

AN ORDINANCE PROVIDING FOR THE CONTROL OF DOMESTICATED ANIMALS IN KEMPER COUNTY, MISSISSIPPI BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF KEMPER COUNTY, MISSISSIPPI

SECTION 1-1: DEFINITIONS

The following words, whenever used in this ordinance, shall have the meaning ascribed to them unless a different meaning clearly appears from the context:

Domesticated Animal means an animal habituated to live in or about the habitations of men, or such as contribute to the support of a family or the wealth of the community.

Person means any individual, firm, association, syndicate, partnership or corporation.

At large means any domesticated animal not on a leash, or contained by a fence, or other enclosure.

Owner means any person, firm or corporation owning, keeping, or harboring a domesticated animal.

Vaccination means an injection of United States Department of Agriculture's approved rabies vaccine administered every twelve (12) calendar months.

Inhumane treatment means any treatment of any animal which deprives that animal of necessary sustenance, including food, water and protection from weather, and any treatment of any domesticated animal, such as overloading, overworking, tormenting, beating, mutilating, teasing, poisoning, or other abnormal treatment.

Feral Animal means an animal that has escaped from domestication and has become wild, dangerous or untamed.

Vicious Animal means an animal that constitutes a physical threat to human beings or other animals.

Large canine breeds means dogs that weigh in excess of 60 pounds.

Wild animals means animals normally found in the wild state and which are not ordinarily domesticated by man, whether raised in captivity or the wild, including, but not limited to, lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, skunks, raccoons, opossums and squirrels.

SECTION 1-2: THE CONTROL OR PROTECTION OF DOMESTICATED ANIMALS

It shall be unlawful for a person to:

Permit his/her domesticated animal to run at large in any unincorporated area of Kemper County, Mississippi, which has been alleged to be a nuisance, and against which a written complaint has been filed with the Kemper County Sheriff Department, and after notice of the filing of said complaint has been given to its owner, if the owner is known, and his/her address reasonably determined. Provided, however, the absence of this notice may not be used by such owner as a defense against the allegations contained in said written complaint. It shall not be a violation of this ordinance for **livestock including cows, bulls, horses,, jacks, sheep, goats, chickens and turkeys, by way of example, that are kept penned or fenced, who escape and run at large so long as the owner has used reasonable efforts to construct and maintain their fences and pens.**

Inflict inhumane treatment against a domesticated animal.

Keep or harbor an animal which by loud, frequent or habitual barking, howling, yelping or other noise or action, disturbs any person within Kemper County.

Allow a pen or enclosure used for the keeping of domesticated animals to become unsanitary, offensive, or in any other manner which may cause injury to the public health of any person residing in the vicinity of such pen or enclosure.

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

Fail to provide his/her animal with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, or to otherwise deny humane care and treatment to such animal.

Leave his/her animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to said animal.

Expose any known poisonous substance, whether mixed with food or not, in such a manner as to be ingested by any animal with the intent to purposely harm said animal.

SECTION 1-3: VICIOUS/DANGEROUS ANIMALS

An animal may be declared vicious or dangerous by any Law Enforcement Officer of Kemper County, Mississippi, if the animal, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack.

An animal shall be declared by any law enforcement officer of Kemper County, Mississippi to be vicious or dangerous if that animal has a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domesticated animals.

Any dog owned or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting, deemed to be vicious or dangerous. Any such animal must be securely confined on the owner's property by: being confined indoors or in a securely enclosed and locked pen or structure. This pen or structure shall be at least six (6) feet in height, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of ten (10) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The enclosure gate must be secured by a lock, and the enclosure must also provide protection from the elements for the animal.

No animal declared vicious or dangerous may be kept on a chain, or in any other manner tethered or tied outside of a pen or enclosure.

Exemptions for animals that are provoked are as follows: No animal may be declared vicious or dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing, or assaulting the animal or if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

SECTION 1-4: PENALTIES

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor. Each day the violation continues shall constitute a separate and distinct offense. Further, each and every violation shall constitute a separate and distinct offense. The penalty for each violation shall be:

First offense: \$100.00

Second offense: \$200.00

Third offense: \$400.00 and/or up to ninety (90) days in the Kemper County Detention

Facility, or both and also, the Judge will determine the disposition of the animal.

SECTION 1-5 CONSTITUTIONALITY

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

SECTION 1-6: MISCELLANEOUS

This ordinance is of no force or effect in any incorporated area of Kemper County, Mississippi.

It shall be a violation of this ordinance to interfere with the law enforcement officer or any other duly authorized person in the performance of his/her duties.

Any person, may if he/she chooses so to do, make affidavit before the proper authority, for the issuance of an arrest warrant for the violation of this ordinance.

The effective date of this ordinance shall be one (1) month after is passage.

SO ORDAINED this the 4th day of April, 2011.