

ORDER IN RE: ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RIPLEY PROVIDING FOR THE VACCINATION AGAINST RABIES OF ALL DOGS OR OTHER ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF RIPLEY, MISSISSIPPI: (PROHIBITING DOGS OR OTHER ANIMALS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF RIPLEY, MISSISSIPPI); AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF DOGS OR OTHER ANIMALS UNDER CERTAIN CONDITIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING PREVIOUS ORDINANCES OF THE CITY OF RIPLEY, MISSISSIPPI, AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RIPLEY, MISSISSIPPI:

Section 1. That for the purpose of this ordinance, the following definitions shall apply:

- (a) "Dog" shall include both male and female sex.
- (b) "Other animal" shall include both male and female cats, monkeys, or other animals wild or domestic kept by the owner as a pet or as a caged animal.
- (c) "At large" shall mean of f the owner's property and not under the owner's actual physical control or that of his immediate family.

Section 2. Every person in the City of Ripley, Mississippi, who owns or has in his possession or who keeps or harbors any dog or other animal within the corporate limits of the said City, shall have and keep such dog or other animal inoculated (vaccinated) against rabies, as provided by the rules and regulations prescribed by the Mississippi State Board of Health, and it shall be unlawful for any person to own, possess, keep or harbor any dog or other animal within the corporate limits of said City unless such dog or other animal has been inoculated against rabies. Such dog other animal shall bear a suitable metal tag approved by the Mississippi State Board of Health which may be attached to the collar or harness of such dog or other animal, which said dog was vaccinated. If any such dog or other animal should be without such tag at any time such action shall be prima facie evidence that the owner has failed to have such dog or other animal vaccinated as provided by law and such action shall be a violation of this ordinance.

Section 3. No dog or other animal shall be allowed to run at large (as defined in Section 1d), and it shall be unlawful for any person who shall own, keep or harbor any dog or other animal, to allow or permit such dog or other animal to run or to be at large at any time within the corporate limits of the City of Ripley.

Section 4. No female dog in heat shall be permitted to run loose at any time, and it shall be a violations of this ordinance for the owner of any female dog or other animal in heat to cause or permit such dog or other animal to be at large at any time within the corporate limits of the City of Ripley. Every female dog or other animal in heat shall be confined in a building or secure

enclosure in such manner that such female animal cannot come in contact with another animal except for planned breeding.

Section 5. If any dog or other animal suffering with rabies or reasonable suspected of suffering with rabies, is caused or permitted to run loose within the limits of the City of Ripley, Mississippi, such dog or other animal may be killed by any police officer, or other designated authority, without such officer being required to catch or impound such dog or other animal. If any dog or other within the City of Ripley, Mississippi, shall have been exposed to rabies, or shall be suspected by the County Health Officer or his representative of having rabies, such dog or other animal shall be safely confined and in all respects dealt with in accordance with the directions of the County Health Officer.

Section 6. If any dangerous dog or other animal, or any dog or other animal having dangerous propensities or tendencies as herein defined, is found to run loose, then such dog may be killed by any Police Officer or other designated authority without such officer being required to catch and impound such dog. If a dog or other animal bites or attempts to bite any person, then such dog or other animal shall be conclusively presumed to be a dangerous animal and an animal of dangerous propensities and tendencies.

Section 7. If any dog or other animal is caused or permitted, or is found to be at large within the corporate limits of the City of Ripley, Mississippi, in violation of the foregoing sections of this ordinance, such dog or other animal shall be caught by any Police Officer or other designated authority of the City of Ripley. Such dog or other animal shall be impounded in the Animal Shelter or other suitable place at the discretion of the City Marshal or designated authority. At such time of impounding a registry shall be made of the dog or other animal showing the description, breed, color, sex, etc. of the dog or other animal impounded.

Section 8. Each dog or other animal found at large, caught and impounded, shall be held at the Animal Shelter or other designated place of confinement for a minimum of five (5) days. The owner of any dog or other animal so impounded may reclaim such dog or other animal upon having such animal vaccinated for rabies if such animal has not been vaccinated as provided in Section 2 of this ordinance, and payment of the following costs and charges of the City of Ripley or designated authority for impounding and care and maintenance of such dog or other animal: fee for catching or otherwise apprehending dog or other animal -- \$10.00; for each day or portion of day dog or other animal is impounded -- \$1.50.

Section 9. All impounded dogs or other animals shall be kept in the Animal Shelter for five (5) days or until claimed as provided in Section 8 of this ordinance; however, if a dog or other animal has not been claimed within five (5) days after impoundment, such dog or other animal may be disposed of by execution in any humane manner, or by sale upon a buyer's meeting the vaccination requirements and paying the fees previously set out in this ordinance. Disposition shall be in the discretion of the City Marshal or other designated authority.

Section 10. It shall be the duty and responsibility of the City Marshal or other designated authority to enforce the provisions of this ordinance, and any and all police officers and other

employees of the City are fully authorized and empowered to enforce any and all of the provisions hereof.

Section 11. Previous Ordinances of the City of Ripley, Mississippi, and all other ordinances in conflict herewith, are hereby specifically repealed.

Section 12. 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 by any person shall constitute a misdemeanor. Any person guilty of violation of any provision of this ordinance shall, upon conviction thereof, be fined for the first offense in a sum not to exceed \$50.00; and for the second offense in a sum not to exceed \$100.00; and for the third offense a sum not to exceed \$150.00; and for any subsequent offense a sum not to exceed \$500.00.

Section 13. This ordinance has been considered section by section, provision by provision, and as a whole, and if any section or provision hereof should be unconstitutional or invalid for any reason, the remaining provisions and sections hereof shall be valid, it being hereby declared that all constitutional and valid provisions hereof would have been enacted after the exclusion of any section or provision which might be found to be unconstitutional or invalid.


Section 14. This ordinance shall take effect and be in force as provided by law.

The above and foregoing ordinance being first reduced to writing, was read, considered and adopted, first section by section, and then as a whole.

THEREUPON, upon motion duly made by Alderman Mike Harrison, seconded by Alderman Tommy Smith, to adopt the foregoing ordinance, and the question being put to a roll call vote, the result was as follows:

Tommy Smith	"Aye"
Mike Harrison	"Aye"
Bonnie Caviness	"Aye"
Randy Windham	"Aye"
Gilroy Bails	"Aye"

THEREUPON, the Mayor declared said ordinance approved, passed, and adopted on this the 2nd day of September, 1997.


LEWIS DAVIS, MAYOR

ATTEST:


ELIZABETH SHELTON, CITY CLERK