

**ORDINANCE NO. 11-15-94  
OF THE CITY OF POPLARVILLE, MISSISSIPPI  
ORDINANCE ENACTING ANIMAL CONTROL PROCEDURE**

WHEREAS, the citizenry of the City of Poplarville, has recently been plagued with dogs and other animals not being kept restrained and running at large within the City so as to constitute a public nuisance, and further, there has been abuse in the establishment and operation of commercial animal businesses providing for the sale of domestic or exotic animals within the City of Poplarville; and

WHEREAS, the Mayor and Board of Aldermen of the City of Poplarville now believe that due to the aforesaid circumstances, good cause exists for their passage of an Animal Control Ordinance to become effective immediately in order to preserve and assure the public peace, health and safety of the citizenry of the City of Poplarville;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF POPLARVILLE, MISSISSIPPI, AS FOLLOWS:

**ARTICLE I - DEFINITIONS**

SECTION 1: As used in this Ordinance, the following words shall have the meanings herein ascribed to them:

1. Animal: Any living, vertebrate creature, domestic or wild, including both the male and female sex.
2. Altered Animal: Any animal that has been operated on, so as to prevent it from reproducing.
3. At Large: Any animal shall be deemed to be at large, when off the premises of the owner or when it is not on a leash, chain, behind a fence or enclosure, or under the control of a person by leash or chain.
4. Cat: A domesticated member of the feline family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other Prohibited Animals.
5. Commercial Animal Establishment: Any pet shop, grooming shop, auction, public animal sale, riding school or stable, zoological park, circus, performing animal exhibition, or kennel.
6. Dog: A domesticated member of the canine family, other than a wolf, jackal, fox, dingo, coyote, or other Prohibited Animals.
7. Dangerous Animal or Vicious Animal: An animal shall be presumed to be dangerous or vicious when it attacks, bites, or scratches any person or other animal; attempts to attack any person or other animal; chases or attempts to catch any person; constitutes a physical threat to human beings or other animal; or trespasses upon the premises of any person, doing damage to said premises.
8. Feral Animal: An animal that has escaped from domestication and become wild, dangerous or untamed.
9. Fowl: Any live bird.
10. Inhumane Treatment: Shall mean any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilation, teasing, poisoning or other abnormal treatment.

11. Kennel: Any premises wherein any person, partnership or corporation 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 six (6) or more adult dogs or cats, or any combination thereof.
12. Licensed Veterinarian: A veterinarian licensed by the Mississippi Board of Veterinary Examiners.
13. Owner: Any person, partnership or corporation controlling, possessing, keeping or harboring one (1) or more animals.
14. Public Nuisance: Any animal which:
  - a) Molests a passerby or passing vehicles; or
  - b) Attacks a human being or other animal; or
  - c) Trespasses on school grounds, or in any parks; or
  - d) is repeatedly at large; or
  - e) Damages private or public property; or
  - f) Barks, whines, howls or makes other noises in an excessive, continuous, untimely manner, or at unreasonable hours.
15. Restraint: Any animal securely caged or secured by a leash or lead of less than six (6) feet and under the effective control of a responsible person and obedient to that person's commands or within the confines of the real property limits of its owner's home or yard which is fully enclosed by a good, secure and substantial fence.
16. Wild or Exotic Animal: Any live monkey, raccoon, bear, skunk, fox, snake, lizard, alligator, leopard, panther, tiger, lion, lynx, any poisonous creature, or any other animal which can normally be found in the wild state and is not ordinarily domesticated by man, whether raised in captivity or in the wild.

## **ARTICLE II - GENERAL PROVISIONS**

### SECTION 2: Compliance.

It is unlawful and it shall be a misdemeanor for any owner to do any act forbidden or fail to do any act required in this Ordinance. Unless specifically required herein, no mental element need be present to constitute an offense under this Ordinance. Unless stated otherwise, the minimum penalty shall be a fine of \$25.00 and the maximum penalty shall be a fine of \$1,000.00 and/or 6 months in jail.

### SECTION 3: Compliance with Sanitation Standards Required for Keeping Animals.

The owner of any animal within the City of Poplarville, as authorized in this chapter, shall promptly with the standards of sanitation established by this chapter or any other regulation;

It shall be unlawful to keep or harbor any animal or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to persons residing in the vicinity thereof.

### SECTION 4: Inspection of Animals and Premises.

Animals and premises whereon animals are kept or maintained shall be subject to inspection by a Police Officer at any reasonable hour, or at any hour in cases of emergency, upon receiving a complaint from a citizen in which a violation of this Ordinance or any State Law is being or believed to be violated or upon the observations or establishment of probable cause by any Police Officer.

**SECTION 5: Abatement.**

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 Police Department may by written notice to the owner or person responsible for, using or controlling the 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 proceeding, be grounds for and entitle the City of Poplarville to obtain relief by injunction.

**SECTION 6: Public Nuisance.**

Any animal that engages in any of the conduct defined in Section 1(14), shall be deemed a public nuisance.

Any citizen may file an affidavit with the Poplarville Municipal Court, charging the owner of such animal with the violation of this section.

Police Officers may take appropriate action immediately upon personal observation of an animal creating a public nuisance, which shall include, but is not limited to, impoundment of the offending animal, issuance of a citation, swearing of an affidavit, or the physical arrest of the owner.

Any person or owner keeping an animal which is determined to be a public nuisance by the Municipal Court, shall be guilty of committing a misdemeanor and if the violation is continuing, each day violated, shall be deemed a separate offense.

**ARTICLE III - ANIMAL AND RABIES CONTROL****SECTION 7: Licensing and Registration.**

- a) Any person within the City of Poplarville, owning, keeping, harboring or having custody of any dog or cat three (3) months of age or older shall obtain a license as herein provided. The burden of proof as to the age of any such animal shall be on the owner thereof.
- b) Written application for licenses shall be submitted to Poplarville City Hall, shall include name and address of applicant, description of the animal, the appropriate fee, and rabies vaccination certificate issued by a licensed veterinarian.
- c) If not revoked, licenses for the keeping of dogs and cats shall be for a period of one (1) year.
- d) Application for a license must be made within thirty (30) days after obtaining a dog or cat. three (3) months of age or over.
- e) License fees shall not be required for governmental police dogs.
- f) Upon acceptance of the license application and fee, the Poplarville City Clerk shall issue a tag, stamped with an identifying number and the year of issuance.
- g) Dogs and cats must wear identification tags at all times.
- h) The licensing period shall begin January 1st of each year and shall run for a period of one (1) year. Application for a renewal licensing shall be made prior to December 31st of the current year.

- i) Owners who fail to obtain a license as required, within the time period specified in this section, shall be subject to a fine of Twenty five (\$25.00) dollars.
- j) A license shall be issued after payment of the applicable fee. Fees are as follows:
  - 1. For each Altered dog or cat \$2.00
  - 2. For each Unaltered dog or cat \$5.00
- k) A duplicate license may be obtained upon payment of a one (\$1.00) dollar replacement fee, and upon showing proof of original receipt.
- l) No owner may use any license for any animal other than the animal for which it was issued.

SECTION 8: Permits.

- a) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.
- b) The Poplarville Police Department may promulgate, and amend as necessary, regulations for the issuance of permits, and any such regulations shall include requirements for humane care of all animals and for compliance with the provisions of this Ordinance and other applicable laws.
- c) Applicants must show proof that they are able to comply with any regulations promulgated by the Poplarville Police Department, before a permit shall be issued.
- d) The permit period shall begin January 1st and end December 31st of each calendar year. Renewal applications for permits must be made 30 days prior to the expiration date.
- e) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a Ten (\$10.00) dollar transfer fee.
- f) Written application for permits shall be submitted to the Poplarville City Clerk, which shall include name and address of the applicant, description of the establishment activity, description of the animals to be affected by such activity, and payment of the appropriate fee.
- g) Annual permits shall be issued upon payment of the following applicable fees:
  - 1. For each Kennel \$ 25.00
  - 2. For each pet shop \$ 75.00
  - 3. For each stable \$ 25.00
  - 4. For each circus or animal exhibition \$100.00
  - 5. FF- each grooming shop \$ 25.00
  - 6. For each owner of livestock \$ 25.00
  - 7. For each owner of 6 or more rabbits/fowl \$ 25.00
- h) Every facility regulated by this Ordinance shall be considered a separate enterprise and shall require an individual permit.
- i) No fee shall be required of any veterinary office, hospital, animal welfare organization, or government operated establishment.
- j) Failure to obtain a permit before opening any facility or enterprise covered by this section shall result in a fine of not less than one hundred (\$100.00) dollars nor more than, five hundred (\$500.00) dollars.
- k) Any person who has a change in the category under which a permit was issued, shall be subject to reclassification and the appropriate adjustment of the permit fee shall be made.

SECTION 9: License and Permit Revocation:

The Poplarville Police Department may revoke any permit or license if the person, partnership or corporation holding the permit or license refuses or fails to comply with this Ordinance, any regulations promulgated by the Poplarville Police Department, or any law governing the protection and keeping of animals.

Any person, partnership or corporation whose license is revoked shall, within ten (10) calendar days thereafter, humanely dispose of all animals owned, kept, or harbored; and no part of the permit or license fee shall be refunded.

It shall be a condition of the issuance of any permit or license that the Poplarville Police Department shall be permitted to inspect all animals and the premises where animals are kept at any reasonable time and shall, if permission for such inspections is refused, revoke the permit or license.

If the applicant has withheld or falsified any information on the application, the Poplarville Police Department either shall refuse to issue a permit or license, or shall revoke a permit or license.

No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment within two (2) years of conviction.

Any person having been denied a license or permit or having had a license or permit revoked may not reapply for a period of ninety (90) days. Each reapplication shall be accompanied by a ten (\$10.00) fee.

SECTION 10: 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, the Poplarville Police Department, may enter upon the private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private property, when in pursuit of any animal which he has reason to believe is subject to impoundment under this Ordinance or other applicable laws.

SECTION 11: Restraint.

It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or permit it to run at large at any time within the corporate limits of the City of Poplarville.

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

Every vicious/dangerous animal, as determined by the Police Department, 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.

All female dogs shall, during their mating season, be kept in confinement within pens so constructed as to bar access to any other dogs and it shall be unlawful for an owner of any female dog to permit such dog to run at large under any circumstances during its mating season.

SECTION 12: Impoundment.

- a) Animals may be impounded by any Police Officer in any of the following circumstances:
  1. Any animal not kept under restraint as required by this Ordinance.
  2. Any dog or cat 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 reasonably suspect as having any infectious or contagious disease and being in the custody of a keeper who fails or refuses to make arrangements satisfactory to the Police Department concerning 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 symptoms thereof, or every animal that has been bitten or scratched by another animal, or that bites, scratches or otherwise attacks another animal or other person within the City of Poplarville.
  6. Any animal not kept by the owner in conformity with this Ordinance, State or Federal Law.
- b) Impounded animals, other than those impounded for observation for rabies, shall be subject to immediate redemptions. Such animals may be redeemed by anyone entitled to possession thereof after paying the appropriate fees to be determined by the Poplarville Police Department and kept regularly posted in the Poplarville City Hall; and/or meeting any other requirements imposed by this Ordinance. These fees are exclusive of any fines, costs of court, etc. which may result from any violation of any section of this Ordinance.
- c) In case any animal impounded sought to be redeemed is suffering from any disease or ailment, it shall not be released until the Police Department is satisfied that arrangements concerning its proper treatment are assured.
- d) If by tag or other means, the owner of an impounded animal can be identified, the Police Department shall notify, immediately upon impoundment, the owner by telephone or other reasonable means.
- e) Notice will be posted at City Hall and/or the place of impoundment, five (5) days prior to the elimination of any animal.
- f) Any animal not reclaimed by its owner within five (5) working days, shall become the property of the City of Poplarville, and shall be placed for adoption or humanely euthanized.
- g) The five (5) day waiting period is waived for vicious, dangerous or feral animals, or for any animal suffering from disease or injury.
- h) In addition to, or in lieu of, impounding an animal, any Police Officer may issue to the owner of such animal a Citation, summoning the owner to appear before the Municipal Court Judge to answer violations of this Ordinance or state law.
- i) The Police Department may review automatically all licenses issued, to animal owners against who three or more Ordinance violations have been assessed in a twelve month period and revoke said licenses.

### SECTION 13: Elimination of Animals.

When an animal is determined by any Police Officer to be a vicious, dangerous or feral animal, that animal may be destroyed by the Officer, provided the following requirements are met:

1. The animal is running at large; and
2. Attempts to peacefully capture the animal have been made and proven unsuccessful.

A Police Officer is authorized to discharge a firearm to mercifully end the life of an animal suffering from injury, disease or which is deemed to be a health hazard; or with the written consent of the owner, or caretaker.

### SECTION 14: Vaccination of Dogs and Cats Against Rabies.

Any person owning, keeping, harboring, or having custody of any dog or cat three (3) months of age or older within the city shall have that animal yearly vaccinated against rabies by a licensed veterinarian. It shall be unlawful for any person to own, keep, harbor or have in his possession any dog or cat not so vaccinated.

The owner of any dog or cat shall see that the animal wears a securely braded 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. Any such tag shall not be transferable to any dog or cat other than the animal to which it was issued.

Every owner shall be required to obtain a certificate of rabies vaccination from the veterinarian for each dog or cat.

### SECTION 15: Animals, Biting, Attacking or with Rabies Symptoms.

In case of an attack by any animal resulting in injury to any person, such animal shall be impounded for observation for a period of ten (10) days. If at the end of said period of time, or any time prior thereto, it is determined that said animal may have rabies, such animal shall be immediately destroyed.

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 for observation for a period of time not fewer than ten (10) days nor more than fourteen (14) days.

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 Police Department. In the event the owner of such animal refuses to surrender such animal on demand, such action shall constitute a misdemeanor and upon conviction the owner shall be punished by a fine of not less than two hundred fifty (\$250.00) dollars and not more than five hundred (\$500.00) dollars, and/or ninety (90) days imprisonment.

## **AR11CLE IV - CARE AND KEEPING OF ANIMALS**

### SECTION 16: Animal Care.

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

- a) No owner shall fail to provide his animals with a sufficient quality of good and wholesome food and water, proper and necessary shelter, protection from the weather, veterinary care when needed, and/or with humane care, supervision or treatment.
- b) No person shall confine or allow his/her animal to remain outside without access to appropriate shelter from the elements.
- c) No person shall beat, cruelly treat, torment, overload, seriously overwork or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- d) Animals that must be tied or hitched to restrain them, must wear a properly fitted collar or harness. The tying device shall be attached to the animal's collar or harness. The length of the tying device shall be not less than five (5) times the length of the animal, as measured from the tip of its nose to the base of its tail.
- e) No owner of an animal shall abandon or neglect such animal.
- f) No person, except a licensed veterinarian, shall crop a dog's ears or perform any other major or minor surgical procedures.
- g) Enclosures used to confine animals shall be maintained in a clean and sanitary condition at all times. Owners shall make certain that no offensive odors emanate from areas where animals are confined.
- h) Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than ten (10) to a single purchaser. It shall be unlawful to color, dye, stain, or otherwise change the natural color of any animal or to possess any animal that has been colored.
- i) No person shall give away any live animal, fish, reptile, or bird as a prize for entering, or as an inducement to enter, any contest, game, competition, business or place of amusement.
- j) Any person who, as the operator of a motor vehicle, strikes a domestic animal, within the corporate limits of the City of Poplarville, shall at once report the accident to the Poplarville Police Department.
- k) 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 unlawful to expose on his/her own property common pest-control poisons.
- l) No animal may be induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices.
- m) All equipment used on a performing animal shall fit properly and be in good working condition.
- n) It shall be unlawful to leave an animal unattended inside a motor vehicle. The Police Department shall have the authority to remove an animal from such a vehicle.
- o) It shall be unlawful to trap, hunt, shoot, attempt to shoot or molest in any manner any bird or wild fowl; or to rob a bird nest or wild fowl nest.
- p) No person shall carry, or cause to be carried, by hand or in or upon any vehicle or other conveyance, any creature in a cruel or inhumane manner.

**SECTION 17:** Keeping of Certain Animals Prohibited.

No person, partnership or corporation shall keep or permit to be kept on his/her/its premises, or in any roadside zoo or pet store, any vicious, wild or exotic animal for display or exhibition purposes without the necessary city, state and/or federal permits.



No person shall keep or permit to be kept any wild or exotic animals as a pet.

Any Police Officer shall have the power to release, order the release, or seize any wild or exotic animal being kept in violation of this Ordinance, state statute or Federal law.

( Any fowl, rabbit or combination thereof, numbering six (6) or more shall be kept in a secure pen or enclosure that is at least one hundred and fifty (150) feet from any inhabited dwelling other than that of the owner.

The keeping on any premises in the City of any livestock is prohibited unless the pens, stalls or other facilities for keeping the same shall be so located that the livestock cannot come within three hundred (300) feet of any inhabited dwelling or business other than that of the owner, or five hundred (500) feet of any food service establishment, regardless of ownership or occupancy of such establishment.

It shall be unlawful to keep swine within the city limits.

It shall be unlawful for any owner to permit livestock to run at large within the city. Any livestock found at large shall be captured and impounded by the Police Department. The rightful owner may redeem the livestock by payment of all impoundment fees incurred. If the livestock is not claimed within ten (10) days then the same shall be sold upon sealed bids to the highest and best bidder in satisfaction of all fees and expenses incurred.

#### SECTION 18: Animal Waste.

The owner of every animal shall be responsible for the removal of any feces deposited by such owner's animal on public walks, public property, recreation areas 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, when closed, is rat-proof and fly-tight until disposed.

It shall be unlawful for the owner of any property to allow unsanitary, unsightly, or malodorous conditions to develop on his property due to keeping, maintaining, owning or harboring of animals.

#### SECTION 19: Burial of Animals.

Animals may be buried within the real property of the owner, if such burial is at a minimum of four (4) feet and covered with lime.

#### SECTION 20: Interfering with or Striking Police Dogs.

It shall be unlawful to interfere with, molest, poison or strike a dog used by the Police Department or any City, County, State or Federal Agency, in the performance of the functions or the duties of such department. Violation of this section shall result in a fine of not less than two hundred (\$200.00) dollars nor more than one thousand (\$1,000.00) dollars and/or one hundred eighty (180) days imprisonment.

SECTION 21: Conflicting Ordinances.

All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 22: Severability.

If, for any reason, any section, paragraph, subdivision, clause, phrase, word, sentence or provision of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, it shall not affect any remainder.

This Ordinance shall be published as required by law and shall become effective from and after its passage in order to preserve and assure the immediate and temporary public peace, public health and safety of the citizenry of the City of Poplarville as hereinbefore recited.

The Mayor declares the Ordinance passed and adopted by the Mayor and Board of Aldermen of the City of Poplarville, Mississippi, on this, the 15TH day of November, 1994.