

ORDINANCE 1992 (77)

AN ORDINANCE PROHIBITING THE OWNERSHIP, HARBORING, OR MAINTENANCE OF DOGS, CATS, OR ANY DOMESTICATED ANIMALS MAKING EXCESSIVE AND UNNECESSARY NOISE TO INTRACTABLE, OBSTREPEROUS, OR AGGESSIVE DISPOSITIONS; PROVIDING STANDARDS AND DEFINITIONS; PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF; AND THE EFFECTIVE DATE OF ENACTMENT.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI;

SECTION 1 – 1

The ownership, harboring, or maintenance of dogs, cats, or any domesticated animals making excessive and unnecessary noise due to intractable, obstreperous, or aggressive dispositions is found and declared:

(a) a problematic condition with predictable exponential increase;

(b) detrimental to the public comfort, safety, welfare, and prosperity of the residents in the City of Petal.

SECTION 1 – 2

The provisions and prohibitions hereinafter contained and enacted in pursuance of securing and promoting the public comfort, safety, welfare, and prosperity of the residents in the City of Petal are declared as a matter of legislative determination and public policy.

SECTION 1 – 3

The ownership, harboring, or maintenance of dogs, cats, or any domesticated animals making excessive and unnecessary noise due to intractable, obstreperous, or aggressive dispositions will be unlawful when adjoining property owners are annoyed, disturbed, or deprived of the private right to enjoy their property, and in danger of losing the comfort, safety, welfare, and prosperity afforded by the City of Petal.

SECTION 1 – 4 UNNECESSARY NOISE STANDARD

The degree of noise created by dogs, cats, or any domesticated animals due to intractable, obstreperous, or aggressive dispositions must be one which materially offends a person of normal sensibilities; but said enumeration shall not be deemed exclusive.

SECTION 1 – 5 VIOLATION - - A MISDEMEANOR

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction there of shall be fined in an amount not exceeding Three Hundred (\$300.00) Dollars, or be imprisoned in the City or County Jail for a period not exceeding Thirty (30) days, or both by such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as one offense as such hereunder.

SECTION 1- 6 ADDITIONAL REMEDY - - INJUNCTION

As an additional remedy, the ownership, harboring, or maintenance of dogs, cats, or any domesticated animals making excessive and unnecessary noise in violation of any provision hereof which causes discomfort or annoyance to reasonable persons of normal sensibilities or which endangers the comfort, repose, or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order of injunction issued by a court of competent jurisdiction.

SECTION 1 – 7 SEPARABILITY

The intention of the City Council is that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 1 – 8 EFFECTIVE DATE

This ordinance shall be in full force and effect thirty days from and after its passage.

The above and foregoing Ordinance having been reduced to writing, the same was introduced and read, and a vote was taken thereon, first section by section, and then upon the Ordinance as a whole with the following results:

Those present and voting “aye” and in favor of the passage, adoption, and approval of Section 1, 2, 3, 4, 5, 6, 7, & 8 of the foregoing Ordinance:

Alderman Reuben Clepper
Alderman Jerry Crowe
Alderman Leroy Scott
Alderman Bobby Runnels

Those present and voting “nay” or against the adoption of Sections: 1, 2, 3, 4, 5, 6, 7 & 8 of the foregoing Ordinance:

NONE

Those present and voting “aye” and in favor of the adoption of the foregoing Ordinance as a whole:

Alderman Reuben Clepper
Alderman Jerry Crowe
Alderman Leroy Scott
Alderman Bobby Runnels

Those present and voting “nay” or against the adoption of the foregoing Ordinance as a whole:

NONE

WHEREUPON, the above and foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 7th day of July 1992.

(SIGNED) Jack Gay
MAYOR

(SEAL)

ATTEST:

(Signed) PRISCILLA C. DANIEL
CITY CLERK

PUBLISH (1) ONE TIME: JULY 17, 1992