

SPAY / NEUTER ORDINANCE

WHEREAS, the Mayor and the City Council of the City Of Greenville, Mississippi recognize a need to enact legislation to curb the prevalence of unrestrained and stray dogs and cats; prevent the inhumane treatment of animals and protect the citizens of Greenville, Mississippi and their property from unsanitary conditions, aggressive animals and disease; and protect their general health and welfare within the city of Greenville, Mississippi, which has recently resulted in damage to property and the threat of serious bodily injury to citizens, and is degrading the quality of life and disturbing residents and business; and

WHEREAS, the Mayor and the City Council of the City Of Greenville, Mississippi have duly considered the matter and, recognize the City's continuous interest in promoting the health, safety and welfare of the citizens of Greenville, Mississippi; and

WHEREAS, the Mayor and the City Council of the City Of Greenville, Mississippi, find that changes in the current animal control should be enacted, and failure to do so will negatively affect the City's legitimate interest in fostering a safe environment for all citizens.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL FOR THE CITY OF GREENVILLE, MISSISSIPPI, in council, hereby state the following, to wit:

I. OFFICE OF ANIMAL CONTROL

- A. The office and position of animal control officer falls within the jurisdiction of the Greenville Police Department. The animal control officer shall investigate violations of this ordinance based upon personal observation ( s ) and complaints "FILED" incident to observations of others to determine the factual validity of any and all such complaints.
- B. Such office shall be filled by the Mayor and the City Council of the City Of Greenville, Mississippi; and each of the persons filling such offices shall serve at the will and pleasure of the Mayor and the City Council of the City Of Greenville, Mississippi.

- C. The animal control officer shall enforce this ordinance, as amended from time to time, reference to which is made for all purposes. The animal control officer shall have the power to enforce all City Of Greenville ordinances and the applicable State laws regulating animals and shall have the power to issue notices and legal citations returnable to the Municipal Court Of The City Of Greenville, Mississippi and to pursue and to "FILE" criminal affidavits for the violation ( s ) of such ordinance or laws. The form of notices and citations shall be approved by the Municipal Court Judge for the City Of Greenville, Mississippi. The animal control officer shall not affect a physical arrest of a violator for whom an arrest warrant has been issued. Only a sworn police officer, employed with the Greenville Police Department shall be authorized to effect an arrest based on a warrant or personal observation.

## II. DEFINITION AND TERMS

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. "Cat" means a domesticated feline species of animal.
- B. "Dog" means a domesticated canine species of animal.
- C. "Notice" means oral notification by telephone or written notice left at the usual place of abode by the animal control officer or by the Greenville Police Department setting forth that the dog or cat has been taken up and setting forth therein a brief description of the dog or cat and the name of the owner, if known.
- D. "Owner" means not only the actual owner of a dog or cat, but the person having the control and custody of the dog. If the dog or cat is owned by a minor, the word "owner" shall mean either the parent ( s ) or guardian ( s ) or person having the custody and control of such minor.
- E. "Inhuman Treatment" shall mean any treatment which deprives an animal of food, water, essential grooming, exercise, a clean environment, veterinary care and protection from weather and any treatment to include, but not limited to loading, overworking, tormenting, beating, mutilating, poisoning, or abnormal treatments as may be determined by an authorized by and authorized Health Officer or an authorized Animal Control Officer, Law Enforcement Officer, or a qualified Representative of a State - Registered non - profit humane society. Such violations shall be charged under Mississippi Title 97.

Crimes. Chapter 41. Cruelty to Animals. Title 97. Crimes Against Public Morals And Decency. In General. No person within the City, except a licensed veterinarian shall crop a dog's ear or perform any other surgical procedure upon a dog.

- F. "Shelter" is defined as a recognizable dog house for canines that protects from heat, cold, strong winds, rain, and is not subject to standing water, or muck.
- G. "Spay" is defined as the surgical procedure to sterilize a female animal.
- H. "Neuter" is defined as the surgical procedure to sterilize a male animal.
- I. "Unaltered animal" is defined as an animal that has not been spayed or neutered.
- J. "Intact animal" is defined as an animal that has not been altered and is able to reproduce.

### III. OWNER RESPONSIBILITY

- A. The owners of all animals within the City are required to keep the animals within suitable enclosures and are further required to keep the enclosures sanitary and clean to prevent illness or injury, disagreeable odors arising therefrom, or the presence or breeding of flies, mosquitos and other pests. Tethering of dogs in an inhumane fashion is expressly prohibited.
- B. Mississippi law dictates all dogs and cats must be vaccinated for rabies when the animal is three months old and thereafter as required by the State Board Of Health. If the owner fails to do so, he / she can be charged with a misdemeanor punishable by a fine. It is the duty of the owner to secure the rabies tag to the pet's collar and each pet owned by or in the possession of any person within the State Of Mississippi shall wear at all times a collar or other device which have securely bradded on to it the metal tag provided for above. Any such tag shall not be transferable to any dog or cat other than the dog or cat for which it was issued.

**IV. TETHERING REGULATIONS ( SEE SECTION III A HEREIN ABOVE )**

**A. Tethering of dogs is not allowed except for the following reasons:**

**B. The dog is tethered because it is:**

- 1. Tethered while receiving medical care or treatment by a licensed veterinarian or is being groomed except that the collar or tether must be humanely applied.**
- 2. Is actively participating in an exhibition, show, contest, or other legal event in which skill, breeding, or stamina of the dog is judged or examined except that the collar or tether must be humanely applied.**
- 3. Being actively trained by a federal, state, or local law enforcement agency, military, or National Guard unit except that the collar or tether may be humanely applied.**
- 4. Under the direct control of its owner or handler, and the leash or tether is affixed in a humane manner.**

**C. Each incident involving a violation of this section shall be a separate offense. A person who violates this section is subject to the following penalties:**

- 1. A first offense shall result in a correction warning being issued requiring the offense to be corrected by the person who owns, keeps, or controls the dog within forty - eight ( 48 ) hours, unless the offense poses an immediate risk to the health or safety of the dog or the dog has been injured as a result of the offense.**
- 2. A second offense or failure to comply with the first offense warning shall result in the removal and impoundment of the dogs by the responding animal control officer, law enforcement officer, or agent of "the City" or the county and a violation of this ordinance shall constitute a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars and no cents ( i.e. \$100.00 ) nor more than Five Hundred Dollars and no cents ( i.e. \$500.00 ) or thirty ( 30 ) days in jail, or both; however, if it is determined that the violation was intended as punishment or intended cruelty to the dog the violation shall be prosecuted under the applicable provisions of the State Of Mississippi's anti - cruelty to animals statute.**

## V. TRAP, NEUTER AND RELEASE

- A. Trap, Neuter and Release ( TNR ) means the process of humanely trapping, sterilizing, vaccinating for rabies, and ear tipping community dogs and cats and returning them to their original location.
- B. Community Dog And Cat Program advocates trapping, neutering and releasing community dogs and cats as the preferred method for controlling the dog and cat population. The Greenville TNR program shall prioritize dogs and cats for TNR as the preferred outcome for community dogs and cats. As funding permits, it is the goal of the City Of Greenville, Mississippi that all community dogs and cats be sterilized, ear tipped, vaccinated and returned in accordance with the TNR process.

## VI. SPAY / NEUTER

All dogs and cats owned within the city limits of Greenville, Mississippi must either be spayed or neutered. There are a few exceptions, which include but are not limited to the following, to wit:

- A. Dogs and cats under six ( 6 ) months old.
- B. Dogs and cats unable to be spayed / neutered for health reasons as verified by a licensed veterinarian.
- C. Show / competition dogs and cats with owners holding a valid "Breeding / Unaltered Animal Permit."
- D. Owners holding a valid "Breeding / Unaltered Animal Permit."
- E. Dogs and cats for adoption at the **Animal Shelter Of Greenville**. These animals are required to be spayed and neutered by the adopter.
- F. **Microchipped animals that are properly registered with the City Of Greenville under a valid "Intact Animal Permit."**
- G. **Animals deemed medically unfit for spaying or neutering by a licensed veterinarian. Written proof required at time of licensure.**

## VII. MICROCHIP REQUIREMENT

All dogs and cats over the age of four ( 4 ) months shall be implanted with a microchip, which proves ownership and is registered to the owner. Microchips may be obtained from a licensed veterinarian or local rescue organizations.

## VIII. LICENSING AND FEES

- A. All dog and cat owners must obtain a licence for their animals, which includes proof of spay / neuter or exemption. The fee is \$2.00 per animal.
- B. A valid "Intact Animal Permit" must be obtained and renewed annually from the City Clerk's Office. The "Intact Animal Permit" fee is One Hundred Dollars and no cents ( \$100.00 ) for each intact animal.
- C. Requirements include:
  - 1. Proof of current rabies vaccination.
  - 2. List of each unaltered animal on site ( photo and proof of microchip must be provided with application ).
  - 3. Physical address.
  - 4. Acknowledgment that Animal Control Officers shall be allowed to inspect the location at their discretion or at the request of the director of the Animal Shelter Of Greenville or other law enforcement officer.
  - 5. Acknowledgment that permit may be revoked at any time if all requirements are not met at any time during the year.
  - 6. Acknowledgment that an "Intact Animal Permit" does not exempt holder from other ordinances in place by the City Of Greenville ( noise, smell, nuisance, at - large animals, requirements for Pitbull type breeds, etc. ).

**IX. PROOF OF COMPLIANCE**

Proof of compliance before citation may include, but is not limited to:

- A. A visible mark ( tattoo or feline ear tip notch ) that is in conformance with the American Veterinary Medical Association Standards.
- B. A written statement from a licensed veterinarian, which identifies the animal and states that the animal has been altered including date of service.
- C. A current rabies certificate, which identifies the animal and states that it has been spayed or neutered.

**X. BREEDING / UNALTERED ANIMAL PERMIT**

It shall be required of any person, owner ( s ) of dogs / cats or otherwise, keeping and maintaining the same for breeding or show / competition purposes, with the City Of Greenville, Mississippi, to secure a "Breeding / Unaltered Animal Permit" from the City Clerk's Office and to keep the permit posted for inspection by the animal control officer or Health Department for compliance with the provisions set out thereon. The "Breeding / Unaltered Animal Permit" shall be One Hundred Fifty Dollars and no cents ( i.e. \$150.00 ), annually. A separate "permit" is required for each unaltered dog and cat.

- A. A "Breeding / Unaltered Animal Permit" may only be issued for a dog or cat:
  - 1. That is current on their vaccination requirements;
  - 2. That, not more than ninety ( 90 ) days before the date of the breeding permit application, has been approved to breed by a licensed veterinarian; and
  - 3. That is used to show, to compete or to breed, which is of a breed recognized by and registered with the American Kennel Club ( AKC ), United Kennel Club ( UKC ), American Dog Breeders Association ( ADBA ), Cat Faciers' Association ( CFA ), or other bona fide registry and meets one ( 1 ) of the following requirements:

- a. The dog or cat has competed in at least one (1) show or sporting competition sanctioned by a bona fide national registry within the last three hundred sixty - five ( 365 ) days;
  - b. The dog earned confirmation, obedience, agility, carting, herding, hunting, protection, rally, sporting, working or other title from a purebred dog registry, referenced above, or other registry or dog sport association; or
  - c. The owner of the dog or cat is a member of, and the dog or cat is registered with a bona fide purebred dog breed club or cat fancier's association, which maintains and enforces a code of ethics for dog or cat breeding that includes restrictions from breeding dogs or cats with genetic defects and life threatening health problems that commonly threaten the breed, or the owner signs a statement under oath attesting that the dog or cat is being trained to comply with subsection ( a ) and ( b ) herein above.
- B. To obtain a "Breeding / Unaltered Animal Permit", a person must submit an application at the City Clerk's Office ( i.e. on a form provided by the City Clerk for "that" purpose ) and pay an annual breeding permit fee of One Hundred Fifty Dollars and no cents ( i.e. \$150.00 ). The breeding permit application must include:
1. The name, address, and telephone number of the applicant;
  2. The location where the dog or cat is harbored;
  3. A description of the dog or cat, including but not limited to, a photograph of the animal;
  4. Proof that the animal is qualified for a breeding permit under Subsection A of this section; and
  5. Any other information determined necessary by "the City" for the enforcement and administration of this section.

- C. A "breeding permit" expires one ( 1 ) year after the date of issuance and may be renewed by applying in accordance with Subsection B of this section. If the City Clerk does not receive an application for a "permit" renewal within forty - five ( 45 ) days after the expiration of the "permit", a ten dollar ( i.e. \$10.00 ) late fee shall be added to the "permit" fee.
- D. A "breeding permit" IS NOT TRANSFERABLE
- E. A permittee commits an offense:
  - 1. If he / she allows a permitted female dog or cat to have more than two ( 2 ) litters during the "permit" term.
  - 2. Allows the offspring of a female dog or cat for which he holds a "breeding permit" to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight ( 8 ) weeks of age and have been vaccinated against common diseases.
  - 3. Has more than the allowed number of dogs / cats as promulgated by the applicable Kennel License Ordinance.
- F. All changes of address and change of ownership shall be reported to the City Clerk's Office within thirty ( 30 ) calendar days following such change.

#### **XI. PENALTY FOR VIOLATIONS**

- A. First Offense shall necessitate a written warning with a signed agreement to have the animal altered and microchipped within thirty ( 30 ) days.
- B. Second Offense shall necessitate a Two Hundred Fifty Dollars and no cents ( i.e. \$250.00 ) with a signed agreement to have the animal altered and microchipped within thirty ( 30 ) days.
- C. Third Offense shall necessitate a Five Hundred Dollars and no cents ( i.e. \$500.00 ) and possible court appearance.

#### **XII. SEVERABILITY**

In the event that "any" part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

**XIII. APPLICABILITY**

This Ordinance shall be in full force and effect by “vote” of the Mayor and City Council.

**XIV. IMPLEMENTATION**

This Ordinance shall take effect immediately but will not be “enforced” until January 1, 2027, allowing a grace period for owners to have pets altered.

The City Council of the City Of Greenville, Mississippi hereby recognizes that adoption of the Spay And Neuter Ordinance from which this chapter is derived may qualify “the City” to apply for grant money and encourages “the City” shelter and local rescue groups to maintain records to be able to provide statistics which may be requested for use in grant applications.

**XV. SAFETY CLAUSE**

The City Of Greenville, Mississippi hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of animal welfare, public health, safety of the City Of Greenville, Mississippi and the inhabitants thereof.

The City Of Greenville, Mississippi will enforce all applicable animal control or cruelty laws of the State Of Mississippi and make them apart hereof.

Following the reading of the afore referenced ordinance in its entirety, Council Person \_\_\_\_\_ “moved” the adoption of the foregoing ordinance. Council Person \_\_\_\_\_ seconded the “motion” for its adoption. This matter was then out to a roll call vote and the results were as follows, to wit: