

**RANKIN COUNTY BOARD OF SUPERVISORS
ANIMAL CONTROL ORDINANCE WILD ANIMAL VARIANCE FORM**

Wild Animals*Variance - Check List

* Includes, but not limited to: hybrid wolf-dogs, pit bull breeds (purebred or any amount), and fighting dogs.

Name: _____ Phone #: _____

Address: _____

Type/number of Animal(s): _____ Request Date: _____

PROCEDURE: For situations that originate as a result of a complaint to Rankin County, animals determined by Rankin County authorities to fall within the general description of wild animals as defined herein will be picked up and held by animal control at the rate of \$10 per day, per animal, until you as the owner come into compliance with the Rankin County Animal Control Ordinance. Should you fail to comply within one (1) week from the date that you are first notified by Rankin County that your animal and/or residence/property is not suitable to house the animal, your animal(s) may be turned over to the Animal Rescue League and may not be returned to Rankin County. Any attempt to return the animal or animals to Rankin County may result in criminal prosecution.

For situations resulting from an observation that your animal falls under the definition of wild animal or that your property or enclosure is not compliant, you have two (2) weeks from the variance request date to come into compliance with the Ordinance. If you are not in compliance by the end of this two (2) week period, the animal(s) will be picked up by animal control and held for one (1) additional week at the rate of \$10 per day, per animal. If you are still not in compliance by the end of this third week, the animal(s) will be turned over to the Animal Rescue League and cannot be brought back into the county.

Signature of Applicant: (Note: The granting of a variance does not relieve the animal's owner from any and all liability incurred as a result of the animal's actions.)

1.PEN/ENCLOSURE (Inspected by RSO Animal Control):

Acceptable:

- | | |
|--|--------------------------|
| a) Concrete floor covering entire enclosed area; | <input type="checkbox"/> |
| b) Chain-link fence around enclosure, a minimum of 6 feet in height; and | <input type="checkbox"/> |
| c) Roof/cover capable of preventing animal(s) from escaping pen/enclosure. | <input type="checkbox"/> |

Inspected and approved: _____ Date: _____

Rankin Co. Sheriff Dept.- Animal Control

Comments:

INSURANCE: \$100,000 (minimum) Home Owner's Liability Policy from insurance company with an AM Best rating of at least A- to be issued through an insurance agent maintaining a current license to sell insurance in the State of Mississippi and having a physical place of business in the State of Mississippi.

Company: _____ Agent: _____ Policy No.: _____

Agent's Address: _____ Agent's Telephone: _____

Verified by county: _____ Date: _____

Board of Supervisors Office Representative

ACTION TAKEN BY BOARD OF SUPERVISORS: Variance Approved*

Variance Denied

Comments:

**Note: Any change in the above conditions requires re-inspection and approval. Any variance approved may be subsequently revoked for good cause or if an animal is found out of the approved pen/enclosure.*

Please return this form to Rankin County Sheriff's Department for filing after approval/denial. Animal Control Office 601-824-2024/Rankin Co. Sheriff's Dept. 601-825-1480

Your insurance agent must provide Rankin County a complete copy of both a declarations page and the policy of insurance. Further, your insurance agent must certify to Rankin County in writing that the policy of insurance covers any and all damages to persons or property of third parties that may be caused by your animal.

AN ORDINANCE OF RANKIN COUNTY, MISSISSIPPI AMENDING THE ORDINANCE PROVIDING FOR THE CONTROL AND PROTECTION OF ANIMALS IN GENERAL, SETTING REQUIREMENTS FOR THE RABIES IMMUNIZATION KEEPING OF DOGS AND OTHER ANIMALS AND FOR ALLIED PURPOSES

WHEREAS, on the 2ⁿd day of August, 2010, Rankin County, Mississippi, by and through its Board of Supervisors, passed an Ordinance providing for the control and protection of animals in general, setting requirements for the rabies immunization and for keeping of dogs and other animals, herein referred to as the Rankin County Animal Control Ordinance, a copy of which is attached hereto and incorporated by reference as Exhibit "A"; and,

WHEREAS, the terms and provisions thereof contain a Wild Animals Variance Form which is made part of the Ordinance and said Wild Animals Variance Form should be amended to require that in the event a variance is sought by an applicant for permission to keep an otherwise prohibited animal, that the applicant must purchase and maintain a \$100,000 (minimum) Home Owner's Liability Policy from an insurance company with an AM Best rating of at least A- to be issued through an insurance agent maintaining a current license to sell insurance in the State of Mississippi and having a physical place of business in the State of Mississippi; and,

WHEREAS, it is in the best interest of all citizens of Rankin County, Mississippi, to amend the terms and provisions of the Rankin County Animal Control Ordinance herein; and,

WHEREAS, the public health, safety and welfare dictate that this Ordinance be made effective immediately upon its passage;

NOW, THEREFORE, BE IT ORDAINED BY RANKIN COUNTY, MISSISSIPPI, by and through its Board of Supervisors, that the Wild Animals Variance Form attached hereto and incorporated by reference as Exhibit "B" is hereby adopted and made a part of the August 2, 2010, Rankin County Animal Control Ordinance and replaces all previous Wild Animals Variance Forms. Further, the Animal Control Ordinance is hereby amended to require that in the event a variance is sought by an applicant for permission to keep an otherwise prohibited animal, that the applicant must purchase and maintain a \$100,000 (minimum) Home Owner's Liability Policy from an insurance company with an AM Best rating of at least A- to be issued through an insurance agent maintaining a current license to sell insurance in the State of Mississippi and having a physical place of business in the State of Mississippi.

BE IT ORDAINED that based upon a specific finding of the Board of Supervisors, spread upon its minutes, the health, safety and welfare of the citizens of Rankin County, Mississippi, requires that this Ordinance be made effective immediately upon its passage.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF RANKIN COUNTY, MISSISSIPPI PROVIDING FOR THE CONTROL AND PROTECTION OF ANIMALS IN GENERAL, SETTING REQUIREMENTS FOR THE RABIES IMMUNIZATION, KEEPING OF DOGS AND OTHER ANIMALS AND FOR ALLIED PURPOSES

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF RANKIN COUNTY, MISSISSIPPI:

SECTION 1. THE CONTROL OR PROTECTION OF ANIMALS IN GENERAL.

IT SHALL BE UNLAWFUL FOR A PERSON TO:

Permit any animal, large or small, to run at large, off the premises of the owner or keeper thereof, within the unincorporated areas, of Rankin County unless such animal is lawfully engaged in game hunting during a legal hunting season or being used as working stock in the furtherance of a legal activity and under the direct supervision of a responsible person. In a platted subdivision, "at large" shall mean any animal or fowl that is not on a leash, behind a fence or in an enclosure.

Allow any animal to become a nuisance as defined herein.

Carry out any inhuman treatment against any animal or fowl.

Interfere or molest a dog used by law enforcement, in the performance of the fractions or the duties of such department.

Allow any pens, enclosures, etc. for the keeping of animals or fowl to become unsanitary, offensive, noisy or disagreeable to persons residing in the vicinity thereof, nor shall they be maintained or kept as to breed flies or in any manner cause any injury to the public health of any person residing in the vicinity of the pen, enclosure, cage, etc.

Keep or harbor any animal or fowl in such a manner as to become offensive by reason of odor or unclean or noisy condition, or in such a manner as to annoy any person residing in the vicinity thereof.

In a platted subdivision, it shall be unlawful to keep more than four (4) animals over the age of three (3) months unless the animals are being kept and maintained on one (1) or more acre of property A variance to this provision may be obtained upon approval by the Rankin County Board of Supervisors. To request such variance, the applicant must submit to the Board a written request specifying the details of the situation and reason for the variance request.

The duly sworn and authorized Animal Control Officer(s) of Rankin County, Mississippi, may seize or cause to have seized any animal whose owner is found to be in violation of any part of this Section and impound or cause to be impounded such animal in a designated shelter. Such animal shall be held for a period not to exceed five (5) days, unless the Animal Control Officer specifically finds that a shorter or longer period of time would serve the best interests of the County, and if reasonable corrections are not made by the owner of the animal so that the owner will not be in further violation of said Section 1 if such animal is returned to him, the animal shall be released to the Mississippi Animal Rescue League. The animal control officer shall designate to the owner what corrections are necessary to bring said owner into compliance with Section 1 during said five-day period.

The owner shall pay the actual cost associated with the capture, care and housing of said animal, with such payment to be made prior to the animal being released to the owner.

SECTION 2. VACCINATION OF DOGS AND CATS REQUIRED

Any dog or cat over the age of three (3) months in Rankin County shall be vaccinated against rabies by a veterinarian licensed to practice in the state of Mississippi. Evidence of vaccination shall consist of metal tag and certificate issued and signed by the veterinarian administering the vaccination and containing pertinent data for identification of the dog or cat which data must consist of owner's name, address and telephone number. The metal tag must be worn at all times by the dog or cat.

SECTION 3. WILD ANIMALS

No person shall keep any wild animal(s) or reptile(s) within Rankin County that could be considered a potential menace to the public. This shall include but not be limited to hybrid wolf-dogs, pit bull breeds or fighting dogs.

A variance to the provision relating to the keeping of wild animals and reptiles may be requested by obtaining special permission from the Rankin County Board of Supervisors. A special permit may then be issued from the Rankin County Administrator's office with a copy to the Animal Control Officer.

SECTION 4. VICIOUS, FERAL, NUISANCE OR DISEASED ANIMALS.

When an animal is determined by the Animal Control Officer to be a vicious animal, nuisance animal, diseased animal or a feral animal, that animal may be captured by the use of appropriate humane methods, including, but not limited to the use of so-called "tranquilizer drugs" or traps, by the animal control officer or his designee providing one of the following requirements are met:

1. the animal has been determined by the Animal Control Officer to be a vicious, feral, nuisance or diseased animal as defined herein, or
2. there is no vaccination tag around the animal's neck, or
3. attempts to otherwise peacefully capture the animal have been made and proven unsuccessful.

SECTION 5. IMPOUNDMENT OF ANIMALS OR FOWL.

Any dog or other animal captured by the Animal Control Officer may be impounded in any shelter as may be designated from time to time by the Board of Supervisors; such animal to be held, impounded or disposed of in accordance with the rules and regulation of that animal shelter. Fees for the capture and care of such animals shall be paid as set forth in Section 1.

SECTION 6. PROCEDURE ON RETENTION, OBSERVATION AND DISPOSITION OF ANIMALS WHICH HAVE BITTEN PERSONS OR OTHER ANIMALS, OR THOSE SUSPECTED OF HAVING DISEASE.

The Animal Control Officer or the person designated by the Board of Supervisors to represent and act for Rankin County, Mississippi, shall immediately notify the owner of any animal which has bitten any person or other animal to surrender the offending animal to an authorized officer immediately or otherwise arrange for the authorized officer to pick up and retain such animal in a separate kennel or at the designated animal shelter for a period of not less than ten (10) days after the biting of such person or other animal during which period it shall be determined by the Rankin County Health Officer that such animal or fowl may be safely released to the owner, provided the authorized officer may authorize keeping of any such animal or fowl on the owner's premises, provided that the owner produces a certificate of rabies vaccination performed by a veterinarian showing that such animal has been

vaccinated for rabies no longer that twelve (12) months previous thereto or vaccination period recognized by the U. S. Department of Agriculture and provided further, that the authorized officer may authorize any such animal to be retained for a period of not less than ten (10) days after biting such person or animal in quarters supervised by a veterinarian; provided further, that such officer may authorize the keeping of certain animals confined on the owner's premises because of veterinary medical reasons; such as rodents, monkeys, or other animals difficult to maintain or susceptible to disease which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the Rankin County Health Officer.

Any animal suspected of having disease may be subject to the impoundment and observation provisions set out in Section 6A.

Any animal found to be infected with rabies shall be forthwith destroyed by the Rankin County Animal Control Officer or any other designated officer in a humane manner,

If an animal has been picked up for the second time for biting a person or other animal, the Animal Control Officer may immediately dispose of the animal through the Mississippi Animal Rescue League.

SECTION 7. DEFINITIONS.

"Person" shall mean any individual, firm, association, syndicate, partnership or corporation.

"At large" shall mean any animal, dog, cat, or fowl shall be deemed to be at large when he is not on a leash, behind a fence, or enclosure, or under the control of a competent person or on a public street, road or highway. In a platted subdivision, "at large" shall mean any animal or fowl that is not on a leash, behind a fence or in an enclosure.

"Owner" shall mean any person, firm or corporation owning, keeping or harboring any animal or fowl.

"Vaccination" shall mean an inspection of U. S. Department of Agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian.

"Animal Control Officer" shall mean the person designated by the Board of Supervisors to represent and act for the said Rankin County, Mississippi in the impoundment of animals, controlling of animals running at large and as otherwise required in this ordinance.

"Inhumane treatment" shall mean the willful, intentional or grossly negligent treatment to any animal which deprives the animal of necessary sustenance, including food and water, protection from weather, or the willful, intentional or grossly negligent treatment of any animal, such as overloading, overworking, tormenting, beating, mutilation, teasing or poisoning, or other abnormal treatment as may be determined by: (1) Health Officer, or (2) an authorized law enforcement officer.

"Health Officer" shall mean a licensed veterinarian or other individual appointed by the Board of Supervisors to have charge and control of the work of protecting and preserving the public health.

"Livestock" shall mean all domesticated animals including, but not limited to, horses, cows, mules, goats, sheep, pigs, dogs, cats.

"Wild animals" shall mean all undomesticated animals including, but not limited to, lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, wolf-dogs, pit bull breeds, fighting dogs, skunks, racoons and opossums.

"Vicious animal" shall mean any animal or animals that constitute a physical threat to human beings or other animals.

"Nuisance animal" shall mean any animal wandering at large, off the premises of its owner or keeper, not engaged in lawful hunting activities or working under the direct control of a person, or which has become an annoyance (i.e. scattering garbage, excessive noise, etc.) or injures the livestock, pet or other property of any person.

This ordinance herein adopted shall not apply to the incorporated areas of the county.

SECTION 8. PENALTIES.

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be imprisoned in the county jail not more than ninety (90) days or fined not more than one thousand dollars (\$1,000.00) or both imprisonment and a fine. Upon a second or subsequent conviction of the provisions of this ordinance, within a twelve (12) month period, a minimum fine of two hundred dollars (\$200.00) shall be imposed. Each and every day that the same acts shall continue shall constitute a separate and distinct offense. Each and every violation shall constitute a separate and distinct offense.

Furthermore, in addition to any such fine and imprisonment which may be imposed, the court may also order that restitution be made to any victim(s) of the crime. The measure for restitution in money shall be in the amount of the actual financial loss to the victim(s) as a result of actions by the defendant in violation of this ordinance.

SECTION 9. CONSTITUTIONALITY.

Should any section or provision of this ordinance for any reason be held void, unconstitutional or invalid, it shall not effect the validity of any other section or provision hereto which is in itself not void, unconstitutional or invalid.

SECTION 10. REPEALER.

This Ordinance repeals that *Ordinance Providing for the Control and Protection of Animals in General, Setting Requirements for the Rabies Immunization, Keeping of Dogs and Other Animals and for Allied Purposes* recorded in Book 167, Page 587 in the minute book of the Board of Supervisors and dated the day of March, 2004 and the amendment thereto ordered the 19th day of May, 2010.

SECTION 11. EFFECTIVE DATE.

This ordinance is effective immediately. A copy of this ordinance will be published for the convenience of the citizens of Rankin County, Mississippi.

BE IT ORDAINED that based upon a specific finding of the Board of Supervisors, spread upon its minutes, the health, safety and welfare of the citizens of Rankin County, Mississippi requires that this Ordinance be made effective immediately upon its passage.

SO ORDERED, this the 2nd day of August, 2010.