

Chapter 5 - ANIMALS AND FOWL

FOOTNOTE(S):

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Charter reference— Authority to regulate, impound, sell, §§ 14(9), (23), 15(4).

Cross reference— Creation of noise by animals, § 13-12(5).

ARTICLE I. - IN GENERAL

Sec. 5-1. - Definitions.

The following words, whenever used in this chapter shall have the meanings ascribed to them in this section unless a different meaning clearly appears from the context:

Animal control office [officer] shall mean the person designated by the city to represent and act for the city in the impoundment of animals, controlling of animals running at large as otherwise required in this chapter.

At large. Any animal, dog, cat or fowl shall be deemed to be at large when it is not on a leash, behind a fence or enclosure, or under the control of a competent person.

Feral dog: A dog that has escaped from domestication and become wild, dangerous, or untamed.

Health officer shall mean a licensed physician or veterinarian or an agent of the Yazoo County Health Department.

Inhumane treatment shall mean any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing or poisoning, or other abnormal treatment as may be determined by:

- (1) A health officer; or
- (2) An authorized law enforcement officer; or
- (3) The animal control officer.

Livestock shall mean all domesticated animals, including but not limited to horses, cows, mules, goats, sheep and pigs.

Owner shall mean any person, firm or corporation owning, keeping or harboring any animal or fowl.

Person shall mean any individual, firm, association, syndicate, partnership or corporation.

Vaccination shall mean an injection of United States Department of Agriculture approved rabies vaccine administered every 12 calendar months by a licensed veterinarian.

Vicious animal: Any animal or animals that constitute a physical threat to human beings or other animals.

Wild animals shall mean all undomesticated animals, including but not limited to lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, skunks, raccoons and opossums.

(Code 1962, § 5-28; Ord. of 1-10-2000)

Sec. 5-2. - Employment of animal control officer.

The governing body may by resolution at any time in its discretion which may appear necessary or proper employ some suitable person as animal control officer for the city at such salary and on such fee basis for compensation as may be fixed by it.

- (1) Animal control officer shall be required to be familiar [with city ordinances] pertaining to animals and fowl, and applicable federal and state statutes pertaining thereto.
- (2) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provisions of this Code, including without limitation, humane wire box traps, and the animal control officer(s) may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.
- (3) Any animal control officer appointed by the city shall be vested with police powers and shall be authorized to issue tickets, summons or other process in the manner as other police officers of the city.

(Code 1962, § 5-28; Ord. of 1-10-2000)

Sec. 5-3. - Same—Entry onto private premises.

The city police, other law enforcement officers of the city, and any animal control officers employed by the city shall have the power and it shall be their duty to go upon the premises of any person where such officer shall have reason to believe there is an animal running at large contrary to the provisions of this chapter and there seize and impound such animal.

(Code 1962, § 33)

Sec. 5-4. - Same—Interfering with.

It shall be unlawful for any person to interfere with any person authorized by this chapter to seize and impound or kill any animal, in the discharge of his duties under this chapter.

(Code 1962, § 5-30)

Sec. 5-5. - Control and protection of animals.

- (a) It shall be unlawful for any person to:
 - (1) Permit any animal to run at large within the corporate limits of the city;
 - (2) Carry out any inhumane treatment against any animal;
 - (3) Interfere with or molest a dog used by the police department of the city in performance of the functions or duties of such department.
 - (4) Keep or harbor any animal(s) which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the corporate limits of the city;
 - (5) Keep or harbor more than four domesticated animals of the same species, over the age of three months, in any residential area within the corporate limits of the city;
 - (6) Keep or maintain on their premises any pen(s), enclosure(s), etc., for keeping of animals or fowl so as to become a public nuisance to persons residing in the vicinity thereof, nor shall they be maintained or kept in any manner as to cause bodily injury to any person residing in the vicinity of the pen, enclosure, etc.
 - (7) Keep or harbor any animal(s) or fowl in such a manner as to constitute a public nuisance to persons residing in the vicinity thereof by reason of odor or unsanitary conditions;

- (8) Fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
 - (9) Leave an animal unattended inside a motor vehicle when such action is harmful or 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 reasonable potential harm from continuing, the animal control officer or the police department shall be authorized to remove said animal from such vehicle and to utilize any reasonable method to effect said removal;
 - (10) Expose any known poisonous substance, whether mixed with food or not in such a manner as to [be] ingested by any animal to purposely harm said animal.
- (b) The duly sworn and authorized animal control officer(s) or police officer(s) of the city, may seize or cause to have seized any animal whose owner is found to be in violation of any part of subsection (a) and impound or cause to be impounded such animal in a designated shelter. Such animal shall be held for a period not to exceed five days, and if reasonable corrections are not made by the owner of the animal so that the owner will not be in further violation of said subsection (a) if such animal is returned to him, the animal shall be released to the Mississippi Animal Rescue League. The animal control officer shall designate in writing to the owner what corrections are necessary to bring said owner into compliance with subsection (a) during said five-day period.

(Code 1962, § 5-12; Ord. of 1-10-2000)

State Law reference— Cruelty to animals, Miss. Code 1972, §§ 97-41-1—97-41-11.

Sec. 5-6. - Reserved.

Editor's note— An ordinance adopted Jan. 10, 2000, deleted § 5-6, Mistreating of dogs of police department, derived from the 1962 Code, § 5-21.

Sec. 5-7. - Keeping of livestock.

- (a) No person shall keep livestock closer than 150 feet to any property line adjoining that on which the livestock is kept; provided that each animal herein defined as livestock shall be kept on a lot or tract of three acres or greater.
- (b) At the request of the animal control officer each livestock owner shall notify the animal control officer of the type, number and location of any and all livestock kept within the corporate limits. Said owner shall further furnish his name, address, and telephone number to the animal control authority and to the police department at the request of either.

(Code 1962, § 5-4; Ord. of 1-10-2000)

State Law reference— Authority to regulate the keeping of livestock, Miss Code 1972, § 21-19-1.

Sec. 5-8. - Keeping of fowl.

- (a) No person shall keep more than two fowl such as chickens, ducks, turkeys, geese, pigeons, or guineas, except when 150 feet from any property line adjoining that on which the fowl are kept, and except by special permit issued by the city clerk upon approval by the animal control officer.
- (b) It shall be unlawful for the owner of said fowl to allow such fowl to roam outside the property of said owner, except carrier pigeons on training or racing flights.
- (c) This provision shall not apply to any area in the city not subdivided or platted or on tracts of three acres or more.

(Code 1962, §§ 5-2, 5-3; Ord. of 9-28-87, § 1; Ord. of 1-10-2000)

Secs. 5-9, 5-10. - Reserved.

Editor's note— Ord. of Sept. 28, 1987, § 2, repealed § 5-9, which pertained to poultry running at large, derived from the 1962 Code, § 5-5. Subsequently, an ordinance adopted Jan. 10, 2000, deleted § 5-10, keeping of hogs, derived from the 1962 Code, § 5-7.

Sec. 5-11. - Ferocious, vicious or dangerous animals prohibited.

- (a) It shall be unlawful for any person to keep or maintain within the city any ferocious, vicious or dangerous animal or fowl. Any such animal or fowl may be impounded or destroyed.
- (b) The violation of this section shall constitute a misdemeanor.

(Code 1962, § 5-8; Ord. of 9-14-98; Ord. of 1-10-2000)

Sec. 5-12. - Keeping wild animals and reptiles prohibited.

- (a) No person shall keep any wild animal(s) or reptile(s) within the corporate limits of Yazoo City, Mississippi.
- (b) No person shall keep or cause to be kept on their premises or in any roadside zoo or pet store, any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.
- (c) The animal control officer is hereby granted the authority to seize any wild animal(s) or reptile(s) kept in violation of this section, federal law, or state statutes, upon conviction of the owner of such offenses, and, if seized, shall deliver said wild animal(s) or reptile(s) to the department of wildlife conservation. In his discretion the animal control officer may grant the owner of such animals 24 hours to remove them from the boundaries of the city to a lawful place if the public safety and welfare will not be jeopardized thereby.

(Code 1962, § 5-9; Ord. of 1-10-2000)

Sec. 5-13. - Performing animal exhibits or circuses; regulations.

- (a) No performing animal exhibit or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which is likely to cause physical suffering or injury to the animal.
- (b) All equipment used on or by a performing animal shall fit properly and be in good working condition.
- (c) The owners, managers and caretakers of animals used as performing animals shall provide them with good and sufficient food and water, and shelter from extremes of weather, and shall not at any time hobble, tether, tie or stake them alongside city streets, state highways, public rights-of-way, or any thoroughfare within the corporate limits of the city.
- (d) The animal control officer is hereby authorized to inspect the conditions and premises of such operations at any given time to determine compliance with this section.

(Ord. of 12-13-71, § 1; Ord. of 1-10-2000)

Sec. 5-14. - Pet shops, aviaries and kennels; investigation of complaints.

The animal control officer of the city is hereby authorized at any reasonable time upon written request or demand of any citizen of the city to inspect any store or business which buys, sells, gives away or trades live animals, birds, or operates kennels.

(Ord. of 12-13-761, § 2; Ord. of 1-10-2000)

Sec. 5-15. - Reporting vehicle accident involving animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the police department and/or the animal control officer or to the local humane society within a reasonable time.

(Ord. of 12-13-761, § 2; Ord. of 1-10-2000)

Sec. 5-16. - Personnel using firearms pursuant to chapter.

Personnel empowered by this chapter or section to discharge firearms within the city limits shall qualify with the police chief once every six months and may not discharge any firearms within the scope of their employment unless and until the chief of police has issued or renewed the appropriate certification. Said certification is to be issued based on the following considerations:

- (1) Thorough instruction in operation of the type of firearms issued to the animal control officer;
- (2) Thorough knowledge of all appropriate safety procedures;
- (c) Competent performance on the firing range;
- (d) Such other tests or qualifications as the chief of police in his discretion deems appropriate.

In issuing the required certification, the chief of police is to take into consideration all the requirements in keeping [with] good police practices and will at all times bear in mind the safety of the citizens of the city, and shall require the same degree of competence from authorized personnel as is required of police officers discharging firearms within the city limits.

(Code 1962, § 5-27; Ord. of 1-10-2000)

Sec. 5-17. - Reserved.

Editor's note— An ordinance adopted Jan. 10, 2000, deleted § 5-17, bringing animals into the city; allowing to run at large; breaking pound, derived from the 1962 Code, § 5-1; and Ord. of 5-23-66, § 1.

Sec. 5-18. - Removal of dead animals.

It shall be unlawful for any person to fail to immediately remove the carcass or any part thereof, of any dead animal or fowl found upon his premises, and dispose of same as authorized by law.

(Code 1962, § 5-10)

Sec. 5-19. - Declaration of city as a bird sanctuary and of the prohibition of shooting firearms and the hunting of birds, fowl and animals herein.

- (a) The city is hereby declared to be a bird sanctuary; and
- (b) Except as hereinafter provided, it shall be unlawful for any person within the corporate limits of this city to discharge a firearm, to hunt, track, trail or otherwise chase or pursue any animal, bird or fowl while in the possession of any firearm within the corporate limits of this city.
- (c) For the purposes of this section, a "firearm" is defined as any weapon which is capable of discharging a projectile, whether by use of compressed air or by burning any explosive material with sufficient force to inflict damage, harm or injury to persons, property, birds, fowls or animals.
- (d) Nothing in this section shall be construed to prohibit any person from acting in the protection of his or her life or property or any office or employee of any governmental agency from performing his official duties.

(e) Violation of this section shall constitute a misdemeanor and shall be punishable as such.

(Ord. of 3-19-92, § 1)

Sec. 5-20. - Trapping.

It shall be unlawful for any person at any time, except the city police, other law enforcement officers of the city, or the animal control officers, to capture any wild or domestic animal by trap or traps or other contrivances or to have such trap, traps or contrivances set out on any property in the city in a manner which could subject any animal to capture.

(Ord. of 8-26-96)

Editor's note— An ordinance adopted Aug. 26, 1996, did not specifically amend the Code; hence, codification of substantive provisions as § 5-20 was at the discretion of the editor.

Secs. 5-21—5-29. - Reserved.

ARTICLE II. - RABIES CONTROL

Sec. 5-30. - Vaccination of dogs and cats required; issuance of certificate and metal tag.

- (a) Every owner or keeper of a dog or cat six months or older in city shall cause such dog or cat to be vaccinated annually as required by state law against rabies by a veterinarian licensed to practice in the state.
- (b) Evidence of vaccination shall consist of a metal tag and certificate issued and signed by the veterinarian administering the vaccination and containing pertinent data for identification of the dog or cat which data must consist of the owner's name, address and telephone number. The metal tag must be worn at all times by the dog or cat.

(Code 1962, § 5-22; Ord. of 1-10-2000)

Sec. 5-31. - Reserved.

Editor's note— An ordinance adopted Jan. 10, 2000 deleted § 5-31, vaccination of dogs required; tag, derived from the 1962 Code, §§ 5-23, 5-25. For similar subject matter, see § 5-30.

Sec. 5-32. - Same—Governing body may provide for free vaccination.

The governing body may by resolution duly passed and entered on its minutes provide for the free vaccination of dogs of owners or keepers thereof, residing within the city, fixing in such resolution the time and the place where such free vaccination may be obtained, and may by such resolution extend such free vaccination to the dogs of owners or keepers thereof residing outside the city within a radius of one mile thereof, but the failure to make such provisions for free vaccination will not relieve the owner or keeper of any dog from compliance with section 5-31 [5-30].

(Code 1962, § 5-24)

Sec. 5-33. - Reserved.

Editor's note— An ordinance adopted Jan. 10, 2000, deleted § 5-33, seizing and impounding of vaccinated dogs running at large, derived from the 1962 Code, § 5-26.

Secs. 5-34—5-39. - Reserved.

ARTICLE III. - IMPOUNDMENT AND DISPOSITION

FOOTNOTE(S):

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

Sec. 5-40. - Impoundment of animals or fowl.

Any dog, animal or fowl, caught, picked up or impounded by the animal control officer of the city shall be forthwith turned over to such animal shelter as may be designated from time to time by the city, to be held, impounded or disposed of in accordance with the rules and regulations of said animal shelter.

(Code 1962, § 5-41; Ord. of 1-10-2000)

Sec. 5-41. - Procedure on retention, observation and disposition of animals which have bitten person(s) or other animals, or those suspected of having disease.

The animal control officer, in the course of his duties of investigation of cases in which animals have bitten persons or other animals, shall immediately notify the owner of such animal which has bitten any person or animal to surrender the animal to the animal control officer immediately or otherwise arrange for the animal control officer to pick up and retain such animal in a separate kennel at the designated animal shelter for a period of not less than ten days after the biting of such person or other animal, during which period it shall be determined by the city health officer or designated official whether or not such animal is suffering from any disease. If no disease is found, the city health officer shall signify to the animal control officer that such animal may be released to the owner; provided further, that the animal control officer may authorize keeping of any such animal on the owner's premises provided that the owner produces a certificate of rabies vaccination performed by a veterinarian showing that such animal has been vaccinated for rabies not longer than 12 months previous thereto and provided further, that the animal control officer may authorize any such animal to be retained for a period of not less than ten days after biting such person or animal in quarters supervised by a veterinarian; provided further, that the city health officer or animal control officer may authorize the keeping of certain animals confined on the owner's premises because of veterinary medical reasons, such as small rodents, monkeys, or other animals difficult to maintain or susceptible to diseases which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the city health officer.

(Code 1962, §§ 5-29, 5-44; Ord. of 1-10-2000)

Sec. 5-42. - Authorization for quarantine.

In the event a potential outbreak of rabies is suspected and the danger of the public safety from rabid animals is reasonably imminent, the city health officer or animal control officer is hereby authorized and it shall be his duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation. Under the publication of such proclamation by the health officer or animal control officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as prescribed in the definition "at large" except that any such animal under the control of an adult person on a leash or under control by voice command may do so only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the city health officer or animal control officer in

a quarantine proclamation, without being properly confined or muzzled if under the control of an adult person, may be destroyed by any officer of the city if said officer is unable, with reasonable effort, to apprehend the animal for impoundment.

(Code 1962, § 5-45; Ord. of 1-10-2000)

Sec. 5-43. - Vicious or diseased animals.

- (a) Vicious animals or feral dogs. When an animal is determined by the animal control officer to be a vicious animal or feral dog, that animal may be destroyed by the animal control officer or his designee providing that each of the following requirements is met:
- (1) The animal is running at large.
 - (2) There is no vaccination tag around the animal's neck.
 - (3) Attempts to peacefully capture the animal have been made and proved unsuccessful.
- (b) Incurably injured or diseased animals, etc. It shall be the duty of the police and duly authorized animal control officer 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 pigeons, rabbits, squirrels, snakes and feral dogs.

(Code 1962, §§ 5-28, 5-31, 5-32; Ord. of 3-12-84, § 1; Ord. of 1-10-2000)

Sec. 5-44. - Humane euthanization.

An injured or neglected animal may be humanely euthanized by the animal control officer or his designee immediately.

(Code 1962, § 5-43; Ord. of 1-10-2000)

Secs. 5-45—5-48. - Reserved.

Editor's note— An ordinance adopted Jan. 10, 2000, deleted §§ 5-45—5-48 which pertained to livestock, and sale and redemption of impounded animals, derived from the 1962 Code, §§ 5-46—5-50, 5-52; and an ordinance adopted May 23, 1966, § 1.

Sec. 5-49. - Enforcement.

The animal control officer of the city is hereby authorized and empowered to enforce the provisions of this chapter and is further empowered to issue unto individuals found by him to be in violation of the several provisions of this chapter a citation in the form of a uniform offense citation setting forth the following:

- (1) The name, address, date of birth and/or social security number and telephone number of the person alleged to be in violation.
- (2) The time and place for appearance for the matter to be heard before the municipal court.
- (3) The section of this chapter alleged to be violated, the time and place of the violation, the time and place of court appearance and the officer citing the alleged violation.
- (4) A statement that the person being cited for the alleged offense shall have the right to pay a fine for such offense without the requirement of appearance in the municipal court in setting forth the procedure therefor.

(Ord. of 8-8-88, § 1)

Sec. 5-50. - Penalties.

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor. Each and every day the same shall continue shall constitute a separate and distinct offense.

(Ord. of 8-8-88, § 1; Ord. of 6-11-90, § 1; Ord. of 1-10-2000)