

Chapter 18 - ANIMALS AND FOWL<sup>[1]</sup>

ARTICLE III. - DOGS

Sec. 18-71. - Definitions.

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.

(Code 1968, § 6-37; Ord. No. 2002-4, 3-19-2002; Ord. No. 2010-17, § I, 12-21-2010)

Sec. 18-72. - Licenses—Required; exception.

- (a) All dogs whose owners reside within the city limits shall be licensed and registered by the city as hereinafter provided, except dogs belonging to nonresidents who are residing in the city for less than 60 days.
- (b) Certified Seeing Eye Dogs, hearing dogs, other certified dogs that are trained to assist the physically handicapped, and governmental police dogs shall be required to obtain a city dog license, but no license fee shall be required. Proof of certification and training shall be required to obtain a license free of charge.

(Code 1968, § 6-39; Ord. No. 2002-4, 3-19-2002)

Sec. 18-73. - Same—Time for application.

All city residents must license all dogs over the age of three months. All residents moving into the city must apply to license their dog within 30 days of moving into the city. Licenses shall be renewed yearly. The city animal shelter shall arrange for the application and issuing of dog licenses, and may contract with local veterinary clinics for the issuance of such licenses. Pursuant to this contract, a veterinary clinic may charge a \$1.00 handling charge for collecting the annual license fee.

(Code 1968, § 6-41; Ord. No. 2002-4, 3-19-2002)

Sec. 18-74. - Same—Issuance; fees.

- (a) Dog licenses, as required by section 18-72, shall be issued by the city animal shelter or their designated agent upon all requirements of this article being met and upon the payment of the following amounts:

Male dog, neutered	\$5.00 per year
Female dog, spayed	\$5.00 per year
Male dog, intact	\$15.00 per year
Female dog, intact	\$15.00 per year

- (b) There shall be no refund because of removal from the city or the death of the dog prior to the expiration of the license.

(Code 1968, § 6-43; Ord. No. 2002-4, 3-19-2002; Ord. No. 2002-11, 12-17-2002)

Sec. 18-75. - Same—Tag; vaccination; proof; duplicate tag; penalties for violation.

- (a) Before a city license is issued, the owner must present to the city animal shelter or their designated agent satisfactory proof that the dog has been vaccinated against rabies by a licensed veterinarian pursuant to MCA 1972, § 41-53-1. Failure to vaccinate any dog over the age of three months against rabies as required by MCA 1972, § 41-53-1 shall be punishable by a fine of \$100.00. Persons administering vaccine in accordance with this article shall maintain records of each animal vaccinated, indicating the owner of each animal vaccinated, the type of animal vaccinated, the breed of each animal vaccinated, the sex of each animal vaccinated, and the markings and serial number of the tag furnished to the owner of each animal.
- (b) Upon proof of vaccination and payment of the applicable license fee, the city animal shelter or their designated agent shall issue to the owner a license certificate and tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license must be affixed and see that the collar is worn by the dog at all times. In case the tag is lost or destroyed, a duplicate will be issued by the city animal shelter or their designated agent upon the owner of the dog presenting the license certificate or other proof of licensing and the payment of the additional sum of \$1.00. Licenses shall not be transferable from one dog to another. It shall be unlawful for any person

to remove, or cause to be removed, the collar, harness, license tag, or rabies vaccination tag from any dog.

- (c) All license fees collected by the city animal shelter or its designated agents shall be retained by the city animal shelter and applied to the cost of running the shelter, except for the \$1.00 handling charge allowed by section 18-73.
- (d) Any person who shall fail to purchase a license for their dog pursuant to this article shall be fined the sum of \$25.00 for the first offense; \$50.00 for a second offense; and \$100.00 for a third and subsequent offenses. Such fines shall be in addition to any penalties charged under other sections of this chapter.

(Code 1968, § 6-45; Ord. No. 2002-4, 3-19-2002)

Sec. 18-76. - Running at large prohibited; penalties for violations.

- (a) No dog shall be allowed to run at large, and it shall be unlawful for any person who shall own, keep, or harbor any dog to allow or permit such dog to run or be at large at any time within the city.
- (b) In addition, no dog shall be permitted on the premises of the city cemetery at any time, whether or not they are under the control of their owner or the agent of their owner.
- (c) Any person who violates the provisions of this section shall be fined the sum of \$50.00, plus all lawful costs for the first offense. Any person who violates the provisions of this section shall be fined the sum of \$75.00, plus all lawful costs for the second offense. Any person who violates the provisions of this section shall be fined the sum of \$100.00, plus all lawful costs for the third and subsequent offenses. In addition, in the discretion of the court, the owner of the animal may be required to:
  - (1) Confine the animal in a prescribed manner;
  - (2) Provide the animal with training;
  - (3) Spay or neuter the animal;
  - (4) Make any other reasonable effort to resolve the problem; or
  - (5) Surrender custody of the animal to the city animal shelter. If the owner is required to surrender custody of the animal, the court may prohibit the owner from owning another dog for a period of time specified by the court.

(Code 1968, § 6-47; Ord. No. 2002-4, 3-19-2002)

Sec. 18-77. - Impounding—Registration.

Any dog not vaccinated or licensed as herein required or found running at large contrary to this chapter, whether vaccinated or not, shall be impounded at the city animal shelter. However, if a stray dog with a valid city license is found running at large, reasonable efforts shall be made to contact the owner of the dog so that the dog may be returned directly to the owner without being impounded, although a warning or citation may still be issued because the animal was running at large. If the owner of the dog cannot be reached, the dog may be impounded. The city animal shelter shall keep records of all dogs so impounded.

(Code 1968, § 6-49; Ord. No. 2002-4, 3-19-2002; Ord. No. 2002-11, 12-17-2002)

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.

#### 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 but not to exceed six square feet 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 \$100,000 per occurrence, and may be required to show proof of such insurance within 30 days after the court has made its determination.

#### Sec. 18-80. Penalties

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.

#### 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.

(Code 1968, § 6-51; Ord. No. 2002-4, 3-19-2002)

#### 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.

(Code 1968, § 6-53; Ord. No. 2002-4, 3-19-2002)

Sec. 18-83. - Removal of wastes; penalties for violations.

- (a) It shall be the duty of each dog owner or person having custody, care, or control of a dog to promptly remove any feces deposited by his dog on any sidewalk, gutter, street, or other public walkway within the city limits.
- (b) Any person who violates the provisions of this section shall be fined the sum of \$50.00, plus all lawful costs for the first offense.
- (c) Any person who violates the provisions of this section shall be fined the sum of \$100.00, plus all lawful costs for the second and all subsequent offenses.

(Code 1968, § 6-55; Ord. No. 2002-4, 3-19-2002)

Sec. 18-84. - Penalties, disposition of fines charged under this chapter.

- (a) Any person convicted of violating a provision of this chapter that does not include a specific penalty shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be punished by imprisonment for a period not to exceed six months, or a fine not to exceed \$500.00, or both, and all lawful costs, except that any person so convicted shall be fined a sum of not less than \$25.00 for the first offense, not less than \$50.00 for a second offense, and not less than \$100.00 for the third offense and all subsequent offenses. In addition, the court may require up to 100 hours of community service. However, if state law provides penalties for a particular offense that exceeds the penalties listed herein, the court may choose to apply the penalty allowed by state law.
- (b) All fines charged for any violation of any section of this chapter shall be remitted to the city general fund.

(Code 1968, § 6-57; Ord. No. 2002-4, 3-19-2002)