

AMENDED ORDINANCE NO. 44

ORDINANCE TO THE CODE OF ORDINANCES OF THE CITY OF D'IBERVILLE, MISSISSIPPI AMENDING CHAPTER VI, "ANIMAL CONTROL" OF THE CODE OF ORDINANCES OF THE CITY OF D'IBERVILLE, MISSISSIPPI

WHEREAS, the Mayor and City Council have determined that the needs of the City of D'Iberville require the amendment and modification of Chapter VI titled "Animal Control," of the code of Ordinances for the City of D'Iberville, Mississippi;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of D'Iberville, Mississippi, that Chapter VI titled "Animal Control" of the Code of Ordinances of the City of D'Iberville, Mississippi, be and the same are amended to read in full, as follows:

SECTIONS 6-1-6-20. Reserved.

SECTION 6-21 DEFINITIONS:

The following words, when used in this ordinance, shall have the following meanings ascribed to them unless a different meaning clearly appears from the context:

- (a) **DOG HOUSE:** An enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The animal should be able to stand, turn around with ease. The house must be raised off the ground.
- (b) **INHUMANE TREATMENT:** Any treatment to any animal which deprives the animal of necessary sustenance, including proper food and clean water, sanitary conditions, protection from weather, proper veterinary medical care, adequate exercise or any treatment of any animal such as overloading, overworked, tormenting, beating, mutilating, teasing, or poisoning or other abnormal treatment as may be determined by a licensed health officer; or an authorized law enforcement officer; or an animal control officer.
- (c) **OWNER:** Any person over the age of eighteen (18) years of age, or any form of corporation or organization who owns, manages, harbors, maintains, or controls an animal. For the purpose of the article, an animal shall be deemed to be harbored or maintained if it is fed and/or sheltered for five (5) or more consecutive days. If the animal is owned by a person under the age of eighteen (18), that person's parent or guardian shall be the owner.
- (d) **SANITARY CONDITIONS:** Space free from health hazards, including excessive animal waste, overcrowding of animals, free from standing water, or other conditions that endanger the animal's health.
- (e) **SHELTER:** Adequate protection from the elements and weather conditions suitable

for the age, species, and physical condition of the animal so as to maintain the animals in a state of good health. Shelter for livestock includes structures or natural features such as trees or topography. Shelter for a dog shall include one or more of the following:

- 1) The residence of the dog's owner, dog house.
 - 2) The doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall be in the shade during the months of April through October and shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
 - 3) A structure, including, but not limited to, a garage, barn or shed that is sufficiently and ventilated to protect the dog from exposure to extreme temperatures.
- (f) **STATE OF GOOD HEALTH:** Freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.
- (g) **BEDDING:** one of the following would qualify as proper bedding: wood shavings, pre-made bedding, blanket.
- (h) **TETHER:** Tethering means attaching an animal to a chain, rope, leash, tie out or wire restraining an animal which is attached to an animal's collar (on choke chain) or harness and is also attached to a stationary object.

SECTION 6-22: CONTROL AND PROTECTION OF ANIMALS IN GENERAL.

(a) It shall be unlawful for any person to:

- (1) Permit any animal to run at large within the corporate limits of the City of D'Iberville;
- (2) Carry out or inflict any inhumane treatment against any animal;
- (3) Interfere with, attack or molest a dog used by the Police Department of the City of D'Iberville in the performance of the function or duties of such department;
- (4) Permit to allow more than four (4) domesticated animals, over the age of six (6) months, in any one yard or open premises of a residence of the owner of such animals or premises, at any one time, and said animals shall at all times be leashed or enclosed in a fence and shall not be permitted to run at large in violation of other provisions of this Ordinance;
- (5) Keep or harbor any animal which, by loud, frequent, or habitual barking, howling, yelping, or other noise or action disturbs any person or neighborhood within the corporate limits of the City of D'Iberville;
- (6) Keep or maintain on their premises any pen(s), enclosure(s), etc. for keeping of animals or fowls so as to become a public nuisance to persons residing in the vicinity thereof, nor shall they be maintained or kept in any manner as to cause bodily injury to

any person residing in the vicinity of the pen, enclosure, etc.;

- (7) Keep and maintain animals for breeding/show purposes within the Corporate Limits of the City of D'Iberville, except in those areas zoned commercial or industrial, except as provided in Section 7-18;
 - (8) Keep or harbor any animal(s) or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to person(s) residing in the vicinity thereof;
 - (9) Fail or provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
 - (10) Leaving an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to said animal. In the event the owner of said vehicle is not available and cannot be found or refuses to prevent said harm or reasonably potential harm from continuing, the animal control officer or the Police Department shall be authorized to remove said animal from such vehicle and to utilize any reasonable method to effect said removal;
 - (11) Expose any known poisonous substance, whether mixed with food or not, purposely intended to harm or cause harm to animals, in such a manner as to be ingested by any animal to purposely harm said animal;
- (b) The duly sworn and authorized animal control officer(s) or Police Officer(s) of the City of D'Iberville may seize or cause to have seized any animal whose owner is found to be in violation of any part of subsection (a) and impound or cause to be impounded such animal in a designated shelter. Such animal shall be held for a period not to exceed five (5) days, and if reasonable corrections are not made by the owner of the animal so that the owner is no longer in violation of said subsection (a), the animal shall be released to the Harrison County Animal Shelter. The animal control officer shall designate to the owner what corrections are necessary to bring said owner into compliance with subsection (a).

SECTION 6-23: VACCINATION OF DOMESTICATED ANIMALS REQUIRED; ISSUANCE OF CERTIFICATE AND METAL TAG.

- (a) Each year every owner or keeper of a domesticated animal, three (3) months old or older in D'Iberville shall cause such domesticated animal to be vaccinated against rabies by a veterinarian licensed to practice in the State of Mississippi.
- (b) Evidence of vaccination shall consist of a metal tag and certificate issued and signed by the veterinarian administering the vaccination and containing pertinent data for identification of the domesticated animal which data must consist of the owner's name, address and telephone number. The metal tag must be worn at all times by the domesticated animal.

SECTION 6-24: KEEPING OF LIVESTOCK.

- (a) No person shall keep livestock closer than one hundred fifty (15) feet to any property line

adjoining that on which the livestock is kept; provided that each animal herein defined as livestock shall be kept on a lot or tract of three (3) acres or greater.

- (b) At the request of the animal control officer each livestock owner shall notify the animal control officer of the type, number and location of any and all livestock kept within the corporate limits. Said owner shall further furnish his name, address, and telephone number to the animal control authority and to the City of D'Iberville Police Department at the request of either.

SECTION 6-25: KEEPING FOWL REGULATED.

- (a) No person shall keep more than two (2) fowl such as chickens, ducks, turkeys, geese, pigeons, or guineas, except when enclosed one hundred fifty (150) feet from any property line adjoining that on which the fowl are kept, or except by special permit issued by the City of D'Iberville or designated agency of the City of D'Iberville.
- (b) It shall be unlawful for the owner of said fowl to allow such fowl to roam outside the property of said owner, except carrier pigeons on training or racing flights.

SECTION 6-26: FEROCIOUS, VICIOUS OR DANGEROUS ANIMALS PROHIBITED.

- (a) It shall be unlawful for any person to keep or maintain within the City of D'Iberville, Mississippi, any vicious, ferocious or dangerous animal or fowl. Any such animal or fowl may impounded or destroyed.
- (b) The violation of this Section shall constitute a misdemeanor.

SECTION 6-27: KEEPING WILD ANIMALS AND REPTILES PROHIBITED.

- (a) No person shall keep any wild animal(s) or reptile(s) within the corporate limits of D'Iberville, Mississippi.
- (b) No person shall keep or cause to be kept on his premises or in any roadside zoo or pet store, any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.
- (c) The animal control officer is hereby granted the authority to seize any wild animal(s) or reptile(s) kept in violation of this Section, federal law, or state statutes, upon conviction of the owner for such offenses, and, if seized, shall deliver said wild animal(s) or reptile(s) to the Department of Wildlife Conservation or equivalent state agency. In his discretion, the animal control officer may grant the owner of such animals twenty-four (24) hours to remove them from the boundaries of the City of D'Iberville to a lawful place if the public safety and welfare will not be jeopardized thereby.

SECTION 6-28: PERFORMING ANIMAL EXHIBITS OR CIRCUSES; REGULATIONS.

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

- (b) All equipment used on or by a performing animal shall fit properly and be in good working condition.
- (c) The owners, managers, and caretakers of animals used as performing animals shall provide them with good and sufficient food and water, and shelter from extremes of weather and shall at no time hobble, tether, tie or stake them alongside City of D'Iberville streets, state highways, public rights-of-way, or any thoroughfare within the corporate limits of the City of D'Iberville.
- (d) The animal control officer is hereby authorized to inspect the conditions and premises of such operations at any given time to determine compliance with this section.

SECTION 6-29: PET SHOPS AVIARIES, KENNELS; INVESTIGATION OF COMPLAINTS.

- (a) The animal control officer of the City of D'Iberville is hereby authorized at any reasonable time upon written request or demand of any citizen of the City of D'Iberville to inspect any store or business which buys, sells, gives away, or trades live animals, birds, or operates kennels.

SECTION 6-30: IMPOUNDMENT AND RECOVERY OF ANIMALS.

- (a) Any dog, animal or fowl caught, picked up or impounded by the animal control officer of the City of D'Iberville shall be forthwith turned over to a designated animal shelter in D'Iberville. Any impounded animal may be reclaimed within five (5) days of impoundment upon the payment of FIFTEEN DOLLARS (\$15.00) for the first day of impoundment FIVE DOLLARS (\$5.00) for each day thereafter, and upon showing proof of current vaccination.

SECTION 6-31: PROCEDURE ON RETENTION, OBSERVATION AND DISPOSITION OF ANIMALS WHICH HAVE BITTEN PERSONS OR OTHER ANIMALS, OR THOSE SUSPECTED OF HAVING DISEASE.

- (a) The animal control officer, in the course of his duties of investigation of cases in which animals have bitten persons or other animals, shall immediately notify the owner of sub animal which as bitten any person or animal or surrender the animal to the animal control officer immediately or otherwise arrange for the animal control officer to pick up and retain such animal in a separate kennel at the designated animal shelter for a period of not less than ten (10) days after the biting of such person or other animal, during which period it shall be determined by the city health officer or designated official whether such animal is suffering from any disease. If no disease is found, the city health official or other designated official shall signify to the animal control officer that such animal may be released to the owner; provided further, that the animal control officer may authorize keeping of any such animal on the owner's premises provided that the owner produces a certificate of rabies vaccination performed by a veterinarian showing that the animal has been vaccinated for rabies not long than twelve (12) months previous thereto or other vaccination period recognized by the United States Department of Agriculture and provided further, that the animal control officer may authorize any such animal to be retained for a period of not less

than then (10) days after biting such person or animal in quarters supervised by a veterinarian; provided further, that the animal control officer, or other designated official, may authorize certain animals be confined on the owner's premises because of veterinary medical reasons, such as small rodents, ferrets, monkeys or other animals difficult to maintain or susceptible to disease which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the city health officer or other designated official.

- (b) Any animal suspected of having disease shall be subject to the impoundment and observation provision set out in subsection (a) of this section.
- (c) Any animal found to be infected with rabies shall be forthwith destroyed by the animal control officer, an officer of the D'Iberville Police Department. The animal suspected to be infected with rabies shall not be destroyed in such a manner that damages the head, which will be needed for laboratory analysis.

SECTION 6-32: AUTHORIZATION FOR QUARANTINE.

- (a) In the event a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the city health officer or other designated official is hereby authorized and it shall be their duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation. Under the publication of such proclamation by the health officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as prescribed in the definition for "at large," except that any such animal under the control of an adult person on a leash or under control by voice command may do so only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the city health officer in a quarantine proclamation, without being properly confined or muzzled if under the control of an adult person, may be destroyed by any other office of the City of D'Iberville if said officer is unable, with reasonable effort, to apprehend the animal for impoundment.

SECTION 6-33: ANIMAL CONTROL OFFICERS -- TRAINING AND CERTIFICATION.

- (a) Animal control officer(s) shall be required to be familiar with the City of D'Iberville Ordinances pertaining to "animals and fowl," and applicable Federal and State statutes pertaining thereto.

SECTION 6-34: SAME -- POLICE POWERS AND ENFORCEMENT RESPONSIBILITY

- (a) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provision of this Ordinance, including without limitation, humane wire box traps; and the animal control officer(s) may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.
- (b) Any animal control officer appointed by the City of D'Iberville shall be authorized to issue

tickets, summons or other process in the same manner as other police officers of the City of D'Iberville but in the furtherance of the compliance with this Ordinance only.

SECTION 6-35: REPORTING VEHICLE ACCIDENT INVOLVING ANIMAL.

- (a) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the D'Iberville Police Department and/or the animal control officer or the local humane society within a reasonable time.

SECTION 6-36: VICIOUS OR DISEASED ANIMALS.

- (a) Vicious animals or feral dogs. When an animal is determined by the animal control officer to be a vicious animal or a feral dog, that animal may be destroyed by the animal control officer or his designee under the supervision of an officer of the D'Iberville Police Department, providing each of the following requirements are met:
 - (1) The animal is running at large;
 - (2) There is no vaccination tag around the animal's neck;
 - (3) Attempts to peacefully capture the animal have been made and proved unsuccessful.
- (b) Incurably injured or diseased animals, etc. It shall be the duty of the D'Iberville Police Department to discharge a firearm in order to mercifully end the life of an animal suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard, including but not limited to pigeons, rabbits, squirrels, snakes and feral dogs.

SECTION 6-37: HUMANE EUTHANIZATION.

- (a) An injured or neglected animal may be humanely euthanized by the animal control officer or his designee immediately, under the supervision of an officer of the D'Iberville Police Department.

SECTION 6-38: CONDITIONAL PERMITS FOR SHOW ANIMALS.

- (a) The animal control officer, or his designee(s), shall have the authority to issue permits, to be renewed annually, to persons within the City of D'Iberville to house and maintain animals in their residence for show competition purposes.
- (b) Any person shall be allowed to keep as many domesticated animals house upon their residential premises as desired,' subject to the following conditions:
 - (1) No more than four (4) of any such animals, over the age of six (6) months, shall be allowed in the yard or open premises of the residence of the owner of such animals at a time, and said animals shall, at all times, be leashed or enclosed in a fence and not allowed to run at large in violation of other provisions of this Ordinance.
 - (2) The animal control officer, or his designee(s), shall have the right to inspect, at all reasonable times, the premises of any animal owner issued a permit for housing and maintaining such animals hereunder. If it is determined that nay violations of this

Ordinance are occurring, then the said animal control officer shall have authority to revoke the permit of the owner immediately.

- (3) Any person seeking a permit for this purpose shall, as a part of the application therefor, submit written verification from all residents and property owners within a radius of 100 feet of their residence that all said neighboring property owners do not object to the issuance of such permit. If there are such objections, then the permit may be denied.
- (4) Each permit shall be issued only after application is made through the animal control officer, and then approved by the City Council.
- (5) An owner shall not be allowed to breed such animals for profit and sale purposes. Any such owner found in violation of this provision shall be guilty of a misdemeanor, and in addition to having his/her permit revoked shall be penalized as provided in Section 37 herein.
- (6) The application fee and first-year permit shall be the sum of \$25.00. The yearly renewal fee shall be \$25.00. All such fees shall be paid into the general fund of the City of D'Iberville.
- (7) Any permit issued pursuant to the provisions of this section may be revoked, if it is determined that any provision of this Ordinance is being violated, other than those conditional exceptions allowed in this section. In such case, the Animal Control Office shall notify the owner of such revocation, and the owner shall, within five (5) days of such notice, remove all animals from his premises. Failure to comply shall constitute a misdemeanor, and the owner shall be penalized as provided in Section 6-37 hereof.

SECTION 6-39: PENALTIES.

- (a) Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each and every day the violation continues the same shall constitute a separate and distinct offense. Any person found guilty of violating this Ordinance shall be punished as follows:

Any violation of this article will result in fines of up to \$1,000 and/or imprisonment up to 90 days.

SECTION 6-40: ANIMAL NEGLECT.

- (a) Tethers a dog to a stationary object while the dog is on the dog owner's property, on the property of the dog owner's landlord or on the property of the person having possession, charge, custody or control of such dog. All dog/cat must either be:
 - (1) Kept in a fenced yard with adequate space to exercise of at least 100 square feet per dog; or
 - (2) Kept in a residence. If the dog is kept in a residence, the owner of such dog or the person having charge, custody or control of such dog will be required to make arrangements for the daily exercise of the dog; or

- (3) Placed on a tether provided that it is at least ten (10) feet in length and is attached to a trolley mounted on a cable which is at least ten (10) feet in length and mounted no more than seven (7) feet above the ground level and which shall weigh no more than 10% of the dog's weight. Tethers shall be located so that they cannot become entangled with other objects. Collars used to attach a dog to a tether shall not be of the choke type. Dog must have access to shelter, food and water when on the tether.

- (b) Tethers a dog at an unoccupied house, barn or property

SECTION 6-41: REPEAL OF PREVIOUS ORDINANCE.

- (a) All provisions of prior Animal Control Ordinances are expressly repealed.

SECTION 6-42: EFFECTIVE DATE.

- (a) This Ordinance will become effective thirty (30) days after adoption by the Mayor and City Council.

The foregoing Ordinance having first been reduced to writing was read by the Clerk and Motion was made by _____, Seconded by _____ to accept and upon call for a vote the following was recorded:

AYES:

NAYS: None

The Mayor declared the Motion **carried** and the Resolution **adopted** this the **18th** day of **February**, 2020.

RUSTY QUAVE, MAYOR

ATTEST:

JODI WEISE, City Clerk