

THE FOLLOWING ORDINANCE WAS MOVED FOR INTRODUCTION BY COUNCIL MEMBER DANIELSON; SECONDED FOR INTRODUCTION BY COUNCIL MEMBER BUSH

ORDINANCE NO. 24- 06

AN ORDINANCE OF THE CITY OF MANDEVILLE MODIFYING ARTICLE III – FOWL AND RABBITS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Mandeville’s Code of Ordinances, Chapter 4 – Animals and Fowl, was developed in order to provide for the safety and welfare of pets and domesticated animals of the community; and

WHEREAS, the City’s current Code of Ordinances, Chapter 4 – Animals and Fowl, was last revised and updated on November 21, 2019; and

WHEREAS, in consideration of issues involving chickens and roosters in the community that have arisen over the period of time, which directly impact public health, safety, and welfare, since Chapter 4 was last updated; and

WHEREAS, the Mandeville City Council deems these changes appropriate to protect the health, safety, and welfare of the citizens of Mandeville; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mandeville, at its regular session convened, that the Code of Ordinances, Chapter 4 – Animals and Fowl, shall be amended and replaced as follows, to wit:

Amend CHAPTER 4 – ANIMALS AND FOWL, as outlined below.

CHAPTER 4 – ANIMALS

ARTICLE I – IN GENERAL

Sec. 4-5 Public Nuisance.

Every owner or keeper of animals shall exercise proper care and control of such animals so as to prevent them from creating or becoming a public nuisance. The owner of an animal causing such public nuisance shall be subject to penalties of section 1-9 of this Code. A violation of any of the following provisions shall constitute a public nuisance and is strictly prohibited:

- (1) *Excessive noises.* Excessive or untimely barking, howling, yelping, or other animal noise that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within one's home or unreasonably interferes with the use of one's property.
- (2) *Attack.* Attacking or molesting a person or animal.
- (3) *Animals at large.* No person shall suffer or permit any dog in his possession, or kept by him about his premises, to run at large. Designated dog parks or "off-leash" areas are exempt from the provisions of this section.

- (4) *Enticing or releasing animals.* It shall constitute a violation of this article for any person to release any animal from, or to entice any animal to leave, the property of the owner or keeper of such animal.
- (5) *Scratching on or digging into or urinating or defecating upon lawns, shrubs, buildings or any property, either public or private, other than property of the owner or keeper.* In the case of nuisance by defecation, whether such nuisance shall take place in the presence of the owner or keeper or not, the owner or keeper must promptly remove all feces and dispose of them in a sanitary manner or be considered to be in violation of the provisions of this article.
- (6) *Premises maintained.* Premises on which animals, including fowl, are kept shall be maintained so as to prevent all obnoxious odors and stenches of such unreasonable intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property, or the presence or breeding of flies, mosquitoes and other pests. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.
- (7) *Animals in heat.* Every female dog or cat in heat shall be confined so that the animal cannot come into contact with an un-neutered male, except for planned breeding.
- (8) *Cleanliness of containment areas.* All animal containment areas shall be maintained in order that excessive fecal matter and urine does not build up and create unsuitable living conditions for the animal and humans who enter the containment area; and does not create a health hazard and/or excessive odor. All animal containment areas should remain free of excessive water buildup and/or excessive flooding or continuous standing water.
- (9) *Dogs on school grounds.* Owners shall not permit their dogs on any school ground when school is in session, unless specifically authorized by the school board or principal.
- (10) *Animals in restaurants.* Dogs or other animals shall not be permitted in restaurants or other places serving food, when prohibited by the owner of the business. This provision shall not apply to service animals as defined by the ADA.
- (11) *Animals as prizes.* Giving live animals as prizes is strictly prohibited and it shall be unlawful for any person to give away an animal as an advertising device, or as a game prize at any fair, festival or charity event. Ruffling or auctioning an animal shall be permitted provided monetary consideration is given in exchange for a chance of winning the animal. For the purposes of this section, an animal shall include, but is not limited to, fish, rabbits, birds, cats and dogs.
- (12) *Prohibited.* No person shall sell, exchange, barter, trade, lease, rent, give away, or display for such purposes any live animal on any roadside, public right-of-way, parkway, median, park, playground, or other recreational area, commercial or retail parking lot, that is generally accessible to the public, regardless of whether such access is authorized or not. Exception: This section shall not apply to humane societies, animal welfare groups, animal control agencies or non-profit organizations sponsoring animal adoption events.
- (13) *Keeping of Fowl and Rabbits.* The keeping of roosters is prohibited within city limits. Notwithstanding anything to the contrary in this chapter, no person shall keep more than

six (6) chickens in single-family dwelling. All fowl must be kept in accordance with the provisions of Section 4-13 of this Chapter.

ARTICLE III – FOWL AND RABBITS

Sec. 4-13. Fowl and Rabbits ~~Prohibited At Large~~

- (a) The keeping of roosters is prohibited within the city limits.
- (b) Notwithstanding anything to the contrary in this chapter, no person shall keep more than six (6) chickens shall for each single-family dwelling.
- (c) All fowl must be kept in enclosed fenced areas. The fenced area must be sufficient to contain the fowl and prevent them from roaming onto neighboring properties or public spaces.
- (d) Coops and cages shall not be located in the front yard.
- (e) It shall be prohibited for any person raising or keeping chickens, turkeys, geese, guineas, ducks, pigeons, or other fowl or rabbits to allow or permit the fowl or rabbits to run at large or be at large.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED, that the Clerk of this Council be and she is hereby authorized and empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to promulgate the provisions of this ordinance.

This ordinance being submitted to a vote, the vote thereon was as follows:

AYES:	0
NAYS:	0
ABSTENTIONS:	0
ABSENT:	0

and the ordinance was declared adopted this __st day of _____, 2024.

Kristine Scherer
Clerk of Council

Jason Zuckerman
Council Chairman