

veterinarian in Jackson County, Mississippi, at the owner's expense. In the event the owner elects to destroy the animal, all costs for rabies tests shall be paid by the owner.

(c) *Other impoundments.* Any animal which is being kept or held in a manner that is in violation of the provisions of this chapter, other than those specified in this section, may be caught and impounded by animal control officers and/or law enforcement officers. These animals may be impounded in the same manner and conditions as set out in subsection (a) of this section, except that if the animals are not being kept in a humane manner, they are not to be returned to the owner unless said owner can provide satisfactory evidence to the animal control officer that the animals will be humanely kept.

Sec.4-9. - Destruction of rabid animals.

In the event an animal is suffering from rabies or reasonably suspected of having rabies, and is allowed to run at large, such animal may be killed by any law enforcement officer without such officer being required to catch or impound such animal.

Sec. 4-10. - Prohibited treatment.

It shall be unlawful and a violation of this chapter for any person to:

- (1) Confine an animal inside a motor vehicle without adequate ventilation. The animal control officer has the authority to remove a dog or cat from a vehicle if the animal's health is endangered by such confinement in hot weather.
- (2) Fail to provide proper food, water, protection from the weather, and veterinary care for any animal which they own or any animal in their custody.
- (3) Abandon any animal which they own or any animal in their custody.
- (4) Intentionally poison any animal, excepting moles, mice, and rats.
- (5) Keep his/her animal in unsanitary conditions.
- (6) Keep or confine an animal in other than a humane manner. Dogs shall not be tethered as a primary method of confinement.
- (7) Intentionally allow or promote any fight between animals, on his/her real property or on property under his/her possession or control.

Sec. 4-11. - Animal control officer's determination of vicious animals.

(a) Each animal control officer shall make such investigations and inquiries as may be necessary to identify vicious animal(s) and vicious dog(s) within the animal control officer's jurisdiction.

(b) When an animal control officer classifies an animal or dog as a vicious animal or vicious dog, the animal control officer shall notify the animal's owner in writing by hand delivery or by mail to the owner's last known address of such classification. Such notice shall be complete upon its mailing.

(1) Procedures for classification:

a. As applied to the owners of vicious animals or vicious dogs, the procedure as provided for in this article must be carried out as a necessary condition for the enforcement of the provisions of this article against such owners.

b. When a vicious animal or vicious dog is classified as such, the animal control officer shall notify the animal owners of such classification.

c. The notice to the owner shall make the following requirements:

1. The notice shall be in writing and delivered or mailed to the owner's last known address;

2. The notice shall include a summary of the animal control officer's findings that formed the basis for the animal's classification as a vicious animal or dog;

3. The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has a right to request a hearing of the animal control officer's determination that the animal is a vicious animal or vicious dog;

4. The notice shall state that the hearing, if requested, shall be held before and conducted by the municipal court;

5. The notice shall state that if a hearing is not requested, the animal control officer's determination that the animal is a vicious animal or vicious dog will become effective for all purposes under this article on the date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing;

6. The notice shall include a form to request a hearing before the municipal court.

d. When it has been determined that an owner possesses a vicious animal or vicious dog, the animal control officer shall issue a certificate of registration to the owner of such animal, if the owner presents to the animal control officer or the animal control officer otherwise finds sufficient evidence of compliance with the duties prescribed for the owner within this article.

- e. An animal control officer is authorized to make whatever inquiry is deemed necessary to insure compliance with the provisions of this article.
- f. The police department shall cooperate with the animal control officer in enforcing the provisions of this article.

Sec. 4-12. - Keeping of vicious dogs and vicious animals.

(a) While on the owner's real property, a vicious animal or vicious dog shall be securely confined indoors or in a securely locked pen or structure situated behind the front building line of the primary residence, suitable to prevent the entry of children and designed to prevent the dog or other animal from escaping. Such enclosure must assure the safety of the public as well as confinement of the dog or animal in a humane, sanitary, and healthful environment. The animal control officer, or his/her designee, after reviewing the circumstances associated with each situation and inspection, shall make a determination as to whether the enclosure meets the requirements. Minimum enclosure requirements shall include: a concrete base/floor or other material with similar durability and strength characteristics as compared to concrete, walls six (6) feet in height to be chain link or other material with similar durability and strength characteristics as compared to chain link, and a roof or "cap" to be chain link or other material with similar durability and strength characteristics as compared to chain link. The enclosure access point latch/locking mechanism shall be a minimum of five (5) feet above the enclosure base/floor similar to those requirements of pool enclosures as to prevent opening by a child.

(b) No owner of a vicious animal or vicious dog shall permit such animal or dog to go beyond the owner's real property unless such animal or dog is securely leashed and muzzled, with the muzzle being sufficient to prevent such dog or animal from biting human beings and animals, except that:

(1) A vicious dog shall not be required to be muzzled when being shown in a dog show sanctioned by a national kennel club; or

(2) A vicious animal or vicious dog shall not be required to be leashed and muzzled when securely caged or otherwise securely contained inside a commercial establishment in the business of boarding and/or medically treating animals or dogs.

(c) No vicious animal or vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the animal or dog to exit such area on its own volition.

(d) When an animal or dog is reasonably determined to be vicious by the animal control officer or law enforcement officer, the dog may be destroyed providing each of the following requirements are met:

- (1) The animal is at large;
- (2) Attempts to peacefully capture and impound the animal have been made and proved unsuccessful; and
- (3) The animal poses a serious and immediate threat of serious harm or injury to human life.

(e) Before filing a complaint/affidavit for a violation under this section in the municipal court, the animal control officer or his/her designee shall give written summons to appear in municipal court to the person suspected of a violation that his/her dog or animal is deemed a vicious dog or animal or potentially vicious dog or animal and may be subject to the requirements of this section.

(f) Once the owner is notified that his/her animal or dog has been deemed vicious, the owner shall have forty-five (45) days from said ruling to comply with the confinement requirements for vicious animals and dogs under this chapter. During this forty-five-day period, the animal or dog should be confined in accordance with [section 4-5\(a\)](#) of this chapter.

(g) No vicious animal or dog may be owned, kept, possessed or harbored within the city without the owner or custodian of such animal first obtaining proof of registration from the city. An application for such registration shall include the name and address of the owner, the address at which the animal will be located or confined, a description of measures to be taken to secure the animal, a complete description of the animal, including type of animal, sex, color and other distinguishing marks, and, at the city's discretion, a photograph of the animal.

(1) Owners of vicious animals or vicious dogs are hereby required to maintain liability insurance, such as homeowner's or renter's insurance, that covers injuries inflicted by animals or dogs, as the case may be, in an amount of not less than one hundred thousand dollars (\$100,000.00), and said policy shall require notification of cancellation of said policy to the Animal Control Officer, 3330 Highway 90, Gautier, Mississippi 39553. Proof of said liability insurance shall be provided to the animal control officer or his/her designee upon his/her request.

(2) Owners or custodians of vicious animals or dogs shall, upon the birth, death or transfer of such animals, report such fact to the city. A separate registration shall be issued for each vicious animal or dog. Upon the transfer of any vicious dog or animal, a statement shall be filed with the city stating the name and address of the person to whom the animal is sold or transferred and the address at which the vicious animal or dog is to be located, if known.

(3) The application for such registration must be signed and dated by the owner or custodian of the vicious animal or dog. The owner or custodian must sign a statement attesting to the fact that all provisions of this chapter have been and will be complied with in their entirety, and that the city shall be

notified immediately of any attack or other violation of this chapter by vicious animal or dog in his possession or control.

(4) A one-time fifty-dollar (\$50.00) fee per vicious animal or dog shall be required for the issuance of a registration. The fee amount may be adjusted from time to time by the City of Gautier Mayor and Councilmember's.

(5) Any owner or custodian of a vicious animal or dog who fails to obtain a registration from the city shall be fined one hundred fifty dollars (\$150.00) per vicious dog or animal. The owner or custodian shall have ten (10) days from the date the city provides written notice of such failure to obtain a registration. Failure to obtain a registration with the ten-day time period shall subject the owner to an additional fine of one hundred fifty dollars (\$150.00) per day for each unpermitted or unlicensed vicious animal or dog until such permit or license is obtained.

(6) Any registration issued pursuant to this section shall be revocable upon any noncompliance with any of the terms of this chapter by any person owning or in possession or control of any vicious animal or dog.

(h) The animal control officer shall keep for ten (10) years a record of all dogs or animals determined to be vicious.

(i) All owners of vicious animals or dogs shall within ten (10) days from the effective date of the ordinance from which this chapter was derived display in prominent, conspicuous places, legible signs no larger than one square foot, which can be easily read on all sides of their real property where the vicious animal or dog is kept, using such words as "Beware of Dog" or "Dangerous Animal" and in addition a similar sign shall be posted on the kennel, pen, or enclosure for such dog or animal.

(1) Signs shall be constructed and maintained in a manner to withstand the elements.

(2) The absence of any required signs shall be prima facie evidence of a violation of this section.

(j) An animal control officer or law enforcement officer may enter the premises where a vicious dog is kept for the purpose of inspection of the premises to ascertain whether such complies with the provisions of this chapter. Such inspection shall be made only after reasonable notice to the occupant of the premises. If the owner shall refuse the inspection, the assistance of a court may be requested.

Sec. 4-13. - Feral cats.

Feral cats may be licensed under a city-approved volunteer or other sanctioned program that provides health checks and spay and neuter services for these animals. Cats in such a colony should be microchipped when they are captured for health checks.

Sec. 4-14. - Violations; penalties.

Unless another penalty is set forth herein for a specific violation in this chapter, any person who shall violate any provision of this animal control ordinance, or fail to comply with any of the requirements thereof, shall be guilty of a misdemeanor and any person found guilty of such violation shall, upon conviction, be fined for each violation not more than one thousand dollars (\$1,000.00), or imprisoned for not more than six (6) months, or both, plus all court costs.

Sec. 4-15. - Enforcement.

- (a) It shall be the duty of animal control officers and/or law enforcement officers to enforce the provisions of this chapter.
- (b) It shall be a violation of this chapter for any person to interfere with or hinder an animal control officer and/or law enforcement officer in the performance of their duties, or to release or attempt to release any animal in said officers' custody.
- (c) Animal control officers and/or law enforcement officers having probable cause to believe a person has violated this chapter may file a complaint or affidavit in municipal court or other court of competent jurisdiction against said person. Said officers may issue citations in the enforcement of this chapter to any person the officer(s) have probable cause to believe has violated this chapter, with the citation designating the offense(s) charged and requiring the person so charged to appear before such courts on a specified date to answer the charges contained therein.

Sec. 4-16. - Livestock and fowl only kept for pets or personal use.

The keeping of livestock and fowl is hereby restricted to their use only as pets or for personal use of the family residing on the premises, and the keeping of livestock or fowl for commercial purposes is hereby declared to be unlawful.

(Ord. No. 19, § 1, 10-6-87)

Sec. 4-17. - Keeping of livestock.

Livestock shall only be allowed to be kept on any property in the city under the following conditions:

- (1) *Required area.* No large livestock shall be kept on any property having less than twenty thousand (20,000) square feet (excluding living area and family dwelling), and one such animal shall be allowed for each additional five thousand (5,000) square feet.

(2) *Livestock to be fenced.* All large livestock shall be properly fenced so as to prohibit their running at large.

(3) *Proximity to opening of dwelling.* No large livestock shall be kept in such a manner so as to allow their being closer than thirty-five (35) feet from the nearest door, window, or other opening of a neighbor's dwelling.

(4) *Livestock to be kept in safe and sanitary environment.* All large livestock shall be kept in a safe and sanitary environment that is not detrimental to the health and well-being of said livestock.

(5) *Prohibition of nuisances to neighborhood.* All large livestock shall be kept in such a manner so as to prohibit the creation of a nuisance as to the abutting or adjoining property owner or the general neighborhood in which they are kept. Said nuisances shall include, but not be limited to noise, odor, attraction of or breeding grounds for flies, mosquitoes, and other insects.

(Ord. No. 19, § 1(a), 10-6-87)

Sec. 4-18. - Keeping of small livestock.

Small livestock is defined as rabbits, chinchillas, and other small caged animals and shall only be allowed to be kept on any property in the city under the following conditions:

(1) *Required area.* No small livestock shall be kept on any property having less than seven thousand (7,000) square feet. Closed sheds or garages (as for raising chinchillas) are not restricted except as pertains to zoning ordinance.

(2) *Small livestock to be caged.* All small livestock shall be properly caged so as to prohibit their running at large.

(3) *Proximity to opening of dwelling.* No small livestock in outside cages shall be kept in such a manner so as to allow their being closer than thirty-five (35) feet from the nearest door, window, or other opening of a neighbor's dwelling.

(Ord. No. 19, § 1(b), 10-6-87)

Sec. 4-19. - Keeping of fowl.

Fowl shall only be allowed to be kept on any property in the city under the following conditions:

(1) *Required area.* No fowl shall be allowed on any premises of less than twenty thousand (20,000) square feet, and ten (10) fowl shall be allowed to be kept on premises of twenty thousand (20,000) square feet. Five (5) additional fowl shall be allowed for each additional five thousand (5,000) square feet.

(2) *Fowl to be fenced.* All fowl shall be properly fenced so as to prohibit their running at large, and shall be confined as is set out above.

(3) *Proximity to opening of dwelling.* No fowl shall be kept in such a manner so as to allow their being closer than thirty-five (35) feet from the nearest door, window, or other opening of a neighbor's dwelling.

(4) *Fowl to be kept in safe and sanitary environment.* All fowl shall be kept in a safe and sanitary environment that is not detrimental to the health and well-being of said fowl.

(5) *Prohibition of nuisances to neighborhood.* All fowl shall be kept in such a manner so as to prohibit the creation of a nuisance as to the abutting or adjoining property owner or the immediate neighborhood in which they are kept. Said nuisances shall include, but not be limited to noise, odor, attraction of or breeding grounds for flies, mosquitoes and other insects.

(Ord. No. 19, § 1(c), 10-6-87)

Sec. 4-20. - Variances allowed on space requirements.

(a) *Amount of variance.* Variances may be allowed on space requirements provided, however, that a variance not to exceed twenty (20) percent of the square footage requirements of this article, as above set out in [section 4-17\(1\)](#) and [section 4-19\(1\)](#) may be allowed on petition properly presented to the Gautier Planning Commission and approved by the planning commission and the mayor and city council of the city upon just cause or reason being shown as to why said variance should be granted.

(b) *How variance obtained.* A petition for variance as set out in the preceding paragraph should be accompanied by an affidavit from the petitioner, giving the names and addresses of the adjoining property owners, within five hundred (500) feet which should be presented to the planning commission of the city together with the filing fee as established by said planning commission, and notice thereof and hearing thereon shall be conducted insofar as practical along the same lines as a request for rezoning.

(Ord. No. 19, § 1(d), 10-6-87)

Sec. 4-21. - Permit required.

All persons desiring to keep livestock or fowl in the city shall first apply to the city clerk's office. Provided, however, that all owners of livestock or fowl at this time are hereby granted one hundred twenty (120) days after the effective date of this article to apply for said permit.

(Ord. No. 19, § 1(e), 10-6-87)