

Chapter 10 - ANIMALS^[1]

Footnotes:

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Cross reference— Dogs prohibited in cemeteries, § 15-47; killing and slaughtering of animals, § 34-121 et seq.

State Law reference— Authority to prevent or regulate animals running at large, MCA 1972, § 21-19-9; estrays generally, MCA 1972, § 69-13-301 et seq.; rabies control, MCA 1972, § 41-53-1 et seq.

ARTICLE I. - IN GENERAL

Secs. 10-1—10-30. - Reserved.

ARTICLE II. - ANIMAL CONTROL^[2]

Footnotes:

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Editor's note—Ordinance adopted August 19, 2014, amended Article II to read as herein set out. Formerly, Article II pertained to similar provisions. See Code Comparative Table for complete derivation.

Sec. 10-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any live, vertebrate creature, domestic or wild, except homo sapiens.

Domestic animal means any animal other than a feral dog (as defined in section 1-10) or wild animal (as defined in section 1-19).

Animal control officer means the person designated by the Mayor and Board of Aldermen to perform duties involving animals and enforce this article of the City of Olive Branch.

Animal shelter means any facility operated by the City of Olive Branch, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this article or state law.

Dog shall include both male and female sex of the canine species.

Cat shall include both male and female sex of domesticated carnivore (*Felis domestica* species).

Owner shall include any person, firm, or entity owning, possessing, harboring or keeping an animal.

At large shall mean off the enclosed premises of the owner and not under the control of the owner or other person by leash, cord, chain, or other physical means of restraint sufficient to control such dog, cat or other animal.

City shall mean the City of Olive Branch, Mississippi, and any and every place within the corporate limits of the City of Olive Branch.

Feral dog means a dog that has escaped from domestication and become wild, dangerous or untamed.

Performing-animal exhibition means any spectacle, display, act, or event, other than a circus, in which performing animals are used.

Pet means any animal kept for pleasure rather than utility.

Pet store is any place of business which sells birds, fish, reptiles or mammals intended for use as pets, however, this shall not include commercial and hobby breeders.

Public nuisance means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds, public property or private property;
- (4) Repeatedly runs at large;
- (5) Damages private or public property;
- (6) Barks, whines, screams or howls in an excessive, continuous, or untimely fashion;
- (7) Defecates or frequently urinates on public property or private property of one other than its owner;
or
- (8) Is allowed by its owner to become a nuisance to people or other animals.

Restraint means the condition of securing any animal, by a leash or lead of less than six feet, within the fenced real property limits of its owner, or by tethering in such manner that the animal remains within the immediate possession and control of its owner.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious animal means any animal that constitutes a physical threat to a human being or other animal.

Vicious dog means:

- (1) Any dog which has shown a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (2) Any dog which when unprovoked (1) bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property, or (2) chases or approaches a person upon the streets, sidewalks, on any public grounds or on private property of another in a menacing or aggressive manner or with an apparent attitude of attack; or
- (3) Any dog which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- (4) Notwithstanding the above, no dog may be considered a vicious dog if an injury or damage is sustained by a person who, at the time of such injury or damage was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No dog may be considered vicious if an injury or damage was sustained by a domestic animal which at the time of such injury or damages was teasing, tormenting, abusing or assaulting the dog. No dog may be

considered vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

Wild animal includes all animals referred to in MCA 1972, § 49-8-1 et seq. and any supplements and amendments thereto.

(Ord. of 8-19-14(2), Art. 1)

Sec. 10-32. - Police department, animal control officer or police officer to enforce ordinance; interfering with prohibited.

- (a) The provisions of this article are enforceable by the animal control officer or any officer of the City of Olive Branch Police Department.
- (b) The animal control officer or any police officer having probable cause to believe that a person has violated a section of this article may, in lieu of obtaining a misdemeanor warrant for arrest of such person, issue to said person a written citation requiring said person to appear at a date and time in the city court to answer the charge or charges specified in the citation.
- (c) It shall be a violation of this article to interfere with the animal control officer or a police officer in the performance of his duties or enforcement of this article.

(Ord. of 8-19-14(2), Art. 2)

Sec. 10-33. - Cruelty to animals, fighting animals, etc.

No person shall beat, cruelly ill-treat, torment, overload, overwork, neglect or otherwise abuse an animal, or cause, instigate, promote or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans, unless otherwise permitted by law. The animal control officer or any police officer shall have the authority to take an abused or neglected animal into protective custody pending disposition of charges of cruelty, abuse or neglect against owner.

(Ord. of 8-19-14(2), Art. 3)

Sec. 10-34. - Exposing to poisons.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any animal; provided that it shall not be unlawful for a person to expose on his own property common pest-control poison mixed with only vegetable substances.

(Ord. of 8-19-14(2), Art. 4)

Sec. 10-35. - Cropping dog's ears or performing other surgical procedure.

No person except a licensed veterinarian shall crop the ears of any dog or perform any surgical procedures on animals.

(Ord. of 8-19-14(2), Art. 5)

Sec. 10-36. - Leaving unattended animals 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 animal control officer or any police officer shall have the authority to remove an animal from such a vehicle.

(Ord. of 8-19-14(2), Art. 6)

Sec. 10-37. - Operator of vehicle striking animal to report accident.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the police department, or to the animal control officer. Any person who, as the operator of a motor vehicle, strikes a non-domesticated animal including but not limited to deer, in such a manner that the animal remains within the roadway or in such proximity to the roadway that it reasonably would be construed as a hazard to vehicular traffic, shall at once report the accident to the police department, or to the animal control officer. Disposition of any such non-domesticated animals by the operator of the motor vehicle shall be subject to any applicable state laws and regulations in addition to the provisions of this article.

(Ord. of 8-19-14(2), Art. 7)

Sec. 10-38. - Keeping of vicious animals or vicious dogs; penalty.

- (a) A vicious dog shall be securely confined indoors or confined in a securely enclosed and child-proofed, locked pen or structure upon the premises of the person owning or harboring the same. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet.
- (b) No person owning or possessing a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled, except upon prior approval of the animal control officer. Such dog may not be leashed to inanimate objects, e.g. trees, buildings, etc. and the muzzle must be sufficient to prevent such dog from biting persons or other animals.
- (c) No vicious dog may be kept on a porch, patio or any part of a house or structure which would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or doors are the only obstacle preventing the dog from exiting the structure.
- (d) All owners, keepers or harborers of vicious dogs within the city shall within ten days of the effective date of this article display in a prominent place on their premises a sign easily readable by the public using such words as "Beware of Dog". In addition a similar sign shall be posted on the kennel or pen of such animal.
- (e) The owner or harbinger of any dog, which according to the records of the animal control officer, seriously injures a person without provocation or which has aggressively killed a domestic animal shall be required to provide and maintain public liability insurance in a single incident amount of \$300,000.00 for bodily injury to or death of any person or persons or for damage to property resulting from the ownership, keeping or maintenance of such dog. Such insurance shall contain a provision that the same may not be canceled until 30 days notice of cancellation has been given to the animal control officer. A copy of such policy must be furnished to the animal control officer. "Serious injury" means any physical injury resulting in two or more sutures or hospitalization.
- (f) The persons having the enforcement duty under this article may enter the premises where a vicious dog or animal is kept for an on-site inspection of the premises, and said inspection shall be made upon reasonable attempt to provide advance notice to the occupant of the premises.
- (g) This article shall not apply to dogs kept by law enforcement agencies.
- (h) Any dog which seriously injures a person without provocation or which has aggressively killed a domestic animal shall be immediately impounded by the animal control officer who shall submit written notification to the owner or harbinger of such dog of the requirements of this article. If within ten calendar days of the provision of such written notice the owner or harbinger of such dog has not demonstrated compliance with the enclosure, signage, and insurance requirements of this article, then the animal control officer shall be authorized to immediately euthanize such dog in a humane manner.
- (i) In addition to any other penalty, whether civil or criminal in nature, owners shall be subject to a mandatory fine of \$400.00 for violation of this article or any part thereof for a first offense, no portion of which fine may be suspended. A fine in the amount of \$800.00 shall be imposed for a second offense

and a \$1,000.00 fine for any subsequent offenses within ten years therefrom, or by imprisonment for up to 90 days, or both.

(Ord. of 8-19-14(2), Art. 8)

Sec. 10-39. - Responsibility of owner generally.

- (a) No owner shall fail:
 - (1) To exercise proper care and control of his animals including, but not limited to, dogs, cats or other animals;
 - (2) To prevent them from becoming a public nuisance as defined herein, or private nuisance; or
 - (3) To comply with the standards set out next below and all other provisions of this article.
- (b) The owner of every animal including, but not limited to, cats and dogs, shall remove any fecal matter deposited by such animals on public walks, streets, recreation areas, or private property of another. It shall be unlawful for the owner of any property to allow unsanitary or malodorous conditions to develop on his property due to the keeping, maintaining, owning, or harboring of animals. Yards, pens, premises and animals shall be kept free of insect infestations.
- (c) Animal pens or enclosures shall be large enough to provide reasonable freedom of movement to the animals contained therein.
- (d) No owner of an animal shall abandon such animal or fail to maintain such animal in a healthy condition or to provide appropriate veterinary treatment immediately, if ill.
- (e) No owner shall fail to provide his animals with sufficient and wholesome food and water, proper shelter and protection from the weather, and to generally provide humane care and treatment.
- (f) If probable cause exists to believe that any animal or animals including, but not limited to, dogs and cats, are kept under such conditions as to constitute a nuisance or other violation of this article, in addition to any other action permitted by this article, a petition for abatement shall be filed in the Olive Branch Municipal Court, specifically noting the offending conditions, a copy of which shall be served on the owner or harbinger of said animals, with a notice to appear in said court at a specific time and place to show cause if and why an order of abatement should not be entered against him. If evidence establishes that the offending conditions, or any combination of them are present, the court shall order the same abated within 15 days and assess court costs against the party responsible for said conditions. In lieu of a petition for abatement, the animal control officer may issue a written warning of offending nuisance conditions. If a previous abatement order has been entered against a person within 12 months of a second charge of violation of this article, and the same or similar offending nuisance conditions are found on the premises cited, then a mandatory fine shall be assessed against said person in the amount of \$300.00 and the condition again ordered to be abated. Upon a third offense, the person responsible shall suffer a minimum mandatory fine of \$500.00 if convicted of failing to meet the standards of responsibility established by this article. Neither mandatory fine shall be suspended.

(Ord. of 8-19-14(2), Art. 9)

Sec. 10-40. - Vaccination of dogs and cats against rabies.

- (a) Required. Any person owning, keeping, harboring or having custody of any dog or cat three months of age or older within the city shall have that animal vaccinated against rabies with the approved dosage of an approved anti-rabic 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 or cat must be vaccinated in accordance with the Compendium of Animal Rabies Vaccines as prepared by the National Association of State Public Health Veterinarians, Inc.

- (b) Tag bearing vaccination serial numbers to be worn. The owner of any dog or cat shall make certain that the animal wears at all times a securely branded metal tag with the serial number of the vaccination and the year in which the animal was inoculated stamped thereon.
- (c) Penalties for violations. The failure to comply with this article shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined:
 - For the first offense\$25.00
 - For the second offense50.00
 - For the third or any subsequent offense75.00

(Ord. of 8-19-14(2), Art. 10)

Sec. 10-41. - Permitting to run at large.

- (a) It shall be unlawful for the owner of any dog or cat to permit the same to run at large in the City of Olive Branch, Mississippi. The animal control officer or a police officer may pick up any dog or cat running at large in the city and impound any such dog or cat in an enclosure kept for that purpose.
- (b) Any dog or cat thus impounded shall be kept by the officer for a period of at least five consecutive days unless claimed sooner by the owner. Within five days from the time any dog or cat is picked up, the rightful owner of any dog or cat held by the officer may obtain the dog upon payment to the City of Olive Branch by paying the city clerk an impounding fee in the amount of \$50.00, and a maintenance fee of \$5.00 per day, provided proof of a current vaccination certificate as set forth above is presented.
- (c) Any dog or cat not claimed by a rightful owner within the initial five-day period is subject to adoption upon payment of an adoption fee in the amount of \$65.00. This fee does not apply to rescue groups, who are in good standing with the Olive Branch Animal Shelter and who provide their own spay and neuter services. Should any impounded dogs or cats not be claimed by the rightful owner within the five-day period after being impounded, and thereafter not adopted or otherwise placed during the next five-day period (ten days total), then any and all such dogs or cats may be humanely euthanized if all reasonable options for placement or adoption have been exhausted.
- (d) If an unvaccinated dog or cat is claimed by a rightful owner, or adopted from the Olive Branch Animal Shelter, such dog or cat shall not be released until vaccinated and tagged as required by article 10. If a dog or cat is adopted by someone other than the rightful owner, and such dog or cat has not been spayed or neutered, such dog or cat shall not be released until it has been spayed or neutered by a local veterinary hospital.
- (e) The mayor and director of administrative services are hereby authorized, in their discretion, to negotiate a contract with a local veterinary hospital to perform rabies vaccinations, voluntary spay and neuter services for dogs or cats claimed by rightful owners, and mandatory spay and neuter services for animals adopted by citizens from the Olive Branch Animal Shelter. Any such contract shall be submitted to the board of aldermen for approval. Should the cost of such services increase, the city clerk should within a reasonable period of time place this article before the board of aldermen for consideration of an amendment to adjust the impounding and adoption fee set forth above.
- (f) Any dog or cat running at large in the City of Olive Branch, Mississippi, and which is unimpoundable for any reason including but not limited to it being vicious, wild and/or unable to be caught for impounding, may be destroyed immediately by the Olive Branch Police Department or animal control officer if an officer enforcing this article reasonably believes that the dog or cat poses a threat to the general welfare. Neither the City of Olive Branch nor any of the members of the police force of said city shall be held liable for any acts in this regard or any phase of the enforcement of this article.
- (g) The waiting periods specified above are waived for vicious or feral dogs found running at large under circumstances where the owner of any such dog is unable to be identified after a reasonable search, or

for any animal suffering from an infectious disease. Pursuant to section 97-41-3 of the Mississippi Code (1972), an injured or neglected animal may be humanely euthanized without any waiting period.

(Ord. of 8-19-14(2), Art. 11)

Sec. 10-42. - Giving away as prizes, inducement to trade, roadside sales, etc.

No person shall give away any live animal, fish, reptiles, or bird as a prize for, or as an inducement to enter, any contest, or other competition, or as an inducement to enter a place of amusement, or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade, unless and except such person or organization shall have first obtained a permit for such activity from the animal control officer.

Roadside sales or free offers of domesticated animals, including but not limited to puppies and kittens, shall be authorized only upon proof that the seller/transferor complies with the following:

- (1) Valid transient vendor's license issued by the Olive Branch City Clerk.
- (2) Possession of a valid and current certificate of health or current shot record issued by a licensed veterinary hospital.
- (3) Written permission from the property owner where such animals are displayed for sale or transfer.

(Ord. of 8-19-14(2), Art. 12)

Sec. 10-43. - Elimination of animals; when authorized.

- (a) Vicious animals or feral or vicious dogs running at large. When an animal is determined by the animal control officer to be a vicious animal or feral or vicious dog running at large, that animal may be destroyed by the animal control officer or his designee, provided that at least two of the following requirements are met:
 - (1) The animal is running at large or not properly confined or muzzled as described herein.
 - (2) There is no readily observable vaccination tag around the animal's neck.
 - (3) Attempts to peacefully capture the animal have been made and proven unsuccessful and the animal control officer reasonably believes the animal or dog poses a threat to the general welfare.
- (b) Any dog or other animal running at large, the owner of which cannot be determined, that aggressively attacks and causes severe injury or death of any humans shall be immediately confiscated by animal control, placed in quarantine for ten days, and thereafter destroyed in an expeditious and humane manner. Use of deadly force, without any quarantine or waiting period, shall be permitted when an officer who confronts a vicious dog or wild animal reasonably fears for his safety or the safety of others in close proximity to the animal. "Severe injury" means any physical injury as defined in article 8, section 8-5.
- (c) Incurably injured or diseased animals, etc. It shall be the duty of the animal control officer or any police officer either to humanely euthanize with an injection, or 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: deer, rabbits, squirrels, snakes, feral or vicious dogs and vicious animals. Reasonable efforts to inform the city's dispatch department of the discharge of a firearm shall be taken in order to address any inquiries prompted by such discharge.

(Ord. of 8-19-14(2), Art. 13)

Sec. 10-44. - Impoundment of animals attacking, injuring person, destruction of rabid animals.

In case of an attack by an animal resulting in injury to any person, such animal, unless otherwise provided herein, shall be impounded or caused to be confined by the animal control officer for observation for a period of ten days, or the owner thereof may, upon notification to the animal control officer, have such animal impounded for ten 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.

(Ord. of 8-19-14(2), Art. 14)

Sec. 10-45. - Limitation on number of cats and dogs.

It shall be unlawful for any person to have in his possession or on his premises more than four dogs and/or six cats over the age of three months, and the owners of such dogs or cats are hereby required to keep dog or cat enclosures sanitary and clean as to prevent disease and offensive odors from arising therefrom and to prevent the breeding of flies, mosquitos, and other pests. The enclosures for the keeping of dogs or cats will be inspected by city authorities as deemed necessary by the animal control officer. The provisions of this article do not apply to the owners of animal hospitals and/or clinics or certified animal rescue groups.

(Ord. of 8-19-14(2), Art. 15)

Sec. 10-46. - Miscellaneous.

- (a) If a resident voluntarily relinquishes a dog or cat to the animal control officer, the resident will be charged \$50.00 by the animal control officer at the time of pick up. The animal shall become the property of the city and if necessary vaccinated, spayed, or neutered in accordance with any contract to which the city is a party pursuant to the provisions of section 10-41. The animal shall be placed for adoption in a suitable home for a fee of \$65.00, or humanely euthanized if all reasonable options for adoption or placement have been exhausted.
- (b) The animal control officer will provide a dead animal pick up of a dog or cat from a residence if requested by the owner. The owner will be charged \$25.00 at the time of pick up for such service.

(Ord. of 8-19-14(2), Art. 16)

Sec. 10-47. - Livestock.

- (a) Livestock, defined. For the purposes of this article, the term "livestock" shall be defined as cattle, cows, bulls, horses, stallions, mares, donkeys, mules, jacks, jennets, llamas, sheep, goats, pigs, hogs, sows, chickens, turkeys, ducks, geese, emus, ostriches, guinea fowl, pea fowl, or other poultry.
- (b) Livestock, permitted where. The ownership, keeping, feeding, maintenance, stabling, or housing of livestock as defined by this article within the corporate limits of the City of Olive Branch shall be limited to those areas of the city within the "AR," Single-Family Residential District, as designated by the zoning ordinance for the City of Olive Branch. Regardless of a premises being zoned "AR," it shall be unlawful for any person, firm, or corporation to own, have, keep, maintain, feed, house, stable, or permit or cause to be owned, kept, maintained, fed, housed or stabled any livestock of any type if the area provided for said livestock measures less than one acre in size, subject to the provisions of subsection (e) herein below. In no event and under no circumstances shall livestock be maintained in an "AR" zone if the area provided for said livestock measures less than one acre, or if the total size of the premises is one acre and part of that one acre is encumbered by a residential structure, or is otherwise inaccessible by livestock or not intended for the keeping of livestock.
- (c) Livestock, management and control, livestock at large prohibited. Within such "AR" designated zones, the ownership, keeping, feeding, maintenance, stabling, or housing of livestock as defined by this article shall be limited to barns, stables, pens, coops, or other fenced area appropriate to the respective animal concerned, provided that such area measures at least one acre in size. It shall be unlawful for

any person to allow any livestock or any other animal belonging to him or under his control to run at large, roam, stray, or to be loose upon the streets, or trespass upon the property of another within the corporate limits of the city. It shall be the duty of the person owning or having within his management or control any livestock or any other animal to keep same enclosed upon his own premises in such a manner that same cannot run at large, roam, stray, or to be loose upon the streets, or trespass upon the private property of others.

- (d) Livestock, cleanliness of areas or enclosures. It shall be unlawful for any person who may own or control any premises, lots, yards, stables, barn, pens, coops, or other fenced area where any livestock are kept, to maintain, keep, or conduct such premises or cause or permit the same to be maintained or kept in such an unclean and/or unsanitary conditions as to be a public nuisance. If, upon inspection or examination, any such premises are found to be in such an unclean and/or unsanitary condition as to be a public nuisance, the health officer and/or the animal control officer shall give notice to the owner, lessee, agency, manager, or other person in charge or in control of such premises to cause such premises to be cleaned and placed in a sanitary condition and abate such nuisance within a reasonable time, as determined by the health officer and/or the animal control officer. A failure to do so shall be considered a violation of this article.
- (e) Livestock, limitations on number. Within such "AR" designated zones, the number of individual animals kept, maintained, fed, housed, penned, or stabled on an individual property shall be limited as follows:
 - (1) Cattle, cows, bulls, horses, stallions, mares, donkeys, mules, jacks, jennets, llamas, or other large, hoofed animals. It shall be unlawful for any person, firm, or corporation to own, have, keep, maintain, feed, house, stable, or permit or cause to be owned, kept, maintained, fed, housed, or stabled any cattle, cows, bulls, horses, stallions, mares, donkeys, mules, jacks, jennets, or other large, hoofed animals of any kind, except sheep, hogs, and/or goats as provided herein upon any premises, unless such premises comprises an area of one acre or more; and, provided that the total or maximum number of cattle, cows, bulls, horses, stallions, mares, donkeys, mules, jacks, jennets, llamas, or other large, hoofed animals kept upon such premises shall not exceed one head or one animal per acre of land.
 - (2) Sheep, pigs, hogs, sows, and goats. It shall be unlawful for any person, firm, or corporation to own, have, keep, maintain, feed, house, stable, or permit or cause to be owned, kept, maintained, fed, housed, or stabled any sheep, pigs, hogs, sows, or goats of any kind, upon any premises, unless such premises comprises an area of one acre or more; and, provided that the total or maximum number of sheep, pigs, hogs, sows, or goats kept upon such premises shall not exceed two animals or combination of such animals per acre of land unless the enclosure where said animals are to be kept consists of five or more acres, in which case the total number shall not exceed four animals or combination of such animals per acre of land.
 - (3) Chickens, turkeys, ducks, geese, emus, ostriches, guinea fowl, pea fowl, or other poultry or rabbits. It shall be unlawful for any person, firm, or corporation to own, have, keep, maintain, feed, house, stable, or permit or cause to be owned, kept, maintained, fed, housed, or stabled any chickens, turkeys, ducks, geese, emus, ostriches, guinea fowl, pea fowl, or other poultry or rabbits of any kind, upon any premises, unless such premises comprises an area of one acre or more; and, provided that the total or maximum number of chickens, turkeys, ducks, geese, guinea fowl, pea fowl, or other poultry or rabbits kept upon such premises shall not exceed ten animals or combination of such animals per acre of land. However, it shall be unlawful for any person, firm, or corporation to own, have, keep, maintain, feed, house, stable, or permit to be owned, kept, maintained, fed, housed, or stabled any emus or ostriches upon any premises unless such premises comprises an area of one acre or more; and provided that the total or maximum number of emus or ostriches kept upon such premises shall not exceed four animals or combination of such animals per acre of land.
- (f) The animal control officer, or any police officer shall take up the animal found loose or trespassing, and shall impound them and notify the owner that he has the stray in charge, and the owner can redeem same, by paying a \$25.00 fee and \$20.00 per day for feed for the animal for each day following the day

taken up of the animal, together with the cost of any medical care rendered while said animal is impounded.

- (g) In event the owner cannot be found, or the animal is not picked up within five days after notification of the owner thereof, the animal control officer shall file an account with the city clerk for amounts due for impounding, medical, care and feed. The city clerk shall advertise the animal for sale, for a period of three weeks, and sell the animal at auction, the proceeds to be applied to such account.
- (h) The animal control officer shall keep a complete and accurate record of all animals (livestock) taken up, giving names of owners, kind of animal, date of taking up and disposition of the case, and periodically render a statement to the board at a regular session.
- (i) The impounding fee, medical and feed charges, shall be paid to the City of Olive Branch by the owner of the animal.
- (j) The owner of livestock shall be responsible for the proper burial of same as soon as possible following the death of the animal. If the owner cannot be ascertained, to prevent a health hazard, the animal may be buried by the use of city equipment and employees. If an owner fails or refuses to bury said animal, thereby causing a potential hazard to the health, safety and welfare of citizens of the city, city employees shall have the right to use city equipment to bury the animal on the owner's property, or at another appropriate location. In such event, the owner shall pay the City of Olive Branch a fee of \$100.00 for such service, which may be imposed as a lien and collected by the tax collector if not timely paid.

(Ord. of 8-19-14(2), Art. 17)

Sec. 10-48. - Wild animals.

Control and regulation of wild animals, together with penalties for violations of same shall be as provided by MCA 1972, § 49-8-1 et seq.

(Ord. of 8-19-14(2), Art. 18)

Sec. 10-49. - Violations.

Violations of any provision of this article, not specifically provided herein, shall be punishable by fine of not more than \$500.00, incarceration for not more than 90 days, or both.

(Ord. of 8-19-14(2), Art. 19)