

1982-4/168-177

ORDINANCE NO. 2090

OF THE

CITY OF HATTIESBURG, MISSISSIPPI

AMENDING ORDINANCE NO. 1836, AN ORDINANCE REGULATING THE KEEPING OF DOGS AND CATS, CODE OF ORDINANCES CITY OF HATTIESBURG, 1974 REVISION AND SUBSTITUTING THEREFOR A NEW ORDINANCE NO. 2090 ANIMAL CONTROL, DESIGNATING THE ANIMAL CONTROL SUPERVISOR AND ANIMAL CONTROL WARDENS, AND PROVIDING FOR THE REGULATION OF ANIMALS AND THEIR KEEPING WITHIN THE CITY, INCLUDING REQUIRING RABIES VACCINATIONS FOR DOGS AND CATS, REQUIRING THE HUMANE KEEPING AND TREATMENT OF ANIMALS, REQUIRING CERTAIN ANIMALS TO BE KEPT UNDER RESTRAINT AND NOT RUN AT LARGE, PROVIDING FOR THE IMPOUNDMENT OF ANIMALS FOR VIOLATIONS OF THIS ORDINANCE, PROVIDING FOR REDEMPTION OR ADOPTION FEES AND DEPOSITS, REQUIRING THE REPORTING OF, IMPOUNDMENT AND QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES, PROHIBITING THE KEEPING OF CERTAIN ANIMALS WITHIN THE CITY, INCLUDING WILD ANIMALS AS PETS, PRHIBITING THE KEEPING OF LIVESTOCK OR FOWL, EXCEPT UNDER CERTAIN CIRCUMSTANCES, PROHIBITING THE KEEPING OF MORE THAN SIX PETS WHOSE PENS COME WITHIN ONE HUNDRED FEET OF THE DWELLING OR BUSINESS OF ANOTHER OR WITHIN FIVE HUNDRED FEET OF ANY FOOD SERVICE ESTABLISHMENT, PROHIBITING THE KEEPING OF MORE THAN FOURTEEN ANIMALS ON ANY PREMISES IN THE CITY WHOSE PENS ARE WITHIN FIVE HUNDRED FEET OF THE BUILDING OF ANOTHER OR WITHIN FIVE HUNDRED FEET OF ANY FOOD SERVICE ESTABLISHMENT, SETTING FORTH CERTAIN EXEMPTIONS TO DISTANCE AND NUMBER REQUIREMENTS FOR CERTAIN LABORATORIES, VETERINARIANS, PET SHOPS AND LAWFULLY EXISTING PREMISES, REQUIRING THE REMOVAL OF ANIMAL WASTE, AND PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HERewith: PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI:

SECTION 1. That Ordinance 1836, an Ordinance Regulating the keeping of Dogs and Cats, Code of Ordinances, City of Hattiesburg, 1974 Revision, be and is hereby repealed and is replaced by a new Ordinance No. 2090 Animal Control, which shall read as follows:

ORDINANCE NO. 2090 - ANIMAL CONTROL

- Art. 1. In General, Secs. 1 - 10
Art. 11. Animal and Rabies Control, Secs. 11 - 14
Art. 111. Care and Keeping of Animals, Secs. 15 - 21

ARTICLE I. IN GENERAL

Sec. 1. Penalties.

It shall be unlawful for any person to violate any provision of this ordinance. Such violation shall be a misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500) and/or ninety (90) days imprisonment.

If any violation is continuing, each day's violation shall be deemed a separate offense.

Sec. 2. Definitions.

As used in this chapter, the following words shall have the meanings herein ascribed to them:

Animal: Any living, vertebrate creature, domestic or wild, other than homo sapiens.

Animal Control Warden: The Animal Control Supervisor or his/her authorized agents or employees of the Animal Control Section.

At Large, or Running at Large: Any animal within the City not kept under restraint.

Cat: A domesticated member of the Felidae (feline) family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other Prohibited Animal.

City Animal Shelter: A place operated by or for the City, whether City facilities or by contract, for the detention of dogs and other animals as prescribed by law.

Dog: A domesticated member of the Canidae (canine) family, other than a wolf, jackel, fox, dingo, coyote, or other Prohibited Animal.

Fowl: Any live bird.

Impound: To take into custody or to place in the City Animal Shelter.

Licensed Veterinarian: A veterinarian licensed by the Mississippi Board of Veterinary Examiners.

Livestock: Horses, Shetland ponies, mules, donkeys, cattle, goats, sheep, and swine, regardless of age, sex or breed.

Owner: Any person owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered.

Pet: Any animal kept for pleasure rather than utility.

Poultry: Any species of domesticated birds commonly kept for eggs and/or meat.

Public Nuisance: Any animal which: (1) molests passers-by or passing vehicles; (2) attacks other animals or human beings; (3) trespasses on school grounds; (4) is repeatedly at large; (5) damages private or public property; or (6) barks, whines, howls, or makes other annoying noises in an excessive, continuous, or unreasonable hours.

Restraint: Any animal securely caged, or secured by a leash or lead and under the effective control of a responsible person and obedient to that person's commands, or within the confines of its owner's home or yard which is fully inclosed by a good, secure and substantial fence. In addition, a dog shall be deemed under restraint when the dog is used by a blind or deaf person to aid the person in going from place to place within the city.

Sanitary: Any condition of good order and cleanliness which precludes the possibility of disease transmission.

Vaccination Certificate: The certificate issued by a licensed veterinarian on a form approved by the Mississippi Board of Health for presentation to the Animal Control Section and showing on its face that, at the time of such presentation, the dog or cat covered thereby has been vaccinated for rabies.

Vicious Animal: Any animal that bites or scratches or attacks any other animal or any human being within the city limits, without provocation.

Sec. 3. Animal Control Section and Supervisor.

(a) The Animal Control Section shall be a unit of the Department of Public Safety and shall be in the charge of a person having suitable qualifications and designated by the city as the Animal Control Supervisor.

(b) The Animal Control Supervisor shall supervise the operation of the city animal shelter.

(c) All moneys collected by the Forrest County Humane Society or any other affiliate authorized by the City under the terms of this ordinance shall be used at the city animal shelter for the care and feeding of impounded animals.

Sec. 4. Interference with Animal Control Warden.

It shall be unlawful for any person to interfere with an Animal Control Warden while engaged in the performance of his/her duties.

Sec. 5. Compliance with Ordinance Required for Keeping Animals.

It is unlawful and it shall be a misdemeanor for any person to do any act forbidden or fail to do any act required in this ordinance. Unless specifically required herein, no mental element need be present to constitute an offense under this ordinance.

Sec. 6. Compliance with Sanitation Standards Required for Keeping Animals.

The owner of any animal within the city as authorized in this ordinance shall comply with the standards of sanitation established therefor by the County Health Officer.

Sec. 7. Compliance with Ordinance Not Relief from Compliance with Other Regulations.

The keeping of any animal in accordance with the provisions of this ordinance shall not be construed to authorize the keeping of the same in violation of the zoning ordinance or any other ordinance of the city.

Sec. 8. Inspection of Animals and Premises.

Animals and premises whereon animals are kept or maintained shall be subject to inspection by the County Health Officer, or his/her authorized representative or employees, or an Animal Control Warden, at any reasonable hour, or at any hour in cases of emergency.

Sec. 9. Abatement of Conditions not Complying with Ordinance.

Whenever any premises where animals are kept are in an unsanitary condition or the facilities are not in keeping with the provisions of this ordinance or any other regulations herein, or of any health ordinance or law is not observed, the County Health Officer or his/her representative may by written notice to the person responsible for the condition of the premises or the keeping of the animals or the person owning or in control of such premises order the abatement of the conditions which are not in accordance with this ordinance or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal proceedings, be grounds for and entitle the city to obtain relief by injunction.

Sec. 10. Pursuit of Animals.

For purposes of discharging the duties imposed by the provisions of this ordinance, or other applicable laws, and to enforce the same, duly authorized representatives, or employees of the City or the County Health Department may enter upon private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private, unfenced property, when in pursuit of any animal which he has reason to believe is subject to impoundment pursuant to the provisions of this ordinance or other applicable laws.

Sec. 11. Restraint.

It shall be unlawful for an owner to fail to keep such owner's animals under restraint as follows:

(a) Except for cats, all animals shall be kept under restraint as defined in this ordinance.

(b) Owners shall exercise care and control of their animals to prevent them from becoming public nuisances.

Sec. 12. Impoundment.

(a) Animals may be impounded by the Animal Control Section in any of the following circumstances:

1. Any animal not kept under restraint as required by this ordinance.

2. Any dog or cat not having affixed to its collar a valid rabies tag.

3. Any animal which constitutes a public nuisance.

4. Any animal that a person could reasonably suspect as having any infectious or contagious disease other than rabies and being in the custody of a keeper who fails or refuses to make arrangements satisfactory to the Animal Control Supervisor looking to the proper treatment of such dog or other animal.

5. Every animal that has rabies or symptoms thereof, or that a person could reasonably suspect as having rabies, or every animal that has been bitten or scratched by another animal, or that bites, scratches or otherwise attacks another animal or other person within the city.

6. Any animal not kept by the owner in conformity with this ordinance or state law.

(b) Impounded animals, other than those impounded for observation for rabies, shall be subject to immediate redemption. Such animals may be redeemed by anyone entitled to possession thereof while the same are in the city shelter after paying the appropriate fees and making the required deposit, as follows:

(1) Impoundment fee.

(A) First impoundment - \$10.00

(B) Second or subsequent impoundment within the preceding twelve (12) months - \$20.00

(2) Boarding charge. A boarding charge determined, published and set annually by the Director of Public Safety, but not to exceed the reasonable cost of boarding, feeding, and caring for such animal for the period of impoundment.

(3) Rabies vaccination charge. All charges for rabies vaccination if required.

In case any animal impounded sought to be redeemed is suffering from any disease or ailment, it shall not be released until the Animal Shelter Manager shall be satisfied that arrangements looking to its proper treatment are assured. Animals put under observation as described in section 14 shall become subject to redemption when found to be free from rabies.

(c) Impounded animals not redeemed by their owner within three (3) working days following impoundment shall become the property of the City and shall be placed for adoption in a suitable home or humanely euthanized.

(d) A person may adopt an animal after the expiration of the redemption period provided in subsection (c) and after paying the fees and making the required deposit equal to those which would be required for redemption set forth in subsection (b) if said person is previous owner. Others may adopt animals at regular adoption rates.

(e) No impounded dog or cat shall be released unless the person to whom the dog or cat is released holds a valid rabies tag.

(f) Dogs and other impounded animals not redeemed or adopted as provided for in this section shall be humanely euthanized at the city shelter under the direction of the Animal Shelter Manager.

(g) In addition to, or in lieu of, impounding an animal, an animal control Warden or any police officer may issue to the owner of such animal a notice of violation. This notice shall provide a space thereon for the party charged to waive trial on the merits and

enter a plea of guilty or nolo contendere. In the event the party charged desires to enter a plea of not guilty, such person may obtain a trial setting from the clerk of the municipal court. Notwithstanding any other provision of this subsection, persons charged with a violation may, after entering a plea of guilty or nolo contendere in the space provided, pay a fine in the amount designated by the city judge for such violation, to the clerk of the municipal court within ten (10) days.

Sec. 13. Rabies Vaccination.

(a) It shall be unlawful for any person to own, keep, harbor or have custody or control of a dog or cat over four (4) months of age within the city, unless such dog or cat has been immunized against rabies by the injection of anti-rabies vaccine by a licensed veterinarian.

(b) Every owner of a dog or cat immunized against rabies as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine.

(c) A veterinarian who vaccinates a dog or cat as required herein shall furnish the owner thereof with a metal tag bearing a number corresponding to the number placed on the certificate, and with lettering showing immunization and the date thereof. This tag shall be attached to the collar of the dog or cat for which it is issued, and shall be worn at all times in a conspicuous place on the collar.

Sec. 14. Animals Exhibiting Symptoms of Rabies.

(a) Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect as having rabies, or that bites, scratches or otherwise attacks another animal or any person within the city shall be impounded at once and held for observation and quarantine at the city shelter or other place designated by the City Animal Warden for such period of time as the County Health Officer may deem necessary, provided, however, such period of time shall not be fewer than ten (10) days nor more than fourteen (14) days.

(b) No animal that has rabies shall be allowed at any time on the street or public ways of the city. No animal that has been suspected of having rabies shall be allowed at any time in public places, except as expressly provided herein until said animal has been released from observation by the County Health Officer or his/her representative.

(c) The owner of any animal that is reported to have rabies or symptoms thereof, or to have been exposed to rabies, or to have bitten, scratched or otherwise attacked any person within the city, or that the owner knows or suspects to be rabid or to have attacked an individual, shall submit such animal for quarantine to the animal control supervisor, or any police officer. In the event the owner of such animal refuses to surrender such animal on demand, such action shall constitute a misdemeanor and upon conviction be punishable by a fine of not more than five hundred (\$500) dollars and/or ninety (90) days imprisonment.

(d) Any person having knowledge of any animal exhibiting any symptoms of or exposed to rabies. or that has bitten or otherwise attacked any human being, shall immediately report the incident or animal to the animal control section. The report shall include the name and address of any victim and of the owner of the animal,

if known, and any other information relating to the incident or animal. The Animal Control Supervisor shall inform the County Health Officer at once, in person or by phone, and follow up with a written report.

(e) In case of epidemic, every veterinarian or other person who is called to examine or professionally attend any dog or other animal within the City having glanders or farcy, rabies, tuberculosis or any other communicable disease shall, within twenty-four (24) hours thereafter, report in writing to the County Health Officer and the Animal Control Supervisor the following:

1. The location of such animal.
2. The name and address of the owner thereof.
3. The type and character of the disease.

(f) Every veterinarian practicing within the city limits shall keep detailed records of animal rabies vaccination and, upon request of the Animal Control Supervisor, acknowledge to such officer whether an animal of a particular location, or owned by a named person, has been vaccinated within the last twelve (12) months.

(g) The County Health Officer shall investigate and record all cases of rabies and suspected rabies.

(h) 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.

ARTICLE III. CARE AND KEEPING OF ANIMALS

Sec. 15. Animal Care.

It shall be unlawful to violate the following provisions for animal care.

(a) No owner shall fail to provide such owner's animals with sufficient good and wholesome food and water, necessary shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) No person shall beat, cruelly treat, torment, overload, seriously overwork, or otherwise abuse an animal, or cause, instigate, or permit one animal to fight with another animal or human being.

(c) No owner of an animal shall abandon or neglect such animal.

(d) Enclosures used to confine animals shall be maintained in a clean and sanitary condition at all times.

Sec. 16. Keeping of Certain Animals Prohibited.

No person shall keep, own, maintain, use or have in such person's possession or on premises, within the City, any vicious animal, unless such animal is within a securely fenced area, secured building, or under immediate control of the owner.

Sec. 17. Keeping of any Livestock.

The keeping on any premises in the City of any livestock is prohibited unless the pens, stalls or other facilities for keeping the same shall be so located that the livestock cannot come within

one hundred (100) feet of any dwelling or business building owned, used or maintained by any person other than the keeper, or five hundred (500) feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishment.

Sec. 18. Keeping of More than Six Pets.

The keeping on any premises in the City of any pets in any number exceeding six (6) in aggregate is prohibited unless the pens, stalls or other enclosure facilities for keeping the same shall be so located that the pets cannot come within one hundred (100) feet of any dwelling or business building, owned, used or maintained by any person other than the keeper, or five hundred (500) feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments.

Sec. 19. Maximum Combined Number Permitted.

The keeping upon any premises in the City of a combined total of more than fourteen (14) animals is hereby forbidden unless the pen, stall, or other enclosure facility used for the keeping of the same shall confine the same as not to permit the same to come within five hundred (500) feet of the exterior limits of any building used for human habitation or used for the business of any person other than the keeper (unless the keeper is within one or more of the exceptions set forth in section 20), or five hundred (500) feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments.

Sec. 20. Exceptions to Distance and Number Requirement Regulations.

(a) Laboratories and Veterinarians and others listed.

Where the keeping of livestock or fowl in medical laboratories or educational institutions for medical research or in veterinarian hospitals for treatment or on the premises of any recognized humane society, such livestock or fowl shall be kept under conditions prescribed by the County Health Officer for such limited purposes without the necessity of compliance with the distance and number requirements prescribed in this ordinance.

(b) Pet shops. Pet shops keeping all animals in completely enclosed and solidly-walled facilities need not comply with the distance and number requirements prescribed in this ordinance.

Sec. 21. Animal Waste.

(a) The owner of every animal shall be responsible for the removal of any feces deposited by such owner's animal on public or private property.

(b) Feces deposited by an animal upon public property or upon the private property of any person other than such animal's owner shall be collected and removed at once by such animal's owner. Animal Feces deposited upon any other property shall be collected and removed daily.

(c) Collection and removal of animal feces shall be in a container of such a type that, when closed, is rat-proof and fly-tight. Such container shall be kept closed after each collection. At least once a week, each such animal owner shall cause all feces so collected to be disposed of in such a way as not to permit fly breeding.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. If, for any reason, any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, work, or provision hereof be given full force and effect for its purpose.

SECTION 4. This ordinance shall take effect thirty (30) days after passage by City Council.

SECTION 5. Publication shall be made one time in the official publication of the City of Hattiesburg, by publishing the caption of this ordinance stating in substance the purpose, intent, and effect of the aforesaid ordinance.

The foregoing ordinance having been reduced to writing and read, the same was introduced and voted upon, first section by section and then upon the ordinance as a whole, with the following results:

Those present and voting "YEA" and in favor of the passage, adoption and approval of sections 1 through 21 of the foregoing ordinance:

Commissioner W. U. (Bill) Sigler

Mayor Bobby L. Chain

Those present and voting "NAY" or against the approval of sections 1 through 21 of the foregoing ordinance:

Commissioner G. D. Williamson abstained.

Those present and voting "YEA" and in favor of the passage, adoption and approval of the foregoing ordinance as a whole:

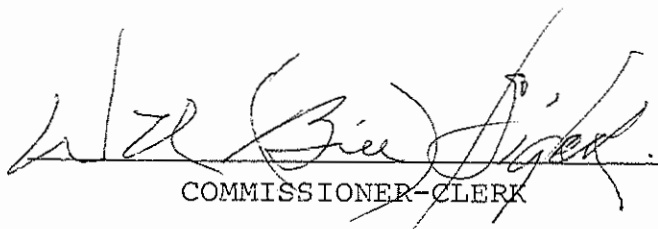
Commissioner W. U. (Bill) Sigler

Mayor Bobby L. Chain

WHEREUPON, the foregoing ordinance be and the same is hereby passed adopted and approved on this, the 12th day of October, A.D. 1982.


MAYOR

ATTEST:


COMMISSIONER-CLERK

(SEAL)

Publish 1 Friday,
October 15, 1982