

ORDINANCE NO. 423

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 375 OF THE CITY AS AMENDED BY ORDINANCES NO. 408 AND 416, ENTITLED, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, PROVIDING REGULATIONS FOR THE OWNING, KEEPING AND/OR HARBORING OF DOGS AND CATS WITHIN THE CORPORATE LIMITS OF SAID CITY, REQUIRING THE VACCINATION OF DOGS AND CATS AGAINST RABIES AND OTHER COMMUNICABLE DISEASES, PROVIDING FOR THE IMPOUNDING OF DOGS AND CATS RUNNING AT LARGE, PROVIDING FOR THE DESTRUCTION AND/OR DISPOSAL OF DOGS AND CATS AFTER NOTICE AND HEARING THEREON, PROVIDING FOR SUMMARY DESTRUCTION OF VICIOUS DOGS AND CATS WITHOUT NOTICE IN CERTAIN CASES AS PROVIDED HEREIN, PROVIDING FOR FEES FOR IMPOUNDING OF DOGS AND CATS AND FOR NOTICE AND HEARING, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES", BY AMENDING SECTION 13 OF SAID ORDINANCE TO REQUIRE THE QUARANTINE FOR OBSERVATION IN A VETERINARY HOSPITAL OR CLINIC ANY DOG OR CAT WHICH HAS BITTEN ANY PERSON, OR IS SUSPECTED OF HAVING BITTEN ANY PERSON, OR WHICH IS SUSPECTED OF HAVING RABIES AND BY AMENDING SECTION 3 OF SAID ORDINANCE TO PROHIBIT THE KEEPING OF MORE THAN THREE ADULT DOGS OR THREE ADULT CATS AT ONE TIME ON ANY PREMISES IN AN AREA HAVING A ZONING CLASSIFICATION OTHER THAN R-4, AND FOR RELATED PURPOSES.

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

SECTION 1. Section 3 of Ordinance No. 375 of the City, entitled, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, PROVIDING REGULATIONS FOR THE OWNING, KEEPING AND/OR HARBORING OF DOGS AND CATS WITHIN THE CORPORATE LIMITS OF SAID CITY, REQUIRING THE VACCINATION OF DOGS AND CATS AGAINST RABIES AND OTHER COMMUNICABLE DISEASES, PROVIDING FOR THE IMPOUNDING OF DOGS AND CATS RUNNING AT LARGE, PROVIDING FOR THE DESTRUCTION AND/OR DISPOSAL OF DOGS AND CATS AFTER NOTICE AND HEARING THEREON, PROVIDING FOR SUMMARY DESTRUCTION OF VICIOUS DOGS AND CATS WITHOUT NOTICE IN CERTAIN CASES AS PROVIDED HEREIN, PROVIDING FOR FEES FOR IMPOUNDING OF DOGS AND CATS AND FOR NOTICE AND HEARING, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, AND FOR RELATED PURPOSES", as amended by Ordinances No. 408 and 416, be, and the same is hereby amended to read as follows:

"SECTION 3. DOGS AND CATS, DISTURBING THE PEACE AND NUMBER ALLOWABLE

(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 or cat 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 or cat to permit or allow the same to create a disturbance or to become a nuisance in the City by reason of barking, noise, nauseous odor, filthy conditions, the breeding of flies, mosquitoes, insects and other pests, by being on the property of someone other than the owner or person having the possession, charge, custody or control of such dog or cat, damaging public or private property, upsetting garbage cans, or urinating or defecating on any property that does not belong to such owner or the person having the possession, charge, custody or control of such dog or cat.

(c) It shall be unlawful for any person, other than a person operating a Licensed Small Animal Care Facility, to keep, maintain or harbor at any one time more than Three (3) dogs over the age of Six (6) months on any premises in the City situated within an R-1, R-2, R-3, R-O, C-1, C-2, C-3, I, RV, WR, PUD-R, PUD-RC, PUD-I or PUD-MU, Zoning District as shown by the official Zoning Map of the City.

(d) It shall be unlawful for any person, other than a person operating a Licensed Small Animal Care Facility, to keep, maintain or harbor at any one time more than Three (3) cats over the age of six months, on any premises in the City situated within an R-1, R-2, R-3, R-O, C-1, C-2, C-3, I, RV, WR, PUD-R, PUD-RC, PUD-I or PUD-MU, Zoning District as shown by the official Zoning Map of the City."

SECTION 2. Section 13 of Ordinance No. 375 of the City, as amended by Ordinances No. 408 and 416, be, and the same is hereby amended to read as follows:

"SECTION 13. RABIES - NOTICE

(a) If any dog or cat which has been vaccinated for rabies as by law required has bitten any person, or is suspected of

having bitten any person, or has been bitten by a dog or cat suspected of having rabies, such dog or cat shall be securely confined by the owner, keeper or harbinger of such dog or cat, either by leash, cord, chain or otherwise, to prevent its being loose or running at large, and shall be placed under the observation of a licensed veterinarian at the cost and expense of such owner, keeper or harbinger thereof, for a period of at least two (2) weeks. Each such owner, keeper or harbinger of any such dog or cat shall immediately notify the Chief of Police or any Animal Officer of the City that his dog or cat has bitten a person or is suspected of having bitten a person or has been bitten by a dog or cat suspected of having rabies, and shall provide such officer with the metal tag approved by the Mississippi State Board of Health and evidencing vaccination of such animal for rabies as required by law, or documentation of such animal's vaccination for rabies, which documentation shall be sufficient to allow such officer to confirm such vaccination. If such owner, keeper or harbinger fails to provide such officer with such metal tag or such documentation, or if documentation is provided but such officer is not able to confirm such vaccination, then such dog or cat shall be presumed not to have been vaccinated for rabies and shall be treated in accordance with the provisions of sub-section (b), hereafter.

(b) If any dog or cat which has not vaccinated for rabies as by law required has bitten any person, or is suspected of having bitten any person, or has been bitten by a dog or cat suspected of having rabies, or is suspected of having rabies, the owner, keeper or harbinger of such dog or cat shall report to the Chief of Police or any Animal Officer of the City that such dog or cat has bitten a person, or is suspected of having bitten a person, or has been bitten by a dog or cat suspected of having rabies, or is suspected of having rabies, and that such dog or cat has not been vaccinated for rabies as required by law, and such owner, keeper or harbinger of such dog or cat shall deliver such dog or cat to a veterinary hospital or clinic and cause such

dog or cat quarantined at such veterinary hospital or clinic for observation for a period of at least two (2) weeks, at the cost of such owner, keeper or harbinger of such dog or cat. If such owner, keeper or harbinger of such dog or cat does not cause such animal to be quarantined as required herein, then the Police Chief or Animal Officer of the City is authorized and empowered to remove such dog or cat from the land or premises of such owner, keeper or harbinger, or any place where it may be found, to a veterinary hospital or clinic to be quarantined for observation for at least two (2) weeks at the cost of such owner, keeper or harbinger of such dog or cat.

If, after sufficient observation, the dog or cat in the opinion of the veterinarian, or of the County Health Officer of Harrison County, Mississippi, is not infected with rabies, such dog or cat shall be returned to its owner, keeper or harbinger. If not claimed, such dog or cat shall be disposed of as provided in Section 10 of this Ordinance. If, in the opinion of the aforesaid County Health Officer or veterinarian, symptoms have developed justifying a microscopic examination, then such dog or cat shall be killed and examination made by the Mississippi State Board of Health.

(c) It shall be unlawful for any owner, keeper, harbinger of any dog or cat, knowing or suspecting that such dog or cat has rabies, or any other person knowing or suspecting that any dog or cat has rabies, or is suspected of having rabies, to remove, permit or allow to be removed from or taken off his premises any such dog or cat, other than as is required by sub-section (b), above. Every owner, keeper or harbinger of any dog or cat, and any other person ascertaining that a dog or cat is rabid or suffering from rabies or hydrophobia shall immediately notify the Animal Officer or any police officer of the City of such fact, who shall either remove the dog or cat to the City Pound or other suitable place, or kill or destroy such dog or cat as is provided in this Section or in Section 11 of this Ordinance.

(d) Any dog or cat desired for observation by the Chief of Police of the City or the County Health Officer as provided in

this Section shall be surrendered and be delivered to the Chief of Police or any police officer or Animal Officer upon demand by any of them, and shall not be withheld, hidden or harbored.

It shall be unlawful for any owner, or any person, to refuse to surrender or withhold or hide from any police officer or Animal Officer of the City any dog or cat desired for observation for rabies as herein set forth; and any person violating the provisions of Section 13 shall be subjected to arrest. When any person refuses to surrender or deliver to any police officer or the Animal Officer of the City any dog or cat suspected of having rabies for observation as herein set forth, or withholds or hides the same from any police officer or Animal Officer of the City, a warrant for the arrest of such person shall issue, which warrant shall be for the arrest of such person so refusing to surrender and deliver such dog or cat, or withholding or hiding such dog or cat so demanded for observation, and which warrant shall also provide for the apprehending and forcible taking of such dog or cat for such observation. If, in the opinion of the aforesaid County Health Officer, symptoms develop justifying a microscopic examination, then such dog or cat so taken, for observation, shall be killed and such examination be made by the Mississippi State Board of Health."

SECTION 3. 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 4. Effective Date

This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 423 was introduced in writing by Alderman Graves, who moved its adoption.

Alderman Maxwell 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 Ken Collins	voted	<u>Absent</u> , not voting
Alderman Sal Giuffria	voted	<u>Aye</u>
Alderman Miriam Graves	voted	<u>Aye</u>
Alderman Donnie Hammons	voted	<u>Present</u> , not voting
Alderman Donald Logan	voted	<u>Absent</u> , not voting
Alderman Pat Maxwell	voted	<u>Aye</u>
Alderman Wayne O'Neal	voted	<u>Aye</u>

The question having received the affirmative vote of \_\_\_\_\_ majority \_\_\_\_\_ the aldermen present and voting, the Mayor declared the motion carried and said Ordinance 423 adopted and approved this 20<sup>th</sup> day of October, 1992.

APPROVED:

  
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 GLENN F. RISHEL, 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. 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 Number 423 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held on Tuesday, October 20, 1992, 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 27th day of October, 1992.

(SEAL)

  
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Rebecca E. Schruoff, City Clerk