

Hancock County Ordinance

DANGEROUS ANIMAL CONTROL ORDINANCE

WHEREAS, Hancock County, by and through the Hancock County Board of Supervisors, has deemed it to be in the best interest of its citizenry to adopt the following ordinance for the protection of the health, safety and welfare of the citizens of Hancock County and also of all of the animals therein.

NOW, THEREFORE, Hancock County, by and through the Hancock County Board of Supervisors, hereby adopts the following ordinance:

1. **SHORT TITLE**

This ordinance shall be known and may be cited as the "Dangerous Animal Control Ordinance."

2. **DEFINITIONS**

(a) As used in this Ordinance, the term:

- (1) "Dangerous Animal" means any animal that, according to the records of the appropriate authorities:
 - (A) Has without provocation inflicted an unprovoked severe injury upon a human being or another domestic animal on public or private property; or
 - (B) Aggressively bites, attacks, or endangers the safety of humans or other domestic animals without provocation after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification.
- (2) "Animal control officer" means an individual or individuals selected by the governing authority of Hancock County to aid in the administration and

enforcement of the provisions of this ordinance.

- (3) "Governing authority" means the governing body or official in which the legislative powers of Hancock County is vested.
- (4) "Owner" means any natural person or any legal entity, including but not limited to, a corporation, partnership, firm or trust owning, possessing, harboring, keeping, or having custody or control of a dangerous animal or potentially dangerous animal within this county.
- (5) "Potentially dangerous animal" means any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or any other domestic animal that when unprovoked:
 - (A) Inflicts bites upon a human being on public or private property; or
 - (B) Chases or approaches a human being upon the street, sidewalks, or any public grounds in a vicious or terrorizing manner in an apparent attitude of attack.
- (6) "Proper enclosure" means an enclosure for keeping a dangerous animal or potentially dangerous animal while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the animal is enclosed within a fence, all sides of the fence shall be of sufficient height, and the bottom of the fence shall be constructed or secured in such a manner as to prevent the animal's escape either from

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over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.

(7) "Records of an appropriate authority" means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state, or local court; or records of an animal control officer provided for in this ordinance.

(8) "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

(b) "Breeder for hire" means any person or entity that holds or breeds animals for sale to the general public.

(c) An animal that inflicts an injury upon a person when the animal is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be considered a dangerous animal or potentially dangerous animal within the meaning of this ordinance. An animal shall not be a dangerous animal or a potentially dangerous animal within the meaning of this ordinance if the injury inflicted by the animal was sustained by a person or other animal who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the animal or had in the past been observed or reported to have tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

(3) JURISDICTION

The jurisdiction for the enforcement of this ordinance shall be within the boundaries of

Hancock County.

(4) APPOINTMENT OF ANIMAL CONTROL OFFICER

The governing authority of Hancock County shall designate an individual or individuals to carry out the duties of an animal control officer as provided for in this ordinance. The governing authority may further assign the additional duties of animal control officer to any officer or employee of Hancock County who is subject to the jurisdiction of the governing authority. The governing authority may designate the duties of animal control officer to the Hancock County Sheriff's Department. Upon appointment of an animal control officer, the governing authority of Hancock County shall cause the name of the appointee to appear in the official minutes of Hancock County.

(5) DUTIES OF THE JUSTICE COURT JUDGE

When a Justice Court Judge receives a request for a hearing as provided for in this ordinance, he or she shall schedule such hearing within twenty-one (21) days after receiving the request. The animal control officer shall notify the animal owner in writing by certified mail of the date, time and place of the hearing, and such notice shall be mailed to the animal owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the animal shall be given the opportunity to testify and present evidence, and in addition thereto, the Justice Court Judge shall receive such other evidence and hear such other testimony as the governing authority may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal control officer's classification of the animal as provided for within this ordinance.

Within ten (10) days after the date of the hearing, the Justice Court Judge shall notify the animal owner in writing by certified mail of its determination of the matter. If such determination is that the animal is a dangerous animal or a potentially dangerous animal, the notice shall specify the date upon which that determination is effective.

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(6) DUTIES OF THE ANIMAL CONTROL OFFICER

- (a) Each animal control officer shall make such investigations and inquiries as may be necessary to identify dangerous animals and dangerous animal owners within the animal control officer's jurisdiction.
 - (b) When an animal control officer classifies an animal as a dangerous animal or reclassifies a potentially dangerous animal as a dangerous animal, the animal control officer shall notify the animal's owner in writing by certified mail to the owner's last known address of such classification or reclassification. Such notice shall be complete upon its mailing.
- (1) PROCEDURES FOR SUCH DETERMINATIONS:
- (A) As applied to the owners of potentially dangerous animals, the procedure as provided for in this ordinance must be carried out as a necessary condition for the enforcement of the provisions of this ordinance against such owners.
 - (B) When a dangerous animal or a potentially dangerous animal is classified as such, the animal control officer shall notify the animal owners of such classification. Likewise, when an animal is determined to be neglected, abused, and/or abused, the animal control officer shall notify the owner of such animal of the determination.
 - (C) The notice to the owner shall make the following requirements:
 - (a) The notice shall be in writing and mailed by certified mail to the owner's last known address;
 - (b) The notice shall include a summary of the animal control

- officer's findings that formed the basis for the animal's classification as a dangerous or potentially dangerous animal;
- (c) 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 dangerous animal or potentially dangerous animal;
 - (d) The notice shall state that the hearing, if requested, shall be held before and conducted by the Hancock County Justice Court;
 - (e) The notice shall state that if a hearing is not requested, the animal control officer's determination that the animal is a dangerous animal or a potentially dangerous animal will become effective for all purposes under this ordinance 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;
 - (f) The notice shall include a form to request a hearing before the Hancock County Justice Court and shall provide specific instructions on mailing or delivering such request to the Hancock County Sheriff.
- (D) When it has been determined that an owner possesses a dangerous or potentially dangerous animal, the animal control officer shall issue a certificate of registration to the owner of such animal, if the owner

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presents to the animal control officer or the animal control officer otherwise finds sufficient evidence of compliance with the duties prescribed for the owner within this ordinance.

- (E) An animal control officer is authorized to make whatever inquiry is deemed necessary to insure compliance with the provisions of this ordinance.
- (F) The Hancock County Sheriff's Department shall cooperate with the animal control officer in enforcing the provisions of this ordinance.

7. ANIMALS CREATING A 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 Hancock County or to become a nuisance in any manner by reason of excessive and prolonged noise making.
- (b) Any person or entity determined by the animal control officer to be in violation of subsection 7(a) above shall have its animal confiscated and held pending a hearing on the issue before the Hancock County Justice Court Judge. All notice and procedural requirements set forth in this ordinance applicable to hearing regarding dangerous or potentially dangerous animals shall be applicable to hearings requested pursuant to this section of this ordinance.
- (c) A conviction by the Hancock County Justice Court Judge of violating subsection 7(a) of this Ordinance shall carry a \$250.00 fine for a first offense and \$500.00 for any subsequent convictions of the same offense. Upon conviction the Hancock County Justice Court Judge shall assess all costs and expenses incurred by Hancock County

in confiscating, housing and caring for the animal in question. Additionally, the Hancock County Justice Court Judge shall, in his discretion, impose measures necessary to prohibit the recurrence of such nuisance.

8. 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 Hancock County Justice Court Judge. All notice and procedural requirements set forth in this ordinance applicable to hearing regarding dangerous or potentially dangerous animals shall be applicable to hearings requested pursuant to this section of this Ordinance.
- (b) A conviction by the Hancock County Justice Court Judge of violating subsection 8(a) of this Ordinance shall carry a \$250.00 fine for a first offense and \$500.00 for any subsequent convictions of the same offense. Upon conviction the Hancock County Justice Court Judge shall assess all costs and expenses incurred by Hancock County in confiscating, housing and caring for the animal in question. Additionally, the Hancock County Justice Court Judge shall, in his discretion, impose measures necessary to prohibit the recurrence of such violation, including the permanent removal of such animal from its owner.

9. 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 streets and/or rights of way of Hancock County. This provision shall not apply,

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however, to duly licensed breeders.

- (b) All breeders of animals located within or doing business in Hancock County 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 pay a license fee to Hancock County in the amount of twenty-five (\$25.00) per year.

10. RESPONSIBILITY OF OWNER OF CLASSIFIED ANIMAL.

- (a) The owner of an animal which has been classified as a dangerous animal or a potentially dangerous animal shall meet the following requirements:
- (1) A proper enclosure to confine the dangerous animal or potentially dangerous animal shall be provided; and
 - (2) The posting of the premises where the dangerous animal or potentially dangerous animal is located with a clearly visible sign warning that there is a dangerous animal on the property and containing a symbol designed to inform children of the presence of a dangerous animal.
- (b) In addition to the requirements set out above, the owner of a dangerous animal shall present to the animal control officer evidence of:
- (1) A policy of insurance in the amount of at least \$15,000.00, issued by an insurer authorized to transact business in this state, insuring the owner of the dangerous animal against liability for any personal injuries inflicted by the dangerous animal; or
 - (2) A surety bond in the amount of \$15,000.00 or more, issued by a surety company authorized to transact business in this state, payable to any person

or persons injured by the dangerous animal.

- (c) The owner of a dangerous animal or potentially dangerous animal shall notify the animal control officer within 24 hours if the animal is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the animal has been sold or donated, the owner shall also provide the animal control officer with the name, address, and telephone number of the new owner of the animal.

11. CONFISCATION OF CLASSIFIED ANIMAL.

- (a) An animal deemed to be a dangerous animal 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 ordinance;
 - (2) The animal is not validly registered as required by this ordinance;
 - (3) The animal is not maintained in a proper enclosure in violation of this ordinance; or
 - (4) The animal is outside a proper enclosure in violation of this ordinance.
- (b) A potentially dangerous animal shall be confiscated in the same manner as a dangerous animal if the animal is:
- (1) Not validly registered as required by this ordinance;
 - (2) Not maintained in a proper enclosure provided by this ordinance; or
 - (3) Is outside a proper enclosure in violation of this ordinance.
- (c) 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 Hancock

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County Justice Court Judge or upon the owner's compliance with the provisions of this ordinance and upon the payment of reasonable confiscation costs, which costs shall be determined and set by the animal control officer and approved by the Hancock County Sheriff. In the event the owner has not complied with the provisions of this article within 15 days of the date the animal was confiscated, said animal will be destroyed in an expeditious and humane manner.

12. OFFENSES

It shall be unlawful for an owner to have or possess within this state a dangerous animal or a potentially dangerous animal without authority for the animal control officer issued in accordance with the provisions of this ordinance.

13. VIOLATIONS; PENALTIES.

- (a) The owner of a dangerous animal who violates the applicable provisions of this ordinance, or whose dangerous animal is subject to confiscation under this ordinance, shall be guilty of a misdemeanor and fined \$100.00 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 \$250.00 shall be imposed, and for a third or subsequent conviction a fine of not less than \$500.00 shall be imposed.
- (b) The owner of a potentially dangerous animal who violates the applicable provisions of this ordinance, or whose potentially dangerous animal is subject to confiscation under this ordinance, shall be guilty of a misdemeanor and fined \$100.00 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 \$250.00 shall be imposed, and for a third or subsequent conviction a fine of not less than \$500.00 shall be imposed.

be imposed.

14. PARTICIPATION BY LOCAL MUNICIPALITIES.

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

15. FEES.

The governing authority of Hancock County may establish an annual fee, in addition to regular animal licensing fees, to register dangerous animals and potentially dangerous animals as required by this ordinance.

16. SUPPLEMENTARY NATURE OF ORDINANCE.

The provisions of this ordinance are in addition to and supplementary of any previously existing ordinance of Hancock County, or law of this state, and shall not be construed to repeal or supersede such previously existing ordinances or laws. The provisions of this ordinance shall not be construed to repeal or supersede any previously existing ordinances, except to the extent that such previously existing ordinance is in conflict or is inconsistent with provisions of this ordinance.

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The matter then being put to a roll call vote, the result was as follows:

Those voting Yes: Supervisors David Yarborough, Rodrick Pullman, Lisa Cowand, Steve Seymour and Jay Cuevas.

Those voting No: None.

The motion having received the unanimous affirmative vote of all members of the Board, the President declared the motion carried this the 1st day of November, 2004.

MINUTES OF THE BOARD OF SUPERVISORS

November 1958

RESOLUTION - TO RECOMMEND TO THE BOARD OF SUPERVISORS THE
ADDITION OF THE COUNTY OF HANCOCK TO THE COUNTY OF HANCOCK
OF MISSISSIPPI. TO TAKE THIS SUBJECT UP AT THE MEETING OF THE BOARD OF SUPERVISORS

It was moved by Supervisor David Spillars, seconded by
Supervisor Ed. Smith, that the Board of Supervisors of
Hancock County, after having no objection, do hereby
authorize the Board of Supervisors of Hancock County to
take the necessary steps to have the County of Hancock
added to the County of Hancock, Mississippi, and to
take all necessary steps to carry out the same.

PROOF OF PUBLICATION

The Sea Coast Tribune

PUBLISHED WEEKLY
BY DAVID L. SMITH, HANCOCK, MISSISSIPPI

STATE OF MISSISSIPPI
HANCOCK COUNTY

RESOLUTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE
ADDITION OF THE COUNTY OF HANCOCK TO THE COUNTY OF HANCOCK
OF MISSISSIPPI. TO TAKE THIS SUBJECT UP AT THE MEETING OF THE BOARD OF SUPERVISORS

In No. 123 VAL. 101 DATED 11/15/58
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J. P. Smith

COUNTY CLERK
David L. Smith

PUBLISHER

MANAGER

[Redacted area]

DANGEROUS 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 dangerous 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 "Dangerous Animal Control Ordinance."

2. DEFINITIONS

A. As used in this Ordinance, the term:

- (1) *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.
- (2) *Governing authority* means the governing body or official in which the legislative powers of the city are vested.
- (3) *Dangerous animal* means any animal that, according to the records of the appropriate authorities:
 - (a) Has without provocation inflicted an unprovoked severe injury upon a human being or another domestic animal on public or private property; or
 - (b) Aggressively bites, attacks, or endangers the safety of humans or other domestic animals without provocation after the animal has been classified as a potentially dangerous animal and after the owner has been notified of such classification.
- (4) *Owner* means any natural person or any legal entity, including but not limited to, a corporation, partnership, firm or trust owning, possessing, harboring, keeping, or having custody or control of a dangerous animal or potentially dangerous animal within this municipality.

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- (5) *Potentially dangerous animal* means any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or any other domestic animal that when unprovoked or provoked:
- (a) Inflicts bites upon a human being on public or private property; or
 - (b) Chases or approaches a human being in a vicious or terrorizing manner in an apparent attitude of attack while the victim is: upon the street, sidewalks, any public grounds; an invited guest on the animal owner's property, or the victim's private property.
 - (c) Any dog which is entirely or partially comprised of the following breeds: Pit Bull and Rottweiler.
 - (d) Any dog, regardless of breed may be classified as potentially dangerous by the animal control officer based on actions described in subparagraphs (a) and (b) above.
- (6) *Proper enclosure* means an enclosure for keeping a dangerous animal or potentially dangerous animal while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure located to the rear of the housing structure suitable to prevent entry of young children and designed to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the animal is enclosed within a fence, all sides of the fence shall be to prevent the animal from jumping over, and the bottom of the fence shall be constructed or secured in such a manner as to prevent the animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.
- (7) *Records of an appropriate authority* means records of any state, county, or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state, or local court; or records of an animal control officer provided for in this ordinance.
- (8) *Severe injury* means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.
- (9) *Dangerous Animal Sign* means a sign posted at all entrances to areas where dangerous animals are or may be residing.
- B. An animal that inflicts an injury upon a person when the animal is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be considered a dangerous animal or potentially dangerous animal within the meaning of this ordinance.
- C. An animal shall not be a dangerous animal or a potentially dangerous animal within the meaning of this ordinance if the injury inflicted by the animal was sustained by a person or other animal who, at the time, was

committing a willful trespass or other tort or was tormenting, abusing, or assaulting the animal or had in the past been observed or reported to have tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

3. JURISDICTION

The jurisdiction for the enforcement of this ordinance shall be within the boundaries of the City of Diamondhead.

4. APPOINTMENT OF ANIMAL CONTROL OFFICER

The city manager shall designate an individual or individuals to carry out the duties of an animal control officer as provided for in this ordinance. The city manager may further assign the additional duties of animal control officer to any officer or employee of the city who is subject to the jurisdiction of the governing authority. The city manager may designate the duties of animal control officer to the police department.

5. DUTIES OF THE MUNICIPAL COURT

When the municipal court receives a request for a hearing as provided for in this ordinance, it shall schedule such hearing within twenty-one (21) days after receiving the request. The animal control officer or city clerk shall notify the animal owner in writing by certified mail of the date, time and place of the hearing, and such notice shall be mailed to the animal owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the animal shall be given the opportunity to testify and present evidence, and in addition thereto, the municipal court shall receive such other evidence and hear such other testimony as the governing authority may find reasonably necessary to make a determination either to sustain, modify, or overrule the animal control officer's classification of the animal as provided for within this ordinance.

Within ten (10) days after the date of the hearing, the municipal court shall notify the animal owner in writing by certified mail of its determination of the matter. If such determination is that the animal is a dangerous animal or a potentially dangerous animal, the notice shall specify the date upon which that determination is effective.

If the animal is determined to be a dangerous animal, the court shall require the posting of Dangerous Animal Sign(s) as specified in paragraph 2. A. (9).

6. DUTIES OF THE ANIMAL CONTROL OFFICER

A. Each animal control officer shall make such investigations and inquiries as may be necessary to identify dangerous animals and dangerous animal owners within the animal control officer's jurisdiction.

B. When an animal control officer classifies an animal as a dangerous animal or reclassifies a potentially dangerous animal as a dangerous animal, the animal control officer shall notify the animal's owner in writing by certified mail to the owner's last known address of such classification or reclassification. Such notice shall be complete upon its mailing.

Procedures for classification:

(1) As applied to the owners of potentially dangerous animals, the procedure as provided for in this ordinance must be carried out as a

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- necessary condition for the enforcement of the provisions of this ordinance against such owners.
- (2) When a dangerous animal or a potentially dangerous animal is classified as such, the animal control officer shall notify the animal owners of such classification. Likewise, when an animal is determined to be neglected and/or abused, the animal control officer shall notify the owner of such determination using the provisions of c. below as a guide.
 - (3) The notice to the owner shall make the following requirements:
 - (a) The notice shall be in writing and mailed by certified mail to the owner's last known address;
 - (b) The notice shall include a summary of the animal control officer's findings that formed the basis for the animal's classification as a dangerous or potentially dangerous animal;
 - (c) 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 dangerous animal or potentially dangerous animal;
 - (d) The notice shall state that the hearing, if requested, shall be held before and conducted by the municipal court;
 - (e) The notice shall state that if a hearing is not requested, the animal control officer's determination that the animal is a dangerous animal or a potentially dangerous animal will become effective for all purposes under this ordinance 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;
 - (f) The notice shall include a form to request a hearing before the municipal court.
 - (4) When it has been determined that an owner possesses a dangerous or potentially dangerous animal, the animal control officer shall issue a certificate of registration to the owner of such animal, when the owner presents to the animal control officer or the animal control officer otherwise finds sufficient evidence of compliance with the duties prescribed for the owner within this ordinance.
 - (5) An animal control officer is authorized to make whatever inquiry is deemed necessary to insure compliance with the provisions of this ordinance.
 - (6) The police department shall cooperate with the animal control officer in enforcing the provisions of this ordinance.

7. RESPONSIBILITY OF OWNER OF CLASSIFIED ANIMAL

- A. The owner of an animal which has been classified as a dangerous animal or a potentially dangerous animal shall meet the following requirements:
- (1) A proper enclosure to confine the dangerous animal or potentially dangerous animal shall be provided; and
 - (2) The posting of the premises where the dangerous animal or potentially dangerous animal is located with a clearly visible sign(s) warning that there is a dangerous animal on the property and containing a symbol designed to inform children of the presence of a dangerous animal.
- B. In addition to the requirements set out above, the owner of a dangerous animal shall present to the animal control officer evidence of:
- (1) A policy of insurance in the amount of at least fifty thousand dollars (\$50,000.00), issued by an insurer authorized to transact business in this state, insuring the owner of the dangerous animal against liability for any personal injuries inflicted by the dangerous animal; or
 - (2) A surety bond in the amount of fifty thousand dollars (\$50,000.00) or more, issued by a surety company authorized to transact business in this state, payable to any person or persons injured by the dangerous animal.
- C. The owner of a dangerous animal or potentially dangerous animal shall notify the animal control officer or police department within four (4) hours if the animal is on the loose, is unconfined or has attacked a human; within twenty-four (24) hours if the animal has died, or has been sold or donated. If the animal has been sold or donated, the owner shall also provide the animal control officer with the name, address, and telephone number of the new owner of the animal. If the animal has died, physical evidence or a veterinarian certificate is required.

8. CONFISCATION OF CLASSIFIED ANIMAL

- A. An animal deemed to be a dangerous animal 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 ordinance, or
 - (2) The animal is not validly registered as required by this ordinance, or
 - (3) The animal is not maintained in a proper enclosure in violation of this ordinance; or
 - (4) The animal is outside a proper enclosure in violation of this ordinance.
- B. A potentially dangerous animal shall be confiscated in the same manner as a dangerous animal if the animal is:
- (1) Not validly registered as required by this ordinance, or
 - (2) Not maintained in a proper enclosure provided by this ordinance; or

- (3) Is outside a proper enclosure in violation of this ordinance.
- C. Any animal that has been confiscated under the provisions of this paragraph shall be returned to its owner after a hearing on the matter is concluded by the municipal court or upon the owner's compliance with the provisions of this ordinance and upon the payment of reasonable confiscation costs, which costs shall be determined by the animal control officer. In the event the owner has not complied with the provisions of this ordinance within fifteen (15) days of the date the animal was confiscated, said animal will be destroyed in an expeditious and humane manner.

9. OFFENSES

It shall be unlawful for an owner to have or possess within this city a dangerous animal or a potentially dangerous animal without authority of the animal control officer issued in accordance with the provisions of this ordinance.

10. VIOLATIONS; PENALTIES

- A. The owner of a dangerous animal who violates the applicable provisions of this ordinance, or whose dangerous animal is subject to confiscation under this ordinance, 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 subparagraph, 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 one thousand (\$1000.00) shall be imposed.
- B. The owner of a potentially dangerous animal who violates the applicable provisions of this ordinance, or whose potentially dangerous animal is subject to confiscation under this ordinance, 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 subparagraph, 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 one thousand (\$1000.00) shall be imposed.

11. 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.

12. FEES

The governing authority of the city may establish an annual fee to register dangerous animals and potentially dangerous animals as required by this article.

Because the City of Diamondhead is a newly-incorporated municipality in urgent need of a dangerous 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 DeLoomb and seconded by Councilmember Knobloch 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: *Charlton Ingram*
MAYOR

ATTEST *Aue 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.

Aue W. Foster
CITY CLERK

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 Helcomb 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: Charlotte Ingraham
MAYOR

ATTEST

Dea 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