

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Hattiesburg, Mississippi, held on the ____ day of _____, 2019, the following Ordinance:

ORDINANCE NO. _____

**OF THE
CITY OF HATTIESBURG, MISSISSIPPI**

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS, REPEALING AND REPLACING THE ORDINANCE NUMBERS 2090, 1836 AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH

Whereas, municipalities in Mississippi have the power to make regulations to secure the general health of the municipality and may adopt ordinances with respect to municipal affairs that are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and

Whereas, the Mississippi legislature has adopted legislation concerning the humane treatment of animals; and

Whereas, the Mayor and City Council of the City of Hattiesburg, Mississippi, deems it appropriate to revise City ordinance regarding Animal Control to promote the welfare and safety of the City of Hattiesburg ;

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI:

Sec. 1-1. That Section _____ through _____ of Chapter 4 and Ordinance Number 2090, adopted October 12, 1982, Ordinance Number _____, adopted _____ and Ordinance Number _____, adopted _____ are hereby repealed.

Sec. 1-2. INTERPRETATION of Chapter:

- A. Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.
- B. Nothing in this chapter shall be interpreted or applied so as to create any liability on the part of the city, or any employee, board or official which enforces or fails to enforce any of the provisions provided in this chapter.

Sec. 1-3. INCORPORATION of State Law; Construction; Other Regulations:

- A. Construction – This chapter shall be construed to effectuate its purposes and policies and to supplement such existing state laws as may relate to animals.
- B. Other Regulations- Other provisions of law or regulations relating to this chapter shall apply when any provisions of this chapter shall conflict with the laws of the state or the United States of America. The laws of the state or the United States of America shall apply when this chapter is silent.

Sec. 1-4. PENALTIES.

It shall be unlawful for any person to violate any provision of this chapter. Such violation shall be a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) and/or ninety (90) days imprisonment.

Citations will be issued for;

1. Animal running at large if the animal was not confined or under proper control to prevent accident.
2. Attacking or injuring a person or other animal.
3. Other violations of the municipal code.

PENALTIES, DIRECTIVE ACTIONS, CITATIONS FOR POTENTIALLY DANGEROUS, DANGEROUS OR VICIOUS DOMESTICATED ANIMALS:

A. Potentially dangerous or dangerous animals:

1. The animal MAY be impounded for observation. If, upon observation by animal control in consultation with the City's contracted animal shelter director and medical staff, the animal is found to be irrevocably vicious, the animal may be humanely put to rest.
2. If it is determined that a potentially dangerous dog may be returned to its owner and neighborhood, the owner may be required to meet further restrictions and directives including but not limited to keeping the animal inside unless attended by owner, tethering even inside a fence, muzzling the dog when walked on a leash, additional warning signs on owner's property or other reasonable restrictions as ordered by Animal Control.
3. Penalties or actions otherwise prescribed herein related to any other violations.
4. Other violations as may be cited by the Municipal Court.

A. Vicious animals:

As defined in Section 2, any animal that has shown vicious propensities by virtue of attacking a person with such intensity as to cause significant physical or property harm, or made an unprovoked attack killing another domesticated pet, will not be allowed in the City limits.

Owners of vicious animals will be subject to the following actions, penalties or citations:

1. The animal will be immediately impounded
2. If, upon observation by the shelter director and medical staff, the animal is found to be irrevocably vicious, the animal may be humanely put to rest.
3. If #2 above is not enacted, the owner may be mandated not to return the animal to its prior residence or elsewhere within the City limits.
4. Fine in the amount of \$100 and payment of any fees related to impoundment.
5. Given appropriate due process, the Municipal Court may order the owner to make restitution for medical expenses, property damage or other losses incurred by victims of the vicious dog.
6. Other violations as may be cited by the Municipal Court.
7. If any violation is continuing, each day's violation shall be deemed a separate offense.

SECTION 2. DEFINITIONS

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

Abandonment (of an Animal). The act of any person who:

- A. Abandons an animal by leaving an animal unattended for a period of time in excess of 24 hours without food, water, adequate ventilation or shelter on public or private property, including but not limited to the property of the owner/custodian;
- B. Puts out, leaves, or in any other way discards any animal on public or private property, including but not limited to the property of the owner/custodian, and including but not limited to leaving an animal contained in a box, bag, fence, house or other structure or tethered; or
- C. Places an animal in the custody of a state-licensed entity, such as but not limited to a veterinary clinic, grooming facility, boarding facility, or pet sitter for treatment, boarding, or other care, and fails to reclaim the animal by the agreed upon time.
- D. Leaving an animal on or around the property of the City's contracted animal shelter without following relinquishment procedures.

Abused Animal. Any animal that has been harmed by an act, an omission or neglect, including but not limited to any animal that has been:

- A. Deprived of adequate food, water, shelter, ventilation, care, space, or veterinary care.
- B. Physically harmed, tortured, mutilated, beaten, or illegally killed.
- C. Trained/used for fighting other animals.
- D. Used as bait to train/lure other animals to fight/kill.

Adequate. Sufficient; commensurate; equally efficient; equal to what is required; suitable to the case or occasion; satisfactory.

Animal. Shall not include fish or any pests that might normally be exterminated or removed from a business, a residence or other structure.

Animal Bite. Any physical contact of the teeth, nails, or claws of an animal with human flesh, including but not limited to a scrape, puncture, pierce, significant bruising, scratch or tear.

Animal Control Officer. An individual authorized by local law or by the governing authority of the city or the covered municipality to carry out the duties imposed by this ordinance.

Animal Control Department. Collectively, the animal control supervisor and employees who are under the direction of the City of Hattiesburg, its successor department(s), or other entity selected by the City Council to carry out the duties of animal control for the City of Hattiesburg pursuant to this chapter and federal/state laws.

Animal Mill. An individual or entity that keeps and/or breeds animals in conditions where animals are frequently caged for extended periods of time, do not receive adequate care, and/or are not kept in an environment conducive to the health and well-being of the animals.

Animal Shelter. Any entities operating in the City for the shelter and care of domesticated pets.

Attacking or Biting Animal. Any animal which poses a physical threat to human beings or other animals by virtue of an attack that caused property damage and/or physical injury.

Bedding (Adequate). Sufficient quantity of dry, non-contaminated, safe bedding, which is appropriate to the animal's age, size, species, and breed requirements.

Board of Health. The Mississippi State Board of Health, or its authorized representatives.

Breed, Breeder. A person or entity that owns an animal and facilitates its reproduction for the purpose of selling puppies, kittens, etc. In home hobby breeders may responsibly breed

their personal pets, so long as they insure the health and humane treatment of the dam and offspring.

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

Care (Adequate/Humane). Attention to the needs of an animal, including but not limited to, the provision of adequate water, food, shelter, bedding, sanitary conditions, ventilation, heating/cooling (temperature management), space, exercise and veterinary medical attention necessary to maintain the health of the animal with regard to the specific age, size, species, and breed of animal.

Hattiesburg Animal Control. Referred to in this ordinance as “HAC”.

Community cat. Any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are distinguished from other cats by being sterilized, ear tipped (see definition in this section), or may defined as a cat found outside that is brought to an animal shelter and not yet sterilized, vaccinated and ear-tipped.

Confinement. Restriction of an animal to a home, basement, garage, building, pen, or other escape-proof enclosure. Confinement by a rope, chain, tether, fenced yard or other area accessible by other animals or persons, other than the caretaker, is not considered confinement.

Cost (Fines). Cost of animal control violation fines of not less than \$10 and not more than \$100 are set by the Municipal Court and shall be paid by the owner to the City of Hattiesburg. This does not limit other costs that may be assessed to a pet owner for actual reimbursement for injury to persons, pets, property, or for medical care for pets impounded as may be determined by the Municipal Court.

Dangerous Dog.

- A. Animal Control shall investigate complaints received from citizens involving dogs that may be dangerous and shall have the authority to designate a dog as dangerous. This is a serious designation that requires fencing and signs to protect citizens, especially children. A dog shall be designated as dangerous if it meets one (1) or more of the following criteria:
 - 1. Has aggressively attacked, potentially endangering a human being on public or private property.
 - 2. Has severely injured a domestic animal while away from the owner’s property.
 - 3. Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.
 - 4. Has been previously declared a potentially dangerous dog.
- B. A dog shall NOT be a dangerous dog within the meaning of this chapter if:
 - 1. The dog inflicts an injury upon a person when the dog is being used by a law enforcement officer executing official duties.
 - 2. The injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort, and was tormenting, abusing, or assaulting the dog, or the pet’s owners.
 - 3. The injury inflicted by the dog was sustained by a person who has in the past been reported to have tormented, abused or assaulted the dog, or
 - 4. The injury inflicted by the dog was sustained by a person who was committing or attempting to commit a crime.

Dead Animal. A deceased animal including the carcass or parts of a carcass.

Disposal. Appropriate burial, cremation, or removal of a dead animal as directed in this chapter.

Dog. A domesticated member of the Canidae (canine) family, other than a wolf, jackal, fox, dingo, coyote or other prohibited animal.

Domestic animals. A pet; dogs, cats or other tamed animals or birds that provide companionship or service to their owners. Feral cats are not considered domesticated.

Ear-tipped cat. Any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; an ear-tipped cat shall be distinguished from other cats by being sterilized, vaccinated at the time of sterilization against the threat of rabies, and ear-tipped (removing a quarter-inch off the tip of the cat's left ear in a straight line cut).

Effluent. An outflow or discharge of waste.

Euthanasia. The legal act of putting animals to death using humane methods approved by the Mississippi State Board of Health.

Exercise (Adequate). Bodily exertion suitable to the age, size, species, and breed of animal to maintain normal good health, muscle tone, non-aggressive temperament, and normal behavior.

Fence. A structure of wire, wood, stone or other materials, excluding invisible fencing, which is of sufficient height and strength to act as a barrier against the passage of the animal it is intended to enclose.

- A. A fence does not include an "invisible fence" if the fence is:
 1. Turned off or the animal is not wearing a properly operating signaling device.
 2. Ineffective for any animal that has learned it can cross the fence line.
 3. Intended to be a means of keeping people or animals out of an enclosed area.
 4. Buried in or adjacent to the city right of way.
- B. An invisible fence is not an acceptable means of control for an animal that has been deemed by Animal Control as potentially dangerous. Further, if the invisible/electronic fence proves to be ineffective, Animal Control reserves the right to require a more effective supplementary enclosure or restraint.

Fighting Animal/Game Animal. Any animal that has been bred and/or trained to:

1. Exhibit aggressive qualities.
2. Have no instinct to withdraw from a fight or to display signs of submission.
3. Fight to the point of complete exhaustion or death with minimal provocations.
4. Suppress the animal's instinct for self-preservation.
5. Inflict maximum damage to the animal's opponents.
6. Offer little or no indication that the attack is imminent.
7. Be ready/willing for combat and unyielding in combat.

Food (Adequate). Sufficient quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species and breed requirements, or as directed by a veterinarian, which is sufficient to prevent starvation, malnutrition or risk to the animal's health. Garbage or spoiled/rancid food is not considered adequate food.

Fowl. Any live bird.

Garbage. All refuse matter/effluent. Garbage includes, but is not limited to animal or vegetable refuse, by-product of a restaurant, kitchen, or meat/poultry processing establishment,

spoiled/rancid food and refuse accumulation of animal, fruit, vegetable matter, liquid or otherwise (that is normally discarded).

Grid. A manufactured type of wood, plastic, or wire flooring specifically designed to be used in an area where an animal is housed.

Hoarder. A person or entity that:

1. Collects animals and fails to provide them with humane/adequate care.
2. Collects dead animals that are not properly disposed of as required by this chapter.
3. Collects, houses, or harbors animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

Human Exposure to Rabies. Any bite, scratch, or other instances where saliva or central nervous system (CNS) tissue of a potentially rabid animal enters an open wound, a fresh wound, or comes in contact with a mucous membrane by entering the eye, mouth, or nose. Touching or handling a rabid animal with the possible exception of a bat or touching or handling another animal or inanimate object that has had contact with a rabid animal does not constitute an exposure unless wet saliva or CNS tissue entered a fresh, open wound or had contact with a mucous membrane. Likewise, contact with the urine, feces, or blood of a potentially rabid animal does not constitute an exposure since the pathogenesis of rabies is such that the virus follows nerve pathways and has only limited circulation in the blood.

Humane Society. An organization that rescues, assists, and provides care for animals, educates the public in the humane care of animals, initiates/facilitates programs to improve the quality of life for animals.

Impoundment. The taking into custody of an animal by HAC.

Licensed. Having a valid Mississippi State License issued under the authority of the State of Mississippi.

Livestock. A domestic animal normally raised on a farm such as poultry, swine, cattle, horses, sheep, goats or similar animals, but not wildlife.

Lure. An animal used to bait/teach/encourage another animal to chase, fight, or kill other animals.

Manager. The manager of the Hattiesburg Animal Control Unit or his/her designee.

Neglect. Absence of adequate care that is unintentional.

Neglect (willful). The intentional withholding of adequate food, water, and humane care required by an animal to prevent starvation, dehydration, death, or other harmful/debilitating conditions.

Nuisance Animal. Any animal that:

- A. At large that damages, soils, defiles, eliminates or defecates on private property other than its owner's property or on public property.
- B. Causes unsanitary or offensive conditions or otherwise endangers public health, welfare, or safety.
- C. Causes a disturbance by barking, howling, or other noisemaking for a continuous period of more than 15 minutes, or at unreasonable hours (10pm to 6am).
- D. Chases vehicles, bicycles, or people.

- E. Is in estrus and not confined in a manner which can keep it away from intact males of the same species.
- F. Causes serious annoyance to a neighboring residence and interferes with the reasonable use and enjoyment of that property.
- G. The owner of any animal shall be in violation of this chapter if the animal exhibits any behavior or engages in any activity defined under “Nuisance Animal”.

Owner. Any person owning, possessing, harboring, keeping, or having custody or control of any animal subject to this chapter. This definition is intended to embrace any person who is a custodian.

Pet. Any animal kept for companionship rather than utility.

Police Department. The Hattiesburg Police Department or its successor department(s).

Potentially Dangerous Dog. Any dog that has, without provocation, been found to menace, chase, display threatening or aggressive behavior so as to potentially endanger the safety of any person or domesticated animal.

Poultry. Any species of domesticated birds commonly kept for eggs and/or meat.¹

Primary Enclosure. Any structure or device used to restrict an animal to a limited amount of space, such as a fence, building, room, pen, run, cage, stall, paddock, or pasture that provides adequate space and shelter.

Proper Enclosure (Secure). An enclosure for keeping a dangerous dog/potentially dangerous dog or vicious animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of another animal or any person other than the owner or caretaker. The enclosure must:

- A. Be designed to prevent the animal from escaping, and
 1. If the enclosure is a fence, the fence must be high enough to keep the animal from climbing over the fence and must be secured at the bottom to keep the animal from digging underneath the fence.
 2. If the enclosure is a pen or structure other than a fence, the pen or structure must have secure sides, top, and bottom and must be constructed and secured in such a manner as to prevent the animal’s escape. The structure must be of sufficient height and strength to maintain the animal within it.
- B. Provide adequate shelter.

Provoked Attack. An attack resulting when a domestic animal is placed in a situation such that an expected reaction would be to bite or attack.

Relinquished. Written transfer of ownership of an animal by the owner to HAC.

Rescue Group. Any individual or entity that houses and cares for rescued animals until permanent homes can be located and that maintains all required federal, state and local licenses/registrations.

Rescued Animal. A dog, cat, or other animal temporarily maintained by a rescue group until the animal can be placed in a foster or permanent home.

¹ *Cross references--see sec. 12-2 - Food and food establishments; Chapter 12 - Health and Sanitation generally; Chapter 15 - Noise;*

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

Restraint of Animal. Complete and immediate control of an animal by a physical device while under the direct supervision of a competent person.

Running at Large. Any domestic animal not under the control and restraint of the owner or the owner's designee.

Sale of Animals. The transfer of ownership of an animal through verbal or written agreement to a new owner in exchange for money, goods, services, or fees.

Sanitary. Any condition of good order and cleanliness which viably reduces the possibility of disease transmission.

Sanitary Conditions. Animal living space free from health hazards, irritants, or conditions that may endanger or pose a significant risk to an animal's health. In the case of farm animals, nothing in this section shall be construed as imposing sanitation requirements or standards more stringent than normally accepted animal husbandry and humane practices as defined by this chapter and Mississippi state law as regulated by the Mississippi Department of Health.

Service Animal. Service animals are working animals that have been trained to perform tasks to assist their owners with physical limitations or disabilities.

Severe Injury. Any physical injury resulting in any of the following:

1. Broken bones
2. Puncture wounds
3. Lacerations, with or without sutures
4. Medical procedure
5. Death

Shelter (Adequate). Protective cover for a domestic animal appropriate for the species and providing adequate space to maintain the animal in good health, which also prevents pain, suffering or a significant risk to the animal's health. Adequate shelter includes but is not limited to the following:

1. Sufficient coverage to protect an animal from extreme hot and cold temperatures.
2. Sufficient protection from the elements to keep the animal dry.
3. Sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating.
4. Adequate bedding or resting area suitable for the breed, species, age, size, and medical conditions of the animal
5. Free standing pet shelters (dog houses) should provide an animal with:
 - a) Adequate space
 - b) Four solid walls or an "igloo" type of structure
 - c) A roof
 - d) A dry floor that is either
 - i. Solid
 - ii. Grids, provided that the animal can easily stand, walk, lay and sit on the grids without its feet or body parts being caught, damaged, or injured.
 - iii. The grids and area under the grids must be designed so they can be

cleaned and sanitized.

- e) An entrance
 - f) Adequate space for the number of animals on the property
6. Materials NOT suitable for shelters include but are not limited to:
- a) Crates with exposed sharp edges
 - b) Metal or plastic drums
 - c) Abandoned or parked vehicles
 - d) Lean-tos
 - e) Any other structure that fails to provide sufficient protection from the elements
 - f) Any other structure that is not safe or suitable for housing the species

Space (Adequate).

- a) Sufficient safe space for adequate exercise suitable to the age, size, species and breed of animal.
- b) Sufficient space during periods of confinement, suitable to the age, size, species and breed of animal to permit the animal to turn about freely, stand, sit, lie, or move etc. in a comfortable and normal position.
- c) For sick or injured animals, confinement as directed by a veterinarian.

Strict Confinement/Isolation of Biting Animals. Confinement for the period of time recommended by the State of Mississippi and kept inside a home, basement, garage, or suitable building, and isolated from other animals and people other than the caretaker while the animal is being observed for symptoms of rabies or other zoonotic diseases. An animal within a fenced yard, on a chain, or otherwise in an area accessible in any way to other animals or persons other than the caretaker is not in a strictly confined area.

Tether. Any chain, rope, leash, tie out or wire designed to restrain an animal which is attached to an animal's collar or halter and is also attached to a stationary object. Acceptable temporary tethers include appropriately sized chain, leash, rope or other tethering devices that are of adequate length to satisfy the space and exercise requirements for the animal. A tether is a minimum of 10 feet in length, and should be longer for larger animals. Tethering devices, as referred to in this chapter, are the type commonly used for the size of the animal involved and are attached to the animal by means of a properly fitted collar or harness. Tethers should not be chains so heavy as to impede the movement of the restrained animal. Logging chains or other unduly heavy tethers are not acceptable under this definition.

Training Group (Licensed). An appropriately licensed organization or individual that trains animals to assist physically handicapped persons, to assist search and rescue operations, and/or to work with government agencies or law enforcement agencies.

Treatment of Diseased or Injured Animals. When, in the opinion of the HAC supervisor, an animal in the custody of HAC is:

- A. Diseased or injured and in need of immediate treatment so as to lessen the animal's suffering or to prevent the spread of communicable disease, the HAC supervisor or designee shall immediately obtain the services of/place the animal with a licensed veterinarian for the purpose of administering necessary treatment.
- B. In the instance of needless suffering due to a life-threatening disease or injury, upon the recommendation of a licensed veterinarian, euthanasia may be deemed the most humane course of action for an animal, provided that the HAC supervisors or designee agrees that the best interest of the animal would be served in this manner. For all cases where the City has impounded the animal with the City's designated animal shelter, these decisions will be made by the contracted animal shelter's medical director/veterinarian. The suffering animal shall be humanely euthanized regardless of whether or not the normally required impoundment period has expired.

Unprovoked Attack or Without Provocation. An attack that is not provoked as defined by this chapter.

Unsanitary Conditions. Animal living spaces including shelter and exercise areas that are contaminated by health hazards, irritants, items, or conditions that endanger or pose a risk to an animal's health, including but not limited to:

1. Excessive animal waste.
2. Garbage, trash, or effluent.
3. Standing water or mud.
4. Rancid/contaminated food or water.
5. Fumes, foul or noxious odors, contaminated air, hazardous chemicals or poisons.
6. Decaying materials.
7. Uncontrolled parasite or rodent infestations.
8. Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness, or death to an animal.

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, and other zoonotic diseases.

Ventilation (Adequate). Fresh air sufficient to provide for the health of an animal

Veterinarian. A doctor of veterinary medicine licensed to diagnose and treat diseases and injuries of animals.

Veterinary Care (Adequate). Medical care of an animal from or under the direction of a licensed veterinarian and necessary to maintain the health of an animal based on the age, species, breed of the animal, or to prevent an animal from suffering from:

1. Ongoing infections.
2. Infestation of parasites.
3. Disease.
4. Any other medical condition/injury where withholding or neglecting to provide such care would:
 - a) Endanger the health or welfare of the animal.
 - b) Promote the spread of communicable diseases.
 - c) Exacerbate or continue suffering.

Veterinary Clinic (Licensed). A business facility where veterinary medicine is practiced.

Vicious animal. This is a very serious designation in which the animal creates a danger to the health and safety of the community due to its vicious propensities.

A. Any animal which:

1. Constitutes a physical threat to human beings or other animals by virtue of an attack of such severity or intensity as to cause severe property or physical damage.
2. Makes an unprovoked attack by biting human beings or killing other domesticated pets.
3. Intentionally attacks physical property in an effort to cause harm to a human or other animal.

B. A dog shall NOT be a vicious dog within the meaning of this chapter if:

1. The dog inflicts an injury upon a person when the dog is being used by a law enforcement officer executing official duties.

2. The injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort, and was tormenting, abusing, or assaulting the dog, or
3. The injury inflicted by the dog was sustained by a person who has in the past been reported to have tormented, abused or assaulted the dog, or
4. The injury inflicted by the dog was sustained by a person who was committing or attempting to commit a crime.

Water (Adequate). Clean, fresh potable water sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the animal's health. For the purposes of this chapter, snow, ice or rancid/contaminated water or water from ditches, creeks, ponds or lakes, are not considered adequate water.

Wild Animal/Wildlife. Any animal not included in the definition of a domestic animal, and including any hybrid animal that is part wild animal.

SECTION 3. LIVESTOCK

Sec. 3-1. Keeping livestock in City.

- A. The property containing livestock (see definition: poultry, swine, cattle, horses, sheep, goats etc.) is permitted only in areas of the city designated for that use by the Land Development Code.

Sec. 3-2. Impounded livestock--Sale.

Whenever livestock shall be impounded, it shall be the duty of the animal control supervisor to at once, or as soon thereafter as practicable, advertise the same for sale by posting written notices thereof at the front door of the city hall for at least five (5) days before the sale, stating therein the time and place of the sale and describing the property to be sold, unless redeemed or replevied as herein provided. (Ord. 1324, 10-16-57; Ord. 752, sec. 2, 12-31-25)

Impounded livestock - redemption by owner.

The owner may redeem such impounded animal at any time before the sale by paying the impoundment fees and charges accrued, but if the owner shall not redeem the same or replevy such impounded animal, the same shall be sold on the day named in the advertisement. (Ord. 1324, 10-16-57; Ord. 752, sec. 3, 12-31-25)²

Sec. 3-3. Same--Disposition of moneys received for sale.

The proceeds of all sales of impounded livestock over and above the cost and expense incurred by the City shall be paid into the city treasury, and the balance thereof shall be paid to the owner by the governing authorities, when satisfactory proof has been furnished that the claimant is entitled to such proceeds. All moneys shall be held for a period of twelve (12) months for the benefit of the owner. In the event no claim has been filed, the moneys shall be turned over to the city for its use and no person shall thereafter be entitled to the money. (Ord. 1324, 10-16-57; Ord. 752, sec. 4, 12-31-25)

Sec. 3-4. Liberating impounded livestock; penalty.

² *Cross reference--Storage of food for chickens, cows, pigs, horses and other animals requiring same to be kept in rat proof containers, sec. 12-23A*

If any person shall break into or enter an animal shelter in the City and liberate any animal therein impounded, or take the same therefrom without the permission of the animal control supervisor, shall be guilty of a misdemeanor and upon conviction be punished by a fine as provided by section 4-38 of this chapter. (Ord. 1324, 10-16-57; Ord. 752, sec. 8, 12-31-25)

Sec. 3-5. City declared bird sanctuary; trapping, hunting, shooting etc. Prohibited; exception.

The entire area embraced within the corporate limits of the City of Hattiesburg be and the same is hereby designated as a bird sanctuary, except as permitted under zoning per the Land Development Code.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wildfowl, or to rob bird nests or wildfowl nests within the corporate limits of the City except as permitted under zoning per the Land Development Code; provided, however, if starlings or similar birds are found to be congregating in such numbers in any particular locality within the corporate limits of said city that they constitute a nuisance or a menace to health or property in the opinion of the governing authorities of the City, then in such event said governing authorities shall take such steps as may be deemed by them necessary to abate such nuisance, or may, if deemed advisable by said governing authorities, destroy said birds in such numbers and in such manner as they may deem best. Nothing in this section shall be construed to prohibit "live" traps or hunting, trapping, shooting in areas for which permission has been granted by the governing authorities or as permitted under zoning per the Land Development Code. (Ord. 1309, sec. 2, 4-24-57)

SECTION 4. ANIMAL CONTROL ENFORCEMENT

Sec. 4-1. Enforcement: Control and protection of domesticated pets in general

A. It shall be unlawful for any person to:

1. To own, keep or harbor any domesticated animal that has not been vaccinated for rabies. (Further pet owners must keep veterinarian's proof of vaccination);
2. Permit any animal, with exception of domesticated, vaccinated pet cats, to run at large within the corporate limits of the city;
3. Though pet cats as referred to in Section 4.1.A.1, may roam, they may not cause harm or become a nuisance to other persons or property;
4. Carry out or inflict any inhumane treatment against any animal;
5. Interfere with, attack or molest a dog used by the police department or any service dog in its capacity of aiding its owner who has a sight, hearing or other disability;
6. Permit or allow more than six domesticated animals on any one premises, and such animals shall at all times be leashed or enclosed as defined herein.
7. Own, keep, harbor or train a dog for purposes of Animal Fighting (see def.);
8. Keep or harbor any animal which, by loud, frequent or habitual barking, howling, yelping or other noise or action, disturbs any person or neighborhood within the city;
9. Keep or maintain on their premises any pen(s), enclosure(s), etc., for keeping of animals or fowls so as to become a public nuisance to persons residing in the vicinity thereof;
10. Keep and maintain animals for commercial breeding, boarding or other commercial purposes within neighborhoods; such activities may only be allowed in areas of the city zoned for such use as per the Land Development Code;
11. Keep or harbor any animal(s) or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to persons residing in the vicinity thereof;

12. Fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment;
13. Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to such animal;
14. Expose to animal(s) any known poisonous substance, whether mixed with food or not, purposely intended to harm the animal(s);
15. Habitually and excessively breed a female pet to such a degree as to endanger the health of the animal.

B. Animal Control officers or police officers of the city may seize any animal whose owner is found to be in violation of any part of Section 4-1, and/or may issue citations, both as described here and in other sections of this ordinance.

Sec. 4-2 Potentially dangerous, dangerous or vicious dogs

- A. Potentially Dangerous Dog.** This is a warning stage where the owner is notified that he/she needs to control their dog's behavior and keep it confined or on a leash at all times, and which means any dog that:
1. Has without provocation found to menace, chase, display threatening or aggressive behavior or endanger the safety of any person or domestic animal.
 2. Has inflicted a non-severe wound on a human or domestic animal on public or private property in an unprovoked manner.
 3. Has a known tendency, disposition, or propensity to attack, injure, bite, chase, or threaten the safety of humans or animals.

A dog is NOT considered a potentially dangerous dog according to this chapter if:

1. The dog inflicts an injury upon a person when the dog is being used by a law enforcement officer in carrying out official duties.
2. The injury inflicted was sustained by a person who was committing a willful trespass or other tort, was tormenting, abusing or assaulting the dog, had in the past been reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

Sec. 4-3 Requirement for Possessing Dangerous or Potentially Dangerous Animals;

Inspection. Conditions of ownership are subject to the requirements of this section for potentially dangerous **or** dangerous animals and subject to revocation for non-compliance and possible confiscation.

The HAC supervisor shall issue a certificate of compliance to the owner of a dangerous dog or potentially dangerous dog if the owner presents to the HAC Supervisor sufficient evidence of the following:

1. A secure enclosure to confine the dangerous dog or potentially dangerous dog. If the fence can be penetrated by the dog, the owner may be required to tether the dog within the fenced area.
2. The posting on the premises of a "Beware of Dog" sign warning that there is a dangerous dog, potentially dangerous dog, or vicious dog on the property.
3. The owner may be required to muzzle the dog when walking the dog on leash outside the owner's property.

Right to inspect. HAC shall have the right to inspect a dangerous dog, potentially dangerous dog or vicious dog, which is required to be confined pursuant to this section, in its environment. Permission of the owner or person in custody of the animal confined shall not be unreasonably withheld.

2. The owner of a dangerous dog or potentially dangerous dog shall notify the Animal Control Officer within 24 hours if the dog is loose, unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall provide the Animal Control Officer the name, address, and telephone number of the new owner of the dog, and notify the new owner of the designation.
3. Any person who releases a potentially dangerous or dangerous animal either willfully through failure to exercise due care or control or who takes such animal out of such proper enclosure in such a manner which is likely to cause injury to another person or damage to the property of another person shall be in violation of this chapter.

Sec. 4-4. Animal control section and supervisor.

A. The animal control section shall be a unit of the Hattiesburg Police Department, and shall be in the charge of a person having suitable qualifications and designated by the city as the animal control supervisor.

B. All moneys collected by any affiliate authorized by the city under the terms of this article shall be used at the city's designated animal shelter for the care and feeding of impounded animals.

B. The City will contract annually with a Hattiesburg animal shelter for the impoundment and care of animals seized by HAC.

Sec. 4-5. Interference with an Animal Control Officer.

It shall be unlawful to interfere with any animal control officer by taking or attempting to take any animal from any vehicle used to transport such animal, or by taking or attempting to take any animal from the animal control impounding areas, or by any other method which would block or hinder any officer referred to in this section from performing his/her duties. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-6. Compliance with article 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 article. Unless specifically required herein, no mental element need be present to constitute an offense under this article. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-7. Compliance with sanitation standards required for keeping animals.

The owner of any animal, including owners of kennels or owners of breeding farms, within the city as authorized in this article shall comply with the standards of sanitation established therefor by the county health officer. (Ord. 2090, sec. 1, 10-12-82)

Kennels, breeding farms, animal training businesses and boarding services may only operate in compliance with the Land Development Code.

Sec. 4-8. Compliance with article not relief from compliance with other regulations.

The keeping of any animal in accordance with the provisions of this article shall not be construed to authorize the keeping of the same in violation of the zoning Land Development Code or any other ordinance of the city. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-9. 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 official for cause by personal observation or sworn complaint, at any reasonable hour, or at any hour, in cases of emergency.

Sec 4-10. Abatement of conditions not complying with article.

Whenever any premises where animals are kept are in an unsanitary condition or the facilities are not in keeping with the provisions of this article 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 article 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 seek any and all remedies available by law.

Sec. 4-11. Pursuit of animals.

For purposes of discharging the duties imposed by the provisions of this article, 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 property, when in pursuit of any animal which they have reason to believe is subject to impoundment pursuant to the provisions of this article or other applicable laws.

Sec. 4-12. Appeals.

Any citation or impoundment issued or enacted by Animal Control may be appealed through the Municipal Court processes.

SECTION 5. ANIMAL AND RABIES CONTROL

Sec. 5-1. 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 article;
- B. Every female dog or cat in heat, shall be kept confined in a building or secure enclosure, or in a veterinary clinic or boarding kennel, in such manner that such female dog or cat cannot come in contact with another dog or cat except for intentional breeding purposes.
- C. Owners shall exercise care and control of their animals to prevent them from becoming public nuisances.
- D. When owners take dogs away from their homes the dogs must be on a secure leash at all times.

Sec. 5-2. 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 article;
 2. Any dog or cat not having affixed to its collar a valid rabies tag; excluding ear-tipped cats (see definition)
 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 article or state law.
 7. Any animal who has attacked or done harm to a person, animal or property.

B. If, at the time of impoundment, the owner of the impounded animal can be reasonably identified, the owner shall be provided written notice of the impoundment within three (3) days of the impoundment, which notice may consist of leaving a written statement at the front door of the owner's place of residence. The failure of the owner to receive said written notice shall not result in any liability to the City or its agents. 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:

The City's contracted animal shelter shall set impoundment fees annually subject to the approval of the City administration as a part of the contract with the shelter. This fee is over and above the boarding charge referenced below, and shall be collected at the shelter by the shelter personnel and is reserved for the use of the shelter's operations. The City's contracted animal shelter is required to keep record of all impoundment fees collected as a result of animals delivered by the HAC, and make available to the City an annual report of the collection of all impoundment fees.

2. Boarding charge: A boarding charge determined, published and set annually by the City's contracted animal shelter, but not to exceed the reasonable cost of boarding, feeding, and caring for such animal for the period of impoundment.

4. Rabies vaccination charge: All charges for rabies vaccination, if required.

5. Any other fees assessed by the City's contracted animal shelter for reimbursement of actual costs to shelter for medical or other forms of care beyond the norm.

In case any impounded animal 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 sec. 4-28A shall become subject to redemption when found to be free from rabies.

C. Impounded animals not redeemed by their owner within five (5) days following impoundment shall become the property of the City's contracted animal shelter 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 deposits equal to those which would be required for redemption set forth in subsection (B), if said person is the previous owner. Others may adopt animals, following the redemption period, 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 [for such dog or cat.]

F. With the exception of a case where a pet has attacked or done harm to a person, other pet or property (see Section 4.1), 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. 5-3. 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. 5-5. Animals exhibiting symptoms of rabies.

A. Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect of 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 or animal within the city, or that the owner knows or suspects to be rabid or to have attacked a person or animal, shall submit such animal, for quarantine, to the animal control supervisor.
- 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.
 - 4. 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.
- F. The county health officer shall investigate and record all cases of rabies and suspected rabies.
- G. 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.

Secs. 5-6 – 5-32. Reserved.

SECTION 6. CARE AND KEEPING DOMESTICATED OF ANIMALS

Sec. 6-1. 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.
- E. No owner shall confine a pet alone in an unattended vehicle for such an amount of time as to threaten the health and safety of the animal.

Sec. 6-2. 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 dangerous animal, unless such animal is within a securely fenced area, secured building, or under immediate control of the owner.

Sec. 6-3. 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, except licensed kennels or licensed breeding farms, and the pens, stalls or other enclosure facilities for keeping the same shall be so located that the pets cannot come within one hundred and twenty (120) feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments. Kennels, breeding farms, training businesses and boarding operations may only operate in areas zoned for these types of businesses as permitted by the Land Development Code.

Sec. 6-4 Adequate space for dogs kept primarily outside³

Dogs kept out of doors for continuous periods of time exceeding 30 minutes must be either tethered and sheltered (see definitions) or in a secured fenced in yard (see fence definition), and further, there must be adequate space in the yard for the pet's health; specifically not less out door space than 2 (two) square feet for every pound of the dog or dogs' weight.

Pet shops keeping all animals in completely enclosed and solidly-walled facilities need not comply with the distance and number requirements prescribed in this article.⁴

Sec. 6-5. Animal waste.

- A. Feces deposited by an animal upon public property or upon the property of any person other than such animal's owner, shall be collected and removed at once by such animal's owner. Animal owners are further required to manage animal feces on their own property in a responsible, sanitary manner.

Sec. 6-6. Disposal of Dead Animals.

³ *Cross Reference--see sec. 12-2 - Food & Food Establishments*

⁴ *Cross references--Ordinance 3209 Land Development Code*

- A. Abandonment of dead animals; requirements as to disposal generally.
 - 1. It shall be unlawful for any person who owns or is caring for an animal which has died or has been killed, to abandon the animal, its parts, or blood. Under no conditions may dead animals be abandoned at any location, including but not limited to, in wells or open pits of any kind on private or public land.
 - 2. No person shall dispose of an animal, its parts, or blood, by burial on the land of another without the permission of the owner of the land.
 - 3. Arrangements for proper removal must be made with a City Animal Control Official in order to dispose of a dead animal in a city landfill.
- B. Removal and disposition of dead animals within rights-of-way and on public property. Any other provision of this section to the contrary notwithstanding, it shall be the duty of the City Department of Sanitation to remove and dispose of the carcasses of all dead animals found within the rights-of-way of all city roads maintained either totally or in part from city funds.
- C. Methods of disposal of dead animals:
 - 1. Disposal of animal carcasses by either of the approved methods must be completed within 12 hours after the death or discovery of the carcass unless the carcass is properly refrigerated or frozen.
 - 2. Carcasses which are buried, must be buried at least 3 feet below the ground level, but no more than 8 feet, and have not less than 3 feet of earth over the carcass.

Mutilation of dead animals is prohibited.

Sec. 6-7 Habitual animal offender

Residents who are cited and found to be in violation of three (3) or more animal care or animal nuisance provisions over any 24 month period of time will be cited as a habitual offender. If found to be a habitual animal offender through the Municipal Court process, the person may be ordered to limit, restrict or be prohibited from animal ownership for a period of time not more than one year.

Sec. 6-8 Service and law enforcement animals

Service animals and law enforcement animals are exempt from any provision herein that would impede their ability to provide the service required from them by their owner.

Sec. 6-9 Validity

If any section or provision within this ordinance should be declared invalid or unconstitutional, the remaining portions shall survive.

The above and foregoing Ordinance, having been reduced to writing, the same was introduced by Councilperson _____, seconded by Councilperson _____ and was adopted by the following vote, to-wit;

YEAS:

NAYS:

The President thereby declared the motion carried and the foregoing Ordinance adopted and approved, this the _____ day of _____ A.D., 2019.

(SEAL)

ATTESTED:

ADOPTED:

CLERK OF COUNCIL

PRESIDENT

THE above foregoing Ordinance having been submitted to and approved by the Mayor, this the _____ day of _____ A.D., 2019.

ATTEST:

APPROVED:

CITY CLERK

MAYOR