(3) Owners of dogs and cats redeemed from impoundment shall provide proof of rabies inoculation prior to release of the animal from impoundment. In the event proof of inoculation cannot be produced, the owner shall produce a receipt for prepayment of a rabies vaccination from a licensed veterinarian or person certified by the state board of health before said animal is released.

(4) If the owner does not redeem such animal within five (5) days, the animal shall be either put up for adoption or humanely destroyed. In the event the animal is adopted, the person who adopts the animal is then the legal owner of the animal.

(b) Impoundment for animal bite and impoundment of animals suspected or having rabies. If any animal has bitten a person, and/or is suspected of having been exposed to rabies and/or is suspected of having rabies by the county health officer or animal control officer, said animal shall be safely quarantined for a period of ten (10) days by the Jackson County Animal Shelter or with permission of the animal control officer or his/her designee, place said animal within a licensed veterinarian clinic or hospital 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. 4-17. - Feral cats.

Feral cats may be managed under a city-approved volunteer or other sanctioned program that provides health checks and spay and neuter services for these animals at no cost to the City. Cats in such a colony may be ear tipped or micro chipped for identification purposes.

Sec.4-18. - 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 or animal control officer without such officer being required to catch or impound such animal.

Sec. 4-19. - Cruel and inhumane treatment.

It shall be unlawful for any person to torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink, or cruelly beat or needlessly mutilate any domesticated animal within the corporate limits of the city or to cause or permit same to be done.

Sec. 4-20. – 4-25 Reserved.

ARTICLE III. VICIOUS ANIMAL/DOG CONTROL

Sec. 4-26. – Short Title

This article shall be known and may be cited as the "Vicious Animal/Dog Control Ordinance."

Sec. 4-27. - Animal control officer's determination of vicious animals/dogs.

(a) The 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 delivering a letter in person or by mail to the owner's last known address of such classification. Such notice shall be complete upon its delivery or 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.

(2). 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 when the animal control officer finds sufficient evidence of compliance with the duties prescribed for the owner within this article.

(3). An animal control officer is authorized to make whatever inquiry is deemed necessary to insure compliance with the provisions of this article.

(4). The police department shall cooperate with the animal control officer in enforcing the provisions of this article.

Sec. 4-28. - Keeping of vicious animals and vicious dogs.

(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:

(1) At least one (1) square foot of area for every pound of body weight of the dog with a portion of the enclosure covered with material sufficient to provide the dog with shade and protection from the weather.

(2) A concrete base/floor or other material with similar durability and strength characteristics as compared to concrete,

(3) 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.

(4) 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 is 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

their animal or dog is deemed a vicious animal or dog 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 4-13(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 loss, death or transfer of such animals, report such fact to the animal control officer. 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 City Council.

(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 fascia 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. 4-29. - Confiscation of vicious animal/dog.

(a) An animal deemed to be a vicious animal/dog shall be immediately confiscated by the animal control officer or by a law enforcement officer and other person authorized by the animal control officer if:

(1) The owner of the animal does not secure the liability insurance or bond required by this article, or

(2) The animal is not validly registered as required by this article, or

(3) The animal is not maintained in a proper enclosure in violation of this article; or

(4) The animal is outside a proper enclosure in violation of this article.

(b) Any animal that has been confiscated under the provisions of this section shall be returned to its owner after a hearing on the matter is concluded by the municipal court judge or upon the owner's compliance with the provisions of this

article. In the event the owner has not complied with the provisions of this article within fifteen (15) days of the date the animal was confiscated, said animal will be destroyed in an expeditious and humane manner.

Sec. 4-30. - Offenses.

It shall be unlawful for an owner to have or possess within this city a vicious animal/dog without authority from the animal control officer issued in accordance with the provisions of this article.

Sec. 4-31. - Violations; penalties.

The owner of a vicious animal/dog who violates the applicable provisions of this article, or whose vicious animal/dog is subject to confiscation under this article, shall be guilty of a misdemeanor and fined two hundred and fifty dollars ($250.00) for a first offense. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than five hundred dollars ($500.00) shall be imposed, and for a third or subsequent conviction, a fine of not less than seven hundred and fifty dollars ($750.00) shall be imposed.

Sec. 4-32. – 4-35 Reserved.

ARTICLE IV. LIVESTOCK and FOWL

Sec. 4-36. - 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 unlawful.

Sec. 4-37. - 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 to prohibit their running at large.

(3) *Proximity to opening of dwelling.* No large livestock shall be kept in such a manner 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 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.

Sec. 4-38. - 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 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 to allow their being closer than thirty-five (35) feet from the nearest door, window, or other opening of a neighbor's dwelling.

Sec. 4-39. - 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.

(2) *Fowl to be fenced.* Fowl must be kept in a coop or run enclosure at all times. Coops and runs must be completely enclosed with wire, aviary

netting or solid roofing and shall be impermeable to predators. Any structure used to keep fowl must be maintained to avoid causing a blight to neighboring properties or depreciation of property values. It shall be unlawful for any person to permit fowl to run at large on the streets, sidewalks or any other public place.

(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.

Sec. 4-40. - 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 4-37(1) and section 4-39(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.

Sec. 4-41. - 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.

Sec. 4-42. - Violations; penalties.

The owner of livestock or fowl who violates the applicable provisions of this article is subject to revocation of their permit to keep livestock or fowl. In addition they 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 three (3) months, or both, plus all court costs.

Sec. 4-43 – 4-45 Reserved

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ARTICLE II. - DOGS

Sec. 4-21. - Rabies vaccination required.

Sec. 4-22. - Running at large prohibited; impoundment, etc.

Sec. 4-23. - Enclosures; dogs as nuisances.

Sec. 4-24. - Cruel and inhumane treatment.

Sec. 4-25. - Disturbance, nuisance or danger in neighborhood.

Sec. 4-26. - Penalty for violation.

Sec. 4-27. - Confiscation and removal of dangerous dogs.

Sec. 4-28. - Condition of premises where dogs kept or confined.

Secs. 4-29, 4-30. - Reserved.

Sec. 4-21. - Rabies vaccination required.

It shall be the duty of the owner of every dog within the city, **six (6) months** of age or over, to have the dog vaccinated against rabies with the approved dosage of approved anti-rabic vaccine properly administered by one legally authorized to administer the same and to see that the said dog when so vaccinated wears about its neck and securely bradded to the collar a metal tag approved by the State Board of Health with the serial number of the vaccination and the year in which the dog was inoculated stamped thereon, and to see that the said collar with the said tag attached thereto is worn by the dog at all times.

It shall further be the duty of the owner of every dog to have the said vaccination repeated annually on or before June 30 of each year. It shall be unlawful for the owner of any dog to fail to have the same vaccinated and tagged as hereinabove set forth.

(Ord. No. 18, § 1, 10-6-87)

Sec. 4-22. - Running at large prohibited; impoundment, etc.

It shall be unlawful for the owner of any dog to permit the same to run at large in the city. The term "at large" as used in this paragraph shall mean the failure to keep any dog within the confines of the property of the owner or harborer. 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. Such dog

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shall be kept for at least five (5) days unless claimed sooner by the owner. Within five (5) days the rightful owner of any dog may, provided the dog has been vaccinated and tagged, as above set forth, obtain the dog upon payment of a pound fee in the amount of ten dollars ($10.00) for the first occasion, twenty dollars ($20.00) for the second occasion, thirty dollars ($30.00) for the third occasion and in addition thereto, the payment of the sum of two dollars ($2.00) per day, or a fraction thereof, for the time the dog remained impounded. If any unvaccinated dog is claimed during the five-day period, such dog shall not be released under any circumstances until vaccinated and tagged and charges shall be preferred against the owner thereof for failing to comply with section 4-21 of this article. If an unvaccinated dog is not claimed within the five-day period, such dog shall be killed.

(Ord. No. 18, § 2, 10-6-87; Ord. No. 116, § 1, 8-17-99)

Cross reference— *Administration, Ch. 2.*

Sec. 4-23. - Enclosures; dogs as nuisances.

The owners or harborers of all dogs within the city are hereby required to keep the same within suitable enclosures and are further required to keep said enclosures sanitary and clean so as to prevent disagreeable odors arising therefrom, or the presence of breeding of flies, mosquitoes and other pests.

(Ord. No. 18, § 3, 10-6-87; Ord. No. 116, § 1, 8-17-99)

Sec. 4-24. - Cruel and inhumane treatment.

It shall be unlawful for any person to torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink, or cruelly beat or needlessly mutilate any dog within the corporate limits of the city or to cause or permit same to be done.

(Ord. No. 18, § 4, 10-6-87; Ord. No. 134, § 1, 8-19-03)

Sec. 4-25. - Disturbance, nuisance or danger in neighborhood.

It shall be unlawful for the owner or harborer of any dog or dogs to permit the same to create a disturbance in the neighborhood, or annoy, threaten, or endanger any person or family or become a nuisance in any manner.

(Ord. No. 116, § 1, 8-17-99)

Sec. 4-26. - Penalty for violation.

Any person violating any of the terms and provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished by fine in an amount not less than twenty-five dollars ($25.00), nor more than one hundred dollars

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($100.00) and imprisonment in the city jail not to exceed thirty (30) days, or by both such fine and imprisonment, provided, however, that any person found guilty of violating the provisions of section 4-21 of this article shall be punished by fine of fifty dollars ($50.00) for the second offense and one hundred dollars ($100.00) for the third offense, provided further, however, that each day during which an offense shall occur or continue is deemed to be a separate offense.

(Ord. No. 18, § 5, 10-6-87; Ord. No. 116, § 1, 8-17-99)

Sec. 4-27. - Confiscation and removal of dangerous dogs.

Any dog which the municipal court determines is a danger to any person or family shall be subject to confiscation and removal by the city.

(Ord. No. 116, § 1, 8-17-99)

Sec. 4-28. - Condition of premises where dogs kept or confined.

(a)

No dog shall be kept or confined in any place where the water, shelter, ventilation, and food are not sufficient for the good health of such dog. No dog shall be kept in such place or condition as to become a nuisance, either because of noise, odor, filth, or contagion of disease.

(b)

No person shall, at any time, fasten, chain, tether, or tie any dog or cause such dog to be fastened, chained, tethered, or tied to a stationary object while such 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 unless such restraint consists of a chain, leash, wire cable, or similar restraint attached to a swivel or pulley which shall be located as to keep the dog exclusively on the secured premises. Tieouts shall be so located as to keep the dog secure and shall not be able to become entangled with other objects, and shall be of sufficient length to allow free and full time access to water, food and shelter. Collars used to attach a dog to a tieout shall not be of a choke type. No tieout shall employ a restraint which is less than ten (10) feet in length.

(c)

Failure to comply with the terms of this section of the article shall require the dog owner or the person having possession, charge, custody, or control of such dog to:

(1)

Provide a fenced yard, of sufficient height to prevent the dog from escaping from the enclosure, which may include a yard enclosed by

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electronic fencing, for the dog with adequate space for exercise of at least one hundred (100) square feet, or

(2)

Provide an enclosure for such dog of at least one (1) square foot of area for every pound of body weight of the dog. Such enclosure shall be constructed of chain link or similar type material with all four (4) sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from the enclosure. A portion of the enclosure shall be covered with material sufficient to provide the dog with shade and protection from the weather.

(Ord. No. 134, § 2, 8-19-03)

Secs. 4-29, 4-30. - Reserved.

DIVISION 1. - GENERALLY

Sec. 4-31. - Livestock and fowl only kept for pets or personal use.

Secs. 4-32—4-35. - Reserved.

Sec. 4-31. - 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)

Secs. 4-32—4-35. - Reserved.

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DIVISION 2. - CONDITIONS UNDER WHICH LIVESTOCK AND FOWL MAY BE KEPT

Sec. 4-36. - Keeping of livestock.

Sec. 4-37. - Keeping of small livestock.

Sec. 4-38. - Keeping of fowl.

Sec. 4-39. - Variances allowed on space requirements.

Sec. 4-40. - Permit required.

Secs. 4-41—4-60. - Reserved.

Sec. 4-36. - 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)