Amended
11 /23/2022

AN AMENDED ORDINANCE PROVIDING FOR THE VACCINATION AND CONTROL OF ALL ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF FARMINGTON, MISSISSIPPI

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Farmington, Mississippi, that an ordinance providing for the vaccination and control of all animals within the corporate limits be adopted as follows:

SECTION 1. That for the purpose of this Ordinance, the following definitions shall apply when used herein:

(a) The word "animal" includes both the male and female sex of any species, except the human species.

(b) The word "owner" shall include any person, partnership, firm or corporation owning, keeping or harboring one or more animals.

(c) The words "at large" shall mean outside the premises of the owner.

(d) The word "City" shall mean the City of Farmington, Mississippi, and any and every place within the corporate limits of the City of Farmington, Mississippi.

(e) The words "Secure Enclosure" means an Enclosure, as defined, which must include the following additional features:

1. secured sides and a secured top;

2. sides which are embedded in the ground no less than two (2) feet.

(f) The words "Vicious Animal" mean the following:

1. Any Animal which has shown or demonstrated a propensity, tendency or disposition to attack while unprovoked, to cause injury or to otherwise endanger the safety of human beings or Pets or Domestic Animals; or

2. Any Animal which, while unprovoked: (i) bites, inflicts injury, assaults or otherwise attacks a human being, Domestic Animal or Pet on public or private property, or (ii) chases or approaches a person upon the streets, sidewalks or on any public grounds in a menacing or terrorizing manner or apparent attitude of attack; or

3. Any Animal which is owned, bred or harbored with the intent, in whole or part, to be wilfully entered into a fighting match with another Animal or any Animal which is trained or transported for the purposes of participation in such fighting matches; or

4. Any Animal which, according to the records of the Animal Service Officer, has inflicted severe injury on a human being without provocation; or

5. Any Animal which, according to the records of the Animal Service Officer, has killed or seriously injured a Domestic Animal, Livestock or Pet without provocation while off the Owner's property.

(g) The words "Citizen Complainant" shall mean a private citizen who has filed a complaint in writing upon the prescribed form and signed by the private citizen.

EXCEPTIONS Notwithstanding the above, (i) no Animal may be considered a Vicious Animal if injury or damage is sustained by a person who, at the time of such injury or damage was committing a willful trespass or other tort upon the premises occupied by the Owner of the Animal, or was teasing, tormenting, abusing or assaulting the Animal or was committing or attempting to commit a crime; (ii) no Animal may be considered a Vicious Animal if injury or damage was sustained by a Domestic Animal, or Pet, which at the time of such injury or damages was teasing, tormenting, abusing or assaulting the Animal; (iii) no Animal may be considered a Vicious Animal if the Animal was protecting or defending a human being within the immediate vicinity of the Animal from an unjustified attack or assault; (iv) no Animal may be considered a Vicious Animal if the injury inflicted upon the Domestic Animal or Livestock was caused by the Animal while it was working as a hunting animal, herding animal or predator

control animal on property of, or under the control of, its Owner, and the damage or injury was to a species or type of Animal which is specific to the work of the Animal.

SECTION 2. Every person in the City of Farmington, Mississippi, who owns or has in his possession or who keeps or harbors any animal within the corporation limits of said City, shall have and keep such animal inoculated (vaccinated) against rabies, as provided by the laws of the State of Mississippi, and as provided by the rules and regulations prescribed and promulgated by the Mississippi State Board of Health and it shall be unlawful for any person to own, possess, keep or harbor any animal within the corporate limits of said City unless such animal has been so inoculated against rabies, if so required by law. Every animal so vaccinated must bear a suitable metal tag approved by the State Board of Health which may be bradded to the collar or harness of such animal which said tag shall have stamped thereon the serial number of the vaccination and the year in which the animal was vaccinated. If any animal should be without such tag at any time such action shall be prima facia evidence that the owner has failed to have such animal vaccinated as provided by law and such action shall be a violation of this ordinance.

SECTION 3. It shall be unlawful for any person who owns or has in his or her possession or under his or her control or who keeps or harbors any such animal within the corporate limits of the City of Farmington, Mississippi, to cause or permit any such animal to be at large within said City unless such animal is under the actual physical control of the owner.

SECTION 4. If any animal is caused or permitted or is found to be at large within the corporate limits of said City in violation of the foregoing sections of this Ordinance, such animal may be caused or impounded by any of the police officers or other designated representatives of the City and may be held and disposed of in compliant with the laws of the State of Mississippi.

If any such animal is so impounded, the same shall be released to the owner thereof only in the event of the payment within five (5) working days to the City of Farmington or its designee the sum of Thirty-Five Dollars ($35.00) as a fee for catching or otherwise apprehending such animal. In addition to or in lieu of impounding an animal found at large, any police officer or designated representative of said City may issue a citation of offense which is returnable to the Farmington Municipal Court. Upon conviction of a violation of the ordinance before the Municipal Court, the owner may be punished as provided in Section 13 of this ordinance.

SECTION 5. No female animal in heat shall be permitted to be at large at any time and it shall be a violation of this Ordinance for the owner of any female animal in heat to cause or permit such animal to be at large at any time within the corporate limits of the City. Every female animal in heat shall be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for planned breeding.

SECTION 6. If any animal suffering with rabies or reasonably suspected of suffering with rabies is caused or permitted to be at large within the corporate limits of the City, such animal may be killed by any police officer of said City, without such officer having to catch or impound such animal.

SECTION 7. If any animal or animal having dangerous propensities and tendencies as herein defined is found at large, then such animal may be killed by any police officer or representative of said City without such officer or representative having to catch or impound such animal. If such animal bites or attempts to bite or otherwise physically harms any person, then such animal shall be conclusively presumed to be a vicious animal as defined by Section 1(f) of this Ordinance.

SECTION 8. Obligations of a Vicious Animal Owner

(a) All Owners, keepers or harborers of Animals, which fall within the definition of a Vicious Animal, shall display at all points of entry to their property a sign easily readable by the public of the existence of such Animals. For example, using words such as "Beware of Vicious Dog." In addition, a small sign shall be posted on the Secure Enclosure.

(b) The Owner or harborer of any Vicious Animal, which according to the records of the Animal Service Officer, causes Severe Injury to a person without provocation, or which has aggressively killed another Domestic Animal or Pet shall be required to provide public liability insurance in a single incident amount of $100,000.00 for bodily injury or death of any person, or for damage to property resulting from the continued ownership, keeping or maintenance of such Animal.

(c) The owner of any Vicious Animal shall, at the Owner's expense, have a licensed veterinarian permanently insert a computer micro-chip in the Animal for the purpose of identification of the Animal and proof of such micro-chipping shall be provided to the Animal Service Department.

(d) No Vicious Animal 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.

SECTION 9. Whenever the Mayor and Board of Aldermen of said City find and adjudge, by order or resolution by them duly passed and entered upon their minutes, that it has become necessary to further safeguard the public from the dangers of hydrophobia, or other animal related or carried diseases or illnesses, they may, in the exercise of their sound discretion, issue a proclamation directing every person owning or possessing an animal in said City to securely confine such animal on the premises of the owner thereof. Any animal caused or

permitted to be at large is in violation of the terms of any such proclamation may be impounded and dealt with in the same manner as herein above provided. Before issuing any such proclamation, the Mayor and Board of Aldermen of said City may, in their discretion, seek and abide by the advice of the Health Officer of the Alcorn County, Mississippi, or other representative of the Board of Health of the State of Mississippi.

SECTION 10. A Vicious Animal shall be immediately seized by the City after a judicial determination has been made that an animal is a Vicious Animal if: (1) The Owner does not secure the liability insurance coverage required herein; (2) Owner does not maintain the Animal in Secure Enclosure; (3) the Owner willfully or negligently permits the Animal outside the dwelling of the Owner or outside the Secured Enclosure and does not have the animal under personal physical restraint of the Owner; or (4) the Animal Service Officer has the authority to seize the Animal. The Owner shall have the right to Petition the Municipal Court for the City of Farmington for a Hearing. Said Petition shall be filed with the Clerk of the Court within five (5) business days of seizure.

SECTION 11. Owners will keep animal pens or enclosures in a clean and sanitary manner free from odor or filth or feces. The number of animals kept by any one owner shall not be large enough in number to interfere with the proper enjoyment of nearby property and will not create a material annoyance, disturbance or discomfort. Neither the number of animals nor the manner in which they are kept shall be such as to create a public or private nuisance, and frequent, loud animals sounds can be such a nuisance.

SECTION 12. The Police Department and any other designated representative of the said City shall have the primary duty and responsibility of enforcing the provisions of this

ordinance and any such designated representative and police officer is fully authorized and empowered to enforce any and all of the provisions hereof.

SECTION 13. The failure or refusal of any person to comply with any of the provisions of this ordinance, and the violation of any provision of this ordinance shall constitute a misdemeanor, and any person guilty of any violation or any provision of this ordinance shall upon conviction thereof be punished as follows:

(a) For violation of Section(s) two (2), three (3) and eleven (11) be fined and/or imprisoned in the following manner:

1. First Offense: A fine not less than Fifty ($50.00) Dollars nor more than One Hundred ($100.00) Dollars.

2. Second Offense within a three (3) year period of time: A fine not less than Two Hundred ($200.00) Dollars nor more than Four Hundred ($400.00) Dollars or imprisonment in jail not to exceed three (3) days, or by both such fine and imprisonment.

3. Third or Subsequent Offense occurring within a three (3) year period of time: A fine not less than Five Hundred ($500.00) Dollars nor more than Seven Hundred Fifty ($750.00) Dollars or imprisonment in jail not to exceed fourteen (14) days, or by both such fine and imprisonment.

Each violation of any provision of this ordinance shall be deemed a separate offense.

(b) For violations of section(s) five (5), seven (7) and Eight (8) be fined and/or imprisoned in the following manner:

1. First Offense: A fine not less than Two Hundred Fifty ($250.00) Dollars nor more than Five Hundred ($500.00) Dollars or imprisonment not to exceed Fourteen (14) days, or by both such fine or imprisonment.

2. Second Offense occurring within a three (3) year period of time: A find not less than $500.00) Dollars nor more than Seven Hundred Fifty ($750.00) or imprisonment not to exceed Thirty (30) days, or by both such fine and imprisonment.

3. Third or subsequent Offense occurring within a three (3) year period of time: A fine not less than Seven Hundred Fifty ($750.00) Dollars nor

more than One Thousand ($1,000.00) Dollars or imprisonment in jail not to exceed Ninety (90) days, or by both such fine and imprisonment.

Each violation of any provision of this ordinance shall be deemed a separate offense.

Any owner is subject to injunctive action in addition to the above at the expense of the owner, including reasonable attorneys fees and costs. The civil and criminal provisions of this Ordinance shall be enforced by the City of Farmington's Police Department.

SECTION 14. This Ordinance has been considered section by section, provision by provision and as a whole, and if any section or provision hereof should be held unconstitutional or invalid for any reason, the remaining sections and provisions hereof shall be valid, it being hereby declared that all constitutional and valid provisions hereof would have been enacted after exclusion of any section or provision which might be found to be unconstitutional or invalid.

(a) Ordinance Cumulative. This ordinance shall be cumulative and in addition to any other laws in force.

(b) Repealer. All ordinances and amendments prior hereto establishing guidelines and regulations for the enforcement of animal control within the City of Farmington, Mississippi, are repealed by the enacting of this ordinance.

SECTION 15. The City Clerk shall cause this Ordinance to be published as soon as possible after the passage hereof and this Ordinance shall become effective thirty (30) days after the date of its adoption.

The foregoing Ordinance having first been reduced to writing, was read and considered by section and each of the said sections was adopted by the following vote, to-wit:

WHEREUPON, said Ordinance was put to a vote upon it final passage as a whole, and the same was passed as read with the following vote:

NAME OF ALDERMAN	VOTE
Shane Bridges	Absent
Ricky Gibens	Yea
Tammy Philamlee	Yea
Jeff Patterson	Yea
Johnny Potts	Yea

Thereupon, the Mayor declared said Ordinance approved and adopted on this the 23rd day of November, 2021.

REESE WALLIN, MAYOR

ATTEST:

DEBORA JACKSON, CLERK

PUBLIC NOTICE

Pursuant to the provisions of Section 21-13-11 and 21-17-19 of the Mississippi Code 1972 Annotated, Notice is hereby given by the Mayor and the Board of Aldermen, that the City of Farmington, Mississippi, has adopted an amendment to the Vaccination and Control of All Animals withing the Corporate Limits of the City of Farmington, Mississippi at its regularly held meeting of Nov 23, 2021, the substance of which is to amend Section 1 (f) to read as follows:

SECTION 1

(f) The words "Vicious Animal" mean the following:

1. Any Animal which has shown or demonstrated a propensity, tendency or disposition to attack while unprovoked, to cause injury or to otherwise endanger the safety of human beings or Pets or Domestic Animals; or

2. Any Animal which, while unprovoked: (i) bites, inflicts injury, assaults or otherwise attacks a human being, Domestic Animal or Pet on public or private property, or (ii) chases or approaches a person upon the streets, sidewalks or on any public grounds in a menacing or terrorizing manner or apparent attitude of attack; or

3. Any Animal which is owned, bred or harbored with the intent, in whole or part, to be wilfully entered into a fighting match with another Animal or any Animal which is trained or transported for the purposes of participation in such fighting matches; or

4. Any Animal which, according to the records of the Animal Service Officer, has inflicted severe injury on a human being without provocation; or

5. Any Animal which, according to the records of the Animal Service Officer, has killed or seriously injured a Domestic Animal, Livestock or Pet without provocation while off the Owner's property.

A copy of the full text of the amended Ordinance is posted by the Clerk at the City Hall of Farmington, Mississippi, at the Courthouse of Alcorn County, Mississippi, and at George's Diner, and is available at the request of any resident of the City of Farmington, Mississippi, by requesting same of the City Clerk.

BY RESOLUTION AND ORDER of The Mayor and Board of Aldermen of the City of Farmington, Mississippi, this the 23 day of November, 2021.

CITY OF FARMINGTON, MISSISSIPPI

BY: Debora Jackson
DEBORA JACKSON, CITY CLERK