

Chapter 4

ANIMALS AND FOWL*

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Article I. In General**Sec. 4-1. Keeping hogs in City.**

A. It shall be unlawful for any person to pen any hog or hogs within the city within two hundred (200) feet of the residence of any person in the city.

B. The provisions of this section shall not be construed to apply to hogs lawfully confined in the city animal shelter by authority of the animal control supervisor. (Ord. 298, secs. 1--3, 12-12-07)

Sec. 4-2. 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)

Sec. 4-3. 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)

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

Sec. 4-4. 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. 4-5. Liberating impounded livestock; penalty.

If any person shall break into or enter the city animal shelter 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. 4-6. 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 ordinance.

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; 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 for which permission has been granted by the governing authorities. (Ord. 1309, sec. 2, 4-24-57)

Secs. 4-7 -- 4-11. Reserved.

Article II. Animal Control*

DIVISION 1. GENERALLY

Sec. 4-12. Definitions.

As used in this article, 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 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, jackal, 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. A domestic animal normally raised on a farm such as poultry, swine, cattle, horses, sheep, goats or similar animals, but not wildlife.

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.

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

Public nuisance. Any animal which:

- A. Molests passers-by or passing vehicles;
- B. Attacks other animals or human beings;
- C. Trespasses on school grounds;
- D. Is repeatedly at large;
- E. Damages private or public property;
- F. Barks, whines, howls or makes other annoying noises in an excessive, continuous manner or at unreasonable hours; or
- G. Creates an excessive and continuous odor.

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 enclosed 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. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-13. Animal control section and supervisor.

- A. The animal control section shall be a unit of the Department of Planning and Community

Development in the Land Development Code Administration Division, 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 article shall be used at the city animal shelter for the care and feeding of impounded animals. (Ord. 2090, sec. 1, 10-12-82, Ord. 2525, sec. 1, 5-16-95)

Sec. 4-14. Interference with animal control warden.

It shall be unlawful for any person to interfere with an animal control warden while such warden is engaged in the performance of his/her duties. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-15. 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. 4-16. 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)

Sec. 4-17. 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 ordinance or any other ordinance of the city. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-18. 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. (Ord. 2090, sec. 1, 10-12-82)

Sec 4-19. 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 obtain, relief by injunction. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-20. 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, unfenced 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. (Ord. 2090, sec. 1, 10-12-82)

Secs. 4-21 -- 4-24. Reserved.**DIVISION 2. ANIMAL AND RABIES CONTROL****Sec. 4-25. 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. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-26. 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;
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.

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 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) 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 © 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 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. 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. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-27. 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 antirabies 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. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-28. 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 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.

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. (Ord. 2090, sec. 1, 10-12-82)

Secs. 4-29 -- 4-32. Reserved.

DIVISION 3. CARE AND KEEPING OF ANIMALS

Sec. 4-33. 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. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-34. 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. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-35. 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 (100) feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments. (Ord. 2090, sec. 1, 10-12-82)

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

Sec. 4-36. Exception to distance and number requirement regulations.

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. (Ord. 2090, sec. 1, 10-12-82)

**Cross references--Chapter 13 - Land Development Code*

Sec. 4-37. 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, it is ratproof 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. (Ord. 2090, sec. 1, 10-12-82)

Sec. 4-38. 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 five hundred dollars (\$500.00) and/or ninety (90) days imprisonment.

If any violation is continuing, each day's violation shall be deemed a separate offense. (Ord. 2090, sec. 1, 10-12-82)

Cross reference--General penalty for violation of Code, sec. 1-10.

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