

**ORDINANCE OF THE BOARD OF SUPERVISORS**  
**OF LOWNDES COUNTY, MISSISSIPPI,**  
**PROVIDING FOR THE CONTROL OF DOMESTIC ANIMALS**  
**IN LOWNDES COUNTY, MISSISSIPPI.**

**SECTION 1. DEFINITIONS.**

A. Domestic animal: Any domestic dog or cat.

B. At large: Any animal is at large when off the premises of the owner and not under the control of a responsible person.

C. Control: Any animal shall be considered under control if it is on the premises of its owner or is secured by a leash or lead of sufficient strength to prevent it from escaping, or is confined in a motor vehicle when away from the premises of the owner.

D. Humane manner: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

E. Nuisance: An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's, or public walks and recreation areas; causes a disturbance by excessive barking or other noisemaking; molests, or interferes with persons in the public right-of-way.

F. Owner: Any person having a right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person over which that person has substantial control.

G. Person: Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit.

H. Vicious Animal: Any animal that attacks or bites humans or other domestic animals, or otherwise jeopardizes the well-being of humans or other domestic animals.

I. Officer: Shall mean the sheriff or deputies, constables, county patrol, humane society or any such designated official.

**SECTION II. APPLICATION.**

This ordinance herein adopted shall not apply to incorporated areas of Lowndes County.

**SECTION III. CONFINEMENT TO PREMISES.**

A. An owner of a domestic animal, whether vaccinated or unvaccinated, shall confine such animal to his/her private property. It shall further be the duty of any owner or keeper to keep such animal under control so as to:

1. Prevent such animal from becoming a nuisance or danger to persons or property, or trespassing upon another person's property without that person's permission; and

2. Prevent such animal from running at large upon the roads, park, or other public places in the county.

B. An owner of a dangerous/vicious animal shall confine such animal(s) as specified in Section X of this ordinance.

C. Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat, except for intentional breeding purposes.

#### **SECTION IV. OFFENSIVE ODORS AND DISTURBING NOISES.**

An owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Dog pens in which dogs are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and the dogs themselves shall be restrained in such a fashion that noises emanating therefrom shall not be disturbing to such persons.

#### **SECTION V. PROHIBITED TREATMENT.**

A. It shall be unlawful for any person to:

1. Carry or confine in a vehicle in an inhumane manner, or otherwise mistreat any animal.
2. Fail to provide any animal with proper food, drink, protection from the weather and veterinary care, or;
3. Abandon any animal;
4. Intentionally poison any animal;
5. Allow or promote any fight between animals, or allow or permit any such fight in or upon any premises in his possession or under his control;
6. Allow an animal to be kept in unsanitary conditions;
7. Keep or confine an animal in other than a humane manner.

B. Animal control officers may remove and impound any animal kept or confined under such conditions.

#### **SECTION VI. VACCINATION FOR RABIES REQUIRED.**

All dogs and cats within the unincorporated limits of Lowndes County shall be vaccinated for rabies at least once every 12 months and shall wear at all times a metal tag provided by the vaccinating veterinarian indicating such vaccination. It shall be unlawful for any person to own, possess, keep or harbor any dog or cat within the unincorporated limits of Lowndes County unless such animal has been vaccinated for rabies. The fact that any such animal fails at any time to bear such metal tag, shall be prima facie evidence that the owner of such animal has failed to have such animal vaccinated for rabies.

Mississippi State Department Of Health

#### **SECTION VII. IMPOUNDMENT FOR ANIMAL BITE.**

Any person owning or having charge of any animal which has bitten an adult or child shall immediately surrender such animal to the county or its designee, to be kept by the county or its

designee for the period of time in which the symptoms of rabies will or will not become evident, provided however, that the owner of said animal may, upon permission of the county or designee, place said animal within a veterinarians clinic for the specific period of time. The owner shall be responsible for the cost of internment of the animal.

Mississippi State Department Of Health

## **SECTION VIII. DANGEROUS, VICIOUS, FERAL DOGS AT LARGE PROHIBITED.**

### **A. Definitions.**

1. Any dog or any other animal that exhibits any of the following characteristics:
  - a. without provocation, approaches in a threatening or terrorizing manner any person in an apparent attitude of attack or exhibits any behavior that constitutes a physical threat of bodily harm to a person upon the roads, streets, sidewalks, any public or common grounds or places in any other place where such person is conducting himself peaceable and lawfully.
  - b. without provocation bites, inflicts injury, or otherwise attacks a person, in any place where such person is conducting himself peaceably and lawfully, or attacks another animal when such animal is not on the property of the owner of such attacking animal.
  - c. a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or their domestic animals.
  
2. The provisions of this section notwithstanding, no animal may be determined to be dangerous due to the fact that it:
  - a. inflicts injury or damage on a person committing a willful trespass or other tort upon the premises occupied by the person owning or in possession of the animal, or teasing, tormenting, abusing or assaulting the animal, or committing or attempting to commit a crime.
  - b. inflicts injury or damage on another domestic animal that is or was teasing, tormenting, abusing or assaulting the animal.
  - c. takes any action to defend or protect a human being within the immediate vicinity of the animal from an unjustified attack or assault.

B. It shall be unlawful for any person owning, keeping or harboring any animal that exhibits dangerous, vicious, feral propensities or tendencies to cause or permit any such animal to be at large. If any dog bites or attempts to bite any person, chases or attempts to chase any person while such dog is at large, then such dog shall be conclusively, presumed to be a dangerous, vicious dog and a dog of dangerous, vicious propensities and tendencies. If dog attacks or attempts to attack any other dog or animal while such dog is at large, then such dog shall be conclusively presumed to be vicious and dangerous dog and to have vicious propensities and tendencies.

C. When an animal is determined by the enforcing officer to a dangerous, vicious, feral animal, that dog may be destroyed, provided each of the following requirements are met:

1. The dog is running at large.
2. Attempts to peacefully capture and impound the dog have been made and proved unsuccessful.

3. The animal poses a serious and immediate threat of serious harm or injury to human life.

**SECTION IX. DETERMINATION OF STATUS; IMPOUNDMENT REDEMPTION OR DISPOSITION OF DANGEROUS/VICIOUS ANIMALS**

A. Any officer or any other lawfully designated official or representative of the county shall have the right to enter any private property for the purpose of inspecting for the presence of dangerous/vicious animals or for performance of other duties in the enforcement of this ordinance. Any officer or lawfully designated official or representative of the county having probable cause to believe that an animal is dangerous/vicious, shall conduct or cause to be conducted an investigation into the facts of each such case. The owner of the animal shall be notified of the investigation and shall have the opportunity to present evidence as to why the animal should not be determined to be dangerous/vicious. The results of the investigation with respect to a particular animal shall not bar the county from investigating any subsequent actions of the animal.

B. Should any officer or lawfully designated official or representative of the county have reason to believe that an animal is dangerous/vicious and may pose a threat of serious harm to persons or other domestic animals, said officer or official may immediately seize and impound the animal pending an investigation as described herein.

C. Any officer or lawfully designated official or representative of the county, upon complaint by any citizen or on his own initiative, may make inquires to determine compliance with this ordinance and may seize and impound and animal found in violation of any of its provisions.

D. If any animal is caused or permitted, or is found to be within the specific limits of the county and in violation of the provisions this ordinance, such animal may be apprehended and impounded by any officer or officials of the county, to be held or disposed of as herein provided.

E. If any such animal is so impounded, the same shall be released to the owner thereof only if payment is made, within five (5) days to the county or its designee, of such sums as may be designated from time to time by the Board of Supervisors for compensation for catching or otherwise apprehending such animal and for harboring and caring for such animal on a daily basis during the time of impoundment.

F. In addition to or in lieu of impounding an animal found in violation of this ordinance, any officer or designated official of the county may issue to the person known to own or be in possession or control of such animal a citation for any violation of this ordinance.

Any fines imposed, the Board of Supervisors shall pay asset from time to time paid within five (5) days of such citation. If such fine is not paid within the time prescribed, a criminal warrant shall be issued for such person, who may, upon conviction of such offense before the Justice Court, be punished as allowed by law.

G. All fees and fines imposed pursuant to this ordinance shall be paid by any violator, and all other requirements of this ordinance with respect to a dangerous/vicious animal shall be met before an animal impounded pursuant to this ordinance shall be released. If such fees are not paid within five (5) days, then such animal so impounded may be destroyed or otherwise disposed of.

**SECTION X. POSTING OF PREMISE; CONFINEMENT REQUIRED.**

A. All premises upon which a dangerous/vicious dog is kept, possessed or harbored shall be posted with signs that are conspicuously visible to the public and legible from property, public or private, adjacent to such premises. Such signs or notices shall contain letters of not less than two (2) inches in height and a message sufficient to warn the general public of the presence of dangerous/vicious dog(s). Such signs shall be placed at all locations where entry to the owner's property is common and expected and upon all enclosures within which dangerous/vicious dog(s) are confined, including residences and other structures.

B. The absence of any required signs shall be considered prima facie evidence of a violation of this section. Signs shall be constructed and maintained in a manner to withstand the elements.

C. Guard dogs shall remain on the owner's property and warning signs shall be posted as specified in paragraph A above.

D. All dangerous/vicious dogs shall be kept confined within the residence or other permanent structure on the premises of the owner or other person in possession or control of such dogs or within an enclosure as herein defined.

E. All dangerous/vicious dogs to be kept on the premises of the owner or person having possession or control of such dogs, and not within the residence or other permanent structure, shall be confined within a fence or structure area of at least four (4) feet in height forming a confined area sufficient to prevent the entry of young children and, in conjunction with tethering or other measures, effective in containing a dangerous/vicious dog. Such enclosure shall be securely closed and locked and equipped with secure sides, top and bottom and shall be designed to prevent the dog from escaping the enclosure. The bottom of such enclosure shall be concrete, and the sides and top shall be constructed of steel wire or other materials sufficient to prevent the dog from escaping the enclosure. The county reserves the right to issue more specific confinement requirements in instances where enclosures prove to be insufficient to prevent escape of such dogs or to prevent such dogs from coming into contact with people adjacent to such enclosures.

F. Such enclosures, fence or structure must be at least five (5) feet from any property line of the owner or person in control or possession of such dogs.

G. No dangerous/vicious dog shall be allowed outside of the residence or required enclosure, unless it is securely muzzled and under the direct control and supervision the owner/keeper.

H. In lieu of the requirement that the fence or structures are to have a concrete bottom, the fence or sides of each structure area must be embedded in the ground to a depth of two (2) feet.

#### **SECTION XI. IMPOUNDED ANIMALS.**

A. All animals may be disposed of after five (5) days of impoundment, unless the animal is diseased or seriously injured then it may be humanely destroyed immediately if the owner cannot be located. Animals held on court orders or for animal bites will be held for the time specified by the court and/or health department.

B. Any animal not claimed by the owner within the five day period will be put up for adoption. The person that adopts the animal after the five-day limit will become the legal owner of the animal.

C. The owner of an animal impounded in the animal shelter may reclaim the animal upon payment of fees for impoundment. The fees shall not be in lieu of any fine or penalty otherwise provided by law.

**I. Fees for reclaiming impounded animals are as follows:**

a. Vaccinated dogs.

First offense. ....	\$15.00
Second offense.....	\$25.00
Third offense.....	\$50.00
Subsequent offense.....	\$75.00

b. Unvaccinated dogs

First offense.....	\$25.00
Second offense.....	\$50.00
Third offense .....	\$100.00
Subsequent offense.....	\$150.00

c. Cats, each offense. ....\$15.00

d. Animals impounded for rabies quarantine...\$10.00 daily

e. In addition to the foregoing fees, the per day board for each day the animal is impounded in the animal shelter.....\$ 4.00 daily

f. The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction adoption of the animal.

**SECTION XII. ENFORCEMENT; PENALTIES.**

A. Primary enforcement responsibility: The provisions of this ordinance shall be enforced by animal control officers and authorized officer of Lowndes County.

B. Interference: No person shall interfere with, hinder, or molest the animal control officers or authorized officers of the county in the performance of their duties or seek to release any animal in the custody of the animal control officer, except as herein provided.

C. Citations: Animal control officers and authorized officers of Lowndes County are hereby authorized to issue citations to any person for violation of any provision of this ordinance. The citation shall be a form approved by the Lowndes County Justice Court, shall designate the offense charged and shall require person so charged to appear before the Lowndes County Justice Court on a certain date to answer the charges therein contained.

D. Penalties: Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five (\$25.00), nor more than five-hundred dollars (\$500.00), and if such violation be continued, each day's violation shall be a separate offense.

E. Equipment: Animal control officers are authorized to employ any equipment it deems necessary to enforce the provisions of this ordinance, including, without limitation, humane wire box traps, and the animal control officer may, subject to conditions it may determine lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

**SECTION XIII. CONSTITUTIONALITY.**

Should any section or provision of this article be held void, unconstitutional or invalid, it shall not effect the validity of any other section or provision hereof which is in itself not valid, unconstitutional or invalid.

**SECTION XIV.**

This order shall be published in a newspaper in said Lowndes County, Mississippi, for three consecutive weeks, whereupon this Ordinance and Order and the penalties hereof shall be in full force and effect.

**SECTION III:**

<b><u>First Offense</u></b>	<b><u>Second Offense</u></b>	<b><u>Third Offense</u></b>	<b><u>Subsequent</u></b>
A. \$25.00	\$50.00	\$75.00 Impound	\$100.00 Impound
B. Section X fines apply			
C. \$50.00	\$75.00	\$100.00 Impound	\$125.00 Impound

**SECTION IV:**

<b><u>First Offense</u></b>	<b><u>Second Offense</u></b>	<b><u>Third Offense</u></b>	<b><u>Subsequent</u></b>
A. \$25.00	\$50.00	\$75.00 Impound	\$100.00 Impound

**SECTION V:**

<b><u>First Offense</u></b>	<b><u>Second Offense</u></b>	<b><u>Third Offense</u></b>	<b><u>Subsequent</u></b>
A. 1. \$50.00	\$150.00	\$300.00	\$500.00
2. \$50.00	\$100.00	\$200.00	\$400.00
3. \$100.00	\$250.00	\$500.00	\$500.00
4. \$250.00	\$500.00	\$500.00	\$500.00
5. \$500.00 Impound	\$500.00 Impound	\$500.00 Impound	\$500.00 Impound
6. \$50.00	\$75.00	\$100.00 Impound	\$125.00 Impound
7. \$100.00 Impound	\$250.00 Impound	\$500.00 Impound	\$500.00 Impound

**SECTION VI:**

<b><u>First Offense</u></b>	<b><u>Second Offense</u></b>	<b><u>Third Offense</u></b>	<b><u>Subsequent</u></b>
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A. \$25.00	\$50.00	\$50.00	\$50.00 Impound
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**SECTION VII:**

Section III or X fines may apply plus the animal will be impounded for 10 days.

**SECTION VIII:**

<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Subsequent</u>
A. \$100.00	\$200.00	\$400.00 Impound	\$500.00 Impound

**SECTION X:**

<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Subsequent</u>
A. \$25.00	\$50.00	\$100.00	\$200.00
C. \$100.00	\$200.00	\$400.00	\$500.00 Impound
D. \$100.00	\$200.00	\$400.00 Impound	\$500.00 Impound
E. \$50.00	\$100.00	\$200.00	\$400.00
G. \$50.00	\$100.00	\$200.00	\$400.00

**SECTION XI:** Only fees apply.

**SECTION XII:** \$100.00 Fine