

**ORDINANCE NO. 488**

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ADOPTING THE CITY OF LONG BEACH ANIMAL CONTROL ORDINANCE: AND FOR RELATED PURPOSES.**

**WHEREAS**, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine, adjudicate and declare that it is necessary, proper, and in the public interest and welfare to adopt the following City of Long Beach Animal Control Ordinance; and

**WHEREAS**, the adoption of said City of Long Beach Animal Control Ordinance is done in aid and furtherance of the public safety, health and general welfare;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, that the following shall be adopted and hereafter known as the City of Long Beach Animal Control Ordinance:

**CITY OF LONG BEACH ANIMAL CONTROL ORDINANCE**

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**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 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, behind a fence or enclosure, or under the control of a competent person.

e) **DANGEROUS DOG.** Any animal that constitutes a physical threat to humans or to other animals because of the following:

1) Has aggressively bitten, attacked, or endangered, or has inflicted severe injury on a human being; or

2) Has severely injured or killed a domestic animal while off the owner's property; or

3) Has been used for the purpose of dog fighting, or is a dog trained for dog fighting; or

4) Has, when unprovoked, chased or approached a person on property other than that of the owner's 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 of 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) **INHUMANE 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.
- 5) Any justice court in the city of Long Beach.

i) **KENNEL.** Any premise 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 owns, manages, harbors, maintains, or controls an animal. For the purpose of this article, 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 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 will qualify as a proper enclosure.

o) **RABIES VACCINATION.** An injection of the United States Department of Agriculture approved rabies vaccine administered every twelve months 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, 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 residence 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 when the outdoor temperature is or is predicted to drop below freezing.

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 (p)(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. CRUELTY TO ANIMALS

The purpose of this section is to prevent cruelty to 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) A person commits the crime of aggravated cruelty to animals if the person:
  - 1) Intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner. This sub-section will not apply in the event the person feared for his life or the life of another person. Furthermore, this section will not apply in the event the animal was attacking livestock;
  - 2) administers poison to, exposes a poison with intent that it be taken, cruelly beats, mutilates, including, but not limited to the docking of tails or cropping of ears by other than a licensed veterinarian, or tortures an animal;
  - 3) 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;
  - 4) acts as a judge, spectator, at events of animal fighting or bets or wagers on the fight;
  - 5) Permit any such acts of fighting to be done on premises under his or her care or control;
  - 6) intentionally torments, injures, or harasses an animal owned or engaged by a police department or public agency of the state or its political subdivisions, or interferes with the lawful performance of a police animal;
  - 7) Intentionally torments, injures, or harasses a guide or leader dog.
- b) A person commits the crime of simple cruelty to animals if the person:
  - 1) fails to provide adequate sanitary shelter and conditions, clean water, sufficient food, exercise, and necessary medical attention in order to maintain an animal in a state of good health;
  - 2) overworks or overloads an animal;

- 3) 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 travelling, 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.
- 4) willfully or negligently allows any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or non-ambulatory to suffer unnecessary neglect, torture, or pain.
- 5) uses a live animal as bait or lure in a race, game or contest;
- 6) strikes an animal with a motor vehicle and makes no reasonable attempt to notify an animal control officer of the accident;
- 7) tethers a dog to a stationary object while the dog is on the dog owner's 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:
- a. kept in a fenced yard with adequate space to exercise of at least 100 square feet per dog; or
  - b. 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 will be required to make arrangements for the daily exercise of the dog; or
  - c. 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.
- 9) Tethers a dog at an unoccupied house, barn, or property.

10) Leaves an animal unattended in a motor vehicle, when such action is harmful or potentially harmful to said animal. In the event the owner of said vehicle is not available and cannot be found or refuses to prevent 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 placed on said vehicle. Owners of animals so impounded will pay all costs of impoundment before their animals will be released.

### Section 3. SEIZURE AND DISPOSITION OF ANIMALS CRUELLY TREATED

a) All courts in the city of Long Beach may order the seizure of an animal by a law enforcement agency, for its care and protection upon finding of probable cause to believe said animal is being cruelly treated, neglected, or abandoned. After three days notice to the owner or custodian and at a preliminary hearing, such probable cause may be established upon sworn testimony of any person who has witnessed the condition or treatment of said animal. The court may appoint an animal control agency, agent of an animal protection organization, veterinarian or other person as temporary custodian for the said animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to such animal, and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal 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 law enforcement agency seizing the animal, the name of the temporary custodian, if known at the time, and shall be signed by the court issuing the order.

b) Within five days of seizure of an animal, the owner of the animal may request a hearing in the court ordering the animal to be seized to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The court shall hold such hearing within fourteen days of receiving such request. The

hearing shall be concluded and the court order entered thereon within twenty-one days after the hearing is commenced. Upon requesting a hearing, the owner shall have three business days from the date of the request to post a bond or security with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care. Failure to post such bond within three days shall result in forfeiture of the animal to the court. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the court unless the court orders otherwise.

c) In determining the owner's fitness to have custody of an animal, the court may consider, among other matters:

- 1) Testimony from law enforcement officers, animal control officers, animal protection officials, and other witnesses as to the condition and treatment of the animal.
- 2) Testimony and evidence as to the type and amount of care provided to the animal by the owner or custodian.
- 3) Expert testimony as to the proper and reasonable care of the same type of animal.
- 4) Testimony from any witness as to prior treatment or condition of this or other animals in the same custody.
- 5) Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.
- 6) Any other evidence the court considers being material or relevant.
- d) Upon proof of costs incurred as a result of the animal's seizure, including but not limited to animal medical and boarding, the court may order that the animal's owner reimburse the temporary custodian for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on such animal.
- e) If the court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and,



therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to an animal control agency, animal protection organization, or to the appropriate entity to be euthanized, sold or put up for adoption.

f) Upon notice and hearing as provided in this section, or as a part of any proceeding conducted under the terms of this section, the court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.

g) If the court determines the owner is able to provide adequately for, and have custody of, the animal, the court shall order the animal be claimed and removed by the owner within seven days after the date of the order.

h) Nothing in this section shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive or is suffering excessively as the result of any physical condition. In such instances, the court, in its discretion, may order the return of any bond posted, less reasonable costs, at the time of trial.

#### **Section 4. SEARCH WARRANTS; ANIMAL CRUELTY OFFENSES**

If a complaint is made, by affidavit, to any court authorized to issue search warrants that the complainant has reason to believe that an animal has been or is being cruelly treated in violation of section 2 of this title, in any building or place, such justice court, if satisfied that there is probable cause for such belief, shall issue a search warrant to any law enforcement officer authorized by the law to make arrests for such offenses, authorizing any such officer to make a search of said building or place, and to arrest any person found violating section 2 of this title. Said warrant may also authorize said officer to seize any animal believed to be cruelly treated and to take custody thereof. This section shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence at the time of the arrest.

#### **Section 5. CONTROL OF ANIMALS**

a) It shall be unlawful for any person to permit any animal to run at large within the county limits.

- 1) An animal is deemed to be running at large when it is on a street or public property unless the animal is under the control, custody, charge or possession of the owner or custodian of said animal.
- 2) An animal is deemed to be running at large if it enters upon the property of someone other than 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. The owner of such animal will have a period of five days (holding period) from the date that the animal was impounded to claim his animal from the shelter. If the animal is not reclaimed by the owner by the end of the holding period the animal may be humanely disposed of by sale, adoption, or euthanasia.
  - c) Before the animal will be released to the owner, all citations will be paid to the city of Long Beach and impoundment costs including, but not limited to veterinarian care, housing and feeding will be paid to the animal shelter.
  - d) Proof of current rabies vaccination is required before any animal will be released. If no proof of current rabies vaccination is produced, the owner may request that the animal shelter vaccinate the animal at a cost determined by the shelter, or may leave a reasonable deposit determined by the shelter with the shelter, which will be refunded upon proof of current rabies vaccination produced to the shelter.
  - e) The penalties for an animal running at large is:
    - 1) First offense, rabies tag on the animal - \$25
    - 2) Subsequent offenses, rabies tag on the animal - \$50
    - 3) First offense, no rabies tag on the animal - \$75
    - 4) Subsequent offenses, no rabies tag on the animal - \$100

f) These penalties may be charged in addition to the penalties and costs as outlined in subsection 5(c) of this title.

g) All penalties for animals running at large as outlined in subsection (e) of this section will be waived if the owner chooses to neuter the animal at a reduced charge at the animal shelter. If an animal has been previously neutered, the penalty for an animal running at large may be reduced by 50%.

#### **Section 6. RABIES VACCINATION OF DOMESTICATED ANIMALS**

a) Each year, or in a timely fashion as required by the Mississippi Department of Health, every owner or keeper of a dog or a cat 3 months or older shall cause such dog or cat to be vaccinated against rabies by a veterinarian licensed to practice in the state or by a competent person granted a permit to administer the vaccine by the state board of health.

b) Evidence of vaccination shall consist of a metal tag worn by the dog or cat at all times that the animal is outside the owner's residence. A certificate evidencing vaccination must be maintained by the owner and be shown to any animal control officer upon request.

c) The failure or refusal of any person to comply with the provisions of this section shall constitute a misdemeanor, and the offender shall on the conviction thereof, be fined for the first offense a sum not to exceed \$50 and for the second offense a sum not to exceed \$100 and for the third offense a sum not to exceed \$200 together with all costs.

d) The penalties of this section may be levied in addition to the penalties of section 5.

#### **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. Any impounded animal may be reclaimed within 5 days of impoundment upon the payment of the costs incurred in taking up, confining, keeping

and medically treating such animal during impoundment, the payment of any citations, 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) allow the animal to remain in the possession of the owner provided that the owner will keep the animal within his residence or within a securely confined area;

or

2) 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

3) 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 in a separate kennel for a period of not less than ten 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 ten days.

d) Any animal found to be infected with rabies shall be forthwith destroyed in as humane a way as possible. The animal suspected to be infected with rabies shall not be destroyed in such a manner that damages the head, which will be needed for laboratory analysis.

e) All costs associated with any impoundment as detailed in this section must be paid by the owner to the shelter before the animal may be released.

**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 and shall afford the owner an opportunity for a hearing in a court in the city of Long Beach prior to making a final determination. Written notification of the sufficient cause finding will be sent to the owner by registered mail. The owner may file a written request within seven calendar days from the date of receipt of the notification of the sufficient cause findings for a hearing. The hearing shall be held as soon as possible, but not more than twenty-one nor less than five calendar days after receipt of the request from the owner. If the owner fails to make a timely request for a hearing, the owner shall be deemed to have waived his right to appeal the dangerous dog classification.

c) During the period of the investigation as described in subsections 8(a) and 8(b) the dog must be confined in a proper enclosure for a dangerous dog 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 must 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 ownership transferred pending the outcome of the investigation unless the relocation or ownership transfer would be for the purpose of placing the dog in a proper enclosure for a dangerous dog. Animal control must be notified in the event that the animal 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 or 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 justice court 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.

6) Immediately notify the animal control department if:

a) The dog is loose or unconfined.  
 b) Has bitten a human being or attacked another animal.  
 c) Is sold, given away, dies, or is moved to another address. If sold or given away, the new owner, even if in another jurisdiction in this state, must comply with all of the requirements with of this section.

g) 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, upon conviction, shall be punish by imprisonment of not more than one year or fined not more than \$10,000 or both.

h) 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, upon conviction, shall be punished by imprisonment of not more than 60 days or fined not less than \$500 nor more than \$5000 or both.

i) If a dog that has been declared dangerous, without provocation, attacks and causes severe injury or death to a human or an animal, the dog will be immediately confiscated by animal control, held for ten business days, and thereafter euthanized in an expeditious and humane manner.

J) During the ten business day the owner may request a hearing with a court in the city of Long Beach to appeal the decision to euthanize the dog. The owner must put up a bond, the amount to be determined by the court, to cover all cost associated with holding the dog. The hearing shall be held not be 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 hearing.

#### **Section 9. DISTURBING THE PEACE**

a) It shall be unlawful for any owner or person to possess, own, keep or harbor within the corporate limits of the city, 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 or 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 by reason of nauseous odor, filthy conditions, the breeding of flies, mosquitoes, insects and other pests, or by being on the property of someone other than the owner or person having the care, custody or control of the dog, damaging public or private property, upsetting garbage cans.

c) The penalties for disturbing the peace are:

- 1) \$15 for the first offence.
- 2) \$25 for the second offence
- 3) \$50 for subsequent offences

**Section 10. FEES, CITATIONS, AND PROCEEDS OF SALES**

- a) All fees, impoundment fees, and proceeds from the sales of any animal surrendered to the animal shelter under contract with the Harrison County shall be used to pay for all charges and expenses associated with the maintenance of the animals while in the possession of the animal shelter.
- b) All citations will be paid to the City of Long Beach.

**Section 11. AFFIRMATIVE DEFENSE**

- a) Except as provided in subsection (b) of this section, an affirmative defense to prosecution under section 2 of this title may be raised when:

- 1) the defendant was a veterinarian whose conduct conformed to accepted veterinary practice for the area;
- 2) the defendant's conduct was designed to control or eliminate rodents, ants or other common pests on the defendant's own property;
- 3) the defendant was a person appropriately licensed to utilize pesticides;
- 4) the defendant humanely euthanized any animal as a veterinarian or a representative of a duly organized humane society or animal shelter;
- 5) a state agency was implementing a rabies control program

**Section 12. INVESTIGATING AGENTS**

- a) The City of Long Beach may appoint agents for the purpose of investigating violations of any of the provisions of this title or any other laws of the state for the purpose of protecting animals or preventing any act of cruelty thereto.
- b) Appointments of agents for the city of Long Beach will be by the Chief of Police of the city of Long Beach.
- c) All animal control officers of the city of Long Beach are considered investigating agents under this title.

**Section 13. PENALTIES**



a) A conviction of aggravated cruelty to animals shall be punishable upon conviction by a sentence of imprisonment of not less than six months nor more than two years or a fine of not less than \$3,000 nor more than \$10,000, or both.

b) A conviction of simple cruelty to animals shall be punishable by a sentence of imprisonment of not more than six months or a fine of not more than \$1000 or both.

c) In addition to any other sentence the court may impose, the court may require a defendant convicted of a violation under section 2 of this title to:

1) Forfeit any right to the animal subjected to cruelty, and to forfeit any right to any other animal under his care custody or control.

2) Repay the reasonable costs incurred by any person, municipality, or agency for providing care for the animal prior to judgment. If the court does not order a defendant to pay all of the applicable costs 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.

5) Permit periodic unannounced visits for a period 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 county.

d) Upon an order of forfeiture of an animal under this section or section 2 of this title, 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 manner as set out in this title.

#### Section 14. HUMANE EUTHANASIA

The purpose of this section is to provide a swift and merciful means whereby domestic animals which are suffering from an incurable or untreatable condition or are imminently near death from injury or disease or are deemed unadoptable by two qualified staff members of the Humane Society of South Mississippi may be destroyed without unconscionable delay and in a humane and proficient manner.

a) Whenever any domestic animal is so injured or diseased as to appear useless and is suffering, and it reasonably appears to a veterinarian, or an agent of the Humane Society of South Mississippi that such animal is imminently near death, or cannot be cured or rendered fit for service, and every reasonable attempt, although unsuccessful, has been made to locate the owner, the owner's agent or veterinarian, then that animal may immediately be euthanized by using the most humane means available. When possible, the veterinarian or two members of the Humane Society should sign an order to euthanize said animal.

b) Notwithstanding any other provisions of this section, any animal control officer or any trained staff member of the Humane Society or any officer of the City of Long Beach police department may, with the approval of his or her immediate superior, humanely euthanize any abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal.

b) No animal control officer, veterinarian, or agent of the Humane Society of South Mississippi, while acting in good faith and with due care pursuant to this section will be liable either criminally or civilly for such act, nor will any civil or criminal liability attach to the employer of the animal control officer, veterinarian, or agent of the Humane Society of South Mississippi.

c) Sodium pentobarbital, sodium pentobarbital with lidocaine, a sodium pentobarbital derivative, or other agent the Board of Veterinary medicine may approve by rule shall be the only methods used for euthanasia of dogs and cats by public or private agencies, animal shelters, or other facilities which are operated for the collection

and care of stray, neglected, abandoned, or unwanted animals. A lethal solution shall be used in the following order of preference:

- 1) Intravenous injection by hypodermic needle;
  - 2) Intrapertitoneal injection by hypodermic needle;
  - 3) Intracardial injection by hypodermic needle
- d) A dog or cat may be tranquilized with an approved and humane substance before euthanasia is performed.
- e) Succinylcholine chloride, curare, curariform mixtures, any substance which acts as a neuromuscular blocking agent, or a chamber which causes a change in body oxygen may not be used on a dog or cat for any purpose.
- f) Euthanasia may be performed only by a licensed veterinarian or an employee or agent of a public or private agency, animal shelter or other facility that is operated for the collection and care of stray, neglected, abandoned, or unwanted animals, provided the employee or agent has successfully completed a 16 hour euthanasia technician certification course.

#### **SECTION 15. 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 16. 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 17. EFFECTIVE DATE**

In order to provide for the health and safety of the public and this Ordinance shall take effect and be in force thirty day from and after its adoption, and proper publication and enrollment of same in the municipal records all as and in the manner provided by law.

The above and foregoing Ordinance No. 488 was introduced in writing by Alderman Holder, who moved its adoption. Alderman McNary

seconded the motion to adopt the Ordinance, and after discussion, and the question being put to a roll call vote by the Mayor, the result was as follows:

- Alderman Holder           voted Aye
- Alderman Pontihieux     voted Aye
- Alderman Levens         voted Aye
- Alderman Rouse         voted Aye
- Alderman McNary        voted Aye
- Alderman Skelle        voted Aye
- Alderman Bennett      voted Aye

The question having received the affirmative vote of all the aldermen present and voting, the Mayor declared the motion carried and said Ordinance No. 488 adopted and approved this 15<sup>th</sup> day of April 2003.

APPROVED:

  
ROBERT E. BASS, JR. MAYOR

ATTEST:

  
REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruoff, 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 No. 488 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 15<sup>th</sup> day of April, 2003, as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 15<sup>th</sup> day of April, 2003.

(SEAL)   
REBECCA E. SCHRUFF, CITY CLERK