

ANIMAL COMPLAINTS

1. Animal Complaints received during normal working hours by the Batesville Police Department will be relayed to the Animal Control Officer who has been designated by the City of Batesville to handle such complaints. After normal working hours, animal complaints will be relayed to the Batesville Police Shift Commander who then will have an officer investigate the call. If the complaint can be appropriately handled without picking up the animal (such as asking the owner to put it up if they have not already been warned) the patrol shift will handle it. If the situation calls for the animal to be picked up, the animal control officer will be contacted. If the animal control officer cannot be reached, the Shift Commander will see that the complaint is appropriately handled including picking up the animal, if necessary. If needed the animal control vehicle can be obtained and utilized on such calls. The animal tranquilizer gun will be maintained at the Batesville Police Department or in the animal control vehicle.
2. In cases of dog bite complaints, an officer will be dispatched to the scene to investigate said complaint and to insure that the animal is confined for ten (10) days or such time, as a veterinarian deems necessary to determine if the dog is infected with rabies unless there is proof of rabies vaccination.
3. Loose Dogs: Loose dogs will only be picked up in, cases where a complaint has been made against the animal. An exception can be made in cases where the animal is obviously sick or injured and the identity of the owner is not known. In cases where the owner is present and will agree to confine the animal according to the City ordinance they may be allowed to do so if such action is taken immediately and this is the first offense. Loose dogs picked up will be kept for up to fourteen (14) days. During the first seven (7) days, only the owner will be allowed to claim the animal. If the dog is not claimed by the owner within seven (7) days, it may be held for up to seven (7) additional days to allow the owner or any other person who complies with the requirements to adopt the dog. If the dog is not claimed or adopted within fourteen (14) days of the date it was picked up, it may be taken to a veterinarian for euthanasia. If the dog is sick or obviously injured, it may be euthanized after seven (7) days. If it is deemed to be suffering by a veterinarian, it may be euthanized by same immediately provided that if the identity of the owner is known, a reasonable attempt to notify the owner is made to give them the opportunity to come immediately and take charge of the dog.
4. Dogs Claimed By Owner:
 - A. The owner of a dog housed in the animal shelter will be allowed, to claim it provided that the following requirements are met.
 1. The owner must have a picture ID.
 2. The owner must provide an adequate description of the dog that reasonably matches the animal in custody.
 3. The owner must certify in writing that they are the legal owner of the dog and they understand that dogs are prohibited from running loose in the City of Batesville.

4. The owner must provide proof that the dog has been vaccinated against rabies according to state law, or arrange to have the dog vaccinated by a veterinarian located in the City of Batesville at the time of release at their expense, verified and documented by the Animal Control Officer.
 5. The owner may pay the appropriate pound fee at City Hall before release of the dog.
5. Dogs Adopted from the Shelter: Dogs that are not claimed by the owner within seven (7) days of being picked up may be adopted by the original owner or by any other person eighteen (18) years or older who meets the following requirements.
- A. If the person is a resident of the City of Batesville, he must certify in writing that he will comply with all City Ordinances concerning animals. A copy of said Ordinance will be provided to him.
 - B. He must sign a waiver releasing the City of Batesville from any liability resulting from, the adoption of the dog.
 - C. He must arrange for the rabies vaccination of the animal at the time it is released at their expense by a veterinarian located in the City of Batesville, verified and documented by the Animal Control Officer.
 - D. If the person adopting the dog was the previous owner, or the previous owner's family member, they may pay the appropriate pound fee.

Chapter 4

ANIMALS AND FOWL*

Art. I. In General, §* 4-1-4-15

Art. II. Dogs and Cats, § 4-16-4 35

Art. III. Bird Sanctuary, §§ 4-36-4-50

Art. IV. Livestock at Large, § 4-51, 4-52

ARTICLE I. LN GENERAL

Sec. 4-1. Keeping chickens for commercial or private purposes.

It shall be unlawful to possess or congregate more than ten (10) chickens or poultry at any private residence in the city, or operate in the city any brooder house, poultry house, hatchery or incubator, whereby more than ten (10) chickens or other poultry are accumulated or congregated either for commercial purposes or private use. It shall be unlawful for the owner or person having possession, charge, custody or control of any chickens or poultry legally possessed under this section to allow or permit same to become a nuisance in any manner in the city; for example, by reason of noise, nauseous odor, filthy conditions, the breeding of flies, mosquitoes, insects and other pests, being on the property of someone other than the person having the possession, charge, custody or control of such chickens or other poultry.

Sec. 4-2. Keeping hogs.

- a) It shall be unlawful for any person to keep or maintain any hog or hogs in the city, except in commercial feedlot operations already in existence prior to being brought into the city limits, or additions thereto, after being brought into the city limits.
- b) Every person who keeps hogs as permitted above shall at all times keep the lot in a sanitary condition.

Sec. 4-3. General penalty for violations of articles I, III and IV of chapter 4.

- a) Unless specified otherwise, persons found to be in violation of articles 1, III and TV of chapter 4 shall be guilty of a misdemeanor and punished as follows:
 1. For a first offense committed within a calendar year, a fine of not more than twenty-five dollars (\$25.00).
 2. For a second offense committed within a calendar year, a fine of not more than fifty dollars (\$50.00) and/or not more than ten (10) days in jail.
 3. For a third and subsequent offense committed within a calendar year, a fine of not more than one hundred dollars (\$100.00) and/or not more than thirty (30) days in jail.

Sec. 4-4. Amphibians, arachnids and reptiles

- a) Prohibited animals. No person shall bring into, keep, maintain, offer for sale or barter, or release anywhere in the city, any of the following animals: Any species of amphibian, arachnid, or reptile, including snakes.
- b) Exceptions. This section shall not prohibit a circus or other entertainment organization, an educational, scientific or medical institution or the department of parks from keeping such animal where the same is securely and humanely confined provided that such persons or entity obtain a permit from the city code enforcement office.
- c) Forfeiting possession. Anyone violating this section shall in addition to any other penalty forfeit the animal to the city for destruction or disposition.
- d) Penalty. Any person, firm or corporation violating any provision of this section shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE II. DOGS AND CATS*

Sec. 4.16. Violation; penalty.

Any person violating any of the terms and provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined the sum of one hundred dollars (\$100.00) for the first offense, the sum of two hundred dollars (\$200.00) for the second offense, and for the third and subsequent offenses, the sum of three hundred dollars (\$300.00) and the forfeiture of the animal to the city for adoption by someone other than the previous owner, or disposal of such animal.

Sec. 4-17. Running at large; enclosures; restraint.

- a) It shall be unlawful for the owner or the person having possession, charge, custody or control of any dog or dogs to cause, permit or allow same to run at large within the corporate limits of the city. The running at large of any dog or dogs shall be prima facie evidence of the violation of this section by the owner or the person having possession, charge, custody or control of such dog. The term "at large" shall mean on or off the premises of the owner; the premises of a member of the owner's family; or premises of the person or persons having the possession, charge, custody or control of any such dog or dogs, and in each of the foregoing instances when such dog or dogs are not under control, either by leash, cord, chain or suitable enclosure.

- b) The owner, owners or the person or persons having the possession, charge, custody or control of any dog or dogs within the city are hereby required to keep same within suitable enclosures, and are further required to keep such enclosure sanitary.
- c) The owner, owners or the person or persons having the possession, charge, custody or control of any dog or dogs within the city are hereby required to keep such dog or dogs on a leash, cord or chain at all times when such dog or dogs are not maintained within a suitable enclosure.

Sec. 4-18. Creating a nuisance.

It shall be unlawful for the owner or the person having the possession, charge, custody or control of any dog to permit or allow same to create a disturbance in the city, to annoy any person or family in the city, or to become a nuisance in any manner in the city; for example, by reason of barking; noise; nauseous odor; filthy condition; the breeding of flies, mosquitos, insects, and other pests; being on the property of someone other than the owner or the person having the possession, charge, custody or control of such dog; damaging public or private property; urinating or defecating on any property that does not belong to the owner or the person having the possession, charge, custody, or control of such dog; or the biting or chasing of any person or persons not the owner or person having the possession, charge, custody or control of such dog.

Sec. 4-19. Condition of premises where kept or confined.

No dog or dogs shall be kept or confined in any place where the shelter and ventilation are not sufficient for the good health of such dog or dogs. No dog or dogs shall be kept in such place or condition as to become a nuisance, either because of noise, odor, filth or contagion of disease.

Sec. 4-20. Impoundment—Biting dogs or cats; dogs or cats suspected of being infected with rabies.

- a. If any dog or cat has bitten any person or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, such dog or cat shall be apprehended and retained by the city, securely penned and separated from other animals, and transferred as soon as practical to the custody of a local veterinarian to be held for at least ten (10) days or such time as the veterinarian deems necessary to ascertain whether or not the dog or cat is infected. If, after sufficient observation, the dog or cat, in the opinion of the veterinarian, is not infected, he may be returned to the owner if claimed and the appropriate fees are paid. If, in the opinion of the veterinarian, symptoms develop justifying a microscopic examination, then the dog or cat shall be euthanized and examination made by appropriate health officials.

- b. In lieu of the provisions of subsection (a), the owner of any such dog or cat may, at his own expense, take such dog to any qualified and licensed veterinarian in the city for observation. The veterinarian shall report his finding in writing to the chief of police. If, in the opinion of the said veterinarian, a microscopic examination is justified, then the dog or cat shall be euthanized and an examination made by appropriate health officials.

Sec. 4-21. Same—Authority to require submission for observation.

Any dog or cat desired for observation under the provision of section 4-20 shall be delivered to the police department or other place designated by the police department upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a misdemeanor and upon conviction, fined not more than five hundred dollars (\$500.00) and/or thirty (30) days in jail. When any person refuses to deliver a dog or cat desired for observation, a warrant shall be issued for the arrest of such person, which warrant shall also provide for the surrender of the dog or cat and shall be lawful authority for the apprehending and forcible taking of such dog or cat.

Sec. 4-22. Seizure of dogs or cats, redemption fees.

Upon affidavit or written or verbal complaint being filed, any dog found running at large, and any dog or cat otherwise in violation of the provisions of this article, may be seized and impounded by the city, its employee or other person designated by the city. It shall be lawful for said employee or person to pursue any dog or cat anywhere within the city, including upon private property, with or without permission from the owner of said property, as necessary for same to be caught and impounded.

The following fees shall be charged to redeem a dog or cat that has been impounded under this article and shall be paid to the city, unless otherwise provided:

1. The first redemption of a dog or cat in the calendar year will be fifteen dollars (\$15.00).
2. The second redemption of a dog or cat in the calendar year will be twenty-five dollars (\$25.00).
3. The third and subsequent redemption of a dog or cat in the calendar year will be seventy-five dollars (\$75.00).

Whenever any dog or cat is impounded, an additional fee of seven dollars (\$7.00) shall be paid to the city for each day or fraction thereof of impoundment in city facilities plus the actual amount charged by the veterinarian when such animal is impounded with a veterinarian. Before the animal can be released to the owner, the foregoing fees and costs shall have been paid and reasonable proof must be shown that the animal has been vaccinated against rabies in accordance with section 4-24.

Sec. 4-23. Impoundment of dog or cat.

If the owner of any dog or cat impounded under this article and eligible for release, shall fail to redeem such animal within seven (7) days after such impoundment or time that the animal becomes eligible for release, any other person eighteen (18) years of age or older may, within

the next seven (7) days, redeem such dog or cat from the pound by paying a fee of fifteen dollars (\$15.00) and providing reasonable proof that the dog or cat has been vaccinated according to section 4-24. If the animal is not claimed by the owner or otherwise adopted within the fourteen-day period described previously, it shall be taken to a local veterinarian for euthanasia. Any time the previous owner or a member of their family redeems a dog or cat, the fees as described in section 4-22 must be paid in lieu of those described in this section. Neither the city nor any individual police officer or employee of said city shall be held liable for any act arising out of the compliance with this section.

Sec. 4-24. Vaccination of dogs and cats.

The owner or the person having the possession, charge, custody or control of a dog or cat within the city shall have and keep such dog or cat inoculated (vaccinated) against rabies, as provided by the laws of the State of Mississippi and as provided by the rules and regulations prescribed and promulgated by the Mississippi State Board of Health and to see that said dog or cat when so vaccinated wears about its neck and securely attached to a collar a metal tag evidencing such inoculation and to see that the said collar with tag attached thereto is worn by the dog or cat at all times. It shall be unlawful for any person to own, possess, keep or harbor any dog or cat being the age of three (3) months or over within the city unless such dog or cat has been inoculated (vaccinated) against rabies by a person legally qualified to administer said vaccination. The owner of such dog or cat shall retain in his or her possession the vaccination certificate issued at the time of the vaccination for proof of same. It shall be the duty of the owner of each dog or cat to have said inoculation (vaccination) repeated annually or at such intervals as may be prescribed by the Mississippi State Board of Health. It shall be unlawful for the owner of any dog or cat to fail to have same vaccinated as herein provided.

Sec. 4-25. Wild or vicious dogs or cats.

Any dog or cat running at large in the city which is unimpoundable, by reason of being wild, vicious or otherwise not able to be caught for impounding, may be destroyed immediately by the police department. Neither the city nor any individual police officer or employee of said city shall be held liable for any act arising out of the enforcement of this section.

Sec. 4-26. Dogs and cats, numbers limited.

It shall be unlawful for any person to have in his possession or on his premises more than six (6) dogs and six (6) cats over the age of three (3) months. This shall not apply to the premises of a licensed veterinarian or where a special event such as a dog or cat show is lawfully taking place.

Sec. 4-27. Injured dogs and cats.

If a dog or cat, running at large within the city, is found to be sick or injured to the extent that it appears to be suffering, said animal may be taken to a local veterinarian for euthanasia, or may be disposed of by the appropriate city personnel. Neither the city nor any individual police officer or employee of said city shall be held liable for any act arising out of the compliance with this section.

Sec. 4-28. Interference with officials enforcing this article.

Any person who in any way interferes with an official, employee or police officer of the city engaged in the enforcement of this article shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or not more than ninety (90) days in jail or both.

Secs. 4-29-4-35. Reserved.

ARTICLE III. BIRD SANCTUARY*

Sec. 4-36. Designation.

The entire area embraced within the corporate limits of the city be, and the same is hereby designated as, a bird sanctuary.

Sec. 4-37. Molesting birds.

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.

Sec. 4-38. Birds creating a nuisance.

- a) If starlings, pigeons or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property in the opinion of the proper health authorities of the city, county or state, then in such event the health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society or as many of such clubs as are found to exist in the city, after having given at least three (3) days' actual notice of the time and place of the meeting to the representatives of the clubs.
- b) If as a result of the meeting no satisfactory alternative is found to abate such nuisance, then the birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the chief of police.

Secs. 4-39-4-50. Reserved.

ARTICLE IV. LIVESTOCK AT LARGE*

Sec. 4-51. Duty of owners.

It shall be unlawful for any person owning or having in his possession or under his control any horse, mule, colt, cow, calf, ox, hog, sheep, goat or goose in the city to willfully let such animal run at large, and it shall be the duty of every person owning, possessing or controlling any such animal to keep the same within an enclosure.

Sec. 4-52. Impoundment.

Whenever any livestock is found to be running at large within the city, the city shall have the authority to cause the animal or animals to be caught and penned by the owner or any other person approved by the police chief or his designee. If the livestock are caught and penned by someone other than the owner, the owner shall pay a reasonable fee to the person catching and penning the livestock before claiming the animal or animals. Any livestock not claimed by the owner within ten (10) days shall be sold to discharge the costs and penalties provided for the violation of this section and the expenses of catching, impounding, keeping and selling such livestock and the balance, if any, shall be delivered to the owner upon application therefor and the proof of ownership.