

ARTICLE III. - ANIMALS^[3]

Footnotes:

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Cross reference— Bird sanctuary on Sand Beach, § 2-54; fishing or crabbing in yacht basin, § 2-103; removal of dead animals, § 4-4; rat control, § 4-81 et seq.; mosquito control, § 4-116 et seq.; animals on roadways, § 6-39.

State Law reference— Municipal control of animals running at large, Miss. Code Ann. 1972, § 21-19-9; purchasing dogs for use of police department, Miss. Code Ann. 1972, § 21-21-5; hunting and fishing, Miss. Code Ann. 1972, § 49-7-1 et seq.; livestock, Miss. Code Ann. 1972, Title 69, Ch. 11 et seq.; veterinarians, Miss. Code Ann. 1972, § 73-39-1 et seq.

DIVISION 1. - GENERALLY

Sec. 7-56. - Living creatures not to be cruelly treated.

If any person shall override, overdrive, overload, torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink; or cruelly beat or needlessly mutilate; or cause or procure to be overridden, overdriven, overloaded, tortured, unjustifiably injured, tormented, or deprived of necessary sustenance, food, or drink; or to be cruelly beaten or needlessly mutilated or killed; or fail to provide adequate and proper shelter and protection from the weather; or fail to provide adequate and proper veterinary care when needed to prevent suffering, any living creature, every such offender shall, for every offense, be guilty of a misdemeanor.

(Code 1963, § 6-1; Ord. No. 2185, § 1, 7-20-99)

State Law reference— Living creatures not to be cruelly treated, Miss. Code Ann. 1972, § 97-41-1; confining creatures without food or water, Miss. Code Ann. 1972, § 97-41-7; failure of owner or custodian to provide sustenance, Miss. Code Ann. 1972, § 97-41-9.

Sec. 7-57. - Animals injuring trees.

No person shall fasten any animal to a tree in a public park, place or street in the city nor cause any animal to stand so that such animal can injure such tree.

(Code 1963, § 18-3)

Sec. 7-58. - Leaving an animal unattended inside a motor vehicle.

It shall be unlawful for any owner or person having the possession, charge, custody, or control of any animal to leave such animal inside a motor vehicle unattended when such action is harmful or potentially harmful to such animal. In the event the owner or person having the possession, charge, custody, or control of such animal left unattended in a motor vehicle cannot be found or refuses to prevent such harm or such potential harm from occurring or continuing, the police officer, animal officer, or other person as may be designated by the city council shall use whatever means necessary to enter the motor vehicle to end any harm or potential harm from occurring or continuing to the animal. Violation of this provision of this division shall be considered a misdemeanor.

(Ord. No. 2185, § 2, 7-20-99)

Sec. 7-59. - Transporting animal(s) in motor vehicles.

It shall be unlawful for any owner or person having the possession, charge, custody, or control of any animal to transport such animal in the back of, or on top of, a pickup truck or flat bed truck, which would allow the animal to move about unsecured in the back of or on top of such pickup truck or flat bed truck. The owner or person having the possession, charge, custody, or control of any animal shall secure such animal to the pickup truck or flat bed truck so as to prevent the animal from jumping or being thrown from the pickup truck or flat bed truck, or being injured, or causing an accident or injury to any person.

(Ord. No. 2185, § 3, 7-20-99)

Sec. 7-60. - Allowing free and safe movement of animals in enclosed area.

It shall be unlawful for any owner or person having possession, charge, custody, or control of any animal to have such animal confined or restricted in its movement so as to allow less than two (2) square feet of area for every pound of body weight of the animal, unless the confinement is temporary while the animal is being transported, and such confinement shall not exceed twenty-four (24) hours at one (1) time and the animal shall be allowed to move about and exercise at least every two (2) hours during that twenty-four-hour period. The Humane Society of South Mississippi, Inc., veterinary hospitals, boarding kennels, and pet shops are exempt from complying with the provisions of this section, but must follow all state and federal guidelines for its operation and must be licensed and permitted by the city.

(Ord. No. 2185, § 4, 7-20-99; Ord. No. 2624, § 2, 4-7-09)

Sec. 7-61. - Interfering with activities of animals owned and used by the police department.

It shall be unlawful for any person to interfere with activities of or molest any animal owned and used by the police department in any performances, displays, functions, or activities of such police department animal. Violation of this provision of this division is considered a misdemeanor.

(Ord. No. 2185, § 5, 7-20-99)

Sec. 7-62. - Responsibility of animal under an individual's possession, charge, custody, or control upon the individual's moving from one residence to another.

It shall be unlawful for any owner or person having possession, charge, custody, or control of an animal(s) to leave such animal(s) at a residence upon the individual's moving therefrom, either temporarily or permanently, without making provisions for the sustenance, food, drink, and care of the animal(s) while the individual is away from the residence, or to intentionally desert the animal(s), or otherwise neglect or refuse to provide the necessary sustenance, food, and drink for the animal(s). A violation of this section shall be considered to be abandonment and is punishable as a misdemeanor.

(Ord. No. 2185, § 6, 7-20-99)

Sec. 7-63. - Intentional provocation of aggression in an animal.

It shall be unlawful for any person other than the owner to intentionally tease or provoke an animal(s) in an attempt to elicit an aggressive response from the animal(s), or to cause injury or emotional distress to the animal(s) or its owner or person having possession, charge, custody, or control.

(Ord. No. 2185, § 7, 7-20-99)

Sec. 7-64. - Pet shops, aviaries, kennels, and animal shelters; investigation of complaints.

The animal officer of the city is hereby authorized at any time upon written complaint of any person to inspect the conditions of any business which sells or gives away any living animal(s) to ascertain if such business is in compliance with this division.

(Ord. No. 2185, § 8, 7-20-99)

Sec. 7-65. - Severely injured or diseased animals.

It shall be the duty of any police officer or animal control officer of the city to provide for the euthanasia of any animal suffering from a severe injury or disease.

- (1) Euthanasia of animals pursuant to this section shall be accomplished solely by means of injection of sodium pentobarbital or sodium pentobarbital solution administered by a licensed veterinarian, a licensed veterinary technician, or animal control officer to include shelter staff who are certified in euthanasia by injection. When intravenous administration is considered impractical or impossible, intraperitoneal administration is acceptable as an alternate and accepted form of euthanasia.
- (2) Any method of euthanasia other than that provided for in this section is prohibited except that euthanasia by gunshot, with supervisory approval, is permissible as an emergency measure for an animal that is posing an imminent threat of serious physical injury to a person or to another animal and where the use of a humane and accepted methods of euthanasia as prescribed in this section is impossible or where the severely injured or diseased animal cannot otherwise be aided.
- (3) No animal shall be left unattended between the time that the euthanasia begins and the time when death is confirmed. The body of a euthanized animal shall not be disposed of in any manner until death is confirmed by a licensed veterinarian, a certified euthanasia technician or a licensed veterinary technician.

(Ord. No. 2185, § 9, 7-20-99; Ord. No. 2624, § 3, 4-7-09)

Sec. 7-66. - Conditional permits for domesticated animals (dogs and/or cats).

- (a) The chief of police shall have the authority to issue permits, renewable annually, to persons within the city to house and maintain domesticated animals (dogs and/or cats) in excess of six (6) at their residence.
- (b) Any person receiving a permit under this provision of this division may be allowed to keep domesticated animals (dogs and/or cats) in excess of six (6) at their residence subject to the following conditions:
 - (1) No more than the permitted number of domesticated animals (dogs and/or cats) over the age of six (6) months shall be allowed in the yard or premises of the residence of the owner of such animals at one time, and such animals shall, at any and all times, be leashed or enclosed in a fenced area, which fenced area may include an area enclosed by electronic fencing, and not allowed to run at large.
 - (2) The animal officer of the city shall have the right to request to inspect, at all reasonable times, the premises of any animal owner issued a permit for housing and maintaining domesticated animals (dogs and/or cats) in excess of six (6) as allowed hereunder.
 - (3) Any person seeking a permit for this purpose shall, as a part of the application therefor, submit written verification from all neighboring property owners of such applicant that such neighboring property owners do not object to the issuance of such permit within one hundred (100) feet of any property line adjoining the applicant's property. If there are any objections from neighboring property owners of the applicant, a hearing will be conducted by the chief of police and the animal officer of the city, and a decision made whether to issue the permit. If the permit application is denied, the applicant may then appeal the decision to the city council.

- (4) Each permit shall be issued only after an application is made through the animal officer of the city and then approved by the chief of police.
- (5) No person(s) shall be allowed to breed such domesticated animals (dogs and/or cats) for profit and sale purposes without this permit. Any such person(s) found in violation of this provision of the division shall be guilty of a misdemeanor and, in addition to having any future permit denied, shall be subject to the general penalty provision of the Code of Ordinances of the City of Gulfport, Mississippi.
- (6) The application fee for the permit for the first year shall be twenty-five (\$25.00) dollars. The yearly renewal fee shall be twenty-five (\$25.00) dollars. All such fees shall be put into a special fund of the city to be used for public education, equipment, and additional employees in connection with the animal control division of the police department and its enforcement of this division.
- (7) Any permit issued pursuant to the provisions of this division may be revoked if it is determined by the chief of police and animal officer of the city that any provision of this division is being violated, other than those conditional exceptions allowed by this provision. In such case, the animal officer of the city shall notify such person(s) of such violations, and such person(s) shall be allowed fourteen (14) days from such notification to correct the violations. At the expiration of the fourteen (14) day correction period, the animal officer of the city shall reinspect the premises. If violations are still found at the premises, the animal officer of the city shall report such findings to the chief of police for revocation of the permit. The owner of the permit shall have the right to request in writing a hearing before the chief of police to appeal the decision revoking the permit.
- (8) Under the provisions of this division, a residential property owner owning residential property containing at least two (2) acres may own, keep, or harbor more than six (6) domesticated animals (dogs and/or cats) on such property without a permit, provided the animals are properly confined, which may include electronic fencing, and not allowed to run at large at any time. Residential properties of less than two (2) acres and apartment properties are not included in this provision due to the close proximity to other residential dwellings.

(Ord. No. 2185, § 10, 7-20-99)

Sec. 7-67. - Sale of animals; prohibitions, exemptions and enforcement.

It shall be unlawful to sell, trade, barter, lease, auction, give away or display a live animal on a roadside, public right-of-way, sidewalk, street, parkway or any other public property or any property dedicated to public use, a commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale or similar event. This section shall not apply to the Humane Society of South Mississippi, Inc., animal welfare organizations designated as a 501(c)(3) by the Internal Revenue Service, established businesses whose sole purpose is related to the care and maintenance of pets or entities who have both a valid business license issued by the city and a valid conditional permit as required in subsection 7-66(b)(5) provided that prior to release of the animal it has been administered all necessary vaccinations as required by law and has been spayed or neutered. A violation of this section shall be considered a misdemeanor. Any person or entity authorized to enforce the provisions of this chapter shall have the authority to impound any animal found in violation of this section. The impounded animal may be reclaimed within five (5) days of impoundment upon payment of the costs incurred in confining and keeping of such animal during impoundment.

(Ord. No. 2624, § 4, 4-7-09)

Secs. 7-68—7-70. - Reserved.

DIVISION 2. - ANIMALS OTHER THAN HOUSEHOLD PETS

Sec. 7-71. - Cleanliness of premises.

The premises on which any fowl, animal, livestock, reptile, etc., excepting dogs, cats, birds, and other household pets, are raised, had or kept within the city limits shall be kept in a clean and sanitary condition so as to prevent offensive odors or sights connected therewith.

(Code 1963, § 6-8)

State Law reference— Municipal regulation of the cleaning and keeping in order of stables, Miss. Code Ann. 1972, § 21-19-1.

Sec. 7-72. - Keeping near residences; prohibited, complaint required.

No person shall raise, have or keep any fowls, animals, livestock, reptiles, etc., excepting dogs, cats, birds, and other household pets, within the city limits within three hundred (300) feet of the residence of any other person, who shall complain in writing to the mayor and city council requesting that such fowl, animal, livestock, reptile, etc., be removed from the premises as hereinafter provided.

(Code 1963, § 6-7)

State Law reference— Municipal regulation of hog pens, slaughterhouses, and stockyards, Miss. Code Ann. 1972, § 21-19-1.

Sec. 7-73. - Complaint procedure.

Section 7-72 shall be enforced only upon written complaint filed with the mayor and city council by any resident citizen of the city. The complaint shall set out in detail the name of the person, street address of the premises, and description of what fowls, animals, livestock, reptiles, are being raised, kept or maintained. It shall thereupon be the duty of the proper official or officials designated by the mayor and city council to give written notice to the person against whom said complaint has been filed to require such fowls, animals, livestock, reptiles, etc., to be removed from the premises within ten (10) days after such notice. In the event such person shall fail to remove such fowls, animals, livestock, reptiles, etc., within ten (10) days after such notice, then such person shall be in violation of this article. Any proper city official or any individual may thereafter make proper charges hereunder regarding such violation. Anyone convicted of violating this section shall be punished as provided in section 1-9.

(Code 1963, § 6-9)

Sec. 7-74. - Reserved.

Editor's note— Section 11 of Ord. No. 2185, adopted July 20, 1999, repealed § 7-74 which pertained to leaving horses, mules and draft animals unhitched or unattended, and derived from the 1963 Code, § 6-10.

Sec. 7-75. - Keeping hogs or pigs, regulated.

It shall be unlawful for any person to keep any hogs or pigs in the city except in pens conforming to the requirements of this section and other ordinances of the city. All hog pens now or hereafter erected or maintained within the city shall be conformed to the following rules for building and maintaining the same:

- (1) All such hog pens shall be floored and the floor thereof shall be raised at least one (1) foot from the surface of the ground, and such pens shall be flushed with clean water once each day and all sour food cleaned therefrom.
- (2) No hog pen of any character shall be erected or maintained and such animals kept therein within that portion of the city embraced within any fire district.

- (3) It shall be unlawful for any hog pen to be kept or maintained anywhere within the city in such proximity to any of the premises of another as, by reason of the noise of such animals or the offensive odors from such hog pen, the same shall be a nuisance to the occupant of such other premises.
- (4) Any person guilty of violating the provisions of this section shall upon conviction therefor be punished as provided in section 1-9 and such judgment may order such hog pen abated and direct the health officer to have the same demolished or removed.

(Code 1963, § 6-11)

Cross reference— Fire zones, § 3-30.

State Law reference— Power of council to regulate or suppress hog pens, Miss. Code Ann. 1972, § 21-19-1; swine, Miss. Code Ann. 1972, § 69-11-1 et seq.

Sec. 7-76. - Certain animals at large; impoundment.

- (a) It shall be unlawful for any livestock, commonly known as horses, cows, calves, mules, jennies, colts, hogs, sheep, goats, or other like animals, or for fowl to run at large within the city.
- (b) It shall be the duty of the chief of police, acting by and through proper officials designated by him to pick up such animals and impound them in an enclosure kept for such purposes provided and maintained by the police department or by persons or agencies whose enclosure is approved by the police department.

(Code 1963, § 6-12)

State Law reference— Municipal control of animals running at large, Miss. Code Ann. 1972, § 21-19-9.

Sec. 7-77. - Raising, keeping and maintenance; authority to prohibit.

The mayor and city council shall have the authority to prohibit the raising, keeping and maintenance of all animals, other than household pets, within the city limits or designated area thereof, by proceedings as hereinafter set out.

- (1) Hearing authorized. The mayor and city council may, upon petition or upon their own motion, conduct a public hearing to determine whether or not all fowls, animals, livestock, reptiles, etc., excepting dogs, cats, birds and other household pets, shall be prohibited from specified areas within the city limits. Upon receipt of a petition containing not less than fifteen (15) percent of the residents of an area who seek to invoke the provisions of this section, or upon action by the mayor and city council without petition, the mayor and city council shall hold a public hearing to determine whether or not such fowls, animals, livestock, reptiles, etc., shall be prohibited within the specified area of the city.
- (2) Notice of hearing. Notice of the hearing shall be published at least three (3) times prior to the date of such hearing in a newspaper of general circulation in the city, the first notice to be at least fifteen (15) days prior to the date of the hearing, and the two (2) additional notices to be published on the same day of each following week prior to the date of such hearing. Such notice shall state the purpose of such hearing and shall describe the boundaries in which it is proposed that such fowls, animals, livestock, reptiles, etc., shall be prohibited.
- (3) Adoption of resolution. The mayor and city council at such hearing shall hear all interested persons, and if the mayor and city council determine that it is to the best interest of the city that such fowls, animals, livestock, reptiles, etc., not including household pets, shall be prohibited from such area and adopt a resolution to such effect, such fowls, animals, livestock,

reptiles, etc., shall be prohibited from such area and those presently in such area shall be removed within thirty (30) days after the date of adoption of such resolution.

(Code 1963, § 6-13)

Sec. 7-78. - Regulation of fowl.

- (a) No person shall keep more than two (2) fowl such as chickens, ducks, geese, turkeys, pigeons or guineas, or pea fowl, except when kept in an enclosed area, which may include an area enclosed by electronic fencing, at least three hundred (300) feet away from any adjoining property line, or except by special permit issued at no cost by the chief of police and animal officer.
- (b) It shall be unlawful for the owner of such fowl or the person having possession, charge, custody, or control of such fowl to allow the fowl to run at large and/or create nuisance by means of noise or smell, except carrier pigeons on training or racing flights.

(Ord. No. 2185, § 12, 7-20-99)

Sec. 7-79. - Regulations for performing animal exhibits or circuses.

- (a) No performing animal exhibit or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which is likely to cause physical suffering or injury to the animals.
- (b) All equipment used on or by a performing animal shall fit properly and be in good working condition.
- (c) The owners, managers, caretakers, or persons having possession, charge, custody, or control of animals used as performing animals shall provide the animals with good and sufficient food and water, and shelter from extremes of the weather.
- (d) At no time shall the animals used as performing animals or circus animals be hobbled, tethered, tied, or staked along city streets, state highways, public rights-of-way, or any thoroughfare within the city limits.
- (e) The animal officer of the city is hereby authorized to inspect the conditions and premises of such operations at any time to determine compliance with this division.

(Ord. No. 2185, § 13, 7-20-99)

Sec. 7-80. - Keeping of wild animals, reptiles, and wild fowls prohibited.

- (a) No person shall keep, harbor, or possess any wild animal(s), reptile(s), or wild fowl(s) indigenous to the southeastern United States as defined by the Department of Wildlife, Fisheries, and Parks, within the city limits.
- (b) No person shall keep or cause to be kept on his/her premises or in any road-side zoo or pet store any wild or vicious animal for display for exhibition purposes, whether gratuitously or for a fee, with the exception of federal, state, county, or municipal law enforcement agencies for the purpose of public education, and private individuals with a federal and/or State of Mississippi permit to keep such animal(s).
- (c) The animal officer of the city is hereby granted the authority to seize any and all wild animal(s), reptile(s), or wild fowl(s) indigenous to the southeastern United States as defined by the Department of Wildlife, Fisheries, and Parks kept in violation of this division, or state or federal statutes. The animal officer of the city shall deliver such seized wild animal(s), reptile(s), or wild fowl(s) indigenous to the southeastern United States as defined by the Department of Wildlife, Fisheries, and Parks to the Department of Wildlife Conservation. In addition, the animal officer of the city may, in their discretion, grant the owner or person having possession, charge, custody, or control of such wild animal(s), reptile(s), or wild fowl(s) indigenous to the southeastern United States as defined by the Department of

Wildlife, Fisheries, and Parks twenty-four (24) hours to remove them from the boundaries of the city limits to a lawful place if the public health, safety, and welfare will not be jeopardized thereby.

(Ord. No. 2185, § 14, 7-20-99)

Secs. 7-81—7-95. - Reserved.

DIVISION 3. - CATS

Sec. 7-96. - Prohibited at large; "running at large" defined.

It shall be unlawful for cats to run at large within the city. "Running at large" is hereby defined as being off the premises, including yard and appurtenances, owned and/or controlled by the owner of such cat.

(Code 1963, § 6-17)

Sec. 7-97. - Keeping, maintaining for breeding purposes, prohibited.

It shall be unlawful for any person to keep and maintain cats on their premises for breeding purposes within the city, except as allowed and provided by Chapter 7, Article III, Division 1, section 7-66 of this chapter.

(Code 1963, § 6-18; Ord. No. 2185, § 15, 7-20-99)

Sec. 7-98. - Maintenance of premises.

It shall be unlawful for any person to permit the area in which cats are kept or maintained to become a nuisance in any manner, particularly by reason of noises, odors, filthy conditions or the breeding of flies, mosquitoes and other pests.

(Code 1963, § 6-19)

State Law reference— Power of municipal governing authorities to prevent, remove and abate nuisances, Miss. Code Ann. 1972, § 21-19-1.

Sec. 7-99. - Vaccination.

- (a) It shall be the duty of every owner or person possessing, owning, keeping, or harboring any cats within the corporate limits of the city three (3) months of age or older, to have such cats inoculated against rabies with an approved dosage of antirabies vaccine properly administered by one legally authorized to administer the same and such inoculation against rabies is required as provided by applicable state law. The neglect or failure of any owner or person having the possession, owning, keeping, or harboring of any cat within the corporate limits of the city to provide for such vaccination against rabies as herein required shall constitute a violation of the provisions of this section.
- (b) Evidence of the rabies vaccination shall consist of a metal tag worn by the cat at all times and a certificate issued by the one legally authorized to administer the rabies vaccine who, in fact, administered the same, with both the metal tag worn by the cat and the certificate issued to contain data necessary for identification of the cat, which data shall also contain the owner's name, address, and telephone number, or the name, address, and telephone number of the person possessing, owning, keeping, or harboring the cat, and the date of the rabies vaccination.

(Ord. No. 2185, § 16, 7-20-99)

State Law reference— Rabies inoculation of dogs and cats required, Miss. Code Ann. 1972, § 41-53-1; who may inoculate animals, Miss. Code Ann. 1972, § 41-53-5.

Sec. 7-100. - Destruction of feral cats.

- (a) Any cat(s) that have escaped from captivity and are no longer domesticated may be destroyed by any means necessary as to prevent them from becoming a public threat and to control disease and over population by feral animals.
- (b) When a cat is determined to be vicious and/or diseased by the animal officer of the city, or if the cat is determined to be feral and beyond domestication, may be destroyed by the animal officer of the city or by his/her designee, providing each of the following requirements have been met:
 - (1) The cat is running at large; and
 - (2) There is no visual rabies tag present; and
 - (3) Chemical capture proved unsuccessful; and
 - (4) Attempts to peaceful capture have been attempted and proved unsuccessful.

In any instance, supervisory approval is to be obtained by the animal officer or his/her designee prior to the destruction of any cat(s) under this provision of this division.

(Ord. No. 2185, § 17, 7-20-99)

Sec. 7-101. - Impoundment and notice to owner.

The police officer, animal officer, or other person as may be designated by the city council may seize or caused to be seized any cat whose owner, keeper, or harbinger is found to be in violation of any part of this division, and shall impound or cause to be impounded such cat in the local animal shelter. The police officer, animal control officer, or any other person designated by the city to enforce these provisions shall scan impounded cats for the presence of a microchip and shall make reasonable efforts to notify the owner of any cat with a microchip or with any other form of identification that the cat has been impounded and inform such owner of the procedure and conditions for redeeming the cat. An impounded cat is a cat which is tagged or microchipped and shall be held for a period not to exceed five (5) days, and if reasonable corrections are not made by the owner, keeper, or harbinger of the cat so that the owner, keeper, or harbinger is no longer in violation of this division, then the cat shall be released to the local animal shelter. Cats which are not properly tagged or microchipped shall be released to the local animal shelter upon delivery to the shelter. The animal officer shall designate to the owner, keeper, or harbinger of the cat what corrective action is required to be in compliance with this division. Thereupon, the impounded cat may be reclaimed within five (5) days of impoundment upon payment of the costs incurred in confining and keeping of such cat during impoundment, payment of the cost of inserting a microchip in the cat, and where applicable, payment of the cost for spaying or neutering the cat, and upon showing proof of current rabies vaccination. All cats shall be microchipped prior to being returned to an owner or released for adoption. Cats impounded for a second or subsequent time shall be spayed or neutered prior to being returned to an owner or released for adoption. The cost of inserting a microchip and the cost of spaying or neutering shall not exceed the actual reasonable cost incurred by the Humane Society of South Mississippi, its agents or any other agency authorized by law to perform these procedures.

(Ord. No. 2185, § 18, 7-20-99; Ord. No. 2624, § 5, 4-7-09; Ord. No. [2801](#), § 2, 11-4-14)

Secs. 7-102—7-110. - Reserved.

DIVISION 4. - DOGS

Sec. 7-111. - Short title.

This division shall be known as and may be cited as "The Gulfport Dog Ordinance of 1987."

(Ord. No. 1788, § 1, 12-22-87)

Sec. 7-112. - Definitions.

In addition to the words and terms elsewhere defined in this division, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

Animal officer shall mean any police officer of the city, or any other person appointed by the mayor and city council to carry out the enforcement of any provision of this division.

At large shall mean off the premises of the owner, keeper or harbinger of any dog, and not under the control of such owner, keeper or harbinger, or of any immediate member of the family of such owner, keeper or harbinger of such dog, either by leash, cord, chain or otherwise.

Boarding kennel is a facility other than an animal hospital, city pound or any animal shelter where animals, normally dogs and cats, not owned by the proprietor, are temporarily sheltered, fed, watered and exercised in return for a fee.

Dog shall mean any canine or animal of the canine species, either male or female.

Enclosure means a fence or structure of at least six (6) feet in height, forming a confined area sufficient to prevent the entry of young children, and, in conjunction with tethering or other measures, effective in containing a vicious dog. Such enclosure shall be securely enclosed and locked and equipped with secure sides, top, and bottom, and shall be designed to prevent the animal from escaping from the enclosure.

Extreme cold means ambient or wind chill temperature of thirty-two (32) degrees Fahrenheit and below.

Extreme heat means ambient, or heat index temperature in excess of one hundred (100) degrees Fahrenheit.

Extreme weather means any weather condition associated with a weather advisory, watch or warning issued by the National Weather Service.

Microchip means a rice-sized permanent identification device encoded with a unique and unalterable number. The chip is typically implanted in animals just under the skin in the scruff of the neck or between the shoulder blades and is read by a scanner.

Microchipped means the animal has been injected and implanted with a microchip.

Owner shall mean any person owning, keeping or harboring a dog, or controlling a dog within the corporate limits of the city.

Vicious dog or dog having dangerous or vicious propensities shall mean any dog which:

- (1) Is known to have attacked, bitten or injured an individual, other dog or animal, or known to have attempted to attack, bite or injure an individual, other dog or animal; or
- (2) Is observed by any person attacking, biting or injuring, or attempting to attack, bite or injure, any individual, other dog or animal; or
- (3) Has a propensity, disposition or tendency to do any act which may reasonably be construed to endanger the safety of persons or property of other in any given situation; or
- (4) If any dog bites or attempts to bite any person, other dog or animal, while such dog is running at large, then such dog biting or attempting to bite any person, other dog or animal shall be presumed to be a vicious dog or dog having dangerous or vicious propensities. If any dog attacks or attempts to attack any person, other dog or animal, while such dog is running at large, or

chases or otherwise attempts to catch any person, other dog or animal, shall be presumed to be a vicious dog or dog having dangerous or vicious propensities.

(Ord. No. 1788, § 2, 12-22-87; Ord. No. 2624, § 6, 4-7-09)

Sec. 7-113. - Dogs, disturbing the peace.

- (a) Upon conviction, it shall be unlawful for any owner or person to possess, own, keep or harbor within the corporate limits of the city, any dog which whines, yells, howls, yelps, barks, or makes any other noise or action habitually and continuously so excessive as to disturb the peace of any family or inhabitant of the city.
- (b) It shall be unlawful for any owner or person having the possession, charge, custody, or control of any dog to permit or allow the same to create a disturbance or to become a nuisance in the city by reason of barking, noise, nauseous odor, filthy conditions, the breeding of flies, mosquitoes, insects and other pests, by being on the property of someone other than the owner or person having the possession, charge, custody, or control of the dog, damaging public or private property, upsetting garbage cans, or urinating or defecating on any property that does not belong to such owner or the person having the possession, charge, custody, or control of such dog.
- (c) It shall be unlawful for any owner or person having the possession, charge, custody, or control of any dog to keep or maintain on their premises any pen(s) or enclosure(s) for the keeping of said dog(s) such as is a public nuisance to persons residing in the vicinity thereof, nor shall the pen(s) or enclosure(s) be kept or maintained in any manner so as to cause bodily injury to any person.
- (d) It shall be unlawful for any owner or person having the possession, charge, custody, or control of any dog to keep such dog in a manner as to constitute a public nuisance to the person(s) residing within the vicinity thereof by reason of odor or unsanitary conditions.

(Ord. No. 1788, § 3, 12-22-87; Ord. No. 2185, § 19, 7-20-99)

Sec. 7-114. - Vicious dogs.

- (a) Ownership. It shall be unlawful for any owner or person to possess, own, keep or harbor within the corporate limits of the city, any vicious dog having dangerous or vicious propensities, unless the same be securely restrained and fenced or enclosed within and upon the premises or land of such owner or person.
- (b) At large. It shall be unlawful for any owner or person possessing, owning, keeping or harboring within the corporate limits of the city any vicious dog or dog having dangerous or vicious propensities to allow or permit the same to be or remain at large, unless such dog shall be and is maintained under the secure control of such owner or person, either by leash, cord, chain, or otherwise, or further, unless the dog is securely and properly muzzled so as to prevent such dog from biting or injuring any other person or property.
- (c) Interpretation. Subsections (a) and (b) above are necessary controls on unrestrained activity of vicious animals which threaten the safety and pleasantness of streets, parks, sidewalks, yards and all areas of the city; and lack of knowledge or lack of intent is not a defense to a violation thereof.

(Ord. No. 1788, § 4, 12-22-87)

Sec. 7-115. - Vaccination.

It shall be the duty of every owner or person possessing, owning, keeping or harboring any dog within the corporate limits of the city, three (3) months of age or older, to have such dog inoculated against rabies with an approved dosage of antirabies vaccine properly administered by one legally authorized to administer the same, and to see that such dog, when so vaccinated, shall be provided with a metal tag approved by the state board of health with the serial number of the vaccination and the year in which the dog was so

inoculated stamped thereon, such metal tag to be securely bradded or attached to a collar to be provided for and worn about the neck of such dog at all times; and such inoculation against rabies is required as provided by applicable state law. The neglect or failure of any owner, or person having the possession, owning, keeping or harboring of any dog within the corporate limits of the city, to provide for such vaccination against rabies and providing collar and identification tag of serial number of inoculation as herein required shall constitute a violation of the provisions of this section.

(Ord. No. 1788, § 5, 12-22-87)

State Law reference— Rabies inoculation of dogs and cats required, Miss. Code Ann. 1972, § 41-53-1; who may inoculate animals, Miss. Code Ann. 1972, § 41-53-5, tags, Miss. Code Ann. 1972, § 41-53-7.

Sec. 7-116. - Running at large.

It shall be unlawful for any owner or person having the possession, charge, custody or control of, or harboring any dog to cause, permit or allow the same to run at large within the corporate limits of the city. The running at large of any dog shall be prima facie evidence of the violation of this section by such owner or person aforesaid. When not in the control of the owner, keeper or harborer, or of any immediate member of the family of such owner, keeper or harborer, of any such dog, either by leash, cord, chain or otherwise, the same shall be kept and maintained securely by such owner, keeper or harborer upon his own land or premises in a secure and sanitary manner.

(Ord. No. 1788, § 6, 12-22-87)

State Law reference— Dogs running at large, Miss. Code Ann. 1972, § 41-53-11.

Sec. 7-117. - Enforcement.

- (a) It shall be the duty of the chief of police to provide for the enforcement of the provisions of this division; and all police officers, animal officers, or other persons designated by the mayor and city council shall have the power and authority, under the supervision of the chief of police, to enforce any and all provisions hereof.
- (b) Any animal officer of the city may utilize any equipment reasonable and necessary to enforce the provisions of this division, including, without limitation, humane wire box traps or chemical means whether by baited food or by dart gun. The animal officer of the city may lend humane wire box traps to private persons for the purpose of preventing nuisance from animals running at large.
- (c) Any animal officer of the city shall be vested with powers to issue animal control related citations, summons, or other process in the same manner as other police officers of the city and shall complete the training courses of the National Animal Control Association within two (2) years of his employment as an animal officer.

(Ord. No. 1788, § 7, 12-22-87; Ord. No. 2185, § 20, 7-20-99; Ord. No. 4624, § 7, 4-7-09)

Sec. 7-118. - Impoundment; registry and notice to owner.

- (a) It shall be the duty of every police officer and animal officer of the city, or other person designated by the city council, to apprehend any dog found running at large contrary to the provisions of the division, and to impound any such dog in the local animal shelter, or other suitable place. In the event no such suitable place is available, such dog may be removed to any private animal hospital or veterinary clinic or animal shelter that will take possession of such dog under such agreement as may be made with the city. Notwithstanding the above provisions in this section, any dog found running at large and not having any identification that such dog has been vaccinated for rabies, and any dog noticeably infected with rabies or other dangerous disease, and any dog displaying any dangerous or vicious propensities

as defined in this division, which cannot reasonably and safely be apprehended and impounded, may be slain by any police officer or animal officer as provided in this division.

- (b) The police officer, animal officer, or other person as may be designated by the city council, upon receiving any dog apprehended under this section and impounded shall make a complete registry, entering the date, time, and place of taking, the breed, color, marking, and sex of such dog, and, if known, or if it can be determined from any metal tag attached to any collared dog, the serial number of the vaccination for rabies and the year in which such dog was vaccinated, and, if known, the name and address of the owner, keeper, or harbinger of such dog. Vaccinated dogs shall be separated from unvaccinated. Additionally, the police officer, animal control officer, or any other person designated by the city to enforce these provisions shall scan impounded dogs for the presence of a microchip and shall make reasonable efforts to notify the owner of any dog with a microchip or with any other form of identification that the dog has been impounded and inform such owner of the procedure and conditions for redeeming the dog.
- (c) The police officer, animal officer, or other person as may be designated by the city council may seize or cause to be seized any dog whose owner, keeper, or harbinger is found to be in violation of any part of this division, and shall impound or cause to be impounded such dog in a designated shelter. An impounded dog is a dog which is three (3) months of age or older or a dog which is tagged or microchipped and shall be held for a period not to exceed five (5) days, and if reasonable corrections are not made by the owner, keeper, or harbinger of the dog so that the owner, keeper, or harbinger is no longer in violation of this division, then the dog shall be released to the local animal shelter. Dogs which are under three (3) months of age or are not properly tagged or microchipped shall be released to the local animal shelter upon delivery to the shelter. The animal officer shall designate to the owner, keeper, or harbinger of the dog what corrective action is required to be in compliance with this division. Thereupon, the impounded dog may be reclaimed within five (5) days of impoundment upon payment of the costs incurred in confining and keeping of such dog during impoundment, payment of the cost of inserting a microchip in the dog and where applicable, payment of the cost of spaying or neutering the dog and upon showing proof of current rabies vaccination. All dogs shall be microchipped prior to being returned to an owner or released for adoption. Dogs impounded for a second or subsequent time shall be spayed or neutered prior being returned to an owner or released for adoption. The cost of inserting a microchip and the cost of spaying or neutering shall not exceed the actual reasonable cost incurred by the Humane Society of South Mississippi, its authorized agents, or any other agency authorized by law to perform these procedures.
- (d) A police dog commissioned by a recognized law enforcement agency with a current rabies vaccination who bites in the line of duty shall be exempt from confinement under this section and shall be allowed to continue in a working capacity.

(Ord. No. 1788, § 8, 12-22-87; Ord. No. 2185, § 21, 7-20-99; Ord. No. 2624, § 8, 4-7-09; Ord. No. [2801](#), § 3, 11-4-14)

State Law reference— Redemption of impounded dogs running at large, Miss. Code Ann. 1972, § 41-53-11.

Sec. 7-119. - Summary destruction of dogs without notice.

- (a) Any other provision of this division to the contrary notwithstanding, every police officer, animal officer, or any other person designated by the city council, is hereby authorized and empowered to summarily kill or destroy, without notice to the owner, keeper, harbinger, or any other person, any dog which:
 - (1) Is a dangerous or vicious dog or a dog having dangerous or vicious propensities and found running at large after the owner, keeper, or harbinger of such dog has or had previous knowledge or notice that such dog is a dangerous or vicious dog or a dog having dangerous or vicious propensities; or

- (2) Is noticeably infected, or appears to be suffering with rabies, or other infectious or dangerous disease, and is found running at large; or
 - (3) If observed by any police officer, animal officer, or other person designated by the city council to enforce the provisions of this division, in the act of attacking, biting, injuring, chasing, or attempting to attack, bite, or injure any person, other dog, or animal; or
 - (4) As provided by MCA 1972, § 21-19-9, as now or hereafter amended, is running at large uncollared and without metal tag or proper identification indicating that such dog has been vaccinated for rabies.
- (b) Any dog(s) that have escaped from captivity and are no longer domesticated may be destroyed by any means necessary as to prevent them from becoming a public threat and to control disease and over population by feral animals.
- (c) When a dog is determined to be vicious and/or diseased by the animal officer of the city, or if the dog is determined to be feral and beyond domestication, may be destroyed by the animal officer of the city or by his/her designee, providing each of the following requirements have been met:
- (1) The dog is running at large; and
 - (2) There is no visual rabies tag present; and
 - (3) Chemical capture proved unsuccessful; and
 - (4) Attempts to peaceful capture have been attempted and proved unsuccessful.

In any instance, supervisory approval is to be obtained by the animal officer or his/her designee prior to the destruction of any dog(s) under this provision of this ordinance.

(Ord. No. 1788, § 9, 12-22-87; Ord. No. 2185, § 22, 7-20-99)

Sec. 7-120. - Muzzling.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia or rabies, the mayor, if he deems it necessary, shall issue a proclamation ordering every owner, or person owning, having, keeping or harboring any dog within the corporate limits of the city, to confine it securely upon his own land or premises, unless such dog shall have a muzzle of sufficient strength to prevent its biting or injuring any person. Any unmuzzled dog found running at large during the time of the time of the proclamation shall be apprehended and impounded in accord with the provisions of sections 7-118 and 7-119, unless such unmuzzled dog is noticeably infected with rabies or other dangerous disease, or is displaying dangerous or vicious propensities, in which either of such events such unmuzzled dog shall be summarily destroyed or killed.

(Ord. No. 1788, § 10, 12-22-87)

Sec. 7-121. - Rabies control.

- (a) If any dog has bitten any person, or is suspected of having bitten any person, or has been bitten by a dog suspected of having rabies, or is suspected of having rabies, such dog shall be securely confined by the owner, keeper or harbinger of such dog, either by leash, cord, chain or otherwise, to prevent its being loose or running at large, and shall be placed under the observation of a licensed veterinarian at the cost and expense of such owner, keeper, or harbinger thereof, for a period of at least ten (10) days. Each such owner, keeper or harbinger of any such dog shall immediately notify the chief of police or any animal officer of the city of the fact that his dog is suspected of having, or has been exposed to, rabies; and, at his discretion, the chief of police or animal officer of the city is authorized and empowered to remove from the land or premises of such owner, keeper or harbinger of such dog, or from any place where such dog may be found, to a veterinary hospital or clinic and there placed under observation for a period of at least ten (10) days at the cost of such owner, keeper or harbinger so such dog. If, after

sufficient observation, the dog in the opinion of the veterinarian, or of the county health officer, is not infected with rabies, such dog shall be returned to its owner, keeper or harbinger. If not claimed, such dog shall be disposed of as provided in section 7-120. If in the opinion of the county health officer or veterinarian symptoms have developed justifying a microscopic examination, then such dog shall be killed and examination made by the state board of health.

- (b) It shall be unlawful for any owner, keeper, harbinger of any dog knowing or suspecting that such dog has rabies, or any other person knowing or suspecting that any dog has rabies, or is suspected of having rabies is herein in subsection (a) set forth, to remove, or permit or allow to be removed from or taken off his premises any such dog without the written permission of the chief of police, except as therein set forth. Every owner, keeper or harbinger of any dog, and any other person, ascertaining that a dog is rabid shall immediately notify the animal officer or any police officer of the city of such fact, who shall either remove the dog to the city pound or other suitable place, or kill or destroy such dog as is provided in this division.
- (c) Any dog desired for observation by the chief of police or the county health officer shall be surrendered and be delivered to the chief of police or any police officer or animal officer upon demand by any of them, and shall not be withheld, hidden or harbored.
- (d) It shall be unlawful for any owner, or any person, to refuse to surrender or withhold or hide from any police officer or the animal officer of the city any dog desired for observation for rabies as herein set forth; and any person violating the provisions of this section shall be subject to arrest. When any person refuses to surrender or deliver to any police officer or the animal officer of the city any dog suspected of having rabies for observation as herein set forth, or withholds or hides the same from any police officer or animal officer of the city, a warrant for the arrest of such person shall issue, which warrant for arrest of such person so refusing to surrender and deliver such dog, or withholding or hiding such dog so demanded for observation, shall also provide for the apprehending and forcible taking of such dog for such observation. If, in the opinion of the county health officer, symptoms develop justifying a microscopic examination, then such dog so taken for observation shall be killed and such examination be made by the state board of health.

(Ord. No. 1788, § 11, 12-22-87)

Cross reference— Health and sanitation, Ch. 4.

Sec. 7-122. - Unlawful cruel and inhumane treatment of dogs.

- (a) It shall be unlawful for any person to maliciously, either out of a spirit of revenge or wanton cruelty, or mischievously, or negligently, kill, torture, torment, maim, wound, or injure any dog, or deprive any dog of necessary sustenance, food, or drink, or to cause or permit the same to be done, within the corporate limits of the city.
- (b) It shall be unlawful for any person to knowingly permit or allow more than six (6) dogs over the age of six (6) months to reside in any one (1) yard or open premises of any property owned and/or controlled by that person at any one time.

(Ord. No. 1788, § 12, 12-22-87; Ord. No. 2185, § 23, 7-20-99; Ord. No. 2521, § 2, 3-6-07)

Sec. 7-123. - Condition of premises where dogs kept or confined; penalties.

- (a) Dogs within the city limits and while on the property of their owner, custodian or temporary caretaker, shall be restrained and confined only in the manners authorized in this section. Nothing in this section shall be construed to prohibit walking a dog with the use of a hand-held leash.
 - (1) Any person who owns or has custody or control of a dog shall not restrain such dog by means of a tethering device attached to a fixed point. Dogs may be tethered using a running cable trolley system for periods of no more than four (4) hours in any twenty-four-hour period provided that the running cable trolley system is a suspended cable of at least ten (10) feet in length which is

attached to the tether by means of a pulley, loop or other moveable device. All tethering devices shall be attached to the dog in such a manner as to prevent injury or strangulation to the dog and entanglement with other objects and shall not be attached to the dog by means of a choke-type collar or a prong collar, or by means other than a properly fitted collar, harness or other device made expressly for such purpose.

- (2) A dog may be confined within a fenced yard or enclosure as long as such yard or enclosure provides at least two (2) square feet per pound of the animal's weight to afford the dog adequate space for exercise. Such enclosure shall be constructed of chain link or similar materials with all four (4) sides securely enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping.
 - (3) A dog may be confined within an enclosed kennel as long as such enclosed kennel provides at least two (2) square feet per pound of the animal's weight to afford the dog adequate space for exercise. Such enclosure shall be constructed of chain link or similar materials with all four (4) sides and top securely enclosed and with the bottom being constructed of a material that prevents the animal from escaping or injuring itself while attempting to escape by digging under the enclosure. The enclosure shall be of sufficient height to prevent the dog from escaping.
- (b) Dogs tethered or confined under the provisions of this section must be allowed access to fresh water and food sufficient for the good health of such dog. Adequate ventilation must be provided as well as shelter and shade (artificial or natural) when prevailing weather conditions, including but not limited to, extreme heat and sunlight, extreme cold, rain or other extreme weather so require and if tethered must be tethered such that the dog does not extend beyond the property of the owner, custodian or caretaker onto either public property or property owned by another. No dog shall be tethered, confined or kept in such place or condition as to become a nuisance, either because of noise, odor, filth, or contagion of disease.
 - (c) Any person who knowingly violates the provisions of this section shall be guilty of a violation, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for a first offense, and a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) each second or subsequent offenses. Beginning seventy-two (72) hours after a charge of violating this section, each day that a defendant fails to correct the deficiencies in the method used to restrain or confine a dog that he or she owns or that is in his or her custody or control, so as to bring it into compliance with the provisions of this section, shall constitute a separate offense.
 - (d) The court may, in its discretion, reduce the amount of any fine imposed for a violation of this section by the amount which the defendant proves he or she has spent in order to correct violations to be in compliance and meet the requirements of this section.
 - (e) Nothing in this section shall prevent the seizure and impoundment of a dog for a violation of this section or be construed to affect any protections afforded to dogs or other animals found elsewhere in city ordinances.

(Ord. No. 1788, § 13, 12-22-87; Ord. No. 2185, § 24, 7-20-99; Ord. No. 2624, § 9, 4-7-09)

Sec. 7-124. - Keeping, maintaining for breeding purposes, prohibited.

It shall be unlawful for any person to keep and maintain dogs on their premises for breeding purposes within the city, except as allowed and provided by Chapter 7, Article III, Division 1, section 7-66 of this chapter.

(Ord. No. 1788, § 14, 12-22-87; Ord. No. 2185, § 25, 7-20-99)

Sec. 7-125. - [Feral cats].

Notwithstanding any provision in this article to the contrary, in order to reduce the population of feral cats within the city limits of the City of Gulfport, feral cats shall be permitted to be released into the city under the following conditions:

- (a) All locations considered for a feral cat to roam freely will be permitted by the City of Gulfport so long as no property owner or renter that could be affected by such activity is in disagreement with the release of such cat in the immediate vicinity of the property owned or occupied by said owner or renter. Owners/renters with standing to object are those who own/occupy property adjacent to the parcel of property where the cat is released or those who own or occupy property that the cat is known to traverse.
- (b) Feral cats that are subject to release into the city under this section shall be released only after they have been trapped, neutered/spayed by the Humane Society of South Mississippi (HSSM) and released by and at the expense of the HSSM.
- (c) Upon receipt of a complaint from an owner/renter, as specified herein, concerning a feral cat that has been properly trapped, neutered/spayed and released, that cat will be collected by either the HSSM or the Gulfport Police Department and removed from the area.
- (d) The HSSM shall insure that feral cats that are handled through this program will be maintained as stated in Gulfport City Ordinance sec. 7-56. - Living creatures not to be cruelly treated.

(Ord. No. [2802](#), § 2, 11-4-14)

Secs. 7-126—7-130. - Reserved.