

## **ANIMAL CONTROL ORDINANCE**

### **City of NATCHEZ, MISSISSIPPI**

Adopted, July 1, 1997

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#### **ARTICLE I. IN GENERAL**

##### Sec. 10-1. Definitions.

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

Cat means a male or female member of the feline species of animals. *Dog* means a male or female member of the canine species of animals.

*Notice* means oral notification by telephone or written notice left at the usual place of abode by the animal control officer or by the city police department setting forth that the owner's dog or cat has been taken up and setting forth therein a brief description of the dog or cat and the name of the owner, if known.

*Owner* means not only the actual owner of a dog, but the person having the control and custody of the dog. If the dog is owned by a minor, the word "owner" shall mean either the parents or guardian or person having the custody and control of such minor.

##### Sec. 10-2. Livestock running at large.

It shall be unlawful for any person or owner of cattle, horses, mules or other livestock of any description to permit such livestock to run at large within the corporate limits of the city.

##### Sec. 10-3. Fowl running at large.

It shall be unlawful for any owner of chickens and other fowl to permit such chickens and other fowl to run at large upon the streets and other public places of the city.

##### Sec. 10-4. Dangerous, vicious, mischievous dogs and other animals at large.

- a) No dog or other animal of dangerous, vicious, fierce or mischievous propensities or tendencies may be at large at any time within the limits of the city. It shall be unlawful for the owner or other person having any such dog or other animal in his or her possession or under his or her control, or in any manner keeping or harboring any such dog or other animal within the limits of the city, to cause or permit any such dog or other animal to be at large in the city.
- b) if any dog or other animal bites or attempts to bite any person while such dog or other animal is at large, then such dog or other animal shall be conclusively presumed to be a

dangerous dog or other animal and a dog or other animal of dangerous propensities and tendencies.

- c) If any dog or other animal attacks or attempts to attack any other dog or other animal while such dog or other animal is at large, or chases or otherwise attempts to catch a person, then such dog or other animal shall be conclusively presumed to be a vicious dog or other animal and to have vicious propensities and tendencies.
- d) If any dog or other animal at large overturns a securely covered garbage container, or removes any garbage from any such securely covered container, then such dog or other animal shall be conclusively presumed to be a mischievous dog or other animal and a dog or other animal of mischievous propensities and tendencies.
- e) Whenever any vicious dog or one that has previously bitten any person is kept upon any premises, it shall be the duty of the keeper and of the owner of the dog to post a notice conspicuous to the public at each entrance to such premises reading in large letters, "BAD DOG HERE."

Sec. 10-5. Destruction of dangerous, vicious dogs and animals.

Any dangerous or vicious dog or other animal or dog or other animal having dangerous or vicious propensities and tendencies found at large after the owner thereof has previous knowledge or notice that such dog or other animal is dangerous or vicious or has dangerous or vicious propensities and tendencies may be killed by any animal control officer of the city without such officer having to catch or impound such dog or other animal.

Sec. 10-6. Keeping of swine.

It shall be unlawful for any person to keep any hogs, pigs or other swine within the city. (Code 1969, § 5-5)

Sec. 10-7, Depriving of shelter.

It shall be unlawful for any person to deprive of necessary shelter any animal within the corporate limits of the city, or cause or procure the same to be done to any living creature or fowl of any kind in any street, alley or sewer or ditch of the city or upon any public or private premises or land within the city.

Sec. 10-8. Removal and disposal of dead animals.

- a) It shall be unlawful for any person to place and/or leave any carcass of any dead animal or fowl of any kind in any street, alley or sewer or ditch of the city or upon any public or private premises or land within the city.
- b) Dead animals weighing less than 100 pounds shall be removed and disposed of at a permitted landfill.
- c) The city shall not remove dead animals of any size from places of business which treat, handle, butcher or dispose of animals.
- d) In no event shall a dead animal be allowed to remain undisposed of for a period of time longer than 12 hours.

Sec. 10-9. Report of rabid animals.

It shall be the duty of the owner or harbinger of any animal and all practicing veterinarians to report to the county health officer all cases of rabies with which he or she comes in contact or to which his or her attention has been directed. This report shall be made immediately upon diagnosis or suspicion of such cases of rabies.

Sec. 10-10. Payment of pound fees.

Every owner of any animal, including dogs, impounded, whether by the city or voluntarily by the owner, shall be liable for all costs and fees incurred by such impoundment.

Sec. 10-11. Office of animal control officer created; appointment; enforcement of chapter; department; compensation.

- a) There is hereby created within the department of public works of the city the office and position of animal control officer.
- b) Such office shall be filled by appointment by the mayor and board of aldermen, and each of the persons filling such offices shall serve at the will and pleasure of the mayor and board of aldermen.
- c) The animal control officer shall enforce this chapter, as amended from time to time, reference to which is made for all purposes. The animal control officer shall have the power to enforce all city ordinances and state laws regulating animals as provided in this chapter and shall have the power to issue notices and legal citations returnable to the municipal court of the city and to pursue and file criminal affidavits for the violation of such ordinances or laws. The form of notices and citations shall be approved by the judge of the municipal court.

Secs. 10-12-10-35. Reserved.

**ARTICLE II. BIRD SANCTUARY**

Sec. 10-36. Designation.

The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

Sec. 10-37. Prohibited acts.

It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot, or to molest in any manner any bird or to rob any bird's nest within the city.

Sec. 10-38. Certain birds may constitute nuisance.

If any English sparrows, hawks, jay birds, crows or crow blackbirds are found to be congregating in numbers in a particular locality within the city, the mayor and board of aldermen, after an investigation thereof and a hearing thereon, may determine such congregation to be a menace to health or property and a nuisance.

Sec. 10-39. Abatement of nuisance; destruction of birds.

If the mayor and board of aldermen shall ascertain and determine that the congregation of any English sparrows, hawks, jay birds, crows or crow blackbirds in a particular locality within the city shall constitute a menace to health or property and a nuisance, they shall proceed to abate the nuisance. If no satisfactory method of abatement can be found, such birds may be destroyed.

Secs. 10-40-10-60. Reserved.

### **ARTICLE III. DOGS AND CATS**

Sec. 10-61. Compliance with chapter prerequisite to keeping.

No dogs or cats shall be permitted to be and remain within the corporate limits of the city unless the owner thereof shall have complied with all of the provisions of this chapter.

Sec. 10-62. Prima facie evidence of ownership.

The custody, care and control of a dog or cat within the corporate limits of the city by a person shall be prima facie evidence that such person is the owner of such dog, or cat. The general reputation in the neighborhood that a certain person is the owner of a dog or cat shall be prima facie evidence that such person is the owner of the dog or cat.

Sec. 10-63. Altering or removal of tags.

It shall be unlawful for any person other than the owner to alter or remove any tags placed upon any dog as provided for by this chapter or by law.

Sec. 10-64. Dogs running at large; impoundment; fee for redemption; disposal of unclaimed dogs.

- a) It shall be unlawful for the owner of any dog to permit the dog to run at large in the city. It shall be the duty of the animal control officer to pick up any dog found running at large in the city, and to impound the same in an enclosure kept for that purpose to be provided and maintained by the city. Such dog shall be kept by the impounder for at least seven days unless claimed sooner by the owner. Within seven days the rightful owner of any dog held by the impounder may, provided the dog has been vaccinated and tagged as required in this chapter or by law, obtain the dog upon payment of a pound fee in the amount of \$25.00, and, in addition thereto, the payment of the sum of \$5.00 per day, or a fraction thereof, for the time the dog remained impounded. If the dog does not bear evidence of having been vaccinated, the impounder shall report the same to the sheriff of Adams County, giving a description of the dog. If an unvaccinated dog is impounded, it shall be disposed of pursuant to MCA 1972, § 41-53-11, and charges shall be preferred against the owner thereof for failing to comply with the provisions of state law requiring rabies vaccinations.
- b) If a vaccinated dog is not claimed within the seven-day period, the dog shall be given to any person willing to pay the pound fee of \$25.00 and the payment of the sum of \$5.00 per day, or a fraction thereof, for the time the dog remained impounded; the dog shall be humanely put to death by the impounder; or shall be delivered to the state board of health for experimental purposes, as provided by state law.

Sec. 10-65. Keeping dogs for breeding purposes.

It shall be unlawful for any person, owners of dogs or otherwise, to keep and maintain the same for breeding purposes within the area of the city in violation of the zoning ordinance of the city.

Secs. 10-66-10-85. Reserved.

**ARTICLE IV. IMPOUNDMENT**

**DIVISION 1. GENERALLY**

Sec. 10-86. Exception to article provisions.

Except as provided in division 2 of this article, the provisions of this article shall not apply to dogs, cats or other common household pets.

Sec. 10-87. Authorized.

Any animal found within the city in violation of the provisions of this chapter shall be impounded by the animal control officer.

Sec. 10-88. Running at large.

Any hog, cow, bull, sheep, goat, horse, mule or other animal running at large shall be impounded, as set forth in section 10-64. The owner thereof may obtain such animal from the impounder of the city upon the payment of the sum of \$25.00, plus \$10.00 per day for each day that such animal has remained impounded, plus the cost of capture and transportation.

Within three working days after any animal is impounded under the provisions of this article, if the animal remains unredeemed and the charges for holding, as well as any charges for capturing and transportation are not paid, the animal control officer shall, after advertising the unredeemed animal three times in a newspaper having general circulation in the city, or by public notices posted in three or more public places, proceed to sell at public sale to the highest bidder, for cash, any such animal.

Sec. 10-90. Disposition of proceeds.

The animal control officer shall pay over to the city clerk all monies received under the provisions of this article.

Sec. 10-91. Owner may recover proceeds of sale less expenses.

Any person whose animal may have been sold under the provisions of this article shall, by making proper proof of ownership, be repaid the proceeds arising from the sale thereof, after deducting the expenses of advertising, feeding, selling and impounding, by petition to the animal control officer.

Sec. 10-92. Record of impounded animals to be kept; information to be shown.

The animal control officer shall keep a book in which the date on which any animal impounded under the provisions of this article shall be entered, registering the animal, with a description specifying its

kind, color, stature, marks or brands, by which it may be identified, and if it is a horse or mule, its estimated age.

Sec. 10-93. Breaking into animal shelter.

It shall be unlawful for any person to break into the duly designated animal shelter, or secure any animal or dog while impounded or while being conveyed to or from the shelter.

Secs. 10-94--10-105. Reserved.

**DIVISION 2. DOGS AND CATS**

Sec. 10-106. Authorization to impound.

Any dog or cat found within the city in violation of any applicable provision of this chapter shall be taken up and impounded.

Sec. 10-107. Redemption.

The owner of any dog or cat impounded under the provisions of this division may redeem the same at any time within the time specified in section 10-89 from the impoundment thereof and by paying all fees which may have accrued therefor.

Sec. 10-108. Fees.

Fees for the impoundment of dogs or cats under the provisions of this division and for the care and feeding of such dogs or cats during such impoundment shall be as set forth in section 10-88.

Sec. 10-109. Disposition of unredeemed dogs and cats.

Any dog or cat impounded under the provisions of this division which is not redeemed by the owner thereof within the time provided may be sold, given away or humanely destroyed.

Sec. 10-110. Inoculation of redeemed dogs and cats.

Every dog or cat redeemed under the provisions of this division which has not been inoculated shall be immediately inoculated as required by this chapter.

Secs. 10-111-10-130. Reserved.

**ARTICLE V. ADDITIONAL REGULATIONS**

Sec. 10-131. Capture of animals running at large.

Animals running at large may be taken by officers of the city and placed in the dog pound at any place in the city where they are not on leash or under immediate control of some person, and may be pursued and captured on any public or private property within the city limits.

Sec. 10-132. Impoundment of animal which attacks person.

- a) In case of an attack by an animal resulting in injury to any person, such animal shall be impounded by the impounder for observation for a period of 14 days, or the owner thereof may, upon notification to the impounder, have such animal impounded for 14 days with a private veterinarian licensed to practice veterinary medicine within the state. If at the end of such period of time, or any time prior thereto, it is determined that such animal has rabies, such animal shall be immediately destroyed.
- b) Any animal desired for observation by the animal control officer shall be delivered to such officer upon demand and shall not be withheld, hidden or harbored. Upon refusal of any person to so deliver such animal, the animal control officer or any officer of the police department shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

Sec. 10-133. Animals to be kept in sanitary enclosures; creation of disturbance; owners responsible for removal of waste.

- a) The owners or harborers of all dogs, cats or any other animals within the city are required to keep the animals within suitable enclosures and are further required to keep the enclosures sanitary and clean so as to prevent disagreeable odors arising therefrom, or the presence or breeding of flies, mosquitoes and other pests. It shall be unlawful for the owner or harbored of any dogs, cats or any other animals to permit the animals to create a disturbance in the neighborhood or to destroy property in the neighborhood or annoy any person or family, or to otherwise become a nuisance in any manner, particularly by reasons of noises, odors, filthy conditions, destruction of property, tearing of garbage bags, scattering of refuse or the breeding of flies, mosquitoes and other pests. Courtesy tickets, warnings or other notice followed by subsequent written citations by the animal control officer shall create a rebuttable presumption as to the violation of this subsection.
- b) Further, the owners or harborers of all dogs, cats or any other animals within the city are required to remove any feces deposited by such owner's animal on public or private property. 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. Collection and removal of animal feces shall be in a container of such a type that, when closed, is ratproof and flytight. 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.

Sec. 10-134. Interference with animal control officer.

It shall be unlawful for any person to interfere with the animal control officer while in the performance of his or her duties.

Chapters 11--13 RESERVED