

ORDINANCE # 2023-003

AN ORDINANCE AMENDING THE EXISTING ORDINANCE OF THE CITY OF
CARTHAGE, LEAKE COUNTY, MISSISSIPPI REGARDING THE DEFINITION
OF DANGEROUS ANIMALS WITHIN THE MUNICIPAL LIMITS OF THE
CITY OF CARTHAGE BY BANNING SPECIFIC BREEDS OF DOGS FROM THE
CITY OF CARTHAGE AND FOR RELATED PURPOSES

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CARTHAGE, Leake County, Mississippi, that the existing ordinances of the City of Carthage as to the definition of dangerous animals be amended as follows:

- SECTION 1. PURPOSE. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to owning, keeping or harboring dangerous domestic animals.
- SECTION 2. DEFINITION. A domestic animal may be deemed dangerous if it, without provocation, approaches in a threatening or terrorizing manner any person upon the streets, sidewalks, any public or common grounds or places or in any other place where such person is conducting himself or herself peaceably and lawfully; or any animal who, without provocation, bites or otherwise attacks a person in any place where such person is conducting himself or herself peaceably whether on public or private property, or attacks another animal when such animal is not on the property of the owner of the attacking animal; or any animal who has a tendency to attack without provocation. No animal may be determined dangerous if it inflicts injury to a person who is trespassing or teasing, tormenting, abusing or assaulting the animal.
- SECTION 3. BANNING OF SPECIFIC BREEDS OF DOGS. "Banned Breeds of Dogs" are banned entirely and may not be owned, harbored or kept within the City of Carthage, Mississippi. "Banned Breeds of Dogs" are defined as anyone of the following:
- A. American Pit Bull Terrier;
 - B. Staffordshire Bull Terrier;
 - C. American Staffordshire Terrier;
 - D. American Bulldog;
 - E. American Bully;
 - F. Pit Bull;

- G. Valley Bulldog;
- H. Any dog whose sire or dam is a dog of a breed which is defined as a banned Breed of dog under this Section;
- I. Any dog whose owner registers, defines, admits, or otherwise identifies said dog as being of a banned breed;
- J. Any dog conforming, or substantially conforming, to the breed of American Pit Bull Terrier, American Staffordshire Terrier, or Staffordshire Bull Terrier as defined by the United Kennel Club of American Kennel Club. Technical deficiencies in the dog's conformance to these standards shall not be construed to indicate that the subject dog is not a Banned Breed of Dog under this ordinance; or
- K. Any dog which is of the breed commonly referred to "pit bull" and commonly recognizable and identifiable as such;
- L. Any vicious dog which is found at large in violation of this Ordinance.

In the event that the animal control officer finds any of the Banned Breeds of Dogs within the City, he shall attempt to capture the dog and hold the dog until such time as a judge determines that the dog is a Banned Breed of Dog. In the event the animal control officer captures the dog, the dog will be held at the expense of owner until the case is disposed of by the court or the dog is turned over for disposition by the animal control officer.

SECTION 4. FIGHTING OF ANIMALS PROHIBITED. It is unlawful to own or harbor any animals for the purpose of fighting or training to fight or being sold, bred, or maintained for fighting. These animals will be deemed dangerous.

SECTION 5. SIGNAGE REQUIREMENTS. All premises upon which a dangerous animal is kept shall be posted with signs that are conspicuously visible to the public and legible from property, public or private, adjacent to such premises. Such signs or notices shall contain letters of not less than two (2) inches in height and a message sufficient to warn the general public of the presence of the dangerous animal. Such signs shall be placed at all locations where entry to the owner's property is common and expected and upon all enclosures within which dangerous animals are confined, including residences and other structures. A "Beware of Dog (animal)" sign is not a sufficient warning for the presence of a dangerous animal. The absence of any required signs shall be considered prima facie evidence of a violation of this section. Signs shall be constructed and maintained in a manner to withstand the elements.

- SECTION 6. CONTAINMENT REQUIREMENTS. All dangerous animals shall be kept confined within the residence or other permanent building or enclosure as herein defined. All dangerous animals kept on the premises and not within the residence or other permanent building or structure shall be confined within a fence or structure area of at least four (4) feet in height (or taller, as necessary to humanely or adequately contain the animal) forming a confined area sufficient to prevent the entry of young children and shall be securely closed and locked and equipped with secure sides as well as a top covering and bottom which shall be designed to prevent the animal from escaping the enclosure. The city reserves the exclusive unilateral right to issue more specific confinement requirements. The fence or structure must be at least five (5) feet from a fenced property line of the owner or person in control or possession of such animals, provided that such enclosure, fence or structure is within a separately and totally enclosed fenced area.
- SECTION 7. RESTRAINTS. No dangerous animal shall be allowed outside the residence or enclosure unless securely muzzled and restrained and supervised by a person who is at least eighteen (18) years of age and sufficiently able to restrain said animal.
- SECTION 8. SAFE ZONES. No dangerous animal will be allowed to be kept within 100 yards of a church, school, daycare, or other facility which provides services to children.
- SECTION 9. RIGHT TO INSPECT. Any lawfully designated official of the city, on reasonable suspicion, written complaint, or probable cause, shall have the right to enter any private property in the city for the purpose of inspecting said property for the presence of dangerous animals.
- SECTION 10. RIGHT TO IMPOUND. Should any designated official of the city have reason to believe that an animal is vicious or dangerous; he or she may immediately seize and impound the animal.
- SECTION 11. RIGHT TO DESTROY DANGEROUS DOMESTIC ANIMALS. When any dangerous animal, or a Banned Breed of Dog as defined above, is found in the City, in the judgment of the designated official of the city poses a serious and immediate threat or serious harm or injury to human life, then it shall be the lawful duty of such official to kill such animal without requiring such official to catch, restrain or impound such animal or give any notice whatsoever in the sole and exclusive judgment of said official the expense for killing, euthanizing, and disposal shall be assessed as a part of a fine and/or Civil penalty to the Owner.
- SECTION 12. REGISTRATION REQUIREMENTS. It shall be unlawful for any person to own, keep or harbor a dangerous domestic animal unless the animal is registered as provided by this section. The City Clerk shall issue such a certificate of registration to the owner, keeper or harbored of such animal for one (1) year upon such person paying a fee of Ten and 00/100ths Dollars (\$10.00). The owner, keeper, or harbored of a dangerous animal must demonstrate to city officials the following:

- A A proper enclosure to confine the animal and the posting of the premises with a clearly visible warning sign that there is a dangerous animal on the premises.
- B The animal has been vaccinated by a person granted a permit to administer virus (vaccine) by the State Board of Health, as defined in Section 41-53-1, Mississippi State Code Annotated 1972, as amended with anti-rabies vaccination within four (4) weeks of the date of such application; and
- C A surety bond issued by a surety to be approved by the City Clerk in the sum of at least Fifty Thousand and 00/100ths Dollars (\$50,000.00), payable to any person injured by such animal; or a policy of liability insurance, such as a homeowner policy, in the amount of at least Fifty Thousand and 00/100ths Dollars (\$50,000.00) insuring the owner for any personal injuries inflicted by such animal.

SECTION 13. CIVIL LIABILITY OF OWNER. Should any dangerous animal, when unprovoked, kill wound, or assist in killing or wounding any livestock, fowl, or other domestic animal belonging to or in possession of any person, or attack, bite or otherwise assault or injure any human being or assist in doing so, whether out of or within any required enclosure of the owner or person in possession or control or whether on or off the property of the owner possessor, or custodian, whether or not such animal is leashed or muzzled and whether or not such animal escaped without the fault of the owner, possessor, or custodian, then the owner, possessor, or custodian of the animal shall be liable to the person injured or aggrieved for all damages sustained to be covered in a civil action together with costs of suit, attorney fees, and payment of medical expenses. It is rebuttably presumed that, as a matter of law, that the owning, keeping, possession or harboring of a dangerous animal in violation of this ordinance is a nuisance and a danger.

SECTION 14. CIVIL PENALTY. In addition to any damages awarded pursuant to this ordinance, a civil penalty of up to Five Thousand and 00/100ths Dollars (\$5,000.00) per violation of this ordinance, incident or attack may be imposed by any court of competent jurisdiction.

SECTION 15. NO RESTRICTION ON ALL LEGAL REMEDIES. Nothing in this ordinance shall be construed so as to restrict any other remedies at law available to persons aggrieved by any attack of a vicious or dangerous animal, nor so as to prohibit criminal prosecution of persons owning or in possession of such animals as may be allowed by law.

SECTION 16. RIGHT TO CEASE PROVIDING CITY SERVICES. Should any employee of or person carrying out responsibilities for the City of Carthage be attacked by any

dangerous animal or any other animal while engaged in the lawful performance of his or her official duties, any rights privileges or services enjoyed by the residents of property on which the attack occurs or by the owner or possessor of such animal, at the sole and exclusive discretion of the city, may be immediately terminated without further notice. This includes, but is not limited to, termination of water, sewer, and electrical service, termination of garbage pickup service, revocation of building permits, or privilege licenses.

SECTION 17. EFFECTIVE DATE. This Amended Ordinance shall become effective thirty (30) days from and after its adoption.

The foregoing Ordinance having been reduced to writing and having been read and considered by Section and then as a whole, Alderman, Josh Stokes moved to adopt same by Sections and as a whole. Alderwoman, Robin Burgess seconded the motion to adopt the Ordinance, and the Mayor having called the question to vote, the following vote was recorded:

Alderman, Britt Barnes.....	<u>Nay</u>
Alderman, Marcus Williams.....	<u>Recused</u>
Alderwoman, Robin Burgess.....	<u>Yea</u>
Alderman, Josh Stokes	<u>Yea</u>

The Mayor declared the motion to have been carried and the Ordinance to have been adopted, and directed the publication thereof.

SO ORDERED this the 3rd day of April, 2023.



City Clerk

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[Handwritten signature: Laurie Henderson]
Mayor

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