

Ordinance 2020-___

**ORDINANCE AMENDING CHAPTER 18, ARTICLE III, SECTIONS 18-71, AND 18-78
THROUGH 18-81 CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI –
ANIMALS AND FOWL**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI AS FOLLOWS:

SECTION I. That Section, 18-71, Code of Ordinances, Oxford, Mississippi, is hereby amended as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means any dog that is not on a leash, behind a fence or enclosure, on the property of the animal's keeper or owner, within a public area specifically designated by the city for use by persons with unrestrained animals, or otherwise under the direct, physical control of the animal's keeper or owner. This section is expressly subject to and does not affect any restrictions imposed, or limit any rights conferred, by any contract, covenant, or other binding agreement or instrument in place with regard to any multi-family or multi-unit residential property.

Dog includes canines of both the male and female sex.

Intact animal means an animal that has not been surgically sterilized.

Owner means any person owning, keeping, or harboring a dog, or any person providing sustenance to a stray dog for a period of two consecutive weeks or longer.

Spaying and *neutering* mean the surgical sterilization of an animal by a licensed veterinarian.

Vicious Dog shall mean:

- (a) any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury to, or to otherwise threaten or endanger the safety of human beings, pets, or domesticated animals; or*
- (b) any dog that bites, inflicts injury, assaults, or otherwise attacks a human being, pet or domesticated animal without provocation; or*
- (c) any dog that has been trained to fight with another animal;*
- (d) exceptions to the definition of "vicious dog" shall include*
 - (1) any dog trained for use by law enforcement personnel and actually engaged in service to a particular law enforcement agency, or under the physical control of an active duty law enforcement officer;*
 - (2) any dog who attacks a person over the age of fourteen who willfully trespasses or commits some other tort upon the real property of the owner of the dog, or who otherwise teases, torments or abuses said dogs.*

SECTION II. That Section, 18-78, Code of Ordinances, Oxford, Mississippi, is hereby amended as follows:

Sec. 18-78. Determination of Vicious Dog

Upon complaint that a dog should be deemed a vicious dog as provided herein, an officer of the Oxford Police Department, or the Oxford Police Department's designee, shall schedule a hearing before the Municipal Court for the City of Oxford and shall hand deliver written notice of such hearing to the dog's owner not less than five days prior thereto. At the hearing, or at a subsequent hearing if deemed necessary or advisable by the Court, the Court shall take evidence and allow such testimony as the Court deems necessary to determine whether the dog shall be deemed a vicious dog as defined in this Section. If, following such hearing, the Court shall determine that the dog is a vicious dog, the Court may, in addition to the requirements provided by Section 18-79, impose such other or additional conditions or restrictions regarding the dog's continued habitation with the owner as deemed necessary to reduce the likelihood of future harm to the public. The owner of a dog declared a vicious dog pursuant to the terms hereunder may appeal such decision as provided by Mississippi Code Section 99-35-1, et seq., as may be amended from time to time.

SECTION III. That Section, 18-79, Code of Ordinances, Oxford, Mississippi, is hereby amended as follows:

Sec. 18-79.- Keeping of Vicious Dogs

- 1. It is unlawful for any person to keep, possess, harbor, maintain or own a vicious dog, except as otherwise provided for herein:
 - a. All vicious dogs, while on the owner's property, shall be securely confined indoors or confined outdoors in a secure enclosure from which the dog cannot escape, and into which children or unauthorized persons cannot enter.
 - i. The outdoor structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own violation and which is enclosed on all sides and the bottom fixed to prevent digging under it.*
 - ii. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition.*
 - iii. Such enclosure shall be upon the premises of the owner or the person keeping, possessing, or harboring the vicious dog, provided the existence of such a structure is permitted by zoning regulations. Maintenance of a vicious dog is not permitted in areas where such structures are not authorized by zoning regulations.***
- 2. No person owning or harboring a vicious dog shall permit such dog to go beyond the premises of such person unless the vicious dog is securely restrained with a substantial chain or leash and under the direct control of a person who is at least eighteen (18) years of age and sufficiently able to restrain the dog. Further, the dog must be muzzled, provided that the dog is capable of being fitted with a muzzle at all times. As used herein, "muzzle is defined as any device designed to prevent the dog from biting a person or other animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall be constructed to prevent the dog from biting a person or animal or from destroying property with its teeth.*
- 3. No vicious dogs may be kept on a porch or patio, or within any part of a house or structure, in such manner that would allow the dog to exit such building on its own. In addition, no such dog may be kept in a house or structure when the windows are open or when the screen windows or screen doors are the only obstacles preventing the dog from exiting the structure, and such screens are not sufficiently able to*

restrain the dog in the event it attempts to escape.

4. *All owners, keepers or harborers of dogs which fall within the definition of a vicious dog shall display at all points of entry to their property a sign, no less than ten (10) inches by twelve (12) inches in size, with lettering of not less than two (2) inches in height. Such lettering shall be in high contrast to the background and easily readable by the public, and shall provide notice of the existence of such dog(s), for example, using words such as "Beware of Vicious Dog". In addition, a similar sign shall be posted on the secure enclosure.*
5. *No vicious dog will be allowed to be kept within one hundred (100) yards of a school, daycare facility or other facility designed primarily to provide services to children.*
6. *The owner or keeper of a vicious dog shall immediately notify the Oxford Police Department and the Animal Control Officer if such dog is loose, unconfined, or is otherwise missing, or if such dog has attacked another animal or human.*
7. *The owner of the vicious dog shall be required to obtain and maintain general liability insurance covering property damage and bodily injury caused by the vicious dog, with a combined single limit of \$25,000.00 per occurrence, and may be required to show proof of such insurance within 30 days after the court has made its determination.*

SECTION IV. That Section,18-80, Code of Ordinances, Oxford, Mississippi, is hereby amended as follows:

Sec. 18-80. Penalties for Determination of Vicious Dog

1. *Any owner whose previously determined vicious dog fails to adhere to the above requirements, or attacks, injures, or harms a person, pet, or other domesticated animal as a result of the owner's violation or noncompliance of this ordinance, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment. Each violation shall be deemed a separate offense.*
2. *If the court finds that the owner of a vicious dog is unable or unfit to provide the necessary safeguards to prevent the animal from causing further harm to a person, pet, or other domesticated animal the court may order that the animal be permanently forfeited and released to the city animal shelter.*

SECTION V. That Section,18-81, Code of Ordinances, Oxford, Mississippi, is hereby amended as follows:

Sec. 18-81. - Same—Notice; redemption.

The city animal shelter shall, pursuant to section 18-47, notify the owner of any dog that has been impounded, if the identity of said owner can be reasonably determined. Pursuant to section 18-47, the owner of the impounded animal may redeem the animal by providing proof of ownership, vaccination, and licensing, and payment of the following amounts:

- (1) For impounding the dog, the sum of \$10.00;
- (2) For keeping the dog, a daily boarding charge not to exceed 90 percent of the average charge for boarding a dog at a local veterinary clinic or boarding kennel.

SECTION VI. That Section,18-82, Code of Ordinances, Oxford, Mississippi, is hereby amended as follows:

Sec. 18-82. - Disposition of unclaimed dogs.

All impounded dogs, or dogs surrendered to the city animal shelter as strays, shall be kept in the city animal shelter for five days. If such dog is not claimed by the owner and all fines, license fees, vaccination fees, and accrued boarding charges paid within three days, the dog shall become the property of the city animal shelter and may be adopted to a new home or may be euthanized. The disposition of the animal shall be at the discretion of the city animal shelter. The city animal shelter shall not release any impounded dog whose owner resides in the city limits until said owner shall have obtained a license as provided by this article.

SECTION VII. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

SECTION VIII. EFFECTIVE DATE

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman _____, seconded by Alderman _____, and the roll being called, the same by the following votes:

Alderman Addy	voted	_____
Alderman Huelse	voted	_____
Alderman Antonow	voted	_____
Alderman Atkinson	voted	_____
Alderman Taylor	voted	_____
Alderman Bailey	voted	_____
Alderman Morgan	voted	_____

APPROVED, this the ____ day of, 2020

ROBYN TANNEHILL, MAYOR

ASHLEY ATKINSON, CITY CLERK