a) Any dog, caught, picked up, or impounded by the animal control officer of the City of Magee shall be forthright delivered to a designated animal shelter approved by the City of Magee. Any impounded animal may be reclaimed within five (5) days of impoundment upon the payment of fifteen dollars \$15.00 for the first day of impoundment, and five dollars (\$5.00) for each day thereafter, and upon showing proof of current vaccination.

#### **SECTION 8. 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 an animal has bitten a person or other animal, shall immediately take possession or control of the animal doing the biting and shall hold said animal for a period of not less than ten days at the City designated animal shelter. Said animal may be released to its owner upon a determination by the animal control officer that the animal is no longer a health hazard or otherwise dangerous. In the alternative the animal control officer may allow the owner of such animal to have the animal impounded under the treatment and control of a licensed veterinarian for such time as the veterinarian may find appropriate to ensure that the animal is not a health hazard or otherwise a danger to others. Any veterinarian expense shall be paid by the owner of the animal.
- b) Any animal suspected of having disease shall be subject to the impoundment and observation 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 or an officer of the City of Magee Police Department. The animal

suspected of being infected with rabies shall not be destroyed in such manner that damages the head, which will be needed for laboratory analysis

#### **SECTION 9. AUTHORIZATION FOR QUARANTINE:**

- a) 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 may be specified in such quarantine proclamation. Under the publication of such proclamation by the City 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 the Animal Control Officer or any police officer of the City of Magee if said officer is unable, without reasonable effort, to apprehend the animal for impoundment.

#### **SECTION 10. ANIMAL CONTROL OFFICERS - TRAINING AND CERTIFICATION.**

- a) Animal control officer(s) shall be required to be familiar with the City of Magee pertaining to dogs and other animals and applicable Federal and State statutes pertaining thereto.

#### **SECTION 11. POLICE POWERS AND ENFORCEMENT RESPONSIBILITY.**

- a) Any animal control officer or police officer may utilize any equipment reasonable and necessary to enforce the provisions of this Ordinance, including without limitation, humane wire box traps, and the animal control officer(s) may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animal running at large.
- b) Any animal control officer appointed by the City of Magee shall be authorized to issue tickets, summons, or other process in the same manner as other police officers of the City of Magee but in the furtherance of the compliance with this Ordinance only.

#### **SECTION 12. 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 under the supervision of an officer of the Magee Police Department, providing each of the following conditions are 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 ANIMAL. It shall be the duty of the City of Magee Police Department to discharge a firearm when necessary 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.

**SECTION 13. HUMANE EUTHANIZATION.**

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

**SECTION 14. EXCEPTIONS.**

- a) Nothing in this ordinance shall prohibit the keeping of livestock on property which is used primarily for farm purposes.
- b) This ordinance shall not prohibit a licensed veterinarian or Doctor of Veterinary Science from keeping animals at his veterinary clinic or place of business.

**SECTION 15. REPEAL OF ORDINANCES PROVISIONS IN CONFLICT.**

- a) All ordinances or parts of ordinances in conflict herewith should be, and they are hereby repealed, upon the effective date of this ordinance.

**SECTION 16. EFFECTIVE DATE:**

- a) This ordinance shall take effect and be in force one month after the date of passage.

**SECTION 17. PENALTIES:**

- a) Violation of this Ordinance shall be a misdemeanor.
- b) Violators of this Ordinance may be punished by a fine not to exceed \$500.00 and imprisonment in the City jail not to exceed 30 days or both fine and imprisonment.
- c) Each day a violation of this Ordinance continues shall constitute a new violation.

This ordinance was first reduced to writing and read, considered and approved, section by section, and approved as a whole and in its entirety at this the regular public meeting of the Mayor and Board of Alderman held on this the 17th day of January 2023, at the City Hall in Magee, Mississippi, the regular meeting place of the Mayor and Board of Alderman of said City, and the vote on its final passage was taken by “yeas” and “nays”. A motion to adopt the foregoing ordinance was made by Alderman Grubbs and said motion was duly seconded by Alderman Steele; Whereupon, the motion to adopt the foregoing ordinance was put before the Board of Alderman by Mayor Dale Berry and on roll call vote, all Aldermen, including Hickman, Honea, Grubbs, Steele, and Brown voted “yea” or in favor of the motion and the adoption of the ordinance. Absent, not voting, or voting “nay”, none.

The ordinance having received the affirmative vote of all members of the Board of Alderman of the City of Magee, Mississippi, Mayor Dale Berry declared said ordinance to have been duly adopted and to be in full force and effect according to its provisions.

SO ORDAINED AND APPROVED this the 17<sup>th</sup> day of January, 2023.

  
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DALE BERRY, MAYOR  
CITY OF MAGEE, MISSISSIPPI

ATTEST:

  
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JOHN STYRON, CITY CLERK