

ARTICLE II. - ANIMALS AND FOWL

FOOTNOTE(S):

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Charter reference— Regulation of animals, § 2-11(43).

Cross reference— Duties of chief of police, § 2-86; health and sanitation, Ch. 4; dead animals to be removed, § 4-69; insect and rodent control in mobile home parks, § 5-255; application of traffic ordinance to animals, § 6-39

State Law reference— Municipal suppression or regulation of hog pens, slaughterhouses and stockyards, Miss. Code Ann. 1972, § 21-19-1; animals at large, city pounds, cooperative agreements, Miss. Code Ann. 1972, § 21-19-9; rabies control, Miss. Code Ann. 1972, § 41-53-1 et seq.; protection of certain wild birds, Miss. Code Ann. 1972, § 49-5-7; animals, Miss. Code Ann. 1972, Title 69, Ch. 11 et seq.; cruelty to animals, Miss. Code Ann. 1972, § 97-41-1 et seq.

DIVISION 1. - GENERALLY

Sec. 8-36. - Reserved.

Ord. No. 97-0008, § 1, adopted April 15, 1997, amended the Code by repealing former § 8-36 in its entirety. Former § 8-36 pertained to fees deposited in city treasury weekly, and derived from the Code of 1965, § 4-6.

Sec. 8-37. - Condition of premises where kept or confined.

No animal or fowl of any kind shall be kept or confined in any place where the water, shelter, ventilation and food are not sufficient and wholesome for the preservation of their health, safe condition and wholesomeness for food if so intended. No animal or fowl shall be kept in such place or condition as to become a nuisance because of noise, odor or contagion of disease.

(Code 1965, § 4-7)

State Law reference— Failure to provide food or water, Miss. Code Ann. 1972, §§ 97-41-7, 97-41-9.

Sec. 8-38. - Reserved.

Ord. No. 97-0008, § 2, adopted April 15, 1997, amended the Code by repealing former § 8-38 in its entirety. Former § 8-38 prohibited cattle and swine pens, and derived from the Code of 1965, § 4-9.

Sec. 8-39. - Keeping of livestock.

Livestock shall be pastured within the city limits only within Agricultural (A-1) zones. Any person keeping livestock within such zone shall maintain the premises in such a manner as to adequately control any health hazards, including maintenance and drainage of such premises and removal and disposal of manure and litter from the premises. Any animal so kept shall have sufficient and wholesome shelter so as to preserve its safe condition, and shall not be kept in such place or condition as to become a public nuisance.

(Ord. No. 88-0026, § 1, 12-20-88)

Sec. 8-40. - Stable; sanitary conditions.

All private and public stables for horses, cattle or other animals shall be kept in a good, clean and sanitary condition. It shall be unlawful to throw or cause to be thrown the cleanings or offal therefrom into the streets or alleys of the city. When such stables are cleaned, the manure and other materials taken therefrom shall be removed without the city limits and disposed of in such manner as not to be injurious to the health of the citizens of the city or other persons.

(Code 1965, § 4-8)

Sec. 8-41. - Driving of livestock restricted.

It shall be unlawful for any person to drive any loose or unhaltered livestock over and along any of the streets and alleys within the city; provided however, that all such animals shall be securely haltered or bridled and may be led through the streets and alleys of the city by a competent person.

(Code 1965, § 4-12)

Sec. 8-42. - Tying or staking livestock in public places prohibited.

It shall be unlawful to tie or stake out any animal upon any streets or sidewalks or in a park or other public place within the city. Any animal so tied or staked out shall be taken up and impounded and charged with all impounding fees and charges as provided in section 8-95.

(Code 1965, § 4-13)

Sec. 8-43. - Pens or coops for fowl.

It shall be unlawful to keep fowl in pens or coops which shall be permitted to become in such condition as to be a nuisance or harmful to any of the inhabitants of the city or to permit such pens or coops to become and be kept in such condition as to produce offensive and unwholesome smells. Such pens shall be regularly cleaned and all offensive and decaying animal or vegetable matter or slops shall be removed once each day therefrom, or more often if necessary, to prevent the creation of offensive or unwholesome smells which shall be objectionable to any persons residing or having their places of business near such coops or pens, or passing along any of the streets of the city.

(Code 1965, § 4-10)

Sec. 8-44. - Auction of animals restricted.

No animals shall be auctioned except as provided in sections 8-94 and 8-95, at any place in the city without permission from the mayor.

(Code 1965, § 4-15)

Sec. 8-45. - Penalty.

Any person violating any of the terms and provisions of sections 8-64, 8-65 and 8-92 shall be guilty of a misdemeanor and upon conviction shall 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 thirty dollars (\$30.00); and for the third and all subsequent offenses in a sum not to exceed fifty-five dollars (\$55.00).

(Code 1965, § 4-41)

Secs. 8-46—8-60. - Reserved.

DIVISION 2. - DOGS GENERALLY

FOOTNOTE(S):

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State Law reference— Purchasing dogs for use of police department, Miss. Code Ann. 1972, § 21-21-5; dogs and rabies control, Miss. Code Ann. 1972, § 41-53-1 et seq.; dogs running at large, Miss. Code Ann. 1972, § 41-53-11.

Sec. 8-61. - License.

- (a) It shall be unlawful for any person to have, harbor or keep, or to cause or permit to be harbored or kept or to run at large on the sidewalks, streets, alleys or in the parks or other public places in the city any unlicensed dog or cat three (3) months of age or over. Any person keeping or harboring any dog or cat three (3) months of age or over for fifteen (15) consecutive days shall be deemed to be the owner thereof within the meaning of this section. The provisions of this section shall not apply to nonresidents of the city, traveling through or temporarily sojourning therein for a period of less than thirty (30) days, nor to persons bringing dogs or cats to the city exclusively for show or exhibition purposes.
- (b) Every dog or cat three (3) months of age or over which is brought into, harbored or kept in the city by any person, except nonresidents and participants in exhibitions as provided in subsection (a), shall wear at all times a tag for the current year, bearing the words "Greenville Animal License, 19_____, No. _____," with year and serial number inserted. Such tag shall be purchased on or before January first of each year from the authority designated by the city council at the price of two dollars (\$2.00) for each dog or cat. Such tags shall be numbered from "one" consecutively and a register shall be maintained showing the name of the person applying for such tag, the number of the tag, and the date of issuance of same; provided, however, all persons operating kennels where dogs or cats are bred for sale containing four (4) or more dogs or cats shall not be required to pay the above license fee on dogs or cats kept and maintained exclusively therein, but may pay in lieu thereof an annual license fee of twenty-five dollars (\$25.00). In making application for license under this section, the kennel owner shall furnish an affidavit showing the number of dogs or cats kept therein.
- (c) No license tag shall be issued for any dog or cat unless such dog or cat shall have been inoculated (vaccinated) against rabies as provided by section 8-98 of the Code of Ordinances, and satisfactory evidence of such inoculation is supplied to the tax collector or person issuing such tag.
- (d) It shall be unlawful to transfer the license tag herein provided for to any dog or cat, other than the dog or cat for which such license tag was originally purchased, or to transfer any license for kennels from one (1) kennel to another. It shall further be unlawful for any person to have, harbor or keep, or to permit to be harbored or kept, any dog or cat in the city wearing a license tag other than the tag purchased for that particular dog or cat.
- (e) If the tag or license required in subsection (b) shall be lost, stolen or unavoidably mutilated, damaged or destroyed, the tax collector may, at his discretion, upon sworn affidavit of the owner of the animal for which the license was purchased setting forth the facts in connection therewith, and after investigation thereof, issue a duplicate license upon payment of a fee of one dollar (\$1.00).
- (f) All dogs and cats subject to this division shall have the required license tag affixed to a collar or harness worn by such animal.
- (g) The failure or refusal of any person to comply with this division shall constitute a misdemeanor, and the offender shall upon conviction, be subject to a fine of ten dollars (\$10.00).

(Code 1965, §§ 4-27—4-31; Ord. No. 95-0005, § 1, 4-4-95)

Sec. 8-62. - Biting or infected dogs.

- (a) If any dog has bitten any person or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, then such dog shall be apprehended and retained in the city pound, securely penned and separated from other dogs and animals, for such period as may be necessary to ascertain whether or not the dog is infected. If, after sufficient observation the dog, in the opinion of the county health officer, is not infected, he shall be returned to the owner, if claimed. If in the opinion of the county health officer symptoms develop justifying a microscopic examination, then the dog shall be killed and examination made by the state board of health.
- (b) In lieu of the provisions of subsection (a), the owner of any such dog may, at his own expense, take such dog to any duly qualified and licensed veterinarian in the city for observation. The county health officer shall observe the dog and shall report his findings in writing to the chief of police. If in the opinion of the county health officer a microscopic examination is justified, then the dog shall be turned over to the police department to be killed and examination made by the state board of health.
- (c) The initial impoundment fee for biting or infected dogs shall be twenty-five dollars (\$25.00); the redemption fee for each day of retention thereafter shall be ten dollars (\$10.00).

(Code 1965, § 4-33; Ord. No. 97-0009, § 1, 4-15-97; Ord. No. 11-006, § I, 7-5-11)

State Law reference— State board of health, Miss. Code Ann. 1972, § 41-3-1 et seq.

Sec. 8-63. - Authority to require submission of dog for examination.

Any dog desired for observation by the county health officer under the provisions of section 8-62 shall be delivered to the police upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a misdemeanor and subject to arrest. When any person refuses to deliver a dog desired for observation, any police officer of the city shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the dog and shall be lawful authority for the apprehending and forcible taking of such dog.

(Code 1965, § 4-34)

Sec. 8-64. - Becoming a nuisance.

It shall be unlawful for the owner or person having possession, charge, custody or control of any dog or dogs to permit or allow same to create a disturbance in the neighborhood, to annoy any person or family, or 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 1965, § 4-39)

Sec. 8-65. - Cruel and inhumane treatment.

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

(Code 1965, § 4-40)

State Law reference— Cruelty to animals, Miss. Code Ann. 1972, § 97-41-1 et seq.

Secs. 8-66—8-85. - Reserved.

DIVISION 3. - ANIMALS RUNNING AT LARGE; IMPOUNDMENT

Secs. 8-86—8-90. - Reserved.

Ord. No. 97-0008, §§ 3 and 4, adopted April 15, 1997, amended the Code by repealing former §§ 8-86 and 8-87 in their entirety. Former § 8-86 pertained to the keeper, appointment, assistant, duties, etc. of the city pound, and derived from the Code of 1965, § 4-1. Former § 8-87 pertained to the expenses and budget of the city pound, and derived from the Code of 1965, § 4-2. Ord. No. 91-0007, § 1, adopted Aug. 20, 1991, amended the Code by deleting provisions contained in §§ 8-88—8-90. Said provisions pertained to animals running at large generally, dogs running at large generally and female dogs in heat running at large, and derived from the Code of 1965, §§ 4-14, 4-35 and 4-36.

Sec. 8-91. - Vicious dog or other animal; requirements for confinement.

- (a) It shall be a misdemeanor to permit any vicious or dangerous dog or other animal to run at large within the city.
- (b) Any vicious or dangerous dog or other animal shall include any animal which has attacked or threatened to attack, bitten or threatened to bite, or in any other manner endangered people or other animals.
- (c) Any vicious or dangerous dog or other animal must at all times be securely confined in a totally enclosed humane and sanitary locked house, pen or enclosure, which shall be constructed in such manner as to prevent the animal's escape therefrom by tunneling, climbing, chewing, breaking or any other means or effort by the animal; furthermore, such enclosure shall be made secure from the accidental or intended invasion thereof, without forcible entry, by any adult or child human being, and such enclosure shall have conspicuous signs plainly visible from any external view displaying the words "Dangerous Animal—Keep Away" in block letters not less than two (2) inches square.
- (d) At any time that a vicious or dangerous dog or other animal is not confined as required in subsection (c), such animal shall be muzzled in such a manner as to prevent it from biting or injuring any person or animal and shall be kept on a leash with the owner or custodian in attendance at all times. No vicious dog may be walked within one hundred fifty (150) feet of any school ground, play ground or park, nor enter into such school ground, play ground or park.
- (e) Any vicious animal which is not confined or muzzled as provided in this section shall be impounded at the county humane shelter and shall not be released until the hearing hereinafter provided has been held, the animal has been properly vaccinated or suitable arrangements made for vaccination, and a pound fee of twenty-five dollars (\$25.00) plus ten dollars (\$10.00) for each day of impoundment paid the pound fee shall be in addition to any fine imposed hereunder.
- (f) The municipal judge shall conduct a show-cause hearing within seventy-two (72) hours, except Sunday, with respect to any impounded vicious or dangerous dog or other animal; notice of such hearing shall be served upon the owner of such animal or the person in whose possession the animal was found. At such hearing the court shall determine whether or not the animal is sufficiently vicious so as to constitute a menace to the public health and safety, and in such event, for the protection of the public, the court may order that the animal be humanely destroyed; if the animal is not ordered destroyed, the court may, in its discretion, order the animal to be spayed or neutered by a licensed veterinarian; and in each case in which the court determines that the provisions of this chapter have been violated, the following minimum penalties shall be imposed:
 - (1) First offense, a fine of not less than two hundred fifty dollars (\$250.00) and restitution to the victim;
 - (2) Second offense, a fine of not less than five hundred dollars (\$500.00) and restitution to the victim;

- (3) Third offense, a fine of not less than one thousand dollars (\$1,000.00), and restitution to the victim, and up to thirty (30) days in jail; in addition, the animal shall be permanently removed from the corporate limits of the city, and if the animal is subsequently found within the city limits, it shall be humanely destroyed.

(Ord. No. 90-0022, § 1, 10-16-90; Ord. No. 11-005, § I, 7-5-11)

Sec. 8-92. - Running at large of animals and fowl.

- (a) Prohibited. It shall be unlawful for the owner or person having possession, charge, custody, or control of any animal or fowl to cause or allow same to run at large on public property within the corporate limits of the city. The running at large on public property of any animal or fowl shall be prima facie evidence of the violation of this section by the owner or person in charge, custody, or control of such animal or fowl. The fine for running at large on public property shall be not less than twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense and seventy-five dollars (\$75.00) for the third offense.
- (b) Impoundment, redemption and destruction. Any animal or fowl found running at large within the corporate limits of the city shall be taken up and confined in the city pound. Reasonable efforts shall be made to identify and notify the owner or person having possession or custody of said animal or fowl of such impoundment. The impounded animal or fowl shall be held for at least seventy-two (72) hours, during which time the owner or person having possession or custody of same may redeem or repossess such animal or fowl upon payment of a pound fee. In the case of dogs or cats, the redeeming party shall produce proof that such animal is properly licensed and vaccinated as a condition to its release. If not reclaimed or redeemed within seventy-two (72) hours, the impounded animal or fowl shall be humanely put to death as soon as practicable thereafter; provided that, after the lapse of seventy-two (72) hours and before such animal and fowl is put to death, any person may redeem and obtain such animal or fowl, subject to adoption guidelines established by the Washington County Humane Society.

(Code 1965, § 4-38; Ord. No. 91-0007, § 2, 8-20-91; Ord. No. 93-0010, § 1, 5-18-93; Ord. No. 99-0017, § II, 9-7-99)

Sec. 8-93. - Impoundment—Unrestrained or unlicensed dogs; or nuisance animal; redemption, adoption, euthanization.

- (a) An unrestrained or unlicensed dog, or a nuisance animal, shall be taken by the police or animal control officer and impounded in an enclosure or animal shelter kept for that purpose, and there confined in a humane manner. Unless claimed by the owner, impounded animals not suffering from an incurable injury or disease shall be kept for not less than seventy-two (72) hours. Further, no dog shall be released except to the owner of said animal as identified by the dog tag required by section 8-61 herein. In the event there is no dog tag, sufficient identification of ownership shall be provided by the person claiming the dog before such dog is released.
- (b) If by a tag or other means, the owner of an impounded animal can be identified, the animal control officer or his designee shall immediately upon impoundment, notify the owner by telephone, mail or service of notice by the animal control officer or his designee. Within seventy-two (72) hours the rightful owner of any animal held under this section may, provided the animal is properly vaccinated, licensed and tagged, obtain the animal upon payment of a pound fee as hereinafter provided; provided, however, if an unvaccinated animal is claimed by the owner, the owner must make arrangements for the vaccination of said animal satisfactory to the animal control officer or his designee. An owner reclaiming an impounded animal shall pay a fee as follows:
- (1) For cats\$25.00
 Plus, for each day of impoundment10.00

- (2) For dogs (except pit bull dogs)25.00
 Plus, for each day of impoundment10.00
- (3) For pit bull dogs (as defined in § 8-11650.00
 Plus, for each day of impoundment15.00
- (c) Any animal not reclaimed by its owner within seventy-two (72) hours shall be deemed abandoned and shall be placed for adoption in a suitable home for a fee of sixty-five dollars (\$65.00) or humanely euthanized; provided that, if an unclaimed animal is adopted, the adoptive owner must pay a fee of twenty dollars (\$20.00) to the animal control officer or his designee for vaccination of said animal. Any animal so adopted must be spayed or neutered, and a cost of fifteen dollars (\$15.00) is allocated for that procedure, which sum shall be paid from the aforementioned adoption fee and/or impound fees. The seventy-two-hour waiting period is waived for any wild or feral animal, or for any animal suffering from an incurable disease, and any injured or neglected animal may be humanely euthanized without any waiting period pursuant to Section 97-41-3, Mississippi Code of 1972, as amended.
- (d) The owner of an impounded animal may also be proceeded against for violation of this chapter.
 (Code 1965, § 4-32; Ord. No. 90-0021, § 1, 10-16-90; Ord. No. 97-0010, § 1, 4-15-97; Ord. No. 99-0007, § II, 4-28-99; Ord. No. 08-009, § 1, 12-2-08)

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

Secs. 8-94, 8-95. - Reserved.

Ord. No. 97-0008, §§ 5 and 6, adopted April 15, 1997, amended the Code by repealing former §§ 8-94 and 8-95 in its entirety. Former § 8-94 pertained to redemption and sale of impounded fowl, and derived from the Code of 1965, § 4-3. Former § 8-95 pertained to redemption and sale of impounded animals, and derived from the Code of 1965, § 4-4

Sec. 8-96. - Remission, payment of pound charges.

No pound charges shall be remitted except by consent of the city council. Before any appeal to the city council will be heard, it must be shown that the pound charges have been paid.

(Code 1965, § 4-5)

Sec. 8-97. - Destruction of abandoned animals.

Any police officer or the pound keeper or his assistant may lawfully destroy or cause to be destroyed any animal found abandoned upon any street, alley, in any park or other public place in the city, or otherwise not properly cared for, or appearing in the judgment of two (2) reputable citizens called by him to view the same in his presence to be glandered, injured, diseased, past recovery, or absolutely unfit for labor or use.

(Code 1965, § 4-16)

Sec. 8-98. - Rabies inoculation of dogs and cats required.

- (a) Every person in the city who owns, or has in his or her possession, any dog or cat of the age of three (3) months or over shall have said dog or cat inoculated (vaccinated) against rabies as provided herein with the recommended dosage of an anti-rabic virus (vaccine) approved by the state board of health, and it shall be unlawful for any person within the city to own or have in his or her possession within the city any dog or cat three (3) months of age or over which has not been inoculated (vaccinated) against rabies with the approved dosage of an anti-rabic virus (vaccine). It shall be the duty of every person within said city so owning or having in his or her possession a dog or cat to have said dog or cat inoculated (vaccinated) immediately after said dog or cat has reached the age of three (3) months, and

it shall be said person's further duty to have said dog or cat so inoculated (vaccinated) thereafter as required by the state board of health.

- (b) All dogs and cats subject to this section shall have a rabies tag affixed to a collar or harness worn by such animal.
- (c) 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 a sum not to exceed fifty dollars (\$50.00) together with all costs.

(Ord. No. 95-0006, § 1, 4-4-95)

Secs. 8-99—8-115. - Reserved.

DIVISION 4. - PIT BULL DOGS

Sec. 8-116. - Findings.

- (a) For some time the city has experienced a series of incidents in which citizens and animals have been attacked and injured by pit bull dogs.
- (b) The community has also experienced an increasing number of animal killings resulting from pit bull attacks.
- (c) The pit bull breed was developed for the purpose of producing fighting dogs.
- (d) To increase its effectiveness as a fighter, certain pit bull traits have been selected and maximized by controlled breeding, including:
 - (1) A set of powerful jaws with an exceptional ability to grip, lock and tear when the dog bites;
 - (2) A unique insensitivity to pain that causes pit bulls to be exceedingly tenacious in the attack;
 - (3) An unusually aggressive temperament toward human beings and animals; and
 - (4) 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.
- (e) For the reasons provided in this section, pit bull dogs present a present danger to the health and welfare of the citizens of the city, different in degree and kind from the dangers presented by other breeds of dogs.

(Ord. No. 90-0003, § 1, 2-6-90)

Sec. 8-117. - Regulations.

- (a) Generally. This division is intended to utilize the authority and powers of the city in order to secure for the citizens of this city the protection of their health, safety and welfare. This division is intended to be applicable to dogs which are commonly referred to as "pit bulls" and which are defined herein. This division 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 division which the city council hereby finds reasonable and necessary.
- (b) Definition; identification of a pit bull dog. The term "pit bull" dog as used within this division 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 or Staffordshire Bull

Terriers, or which substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers. Such standards are attached to Ordinance No. 90-0003 and incorporated in this section by reference as Exhibit "A" and shall remain on file with the Washington County Humane Society and the Greenville Police Department. Technical deficiencies in a 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 division. Testimony by a veterinarian, animal behaviorist, or animal control officer that a particular dog exhibits distinguishing physical characteristics of a pit bull shall establish a rebuttable presumption that the dog is a pit bull.

(c) Confinement of pit bull dogs.

(1) 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, or confined in a securely and totally enclosed and locked pen with a top, all four (4) sides at least six (6) feet high, and with concrete flooring to prevent escape by tunneling; pen shall have a five (5) foot minimum set back from property lot line; and such enclosure shall likewise have a conspicuous sign affixed thereto displaying the words "Dangerous Dog."

(2) At any time that a pit bull dog is not confined as required in subsection (1) 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; provided, however, that no pit bull dog may be walked within one hundred fifty (150) feet of any school ground, play ground or park, nor enter into such school ground, play ground or park.

(3) 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.

(d) Registration of pit bull dogs. Every owner of a pit bull dog within the city shall register the dog by three (3) months of age minimum with the Greenville Animal Shelter and renew each year thereafter. The registration and renewal shall include the following: name, address and telephone number of the dog's owner; a complete identification of the dog, including the dog's sex, color and other distinguishing physical characteristics; a color photograph of the dog; inspection of dog facility by the humane officer; proof of vaccination; proof of liability insurance that specifically states vicious dog in a minimum amount of fifty thousand dollars (\$50,000.00). Registration fee is twenty-five dollars (\$25.00) and renewal fee of twenty-five dollars (\$25.00) each year thereafter. Owner must be able to show registration at all times. Pit bull dogs not properly registered may be confiscated by the City of Greenville.

(e) Enforcement. It shall be the duty and responsibility of the city animal control officer(s) to enforce the provisions of this division.

(f) Schedule of penalties. Violations of this division shall be punished as follows:

Description of Violation		Minimum Penalty
(1)	Failure to conform	First offense

	<p>fine pit bull dog</p>	<p>—A fine of five hun dre d doll ars (\$5 00. 00)</p>
		<p>Sub seq uen t offe nse s— A fine of one tho usa nd doll ars (1,0 00. 00) and thir ty (30) day s in jail</p>

(2)	Fail ure to regi ster pit bull dog	\$50 0.0 0
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(g) Other regulations. Nothing in this division shall prevent the city from providing more stringent regulation of pit bull dogs and pit bull dog owners, or of other types of animals deemed to be a threat to the safety and welfare of the community.

(Ord. No. 90-0003, § 2, 2-6-90; Ord. No. 07-001, § 1, 6-19-07; Ord. No. 07-002A, § 1, 7-17-07; Ord. No. 11-004, § I, 7-5-11)

Secs. 8-118—8-120. - Reserved.

DIVISION 5. - ANIMAL ESTABLISHMENTS

FOOTNOTE(S):

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Editor's note—Ord. No. 91-0008, §§ 1—8, adopted Aug. 20, 1991, did not specifically amend the Code; hence, its inclusion herein as §§ 8-121—8-128 was at the discretion of the editor.

Sec. 8-121. - Definitions.

The following words and phrases have the following definitions for the purpose of this article:

Animal establishment means any pet shop, kennel, grooming shop, auction, animal exhibition, or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

Kennel means any person who engages in the business of boarding, breeding, buying grooming, letting for hire, training for a fee, or selling animals.

Owner means any person having a right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person over which that person has substantial control.

Person means any individual, corporation, partnership, association, organization, or institution commonly recognized by law as a unit.

Pet shop means any person engaged in the business of buying or selling two (2) or more species of live animals with the intent that they be kept as pets.

Private kennel means any person, excluding kennels as hereinabove defined, pet shops, and veterinary clinics and hospitals, who keeps, harbors, or knowingly permits to remain on or about his premises, more than four (4) dogs or four (4) cats, over three (3) months of age.

(Ord. No. 91-0008, § 1, 8-20-91)

Sec. 8-122. - Permit required for animal establishments.

- (a) No person shall operate an animal establishment within the city without first obtaining a permit from the permit office, nor may any person operate an animal establishment in a manner in violation of any provision of this article.
- (b) The permit period shall begin with the first day of the calendar year and shall run for one (1) year. Renewal application for permits shall be made thirty (30) days prior to and up to sixty (60) days after January 1st of each year. Application for a new establishment under the provisions of this code shall be made within sixty (60) days of the start of business or operation.
- (c) Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit (e.g. two (2) kennels at different locations but owned by the same person, shall be considered as two (2) animal establishments).
- (d) Permits obtained in accordance with this article shall be displayed in a prominent location on the premises of the animal establishment.

(Ord. No. 91-0008, § 2, 8-20-91)

Sec. 8-123. - Application procedure.

- (a) Each animal establishment shall annually file an application for permit within the time periods provided, that all preexisting establishments shall have ninety (90) days from the effective date of this Code to file such application.
- (b) The permit application shall be made on a form provided by the permit office of city.
- (c) Upon receipt of a completed application, the housing or building inspector, in conjunction with the Washington County Humane Society, shall make an inspection of the facility to insure that all animals are provided for in a humane manner, and that the establishment is in compliance with the provisions of this article. Such inspection may be made at any reasonable time during normal business hours.
- (d) In the event a permit is not granted, the permit office shall notify the applicant in writing of the specific reasons for denial of the permit.
- (e) Any animal establishment denied a permit may not reapply for a period of at least thirty (30) days. Each reapplication shall describe any previous denial or revocation.
- (f) If an applicant is shown to have withheld or falsified any material information on the application, the animal control authority may refuse to issue or may revoke a permit.

(Ord. No. 91-0008, § 3, 8-20-91)

Sec. 8-124. - Revocation of permits.

- (a) The permit office may revoke any permit if the person holding the permit refuses or fails to comply with this article or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this article.
- (b) Whenever a permit is revoked for cause, or pending any proceedings to contest such action, the housing, or building inspector, acting in conjunction with the Washington County Humane Society, shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed for removal of animals from such premises and shall state the specific reasons for revocation. In the event any such owner shall fail to remove such animals as directed, the same may be impounded and disposed of in the same manner as set forth in section 4-38 of the Code of Ordinances.

(Ord. No. 91-0008, § 4, 8-20-91)

Sec. 8-125. - Compliance.

- (a) An animal establishment shall not sell, trade, or give away any dog or cat, over three (3) months of age, unless the dog or cat has been licensed and/or vaccinated as required by this code.
- (b) The building or housing inspector, in conjunction with the Washington County Humane Society, shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this article and the animal control code.

(Ord. No. 91-0008, § 5, 8-20-91)

Sec. 8-126. - Standards for pet shops.

All pet shops shall, in addition to the other requirements of this article, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for pet shops are as follows:

- (1) Water. There shall be available hot water at a minimum temperature of one hundred sixty (160) degrees for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.
- (2) Room temperature. The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- (3) Cages and enclosures. All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn, and stretch out to his full length.

(Ord. No. 91-0008, § 6, 8-20-91)

Sec. 8-127. - Private kennels.

All private kennels shall, in addition to the other requirements of this article, comply with the minimum standards of this section. Standards for private kennels are as follows:

- (1) No person shall operate a private kennel without first obtaining an annual permit from the permit office. Permits shall be based upon calendar years. Application for renewal of a permit shall be made between thirty (30) days prior to and sixty (60) days following January 1st of each year.
- (2) Upon receipt of a completed application, the building or housing inspector, in conjunction with the Washington County Humane Society, shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the private kennel is in compliance with all provisions of this code.
- (3) Upon receiving a complaint concerning a private kennel, the building or housing inspector, in conjunction with the Washington County Humane Society, may make an inspection of the facility to ensure that the facility, is in compliance with all provisions of this code.
- (4) All animals shall have adequate space for proper shelter against weather extremes, and for property exercise.
- (5) All kennel areas shall be maintained in such manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Kennel areas in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and

the animals themselves shall be restrained in such a fashion so that noise emanating therefrom shall not be disturbing to such persons.

- (6) Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of animals shall be provided.
- (7) Fresh water shall be available at all times.

(Ord. No. 91-0008, § 7, 8-20-91)

Sec. 8-128. - Violation; penalty.

Violation of this article shall be a misdemeanor and punishable as such.

(Ord. No. 91-0008, § 8, 8-20-91)

Secs. 8-129—8-150. - Reserved.