

ORDINANCE OF STONE COUNTY MISSISSIPPI REGULATING OWNERSHIP OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS

WHEREAS, the public health and safety of the citizens of Stone County is a primary concern of Stone County and shall be considered by this Ordinance; and

WHEREAS, the American Veterinary Medical Association supports -dangerous animal legislation by state, county, or municipal governments provided that said legislation does not refer to specific breeds or classes of animals, for any such legislation should be directed at fostering safety and protection of the general public from dangerous animals; and

WHEREAS, dangerous dogs and potentially dangerous dogs have a greater propensity to bite or injure humans

THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF STONE COUNTY, MISSISSIPPI THAT:

SECTION 1: Definitions:

As used in this ordinance the following terms mean:

- a) "Dangerous dog" means any dog that:
 1. Causes an injury to a person, or domestic animal; or
 2. Has been, designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety as described in paragraph (f) of this section_
- b) "Injury" means any physical injury that requires medical treatment or causes pain.
- c) "Proper enclosure" means secure confinement indoors or secure confinement in a locked pen, fenced yard (to include in-ground fence), or structure measuring at least 6 feet in width, 12 feet in length, and 6 feet in height, capped if there is a dog house inside or if the dog can climb a fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property. Enclosures also must have a concrete floor covering the entire enclosed area
- d) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.
- e) "Impound" means taken into custody of the Animal Control Authority or the owner may have such animal impounded with a private veterinarian licensed to practice veterinary medicine with the state of Mississippi.
- f) "Potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
 1. Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;
 2. Running at large and impounded or owners cited by the Animal Control Authority two (2) or more times within any 12-month period.
- g) "Responsible person" means a person at least eighteen (18) years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

SECTION 2. Determination of a potentially dangerous dog

The Sheriff's Office Animal Control Officer or his/her designee is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in Section 1 (f) and shall, notify the owner of the dog.

Following notice to the owner, if the Sheriff's Office Animal Control Officer or his/her designee has probable cause to believe that a dog is a potentially dangerous dog and may pose a threat to public safety, the Sheriff's Office Animal Control Officer or his/her designee may obtain an order for the removal and impoundment of the dog pending disposition, of the case or until the owner has fulfilled the requirements of Section 6.

Upon notice, the owner of a dog that has been determined to be a potentially dangerous dog, may, within five (5) business days after such a determination, file a petition with the court that granted the order of removal, seeking review of the determination.

SECTION, 3: Determination of a dangerous dog.

After an investigation the Sheriff's Office Animal Control Officer or his/her designee is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in Section 1(f) and shall notify the owner of the dog of such determination.

Following notice to the owner, if the Sheriff's Office Animal Control Officer or his/her designee has probable cause to believe that a dog is a potentially dangerous dog and may pose a threat to public safety, the Sheriff's Office Animal Control Officer or his/her designee may obtain an order of removal and impound the dog pending disposition of the case or until the owner has fulfilled the requirements of Section 6.

The owner may, within five (5) business days after a determination that a dog is a dangerous dog, file a petition with the court granting the order of removal, seeking review of the determination.

SECTION 4: Exceptions.

No dog shall be declared a dangerous or potentially dangerous dog if:

- a) The dog was used by a law enforcement official for legitimate law enforcement
- b) Purposes.
- c) The threat, injury, or damage was sustained by a person:
 1. Who was committing at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog, or;
 2. Who was provoking, tormenting, abusing or assaulting the dog who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog, or
 3. Who was committing or attempting to commit a crime on the owner or upon the real property of the owner, or
- d) The dog was:
 1. Responding to pain, or injury, or
 2. Protecting itself or its offspring, Or

3. Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

SECTION 5: Consequences of a dangerous or potentially dangerous dog determination.

If the Sheriff's Office Animal Control Director or his/her designee determines that a dog is a potentially dangerous dog under Section 2, the owner shall comply with the provisions of Section 5 and Section 6.

If the Sheriff's Office Animal Control Director or his/her designee determines that a dog is a dangerous dog under Section 3, the owner shall comply with the provisions of Section 5 and Section 6.

The Sheriff's Office Animal Control Director or his/her designee may require impoundment of the dog until the owner of the dog has satisfied all the requirements for the certificate of registration holding permit. The requirements must be met within thirty (30) days. The owner will be responsible for impoundment or removal expenses. If, after thirty (30) days, the owner has not satisfied all the requirements of the holding permit, the Sheriff's Animal Control Director or his/her designee may seek an order for removal or disposition of the animal from the proper jurisdiction.

SECTION 6: Dangerous dog and potentially dangerous dog registration and handling requirements.

The Sheriff's Office Animal Control Director or his/her designee shall issue a certificate of registration to the owner of a dangerous dog or potentially dangerous dog if the owner establishes to the satisfaction, of the Sheriff's Office Animal Control Authority that:

1. The owner of the dangerous dog or potentially dangerous dog is eighteen (18) years of age or older.
2. A valid license has been issued for the dangerous dog or potentially dangerous dog pursuant to jurisdiction.
3. The dangerous dog or potentially dangerous dog has a current rabies vaccination.
4. The owner has proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog,
5. The owner has paid an annual fee of \$50.00, in addition to any regular dog licensing fees to register the potentially dangerous dog.
6. A minimum of \$100,000.00 Home Owner's Liability Policy and letter from the insurance company indicating their knowledge of the presence of the animal on the property.
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SECTION 7: Dangerous or potentially dangerous dog owner responsibility.

It shall be unlawful for an owner to:

- a) Keep a dog that has been determined to be dangerous or potentially dangerous dog by the appropriate authority, without a valid certificate of registration issued under Section 6.
- b) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person as defined in SECTION 1, muzzled, and restrained by a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal
- c) Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical

treatment or examination, the dangerous dog shall be caged or under the control of a responsible person defined in Section 1; muzzled and restrained with a lead not exceeding four (4) feet in length. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal.

- d) Fail to notify the Sheriffs Office Animal Control Authority immediately upon escape of a dangerous or potentially dangerous dog.

SECTION 8: Penalty for violation of the ordinance.

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| 1st offense: | Fine in an amount of not less than \$100.00 nor more than, \$299_00 plus all costs and assessments; |
| 2nd offense: | Fine in an amount of not less than \$300.00 nor more than \$499.00 plus all costs and assessments; |
| 3rd offense: | Fine in an, amount of not less than \$500_00 nor more than, \$999.00 plus all costs and assessments; up to thirty (30) days in jail and permanent relinquishment of the dog. |

SECTION 9: Enforcement.

The Stone County Sheriff’s Office and/or any designated representative of the County shall have the primary duty and responsibility of enforcing the provisions of this Ordinance and any such law officer or designated representative is fully authorized and empowered to enforce any and all of the provisions of this ordinance.

SECTION 10: Elimination of Animals -When Authorized.

When an animal is determined by the Sheriff’s Office Animal Control Officer or his/her designee to be a vicious animal, or feral dog, that animal may be destroyed by the Sheriff’s Office Animal Control, Officer or his/her designee providing each of the following requirements is met:

1. The animal is running at large.
2. There is no vaccination tag around the animal is neck.
3. Peaceful attempts to capture the animal have been made and proved unsuccessful or a peaceful attempt to capture the animal could reasonably result in injury to any person.
4. The owner cannot immediately control the animal or the owner cannot be immediately found.

It shall be the duty of the Sheriff’s Office Animal Control Officer or his/her designee to discharge a firearm in order to mercifully end the life of an, animal, suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard because of a dangerous or feral dogs.