

Chapter 4 - ANIMALS AND FOWL

FOOTNOTE(S):

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Editor's note— The city has advised that Ord. of Dec. 21, 1977, regulating the keeping of dogs and other animals, supersedes the provisions formerly codified herein as Art. II, §§ 4-20—4-28, relative to dogs, derived from Ord. of Oct. 14, 1914, §§ 1, 2; Ord. of May 15, 1923, §§ 1—5, 7; and Ord. of March 30, 1962, § 1. Therefore, the editors have deleted former §§ 4-20—4-28 and codified §§ 1—9 of Ord. of Dec. 21, 1977 herein as §§ 4-10—4-18.

Cross reference— Noisy animals, § 13-35(5).

State Law reference— Authority, Miss. Code Ann., § 21-19-9.

Sec. 4-1. - Bird sanctuary.

- (a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.
- (b) It shall be unlawful for any person to trap, hunt, shoot, attempt to shoot, or to molest in any manner any bird or to rob bird nests or otherwise destroy the same; provided, however, that if starlings, blackbirds or similar birds or fowl are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, then the same may be lawfully destroyed. The council or any other qualified authority designated by law to declare a public nuisance may, after being so informed, take appropriate action through duly constituted officials to abate such a nuisance. Any person desiring to destroy such birds may make application to the chief of police and trapping and killing of the same shall not be resorted to, if the nuisance can be abated in any more humane manner by methods approved by Audubon Society, bird clubs, garden clubs or humane society.

(Ord. of 9-14-56, § 2)

Sec. 4-2. - Cruelty.

It shall be unlawful for any person to override, overdrive, overload, torture, torment, unjustifiably injure, deprive of necessary sustenance or drink, or cruelly beat or needlessly mutilate, or cause or procure to be override, overdriven, overloaded, tortured, unjustifiably injured, tormented or deprived of necessary sustenance or drink, or to be cruelly beaten or needlessly mutilated or killed, any living creature.

(Ord. of 3-14-05; Ord. of 4-11-05)

State law reference— Similar provisions, Miss. Code Ann., § 97-41-1 et seq.

Sec. 4-3. - Reserved.

Editor's note—

An ordinance adopted 5-6-03, repealed § 4-3 in its entirety. Formerly said section pertained to livestock at large and derived from Ord of 5-5-25, § 2; Ord of 3-19-29, § 1.

Sec. 4-4. - Same—Seizure and impounding; redemption.

All livestock of every kind and description found running at large in the city shall at once be seized by any police officer of the city, or the poundkeeper of the city if there is one, and confined in the city pound and the owner notified at once if he is known. If the owner of said livestock shall not come forward within

three (3) days from the seizure of the same and pay all charges incurred, the chief of police shall, at the expiration of the said three (3) days, advertise said stock for sale in front of the city pound or such other place as he may designate, for ten (10) days by posting three (3) notices of the time, place and terms of sale in three (3) public places in the city and if said stock shall be redeemed before the day of the sale, the chief of police or any police officer of the city shall sell the same at public outcry to the highest bidder for cash, and out of the proceeds of sale he shall deduct all of the expenses and charges incurred as provided herein, and the residue, if any, shall be paid to the owner or if no owner makes claim to same at the time of sale then said excess shall be paid into the city treasury.

(Ord. of 5-5-25, § 1; Ord. of 3-19-29, §§ 3, 4, 5)

Sec. 4-5. - Same—Fees and charges.

The actual cost to the City of Greenwood for the taking up of any livestock, the actual cost per head per day for attention and feeding and a one time administrative charge of thirty-five dollars (\$35.00) per incident. Said stock, when taken up, shall be fed and watered and said charges shall be a lien on the same and shall be paid by the owner before said livestock is taken away. The owner shall have the right at any time before the sale to come forward and pay all charges incurred as herein provided and have the same released.

(Ord. of 5-5-25, § 3; Ord. of 3-19-29, § 6; Ord. of 5-6-03)

Secs. 4-6—4-9. - Reserved.

Editor's note—

An ordinance adopted May 6, 2003, repealed §§ 4-6—4-9 in their entirety. Formerly said section pertained to poultry—Enclosed premises required; size, proximity to adjacent property; definition; poultry—Cleanliness and sanitation; poultry—Purpose, effect; swine prohibited and derived from Ord. of 7-3-51, §§ 1—4 and Ord. of 5-4-20, § 1.

Sec. 4-10. - Vaccination of dogs and cats required.

Every person who owns or has in his or her possession any dog or cat of the age of three (3) months or over shall have the dog or cat inoculated (vaccinated) against rabies as required by the provisions of Section 41-53-1, et seq., of the Mississippi Code of 1972, as amended, and for all dogs to be tagged as required by the provisions of Section 41-53-7 of the Mississippi Code of 1972.

The failure or refusal of any person to comply with any of the provisions of this section shall constitute a misdemeanor and the offender shall, on conviction thereof, be fined for the first offense in a sum not to exceed five dollars (\$5.00) and for the second offense in a sum not to exceed twenty-five dollars (\$25.00) and for the third offense in a sum not to exceed fifty dollars (\$50.00), together with all costs.

(Ord. of 5-6-03)

Sec. 4-10-1. - Dogs and cats running at large.

It shall be unlawful for the owner of any dog to cause or allow the same to run at large in the corporate limits of the City of Greenwood and no person shall own, harbor or keep any dog or dogs within the corporate limits of the City of Greenwood, except in compliance with the following provisions:

- (1) Must be securely restrained at all times and tied to or be on a leash;
- (2) Must be kept within a pen or suitable enclosure from which they are unable to escape;
- (3) Must be kept within the confines of a structure or building from which they are unable to escape.

It shall be unlawful for the owner or possessor of any unneutered male cat or unspayed female cat to allow such cat or cats to roam at large within the corporate limits of the City of Greenwood, and no person shall own, harbor or keep any unneutered or unspayed cat within the corporate limits of the City of Greenwood unless such animal is kept in a pen or suitable enclosure, structure or building from which they are unable to escape.

(Ord. of 5-6-03)

Sec. 4-11. - Impoundment of dogs running loose, animals causing a nuisance or vicious or feral animals.

It shall be the duty of the animal control officer of the City of Greenwood, acting by and through the police department, to pickup any dog found running loose or any dog or cat reported by a resident to be causing a nuisance in that resident's yard, on school grounds, or in city parks, and to impound the same in an enclosure kept for that purpose by the city or its agent for five (5) days, unless claimed sooner by the owner. If an animal thought to be a stray is determined by the city or its agent to be too sick or in too injured a condition whereby confinement for the five (5) day period would constitute cruel and inhumane treatment, humane euthanasia will be administered to the animal.

When an animal is determined by the animal control officer or shelter manager to be vicious or feral, that animal may be humanely destroyed without the designated five (5) day holding period, provided the animal has been running at large with no vaccination tag around its neck.

Within five (5) days, the rightful owner of any dog or cat held at the animal shelter may obtain the animal upon payment of a charge to the City of Greenwood in the amount of the greater of ten dollars (\$10.00) per day or the actual cost to the City of Greenwood of caring for the animal while impounded, plus a one time administration fee of thirty-five dollars (\$35.00) per animal; provided the animal has been vaccinated and tagged as above set forth prior to said release.

If an impounded animal is not claimed within the five (5) day period, such animal shall become the property of the City of Greenwood or its agent.

(Ord. of 12-21-77, § 2; Ord. of 12-20-79, § 3; Ord. of 1-20-87, § 1; Ord. of 5-6-03)

Sec. 4-12. - Custody, care and control of animals.

The custody, care and control of an animal within the corporate limits of the City of Greenwood, Mississippi, by a person shall be prima facie evidence that said person is the owner of the animal.

(Ord. of 12-21-77, § 3; Ord. of 12-20-79, § 4; Ord. of 1-20-87, § 1)

Sec. 4-13. - Impoundment of animals running at large; declared nuisance.

Animals found running at large are hereby declared to be a nuisance and may be taken by the animal control officer of the city and placed in the animal shelter and may be pursued and captured on any public or private property within the city limits of the city.

The animal control authority is authorized to employ any equipment it deems necessary to enforce the provisions of this section, including, without limitation, humane wire box traps; and the animal control authority may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

(Ord. of 12-21-77, § 4; Ord. of 12-20-79, § 5; Ord. of 1-20-86, § 1; Ord of 5-6-03)

Sec. 4-14. - Impoundment of attacking animals.

In case of an attack by an animal resulting in injury to any person, such animal may be impounded by the animal control officer for observation for the period of ten (10) days, costs for said impoundment to be paid by owner to the City of Greenwood in the amount of the greater of ten dollars (\$10.00) per day or the actual cost to the City of Greenwood of caring for the animals while impounded, plus a one time administrative fee of thirty-five dollars (\$35.00) per animal, or the owner thereof may, upon notification to the aforesaid animal control officer, have such animal impounded for ten (10) days with a private veterinarian licensed to practice veterinary medicine within the State of Mississippi. If at the end of such period of time, it is determined that said animal has rabies, such animal shall be immediately destroyed. If at the end of such period of time, the animal is determined to be free of rabies, it may be returned to its rightful owner upon payment of the aforesaid impoundment costs. If the animal is not claimed by its rightful owner at the end of the designated time, it then becomes the property of the City of Greenwood or its agent and may, at their discretion, be humanely euthanized or adopted by a new owner.

(Ord. of 12-21-77, § 5; Ord. of 12-20-79, § 5; Ord. of 1-20-87, § 1; Ord. of 5-16-03)

Sec. 4-15. - Sanitary condition of dog pens and premises; dogs creating nuisance.

The owners or harborers of all dogs within the City of Greenwood are hereby required to keep the same within suitable and adequate enclosures as protection from the elements, and are further required to keep said enclosures sanitary and clean so as to prevent disagreeable odors arising therefrom, or the presence of breeding of flies, mosquitoes, and other pests. It shall be unlawful for the owner or harborer of any dog or dogs to permit the same to create a disturbance in the neighborhood or annoy any person or family or become a nuisance in any manner, particularly by reason of noises, odors, filthy conditions or the breeding of flies, mosquitoes and other pests.

(Ord. of 12-21-77, § 6; Ord. of 12-20-79, § 7)

Sec. 4-16. - Cruelty to dogs, cats.

It shall be unlawful for any person to torture, torment, unjustifiably injure, deprive of necessary sustenance, food, drink or adequate shelter; or cruelly beat or needlessly mutilate any dog or cat within the corporate limits of the city or to cause or permit the same to be done.

(Ord. of 12-21-77, § 7; Ord. of 12-20-79, § 8)

Sec. 4-17. - Reserved.

Editor's note—

Former § 4-17, relative to female dogs in heat, derived from an ordinance of Dec. 21, 1977, § 8. Upon advice from the city that §§ 1—9 of an ordinance of Dec. 20, 1979 (§§ 4-10—4-16, 4-18) was the governing legislation regulating dogs, the editor has deleted § 4-17

Sec. 4-18. - Reserved.

Editor's note—

An ordinance adopted May 6, 2003, repealed § 4-18 in its entirety. Formerly said section pertained to penalty for violation of sections 4-10 through 4-17 and derived from Ord. of 12-21-77, § 9; Ord. of 12-20-79, § 9; Ord. of 1-20-87, § 1.

Sec. 4-19. - Keeping of bees prohibited; violation as misdemeanor; remedy of violations; liability.

- (a) It shall be unlawful to keep bees within the city limits of the City of Greenwood, Mississippi.
- (b) Any person failing to comply with this section, after being notified by the health officer or any member of the police department to remedy such condition, shall be guilty of a misdemeanor and punished as

provided in section 1-4, for each twenty-four (24) hours or fraction thereof of maintenance of such condition after being notified. Each twenty-four (24) hours or fraction thereof shall constitute a separate offense.

- (c) If upon thirty (30) days written notice, the owner and/or occupant of the property fails to comply with this section, then the city, itself, may do all things necessary to bring the property into compliance and the owner and/or occupant shall be civilly liable for all costs and expenses incurred by the city in bringing the property into compliance.
- (d) A property owner and/or occupant may be held liable under either/or or both subsections (a) and (b) above. Liability of owners and/or occupiers under subsection (c) above shall be joint and several.

(Ord. of 7-23-85, §§ 1, 2)

Editor's note—

Section 1 of an ordinance adopted July 23, 1985, amended the Code by the addition of § 4-19, which provisions have been incorporated at the discretion of the editor within § 4-19(a). The nonamendatory provisions contained in § 2 of said ordinance have been included herein at the editor's discretion as § 4-19(b)—(d).

Sec. 4-20. - Keeping of vicious, ferocious, or dangerous animals prohibited.

It shall be unlawful for any person to keep or maintain within the City of Greenwood, Mississippi, any vicious, ferocious, or dangerous animal or fowl. Any such animal or fowl may be impounded or destroyed by police or animal control personnel.

(Ord. of 1-20-87, § 1)

Sec. 4-21. - Keeping of wild animals or reptiles prohibited.

It shall be unlawful for any person to keep or permit to be kept on his premises any wild animal(s) or reptile(s) either as a pet or for display or exhibition purposes. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses. The animal control officer shall have the power to release, order the release, or seize any wild animal being kept in violation of this section, federal law, or state statute.

(Ord. of 1-20-87, § 1)

Sec. 4-22. - Abandonment of animals prohibited.

No owner of an animal shall abandon it.

(Ord. of 1-20-87, § 1)

Sec. 4-23. - Giving away of animals as prizes prohibited.

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 any business agreement whereby the offer was for the purpose of attracting trade.

(Ord. of 1-20-87, § 1)

Sec. 4-24. - Selling of chickens or ducklings in quantities of less than ten prohibited.

Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than ten (10) to a single purchaser, nor shall any such animals be dyed.

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(Ord. of 1-20-87, § 1)

Sec. 4-25. - Exposing of poisonous substances liable to be eaten by animals prohibited; exceptions.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to 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 with vegetable matter.

(Ord. of 1-20-87, § 1)

Sec. 4-26. - Leaving an unattended animal inside a motor vehicle prohibited.

It shall be unlawful to leave an animal unattended inside a motor vehicle when such an action is reasonably potentially harmful to said animal. In the event the owner of said vehicle is not available and cannot be found or refuses to prevent said harm or reasonably potential harm from continuing, the animal control officer or any officer of the Greenwood Police Department shall be authorized to remove said animal from such vehicle and to utilize any reasonable method to effect such removal.

(Ord. of 1-20-87, § 1)

Sec. 4-27. - Limits on the keeping of domesticated animals.

It shall be unlawful for any person to keep or harbor more than four (4) outdoor domesticated animals of the same species, over the age of three (3) months, in any residential area within the corporate limits of the city. Exceptions: (a) the limit shall be six (6) cats if all six (6) have been neutered; (b) there shall be no limitation with regard to cats or rabbits kept

in pens on the owner's property, provided that shelter and sanitation regulations are complied with. This restriction shall, likewise, not apply to cats or dogs kept exclusively within the residence of their owner.

(Ord. of 1-20-87, § 1)

Sec. 4-28. - Use of steel-jaw leg-traps prohibited.

It shall be unlawful for any person to use, set, or permit to be set on his property any steel-jaw leg-hold trap within the corporate limits of the city.

(Ord. of 1-20-87, § 1)

Sec. 4-29. - Keeping of certain animals prohibited.

It shall be unlawful for any person to keep within the corporate limits of the city a cow, mule, horse, cattle, swine, sheep, goats, or fowl, such as chickens, ducks, turkeys, geese, pigeons, or guineas.

(Ord. of 1-20-87, § 1; Ord. of 5-6-03)

Sec. 4-30. - Interference with animal control officer and others enforcing animal control laws prohibited.

No person shall interfere with, hinder, or molest any animal control officer in the performance of any duty as herein provided in this chapter. It shall likewise be unlawful to interfere with, hinder, or molest the animal control officer when he is engaged in the enforcement or attempted enforcement of any ordinance contained in this chapter or any state statute dealing with the same or a related subject matter as this chapter. It shall be likewise unlawful to interfere with, hinder, or molest any other person acting under color of law and enforcing or attempting to enforce the ordinances contained within this chapter or any state statute dealing with the same or a related subject matter as this chapter.

(Ord. of 1-20-87, § 1; Ord. of 5-6-03)

Sec. 4-31. - Definitions.

The following definitions apply to this chapter:

- (a) *Nuisance*. A dog or cat shall be considered a nuisance if it: damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise-making; or chases vehicles, or molests, prepares to attack, attempts to attack, or, in fact, attacks, or interferes with persons or other domestic animals on public property and in the case of a person upon any private property where the person either owns the property or has been invited by the owner to be on the property.
- (b) *Vicious animal*. Any animal that constitutes a physical threat to humans or other domestic animals.
- (c) *Wild animal*. Any undomesticated animal including, but not limited to: lions, tigers, bears, wolves, apes, monkeys, (all nonhuman primates), foxes, coyotes, skunks, raccoons, opossums, or any other warm-blooded animal which can normally be found in a wild state and is not ordinarily domesticated by man, whether raised in captivity or in the wild.
- (d) *Feral dog or feral cat*. Any dog or cat that has escaped from domestication and become wild, dangerous, or untamed.

(Ord. of 1-20-87, § 1)

Secs. 4-32—4-42. - Reserved.

Sec. 4-43. - Penalty for violation.

The failure or refusal of any person to comply with the provisions of Chapter 4, Animals and Fowl, of the Code of Ordinances of the City of Greenwood, shall constitute a misdemeanor and the offender shall, upon conviction for any section which does not have a specific penalty for violation, be fined a sum not to exceed one thousand dollars (\$1,000.00) or imprisoned not exceeding ninety (90) days, or both fine and imprisonment, together with all costs.

(Ord. of 5-6-03)

Sec. 4-44. - Pit bull control.**(a) Findings.**

- (1) The City of Greenwood has experienced a series of incidents in which citizens and animals have been threatened or attacked and injured by pit bull dogs.
- (2) The pit bull breed was developed for the purpose of producing fighting dogs.
- (3) To increase its effectiveness as a fighter, certain pit bull traits have been selected and maximized by controlled breeding, including:
 - a. A set of powerful jaws with an exceptional ability to grip, lock and tear when dog bites;
 - b. A unique insensitivity to pain that causes pit bulls to be exceedingly tenacious in attack;
 - c. An unusually aggressively temperament toward human beings and animals; and
 - d. An extraordinary directness in their method of attack that does not include the common warning signs such as barking or growling as displayed by other breeds.
- (4) For the reasons provided in this section, pit bull dogs present a present danger to the health and welfare of the citizens and animals in the city different in degree and kind from the dangers presented by other breeds of dogs.

(b) Regulations.

- (1) Generally.** This chapter is intended to utilize the authority and powers of the City of Greenwood in order to secure for the citizens of the city the protection of their health, safety and welfare. This chapter is intended to be applicable to dogs which are commonly referred to as "pit bulls" and which are defined herein. This chapter is designed to regulate these pit bull dogs and to ensure responsible handling by their owners through confinement and registration. The unique history, nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this section which the city council hereby finds reasonable and necessary.
- (2) Definition; identification of a pit bull dog.** The term "pit bull" dog as used within this chapter shall refer to any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers of Staffordshire Bull Terriers, or which substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers. Technical deficiencies in dog's conformance to the standards described herein shall not be considered to indicate that the subject dog is not a pit bull dog pursuant to this section. Testimony by a veterinarian or an animal behaviorist that a particular dog exhibits distinguishing physical characteristics of a pit bull establish a rebuttable presumption that the dog is a pit bull.
- (3) Confinement of pit bull dogs.**
 - a. Because of the pit bull dog's inbred propensity to attack other animals, and because of the danger posed to humans and animals alike by a pit bull dog when running loose or while running together in a pack, pit bull dogs must at all times be securely confined indoors, confined in a securely and totally enclosed and locked pen, constructed with cyclone type fencing material of at least nine (9) gauge wire in thickness; with all four (4) sides to be at least (6) feet in height; with concrete slab foundation at least four (4) inches in thickness; and a secured cyclone fence top; such enclosure shall likewise have a conspicuous sign affixed thereto displaying the words "Dangerous Dog."
 - b. At any time that a pit bull dog is not confined as required in paragraph a. above, the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person or animal, and kept on a leash with the owner or custodian in attendance; provider, however, that non pit bull dog may be walked within fifty (50) feet of any public school ground, public park or church when in session nor enter onto such school ground, park or church when in session.
 - c. An exception to these confinement requirements is hereby provided for any pit bull dog in attendance at, and participating in, any lawful dog show, contest or exhibition sponsored by a dog club, association, society or similar organization.
- (4) Registration of pit bull dogs.** Every owner of a pit bull within the city shall register said dog with the Humane Society of Leflore County. The registration shall include the following; Name, address and telephone number of the dog's owner; the address where the dog is harbored, if different from that of the owner; a complete identification of the dog, including the dog's sex, color and other distinguishing physical characteristics; a color photograph of the dog, and a description of the method of compliance with the confinement requirements. The registration tag shall be worn on the dog's collar at all times. Certification of rabies vaccination shall be presented upon registration.
- (5) Owner age requirement.** Owners, keepers, or harborers of pit bulls dogs or the like must be twenty-one (21) years of age. A person must be twenty-one (21) years of age to walk a pit bull dog

or the like on a leash.

- (6) *Limits of confinement.* No more than three (3) pit bull dogs or the like shall be confined at any single dwelling in the City of Greenwood.
- (7) *Altering of pit bull dogs.* All pit bull dogs shall be neutered or spayed, and the appropriate certification shall be provided to the Humane Society of Leflore County upon registration.
- (8) *Liability insurance.* Owners of pit bull dogs or the like shall maintain a liability insurance policy in an amount not less than one hundred thousand dollars (\$100,000.00), for bodily injury or property damages arising from events or occurrences associated with owning, keeping, or harboring pit bull dogs or the like. That in lieu of a liability insurance policy, owners of pit bull dogs may post a cash bond in the amount of one hundred thousand dollars (\$100,000.00) with a reputable bonding company to be approved by the city and licensed to do business in the State of Mississippi.
Any liability insurance policy or cash bond purchased in compliance with this section must be placed on file with the Greenwood City Clerk's Office.
No other form of insurance or personal surety is acceptable and is considered not to be in compliance with the provisions and requirements of this section.
- (9) *Enforcement.* It shall be the duty and responsibility of the city animal control officer(s) and the police department to enforce the provisions of this section. Owners, keepers, or harborers of pit bull dogs or the like, may be subjected to spot checks by local law enforcement and must be able to produce registration, proof of liability insurance, and show confinement to the satisfaction of this section.
- (10) *Schedule of penalties.* Violation of this section shall be punished as follows: First offense—A fine of not less than one hundred dollars (\$100.00); nor more than two hundred ninety-nine dollars (\$299.00); Second offense—A fine of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00); Third and subsequent offenses—A fine of not less than five hundred dollars (\$500.00) nor more than nine hundred ninety-nine (\$999.00), and permanent relinquishment of all pit bull dogs or the like by the owner, keeper, or harborer. Enforcement of penalties for violation of this section shall be within the jurisdiction of the Greenwood Municipal Court.
- (11) *Other regulations.* Nothing in this chapter shall prevent the City of Greenwood from providing more stringent regulation of pit bull dog owners, or of other types of animals deemed to be a threat to the safety and welfare of the community.

(Ord. of 8-19-08, §§ 1, 11)