

**ORDINANCE NO. 387**

An ordinance of the City of Crystal Springs, Mississippi, regulating and controlling ANIMALS, VICIOUS DOGS AND MANDATING THE REGISTRATION OF SPECIFIC BREEDS OF DOGS IN THE CITY OF CRYSTAL SPRINGS, MISSISSIPPI and repealing inconsistent ordinances and setting penalties for the violation thereof.

WHEREAS, the City of Crystal Springs, MS is empowered to regulate and control animals under §21-19-1, 21-19-9, 21-19-25, MCA as well as provisions of Mississippi Law authorizing regulation of animals, and the regulation of the health, peace, welfare, and safety of the citizens of the City of Crystal Springs, Mississippi. The City does hereby find and adjudicate it in the best interest of the Citizens of Crystal Springs, Mississippi that animals in this ordinance be regulated and controlled and that the specific breeds of Dog set forth in this ordinance are a dangerous and vicious breed of dog and are adjudicated to be a public nuisance and should be registered and held to a higher standard of restraint for the safety and welfare of the citizens of the City. Nothing in this ordinance shall be deemed to amend or alter City of Crystal Springs zoning ordinances.

THEREFORE:

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CRYSTAL SPRINGS, MISSISSIPPI, AS FOLLOWS:

**Section 1.1 Definitions.**

As used in this chapter the following terms mean:

*Animal control officer:* Any person designated by the Mayor or City as a law enforcement or animal control officer.

*Animal shelter:* Any facility designated by the City for purpose of impounding or caring for animals held under the authority of this chapter or state law.

*City:* The City of Crystal Springs, Mississippi

*Domestic Animal:* shall mean rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, poultry.

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

*Kennel:* Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, or where there are regularly kept four (4) or more adult dogs or cats, or any combination thereof.

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

***Public nuisance:* Any animal which has done any of the following:**

1. Molests passerby or passing vehicles;
2. Attacks other animals;
3. Enters on school grounds, in city parks while not on a leash;

4. Is repeatedly at large;
5. Damages private or public property;
6. Barks, whines, or howls in an excessive, continuous, or untimely fashion; or
7. Is allowed by its owner to become a nuisance to people or other animals.
8. All of the following dogs are declared to be dangerous and a public nuisance, and are known as "Dangerous Dogs": American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler, dogs commonly known as "pit bull" or "rottweiler" or commonly recognized as such, or any dog which substantially conforms to the breed of dog listed in this section as defined by the United Kennel Club or American Kennel club. No person shall bring into the City or possess in the City of Crystal Springs, Ms any banned breeds of dogs from and after September 1, 2007 without registering the same with the City Clerk. The City Clerk shall charge a \$50.00 (or the fee as set by the Board of Alderman by subsequent resolution or order) fee per owner for the registration. Multiple Dogs may be registered to a single owner for one fee per registration. Dangerous Dogs shall be confined with a fence, or enclosure within which they may not run at large. Persons transporting or walking Dangerous dogs must use all means to insure that the dog will not bite members of the public, other animals, or get loose from the person transporting the dog.

*Restraint:* Any animal [ ` s being] secured by a leash or lead of less than six (6) feet, or within the fenced real property limits of its owner, or tethered in such a way that the animal is confined or under the actual physical control of its owner or keeper. It is not a defense to this requirement that the animal escaped confinement, escaped a lease or tether in any manner.

*Running at large:* Any animal[ ` s being] not under actual physical restraint.

**Section 1-2. Police department, animal control officer to enforce chapter provisions; interfering with prohibited.**

The civil and criminal provisions of this chapter shall be enforced by the Mayor or his delegates, animal control officer, and or the city police department. The Mayor, his delegates, animal control officer or police may use any equipments reasonable and necessary to enforce the provisions of this Ordinance, including but not limited to wire box traps. The City Officials may lend such equipment to Citizens or business to aid in enforcement of this ordinance. Such officials shall be vested with police powers and shall be authorized to issue summons, citations or other process in the same manner as other law officers of the City.

It shall be a violation of this chapter to interfere with the Mayor or his delegate, police officer, animal control officer in the performance of his duties.

**Section 1-3. Violations; penalties.**

(a) Any person violating any provision of this ordinance, except as provided for in subsections 1-12, 1-13, 1-14, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than two-hundred fifty dollars (\$250.00) nor more than One thousand dollars (\$1,000.00) or imprisonment in the county jail not to exceed thirty (30) days, or by both fine and imprisonment. If any violation be continuing, each day's violation shall be deemed a separate violation.

**Section 1-4. Cruelty to animals, fighting animals, etc.**

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

**Section 1-5. Exposing to poisons.**

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 lawful for a person to expose on his own property common legal pest-control poison mixed only with vegetable substances.

**Section 1-6. Leaving unattended inside motor vehicle; authority to remove from vehicle.**

It shall be unlawful to leave an animal unattended inside a motor vehicle when such action is reasonably potentially harmful to said animal. The division of animal control shall have the authority to remove an animal from such a vehicle.

**Section 1-7. Keeping of vicious animals.**

(a) *Confining, muzzling required.* Every vicious animal, as determined by the superintendent of animal control, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

**Section 1-8. Keeping for breeding purposes.**

It shall be unlawful to keep and maintain animals for breeding purposes within the City limits in any area zoned residential.

**Section 1-9. Responsibility of owner generally.**

No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. The owner or keeper of a female animal in heat shall confine the animal in a secure enclosure in such a manner as to prevent the animal from becoming a nuisance.

**Section 1-10. Standards for care and treatment generally.**

No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

**Section 1-11. Vaccination of dogs and cats against rabies.**

- a) *Required.* Any person owning, keeping, harboring, or having custody of any dog or cat six (6) months of age or older within the city shall have that animal vaccinated against rabies with the approved dosage of an approved antirabic virus (vaccine) properly administered by one legally authorized to do so; it shall be unlawful for any person to own or have in his possession any dog or cat not so vaccinated. Every dog and cat must be so vaccinated immediately upon attaining the age of six (6) months, and every year thereafter.
- b) *Tab bearing vaccination serial numbers to be worn.* The owner of any dog or cat shall see that the animal wears a securely bradded metal tag approved by the state board of health with the

serial number of the vaccination and the year in which the animal was inoculated stamped thereon and [shall] see that the collar and tag are worn by the animal at all times.

- c) *Penalties for violations.* The failure to comply with Section 1-11 shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined five dollars (\$5.00) for the first offense, twenty-five dollars (\$25.00) for the second offense, and fifty dollars (\$50.00) for the third offense. It shall be the duty of the division of animal control to enforce this section. This fine imposed under this section may be suspended if the owner proves the Court with proof of vaccination before the date of the offense and deliver the same to the clerk of the court prior to trial.

#### **Section 1-12. Permitting to run at large.**

- a) *Prohibited.* It shall be unlawful for the owner of any animal to permit it to run at large within the corporate limits of the city.
- b) *Impoundment of animals at large.* Animals running at large may be impounded as provided in sections 6-26 and 6-27 of this chapter.

#### **Section 1-13. Removal of waste.**

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property. It shall be unlawful for the owner of any property to allow unsanitary, unsightly, or malodorous

conditions to develop on his property due to the keeping, maintaining, owning, or harboring of animals.

#### **Section 1-14. Abandonment.**

No owner of an animal shall abandon such animal.

#### **Section 1-15. Elimination of animals - When authorized.**

*Vicious animals or feral dogs.* When an animal is determined by the animal control official to be a vicious animal or a feral dog, that animal may be destroyed by the superintendent of animal control or his designee at any time the Officer or public is in danger, and at other times, providing each of the following requirements is met:

- a) The animal is running at large.
- b) There is no vaccination tag around the animal's neck.
- c) 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.

#### **Section 1-16. Impoundment generally.**

*Authority to seize; confinement period.* An unrestrained dog or a nuisance animal shall be taken by the police or animal control officers and impounded in an enclosure or animal shelter kept for that purpose, to be provided and maintained by the city, and there confined in a humane manner. Such an animal

shall be kept for at least eight (8) days unless sooner claimed by the owner; impounded dogs and cats not suffering from an incurable injury or disease shall be kept for not less than eight (8) working days.

*Notice to owner; redemption.* If by a tag or other means, the owner of an impounded animal can be identified, the animal control officer shall, immediately upon impoundment, notify the owner by telephone or mail. Within eight (8) days, the rightful owner of any animal held under this section may, provided the animal is properly vaccinated, licensed and tagged, obtain the animal upon payment of a pound fee as hereinafter provided; provided, however, that if an unvaccinated animal is claimed by the owner, the owner must make arrangements for the vaccination of said animal satisfactory to the superintendent of animal control. In addition to any fine imposed under this ordinance, an owner reclaiming an impounded animal shall pay a fee equal to the actual cost of boarding and treating the animal.:

*Disposition if not reclaimed by owner; waiver of waiting period* Any animal not reclaimed by its owner within eight (8) working days shall become the property of the city and shall be placed for adoption in a suitable home when available, or humanely euthanized with an injection of sodium pentobarbital or other appropriate drug or delivered to a local school of medicine if appropriate; provided that, if an unclaimed animal is adopted, the adoptive owner must make arrangements for the vaccination of said animal satisfactory to the superintendent of animal control. The eight-day waiting period is waived for a vicious or feral animal, or for any animal suffering from an incurable disease. Pursuant to section 97-41-3, Mississippi Code Annotated (1972), an injured or neglected animal may be humanely euthanized without any waiting period.

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

#### **Section 1-16. Impoundment of animals attacking, injuring persons destruction of rabid animals.**

In case of an attack by any animal resulting in injury to any person, such animal shall be impounded by the animal control department for observation for a period of ten (10) days, or the owner thereof may, upon notification to the animal control department, have such animal impounded for ten (10) days with a private veterinarian licensed to practice veterinary medicine within the state. If at the end of said period of time, or any time prior thereto, it is determined that said animal has rabies, such animal shall be immediately destroyed.

#### **Section 1-17 Keeping swine**

It shall be unlawful for a person to keep swine on any premises in the City unless such premises are commercial or agriculturally zoned and the keeping of such swine is permitted.

#### **Section 1-18 Keeping horses, ponies, mules, donkeys, jackasses, and llamas**

It shall be unlawful for a person to keep a horse, pony, mule, donkey, jackass, or llama in the city limits on premises which measures less than eight thousand square feet of lot area per animal. This shall not be deemed to prohibit the riding of such animals in the city. All persons keeping such animals in the City on February 3, 2015 shall be deemed to be

entitled to continue such possession until the animal is dies, removed, sold, or the keeping of the animal otherwise terminates. Any such person must apply for an exemption from this section within six months from February 3, 2015 to continue the keeping of the animal.

#### **Section 1-19 Dead Animals**

The owner or keeper of dead animals must immediately dispose of the carcass of the dead animal in a sanitary and lawful manner.

#### **Section 1-20 Owner responsible for animal attacks**

- A. It shall be unlawful for an owner or keeper of an animal to allow that animal to attack and injure a person who did not provoke the animal prior to the attack. For the purposes of this section, provoke means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.
- B. It shall be a defense to prosecution under this section if:
  1. The attack occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, and the person attacked entered the enclosure without invitation (or)
  2. The person was attacked during the commission or attempted commission of a criminal act on the property of the owner or keeper of the animal.

#### **Section 1-21 Vaccination and identification of dogs and cats**

This section shall only apply to dogs and cats

A person owning or keeping a dog or cat in the city shall ensure that the dog or cat is vaccinated under Mississippi law and the tag of vaccination is attached to the dog by collar or other permanent manner.

A person owning or keeping a dog or cat in the city shall ensure that the dog or cat has a permanent tag attached to the dog by collar or other permanent manner bearing the owners current name, address, and telephone number.

#### **Section 1-22 General requirements for animal care and treatment**

Every owner or keeper of an animal kept in the city shall insure that such animal:

1. Is kept in a clean, sanitary and healthy manner is not confined so as to be forced to stand, sit, or lie in its own excrement; the person responsible for animals shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;
2. Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter, and ventilation, including quarters that are protected against excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
3. Shall not be tethered by use of a choke collar, or any collar too small for the size and age of the animal, nor by any rope, chain or chord directly attached to the animals neck, nor by leash less

than twelve feet in length, or such unreasonable weight as to prevent the animal from moving about freely;

4. Is protected against beating, starving, abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment.
5. Is provided reasonable necessary medical care

#### **Section 1-23 Abandonment of animal**

It shall be unlawful for any person to abandon any animal on public streets or rights of way or on any private property.

#### **Section 1-24 Animal fights**

It shall be unlawful for any person to incite, train to fight or set any animal to fighting another animal or any human.

#### **Section 1-25 Interference with another person's animal**

It shall be unlawful for a person to feed, tease, tantalize, molest, or provoke any animal in the city without the express consent of the animal's owner or keeper while the animal is on the owner's or keeper's property or under the owner's or keeper's control.

#### **Section 1-26 Certain dangerous animals prohibited**

It shall be unlawful for any person to keep or harbor any venomous snake, poisonous amphibian, or other dangerous reptile. This shall not prohibit educational display of such animals by trained handlers as a part of a recognized educational activity.

#### **Section 1-27 Pet Stores**

Stores which deal in live pets may be subject to inspection on demand by an animal control officer.

#### **Section 1-28 Performing-animal exhibitions or circuses.**

No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

All equipment used on performing animals shall fit properly and be in good working condition. An animal control officer shall be authorized to inspect the premises at any time on demand.

**SECTION 2: FINE WHERE NO SPECIFIC PENALTY IS GIVEN:** Where no penalty for violation is specified in this ordinance, a violation of this ordinance shall be a misdemeanor punishable as follows: A fine of not to exceed \$1,000.00 and/ or thirty days in jail.

#### **SECTION 3: SEVERABILITY**

Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase or term or the application thereof to any person or circumstance is held invalid by a Court of appropriate jurisdiction, the application of the remaining provisions of this ordinance shall not be affected thereby.

The Mayor and Board of Aldermen does not intend a result that is absurd, impossible to execute or unreasonable. It is intended that the Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional as Constitutionally permitted construction is intended and shall be given. The Board of Aldermen of the City of Crystal Springs, Mississippi does not intend to violate any provisions of the Constitution of the United States of America or the Constitution of the State of Mississippi.

This Ordinance was first reduced to writing, and considered, with reading of the ordinance having been waived. The final passage of this ordinance was taken at the regular meeting of the Mayor and Board of Aldermen held this the 3<sup>r</sup>d day of February, 2015.