

CHAPTER 118 ANIMAL INCIDENTS AND CONTROL

DISCUSSION: Animal-related incidents and complaints, although generally not life threatening, are regularly a source of citizen concern or annoyance. These requests for action normally take the form of complaints about animal nuisances; such as barking dogs, animal bites or dogs at large and are handled by the City of Hattiesburg (Animal Control). In other cases, police action is requested to handle such problems as injured animals or complaints of cruelty. Particularly in the case of nuisance complaints, if the problem is not handled and resolved initially, the situation will usually become the source of continuous problems and requests for police service. Aggressive and on-going enforcement of the laws and ordinances governing dogs and other animals will usually keep problems from escalating and thus making the situation easier for the City and more satisfying for the citizenry.

118.1 ANIMALS AT-LARGE

118.1.1 Dogs Running At-Large

- A. City Ordinance number 1324 states that it is unlawful to permit animals to run at-large. (Appendix B, page B 28, Code of Ordinances, City of Hattiesburg, Mississippi.) At-large or running at large is defined as any animal (except cats) within the city not kept under restraint. (Chapter 4, Article II. Animal Control, Division 1. General, Section 4-12 Definitions, page 29, Code of Ordinances, City of Hattiesburg, Mississippi.)
- B. It is the duty of the Animal Control Officer to apprehend any dogs running at-large contrary to City Ordinance 1324. Upon apprehending a dog at-large, the officer may take one of two actions:
 - 1. Return such dog to the owner if known, and take whatever enforcement action is appropriate.
 - 2. Impound such dog at the Forrest County Humane Society. Once transported to the Humane Society, the Animal Control Officer, with the assistance of an employee of the Humane Society, shall fill out the appropriate form for impounding dogs.

118.1.2 Other Animals

- A. Loose Stock: Upon receiving any report of loose livestock, the Animal Control Officer or Police Officer shall be dispatched to the scene. The officer shall attempt to contact the owner of the loose stock and have the owner regain control or otherwise return it to his property. In certain instances, enforcement action can be taken against the owner of stock running at-large. Refer to Appendix B, Ordinance Index, page B 26, Code of Ordinances, City of Hattiesburg, Mississippi
- B. Injured or Deceased Animals: The Animal Control Officer or police officer shall respond to any report of an injured or deceased animal.
 - 1. If the animal is deceased upon the arrival of the officer, he/she shall:

- a. Contact the owners if they are known and make arrangements to have the animal picked up.
 - b. If there are no owners or the owners cannot be identified, then the officer shall appropriately dispose of the remains.
2. If the officer responds to or discovers an injured animal, then he/she shall take whichever action is deemed to be most appropriate:
 - a. If the owner can be identified, contact the owner and make arrangements to have the animal picked up.
 - b. If in the officer's judgment the animal is either so severely injured that death is probable or the animal appears to be suffering, the officer may kill the animal in an appropriate and humane manner. If the owner is unknown, then the remains shall be disposed of appropriately. If the owner is known, then he shall be contacted and provided the opportunity to pick up the remains.
3. The Department of Public Works may assist in disposing of animal remains.

118.2 ANIMAL BITES

118.2.1 Definition

For purposes of this Section, an animal bite shall be considered any bite or scratch by a wild or domestic animal which breaks the victim's skin.

118.2.2 Initial Responsibilities

- A. The Animal Control Officer or assigned police Officer shall respond to any report of an animal bite within the City of Hattiesburg and conduct an investigation. A report may come from a citizen, a physician or a hospital.
- B. The officer shall then:
 1. Identify the owner of the animal if possible. Explain the nature of the complaint and circumstances to the owner. If the owner can be identified, the officer shall attempt to determine if the animal has had a rabies shot and, if so, determine the date of the vaccination.
 2. Advise the owner to restrain the animal for a period of not fewer than ten (10) days or more than fourteen (14) days for observation and to contact the Animal Control Officer or investigating officer if the animal becomes sick during that period.
 3. Determine if enforcement action is appropriate.
- C. If the animal that has bitten the victim is a dog, then Section 4-28 Animals exhibiting symptoms of rabies, page 32, Code of Ordinances, City of Hattiesburg, Mississippi, requires that the animal be impounded at once and held for observation for a period of not fewer than ten (10) days or more than fourteen (14) days. The body of any animal that

has died of rabies or that dies or is destroyed while in quarantine shall not be disposed of except as directed by the county Health Officer. Refer to Chapter 4, Article II. Animal Control, Division 1. General, Section 4-12 Definitions, page 30, Code of Ordinances, City of Hattiesburg, Mississippi.

- D. The officer shall advise the victim of an animal bite to seek appropriate medical attention. If the owner of the animal is known, the victim shall be provided with the owner's name, address and telephone number.

118.2.3 Follow-Up Responsibilities

- A. If the animal that has bitten the victim cannot be captured or identified, then the victim shall be so notified. The victim shall be encouraged to seek medical attention.
- B. If the animal is deceased at the time of apprehension, the officer shall seize the remains and arrange to have the animal sent to the Department of Health for analysis. If assistance is required in preparing the deceased animal for transport, this assistance may be provided by the Forrest County Humane society at no cost. Any other local veterinarian clinic may also perform the service.
- C. All initial and follow-up investigations shall be included in the officer's report.

118.3 CRUELTY TO ANIMALS

118.3.1 Initial Investigation

- A. Definitions:
 - 1. Cruelty shall include, but not limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal. Cruelty includes the abandoning of any animal without proper provision for its care, sustenance, protection, or shelter. It is also considered cruelty to confine an animal in a motor vehicle or other enclosed space in which the temperature is either so high or so low as to cause serious harm to the animal. (See Title 97, Chapter 41 Cruelty to Animals, Mississippi State Code)
 - 2. Animal shall mean any domestic animal, household pet or wild animal in captivity.
- B. Upon receiving a report of cruelty to animals, the Animal Control Officer or Police Officer assigned shall investigate and take the initial report. Statements from witnesses shall be taken if appropriate.
- C. If any person who is suspected of committing the offense of cruelty to animals is to be interviewed, such interview shall be conducted by a full-time sworn Police Officer. The Animal Control Officer may observe or assist.

118.3.2 Enforcement Action

- A. If as a result of the investigation the officer feels there is sufficient cause to bring a charge against any person for cruelty to animals, then he shall prepare an incident report and/or affidavit.
- B. The appropriate person shall swear to the affidavit, and once active, a sworn Police Officer shall affect the arrest. Arrest and other reports shall be prepared as prescribed by departmental procedures.

118.4 ABATEMENT OF NUISANCE OR MENACE (DOGS)

118.4.1 Initial Nuisance or Menace Calls

- A. The Animal Control Officer or assigned Police Officer shall respond to any complaint of a barking dog or other complaints of dogs causing a nuisance or menace. After first investigating the circumstances surrounding the complaint and determining that it is factual, the Animal Control Officer or the assigned Police Officer MAY take the following action:
 - 1. Identify the owner and explain the nature of the complaint and circumstances, and give a warning for the nuisance or problem.
 - 2. Identify the owner and explain the complaint and the nature of the circumstances, and take whatever appropriate enforcement action is necessary.
- B. The officer shall contact the complainant if he wishes to be seen and advise him of what action has been taken.

118.4.2 On-going Complaints of Nuisance

- A. In the event of on-going nuisance complaints, the officer may take enforcement action, if possible and appropriate to attempt to resolve the problem.
- B. In cases where no specific ordinance or statute is being violated, the officer may recommend that the complainant file an incident report (complaint of nuisance) with the department.
- C. Article II. Animal Control, Section 4.12 provides that any person who considers a dog to be a public nuisance; molests passers-by or passing vehicles; attacks other animals or human beings; trespasses on school grounds; is repeatedly at large; damages private or public property; barks, whines, howls, or makes other annoying noises in an excessive, continuous manner, or at unreasonable hours; or creates an excessive and continuous odor may make a complaint in writing to any law enforcement officer or Animal Control Officer of the city in which the dog is kept.
- D. The procedures for filing such complaint shall be as follows:
 - 1. The responding officer shall fill out an incident report.

2. The officer shall conduct an investigation of the complaint and determine if it is factual.
3. If the complaint is factual and fits the criteria under 118.4.3 below, the officer shall prepare a Warning Notice on the prescribed form provided by Animal Control.
4. A certified copy to this notice shall be delivered to the owner or keeper of the dog, either in person by the officer or by registered mail to the last known place of abode.
5. Unless and until the Hattiesburg Municipal Court orders otherwise, the owner or keeper who harbors the offending dog shall restrain such dog from running at-large at all times.

118.4.3 Criteria

- A. Under Chapter 4, Article II, Division 1, Section 4-12, a dog is considered a public nuisance, a menace, or danger to persons or to property under any or all, but not limited to, the following conditions:
 1. It barks for sustained periods of time during the night hours so as to cause a disturbance.
 2. If it digs, scratches or excretes or causes garbage to be scattered on the property of another.
 3. If a female dog in heat is permitted to run at-large off the premises of the owner.
 4. If it growls, snaps at, runs after or chases any person or persons.
 5. If it runs after, or chases bicycles, motor vehicles, motorcycles or other vehicles on the public ways.
 6. If it bites, attacks or preys on game animals, domestic animals or human beings.
- B. Any person who violates any provision of Ordinance 814 and 1324 shall be guilty of a violation. However, if that person chooses to pay forfeiture, he shall be deemed to have waived his right to have the case heard in Municipal Court and he shall be prosecuted or found guilty of a violation.

118.5 PROBLEMS RELATED TO WILD ANIMALS

118.5.1 Wild Animal Complaints

- A. Upon receiving any complaint concerning a wild, exotic or endangered animal; or a violation of the Fish and Game laws relative to these animals, the Animal Control Officer or assigned Police Officer shall take the initial information to include a report, if necessary, and determine if the Mississippi Fish and Game Department should be contacted.
- B. The Mississippi Fish and Game Department shall be contacted in the following instances:

1. Any time a deer or other large game animal is struck by a vehicle.
2. Any serious violation of any of the Fish and Game statutes (Title 49 of the Mississippi State Code).

118.6 SUMMONSES AND ARREST WARRANTS

118.6.1 Summonses and Arrest Warrants

- A. The Animal Control Officer may draw a complaint and affidavit for the arrest of any violator of any dog or animal related offense which is a misdemeanor. However, the Animal Control Officer shall not affect a physical arrest of a violator.
- B. Only Sworn Police Officers may affect the physical arrest of a violator based on a valid warrant or personal observation.
- C. Summonses are distributed by the Hattiesburg Municipal Court.