

AN ORDINANCE REGULATION AND RELATING TO THE
KEEPING OF DOGS WITHIN THE CORPORATE LIMITS
OF THE TOWN OF BYHALIA, MISSISSIPPI

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF
THE TOWN OF BYHALIA, MISSISSIPPI:

Section 1. It shall be unlawful for any owner or
custodian of any dog to permit such dog to run at large
within the Town. For the purposes of this ordinance,
any dog shall be deemed to "run at large" which is not
restrained or inoculated as specified below:

(a) When the dog is being restrained upon the
premises of the owner or custodian, the dog must not be
able to enter upon public property, including sidewalks,
or the premises of another. Any animal off the premises
of the owner or custodian shall be restrained by a leash,
cord or chain not exceeding six (6) feet in length, held
by a person who is physically able to control the animal.

(b) No dog shall be deemed to "run at large" when
said dog is contained or restricted to the premises of
the owner or custodian by fencing secured by an adequate
locking devise.

(c) Any dog enclosed within the automobile or other
vehicle of its owner or custodian shall be deemed to be
upon the owner's or custodian's premises.

(d) Any dog shall be deemed to "run at large" if it
is not inoculated against rabies as provided by the laws
of the State of Mississippi.

Section 2. The Town shall provide for an animal
shelter for the Town in the enforcement of this ordinance.

Section 3. It shall be unlawful to keep, harbor, own
or possess a vicious dog. A vicious dogs shall be defined
as follows:

(a) Any dog with a propensity, tendency or
disposition to attack, to cause injury or otherwise

endanger the safety of human beings or domestic animals; or

(b) Any dog which attacks a human being or a domestic animal on two or more occasions without provocation; or

(c) Any pit bull dog which is further defined as any Staffordshire Bull Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified veterinarian duly licensed as such by the State of Mississippi.

Section 4. Any dog not in compliance with this ordinance may be taken into custody by a dog catcher designated by the Town or any member of the police or utility department and impounded in the animal shelter in a humane manner for a period of not less than five (5) days. Any police officer or dog catcher may destroy any dog if it is in the act of attacking, pursuing, injuring or killing any person, livestock, or any other domestic animal.

Section 5. Any dog not claimed by its owner by the payment of all requisite fees during said five (5) day period shall become the property of the Town and may be disposed of in a humane manner.

Section 6. There shall be a \$5.00 fee per day, the fee assessed upon any dog impounded under this ordinance.

Section 7. The dog catcher or a designated member of the police department shall notify the Sheriff of Marshall County, Mississippi of the impoundment of all dogs, giving the Sheriff a description of the same. The dog catcher or a designated member of the police

department shall also make a reasonable effort to notify the owner of the impoundment of his dog.

Section 8. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in Municipal Court be guilty of a misdemeanor and may be fined a sum of not more than \$500.00 or imprisoned for a period not to exceed 10 days or both.

Section 9. The provisions of this ordinance shall apply to adult dogs only, which shall mean any dog over the age of three (3) months.

Section 10. The ordinance adopted by the Mayor and Board of Aldermen on the 5th day of February ~~1990~~¹⁹⁹¹ the same titled An Ordinance Regulating and Relating to the Keeping of Dogs Within the Corporate Limits of the Town of Byhalia, Mississippi is hereby repealed.

Section 11. If any section or provision of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining sections or provision of this ordinance.

Section 12. Nothing in this ordinance is intended to create a cause of action or claim against the Town or its officials or employees running to specific individuals.

Section 13. It is the opinion of the Mayor and Board of Alderman that the passage of this ordinance is necessary for the immediate and temporary preservation of the public peace, health, safety, and welfare, accordingly, said ordinance shall be made effective from and after its passage. This ordinance shall be published

published in the Town of Byhalia, Mississippi.

The foregoing ordinance was introduced in writing by Alderman Carrington and seconded by Alderman Kight and was read and considered, first section by section, then as a whole. The motion was put to a roll call vote by the Mayor with the results as follows:

Alderman Carrington voted yes.

Alderman Childress voted yes.

Alderman Going voted yes.

Alderman Kight voted yes.

Alderman Thornton voted yes.

The motion having received a unanimous vote of all members of the governing body on this the 5th day of February, 1991, during a regular, open meeting of the Mayor and Board of Aldermen of the Town of Byhalia, Mississippi.

W.T. Lowry
W.T. Lowry, Mayor

ATTEST:

Joyce Phillips
Joyce Phillips, Town Clerk

There being no further business and upon proper motion and second the meeting was adjourned.

W.T. Lowry
W.T. Lowry-Mayor

ATTEST:

Joyce Phillips