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.

# ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; REVISING CHAPTER 4, ANIMALS AND FOWL OF THE CITY OF GAUTIER CODE OF ORDINANCES; AND SETTING AN EFFECTIVE DATE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE CODE OF ORDINANCES OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:**

**Section 1. Authority & Intent**

A. The Gautier Planning Commission held a public hearing after due public notice and considered this ordinance on Thursday, November 7, 2013. The City Council conducted a public hearing on November 19, 2013.

B. The City Council finds that Chapter 4, Animals and Fowl, of the City of Gautier Code of Ordinances should be more specific in addressing certain regulations regarding animal control.

**Section 2. Revision of Chapter 4**

Chapter 4 of the City of Gautier Code of Ordinances, is hereby revised per the attached.

**Section 3. Conflicts**

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

**Section 4. Severability**

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**Section 5. Effective Date**

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

Adopted: _____

_____
Gordon Gollott, Mayor

Attest:

Approved as to form and legal sufficiency.

_____
Cindy Russell, City Clerk

New language is underlined.
Deleted language is ~~stricken~~.