

**ORDINANCE OF THE WASHINGTON COUNTY BOARD OF SUPERVISORS
ENACTING REGULATIONS PROVIDING FOR THE KEEPING OF DOGS AND CATS
WITHIN WASHINGTON COUNTY IN AREAS NOT REGULATED BY MUNICIPAL
ANIMAL CONTROL ORDINANCES AND FOR RELATED PURPOSES**

WHEREAS, the Members of the Washington County Board of Supervisors desire to adopt an ordinance governing the keeping of dogs and cats of all types and kinds in Washington County, and

WHEREAS, the Washington County Board of Supervisors pursuant to Miss. Code Ann. §19-3-40 has authority to adopt ordinances, orders or resolutions with respect to County affairs with, such ordinances, orders or resolutions to apply countywide except when the governing authorities of any municipality situated in Washington County has adopted similar ordinances, orders of regulations regulating animals within municipal corporate limits further pursuant to Miss. Code Ann. §41-53-11 the Washington County Board of Supervisors is specifically authorized to regulate dogs and cats situated in said County; and

WHEREAS, the Washington County Board of Supervisors does hereby adopt the following ordinance to be known as the Washington County Animal Control Ordinance and directing that it shall be effective thirty (30) days from the first date of the publication of a synopsis of said ordinance in a newspaper or. newspapers of general circulation in Washington County, Mississippi.

NOW, THEREFORE, RE IT ORDAINED, by the Washington County Board of Supervisors as follows:

CHAPTER I. Definitions

Section I

As used throughout this ordinance and in interpretations thereof the following shall govern:

Animal: Any live dog or cat, domesticated or wild;

Animal control officer: Any person designated by the Sheriff of Washington County as a law enforcement or Animal Control officer who is qualified to perform such duties under the laws of the State of Mississippi;

Animal Shelter: Any facility operated by a humane society, or governmental agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law;

At Large: Any animal shall be deemed to be at large when it is not on a leash, behind a fence or enclosure, or under the control of a competent person;

Feral Dog: Any dog that has escaped from domestication and become wild, dangerous or untamed;

Inhumane Treatment: Any treatment to any animal which deprives necessary substances including food, water or protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, mutilating, teasing or poisoning or other abnormal treatments as may be determined by any law enforcement officer or the animal control officer.

Owner: Any individual, firm, association, syndicate, partnership, or corporation owning, keeping, or harboring one (1) 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;

Public nuisance: Any animal which:

1. Molests passerby or passing vehicles;
2. Trespasses on property of others without permission;
3. Damages private or public property;
4. Barks, whines, or howls in an excessive, continuous, or untimely fashion;
5. Is allowed by its owner to become a nuisance to people or other animals; or
6. Is kept under conditions which are malodorous.

Restraint: Any animal (s) being secured by a leash or lead by less than six (6) feet, within the fenced real property of its owner;

Vaccination: Any injections of United States Department of Agriculture - approved rabies vaccination administered every twelve (12) calendar months by a licensed veterinarian or under his supervision;

Vicious Animal: Any animal or animals that constitute a physical to human beings or other animals.

CHAPTER 2. DOG S GENERALLY

Section II. License

It shall be unlawful for any person to have, harbor or keep, or to cause or permit to be harbored or kept or to run at large on private or public property or in the parks or other public places in Washington County any unlicensed dog or cat six (6) months of age or over. Any person keeping or harboring any dog or cat six (6) months of age or over for thirty (30) consecutive days shall be deemed to be the owner thereof within the meaning of this section. The provisions of this section shall not apply to nonresidents of the county, traveling through or temporarily sojourning therein for a period of less than thirty (30) days, nor to persons bringing dogs or cats to the county exclusively for show or exhibition purposes.

Every dog or cat six (6) months of age or over which is brought into, harbored or kept in Washington County by any person, except nonresidents and participants in exhibitions shall be vaccinated by an authorized person against rabies which vaccination shall be repeated yearly and identification of such vaccination shall be evidenced by a collar containing a tag for said animal, which tags shall be dated, numbered and color coded in accordance with the rules and regulations of the National Association of State Public Health Veterinarians.

No license tag shall be issued for any dog or cat unless Such dog or cat shall have been inoculated (vaccinated) against rabies as provided by this Ordinance.

it shall be unlawful to transfer the license tag herein provided for to any dog or cat, other than the dog or cat for which such license tag was originally purchased. It shall further be unlawful for any

person to have, harbor or keep, or to permit to be harbored or kept, any dog or cat in the city wearing a license tag other than the tag purchased for that particular dog 'or cat

If the tag or license required in subsection (b) shall be lost, stolen or unavoidably mutilated, damaged or destroyed, the owner shall acquire duplicate tag, at his discretion, upon sworn affidavit of the owner of the animal for which the license was purchased setting forth the facts in connection therewith, and after investigation thereof, issue a duplicate license upon payment of a fee as charged by the veterinarian.

All dogs and cats subject to this division shall have the required license tag affixed to a collar or harness worn by such animal.

The failure or refusal of any person to comply with this division shall constitute a misdemeanor, and the offender shall upon conviction, be subject to a fine of twenty-five dollars (\$25.00).

Section III. Procedure on Retention, Observation and Disposition of Animals which have bitten persons or other animals or those suspected of having disease.

If any dog has bitten any person or is suspected of having bitten any person, or for any reason suspected of being infected with rabies, then such dog shall be apprehended and retained in a humane shelter, securely penned and separated from other dogs and animals, for such period as may be necessary to ascertain whether or not the dog is infected. If, after sufficient observation the dog, in the opinion of the county health officer, is not infected, he shall be returned to the owner, if claimed. If in the opinion of the county health officer symptoms develop justifying a microscopic examination; then the dog shall be killed and examination made by the state board of health.

In lieu of the provisions of subsection (a), the owner of any such dog may, at his own expense, take such dog to any duly qualified and licensed veterinarian in the county for observation. The county health officer shall observe the dog and shall report his findings in writing to the Sheriff. If in the opinion of the county health officer a microscopic examination is justified then the dog shall be turned over to the sheriff's department to be killed and examination made by the state board of health.

The initial impoundment fee for biting or infected dogs shall be twenty dollars (\$20.00); the redemption fee for each day of retention thereafter shall be five dollars (\$5.00).

Section IV. Authority to require submission of dog for examination.

Any dog desired for observation by the county health officer under the provisions of Section III shall be delivered to the animal control officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a misdemeanor and subject to arrest. When any person refuses to deliver a dog desired for observation, any law enforcement officer of the County shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the dog and shall be lawful authority for the apprehending and forcible taking of such dog.

Section V. Becoming a nuisance.

It shall be unlawful for the owner or person having possession, charge, custody or control of any dog or dogs to permit or allow same to create a disturbance in the neighborhood, to annoy any person or

family, or to become a nuisance in any manner particularly by reason of noises, odors, filthy conditions or the breeding of flies, mosquitoes and other pests.

Section VI. Cruel and inhumane treatment.

It shall be unlawful for any person to torture, torment, unjustifiably injure, deprive of necessary sustenance, food or drink, or cruelly beat or needlessly mutilate any dog within Washington County, or to cause or permit same to be done.

CHAPTER 3. ANIMALS RUNNING AT LARGE; IMPOUNDMENT

Section VII. Vicious dog or other animal; requirements for confinement.

It shall be a misdemeanor to permit any vicious or dangerous dog or other animal to run at large within the county.

Any vicious or dangerous dog or other animal shall include any animal which has attacked or threatened to attack, bitten or threatened to bite, or in any other manner endangered people or other animals.

Any vicious or dangerous dog or other animal must at all times be securely confined in a totally enclosed humane and sanitary locked house, pen or enclosure, which shall be constructed in such manner as to prevent the animal's escape therefrom by tunneling, climbing, chewing, breaking or any other means or effort by the animal; furthermore, such enclosure shall be made secure from the accidental or intended invasion thereof, without forcible entry, by any adult or child human being, and such enclosure shall have conspicuous signs plainly visible from any external view displaying the words "Dangerous Animal—Keep Away" in block letters not less than two (2) inches square.

At any time that a vicious or dangerous dog or other animal is not confined as required in herein, such animal shall be muzzled in such a manner as to prevent it from biting or injuring any person or animal and shall be kept on a leash with the owner or custodian in attendance at all times.

Any vicious animal which is not confined or muzzled as provided in this section shall be impounded at the county humane shelter and shall not be released until the hearing hereinafter provided has been held, the animal has been properly vaccinated or suitable arrangements made for vaccination, and a pound fee of twenty dollars (\$20.00) plus five dollars (\$5.00) for each day of impoundment paid the pound fee shall be in addition to any fine imposed hereunder.

The Washington County Justice Court shall conduct a show-cause hearing within seventy-two (72) hours, except Sunday, with respect to any impounded vicious or dangerous dog or other animal; notice of such hearing shall be served upon the owner of such animal or the person in whose possession the animal was found. At such hearing the court shall determine whether or not the animal is sufficiently vicious so as to constitute a menace to the public health and safety, and in such event, for the protection of the public, the court may order that the animal be humanely destroyed; if the animal is not ordered destroyed, the court may, in its discretion, order the animal to be spayed or neutered by a licensed veterinarian; and in each

1. First offense, a fine of not less than fifty dollars (\$50.00) nor more than \$99.00;

2. Second offense, a fine of not less than one hundred dollars (\$100.00) nor more than \$299.00;
3. Third offense, a fine of not less than three hundred dollars (\$300.00) nor more than \$500.00; in addition, the animal shall be permanently removed from the county, and if the animal is subsequently found within Washington County, it shall be humanely destroyed.

Section VIII. Impoundment-Unrestrained or unlicensed dogs; or nuisance animal; redemption, adoption, euthanization.

An unrestrained or unlicensed dog, or a nuisance animal, shall be taken by the sheriff, deputies, conservator officer or animal control officer and impounded in an enclosure or animal shelter kept for that purpose, and there confined in a humane manner. Unless claimed by the owner, impounded animals not suffering from an incurable injury or disease shall be kept for not less than five (5) days. Further no dog shall be released except to the owner of said animal as identified by the dog tag and proof of vaccination. In the event there is no dog tag, sufficient identification of ownership shall be provided by the person claiming the dog before such dog is released.

If by a tag, or other means, the owner of an impounded animal can be identified, the animal control officer or his designee shall immediately upon impoundment, notify the owner by telephone, mail or service of notice by the animal control officer or his designee. Within five (5) days the rightful owner of any animal held under this section may, provided the animal is properly vaccinated, licensed and tagged, obtain the animal upon payment of a pound fee as hereinafter provided; provided, however, if an unvaccinated animal is claimed by the owner, the owner must make arrangements for the vaccination of said animal satisfactory to the animal control officer or his designee. An owner reclaiming an impounded animal shall pay a fee as follows:

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|-----------------------------------|---------|
| 1. For cats | \$10.00 |
| Plus, for,each day of impoundment | 5.00 |
| 2. For dogs | \$25.00 |
| Plus, for each day of impoundment | 5.00 |

Any animal not reclaimed by its owner within five (5) days shall be deemed abandoned and shall be placed for adoption in a suitable home for a fee of five dollars (\$5.00), or humanely euthanized; provided that, if an unclaimed animal is adopted, the adoptive owner must make arrangements for the vaccination of said animal satisfactory to the animal control officer or his designee. The five (5) day waiting period is waived for any wild or feral animal or for any animal suffering from an incurable disease, and any injured or neglected animal may be humanely euthanized without any waiting period pursuant to Section 97-41-3, Mississippi Code of 1972, as amended.

The owner of an impounded animal may also be proceeded against for violation of this chapter.

Section IX. Remission, payment of pound charges.

No pound charges shall be remitted except by consent of the Board of Supervisors. Before any appeal to the Board of Supervisors will be beard, it must be shown that the pound charges have been paid.

Section X. Destruction of abandoned animals.

Any law enforcement officer or the pound keeper or his assistant may lawfully destroy or cause to be destroyed any animal found abandoned or running at large on private or public property or otherwise not properly cared for, or appearing in the judgment of two (2) reputable citizens called by him to view the same in his presence to be glandered, injured, diseased, past recovery, or absolutely unfit for labor or use.

Section XI. Rabies inoculation of dogs and cats required.

Every person in Washington County who owns, or has in his or her possession, any dog or cat of the age of six (6) months or over shall have said dog or cat inoculated (vaccinated) against rabies as provided herein with the recommended dosage of an anti-rabic virus (vaccine) approved by the state board of health, and it shall be unlawful for any person within the city to own or have in his or her possession within the city any dog or cat six (6) months of age or over which has not been inoculated (vaccinated) against rabies with the approved dosage of an anti-rabic virus (vaccine). It shall be the duty of every person within said city so owning or having in his or her possession a dog or cat to have said dog or cat inoculated (vaccinated) immediately after said dog or cat has reached the age of six (6) months, and it shall be said person's further duty to have said dog or cat so inoculated (vaccinated) thereafter as required by the state board of health.

All dogs and cats subject to this section shall have a rabies tag affixed to a collar or harness worn by such animal.

The failure or refusal of any person to comply with any of the provisions of this section shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined for the first offense in a sum not to exceed five dollars (\$5.00) and for the second offense in a sum not to exceed twenty five dollars (\$25.00) and for the third offense a sum not to exceed fifty dollars (\$50.00) together with all costs.

CHAPTER 4. PIT BULL DOGS

Section XII. Findings.

For some time the county has experienced a series of incidents in which citizens and animals have been threatened or attacked and injured by pit bull dogs.

The community has also experienced an increasing number of animal killings resulting from pit bull attacks.

The pit bull breed was developed for the purpose of producing fighting dogs.

To increase its effectiveness as a fighter, certain pit bull traits have been selected and maximized by controlled breeding, including:

1. A set of powerful jaws with an exceptional ability to grip, lock and tear when the dog bites;
2. A unique insensitivity to pain that causes pit bulls to be exceedingly tenacious in the attack;
3. An unusually aggressive temperament toward human beings and animals; and
4. An extraordinary directness in their method of attack that does not include the common warning signs such as barking or growling as displayed by other breeds.

For the reasons provided in this section, pit bull dogs present a present danger to the health and welfare of the citizens and animals in the county different in degree and kind from the dangers presented by other breeds of dogs.

Section XIII. Regulations.

Generally. This chapter is intended to utilize the authority and powers of the county in order to secure for the citizens of this county the protection of their health, safety and welfare. This chapter is intended to be applicable to dogs which are commonly referred to as "pit bulls" and which are defined herein. This chapter is designed to regulate these pit bull dogs and to ensure responsible handling by their owners through confinement and registration. The unique history, nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this division which the Board of Supervisors hereby finds reasonable and necessary. .

Definition; identification of a pit bull dog. The term "pit bull" dog as used within this chapter shall refer to any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terrier; or which substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers. Technical deficiencies in a dog's conformance to the standards described herein shall not be considered to indicate that the subject dog is not a pit bull dog pursuant to this chapter. Testimony by a veterinarian, animal behaviorist, or animal control officer that a particular dog exhibits distinguishing physical characteristics of a pit bull shall establish a rebuttable presumption that the dog is a pit bull.

Confinement of pit bull dogs.

Because of the pit bull dog's inbred propensity to attack other animals, and because of the danger posed to humans and animals alike by a pit bull dog when running loose or while running together in a pack, pit bull dogs must at all times be securely confined indoors, or confined in a securely and totally enclosed and locked pen, constructed with cyclone type fencing material of at least 9 gauge wire in thickness; with all four (4) sides to be at least six (6) feet in height; with concrete slab foundation at least 4 inches in thickness; and a secured cyclone fence top; such enclosure shall likewise have a conspicuous sign affixed thereto displaying the words "Dangerous Dog."

At any time that a pit bull dog is not confined as required in paragraph (1) above, the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person or animal, and kept on a leash with the owner or custodian in attendance; provided, however, that no pit bull dog may, be walked within fifty (50) feet of any public school ground, nor enter onto such school ground.

An exception to these confinement requirements is hereby provided for any pit bull dog in attendance at, and participating in, any lawful dog show, contest or exhibition sponsored by a dog club, association, society or similar organization.

Registration of pit bull dogs. Every owner of a pit bull dog within the county shall register the dog with the Washington County Sheriff's Department and a Humane Society designated by the Sheriff. The registration shall include the following: Name, address and telephone number of the dog's owner; the address where the dog is harbored, if different from that of the owner; a complete identification of

the dog, including the dog's sex, color and other distinguishing physical characteristics; a color photograph of the dog; a description of the method of compliance with the confinement requirements; and a registration fee.

Enforcement. It shall be the duty and responsibility of the county animal control officer(s) and sheriff to enforce the provisions of this chapter.

Schedule of penalties. Violations of this division shall be punished as follows:

Description of Violation and Minimum Penalty

Failure to confine pit bull dog.

- 1. First offense - A fine of not less than \$50; nor more than \$99
- 2. Second offense - A fine of not less than \$100; nor more than \$299
- 3. Third and subsequent offenses - A fine of not less than \$300; nor more than \$500

Failure to register pit bull dog. \$100.00

Other regulations. Nothing in this chapter shall prevent the county from providing more stringent regulations of pit bull dogs and pit bull dog owners, or of other types of animals deemed to be a threat to the safety and welfare of the community.

CHAPTER 5. EXCLUSIVITY OF ORDINANCE

Section XIX. This Ordinance shall repeal and supersede any ordinance regulation the same subject matter previously enacted by Washington County and may be amended at any time.

ORDAINED, this 20th day of January, 2004.