

## AMENDED

### **ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FLOWOOD, MISSISSIPPI ENACTING REGULATIONS PROVIDING FOR THE KEEPING OF ANIMALS WITHIN THE CITY AND RELATED MATTERS**

WHEREAS, the Mayor and Board of Aldermen desire to amend an Ordinance governing the keeping of animals within the City of Flowood adopted May 17, 994; and

WHEREAS, the Mayor and Board have considered and do hereby adopt the following Ordinance to be known as the Animal Control Ordinance of the City of Flowood.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Flowood as follows:

#### **SECTION 1: DEFINITIONS**

As used throughout this ordinance and in interpretations thereof the following definitions shall govern:

Animal: Any live, vertebrate creature, domestic or wild.

Animal Control Officer: Any person designated by the City as a law enforcement or Animal Control Officer who is qualified to perform such duties under the laws of this State.

Animal Shelter: Any facility operated by a humane society, or governmental agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At Large: Any animal shall be deemed to be at large when it is not on a leash, behind a fence or enclosure, or under the control of the competent person.

Feral Dog: Any dog that has escaped from domestication and become wild, dangerous or untamed.

Inhumane Treatment: Any treatment to any animal which deprives the animal of necessary substances including food, water or protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, boating, mutilating, teasing or poisoning or other abnormal treatments as may be determined by any Law Enforcement Officer or the Animal Control Officer.

Kennel: Any premises wherein any person engages in the business of boarding, feeding, buying, letting for hire, training for a fee, or selling dogs or cats, or where there are regularly kept four (4) or more adult dogs or cats, or any combination thereof.

Livestock: All domesticated animals, including, but not limited to, cows, mules, goats, sheep and pigs, but excluding horses which are governed by a separate ordinance.

Owner: Any individual, firm, association, syndicate, partnership, or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to “harbored” if it is fed or sheltered.

Performing-Animal Exhibition: Any spectacle, display, act, or event, other than a circus, in which performing animals are used.

Pet: Any animal kept for pleasure rather than utility.

Public Nuisance: Any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds, in City parks, or in a zoological park;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines, or howls in an excessive, continuous, or untimely fashion;
- (7) Is allowed by its owner to become a nuisance to people or other animals; or
- (8) Is kept under conditions which are malodorous.

Restraint: Any animal(s) being secured by a leash or lead of less than six (6) feet, within fenced real property limits of its owner.

Vaccination: An injection of United States Department of Agriculture approved rabies vaccination administered every twelve (12) calendar months by a licensed veterinarian.

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious Animal: Any animal or animals that constitute a physical threat to human beings or other animals.

Wild Animal: Any live monkey (nonhuman primate), raccoon, bear, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm-blooded 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.

Zoological Park: Any facility, other than a pet show, roadside zoo, or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation, or government agency.

## SECTION 2: ANIMAL CONTROL OFFICER OR SUPERINTENDENT

The Chief of Police, or such other person as the Board may designate, is hereby designated as the Superintendent or Officer of this Ordinance and the police department and Animal Control Officer are charged with the responsibility to enforce the civil and criminal provisions of this ordinance. Interfering with these people is prohibited and shall be a violation of this chapter.

## SECTION 3: VIOLATIONS AND PENALTIES

Any person violating any provision of this chapter, except as provided for in Sections 5 and 6, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or by imprisonment in jail not to exceed ninety (90) days, or by both fine and imprisonment. If any violation be continuing, each day's violation shall be deemed a separate offense.

Upon a second conviction of a violation of any of the provisions of this Ordinance other than Section 5 and 6, the offender shall be punished by a fine of not less than \$50.00 and not more than \$500.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Upon the third or subsequent conviction of a violation of any of the provisions of this Ordinance other than Section 5 and 6, the offender shall be punished by a fine of not less than \$100.00 and not more than \$500.00 or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Upon a conviction of a violation of the provisions of Section 6 of this Ordinance the offender shall be punished by a fine of not less than \$25.00 and not more than \$100.00.

## SECTION 4: PROHIBITED MATTERS

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

- (a) beat, cruelly ill-treat, torment, overload, 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.
- (b) expose any known poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by any animal; provided that it shall not be unlawful for a person to expose on his own property common pest control poison mixed only with vegetable substances for other purposes.
- (c) crop a dog's ears or perform any other major or minor surgical procedures except by a licensed veterinarian.

- (d) leave an animal unattended inside a motor vehicle when such action is reasonably potentially harmful to said animal. The Animal Control Officer or Police Officer shall have the authority to remove an animal from such a vehicle and use such force as is reasonably necessary to effect such removal.
- (e) operate a motor vehicle and strike a domestic animal without reporting the accident to the police department and/or the Animal Control Officer or to the local humane society within a reasonable time.
- (f) allow any pen(s), etc. for the keeping of animals or fowls to become unsanitary, offensive, or disagreeable to persons residing in the vicinity thereof, nor shall they be maintained or kept as to breed flies or in any manner cause any injury to the public health or any person residing in the vicinity of the pen, enclosure, cage, etc.
- (g) keep or harbor any animal(s) or fowl in such a manner as to become offensive by reason of odor or unclean condition or in such a manner as to annoy any person residing in the vicinity thereof.
- (h) Keep livestock on lots or tracts of four acres or less.
- (i) Keep swine within the City limits.
- (j) Keep, raise or house pigeons at large within the City limits. Any pigeons found to be uncaged, or not penned, shall be presumed to be at large, and may be seized by any reasonable and humane method by any police officer of the City or by the Animal Control Officer, or by any person designated by the Chief of Police to do so.
- (k) keep or permit to be kept on his premises, or in any roadside zoo or pet store, any vicious or wild animal for display or for exhibition purposes, whether gratuitously or for a fee. This subsection shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
- (l) keep or permit to be kept any wild animal as a pet.
- (m) give away live animals, fish, reptile, or birds as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (n) keep or harbor more than four (4) domesticated animals of the same species, over the age of three (3) months, in any residential area within the corporate limits of the City.
- (o) fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

- (p) fail to provide his 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.
- (q) carry our any inhumane treatment against the animal(s).
- (r) keep or harbor any animals 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.

If any of the above provisions have been violated, the Animal Control Officer or Police Officer of the City may seize or cause to have seized any animal whose owner is found to be in violation 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 will not be in further violation of said section if such animal is returned to him, the animal shall be handled in accordance with Section 14.

#### SECTION 5: VACCINATION OF DOGS AND CATS AGAINST RABIES

Any person owning, keeping, harboring, or having custody of any dog or cat six (6) months of age or older within the City shall have the animal vaccinated on or before August first of each year against rabies with the approved dosage of any approved antirabic virus (vaccine) properly administered by a veterinarian licensed to practice in the State of Mississippi; it shall be unlawful for any person to own or have in his possession any dog or cat not so vaccinated.

Every dog or cat must be so vaccinated immediately upon attaining the age of six (6) months, and every year thereafter on or before August first.

Evidence of vaccination shall consist of a secure metal tag approved by the State Board of Health and certificate issued and signed by the veterinarian administering the vaccination and containing pertinent data for identification of the dog or cat which data must consist of the owner's name, address and telephone number, the serial number of the vaccination and the year in which the animal was inoculated stamped thereon. The metal tag must be worn at all times by the dog or cat.

The failure to comply with this section shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined fifteen dollars (\$15.00) for the first offense, thirty-five dollars (\$35.00) for the second offense, and sixty dollars (\$60.00) for the third offense.

#### SECTION 6: PERMITTING TO RUN AT LARGE

Prohibited. It shall be unlawful for the owner of any animal to permit it to run at large within the corporate limits of the City.

Impoundment of animals at large. Animals running at large may be impounded as provided in Section 14 of this ordinance.

Penalties for owners. In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer or police officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of twenty-five (\$25.00), which may, at the discretion of the animal owner, be paid to the Animal Control Officer within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before the City Judge, and upon conviction of a violation of this section, the owner shall be punished as provided in Section 3 of this ordinance.

#### SECTION 7: REMOVAL OF WASTES

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property. It shall be unlawful for the owner of any property to allow unsanitary, unsightly, or malodorous conditions to develop on his property due to the keeping, maintaining, owning, or harboring of animals.

#### SECTION 8: BURIAL

Upon obtaining the written consent of the Animal Control Officer, a citizen may bury within his real property limits a deceased pet if such burial is to be a minimum depth of four (4) feet.

#### SECTION 9: ABANDONMENT

No owner of any animal shall abandon such animal.

#### SECTION 10: PET STORES

Stores which deal in live pets may be subject to inspection on demand by the Animal Control Officer.

#### SECTION 11: PERFORMING ANIMAL EXHIBITS OR CIRCUSES: REGULATIONS

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

All equipment used on or by a performing animal shall fit properly and be in good working condition.

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 take them alongside city streets, state highways, public rights-of-way, or any thoroughfare within the corporate limits of the City.

#### SECTION 12: ELIMINATION OF ANIMALS – WHEN AUTHORIZED

- (a) When an animal is determined by the Animal Control Officer to be a vicious animal or feral dog, that animal may be destroyed by the Animal Control Officer or his designee providing each of the following requirements is met:
  - (1) The animal is running at large.
  - (2) There is no vaccination tag around the animal's neck.
  - (3) Peaceful attempts to capture the animal have been made and proved unsuccessful or a peaceful attempt to capture could reasonably result in injury to any person.
  - (4) The owner cannot immediately control the animal or the owner cannot be immediately found.
- (b) It shall be the duty of the police and the duly authorized Animal Control Officer 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 13: CERTIFICATION OF PERSONNEL AUTHORIZED TO DISCHARGE FIREARMS

Personnel empowered by this chapter or section to discharge firearms within the City limits shall qualify with the police department once every three (3) months and may not discharge any firearms within the scope of their employment unless and until the range officer has issued or renewed the appropriate certification. Said certification is to be issued based on the following considerations:

- (a) Thorough instruction in operation of the type of firearms issued to the Animal Control Officer.
- (b) Thorough knowledge of all appropriate safety procedures.
- (c) Competent performance on the firing range.
- (d) Such other tests or qualifications as the Police Chief in his discretion, deems appropriate.

In issuing the required certification, the police chief is to take into consideration all the requirements in keeping with good police practice, and will at all times bear in mind the safety of the citizens of the City, and shall require the same degree of competence from authorized personnel as is required of police officers discharging firearms within the City limits.

#### SECTION 14: IMPOUNDMENT GENERALLY

An unrestrained dog or nuisance animal shall be taken by the police or Animal Control Officers and impounded in an enclosure or animal shelter kept for that purpose, and there confined in a humane manner. Such an animal shall be kept for at least seven (7) calendar days unless sooner claimed by the owner.

If by a tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall, immediately upon impoundment, notify the owner by telephone or mail. An animal impounded under this section shall be held or disposed of in accordance with the rules and regulations of the animal shelter in which such animal is impounded. Within seven (7) days, the rightful owner of any animal held under this section may, provided the animal is properly vaccinated, licensed and tagged, obtain the animal upon payment of a pound fee as hereinafter provided; provided, however, that if an unvaccinated animal is claimed by the owner, the owner must make arrangements for the vaccination of said animal satisfactory to the Animal Control Officer. An owner reclaiming an impounded animal shall pay a fee as follows:

- (1) for cats, \$15.00 plus \$1.00 per day for each day of impoundment.
- (2) for dogs, \$25.00 plus \$2.00 per day for each day of impoundment.

The owner of an impounded animal may also be prosecuted for violation of this ordinance.

All impounded, unclaimed animals not redeemed within seven (7) calendar days shall become the property of the City and shall be placed for adoption in a suitable home for a fee of ten dollars(\$10.00), or be humanely euthanized with an injection of sodium pentobarbital; provided that, if an unclaimed animal is adopted, the adoptive owner must make arrangements for the vaccination of said animal satisfactory to the Animal Control Officer. The Chief of Police or Animal Control Officer may extend said seven day period as he may deem necessary provided that the owner of the animal pay any additional costs incurred by the City in connection therewith. The seven-day waiting period is waived for a vicious or feral animal, or for any animal suffering from an incurable disease. Pursuant to §97-41-3, Mississippi Code Annotated (1972), an injured or neglected animal may be humanely euthanized without any waiting period.

#### SECTION 15: IMPOUNDMENT OF LIVESTOCK

Any hog, cow, bull, sheep, goat, horse or mule found straying or running at large shall be captured and impounded. Within five (5) days of its capture, the rightful owner or owners of any animal so impounded may claim and obtain the release of the same by payment of any

impoundment fee in the amount of twenty-five dollars (\$25.00) and a boarding fee in the amount of the actual cost for same or five dollars (\$5.00) per day for each day, or fraction thereof, during which the said animals have remained impounded, whichever is greater. If any such animal is not claimed and redeemed by its owner within the five-day period, the same shall be sold upon sealed bids to the highest and best bidder in satisfaction of all fees and expenses therewith incurred.

#### SECTION 16: IMPOUNDMENT OF ANIMALS ATTACKING, INJURING PERSONS; DESTRUCTION OF RABID ANIMALS

In case of an attack by any animal resulting in injury to any person, such animal shall be impounded by the Animal Control Department for observation for a period of ten (10) days with a private veterinarian licensed to practice veterinary medicine within the state. If at the end of said period of time, or any time prior thereto, it is determined that said animal has rabies, such animal shall be immediately destroyed.

#### SECTION 17: PROCEDURE ON RETENTION, OBSERVATION AND DISPOSITION OF ANIMALS WHICH HAVE BITTEN PERSONS OR OTHER ANIMALS, OR THOSE SUSPECTED OF HAVING DISEASE

The Chief of Police or Animal Control Officer in the course of his duties of investigating cases in which animals have bitten persons or other animals shall immediately notify the owner of such animal which has bitten any person or animal to arrange for the animal to be retained in a commercially run kennel or pound 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 a licensed veterinarian whether or not such animal is suffering from any disease or condition transmissible from animal to man. A veterinarian is to signify to the Animal Control Officer that it may be released to the owner, provided further, that the Chief of Police or Animal Control Officer may authorize keeping of any such animal securely confined on the owner's premises provided that the owner produces a current certificate of rabies vaccination performed by a veterinarian showing that such animal has been vaccinated for rabies not longer than twelve (12) months previous thereto or vaccination period recognized by the U. S. Department of Agriculture.

#### SECTION 18: AUTHORIZATION FOR QUARANTINE

In the event a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonable imminent, the City Animal Control Officer or Chief of Police is hereby authorized and it shall be his duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it a herein provided for such time as may be specified in such quarantine proclamation. Under the publication of such proclamation by the Animal Control Officer or Chief of Police, 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 Animal Control Officer or Chief of Police shall be impounded.

SECTION 19: POLICE POWERS AND ENFORCEMENT RESPONSIBILITY

Any animal control officer may utilize any equipment reasonable and necessary to enforce the provisions of this Code, 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.

Any animal control officer appointed by the City shall be vested with police powers and shall be authorized to issue tickets, summons or other process in the same manner as other police officers of the City.

SECTION 20: REPEALER

Any existing ordinances to the City which conflict with this ordinance are hereby repealed.

SO ORDAINED this the 7<sup>th</sup> day of June, 1994.

s/signed \_\_\_\_\_  
Gary Rhoads, Mayor

ATTEST:

s/signed \_\_\_\_\_  
Myra Dew, City Clerk