

Chapter 6 - ANIMALS AND FOWL

FOOTNOTE(S):

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Editor's note— Chapter 6 derives from Ord. No. 3878, adopted Aug. 7, 1990, § 32 of which repealed former Ch. 6. The repealed provisions pertained to similar subject matter and derived from Code 1962, §§ 6-1—6-14, 6-21—6-36, and Ord. No. 3799, § 1, adopted April 5, 1988.

Cross reference— Health and sanitation, Ch. 12. ([Back](#))

State Law reference— Authority of municipalities to regulate or prohibit animals running at large, Miss. Code 1972, § 21-19-9. ([Back](#))

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any live, vertebrate creature, domestic or wild, except homo sapiens.

Animal control division means the review and enforcement authority under the supervision of the police department empowered to administer this chapter.

Animal control officer means any person designated by the city as a law enforcement or animal control officer who is qualified to perform such duties under the laws of this state.

Animal shelter means any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Feral dog means a dog that has escaped from domestication and become wild, dangerous, or untamed.

Owner means any person, partnership, or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be "harbored" if it is fed or sheltered.

Performing-animal exhibition means any spectacle, display, act, or event, other than a circus, in which performing animals are used.

Pet means any animal kept for pleasure rather than utility.

Pet store is any place of business which sells birds, fish, reptiles or mammals intended for use as pets.

Public nuisance means any animal which:

- (1) Damages private or public property;
- (2) Barks, whines, screams or howls in an excessive, continuous, or untimely fashion; or
- (3) Defecates or frequently urinates on public property or private property of one other than its owner.
- (4) Is allowed by its owner to become a nuisance to people or other animals.

Restraint means the condition of securing any animal: by a leash or lead of less than six (6) feet; within the fenced real property limits of its owner; or by tethering in such a way that the animal is within the real property limits of its owner.

Running at large means any animal not under restraint.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious animal means any animal, except dogs, that constitutes a physical threat to human beings or other animals.

Vicious dog means:

- (1) Any dog which has shown a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- (2) Any dog which, when unprovoked, (a) bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property, or (b) chases or approaches a person upon the streets, sidewalks or on any public grounds in a menacing or terrorizing manner or apparent attitude of attack.
- (3) Any dog which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- (4) Notwithstanding the above no dog may be considered a vicious dog if an injury or damage is sustained by a person who, at the time of such injury or damage, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No dog may be considered vicious if an injury or damage was sustained by a domestic animal which, at the time of such injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be considered vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

Wild animal means any animal which can normally be found in the wild state and is not ordinarily domesticated by man, whether raised in captivity or in the wild.

Boarding kennel means any commercial establishment where any dogs, cats or other animals are boarded for a fee.

Grooming establishment shall mean any commercial establishment at which dogs, cats, or other animals are bathed, groomed, clipped, trimmed or shorn, and where no animals are kept or maintained on the premises overnight.

For-profit pet breeder means any owner who breeds more than two (2) litters of offspring per year and received monetary compensation for the sale of these offsprings.

(Ord. No. 3878, § 1, 8-7-90; Ord. No. 3939, § 1, 7-21-92)

Sec. 6-2. - Police department, animal control officer to enforce ordinance; interfering with prohibited.

- (a) *Enforcement.* The provisions of this chapter shall be enforced by the division of animal control and the city police department. [It shall be a violation of this chapter to interfere with an animal control officer or city policeman in the performance of his duties under this chapter.]
- (b) *Issuance of Warrant.*
 - (1) Any police officer or animal control officer having probable cause to believe that any person(s) has violated a section of this chapter, other than a public nuisance violation as "public nuisance" is defined in section 6-1, may obtain a warrant for the arrest of such person or issue to such person a written citation requiring such person to appear at a date and time certain in the municipal court to answer the charge or charges specified in the citation.
 - (2) For an alleged public nuisance violation, as "public nuisance" is defined in section 6-1 of this chapter, such person(s) shall first be issued a statement of noncompliance a copy of which shall be filed with the animal control division which shall respond as provided in section 6-4(1)

hereinafter. Subsequently, the animal control division or any interested person(s) may apply for the issuance of a warrant for the arrest of such person(s) as provided in section 6-4(4) hereinafter.

- (3) Any citizen who has been harmed through a violation of any provision of this chapter, including a public nuisance violation as "public nuisance" is defined in section 6-1 may obtain a warrant for the arrest of the owner of the animal.

(Ord. No. 3878, § 2, 8-7-90; Ord. No. 3939, § 2, 7-21-92)

Sec. 6-3. - Violations; penalties.

A person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) or imprisonment in the city jail not to exceed ninety (90) days, or by both such fine and imprisonment, unless otherwise provided for herein. Each day's violation shall be deemed a separate offense.

(Ord. No. 3878, § 3, 8-7-90)

Sec. 6-4. - Advisory board, membership, duties.

- (a) *Created.* There is hereby created an agency of the city to be known as the "animal control advisory board."
- (b) *Membership; terms; quorum.* The board shall consist of nine (9) members: One (1) local veterinarian, one (1) member of the county humane society, the supervisor of animal control, the deputy chief of police and one (1) citizen from each ward within the city. The local veterinarian and the member of the county humane society shall be appointed by the mayor and shall serve two (2) years. The supervisor of animal control and the deputy chief of police shall be permanent ex-officio members and shall not have voting powers. Of the remaining five (5) members, one (1) member shall be appointed by the council person from each of the five (5) wards within the city. Of the members appointed by the council, the initial appointments of wards 1, 2 and 3 shall be for one (1) year, and the initial appointments for wards 4 and 5 shall be for two (2) years. Thereafter, the members shall be appointed for two-year terms. Vacancies occurring during the terms shall be filled for the unexpired term in the same manner as the original appointments. The seat of any member of the board who, without good cause, fails to attend three (3) consecutive, regularly scheduled meetings shall be deemed vacated, and the board shall notify the appointing authority and request that the seat be filled. Appointees shall serve until their successors are appointed and qualify. Members shall serve without compensation. Four (4) voting members shall constitute a quorum for conducting business.
- (c) *Review by board.* The board shall review all initial vicious dog classifications made by the supervisor of animal control. When the supervisor of animal control determines that a dog should be classified as vicious and subject to the requirements of section 6-14 of this chapter, he shall give written notice to the owner or person responsible for said dog of the reasons and facts supporting such classification. Such notice shall contain the date, time and place of a hearing before the board to review the supervisor's proposed classification. In reviewing and approving or denying the proposed classification of the supervisor of animal control, the board shall utilize the definitions, guidelines and standards set forth in this chapter. Failure of the board to approve a vicious dog classification shall not prevent the supervisor of animal control from seeking future classification of the dog or animal as vicious upon future violations of this chapter. The board, in reviewing any proposed classification, may consider any previously denied proposed classifications against the same dog or animal.
- (d) *Recommendations.* The board may make recommendations to the chief of police concerning the general affairs and operations of the animal control division and the animal control shelter. The board may from time to time, consult with the chief of police concerning the budget of the animal control division.

(e) *Review of complaints.*

- (1) The board shall review all complaints of public nuisance violations, as "public nuisance" is defined in section 6-1 of this chapter, as may be filed with it by the animal control division or as may be requested by person(s) alleged to be in noncompliance.
- (2) (a)
Upon receipt of a signed written complaint, the division of animal control shall issue a statement of noncompliance to the person(s) responsible for allowing the alleged nuisance conditions to exist. This statement shall give specific notice of the conditions that constitute the alleged violation(s) with notice that the person(s) have five (5) days after receiving the notice in which to correct the conditions so as to comply with this chapter. If the person(s) fail to make corrections within the five (5) days, the supervisor of animal control shall give the person(s) written notice, including date, time and place to appear before the animal control board for a review hearing no less than seven (7) days prior to the date and time of the hearing. (b) Upon receipt of the statement of noncompliance from the animal control division alleging the facts of the violation, such person(s) may request a hearing before the Animal Control Board to contest the allegations. Such request shall be in writing and shall have attached to it a copy of the statement from the animal control division. The board shall schedule such hearing and shall give written notice thereof, including date, time and place, to such person(s) no less than seven (7) days prior to the date of the hearing.
- (3) In reviewing a statement of noncompliance conditions either as filed by the animal control division or as requested by the person(s) receiving the statement of noncompliance, the board shall allow evidence, including oral testimony, to be offered, subject to its direction and control, of the alleged violation(s) to include, but not be limited to, the person(s) making the complaint, the citing and/or investigating officer, the animal control supervisor and witnesses and documentary evidence in support of the position of the person(s) cited, the person(s) complaining or the city. The board, in its discretion, may hear testimony or receive documentary evidence of prior complaints or warnings. The board shall apply the definitions and elements of "public nuisance" as are set forth in section 6-1 of this chapter in reviewing all complaints.
- (4) Should the board find the person(s) charged to be in violation, it shall order the person(s) to correct the conditions constituting the nuisance within five (5) days after being informed in writing of the board's decision. If the person(s) do not so abate the nuisance, a petition for abatement shall be filed by the city in the municipal court of the city as provided in section 6-11(g) of this ordinance and the animal control division or any interested person(s) may apply for the immediate issuance of a warrant for the arrest of such person(s) for violating this chapter.
- (5) Should such person(s) either fail or refuse to appear before the board for the review hearing after being properly notified of the date, time and place, (a) a petition shall be filed by the city in the municipal court to abate the nuisance as provided in section 6-11(g) of this chapter; (b) the animal control division or any interested person(s) may apply for the immediate issuance of a warrant for the arrest of such person(s) for violating this chapter; and (c) such person(s) shall forfeit any and all rights to a review hearing by the board.

(Ord. No. 3878, § 4, 8-7-90, Ord. No 3939, § 3, 7-21-92; Ord. No. 3951, § 1, 4-6-93)

Cross reference— Boards, commissions, authorities generally, § 2-155 et seq.

Sec. 6-5. - Cruelty to animals; fighting animals, etc.

- (a) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate, promote or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

- (b) Any person who confines an animal without food, water or shelter and thereby causes the death of that animal shall receive a mandatory fine of two hundred fifty dollars (\$250.00.) This fine shall not be suspended.
- (c) Trapping animals. It shall be unlawful for any person to set or bait any steel leg-trap or other contrivance which would maim, mutilate or seriously injure any animal.

(Ord. No. 3878, § 5, 8-7-90)

State law reference— Promoting or having interest in animal or cockfights prohibited, Miss. Code 1972, § 97-41-11.

Sec. 6-6. - Exposing to poisons.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any animal; provided that it shall not be unlawful for a person to expose on his own property common pest-control poison mixed only with vegetable substances.

(Ord. No. 3878, § 6, 8-7-90)

Sec. 6-7. - Performing surgical procedures.

No person except a licensed veterinarian shall perform any surgical procedure on animals other than his or her own.

(Ord. No. 3878, § 7, 8-7-90)

Sec. 6-8. - Leaving unattended inside motor vehicle; authority to remove from vehicle.

It shall be unlawful to leave an animal unattended inside a motor vehicle when such action is reasonably potentially harmful to the animal. The division of animal control or any police officer shall have the authority to remove an animal from such a vehicle. A notice of removal shall be placed on the vehicle by the person removing the animal. The animal control division or the police department shall not be held liable for any damages caused to the vehicle during such removal.

(Ord. No. 3878, § 8, 8-7-90)

Sec. 6-9. - Operator of vehicle striking animal to report accident.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall report the accident to the police department, the division of animal control or to the local humane society. No such report shall be used against the maker thereof in any civil or criminal prosecution arising from the collision.

(Ord. No. 3878, § 9, 8-7-90)

Sec. 6-10. - Molesting birds, bird's nest prohibited.

It shall be unlawful for any person to kill, wound or injure in any manner whatever or to fire or shoot with a gun, pistol, arrow or any other deadly weapon or to throw any stone or other missile at, or to catch or capture, or to set traps, or spread nets or snare, with intent to catch or capture any birds of any kind whatever; for any person to break, tear down, or destroy any bird's nest or the eggs or other contents of the nest of any bird when found in or upon any natural object or vegetation except, when the population of the feral pigeon is deemed by the supervisor of animal control to be a clear and present menace to the public health and private or public property, such official is empowered to and shall promptly review and may approve reasonable plans presented by property owners by which the owners will attempt to reduce such population.

(Ord. No. 3878, § 10, 8-7-90)

State law reference— Using nets or traps for capture of wild fowl or some birds prohibited, Miss. Code 1972, § 49-7-63; molesting birds' nests or eggs prohibited, Miss. Code 1972, § 49-7-73.

Sec. 6-11. - Responsibility of owner generally.

- (a) No owner shall fail:
 - (1) Exercise proper care and control of his animals including but not limited to dogs or cats;
 - (2) Prevent them from becoming a public nuisance as defined in Section 6-1, or private nuisance; or
 - (3) Comply with the standards set out next below and all other provisions of this chapter.
- (b) It shall be unlawful for any lot or stall or stable, or other place where animals are kept, to be in an unclean, filthy or unsanitary condition. All lots, stalls, stables, pens, yards and other places where cattle, horses, mules, hogs, dogs, cats or other animals are kept for any purpose whatsoever, anywhere in the city, shall be kept clean and wholesome by removal of all offensive matter and by suitable cleansing and disinfecting as often as may be necessary, which care is hereby required and made the duty of every person having, owning or controlling such places.
- (c) The owner of every animal including, but not limited to, cats and dogs, shall remove any fecal matter deposited by such animals on public walks, streets, recreation areas, or private property of another. It shall be unlawful for the owner of any property to allow unsanitary or malodorous conditions to develop on his property due to the keeping, maintaining, owning, or harboring of animals. Reasonable efforts shall be made to keep yards, pens, premises and animals free of insect infestations.
- (d) Animal pens or enclosures shall be large enough to provide reasonable freedom of movement to the animals contained therein. Food supplies shall be stored in rodent-proof containers. Food and water containers shall be kept clean and litter and/or bedding materials shall be changed as often as necessary to prevent an odor nuisance. Feces shall be removed daily from yards, pens, and enclosures. The owner or one harboring any animal shall so conduct his ownership and control of the animal in a manner so as not to cause or give rise to any nuisance condition on or about the premises.
- (e) No owner of an animal shall abandon such animal or fail to maintain such animal in a healthy condition or to provide appropriate veterinary treatment immediately, if ill.
- (f) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and to generally provide humane care and treatment.
- (g)
 - (1) A petition to abate the nuisance shall be filed in municipal court if (a) the person(s) shall refuse or fail to appear before the board for a review hearing or (b) after the person(s) have had the opportunity to comply with the decision of the board after the review hearing and the animal control division has probable cause to believe that a public nuisance violation of this chapter, as "public nuisance" is defined in section 6-1 continues to exist. The division shall file, or cause to be filed, the petition which shall have attached at least one (1) supporting affidavit from the division and/or the complainant. A copy of the petition with the affidavit(s) shall be served upon the person(s) along with a written notice of the date, time and place for the person(s) to appear to show cause, if any, why an order of abatement should not be entered and why penalties, as hereinafter set forth, should not be assessed. The hearing shall be held no less than seven (7) days after service of the petition and notice to appear and show cause shall be made. During the hearing, the municipal court may hear testimony regarding prior violations of the person(s) or prior citations or warnings to the person(s) provided that such testimony is with regard to the same animal(s).
 - (2) If the person(s) is found in violation of the chapter, the court shall order the nuisance conditions abated within five (5) days after entry of the order unless the person(s) are able to show cause why a longer period of time is necessary and the order shall contain authority for the animal

control division to remove any animals involved, if necessary, upon terms and conditions set by the court.

- (3) If, after entry of the order adjudicating the person(s) to be in violation and ordering the nuisance to be abated and imposing the penalties, the person(s) shall fail to comply with any aspect of the order of the court, the division may file, or cause to be filed, a motion requesting the person(s) to be held in contempt of court. A copy of the motion shall be served upon the person(s) along with a written notice of the date, time and place for the person(s) to show cause, if any, why an order finding the person(s) in contempt should not be entered and why penalties, as hereinafter set forth, should not be assessed. The hearing shall be held at least five (5) days after service of the petition and notice to appear and show cause shall be made.
- (4) a.
If the person(s) is found in violation of this section, the court, in addition to ordering the nuisance abated, shall assess penalties as follows: (a) for the first adjudicated violation, a fine of not less than one hundred and fifty dollars (\$150.00) and court costs; (b) for a second violation, a fine of not less than two hundred dollars (\$200.00) and court costs; and (c) for a third or subsequent violation, a fine of not less than two hundred and fifty dollars (\$250.00) and court costs or incarceration in the city jail for a period not to exceed thirty (30) days, or both such penalty and incarceration.
- b. If the person(s) is found in contempt of any aspect of the order of the court, the court shall, as a minimum, assess a penalty equal to the penalty imposed by the court for the violation of the ordinance; provided, however, that each day the person(s) has allowed the nuisance to exist in violation of the court's order or has otherwise violated the court's order shall be a separate violation for the purposes of assessing the penalty for contempt. The court may impose the same penalty originally imposed for violating this section for each day the violation has continued after entry of the court's order or for each day the person(s) are otherwise found to be in contempt. In addition to these penalties, the court may impose such other penalties or conditions authorized by law or inherent to the powers of the court for persons found to be in contempt of an order of the court.

(Ord. No. 3878, § 11, 8-7-90; Ord. No. 3920, § 1, 9-3-91; Ord. No 3939, § 4, 7-21-92)

Sec. 6-12. - Keeping of animals within city limits.

- (a) *Keeping animals, fowl near residences prohibited; exception for dogs and cats.* It shall be unlawful for any person to keep or maintain any chickens, ducks, geese, turkeys or other domestic fowl of any kind, or any sheep, cattle, mules, goats, horses or any other four-legged animal of any kind, within one hundred (100) feet of any building or structure in the city used as a residence by another. The provisions of this section subparagraph shall not apply to keeping and maintaining cats and dogs.
- (b) *Swine prohibited; exception for dealers.* It shall be unlawful for any person to raise or keep hogs and pigs within the corporate limits of the city; provided that this section shall not apply to dealers in hogs and pigs who are hereby permitted to maintain hog and pig pens in areas zoned for such; provided, however, that such pens shall meet the sanitary requirements of the state health department.
- (c) *Disposal of animals.* No person shall leave or throw into any stream or river, nor offensively expose the body, or any part thereof, of any dead animal, nor shall be same be kept where it may be dangerous to the life or detrimental to the health of any person. The animal control division shall be promptly notified of the existence of any such dead animal and where it is to be found so that it may be removed and disposed of in a sanitary manner.

(Ord. No. 3878, § 12, 8-7-90)

State law reference— Authority to regulate or prohibit hog pens, Miss. Code 1972, § 21-19-1.

Sec. 6-13. - Domestic fowl running at large.

It shall be unlawful for any person who may own or have in his possession or control, any chicken, duck, turkey, goose or other domestic fowl to intentionally, knowingly, carelessly or negligently permit any such domestic fowl to run at large within the corporate limits of the city.

(Ord. No. 3878, § 13, 8-7-90)

Sec. 6-14. - Livestock running at large or allowing on streets, sidewalks prohibited.

It shall be unlawful for any person who may own or have in his possession or control, any horse, mule, ox, cow, yearling, sheep, goat or hog to intentionally, knowingly, carelessly or negligently, permit such animal to run or be at large at any time within the corporate limits of the city. It shall also be unlawful for any person who may own or have in his possession or control any animal mentioned in this section to stake or tether such animal on any vacant property in the city adjacent to any street or sidewalk or so near thereto as to allow or permit such animal to be or go upon any sidewalk or street within the corporate limits of the city. Horses used by the police department shall be excluded from this prohibition.

(Ord. No. 3878, § 14, 8-7-90)

Sec. 6-15. - Permitting to run at large.

- (a) *Prohibited.* It shall be unlawful for the owner of any animal, except cats, to permit it to run at large within the corporate limits of the city.
- (b) *Impoundment of animals at large.* Animals running at large may be impounded as provided elsewhere herein.

(Ord. No. 3878, § 15, 8-7-90)

Sec. 6-16. - Keeping of wild animals.

- (a) *For display or exhibition.* No person shall keep or permit to be kept on his premises, or in any roadside zoo or pet store, any wild animal for display or for exhibition purposes, whether gratuitously or for a fee. This subsection shall not be construed to apply to zoological parks, petting zoos, performing animal exhibitions, or circuses.
- (b) *As pets.* No person shall keep or permit to be kept any leopard, cheetah, lion, tiger, panther, cougar, bear, coyote, wolf, alligator or crocodile or any other wild animal except as authorized by state or federal law.
- (c) *Enforcement.* The supervisor of animal control shall have the power to release, order the release, or seize any wild animal being kept in violation of this chapter, federal law, or state statute and shall notify the Mississippi Department of Wildlife.
- (d) *Permit required.* Any owner of any wild animal that has been so owned and kept within the city limits for two (2) years or more, to continue to lawfully keep such animal, must within ninety (90) days of the effective date of this chapter, apply for a special permit from the supervisor of animal control, who shall before issuing said permit inspect the premises where such animal has been kept to ascertain if special precautions and confinement and proper care facilities are present and functioning and have been so present and utilized during the two-year period and, if the premises meet with the approval of the supervisor and the owner agrees to continue such precautions that are in effect and submit to inspection upon two (2) days' written notice from the supervisor, said special permit shall be issued. In this regard, the supervisor of animal control shall establish regulations for the confinement and proper care of any wild animal.

(Ord. No. 3878, § 16, 8-7-90)

Sec. 6-17. - Keeping of vicious animals or vicious dogs; penalty.

- (a) A vicious dog shall be securely confined indoors or confined in a securely enclosed and childproofed locked pen or structure upon the premises of the person owning or harboring the same. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two (2) feet.
- (b) No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the supervisor of animal control. Such dog may not be leashed to inanimate objects, e.g. trees, buildings, etc. and the muzzle must be sufficient to prevent such dog from biting persons or other animals.
- (c) No vicious dog may be kept on a porch or patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or doors are the only obstacle preventing the dog from exiting the structure.
- (d) All owners, keepers or harborers of vicious dogs within the city shall within ten (10) days of the effective date of this chapter display in a prominent place on their premises a sign easily readable by the public using such words as "Beware of Dog." In addition a similar sign shall be posted on the kennel or pen of such animal.
- (e) The owner or harbinger of any dog which according to the records of the animal control division seriously injures a person without provocation or which has aggressively killed another dog or large animal shall be required to provide public liability insurance or post a surety bond in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property resulting from the ownership, keeping or maintenance of such dog. Such insurance shall contain a provision that the same may not be canceled until ten (10) days' notice of cancellation has been given to the animal control division. "serious injury" means any physical injury resulting in two (2) or more sutures or hospitalization.
- (f) Every vicious animal shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (g) Before filing of any affidavit for ordinance violation under this section, the animal control supervisor shall give written notice to the person suspected of a violation that their animal is deemed a vicious dog and subject to the requirements of this chapter. The notice shall also inform the person named that he or she may appeal this determination to the animal control advisory board within five (5) business days, excluding holidays, by filing a written notice of appeal with the supervisor of animal control. Filing of such notice shall stay the determination of the status of the dog.
- (h) The persons having the enforcement duty under this chapter may enter the premises where a vicious dog or animal is kept for the purpose of inspection of the premises to ascertain whether such complies with the provisions of this chapter. Such inspection shall be made only after five (5) days notice to the occupant of the premises.
- (i) This section shall not apply to dogs kept by law enforcement agencies.
- (j) In addition to any other penalty the municipal court may impose upon a person convicted of a violation of this section, the court shall impose a mandatory fine of two hundred dollars (\$200.00) for violation of this section or any part thereof, no portion of which fine may be suspended.

(Ord. No. 3878, § 17, 8-7-90)

State law reference— Responsibility of owner for animals killing human beings, Miss. Code 1972, § 97-3-45.

Sec. 6-18. - Giving away as prizes, inducements to trade, etc.

No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade, unless and except such person or organization shall have first obtained a permit for such activity from the supervisor of animal control.

(Ord. No. 3878, § 18, 8-7-90)

Sec. 6-19. - Pet stores, boarding kennels, grooming establishments and for-profit pet breeders.

- (a) *License required.* The city clerk's office shall issue a license to pet stores, boarding kennels, grooming establishments and for-profit pet breeders upon submission of a completed application, payment of a fee of ten dollars (\$10.00) and inspection of the premises by the animal control supervisor to ensure all conditions set forth in paragraph (b) are being met. Each such license shall expire one (1) year from the date of issuance, unless earlier revoked for cause. Such license shall not be transferable.
- (b) *Conditions for issuing and maintaining license.* Upon application for issuance or renewal of license, an inspection shall be made to determine compliance with the following provisions:
- (1) The building shall be in good repair, structurally sound, shall not leak and shall be easy to clean and sanitize. Drains must rapidly eliminate excess water on the floor. There must be adequate heat, cooling, ventilation and lighting.
 - (2) Cages must allow the animals enough room to stand easily, turn about freely and sit and lie in a normal position. Cages must be kept clean and in a good state of repair.
 - (3) All animals must be maintained in a healthy condition or, if ill, shall be given appropriate veterinary treatment immediately.
 - (4) Animal and food waste and bedding must be removed as often as necessary to prevent an odor nuisance.
 - (5) Food supplies shall be stored in rodent-proof containers. Food and water containers must be kept clean and sanitary.
 - (6) Premises and animals shall be kept reasonably free of insect infestations.
 - (7) No nuisance caused by odor, noise or animals running at large shall be permitted.
- (c) *Periodic inspection, noncompliance.*
- (1) Periodic unannounced inspections by the animal control division shall be conducted.
 - (2) Citations shall be issued for any violations of the provisions of this section. Each violation will be deemed a separate offense.
 - (3) Revocation of license. The supervisor of animal control may revoke a license for serious or repeated noncompliance with the provisions of this section. Appeal of revocation may be made in writing to the animal control advisory board within five (5) days and the revocation shall be stayed pending action by the board. Any party in interest aggrieved by a decision of the animal control advisory board may appeal to the state courts as provided by law.
- (d) *Currently operating establishments.* Any pet store, boarding kennel, grooming establishment or for-profit pet breeder that is currently lawfully operating within the city at the time this chapter is enacted shall be given a license for the first year without having to meet the conditions set forth above. However, before any license is renewed after the first year, the owner of any such establishment must first meet the conditions of paragraph (b). If the owner of any establishment that is currently operating

changes its location or ownership the first year, the owner must apply for a new license and comply with all the requirements established in paragraph (b).

(Ord. No. 3878, § 19, 8-7-90)

Sec. 6-20. - Performing animal exhibitions or circuses.

- (a) No performing animal exhibition 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 will cause, or is likely to cause, physical injury or suffering.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition. An animal control officer shall be authorized to inspect the premises at any time on demand.

(Ord. No. 3878, § 20, 8-7-90)

Sec. 6-21. - Vaccination of dogs and cats against rabies.

- (a) *Required.* Any person owning, keeping, harboring, or having custody of any dog or cat three (3) months of age or older within the city shall have that animal vaccinated against rabies with the approved dosage of an approved antirabic virus vaccine properly administered by one legally authorized to do so. It shall be unlawful for any person to own or have in his possession any dog or cat not so vaccinated. Every dog or cat must be vaccinated immediately upon attaining the age of three (3) months, and annually thereafter.
- (b) *Tag bearing vaccination serial numbers to be worn.* The owner of any dog or cat shall see that the animal wears a securely braided metal tag with the serial number of the vaccination and the year in which the animal was inoculated stamped thereon and shall see that the collar and tag are worn by the animal at all times.
- (c) *Penalties for violations.* The failure to comply with this section shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense; and one hundred dollars (\$100.00) for the third offense. It shall be the duty of the division of animal control to enforce said section.

(Ord. No. 3878, § 21, 8-7-90; Ord. No. 4112, 10-6-98)

State law reference— State requirements as to rabies inoculation, Miss. Code 1972, §§ 41-53-1—41-53-13.

Sec. 6-22. - Impoundment—Generally.

- (a) *Authority to seize, confinement period.* An unrestrained dog or an animal constituting a public nuisance shall be taken by the police or animal control officers and impounded in an enclosure or animal shelter kept for that purpose, to be provided and maintained by the city, and there confined in a humane manner. Such an animal shall be kept for at least five (5) days unless sooner claimed by the owner; impounded dogs and cats not suffering from an injury or infectious disease shall be kept for not less than five (5) working days.
- (b) *Conditions for seizure.* Any vicious dog shall be immediately seized by the division of animal control if:
 - (1) The owner does not secure the liability insurance coverage required under Section 6-14(e) herein within thirty (30) days of enactment of this chapter.
 - (2) Owner does not maintain the dog in a proper enclosure.
 - (3) The owner willfully or negligently permits the dog out side the dwelling of the owner or outside the proper enclosure and does not have the dog muzzled and under personal physical restraint of the owner.

(c) *Notice to owner; redemption.* If, by a tag or other means, the owner of an impounded animal can be readily identified, the animal control officer shall, upon impoundment, notify the owner by telephone or mail. Within five (5) days, the rightful owner of any animal held under this section may, provided the animal is properly vaccinated, licensed and tagged, obtain the animal upon the payment of a pound fee as hereinafter provided; however, if an unvaccinated animal is claimed by the owner, the owner must make arrangements for the vaccination of the animal satisfactory to the supervisor of animal control. Any owner reclaiming an impounded animal shall pay a fee as follows:

Dogs and cats	\$25 .00
Second impoundment of same dog or cat	\$25 .00 and the owner shall be served with a writ of citation for permitting the animal to run at large in viol

	atio n of the said ordi nan ce.
Thir d imp oun dm ent of sa me dog or cat	\$50 .00 and the ow ner shal l be ser ved wit h writ ten cita tion for per mit ting the ani mal to run at larg e in viol atio n of the said

	ordi nan ce.
Plus , for eac h day of imp oun dm ent	\$5. 00

(d) *Disposition if not reclaimed by owner; waiver of waiting period.* Any animal not reclaimed by its owner within five (5) working days shall become the property of the city and shall be placed for adoption in a suitable home for a fee of ten dollars (\$10.00) for dogs and ten dollars (\$10.00) for cats, or humanely euthanized with an injection of sodium phenobarbital; provided that, if an unclaimed animal is adopted, the adoptive owner must make arrangements for the vaccination of the animal satisfactory to the supervisor of animal control. The five-day waiting period is waived for a vicious or feral dog, or for any animal suffering from an infectious disease. Pursuant to section 97-41-3, Mississippi Code Annotated (1972), an injured or neglected animal may be humanely euthanized without any waiting period.

(e) *Additional proceedings against owner authorized.* The owner of an impounded animal may also be proceeded against for any violation of this chapter.

(Ord. No. 3878, § 22, 8-7-90; Ord. No. 3939, § 5, 7-21-92; Ord. No. 4112, 10-6-98)

Sec. 6-23. - Same—Livestock.

Any hog, cow, bull, sheep, goat, horse, or mule found straying or running at large shall be captured and impounded in an enclosure provided and maintained for such purpose by the division of animal control. Within five (5) days of its capture, the rightful owner or owners of any animal so impounded may claim and obtain the release of the said by payment of an impoundment fee in the amount of one hundred dollars (\$100.00) and a boarding fee in the amount of twenty dollars (\$20.00) per day for each day, or fraction thereof, during which the said animal has remained impounded. If any such animal is not claimed and redeemed by its owner within the five-day period, the same shall be sold at a lawfully constituted public livestock auction in satisfaction of all fees and expenses, with any surplus revenue kept by the city for one (1) year for possible claim by the owner of the animal, thereafter the sum to be transferred to the general fund of the city.

(Ord. No. 3878, § 23, 8-7-90; Ord. No. 4112, 10-6-98)

Sec. 6-24. - Impoundment of animals attacking, injuring persons, destruction of rabid animals.

In case of an attack by any animal resulting in injury to any person, such animal unless otherwise provided herein shall be impounded or caused to be confined by the animal control division for observation for a period of ten (10) days, or the owner thereof may, upon notification to the animal control division, have

such animal impounded for ten (10) days with a private veterinarian licensed to practice veterinary medicine within the state. If, at the end of such period of time, or any time prior thereto, it is determined that the animal has rabies, such animal shall be immediately destroyed.

(Ord. No. 3878, § 24, 8-7-90)

Sec. 6-25. - Elimination of animals, when authorized.

- (a) *Vicious animal or feral or vicious dogs.* When an animal is determined by the supervisor of animal control to be a vicious animal or a feral or vicious dog, that animal may be destroyed by the supervisor of animal control or his designee providing two (2) of the following requirements are met:
 - (1) The animal is running at large or not properly confined or muzzled as described herein.
 - (2) There is no vaccination tag around the animal's neck.
 - (3) Attempts to peacefully capture the animal have been made and proven unsuccessful.
- (b) *Quarantine.* Any dog that aggressively attacks and causes severe injury or death of any humans shall be immediately confiscated by animal control, placed in quarantine for ten (10) days, and thereafter destroyed in an expeditious and humane manner. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
- (c) *Incurably injured or diseased animals, etc.* It shall be the duty of the police and duly authorized animal control officer either to humanely euthanize by sodium phenobarbital, or to discharge a firearm, in order to mercifully end the life of an animal suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard, including, but not limited to, rabbits, squirrels, snakes, feral or vicious dogs and vicious animals. Reasonable efforts not to exceed two (2) days shall be made to first locate the owner of any such injured animal.
- (d) *Feral cats.* A cat determined by the supervisor of animal control to be a feral cat may be eliminated on that sole basis after being in the custody of the animal control division for three (3) full days.

(Ord. No. 3878, § 25, 8-7-90; Ord. No. 3939, § 6, 7-21-92)

Sec. 6-26. - License—Required; exceptions.

All dogs and cats kept, harbored or maintained by their owners in the city shall be licensed and registered if over three (3) months of age; provided, however, that this section shall not apply to dogs and cats whose owners are nonresidents temporarily within the city, nor to dogs and cats brought into the city for the purpose of participating in any dog or cat show, nor to "seeing eye" dogs properly trained to assist blind persons, when such dogs are actually being used by blind or disabled persons for the purpose of aiding them in going from place to place. Duly licensed pet shops and any duly chartered humane society shall be exempt from the requirements of this section.

(Ord. No. 3878, § 26, 8-7-90)

State law reference— Authority of municipalities to tax, regulate dogs, Miss. Code 1972, § 21-19-9.

Sec. 6-27. - Same—Contents of application.

The owner shall state at the time application is made for such dog or cat license, and upon forms printed for such purpose, his name and address, and the name, breed, color and sex of each dog or cat owned or kept by him.

(Ord. No. 3878, § 27, 8-7-90)

Sec. 6-28. - Same—Issuance; fee; refunds prohibited.

- (a) Dog and cat licenses, as required by the preceding section, shall be issued by the animal control division, duly authorized veterinarian, city clerk or his designee upon meeting all the requirements of this chapter and upon payment of a license fee of five dollars (\$5.00).
- (b) No refunds shall be made on any dog or cat license fee because of the death of the dog or cat or the owner's leaving the city before the expiration of the license period.

(Ord. No. 3878, § 28, 8-7-90)

Sec. 6-29. - Same—License certificate, dog tag required.

Upon payment of the license fee, the animal control division, duly authorized veterinarian, city clerk or his designee shall issue to the owner a license certificate and a metallic tag for each dog or cat so licensed which shall be good for one (1) year. The shape of the tag shall be changed each year, and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the license certificate. Before the animal control division, veterinarian, city clerk or his designee shall issue any such license certificate and metallic tag as provided herein, any owner applying therefor shall present to the animal control division, veterinarian, city clerk or his designee satisfactory proof that his dog or cat has been vaccinated according to the provisions of this chapter. Every owner shall be required to provide each dog or cat with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn except in the case of show dogs or cats. In case a dog or cat tag is lost or destroyed, a duplicate will be issued by the animal control division, veterinarian, city clerk or his designee upon presentation of a receipt showing the payment of the license fee for the current year, and upon payment of a one dollar (\$1.00) fee for such duplicate. Dog or cat tags shall not be transferable from one dog or cat to another.

(Ord. No. 3878, § 29, 8-7-90)

Sec. 6-30. - Same—When license fee due; when certificates available.

The license fee herein required shall be due and payable yearly during the life of the dog or cat. The license certificates as herein required shall be available for issuance thirty (30) days prior to the due date of each yearly period.

(Ord. No. 3878, § 30, 8-7-90)

Sec. 6-31. - Change of fees.

All fees provided for herein may be subsequently changed by resolution of the city council.

(Ord. No. 3878, § 31, 8-7-90)