

ORDINANCE NO. 549

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 488, ENTITLED, "THE CITY OF LONG BEACH ANIMAL CONTROL ORDINANCE" PROVIDING THE APPLICABLE COURT TO BE THE CITY OF LONG BEACH MUNICIPAL COURT, ELIMINATE PROVISIONS PROHIBITING CRUELTY TO ANIMALS AND RABIES VACCINATIONS WHICH ARE PRE-EMPTED BY STATE STATUTE, ADDING PROHIBITION OF NOXIOUS ODORS, TO PROHIBIT MISTREATMENT OF ANIMALS AND PROVIDE PENALTIES THEREFORE, TO REQUIRE OWNERS OF DOGS RUNNING AT LARGE TO PAY IMPOUNDMENT COSTS, TO INCREASE THE PENALTY FOR DANGEROUS DOGS RUNNING AT LARGE, TO ALLOW FOR REDUCTION OF PENALTIES FOR NEUTERED NON-DANGEROUS DOGS RUNNING AT LARGE IF SAME ARE NEUTERED, TO LIMIT THE NUMBER OF ADULT DOGS AND CATS KEPT ON ANY ONE RESIDENTIAL PREMISES, TO PROVIDE FOR PROCEDURE TO IDENTIFY AND CLASSIFY DOG AS DANGEROUS DOG, TO DECLARE UNLAWFUL AND ESTABLISH PENALTY TO OWNER OF DANGEROUS DOG WHICH ATTACKS OR INJURES PERSON OR ANIMAL, AND, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefore, do now find, determined, adjudicate and declare as follows:

That Ordinance No. 488, "The City of Long Beach Animal Control Ordinance" contains provisions which are pre-empted by state statute, which provisions should be eliminated from said ordinance, and the public health and safety of the community requires that said Ordinance No. 488 should be amended so that:

1. Mistreatment of Animals should be defined, prohibited and properly penalized;
2. Owners of dogs should be prohibited from allowing noxious odors to emanate from the premises where their dog or dogs are kept;
3. The number of adult dogs and cats kept on a single residential premises should be limited;
4. Owners of dogs found to be running at large should be required to pay costs and expenses of impoundment, including but not limited to cost of medical care to such dog;
5. The definition of dangerous dogs should be clarified, the procedure for such classification should be provided, and penalties for dogs classified as dangerous dogs which attack and/or injure persons or animals should be enhanced; and
6. Owners of dogs running at large should be encouraged to have same neutered.

Now Therefore,

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** That Section 1, entitled “DEFINITIONS” of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

“Section 1: DEFINITIONS

The following words, when used in this ordinance, shall have the following meanings ascribed to them unless a different meaning clearly appears from the context:

- a) ANIMAL. One or more vertebrates other than a human being.
- b) ANIMAL CONTROL OFFICER. The person or persons designated by the city of Long Beach to represent and act for the city of Long Beach, Mississippi, in the investigation of cruelty to animals, impoundment of animals, the controlling of animals running at large, and as otherwise required in this ordinance.
- c) ANIMAL SHELTER. Any publicly owned and/or non-profit establishment operated for the purpose of housing, maintaining, and/or boarding any lost, abandoned, or abused animals.
- d) AT LARGE. Any animal shall be deemed to be at large when not on a leash, cord or chain, or behind a fence or enclosure.
- e) DANGEROUS DOG. Any animal that constitutes a physical threat to humans or to other animals because of the following:
  - 1) Has at any time bitten, attacked, or endangered, or has inflicted severe injury on a human being; or
  - 2) Has at any time severely injured or killed a domestic animal while off the owner’s property; or
  - 3) Has at any time been used for the purpose of dog fighting, or is a dog trained for dog fighting; or
  - 4) Has at any time, when unprovoked, chased or approached a person on property other than that of the owner in a menacing fashion or apparent attitude of attack, where

Any of the above actions are attested to in a sworn statement by one or more persons and dutifully investigated by an animal control officer.

- f) DOGHOUSE. An enclosed structure with a roof and appropriate dimensions for

the breed and size of the dog.

- g) HEALTH OFFICER. A licensed physician or veterinarian appointed or designated by the Board of Aldermen to have charge and control of the work of protecting and preserving the public health.
- h) INHUMAN TREATMENT. Any treatment to any animal which deprives the animal of necessary sustenance, including proper food and clean water, sanitary conditions, protection from weather, proper veterinary medical care, adequate exercise or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating, teasing, or poisoning or other abnormal treatments as may be determined by:
  - 1) A licensed health officer; or
  - 2) An authorized law enforcement officer; or
  - 3) An animal control officer; or
  - 4) A cruelty officer appointed by the Humane Society of South Mississippi and approved by the Board of Aldermen of the City of Long Beach; or
  - 5) The Municipal Court of the City of Long Beach.
- i) KENNEL. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
- j) LIVESTOCK. All domesticated animals, including but not limited to, horses, cows, mules, goats, sheep and pigs.
- k) NECESSARY MEDICAL ATTENTION. Medical treatment for illness, injury, disease, excessive parasitism or malformed or overgrown hoof.
- l) OWNER. Any person over the age of eighteen (18) years of age, or any firm, corporation or organization who or which owns, manages, harbors, maintains, or controls an animal. For the purpose of this ordinance, an animal shall be deemed to be harbored or maintained if it is fed and/or sheltered for five (5) or more consecutive days. If the animal is owned by a person under the age of eighteen (18), that person's parent or guardian shall be the owner.
- m) PERSON. Any individual, firm, association, syndicate, partnership, or corporation.
- n) PROPER ENCLOSURE FOR A DANGEROUS DOG. A securely enclosed and locked pen or structure, suitable to prevent the entry of small children and designed to prevent and suitable to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide proper shelter. Secure confinement inside the residence shall qualify as a proper enclosure.
- o) RABIES VACCINATION. An injection of the United States Department of Agriculture approved rabies vaccine administered at the prescribed intervals of time necessary to prevent the animal receiving the vaccination from becoming infected with rabies

by a licensed veterinarian or other competent and trained person granted a permit to administer the vaccine by the state board of health.

- p) **SANITARY CONDITION.** Space free from health hazards including excessive animal waste, overcrowding of animals, noxious odors emanating beyond the boundaries of the property of the animal or animals' owner, or other conditions that endanger the animal's health. This definition does not include a condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- q) **SHELTER.** Adequate protection from the elements and weather conditions suitable for the age, species and physical condition of the animal so as to maintain the animal in a state of good health. Shelter for livestock includes structures or natural features such as trees or topography. Shelter for a dog shall include one or more of the following:
- 1) The resident of the dog's owner.
  - 2) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall be in the shade during the months of April through October and shall have dry bedding.
  - 3) A structure, including but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (q)(2) of this section that is accessible to the dog.
- r) **STATE OF GOOD HEALTH.** Freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.
- s) **WILD ANIMALS.** All non-domesticated animals, including but not limited to lions, tigers, bears, apes, monkeys, foxes, baboons, skunks, raccoons, opossums, squirrels and coyotes."

**SECTION 2.** That Section 2, entitled "CRUELTY TO ANIMALS" of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to change the title of same to "MISTREATMENT OF ANIMALS", and is amended to read as follows:

"Section 2. MISTREATMENT OF ANIMALS

The purpose of this section is to prevent mistreatment of animals. In implementing the section, enforcement officers are encouraged to educate the public on requirements of this section and, when appropriate, to seek voluntary resolution of violations.

A person commits the crime of mistreatment of animals if the person:

- a) administers poison to an animal, exposes an animal to poison with the intent that it be consumed, mutilates, including, but not limited to the docking of tails or

cropping of ears of an animal by other than a licensed veterinarian;

- b) owns, possesses, uses, trains, buys, sells, offers to buy or sell, import, or export an animal for fighting or baiting or as a target to be shot at as a test of skill in marksmanship;
  - 1) acts as a judge or spectator at events of animal fighting;
  - 2) permits any such acts of fighting to be done on a premises under his or her care or control;
- c) intentionally harasses an animal owned or engaged by a police department or public agency of the state of Mississippi or any of its political subdivisions;
- d) intentionally harasses a guide or leader dog;
- e) fails to provide adequate sanitary shelter and conditions, clean water, sufficient food, exercise and necessary medical attention as is required in order to maintain an animal in a state of good health;
- f) abandons an animal or causes an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal. A person is not deemed to have abandoned an animal if he processes it into an animal shelter during the shelter's normal working hours.
- g) willfully or negligently allows any animal, including one which is aged, diseased, maimed, hopelessly sick, disabled, or non-ambulatory, to suffer unnecessary neglect, torture or pain;
- h) houses a live animal as bait or lure in a race, game or contest;
- i) strikes an animal with a motor vehicle and makes no reasonable attempt to notify an animal control officer of the accident;
- j) tethers a dog to a stationary object while the dog is on the owners property, on the property of the dog owner's landlord, or on the property of the person having possession, charge, custody or control of such dog. All dogs must either be:
  - 1. Kept in a fenced yard with adequate space to exercise of at least 100 square feet per dog; or
  - 2. Kept in a residence. If the dog is kept in a residence, the owner of such dog or the person having possession, charge, custody or control of such dog shall be required to make arrangements for the daily exercise of the dog; or
  - 3. Placed on a tether provided that it is at least ten feet in length and is attached to a pulley or trolley mounted on a cable which is at least ten feet in

length and mounted no more than seven feet above ground level and which shall weigh no more than 10% of the dog's body weight. Tethers shall be located so that they cannot become entangled with other objects. Collars used to attach a dog to a tether shall not be of the choke type.

- k) Tethers a dog at an unoccupied house, barn or property;
- l) Leaves an animal unattended in a motor vehicle, when such action is harmful or potentially harmful to such animal. In the event the owner of such vehicle is not available and cannot be found or refuses to prevent or said harm or reasonably potential harm from continuing, the animal control officer, or police officer shall be authorized to remove said animal from such vehicle by utilizing any reasonable method of removal. Any animal so removed from a vehicle may be impounded at the animal shelter once notice has been prominently posted on said vehicle notifying the owner or custodian that said animal has been seized. Upon such seizure of such animal, the owner of the seized animal shall be personally served with notice of such seizure, if possible. The owner of every animal so impounded shall pay all costs of impoundment before release of such owner's impounded animal."

**SECTION 3.** That Section 5, entitled "CONTROL OF ANIMALS" of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

"Section 5. CONTROL OF ANIMALS

- a) It shall be unlawful for any person to permit any animal to run at large within the city limits of Long Beach, Mississippi.
  - 1) An animal is deemed to be running at large when not on a leash, lead, cord or chain or behind a fence or enclosure, or under the control of a competent person.
  - 2) An animal is deemed to be running at large if it enters upon the property of a person or entity other than that of the animal's owner without the permission of the owner of that property.
  - 3) A dog that is participating in a hunt with the owner or custodian in attendance, has an owner identification tag, is currently vaccinated for rabies, and is wearing a rabies tag is not to be considered as an animal running at large.
- b) An animal control officer may seize or cause to have seized any animal whose owner is found to be in violation of subsection a) of this section and impound or cause to have impounded such animal in a designated animal shelter. Upon seizure of an animal, the Long Beach Police Department shall serve notice upon the owner of the animal, if possible, and shall post prominently a notice to the owner or custodian to inform such person that the animal has been seized. Such notice shall contain a description of the animal seized, the date seized, the name of the Long Beach Police Department as the law enforcement agency seizing the animal, and the name and address of the animal shelter where the animal is impounded. The owner

of such animal may, within five days (holding period) from the date that the animal was impounded, claim his animal from the shelter upon paying all costs of such sheltering and medical treatment to such animal incident to such sheltering, or may, within such five day time period, request a hearing before the Long Beach Municipal Court to determine whether or not such animal was lawfully seized. If the animal is not reclaimed by the owner by the end of the holding period, and if no hearing is requested within the aforesaid five day time period, the animal may be humanely disposed of by sale, adoption, or euthanasia.

- c) Before any animal is released to its owner, all citations shall be paid to the City of Long Beach, together with all impoundment costs incurred for the impoundment of such animal, including but not limited to veterinarian care, housing and feeding provided by or at the instance of the animal shelter.
- d) Proof of current rabies vaccination shall be provided before release of any seized animal from the animal shelter. If no proof of current rabies vaccination is produced, the animal shall be vaccinated for rabies at the expense of its owner before the animal is released.
- e) The penalties for an animal running at large are:
  - 1) for animals other than “dangerous dogs” as described in Section 8, hereafter:
    - a. First offense, rabies tag on the animal - \$25.00 fine
    - b. Subsequent offenses, rabies tag on the animal - \$50.00 fine
  - 2) for dogs determined prior to being found to be running at large to be “dangerous dogs” as described in Section 8, hereafter, the penalty shall be as follows:
    - a. First offense - \$500.00 fine
    - b. Second or subsequent offense - animal shall be confiscated by the Court, and after notice and hearing as provided in Section 5(b), above, such animal shall be euthanized as provided in Section 14 of this Ordinance.
- f) The penalties provided in sub-section e), above, shall be levied and paid in addition to those costs described in subsection 5(c), above.
- g) All penalties for animals other than “dangerous dogs” found to be running at large and which have not been neutered shall be suspended if the owner chooses to have the animal neutered at a reduced charge at the animal shelter. There shall be no such suspension of fine for any animal found to be running at large which is neutered at the time of seizure, or for any animal determined to be a “dangerous dog” prior to its seizure.”

**SECTION 4.** That Section 6, entitled “RABIES VACCINATION OF DOMESTICATED ANIMALS” of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to delete the provisions of same pertaining to rabies

vaccinations and to change the title of same to "MAXIMUM NUMBER OF ADULT DOGS AND CATS" and is amended to read as follows:

"Section 6. MAXIMUM NUMBER OF ADULT DOGS AND CATS.

There shall be no more than three (3) dogs and three (3) cats over the age of six (6) months kept or housed at any residential premises within the City of Long Beach at any one time."

**SECTION 5.** That Section 7, entitled "IMPOUNDMENT AND RECOVERY OF ANIMALS" of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

"Section 7. IMPOUNDMENT AND RECOVERY OF ANIMALS

- a) Any dog, cat, other animal or fowl caught, picked up or impounded while running at large by an animal control officer shall be forthwith turned over to a designated animal shelter. Notice shall be posted and served upon the owner as provided in Section 5(b), above, and the owner shall be entitled to request and be granted a hearing as provided in said Section 5(b). Any impounded animal may be reclaimed by its owner within 5 days of impoundment upon the payment of the costs incurred in its seizure, impoundment, keeping and medical treatment during impoundment, the payment of any fine, and upon showing proof of current rabies vaccination.
- b) The animal control officer, in the course of his duties of investigation of cases in which animals have bitten persons or other animals shall, if possible, notify the owner of such event. In the event that the owner of the animal has proof of current rabies vaccination, the animal control officer may:
  - 1) Require that the animal be surrendered to the animal control officer to be placed in the animal shelter in a separate kennel for a period of not less than 10 days; or
  - 2) Require that the animal be surrendered to the animal control officer to be placed with the owner's veterinarian for observation for a period of not less than 10 days

In the event the owner of the animal has no proof that the animal has been vaccinated for rabies within the prior 12 months, or within the period required by the Mississippi Department of Health, to the bite incident, the animal must be surrendered to the animal control officer and must be impounded at the animal control shelter for a period of not less than 10 days.

- c) Any animal suspected by the animal control officer of having rabies shall be subject to impoundment and observation at the animal shelter for a period of not less than 10 days.
- d) Any animal found to be infected with rabies shall be forthwith destroyed in as humane a manner as possible, under the circumstances, but neither it, nor any

suspected to be infected with rabies shall be destroyed in such a manner that damages the head of the animal.

- e) All costs associated with any impoundment as detailed in this section shall be paid by the owner before the animal may be released.”

**SECTION 6.** That Section 8, entitled “DANGEROUS DOGS” of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

“Section 8. DANGEROUS DOGS

- a) An animal control officer shall conduct an investigation into reported incidents involving dogs that may be dangerous and, if possible, interview the owner and shall require sworn affidavits from individuals desiring to have a dog classified as dangerous.
- b) After the investigation, the animal control officer shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous. Written notification of the initial determination that the dog should be classified as a dangerous dog shall be sent to the owner by registered mail. The owner may, within seven calendar days from his or her receipt of the said notification of initial determination, file in the office of the Clerk of the Municipal Court of the City of Long Beach, Mississippi, a written request for hearing before the Municipal Court of the City of Long Beach. If request for such hearing is timely filed, such hearing shall be conducted as soon as possible, but not more than twenty-one nor less than five calendar days after filing of the request for hearing by the owner. If the owner fails to timely file his or her request for hearing, the Court may consider the initial determination of the officer and the basis therefor and make final determination as to whether or not such dog should be classified as a dangerous dog at any time after the expiration of the time for filing such request for hearing.
- c) During the period of the investigation as described in subsection 8(a) and 8(b) the dog shall be confined in a Proper Enclosure for a Dangerous Dog, as defined in Section 1(n) pending a resolution of the investigation, or must be surrendered to an animal control officer for immediate impoundment in the animal shelter, where it will be held in a separate kennel. All costs of housing the dog, together with all expenses of medical treatment of the dog provided during such impoundment, shall be paid by the owner before the dog will be released.
- d) No dog that is the subject of a dangerous dog investigation may be relocated, nor shall its ownership be transferred pending the outcome of the investigation unless the relocation or ownership transfer is for the purpose of placing the dog in a proper enclosure for dangerous dogs. Animal control shall be notified in the event that such dog is relocated.
- e) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person, who, at the time, was unlawfully on the property, or was tormenting, abusing, or assaulting the dog or its owner of a family member. No dog may be

declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

- f) If the Municipal Court of the City of Long Beach determines that the dog should be classified as a dangerous dog, the owner must:
- 1) Keep the dog in a proper enclosure for a dangerous dog;
  - 2) Post the property with clearly visible warning signs at all entry points and on the dog's enclosure that informs both children and adults of the presence of a dangerous dog on the property;
  - 3) Place a permanent identification on the dog, such as an electronic chip;
  - 4) Walk the dog only if muzzled and restrained on a leash rated to withstand the weight and strength of the dog, and only if under the control of a competent adult physically capable of controlling the dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration. The owner may exercise the dog without a muzzle or leash in an area that is securely fenced, that does not have a top, if the dog remains within his sight and only when persons in his immediate household or persons eighteen years of age or older are allowed in the enclosure when the dog is present;
  - 5) When transporting a dangerous dog, carefully restrain the dog within the vehicle and post warning signs in or on the vehicle; and
  - 6) Immediately notify the Long Beach Police Department if the dog:
    - a. Is loose or unconfined;
    - b. Has bitten a human being or attacked another animal; or
    - c. Is sold, given away, dies, or is moved to another address. If sold or given away, the new owner shall be given a copy of this Ordinance and a copy of the Final Determination that the dog is a dangerous dog, and such new owner shall comply with all the requirements of this section.
- g) It shall be unlawful for the owner of a dog that has been declared dangerous to allow such dog to attack or cause sever injury to or death of a human being, and if a dog that has been declared dangerous, without provocation, attacks and causes severe injury to or death of a human being, the owner of the dog shall be guilty of a misdemeanor and upon conviction, shall be punished by imprisonment in the Harrison County Jail for not more than six (6) months, or required to pay a fine in the amount of \$1,000.00, or both.
- h) It shall be unlawful for the owner of a dog that has been declared dangerous to allow such dog to attack or cause sever injury to or death of another animal, and if a dog that has been declared dangerous, without provocation, attacks and causes severe injury to or death of another animal, the owner of the dog shall be guilty of a misdemeanor and upon conviction, shall be punished by imprisonment in the Harrison County Jail for not more than sixty (60) days, or required to pay a fine in the amount of not less than \$500.00 nor more than \$1,000.00, or both.
- i) If a dog that has been declared dangerous, without provocation, attacks and causes severe injury to or death of a human being or an animal, the dog shall be

immediately confiscated by the animal control officer, held for ten business days, and thereafter euthanized in an expeditious manner.

- j) During the ten business days the owner may appeal to the Municipal Court of the City of Long Beach the decision of the animal control officer to euthanize the dog, which appeal shall be perfected by filing written notice of appeal in the office of the Clerk of said Court within said ten business days and by posting bond in an amount to be determined by the Court to be sufficient to pay all costs associated with impounding the dog subject of the appeal from the date of its seizure through the date final decision is rendered. The hearing shall be held not more than fourteen days nor less than five days after the request for hearing is filed. A decision shall be rendered not more than fourteen days after the request for hearing is filed..”

**SECTION 7.** That Section 9, entitled “DISTURBING THE PEACE” of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to change the title of said section to “DISTURBING THE PEACE - DOGS” and is amended to read as follows:

“Section 9. DISTURBING THE PEACE - DOGS

- a) It shall be unlawful for any owner or person to possess, own, keep or harbor within the corporate limits of the City of Long Beach any dog which whines, yells, howls or barks excessively so as to disturb the peace of any family or inhabitant of the City.
- b) It shall be unlawful for any owner of person having the possession, charge, custody or control of any dog to permit or allow the same to create a disturbance or to become a nuisance in the city of Long Beach, Mississippi, by reason of nauseous odor, filthy conditions, the breeding of flies, mosquitoes, insects and other pests, or by being on the property of a person or persons other than the owner or person having the care, custody or control of the dog, damaging public or private property, or upsetting garbage cans.
- c) The penalties for disturbing the peace under this Ordinance are:
- 1) First Offense - fine in the amount of \$100.00
  - 2) Second Offense - fine in the amount of \$250.00
  - 3) Third and Subsequent Offenses - Fine in the amount of \$500.00”

**SECTION 8.** That Section 13, entitled “PENALTIES” of Ordinance No. 488 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

“Section 13. PENALTIES

- a) A conviction of Mistreatment of Animals shall be punishable by a sentence of incarceration in the Harrison County Jail for a term of not more than six (6) months or a fine of not more than \$1,000.00, or both.
- b) In addition to any other sentence the Court may impose, the Court may require a

defendant convicted of a violation of one or more provisions of Section 3 of this Ordinance to:

- 1) Forfeit any right to the animal subjected to mistreatment, and to forfeit any right to any other animal under his or her care, custody or control;
  - 2) Repay the reasonable costs incurred by any person, municipality, agency or animal shelter for providing care for the animal prior to judgment. If the Court does not order a defendant to pay all of the applicable costs and expenses incurred, or orders only a partial payment, it shall state on the record the reasons for that action;
  - 3) Forfeit any right to own, possess or care for any animal for a period which the Court deems appropriate;
  - 4) Participate in available animal cruelty prevention programs or educational programs, or both, or obtain psychiatric or psychological counseling; and
  - 5) Permit periodic unannounced visits for a period of up to two years by a humane officer to inspect the care and condition of any animal permitted by the Court to remain in the care, custody or possession of the defendant. Such period may be extended by the Court upon motion made by the City.
- d) Upon an order of forfeiture of an animal under this section or Section 2 of this Ordinance, the Court shall order custody of the animal remanded to a humane society or other individual deemed appropriate by the Court, for further disposition in accordance with accepted practices for humane treatment of animals. A transfer of rights under this section constitutes a transfer of ownership, and shall not constitute or authorize any limitation upon the right of the humane society, individual or other entity to whom rights are granted to dispose of the animal in a humane matter as set out in this title."

**SECTION 9.** Ordinance No. 488 of the City of Long Beach, Mississippi, is amended as set forth above, only, to remain otherwise in full force and effect.

**SECTION 10. REPEAL OF INCONSISTENT ORDINANCES.**

Any ordinances or provisions of any code of the City which are in conflict with or contrary to the provisions of this Ordinance are, to the extent of such conflict, repealed.

**SECTION 11. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this ordinance.

**SECTION 12. Effective Date**

It being necessary and in the best interests of the public health, safety and welfare,

and to provide the necessary resources to provide continuing plan/document review concerning the construction of buildings and structures within the City of Long Beach, Mississippi, and the immediate preservation of public health, safety and welfare requiring it, this Ordinance shall take effect and be in force from and after its adoption; but notice shall nevertheless be given as provided by law, and this Ordinance shall be enrolled in the Ordinance Book of the City as by law provided.

The above and foregoing Ordinance No. 549 was introduced in writing by Alderman Lishen who moved its adoption. Alderman Notter seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Absent, Not Voting
Alderman Richard Bennett	voted Absent, Not Voting
Alderman Allen D. Holder	voted Aye
Alderman Mark E. Lishen	voted Aye
Alderman Joseph McNary	voted Aye

The question having received the affirmative vote of a majority of the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this the 4<sup>th</sup> day of December, 2007.

APPROVED:

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BILLY SKELLIE, JR., MAYOR

ATTEST:

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REBECCA E. SCHRUFF, CITY CLERK

**C E R T I F I C A T E**

**STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH**

**I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #549 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 4<sup>th</sup> day of December, 2007, as the same appears of record in Ordinance Book #7, pages 304-317, inclusive, in my office at the City Hall in said City.**

**Given under my hand and the official seal of my office this the 4<sup>th</sup> day of December, 2007.**

**(SEAL)**

**Rebecca E. Schruff, City Clerk**