

**AMENDED ORDINANCE PROVIDING FOR THE CONTROL OF DOGS AND  
DANGEROUS ANIMALS WITHIN UNION COUNTY, MISSISSIPPI  
MARCH 17, 2014**

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

SECTION 1. DEFINITIONS

THAT for the purpose of this Ordinance, the following definitions shall apply:

- a) The word "Dog" shall include both the male and female sex of the canine species.
- b) The words "Dangerous Dog" shall mean any Dog, when unprovoked, approaches, in a dangerous, threatening, menacing or terrorizing manner, any person in an apparent attitude of attack, or has attempted to bite, or has bitten, maimed, killed, or otherwise endangered the safety of human beings or other domestic dog.  
"Dangerous Dog" shall not include:
  1. A police dog while being used to assist law enforcement officials in the performance of their official duties.
  2. A dog attempting to prevent a trespass or other criminal offense on the property of its owner, keeper, or harborer.
- c) The words "Domestic Dog" shall mean a dog kept for pleasure rather than utility. Further, it shall not include any dog owned or harbored primarily or in part for the purpose of a dog fight, or any dog trained for dog fighting.
- d) The word "Owner" shall mean a person, partnership, corporation or other entity owning, possessing, keeping or harboring one or more dogs.
- e) The word "Restraint" shall mean when a dog is secured by a leash or lead of less than six (6) feet, within the real property limits of its owner, or tethered in such a way that the dog is within the real property limits of its owner.
- f) The words "Secure Enclosure" shall mean a fenced enclosure or building located no closer than ten (10) feet from the boundary lines of the owner's property which is covered and constructed in such a manner to prevent a dog from escaping, including adequate provisions to prevent dogs from digging out or escaping the owner's property.
- g) The words "Without Provocation" shall mean that the dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.
- h) The words "Menacing Fashion" shall mean that the dog would cause a reasonable person being chased or approached to believe that the dog would attempt to cause physical injury to that person.
- i) The word "Nuisance" shall mean a dog that causes a continuing and annoying problem to a property owner, such as a continuing trespass on the property owner's property.
- j) The words "Severe Injury" shall mean any physical injury to a human being or other dog that results in muscle tears or disfiguring lacerations or requires multiple procedures or corrective or cosmetic surgery.
- k) The words "Abandoned Dog" shall mean any dog that has been deserted, is unreasonably unrestrained, uninhibited or depraved.

- l) The words "Union County" shall mean the unincorporated areas of Union County, Mississippi.
- m) The word "Board" shall mean the Union County Board of Supervisors.
- n) The words "Law Officer" shall mean the Union County Sheriff or any of his lawfully authorized deputies.
- o) The word "County" shall mean Union County, Mississippi, its departments and employees.

## SECTION 2. ANIMAL CONTROL DEPARTMENT

(The Board shall designate and appoint a deputy of the Union County Sheriff's Department as the County's Animal Control Officer. The Animal Control Officer, the Union County Sheriff and any of his duly-appointed deputies shall have the authority to enforce the provisions of this Ordinance. The Animal Control Officer shall keep complete and accurate records of all dogs taken up, giving names of owners, if known, kind/breed of dog, date of taking up and disposition of the matter, and periodically report to the Board. The Animal Control Officer, the Sheriff or any Sheriff's Deputy is hereby authorized to enter upon any lot, tract or parcel of land for the purpose of investigating complaints, or seizing and impounding any dog found thereon in violation of this Ordinance.

The County shall contract with an independent contractor for purposes that may include the following duties:

1. Holding, maintaining, putting out for adoption, or, if necessary and pursuant to the Laws of the State of Mississippi, humanely destroying the animal.
2. Furnishing appropriate amounts of wholesome food for all dogs taken into custody.
3. Furnishing veterinary supplied (as allowed by law) and medicines necessary for the humane treatment of the dogs within their care as well as chemical euthanasia supplies or allow a licensed veterinarian to perform euthanasia where applicable.

The County may provide a temporary holding run or shelter for any dog taken into its possession, while awaiting transportation to the independent contractor.

## SECTION 3. ABANDONED and INJURED DOGS.

Upon receipt of a sworn affidavit from any responsible citizen of Union County that any dog is found to be neglected and abandoned, and has been on that citizen's property for a period of at least seventy-two (72) hours in a state of neglect and abandonment, then said dog may be caught, impounded and/or transported to the independent contractor. In the event the Animal Control Officer or the Sheriff or Sheriff's deputy of the County finds any animal in such a state of injury or is diseased past recovery, he/she may cause the animal to be humanely destroyed. Disease shall include, but is not limited to, any dog reasonably suspected of suffering with Hydrophobia (Rabies), or any dog hit and injured by an automobile.

In the cases of abandoned and injured dogs, the Animal Control Officer will make all reasonable attempts to notify the owner that his/her dog has been taken for what reasons. No action shall be maintained by the Owner of said animal for any of the actions described in this Section 3.

## SECTION 4. VACCINATIONS.

Every person who owns or has in his possession or who keeps or harbors any dog in Union County, shall have and keep said dog inoculated (vaccinated) against Hydrophobia (Rabies), as provided by the Laws

of the State of Mississippi, and as provided by the rules and regulations promulgated by the Mississippi State Board of Health, and it shall be unlawful for any person to own, possess, keep or harbor any dog within Union County unless said dog has been so inoculated against Rabies.

SECTION 5. DANGEROUS DOGS.

Any domestic dog that exhibits any of the following characteristics shall be considered a "Dangerous Dog":

- a) Without provocation the dog approaches, in a threatening or terrorizing manner, any person in any apparent attitude of attack, or exhibits any behavior that constitutes a physical threat of bodily harm to a person where such person is conducting him/herself peaceably and lawfully (and not trespassing). For purposes of this Section 5, a person shall be considered to be peaceably and lawfully upon the private property of any owner of an animal when he is on such property in the performance of any duty imposed upon him by any laws or postal regulations of the United States or any political subdivision.
- b) Without provocation bites, inflicts injury, assaults or otherwise attacks a person, in any place where such person is conducting him/herself peaceably and lawfully, or when such animal is not on the property of the owner of the 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 other domestic animals.
- d) Owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
- e) Upon receipt of a notice that a dog has exhibited any of the behaviors listed above ((a) through (d)), the Animal Control Officer or the Sheriff or Sheriff's deputy of the County, shall investigate the matter, and if said complaint is verified by the investigating officer, the dog may be caught, impounded and/or transported to the independent contractor. If the investigating officer determines the dog is an immediate threat to cause bodily injury to humans, and cannot be subdued, the dog may be destroyed. The investigating officer, or the Animal Control Officer, will make all reasonable attempts to notify the owner that his/her dog has been taken for what reasons.
- f) If, following receipt of the first notice, the investigating officer determines the dog is dangerous, but is not an immediate threat to cause bodily injury to humans and can be subdued, the investigating officer may allow said dangerous dog to be claimed by its owner pursuant to Section 7 of this ordinance. If, however, a second notice is received for the same animal(s), the investigating officer may cause the animal to be destroyed.
- g) Notwithstanding the provisions of this Section 5, no animal may be determined to be dangerous due to the fact it:
  1. Inflicts injury or damage on a person who is committing a willful trespass or other tort upon the premises occupied by the person owning or in possession of the animal or who is teasing, tormenting, abusing or assaulting the animal or who is committing or attempting to commit a crime.
  2. Inflicts injury or damage on another domestic animal that is or was teasing, tormenting, abusing or assaulting the animal.
  3. Takes any action to defend or protect a human being within the immediate vicinity of the animal from any unjustified attack or assault.

- h) Exemptions. Unless specifically stated to the contrary, the following are exempt from the herein-stated requirements:
1. Any duly authorized and lawfully operating dealers in animals within Union County.
  2. Any lawfully operated circus, carnival, performing act or similar functions and events of a temporary nature as may be authorized by the County.
  3. Dogs assisting a law enforcement officer engaged in his/her duties.
  4. Animals in a licensed veterinary, animal or small animal hospital for treatment.
- i) No action shall be maintained by the Owner of said animal for any of the actions described in this Section 5.

#### SECTION 6. NUISANCE/TRESPASSING DOGS.

Upon receipt of a sworn affidavit from any responsible citizen of Union County, that a dog(s) has trespassed on his/her property and/or has caused a nuisance as defined by this ordinance, the Animal Control Officer may identify the owner of the animal for which the complaint is made, and thereafter may warn the owner or may impound the animal at his/her sole discretion.

#### SECTION 7. IMPOUNDMENT AND FEES.

Pursuant to Section 41-53-11 of the Mississippi Code of 1972, as amended, any dog impounded by the County shall be kept by the Animal Control Officer and/or the independent contractor for a period of five (5) days from the date of impoundment. If not picked up by the Owner by the end of the five (5) day period, the dog shall be considered abandoned.

Pursuant to Section 97-41-3 of the Mississippi Code of 1972, as amended, an injured or neglected dangerous dog may be euthanized without any waiting period. Therefore, the provisions of Section 6, subsection (a), do not apply under those circumstances.

An Owner claiming the impounded dog shall pay unto the Animal Control Officer an impounding fee in the amount of \$25.00, a maintenance fee of \$7.00 per day, and the costs of any medical/veterinary treatment provided the dog by the County. If claimed or adopted from the independent contractor referenced herein, the Owner or adopting party shall pay, in addition to the County fees, any fees claimed due and payable to the independent contractor.

Union County recommends that all dog owners properly identify their dogs with identification collars or some other form of identification so that the owner can be easily notified when the dog is impounded.

#### SECTION 8. PENALTIES AND ENFORCEMENT.

The Union County's Sheriff's Department and any designated representative of the County shall have the primary duty and responsibility of enforcing the provisions of this Ordinance and any such law enforcement officer or designated representative is fully authorized and empowered to enforce any and all of the provision hereof.

The civil and criminal provisions of this Ordinance shall be enforced by those persons or agencies designated by the Sheriff including the Animal Control Officer or his lawful designee. It shall be a violation of this Ordinance to interfere with the Animal Control Officer, the Sheriff, or any Sheriff's Deputy, or their lawful designee, in the performance of their duties herein. The Animal Control Officer,

the Sheriff or any Sheriff's Deputy may utilize any equipment reasonable and necessary to enforce the provisions of this Ordinance.

The failure or refusal of any person to comply with any of the provisions of this Ordinance, and the violation of any provision of this Ordinance by any person shall constitute a misdemeanor, and any person guilty of any violation or any provision of this Ordinance shall, on conviction thereof, be fined for the first offense in a sum not to exceed Twenty-Five Dollars (\$25.00); and the second offense in a sum not to exceed Fifty Dollars (\$50.00); and for the third offense a sum not to exceed One Hundred Dollars (\$100.00); and for any subsequent offense a sum not to exceed One Thousand Dollars (\$1,000.00) and/or six (6) months in jail.

#### SECTION 9. SEVERABILITY.

This Ordinance has been considered section by section, provision by provision, and as a whole, and if any section or provision hereof should be held unconstitutional or invalid for any reason, the remaining sections and provisions hereof shall be valid, it being hereby declared that all constitutional and valid provisions hereof would have been enacted after the exclusion of any section or provision which might be found to be unconstitutional or invalid.

#### SECTION 9. EFFECTIVE DATE.

The Clerk of the Board of Supervisors shall cause this Ordinance to be published as soon as possible following its passage, and this Ordinance shall become effective thirty (30) days after the date of adoption.

THIS THE 17<sup>TH</sup> DAY OF MARCH, 2014.