

**ORDINANCE PROVIDING FOR THE CONTROL OF VICIOUS ANIMALS WITHIN
PONTOTOC COUNTY, MISSISSIPPI
JULY 5, 2011**

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

Section 1. That for the purpose of this ordinance, the following definitions shall apply:

Vicious Dog means any dog:

1. When unprovoked, approaches, in a dangerous or terrorizing manner, any person in an apparent attitude of attack, upon the streets, sidewalks or any public grounds or places within the county;
2. With a known propensity, tendency or disposition to attack, when unprovoked, to cause injury or otherwise endanger the safety of human beings or domestic dogs;
3. Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic dog, without provocation, on public or private property; or
4. Owned or harbored primarily or in part for the purpose of a dog fight, or any dog trained for dog fighting.

Vicious Dog shall not include: a police dog while being used to assist law enforcement officials in the performance of their official duties or a dog attempting to prevent a trespass or other criminal offense on the property of its owner, keeper or harborer.

Owner means a person, partnership or corporation owning, possessing, keeping or harboring one or more dogs.

Pet means any dog kept for pleasure rather than utility.

Restraint means when a dog is secured by a leash or lead of less than six feet, within the fenced real property limits of its owner, or tethered in such a way that the dog is within the real property limits of its owner.

Secure Enclosure means a fenced enclosure or building located no closer than ten feet (10') from the boundary lines of the owners' 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 under the fence.

Unprovoked means that a dog was not hit, kicked, or struck by a person with an object or part of a person's body, nor was any part of the dog's body pulled, pinched or squeezed by a person.

Vicious dog means a dog that constitutes a physical threat to human beings or other dogs.

Section 2. That for the purpose of this ordinance, the following definitions shall apply regarding the county:

- a) The words "Pontotoc County" shall mean all the unincorporated areas of Pontotoc County, Mississippi.
- b) The word "Board" shall mean the Board of Supervisors of Pontotoc County, Mississippi.

- c) The word "Law Officer" shall mean the Pontotoc County Sheriff or any of his lawfully authorized deputies, or other law enforcement personnel.
- d) The word "County" shall mean Pontotoc County, Mississippi, its departments and employees.

Section 3. ANIMAL CONTROL DEPARTMENT

The County shall contract with an independent contractor to operate as the Animal Control Officer and this person shall have authority to enforce the provisions herein. The requirements for the Animal Control Officer, an independent contractor with the County, shall be as follows:

- a) must submit to a criminal background investigation;
- b) must submit to financial background investigation;
- c) carry a minimum of general liability insurance coverage and automobile liability insurance coverage;
- d) County will provide cell phone for independent contractor or pay for same;
- e) be available by cell phone 24 hours a day/7 days a week;
- f) furnish suitable tranquilizer gun;
- g) furnish both large and small humane box wire traps;
- h) furnish suitable and dependable vehicle to be used in dog control;
- i) furnish a kennel consisting of the following, at a minimum, to wit: a secure building containing ten 4¹ x 10' runs, well ventilated and with a well-drained concrete floor. This building may not be placed in a heavily populated area. All dog feces is to be disposed of properly and not allowed to go into a water source. Building to a minimum of 16 feet in width and 20 feet in length with no more than six (6) feet of the ten (10) foot length of each kennel run exposed to the elements. Sufficient clean water shall be available for hosing down the kennels and keeping water available for dogs kept;
- j) furnish all veterinary supplies (as allowed by law) and medicines necessary for the humane treatment of the dogs within his care as well as chemical euthanasia supplies or allow a licensed veterinarian to perform euthanasia where applicable;
- k) furnish appropriate amounts of wholesome food for all dogs taken into custody;
- l) keep complete and accurate records of all dogs taken into custody, boarded, released to owners, adopted or euthanized. Keep complete and accurate records of all fees charged (to be set by the County) and remit same to the Chancery Clerk to be deposited into the General Fund;
- m) suitable dog taser device (at the discretion of the Animal Control Officer);
- n) a suitable firearm for dealing with vicious, seriously diseased or seriously injured dogs. However, same is not to be worn or carried on routine calls, but is to be available in vehicle when needed;
- o) abide by all regulations of the County of Pontotoc regarding dogs;
- p) submit to firearms training by the County of Pontotoc Sheriff's Department to be used for vicious, seriously diseased or seriously injured dogs or those which cannot be caught by other means; and
- q) enter into a contract with the County for these services.

Section 4. NOTIFICATION AND FEES

Vicious dogs found loose or trespassing. The Animal Control Officer or his lawful designee shall take up any vicious dog and shall impound such dog and make all reasonable attempts to notify the owner that the Animal Control Officer has such dog in charge. Any dog that is impounded may be kept by the Animal Control Officer for a period of at least ten (10) consecutive days unless claimed sooner by the owner.

Notification. In the event the owner cannot be found within ten (10) days or the dog is not picked up within ten (10) days from its impoundment, the Animal Control Officer may consider the same to have been abandoned.

Records. The Animal Control Officer shall keep a complete and accurate record of all dogs taken up, giving names of owners, if known, kind of dog, whether vaccinated, date of taking up and disposition of the matter, and periodically render a report to the Board of Supervisors.

Impounding Fee. The impounding fee, medical and fees charges shall be paid to the County by the owner of the dog or by anyone adopting said dog. The rightful owner of any dog held by the Animal Control Officer may obtain said dog upon payment to the County by paying the Chancery Clerk or the Animal Control Officer an impounding fee of \$25.00, a maintenance fee of \$7.00 per day, payment for all medical services provided to such dog, provided proof of a current vaccination certificate as set forth herein is presented at the time such dog is claimed by its owner and, if a dog, the same has an identification tag on its collar identifying the owner of the dog. The ten (10) day waiting period is waived for a vicious or feral dog, or for any dog suffering from an infectious disease or so terribly injured that it is unlikely to live. Pursuant to MCA 1972, Sec. 97413, an injured or neglected vicious dog may be euthanized without any waiting period. The goal is to mercifully end the life of such dog.

Penalties and disposition of fines charged. Any person convicted of violating a provision of this chapter that does not include a specific penalty under state law shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be punishable by imprisonment for a period not to exceed six (6) months, or a fine not to exceed \$500.00, or both, and all lawful costs, except that any person so convicted shall be fined a sum of not less than \$25.00 for the first offense, not less than \$50.00 for a second offense, and not less than \$100.00 for the third offense, and all subsequent offenses. In addition, the court may require up to 100 hours of community service. However, if state law provides penalties for a particular offense that exceeds the penalties listed herein, the court may choose to apply the penalty allowed by state law

If an unvaccinated vicious dog is claimed during the ten (10) day period, such dog shall not release until vaccinated and tagged as herein provided.

Should any impounded dog not be claimed within the ten (10) day period, any and all such dogs shall be disposed of by adoption or destroyed. Reasonable efforts will be made to secure adoption of impounded dogs.

For all vicious dogs having vaccination tags and/or identifying tags, reasonable efforts shall be made to contact the owners.

Funds obtained from fees generated herein shall be deposited into the General Fund.

Section 5. ENFORCEMENT

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

The civil and criminal provisions of this article 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 article to interfere with an Animal Control Officer or his lawful designee. in the performance of their duties herein. Any Designated Animal Control Officer may utilize any equipment reasonable and necessary to enforce the provisions of this article including, but not limited to, humane wire box traps, chemical capture weapons, and other dog control equipment.

As authorized by the County, any law enforcement officer and/or Animal Control Officer, may enter private premises to enforce local dog control ordinances or state animal control statutes.

Any official or representative of the County, lawfully designated to enforce the provisions of this article shall have the power and authority to issue summons and citations returnable to the justice court or to any other proper authority for violations of this article. Such summons and citations shall have the same full force and effect as if issued by the Pontotoc County Sheriff's Department for other law enforcement purposes. The section on penalties also applies for purposes of enforcement responsibility.

The civil and criminal provisions of this title shall be enforced by the Animal Control Officer, and in extraordinary circumstances, the Pontotoc County Sheriff's Department.

The dog Control Officer having probable cause that a person has violated a section of this title may, in lieu of obtaining a misdemeanor warrant for arrest of such suspect, issue to the person a written citation requiring the person to appear at a date and time in the Justice court to answer the charge or charged specified in the citation.

It shall be a violation of this title to interfere with an Animal Control Officer in the performance of his duties.

Section 6. ELIMINATION OF DOGS, WHEN AUTHORIZED.

When any dog is determined by the Animal Control Officer to be a vicious dog, that dog may be destroyed by the Animal Control Officer or his lawful designee, providing two (2) of the following requirements are met: (1) the dog is running at large or not properly confined; (2) there is no ownership identification tag on the dog's collar; (3) there is no vaccination tag around the dog's neck; (4) attempts to peacefully capture the dog have been made and proven unsuccessful.

Any dog that aggressively attacks and causes severe injury or death of any humans shall be immediately confiscated by dog control and thereafter destroyed in an expeditious and humane manner. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Seriously injured or diseased dogs, etc. It shall be the duty of the Animal Control Officer or his lawful designee either to humanely euthanize with an injection or to discharge a firearm in order to mercifully

end the life of any dog suffering from a serious injury or disease. Reasonable efforts shall be made to first locate the owner of any such injured or diseased dog if the dog carries proper identification.

When any vicious dog, in the judgment of the Animal Control Officer, or his lawful designee, poses a serious and immediate threat of serious harm or injury to human life, then it shall be the lawful duty of such officer to eliminate such dog without requiring such officer or official to catch, restrain or impound such dog or give any notice whatsoever in the sole and exclusive judgment of said officer.

Neither the County, the Animal Control Officer, his lawful designee or the Sheriff's Department shall be held liable for any acts in this regard or any phase of the enforcement of this article.

Section 7. AUTHORITY.

It shall be the duty of the Animal Control or his lawful designee to seize and impound, subject to the provisions of this article, all vicious dogs, whether domesticated or undomesticated, found in violation of the provisions herein within the County, whether such dog shall be in the immediate presence of its owner or custodian or otherwise.

Section 8. RIGHT OF ENTRY.

The Animal Control Officer or his lawful designee is hereby authorized to enter upon any lot, tract or parcel of land for the purpose of seizing and impounding any dog found thereon in violation of this chapter.

Section 9. RIGHT AND COSTS TO REDEEM, FINES ADDITIONAL.

The owner of any dog which has been impounded under the provisions of this article shall have the right to redeem such dog upon the payment of any and all fees which may be due and payable for the impoundment of such dog; provided, however, that the payment of such impoundment fees shall not bar the imposition of any fine which may be imposed for the violation herein.

Section 10. EXPOSING TO POISONS.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall be liable to be eaten by any dog.

Section 11. EXCUSED BEHAVIOR.

No dog shall be declared vicious if the threat, injury or damage caused by such dog was sustained by a person who, at the time of such threat, injury or damage, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. Nor shall any dog be declared vicious if such dog was responding to pain or injury, or was protecting itself, its kennels or its offspring.

Section 12. ACQUISITION.

No person within the County shall train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to attack human beings or domestic dogs when unprovoked.

The Animal Control Officer shall order the owner of a vicious dog to register such dog with the Sheriff's Department. The application for such registration shall contained the name and address of the owner, the breed, age, sex, color and any other identifying marks of the dog.

The Animal Control Officer shall order the owner of a vicious dog to confine the dog at all times indoors, or in a proper secure enclosure, which shall consist of a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, or any part of their bodies or other foreign objects, and designed to prevent the dog from escaping, and shall also provide the dog with protection from the elements. The owner of such dog shall conspicuously display on the pen or structure, and on or near each entrance to the residence where the dog is kept, a sign designed with a warning symbol approved by the Animal Control Officer which indicates to both children and adults the presence of a vicious dog. At any time that the dog is not confined as required in this subsection, the dog shall be muzzled in a manner that prevents the dog from biting or injuring any person, and such dog shall be kept on a leash which is no longer than six feet, with the owner or some other responsible person attending such dog.

Any dog found to be a vicious dog under this Ordinance must be vaccinated.

The above and foregoing Ordinance is hereby adopted this , the 5th day of July, 2011.