

DOMESTIC ANIMAL CONTROL ORDINANCE FOR THE CITY OF DIAMONDHEAD,
MISSISSIPPI

WHEREAS, the Mayor and City Council of the City of Diamondhead, Mississippi, find that a need exists to establish rules and regulations regarding domestic animals that may be found within the municipal boundaries of the City;

WHEREAS, the Mayor and City Council are authorized to establish said rules and regulations pursuant to Mississippi Code Ann. Section 21-19-1, et seq.;

AND WHEREAS, that authority granted by statute to the Mayor and City Council is for the purpose to secure the general health and welfare of the community,

BE IT, THEREFORE, ORDAINED BY THE MAYOR AND CITY COUNCIL
as follows:

1. SHORT TITLE
This ordinance shall be known and may be cited as the "Domestic Animal Control Ordinance."
2. DEFINITIONS - As used in this Ordinance the term
 - A. *Animal Control Officer* means an individual or individuals selected by the city manager to aid in the administration and enforcement of the provisions of this Ordinance.
 - B. *Domestic Animal* means all traditional domesticated animals, such as dogs, cats, but also any other animal, including, but not limited to horses, cows, bulls, mules, donkeys, goats, sheep, hogs, pigs, birds, and small birds.
 - C. *Pet(s)* means an animal that is kept by a person primarily for personal enjoyment. The term does not include an animal that is kept by a person primarily for: hunting; use in connection with farming or agriculture; breeding, or drawing heavy loads, or service.
3. JURISDICTION
The jurisdiction for the enforcement of this ordinance shall be within the boundaries of the City of Diamondhead.
4. PETS- LEASH LAW
Pet(s) are not allowed to run free in the City of Diamondhead except on the owner's property. When off of the owner's property pets must be on a leash. See paragraphs 4 and 6 for details on the fines and penalties for dogs, cats or other domestic animals. These same penalties will be imposed for all domestic animals found in violation of this paragraph.

5. PETS- SOLID WASTE CONTROL

Owners are responsible to properly bag or scoop animal waste from their pet and dispose of it in a sanitary means. Pet waste utensils or bags must be carried when walking animals off the owner's property. Allowing a pet either overtly or covertly to deposit solid waste on the private property of others (including Property Owners Association (POA) property) or city property is unlawful. The penalty is a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) per offense. City zoning regulations also require the removal of animal solid waste from all private property.

6. PETS- RABIES VACCINATION REQUIRED

A. It shall be the duty of the owner of every domesticated animal within the city to have the animal, as set forth in Mississippi Code Annotated § 51-53-1, et. seq, be vaccinated against rabies with the approved dosage of approved anti-rabid vaccine properly administered by one legally authorized to administer the same and to see that the said animal when so vaccinated wears about its neck and securely braded 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 animal was inoculated stamped thereon, and to see that the said collar with the said tag attached thereto is worn by the animal at all times when outdoors. Said vaccination must occur when the animal reaches three (3) months of age.

B. It shall further be the duty of the owner of every animal to have the said vaccination repeated annually. It shall be unlawful for the owner of any animal to fail to have the same vaccinated and tagged as hereinabove set forth. Failure to comply with these provisions is a misdemeanor and upon conviction shall be punished by fine in an amount not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00). Any costs incurred in the seizure of the animal will be added to the fine and the animal will not be released to the owner's custody without proof of vaccination.

C. Any animal that cannot be vaccinated must have a statement from a board certified veterinarian confirming this fact. Unvaccinated animals may not be taken into public areas and must remain on the owner's property without contact with other animals who are allowed into public areas.

7. RUNNING AT LARGE PROHIBITED; IMPOUNDMENT, ETC.

A. It shall be unlawful for the owner of any dog, cat or other domestic animal 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, cat or other domestic animal 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, cat or other domestic animal found running at large in the city, return the animal to its owner, if possible and to transfer to the Hancock County Animal Shelter if the owner cannot be located. Such dog, cat or other domestic animal shall be kept for at least seven (7) days unless claimed sooner by the owner. Within seven (7) days the rightful owner of any dog, cat or other domestic animal may, provided the dog, cat or other domestic animal has been vaccinated and tagged, as above set forth,

obtain the dog, cat or other domestic animal upon payment of an impound fee in the amount of fifty dollars (\$50.00) for the first occasion and one hundred dollars (\$100.00) for any subsequent occasion and in addition thereto, the payment of the boarding fee, or a fraction thereof, for the time the dog, cat or other domestic animal remained impounded. If no public facility is available for impounding the animals, they will be impounded, at the owner's expense at another approved facility. If any unvaccinated dog, cat or other domestic animal is claimed during the seven-day period, such dog, cat or other domestic animal shall not be released under any circumstances until vaccinated and tagged, if required and charges shall be preferred against the owner thereof for failing to comply with paragraph 5 of this ordinance. If an unvaccinated dog, cat or other domestic animals not claimed within the seven-day period, such dog, cat or other domestic animal shall be transferred to the responsibility of the Hancock County animal shelter.

B. The owners or harborers of all dogs, cats or other domestic animals 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 there from, or the presence of breeding of flies, mosquitoes and other pests.

8. 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 mutilate any dog, cat or other domestic animal within the corporate limits of the city or to cause or permit same to be done.

9. DISTURBANCE, NUISANCE OR DANGER IN NEIGHBORHOOD

It shall be unlawful for the owner or harbinger of any dogs, cats or other domestic animals 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.

10. PENALTY FOR VIOLATION.

Unless individually specified in another paragraph of this ordinance, any person violating any of the terms and provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fine in an amount not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) and imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment.

11. CONFISCATION AND REMOVAL OF DANGEROUS DOGS, CATS OR OTHER DOMESTIC ANIMALS

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

12. CONTROL AND PROTECTION OF DOGS, CATS AND OTHER DOMESTIC ANIMALS IN GENERAL

A. It shall be unlawful for any person to:

(1) Keep or confine any dog, cat or other domestic animal in any place where the water, shelter, ventilation, and food are not sufficient for the good health of such dog, cat or other domestic animal. No dog, cat or

other domestic animal shall be kept in such place or condition as to become a nuisance, either because of noise, odor, filth, or contagion of disease.

(2) At any time, fasten, chain, tether, or tie any dog, cat or other domestic animal unattended or cause such dog, cat or other domestic animal to be fastened, chained, tethered, or tied to a stationary object while such dog, cat or other domestic animal is on the owner's property, on the property of the owner's landlord, or on the property of the person having possession, charge, custody, or control of such dog, cat or other domestic animal, for a period of more than one hour

B. To comply with the terms of this paragraph of the ordinance shall require the dog, cat or other domestic animal owner or the person having possession, charge, custody, or control of such dog, cat or other domestic animal to:

(1) Provide a fenced yard, of sufficient height to prevent the dog, cat or other domestic animal from escaping from the enclosure, which may include a yard enclosed by electronic fencing, for the dog, cat or other domestic animal with adequate space for exercise of at least one hundred (100) square feet, or

(2) Provide an enclosure for such dog, cat or other domestic animal of at least one (1) square foot of area for every pound of body weight of the dog, cat or other domestic animal. Such enclosure shall be constructed with all four (4) sides enclosed. The bottom of the enclosure will be constructed or secured in order to prevent the animal's escape. The enclosure shall be of sufficient height to prevent the dog, cat or other domestic animal from escaping from the enclosure. A portion of the enclosure shall be covered with material sufficient to provide the dog, cat or other domestic animal with shade and protection from the weather.

C. It shall be unlawful for any person to:

(1) Interfere with, attack or molest a dog used by the police department of the city in the performance of the function of duties of such department, or a dog being used in the capacity of an aide to any handicapped person.

(2) Leave a dog, cat or other domestic animal unattended inside a motor vehicle when such action is harmful or potentially harmful to such animal. The animal control officer or police will have the authority to remove animals from the vehicle by any reasonable means if the owner is not available to remove the animal or not willing to do so.

(3) Expose any dog, cat or other domestic animal to a poisonous substance either through introduction into food or by other means.

(4) Permit or allow more than a total of six dogs, cats or other domestic animals, over the age of six months, in any one yard or open premises of a residence of the owner of such animals.

(5) Keep or maintain any dog, cat or other domestic animal for commercial purposes within the corporate limits of the city, except in those areas zoned commercial or industrial. Additionally, a business permit for this activity must be obtained.

13. SEIZURE OF DOGS, CATS OR OTHER DOMESTIC ANIMALS AND TRAPPING OTHER ANIMALS

A. The duly sworn and authorized animal control officer(s) or police officer(s) of the city may seize or cause to have seized any animal, whose owner is found to be in violation of any part of this chapter. Animal control officer(s) are authorized to trap animals deemed to be a danger or nuisance. Animal seized or trapped will be impounded or caused to be impounded such animal in a designated shelter as detailed in this chapter, or released into the wild in accordance with Department of Wildlife, Fisheries and Parks regulations.

B. Private citizens must coordinate with the animal control officer prior to trapping any animal within the city limits of Diamondhead. Violators of this paragraph may be subject to prosecution under various state and local statutes.

14. ANIMALS CREATING NUISANCE

A. It shall be unlawful for the owner or person having possession, control or custody of any domestic animal to permit or allow the animal to create a disturbance in the city or to become a nuisance in any manner, to include violation of the city noise ordinance.

B. Any person or entity determined by the animal control officer to be in violation of this paragraph shall have its animal confiscated and held pending a hearing on the issue before the municipal court.

C. Conviction by the municipal court of violating this paragraph shall carry a two hundred and fifty dollar (\$250.00) fine for a first offense and a five hundred dollar (\$500.00) fine for any subsequent convictions of the same offense. Upon conviction the municipal court shall assess all costs and expenses incurred by the city in confiscating, housing and caring for the animal in question.

15. ABUSED OR NEGLECTED ANIMALS

A. It shall be unlawful for any person to torture, torment, unjustifiably injure, abandon, deprive of necessary sustenance (shelter, food or drink) or to allow such acts to be done to any domestic animal. Any domestic animal being subjected to such acts shall be confiscated by the animal control officer until such time as a hearing on the matter, if requested may be held by the municipal court.

B. A conviction by the municipal court of violation of this paragraph shall carry a two hundred fifty dollar (\$250.00) fine for a first offense and a five hundred dollar (\$500.00) fine for any subsequent convictions of the same offense. Upon conviction, the municipal court shall assess all costs and expenses incurred by the city in confiscating, housing and caring for the animal in question.

16. SELLING OR GIVING AWAY OF DOMESTIC ANIMALS

A. It shall be unlawful for any person or entity to sell or give away any animals on the street and/or rights away of Diamondhead. This provision shall not apply however, to duly licensed breeders.

B. All breeders of animals located within or doing business in Diamondhead must be registered with the animal control officer and must comply with all Federal, State, and local ordinances, laws and regulations applicable to the

operation of a business. Additionally, all breeders shall register as a business under applicable regulations.

17. PARTICIPATION BY LOCAL MUNICIPALITIES AND COUNTIES

Nothing contained in this article shall prevent the governing authority of the city from contracting with other local municipalities or counties to establish joint animal control boards, and/or joint animal control officers.

18. LIVESTOCK AND FOWL - Livestock and fowl are not permitted in the city limits of Diamondhead.

Because the City of Diamondhead is a newly-incorporated municipality in urgent need of a domestic animal ordinance, immediate passage and effect of this Ordinance is needed for the immediate and temporary preservation of the public peace and safety in accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007). Thus, this Ordinance moved for adoption by Councilmember Holcomb and seconded by Councilmember Ackerman is adopted by unanimous vote of all members of the City Council of the City of Diamondhead and is effective from and after its passage by a unanimous vote of all members of the City Council. In accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007), this Ordinance shall become effective immediately upon the adoption thereof, and prior to being recorded and published in the ordinance book in the same manner as required by state law of other ordinances.

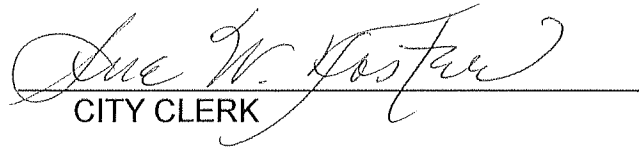
	Aye	Nay
Mayor Ingraham	<u>✓</u>	_____
Councilmember Ackerman	<u>✓</u>	_____
Councilmember Holcomb	<u>✓</u>	_____
Councilmember Knobloch	<u>✓</u>	_____
Councilmember Rech	<u>✓</u>	_____
Councilmember Roberson	<u>✓</u>	_____

APPROVED: Charles H. Ingraham
MAYOR

ATTEST Jana W. Foster
CITY CLERK

SEAL

THIS IS TO CERTIFY that the aforementioned Ordinance was adopted at the regular meeting of the Mayor and City Council of the City of Diamondhead, Mississippi, held on October 18, 2012, and duly recorded in Minute Book _____ Page _____ thereof.


CITY CLERK