

Chapter 6 - ANIMALS

FOOTNOTE(S):

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State Law reference— Authority to regulate running at large, MCA 1972, § 21-19-9; general requirement concerning rabies inoculations, MCA 1972, § 41-53-41 et seq. ([Back](#))

Sec. 6-1. - Cruelty to animals.

If any person shall override, overdrive, overload, torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink; cruelly beat or needlessly mutilate; cause or procure to be overridden, overdriven, overloaded, tortured, unjustifiably injured, tormented, or deprived of necessary sustenance, food or drink; to be cruelly beaten or needlessly mutilated or killed; 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.

(Ord. of 6-3-2014, § 1)

Sec. 6-2. - Leaving animal in 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 board of aldermen 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 shall be considered a misdemeanor.

(Ord. of 6-3-2014, § 2)

Sec. 6-3. - Leaving animals unattended and without physical sustenance.

It shall be unlawful for any owner or person having possession, charge, custody, or control of an animal to leave such animal 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 animals while the individual is away from the residence, or to intentionally desert the animal or otherwise neglect or refuse to provide the necessary sustenance, food, and drink for the animal. A violation of this section shall be considered to be abandonment and is punishable as a misdemeanor.

(Ord. of 6-3-2014, § 3)

Sec. 6-4. - Characteristics of vicious and dangerous dogs.

- (a) A 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 or other dog or animal;
 - (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 another in any given situation.
 - (b) 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, then such dog shall be presumed to be a vicious dog or dog having dangerous or vicious propensities.
- (Ord. of 6-3-2014, § 4)

Sec. 6-5. - Summary destruction of dogs without notice.

- (a) Any other provision of this section to the contrary notwithstanding, every police officer, animal officer or any other person designated by the mayor and board of aldermen, 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;
 - (2) Is noticeably infected, or appears to be suffering with rabies, or other infectious or dangerous disease, and is found running at large;
 - (3) If observed by any police officer, animal officer or other person designated by the mayor and board of aldermen to enforce the provisions of this article, is in the act of attacking, biting, injuring, chasing or attempting to attack, bite, or injure any person, other dog, or animal; or
 - (4) Is running at large uncollared and without metal tag or proper identification indicating that such dog has been vaccinated for rabies.
- (b) Any dogs 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, the vicious and/or diseased dog may be destroyed by the animal officer of the city or by his designee, providing each of the following requirements have been met:
 - (1) The dog is running at large;
 - (2) There is no visual rabies tag present;
 - (3) Chemical capture proved unsuccessful; and
 - (4) Attempts to peacefully capture have been attempted and proved unsuccessful.
- (d) In any instance, supervisory approval is to be obtained by the animal officer or his designee prior to the destruction of any dogs under this provision of this article.

(Ord. of 6-3-2014, § 5)

Sec. 6-6. - 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 hours in any 24-hour period, provided that the running cable trolley system is a suspended cable of at least ten 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, 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 on their 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 square feet per pound of the animal's weight to afford the dog adequate space for exercise. Such enclosure shall be constructed of chainlink or similar materials with all four 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 square feet per pound of the animal's weight to afford the dog adequate space for exercise. Such enclosure shall be constructed of chainlink or similar materials with all four 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 freshwater and food sufficient for the good health of the 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 into 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 or 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 \$50.00 nor more than \$100.00 for a first offense, and a fine of not less than \$100.00 nor more than \$150.00 each second or subsequent offense. Beginning 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 owns or that is in his 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 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. of 6-3-2014, § 6)

Sec. 6-7. - Vaccination.

- (a) 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 months of age or older, to have such dog inoculated against rabies with an approved dosage of anti-rabies 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.

- (b) The police officer, animal officer or other person as may be designated by the mayor and board of aldermen may seize or cause to be seized any dog whose owner, keeper, or harborer is found to be in violation of any part of this section and shall impound or cause to be impounded such dog in a designated shelter. Such dog shall be held for a period not to exceed five days, and if reasonable corrections are not made by the owner, keeper, or harborer of the dog so that the owner, keeper or harborer is no longer in violation of this section, then the dog shall be released to an appropriate animal shelter. The animal officer shall designate to the owner, keeper, or harborer of the dog what corrective action is required to be in compliance with this section. Thereupon, the impounded dog may be reclaimed within five 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.
- (c) Dogs 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 authorized agents, or any other agency authorized by law to perform these procedures.

(Ord. of 6-3-2014, § 7)