

## ORDINANCE 454

### AMENDED ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FOREST, 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 Ordinances governing the keeping of animals within the City of Forest.

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 Forest.

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

#### SECTION 1: DEFINITIONS

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

- 1) Animal: Any live creature, domestic or wild.
- 2) 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.
- 3) 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 ordinance or state law.
- 4) At Large: Any animal shall be deemed to be at large when it is not on a leash, behind a fence or enclosure, or including buried wire/ electronic shock collar containment or under the control of a competent person.
- 5) City: The City of Forest.
- 6) Feral Dog or Cat: Any dog or cat that has escaped from domestication and become wild, dangerous or untamed.
- 7) Inhumane Treatment: Any treatment to any animal, which deprives the animal of necessary substances including food and water or protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing or poisoning or other abnormal treatments that may be determined as Inhumane Treatment by any Law Enforcement Officer or the Animal Control Officer.

- 8) 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 kept four (4) or more adult dogs or cats, or any combination thereof.
- 9) Livestock: All animals raised for food or other products or kept for utility purposes, including, but not limited to cows, mules, goats, sheep, pigs and horses.
- 10) Owner: Any individual, firm, association, syndicate, partnership, or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be "harbored" if it is fed or sheltered.
- 11) Performing-Animal Exhibition: Any spectacle, display, act, or event, other than a circus, in which performing animals are used.
- 12) Pet: A domesticated animal kept for companionship or amusement.
- 13) Public Nuisance: Any animal which:
  - a) Molests passersby or passing vehicles;
  - b) Attacks other animals;
  - c) Trespasses on school grounds, in City parks, or property other than the owner's.
  - d) Is repeatedly at large;
  - e) Damages private or public property; including but not limited to tearing into garbage.
  - f) Barks, whines, or howls in an excessive, continuous, or untimely fashion;
  - g) Is allowed by its owner to become a nuisance to people or other animals;
  - h) Is kept under conditions, which are malodorous.
  - i) Defecates or frequently urinates on public or private property of one other than it's own.
- 14) Restraint: Any animal(s) being secured by a leash or lead of less than six (6) feet or which is kept within the fenced real property limits of its owner.
- 15) Rabies Vaccination: All Dogs and Cats must have an injection of United States Department of Agriculture-approved rabies vaccination administered as necessary to keep the animal current and vaccinated properly from the age of 3 months on by a licensed veterinarian.
- 16) Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.
- 17) Vicious Animal: Any animal or animals that constitute a physical threat to human beings or other animals.
- 18) Wild Animal: Any live monkey (nonhuman primate), raccoon, bear, skunk, fox, snake, leopard, panther, tiger, lion, lynx, hybrid wolf dogs or any other warm-blooded or cold-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.

## SECTION 2: ANIMAL CONTROL OFFICER OR SUPERINTENDENT

- 1) The Animal Control Officer and/or police department 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 ordinance.
- 2) Duties and Responsibilities of the Animal Control Officer:
  - a) Investigate abuse to, welfare concerns of, and/or cruelty to dogs, cats, and other animals.
  - b) Act as rabies control officer and enforce and carry out all rules and regulations related to rabies control. Direct the quarantine and handling of animals infected with rabies in accordance with state procedures.
  - c) Investigate reported animal attacks and/or bites and be responsible for the quarantine and proper handling of such incidents.
  - d) Investigate and take actions necessary to control nuisance and/or vicious animals and uphold cities Animal Control Ordinances.

## SECTION 3: VIOLATIONS AND PENALTIES

Any person violating any provision of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction, may be punished by a fine of not less than forty dollars (\$40.00) nor more than one thousand dollars (\$1,000.00) 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 may be deemed a separate offense.

Upon a second conviction of a violation of any of the provisions of this Ordinance, the offender may be punished by a fine of not less than eighty dollars (\$80.00) and not more than one thousand dollars (\$1000.00) 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, the offender may be punished by a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1000.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

## SECTION 4: PROHIBITED MATTERS

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

- 1) 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.
- 2) 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.
- 3) Crop a dog's ears or perform any other major or minor surgical procedures except by a licensed veterinarian.
- 4) 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.
- 5) Operate a motor vehicle and strike a domestic animal without reporting the accident to the Animal Control Department within a reasonable amount of time.
- 6) Allow any pen(s), etc. for the keeping of animals 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.
- 7) Keep or harbor any animal(s) 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.
- 8) Keep livestock on lots or tracts of five (5) acres or less, with veterinarians and stockyards being exempt.
- 9) Keep swine within the City limits.
- 10) Keep or permit to be kept on his or her 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 performing animal exhibitions or circuses.
- 11) Keep or permit to be kept any Wild Animal as a pet.
- 12) Give away live animals such as fish, reptiles, 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 live animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- 13) 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, with veterinarians and stockyards being exempt.

- 14) Fail to exercise proper care and control of his or her animals or fail to prevent them from becoming a public nuisance.
- 15) Fail to provide his or her 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.
- 16) Carry out any inhumane treatment against an animal.
- 17) 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 a 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 may be handled in accordance with Section 13.

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

Any person owning, keeping, harboring, or having custody of any dog or cat three (3) months of age or older within the City shall have that animal vaccinated as necessary to keep the animal current and vaccinated properly against rabies with the approved dosage of an 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 or her possession any dog or cat not so vaccinated.

Every dog or cat must be so vaccinated immediately upon attaining the age of three (3) months.

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 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 owner of any dog or cat must show proof of vaccination to the Animal Control Officer and/or police officer when requested.

If any of the above provisions have been violated, the Animal Control Officer may impound any dog or cat as provided in Section 13 of this ordinance that is not properly vaccinated for rabies.

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

- 1) 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.

- 2) Impoundment of animals at large. Animals running at large may be impounded as provided in Section 13 of this ordinance.

#### SECTION 7: CITY PARKS AND REMOVAL OF WASTES

- 1) Pets are prohibited at all City parks, except for City parks that expressly permit Pets.
- 2) The owner of every animal shall be responsible for the removal of any excreta deposited by his or her 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: ABANDONMENT

No owner of an animal shall abandon such animal.

#### SECTION 9: PET STORES

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

#### SECTION 10: 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, wranglers, and caretakers of animals used as performing animals shall provide them with good and sufficient food and water, 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 11: ELIMINATION OF ANIMALS – WHEN AUTHORIZED

- 1) When an animal is determined by the Animal Control Officer to be a vicious animal or feral dog or feral cat, that animal may be destroyed by the Animal Control Officer or his designee providing each of the following requirements is met:

- a) The animal is running at large.
  - b) There is no vaccination tag around the animal's neck.
  - c) 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.
  - d) The owner cannot immediately control the animal or the owner cannot be immediately found.
- 2) If an animal has been deemed vicious by the Animal Control officer, and the Animal Control Officer is able to quickly and safely take the animal into custody, he may take the animal to the city animal shelter as provided in Section 13, and keep it there until an agreement can be made by the Animal Control Officer and the owner of the animal that will insure the safety of the public and/or other animals within the city limits of Forest.
  - 3) It shall be the duty of the Animal Control Officer and/or a police 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, snakes and feral dogs or feral cats.

#### SECTION 12: CERTIFICATION OF PERSONNEL AUTHORIZED TO DISCHARGE FIREARMS

- 1) Personnel empowered by this ordinance or section to discharge firearms within the City limits shall qualify with the police department once every year 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.
- 2) 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 13: IMPOUNDMENT GENERALLY

- 1) An unrestrained dog, cat, nuisance or vicious animal may be taken by the Animal Control Officer and/or police officer 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 five (5) calendar days unless sooner claimed by the owner.
- 2) 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 five (5) days, the rightful owner of any animal held under this section, provided the animal is properly vaccinated and tagged, may obtain the animal upon payment of impound fees 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:
  - a) For cats, \$40.00 plus \$10.00 per day for each day of impoundment.
  - b) For dogs, \$40.00 plus \$10.00 per day for each day of impoundment.
  - c) The owner of any impounded dog or cat which has not been vaccinated under this Ordinance, upon satisfactory proof of ownership, may redeem his dog or cat by making a deposit of Twenty Dollars (\$20.00) with the Animal Control Officer and be allowed twenty-four (24) hours to get such dog vaccinated and present the proof thereof to the Animal Control Officer. If such owner fails to procure a certificate of vaccination within twenty-four (24) hours, the deposit shall be forfeited and turned over to the City Clerk to be placed in the general fund and the dog or cat shall be again seized and impounded. Upon presentation within twenty-four (24) hours of presenting said vaccination certificate, the deposit shall be refunded.
  - d) First redemption of said animal within one calendar year will be Forty dollars (\$40.00) plus ten (\$10.00) per day for feeding and caring for such animal.
  - e) Second redemption of same animal within one calendar year will be eighty dollars (\$80.00) plus ten (\$10.00) per day for feeding and caring for such animal.

- f) Third redemption of same animal within one calendar year will be one hundred dollars (\$100.00) plus five (\$10.00) per day for feeding and caring for such animal.
- 3) The owner of an impounded animal may also be prosecuted for violation of other provisions of this ordinance in addition to the impounding fees.
- 4) All impounded, unclaimed animals not redeemed within five (5) calendar days shall become the property of the City and may be placed for adoption in a suitable home for the impound and/or boarding fees, 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 Animal Control Officer may extend said five 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 five (5) day waiting period is waived and shall not be applicable 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 14: IMPOUNDMENT OF LIVESTOCK

Any livestock, including but not limited to hogs, cows, bulls, sheep, goats, horses or mules found straying or running at large may be captured and impounded by an Animal Control Officer or by his designee. 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 an impoundment fee in the amount of eighty (\$80.00) and a boarding fee in the amount of the actual cost for same or ten dollars (\$10.00) per day for each day, 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 may be sold at Tadlock Stockyard in Forest MS with the proceeds turned into the city clerks office to be placed in the City's General Fund.

#### SECTION 15: 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 may 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 or at the city animal shelter in accordance with Section 13. 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. Any fees involved will be the owner of the animals responsibility.

#### SECTION 16: PROCEDURE ON RETENTION, OBSERVATION AND DISPOSITION OF ANIMALS WHICH HAVE BITTEN PERSONS OR OTHER ANIMALS, OR THOSE SUSPECTED OF HAVING DISEASE

The Animal Control Office and/or Chief of Police 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 shall report to the Animal Control Officer whether the animal may be released to the owner, provided further, that the Animal Control Officer may authorize keeping of any such animal securely confined on the owner's premises or the city animal shelter in accordance with Section 13 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. Any fees involved will be the owner of the animals responsibility.

#### SECTION 17: 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 or her duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or contain it as herein provided for such time as may be specified in such quarantine proclamation. Under the quarantine proclamation, a person keeping or harboring any dog, cat or other animal shall keep such animals under restraint and animals may only be on a leash if the animal is effectively muzzled and under the control of an adult person. 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 18: POLICE POWERS AND ENFORCEMENT RESPONSIBILITY

- 1) 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 an Animal Control Officer may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.

- 2) Any Animal Control Officer appointed by the City may be vested with police powers and may be authorized to issue citations, summons or other process in the same manner as other police officer of the City.

SECTION 19: WILD ANIMALS

No person shall keep any Wild Animal within the City Limits.

SECTION 20: DOMESTIC FOWL AND ALL BIRD SPECIES

It shall be unlawful for any person who may own or have in his possession or control, any chicken, duck, turkey, goose or other domestic fowl or bird species within the corporate limits of the city.

SECTION 21: REPEALER

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

Alderman James C. Clark	Voted:
Alderman Allan Atkison	Voted:
Alderman Harry Robinson	Voted:
Alderman Cynthia Slaughter Melton	Voted:
Alderman Matt Alford	Voted:

Having received the affirmative vote of the majority of members present, the Mayor declared the motion carried and the Ordinance adopted this the \_\_\_\_\_ day of \_\_\_\_\_ 2014.

By: \_\_\_\_\_  
Nancy N. Chambers, Mayor

ATTEST:

By: \_\_\_\_\_  
Faye Johnston, City Clerk