

# CHAPTER 5

## ANIMAL CONTROL

**Art. I. Generally, §§ 5-1 --- 5-9**

**Art. II. Animals and Rabies Control, §§ 5-10 --- 5-13**

**Art. III. Care and Keeping of Animals, §§ 5-14 --- 5-17**

### ARTICLE I. GENERALLY

#### Section 5-1. Definitions.

As used in this Ordinance, the following words shall have the meanings herein ascribed to them.

***ANIMAL.*** Any living, vertebrate creature, domestic or wild, other than Homo sapiens,

***ANIMAL CONTROL OFFICER.*** The Animal Control Supervisor or his authorized agents or employees of the Animal Control Department.

***AT-LARGE OR RUNNING AT-LARGE.*** Any animal off the premises of the owner and not under control of the owner or other persons authorized by the owner to care for the animal by leash, cord, chain or rope.

***CAT.*** A domesticated member of the Felidae (feline) family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited animal.

***CITY ANIMAL SHELTER.*** A place operated by the City for the detention of dogs and other animals as prescribed by law.

***DOG.*** A domesticated member of the Canidae (canine) family, other than a wolf, jackal, fox, dingo, coyote or other prohibited animal. For the purpose of this definition, a puppy shall be considered a dog.

***IMPOUND.*** To apprehend, catch, trap or net a dog or cat or any other animal and thereafter confine it.

***INHUMANE TREATMENT.*** 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 an authorized law enforcement officer or animal control officer.

***KENNEL.*** Any building, lot, or premises on, or in, which four (4) or more dogs, cats, or similar pets (at least eight weeks of age) are kept and/or housed and accepted for breeding and/or boarding.

***LICENSED VETERINARIAN.*** A veterinarian licensed by the Mississippi Board of Veterinary Examiners.

***LIVESTOCK.*** A domestic animal normally raised on a farm, such as poultry, swine, cattle, horses, sheep, goats or similar animals, but not wildlife.

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

***PERSON.*** Any individual, firm associations, partnership or corporation.

***PET.*** Any animal kept for pleasure rather than utility.

***POULTRY.*** Any species of domesticated birds commonly kept for eggs and/or meat.

***PUBLIC NUISANCE.*** Any animal which:

- A. Molests passers-by or passing vehicles;
- B. Attacks other animals or human beings;
- C. Trespasses on public or private property;
- D. Is repeatedly at-large, exclusive of the owner's property;
- E. Damages private or public property;
- F. Barks, whines, howls or makes other annoying noises in an excessive, continuous manner or at unreasonable hours; or
- G. Creates an excessive and continuous odor and fleas; or,
- H. Deposits feces on public or private property and said feces is not removed by the animal's owner.

***RESTRAINT.*** Any animal securely caged, or secured by a leash or lead and under the effective control of a responsible person and obedient to that person's commands, or within the confines of its owner's home or yard which is fully enclosed by a good, secure and substantial fence. In addition, a dog shall be deemed under restraint when the dog is used by a blind or deaf person to aid the person in going from place-to-place within the City.

**SANITARY.** Any condition of good order and cleanliness which precludes the possibility of disease transmission.

**VACCINATION CERTIFICATE.** The Certificate issued by a licensed veterinarian, on a form approved by the Mississippi Board of Health, for presentation to the Animal Control Department and showing on its face that, at the time of such presentation, the dog or cat covered thereby has been vaccinated for rabies.

**VICIOUS ANIMAL.** Any animal that bites or scratches or attacks any other animal or human being within the City Limits, without provocation.

*Source: Ordinance No. 1210-1993, § 5-1, 6-22-93; Ordinance No. 1555-2010, § 5-1, 5-4-10*

### **Section 5-2. Animal Control Section and Supervisor.**

The Animal Control Supervisor shall supervise the operation of the City Animal Shelter.

*Source: Ordinance No. 1210-1992, § 5-2, 6-22-93; Ordinance No. 1555-2010, § 5-2, 5-4-10*

### **Section 5-3. Interference With Animal Control Officer.**

It shall be unlawful for any person to interfere with an Animal Control Officer while such Officer is engaged in the performance of his/her duties.

*Source: Ordinance No. 1210-1993, § 5-3, 6-22-93; Ordinance No. 1555-2010, § 5-3, 5-4-10*

### **Section 5-4. Compliance With Ordinance Required for Keeping Animals.**

A. It is unlawful and it shall be a misdemeanor for any person to do any act forbidden or fail to do any act required in this Ordinance. Unless specifically required herein, no mental element of intent need be present to constitute an offense under this Ordinance.

B. It shall be unlawful for any person, business and/or corporation to have on their premises any livestock or poultry in the city limits except as hereto defined and recognized in the City's land use regulations and zoning districts.

*Source: Ordinance No. 1210-1993, § 5-4, 6-22-93; Ordinance No. 1555-2010, § 5-4, 5-4-10*

### **Section 5-5. Compliance With Sanitation Standards Required for Keeping Animals.**

The owner of any animal, including owners of kennels or owners of breeding farms, within the City as authorized in this Ordinance shall comply with the standards of sanitation established therefor by the County Health Officer.

*Source: Ordinance No. 1210-1993, § 5-5, 6-22-93*

### **Section 5-6. Compliance With Ordinance Not Relief From Compliance With Other Regulations.**

The keeping of any animal in accordance with the provisions of this Ordinance shall not be construed to authorize the keeping of the same in violation of the Zoning Ordinance or any other Ordinance of the City. It shall be authorized that the Animal Control Officer and/or any law enforcement officer may issue citations in accordance with this Ordinance.

*Source: Ordinance No. 1210-1993, § 5-6, 6-22-93; Ordinance No. 1555-2010, § 5-6, 5-4-10*

### **Section 5-7. Inspection of Animals and Premises.**

Animals and premises whereon animals are kept or maintained shall be subject to inspection by the County Health Officer of his/her authorized representative or employees, or an Animal Control Officer, at any reasonable time, or at any hour, in cases of emergency.

*Source: Ordinance No. 1210-1993, § 5-7, 6-22-93; Ordinance No. 1555-2010, § 5-7, 5-4-10*

### **Section 5-8. Abatement of Conditions Not Complying With Ordinance.**

A. Whenever any premises where animals are kept are in an unsanitary condition or the facilities are not in keeping with the provisions of this Ordinance or any other regulations herein, or if any health Ordinance or law is not observed, the County Health Officer or Animal Control Officer or his/her representative may, by written notice to the person responsible for the condition of the premises or the keeping of the animals or the person owning or in control of such premises, order the abatement of the conditions which are not in accordance with this Ordinance or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal proceedings, be grounds for, and entitle the City to obtain, relief by injunction.

*Source: Ordinance No. 1210-1993, § 5-8, 6-22-93; Ordinance No. 1555-2010, § 5-8, 5-4-10*

B. It shall also be authorized by the Animal Control Department that abatement procedures be implemented to handle certain complaints and/or situations that are considered to be emergency conditions that abatement of the premises are deemed necessary to be handled with immediate action.

*Source: Ordinance No. 1555-2010, § 5-8, 5-4-10*

### **Section 5-9. Pursuit of Animals.**

For purposes of discharging the duties imposed by the provisions of this Ordinance, or other applicable laws, and to enforce the same, duly authorized representatives or employees of the City or the County Health Department may

enter upon private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private, unfenced property [open gates or holes in fences are considered unfenced property], when in pursuit of any animal which they have reason to believe is subject to impoundment pursuant to the provisions of this Ordinance or other applicable laws.

*Source: Ordinance No. 1210-1993, § 5-9, 6-22-93; Ordinance No. 1555-2010, § 5-9, 5-4-10*

## **ARTICLE II. ANIMAL AND RABIES CONTROL**

### **Section 5-10. Restraint.**

It shall be unlawful for an owner to fail to keep such owner's animals under restraint as follows:

A. Except for cats not in season, all animals shall be kept under restraint as defined in this Ordinance;

B. Every female dog or cat in season shall be kept confined in a building or secure enclosure, or in a veterinary clinic or boarding kennel, in such manner that such female dog or cat cannot come in contact with another dog or cat except for, intentional breeding purposes;

C. Owners shall exercise care and control of their animals to prevent them from becoming public nuisances;

D. No person shall keep more than three (3) domesticated animals over the age of three (3) months other than in a licensed kennel or boarding kennel as permitted in the zoning district outlined in the City's land use regulations; and,

E. No person shall keep livestock closer than One Hundred Fifty feet (150') to any property line adjoining that on which the livestock is kept; provided that each animal herein defined as livestock shall be allowed only in A-1, General Agricultural District and the keeping a stable shall provide for not more than one (1) horse for each Twenty Thousand (20,000) square feet of lot area in R-1, Low Density Residential District.

*Source: Ordinance No. 1210-1993, § 5-10, 6-22-93; Ordinance No. 1555-2010, § 5-10, 5-4-2010*

### **Section 5-11. Impoundment.**

A. Animals may be impounded by the Animal Control Department or Police Department in any of the following circumstances:

1. Any animal not kept under restraint as required by this Ordinance;
2. Any dog not having affixed to its collar a valid rabies tag;

3. Any animal which constitutes a public nuisance;
4. Any animal that a person could responsibly suspect as having any infectious or contagious disease other than rabies and being in the custody of a keeper who fails or refuses to make arrangements satisfactory to the Animal Control Supervisor looking to the proper treatment of such dog or other animal;
5. Every animal that has rabies or symptoms thereof, or that a person could reasonably suspect as having rabies, or every animal that has been bitten or scratched by another animal, or that bites, scratches or otherwise attacks another animal or person within the City;
6. Any animal not kept by the owner in conformity with this Ordinance or State law.

B. Impounded animals, other than those impounded for observation for rabies, shall be subject to immediate redemption. Such animals may be redeemed by anyone entitled to possession thereof while the same are in the City Shelter, after paying the appropriate fees and making the required deposit, as follows:

1. Impoundment Fee:

- |     |   |          |
|-----|---|----------|
| (a) | First Impoundment . . . . .                                   | \$50.00  |
| (b) | Second or subsequent impoundment<br>within twelve (12) months | \$100.00 |

2. Boarding charge: A daily boarding fee is set by the City Administration not to exceed, the reasonable cost of boarding, feeding, and caring for such animal for the period of impoundment. . . . . \$15.00

3. Rabies vaccination charge: All charges for rabies vaccination, if required. In case any impounded animal sought to be redeemed is suffering from any disease or

ailment, it shall not be released until the Animal Shelter Supervisor shall be satisfied that arrangements looking to its proper treatment are assured. Animals put under observation as described in Section 5-11A(5) shall become subject to redemption when found to be free from rabies.

C. Impounded animals not redeemed by their owner within five (5) working days following impoundment shall become the property of the City and shall be placed

for adoption in a suitable home or humanly euthanized.

- D. A person may adopt an animal after the expiration of the redemption period provided in subsection C. and after paying the fees and making the required deposits equal to those which would be required for redemption set forth in subsection B., if said person is the previous owner. Others may adopt animals at regular adoption rates.
- E. No impounded dog or cat shall be released unless the person to whom the dog or cat is released holds a valid rabies certificate for such dog or cat. In the event an impounded dog or cat is released upon the owner's promise that the animal will be immediately vaccinated against rabies, the owner must display to the Animal Control Officer a valid rabies certificate within three (3) days of the release or the owner will be charged with a misdemeanor under the provisions of Section 5-17 of this Ordinance.
- F. Dogs and other impounded animals not redeemed or adopted as provided for in this Section shall be humanly euthanized at the City Shelter, under the direction of the Animal Shelter Supervisor.
- G. In addition to, or in lieu of, impounding an animal, an Animal Control Officer or any police officer may issue to the owner of such animal a notice of violation. This notice shall provide a space thereon for the party charged to waive trial on the merits and enter a plea of guilty or nolo contendere. In the event the party charged desires to enter a plea of not guilty, such person may obtain a trial setting from the Clerk of the Municipal Court. Notwithstanding any other provision of this subsection, persons charged with a violation may, after entering a plea of guilty or nolo contendere in the space provided, pay a fine in the amount designated by the City Judge for such violation, to the Clerk of the Municipal Court within ten (10) days.

*Source: Ordinance No. 1210-1993, § 5-11, 6-22-93; Ordinance No. 1555-2010, § 5-11, 5-4-10*

#### **Section 5-12. Rabies Vaccination.**

- . It shall be unlawful for any person to own, keep, harbor or have custody or control of a dog or cat over three (3) months of age within the City, unless such dog or cat has been immunized against rabies by the injection of anti-rabies vaccine by a licensed veterinarian.
- B. Every owner of a dog or cat immunized against rabies as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine.
- C. A veterinarian who vaccinates a dog or cat as required herein shall furnish the owner thereof with a metal tag bearing a number corresponding to the number

placed on the certificate, and with lettering showing immunization and the date thereof. This tag shall be attached to the collar of the dog for which it is issued, and shall be worn at all times in a conspicuous place on the collar.

*Source: Ordinance No. 1210-1993, § 5-12, 6-22-93*

### **Section 5-13. Animals Exhibiting Symptoms of Rabies.**

- A. Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect of having rabies, or that bites, scratches or otherwise attacks another animal or any person within the City, shall be impounded at once and held for observation and quarantine at the City Shelter or other place designated by the City Animal Warden, for such period of time as the County Health Officer may deem necessary; provided, however, such period of time shall not be fewer than ten (10) days nor more than fourteen (14) days.
- B. No animal that has rabies shall be allowed at any time on the street or public ways of the City. No animal that has been suspected of having rabies shall be allowed at any time in public places, except as expressly provided herein, until said animal has been released from observation by the County Health Officer or his/her representative.
- C. The owner of any animal that is reported to have rabies or symptoms thereof, or to have been exposed to rabies, or to have bitten, scratched or otherwise attacked any person within the City, or that the owner knows or suspects to be rabid or to have attacked an individual, shall submit such animal, for quarantine, to the Animal Control Supervisor or any police officer.
- D. Any person having knowledge of any animal exhibiting any symptoms of, or exposed to, rabies, or that has bitten or otherwise attacked any human being, shall immediately report the incident or animal to the Animal Control Department. The report shall include the name and address of any victim and of the owner of the animal, if known, and any other information relating to the incident or animal. The Animal Control Supervisor shall inform the County Health Officer at once, in person or by phone, and follow up with a written report.
- E. In case of epidemic, every veterinarian or other person who is called to examine or professionally attend any dog or other animal within the City having glanders or farcy, rabies, tuberculosis or any other communicable disease, shall, within twenty-four (24) hours thereafter, report in writing to the County Health Officer and the Animal Control Supervisor the following:
  - 1. The location of such animal;



2. The name and address of the owner thereof;
  3. The type and character of the disease.
- F. Every veterinarian practicing within the City Limits shall keep detailed records of animal rabies vaccination and, upon request of the Animal Control Supervisor, acknowledge to such officer whether an animal of a particular location, or owned by a named person, has been vaccinated within the last twelve (12) months.
- G. The County Health Officer shall investigate and record all cases of rabies and suspected rabies.
- H. The body of any animal that has died of rabies or that dies or is destroyed while in quarantine shall not be disposed of except as directed by the County Health Officer.

*Source: Ordinance No. 1210-1993, § 5-13, 6-22-93; Ordinance No. 1555-2010, § 5-13, 5-4-10*

### **ARTICLE III. CARE AND KEEPING OF ANIMALS.**

#### **Section 5-14. Animal Care.**

It shall be unlawful to violate the following provisions for animal care:

- A. No owner shall fail to provide such owner's animals with sufficient good and wholesome food and water, necessary shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
- B. No person shall beat, cruelly treat, torment, overload, seriously overwork, or otherwise abuse an animal, or cause, instigate, or permit one animal to fight with another animal or human being;
- C. No owner of such an animal shall abandon or neglect such animal;
- D. Enclosures used to confine animals shall be maintained in a clean and sanitary condition at all times.

*Source: Ordinance No. 1210-1993, § 5-14, 6-22-93*

#### **Section 5-15. Keeping of Certain Animals Prohibited.**

1. No person shall keep, own, maintain, use or have in such person's possession or on premises, within the City, any vicious animal, unless such animal is within a securely fenced area, secured building, or under immediate control of the owner.

2. Specific breeds of dogs are hereby determined to be vicious animals, feral dogs and animals running at large and may be placed with certain conditions, restrictions or limitations on the keeping of such animals as deemed appropriate within the city limits of the City of Laurel, Mississippi and defined as any one of the following:

A. American Pit Bull Terrier;

B. Staffordshire Pit Bull Terrier;

C. American Staffordshire Terrier;

D. Rottweiler Breed Standard;

E. Doberman Pinscher Breed Standard;

F. Chow Chow Breed Standard;

G. German Shepherd Dog Breed Standard;

H. Any dog whose sire or dam is a dog of a breed which is defined as an animal running at large breed of dog under this Section 5-15(2); Subsections A, B, C, D, E, F, G, H, J, or K of this Ordinance;

I. Any dog whose owner registers, defines, admits, or otherwise identifies said dog as being an animal running at large;

J. Any dog conforming, or substantially conforming, to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Pit Bull Terrier, Rottweiler Breed Standard, Doberman Pinscher Breed Standard, Chow Chow Breed Standard, or German Shepherd Dog Breed Standard as defined by the United Kennel Club or American Kennel Club. Technical deficiencies in the dog's conformance to these standards shall not be construed to indicate that the subject dog is not an animal running at large breed of dog under this ordinance;

K. Any dog which is of the breed commonly referred to "pit bull" and commonly recognizable and identifiable as such; or

L. Any vicious dog which is found at large in violation of this Ordinance.

1. In the event that the Animal Control Officer finds any of the "animals running at large" within the City, he/she shall attempt to capture the dog and hold the

dog until such time the Animal Control Office shall notify the owner of any animal impounded hereunder by telephone, personal service or certified mail not later than the day following such impoundment excluding weekends and legal holidays, provided that the animal is wearing a reasonable means by which the owner may be identified.

4. Any currently vaccinated animal may be reclaimed by its owner upon the payment of a boarding fee of \$15.00 per day for each animal and any veterinary fees and expenses incurred by the City in caring for and treating the animal together with a cash payment of any impoundment fee in reference to the above mentioned breeds defined in this ordinance. The following impoundment fees shall be enforced:

First impoundment fee charge.....\$250.00

Second impoundment fee charge.....\$500.00

1. In the event that the Animal Control Officer finds any of the “animals at large as mentioned above within the City, he/she shall attempt to capture the dog and hold the dog until such time a judge determines that the dog is a “an animal at large”. If the Animal Control Officer captures the dog, the dog will be held until the case is disposed of by the court or the dog is turned over for disposition by the Animal Control Officer. If the Animal Control Officer cannot capture the dog or if it is determined to be extremely vicious, that animal may be destroyed by the Animal Control Officer or a law enforcement officer providing each of the following requirements is met:

- i. The animal is running at large;
- ii. Attempts to peacefully capture the animal have been made And proved unsuccessfully or an attempt to peacefully capture could reasonably result in injury to any person; or,
- iii. The owner cannot immediately control the animal or the owner cannot be immediately found.

*Source: Ordinance No. 1210-1993, § 5-15, 6-22-93; Ordinance No. 1555-2010, § 5-15, 5-4-10*

**Section 5-16. Animal Waste.**

- A. The owner of every animal shall be responsible for the removal of any feces deposited by such owner's animal on public or private property.
- B. Feces deposited by an animal upon public property or upon the private property of any person other than such animal's owner shall be collected and removed at once by such animal's owner. Animal feces deposited upon any other property shall be

collected and removed daily.

- C. Collection and removal of animal feces shall be in a container of such a type that, when closed, it is rat-proof and fly-tight. Such container shall be kept closed after each collection. At least once a week, each such animal owner shall cause all feces so collected to be disposed of in such a way as not to permit fly breeding.

*Source: Ordinance No. 1210-1993, § 5-16, 6-22-93*

### **Section 5-17. Penalties.**

It shall be unlawful for any person to violate any provision of this Chapter. Such violation shall be a misdemeanor and shall be punishable by a fine to be determined and/or set by the municipal judge as pursuant to the provisions established in Ordinance No. 1287-1997 providing an Environmental Court with said penalties outlined in Section 14.1A.6. If any violation is continuing, each day the violation occurs shall be deemed a separate offense.

*Source: Ordinance No. 1210-1993, § 5-17, 6-22-93; Ordinance No. 1555-2010, § 5-17, 5-4-10*

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