

ORDINANCE NO. 416

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 375 OF THE CITY AS AMENDED BY ORDINANCE NO. 408, ENTITLED, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, PROVIDING REGULATIONS FOR THE OWNING, KEEPING AND/OR HARBORING OF DOGS AND CATS WITHIN THE CORPORATE LIMITS OF SAID CITY, REQUIRING THE VACCINATION OF DOGS AND CATS AGAINST RABIES AND OTHER COMMUNICABLE DISEASES, PROVIDING FOR THE IMPOUNDING OF DOGS AND CATS RUNNING AT LARGE, PROVIDING FOR THE DESTRUCTION AND/OR DISPOSAL OF DOGS AND CATS AFTER NOTICE AND HEARING THEREON, PROVIDING FOR SUMMARY DESTRUCTION OF VICIOUS DOGS AND CATS WITHOUT NOTICE IN CERTAIN CASES AS PROVIDED HEREIN, PROVIDING FOR FEES FOR IMPOUNDING OF DOGS AND CATS AND FOR NOTICE AND HEARING, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES", BY AMENDING SECTION 2 OF SAID ORDINANCE TO ADD THE DEFINITION OF "LICENSED SMALL ANIMAL CARE FACILITY" AND TO EXCEPT FROM THE PROVISIONS OF SECTION 3(a) OF SAID ORDINANCE LICENSED SMALL ANIMAL CARE FACILITIES, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefor, do now find, determine, adjudicate and declare as follows:

1. That the public health and safety of the community are well served by certain businesses and establishments licensed to do business and doing business within the city limits, the primary purpose of which businesses is to provide services to persons who own small animals as pets; and
2. That the service provided by such businesses and establishments are integral in the protection and preservation of the health and welfare of the community; and
3. The enforcement of Section 3.(a) of Ordinance No. 375 of the City, as amended by Ordinance No. 408, threatens the ability of said establishments to continue to render some of beneficial services provided by such establishments, such as small animal boarding and small animal care, to the detriment of the public health and safety of the community; and
4. The benefit of the services provided to the community by such businesses and establishments outweighs the benefit afforded by enforcement of Section 3.(a) of said Ordinance No. 375, as amended by Ordinance No. 408. Now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Section 2 of Ordinance No. 375 of the City, entitled, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, PROVIDING REGULATIONS FOR THE OWNING, KEEPING AND/OR HARBORING OF DOGS AND CATS WITHIN THE CORPORATE LIMITS OF SAID CITY, REQUIRING THE VACCINATION OF DOGS AND CATS AGAINST RABIES AND OTHER COMMUNICABLE DISEASES, PROVIDING FOR THE IMPOUNDING OF DOGS AND CATS RUNNING AT LARGE, PROVIDING FOR THE DESTRUCTION AND/OR DISPOSAL OF DOGS AND CATS AFTER NOTICE AND HEARING THEREON, PROVIDING FOR SUMMARY DESTRUCTION OF VICIOUS DOGS AND CATS WITHOUT NOTICE IN CERTAIN CASES AS PROVIDED HEREIN, PROVIDING FOR FEES FOR IMPOUNDING OF DOGS AND CATS AND FOR NOTICE AND HEARING, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES", as amended by Ordinance No. 408, be, and the same is hereby amended by adding thereto the following:

"Licensed Small Animal Care Facility" shall mean any person or entity duly licensed as by law required for the activity engaged in by such person or entity, and which person or entity engages primarily in the business or profession of providing for a fee or charge, services related to the care and maintenance of small animals, including but not limited to boarding, grooming, rendering health care services, including veterinary services, to small animals at the request of the owners thereof, and which person or entity holds a properly issued privilege license for such business activity or professional activity related to the rendering of services related to the care and maintenance of small animals and conducted on the premises identified by said license."

SECTION 2. Section 3(a) of Ordinance No. 375 of the City of Long Beach, Mississippi, as amended by Ordinance No. 408, be and it is hereby amended to read as follows:

"SECTION 3.(a) It shall be unlawful for any owner or person, other than a Licensed Small Animal Care Facility, to

possess, own, keep or harbor within the corporate limits of the City, any dog or cat which whines, yells, howls or barks excessively so as to disturb the peace of any family or inhabitant of the City.

SECTION 3. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance.

SECTION 4. Effective Date

It being necessary to for the immediate protection of the health and safety of the community by maintaining the availability of services afforded by licensed small animal care facilities, this Ordinance shall take effect and be in force immediately upon adoption.

The above and foregoing Ordinance No. 416 was introduced in writing by Alderman Hammons, who moved its adoption. Alderman Maxwell seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Ken Collins	voted	<u>Absent, Not Voting</u>
Alderman Sal Giuffria	voted	<u>Aye</u>
Alderman Miriam Graves	voted	<u>Aye</u>
Alderman Donnie Hammons	voted	<u>Aye</u>
Alderman Donald Logan	voted	<u>Aye</u>
Alderman Pat Maxwell	voted	<u>Aye</u>
Alderman Wayne O'Neal	voted	<u>Aye</u>

The question having received the affirmative vote of _____
All _____ the aldermen present and voting, the Mayor declared the motion carried and said Ordinance 416 adopted and approved this 21st day of January, 1992.

APPROVED:


 GLENN F. RISHEL, JR., MAYOR

ATTEST:


 REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance No. 416 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held on Tuesday, January 21, 1991 as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this 22nd day of January, 1991.


Rebecca E. Schruff, City Clerk

(SEAL)