

ORDINANCE PROVIDING FOR THE CONTROL OF DOGS AND DANGEROUS ANIMALS WITHIN CALHOUN COUNTY, MISSISSIPPI

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

SECTION 1, DEFINITIONS

That for the purpose of this Ordinance, the following definitions shall apply when used herein:

- a) The word "Dog" shall include both the male and female sex of the canine species.
- b) (b)The word "Owner" shall include any person, partnership, firm or corporation owning, keeping or harboring one or more dogs.
- c) The words "Dangerous Dog" shall mean that a dog without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite, or has bitten, maimed, killed, or otherwise endangered any person, dog, or other animal. "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.
- d) 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.
- e) 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.
- f) The words "Humanely Destroyed" shall generally mean to be destroyed by euthanasia under the supervision of a licensed veterinarian.
- g) The words "Calhoun County" shall mean the unincorporated areas of Calhoun County, Mississippi.
- h) The word "Board" shall mean the Board of Supervisors of Calhoun County, Mississippi.
- i) The word "Law Officer" shall mean the Calhoun County Sheriff or any of his lawfully authorized deputies.
- j) The word "County" shall mean Calhoun County, Mississippi. its departments and employees.

SECTION 2, DANGEROUS ANIMALS

Provision 1. The following animals are hereby found and determined to be dangerous animals and as such are subject to all requirements and provisions of this article:

- a) Any animals, other than domestic dogs, which in a wild state are carnivorous or poisonous or which, due to their physical makeup or capabilities, are capable of inflicting serious physical harm or death to human beings.
This includes, but is not limited to, animals belonging to the cat or snake family, including all constrictors, bears, wolverines, badgers, lions, tigers and such other animals as the Board may

from time to time determine by Order or Resolution to be vicious animals. The Clerk of the Board of Supervisors or County Administrator is authorized to compile and maintain a list of said animals as may be determined to be regulated by this Article.

- b) Any domestic dog or any other animal that exhibits any of the following characteristics:
1. Without provocation 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 upon the streets, sidewalks, any public or common grounds or places, or in any place where such person is conducting himself peaceably and lawfully.
 2. Without provocation bites, inflicts injury, assaults or otherwise attacks a person, in any place where such person is conducting himself peaceably and lawfully, or when such animal is not on the property of the owner of the attacking animal.
 3. 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.
 4. Owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

Provision 2. For the purposes of this Article, 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 thereof or when he is on such property upon invitation, expressed or implied.

Provision 3. The provision of this section notwithstanding, no animal may be determined to be dangerous due to the facts that it:

- a) 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.
- b) Inflicts injury or damage on another domestic or wild animal that is or was teasing, tormenting, abusing or assaulting the animal.
- c) Takes any action to defend or protect a human being within the immediate vicinity of the animal from any unjustified attack or assault.

Provision 4. Unless specifically stated, to the contrary, the following are exempt from the requirements of this article:

- a) Any duly authorized and lawfully operating dealers in animals within Calhoun County.
- b) Any lawfully operated circus, carnival, performing act or similar functions and events of a temporary nature as may be authorized by the County.
- c) Dogs or other animals lawfully used to guard private property.
- d) Dogs or other animals assisting a law officer engaged in law enforcement duties.
- e) Animals in a licensed veterinary, animal or small animal hospital for treatment or kept in a bona fide educational, medical or other research institution or in zoos, museums or similar places where such animals are kept as live exhibits or for study.
- f) Dogs or other animals assisting a disabled or handicapped person.

Provision 5.

- a) Upon receipt of a sworn affidavit from any respectable citizen being presented to any law officer or designated representative of the County, or if in the opinion of any law officer or designated representative of the County, that any animal is found to be dangerous as described in this Section then said animal may be caught and impounded for a period of up to eight (8) days.
- b) Notice to owner. If by tag or other means, the owner of an impounded animal can be identified, the law officer shall immediately upon impoundment, notify the owner by telephone or mail.
- c) If after the eight (8) day period, it is determined based on the sworn affidavit and other pertinent information gathered by any law officer or designated representative of the County that said animal is in fact determined to be a dangerous animal in accordance with this Section, then said animal may be humanely destroyed by said law officer or designated representative of the County.
- d) In the event it is determined by said law officer, designated representative of the County or any Court of Law that the subject animal is not deemed to be dangerous, and the owner of said animal, or his representative, claims said animal then said animal shall be released to the claimant; provided however, that if an unvaccinated animal is claimed, as aforesaid, the claimant must make arrangements for the vaccination of said animal satisfactory to the animal control officer.

An owner reclaiming an impounded animal shall pay fees as follows:

Fees for reclaiming impounded animals are:

1. First offense \$25,00
2. Subsequent offenses \$50.00
3. In addition to the foregoing fees, the per day board for each day the animal is impounded that is incurred by the county.
4. All court costs concerning the impounded animal.
The owner of an animal impounded shall be liable for the foregoing fees, charges, fines and court costs, notwithstanding the destruction of the animal.
- e) No action shall be maintained by the owner of said animal if said animal is humanely destroyed in accordance with this Section.

SECTION 3, RESPONSIBILITY OF OWNER GENERALLY

Confirming, muzzling required. Every vicious animal, as determined by the proper law enforcement official, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

Care Required. No owner shall fail to provide his animals, whether deemed vicious or not, with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

SECTION 4. ENFORCEMENT

Provision I.

- a) The Calhoun 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.
- b) Citations: Authorized officers of Calhoun County are hereby authorized to issue citations to any person for violation of any provision of this ordinance. The citation shall be a form approved by the Calhoun County Justice Court, shall designate the offense charged and shall require person so charged to appear before Calhoun County Justice Court on a certain date to answer the charges therein contained.
- c)

SECTION 5. PENALTIES

Provision I. 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 Five Hundred Dollars (\$500.00); and the second offense in a sum not to exceed Seven Hundred Fifty Dollars (\$750.00); and for the third offense a sum not to exceed Nine Hundred Dollars (\$900.00); and for any subsequent offense a sum not to exceed One Thousand Dollars (\$1,000.00) and/or six (6) months in jail.

SECTION 6. SEVERABILITY

Provision 1. 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 7. CONFLICT OF LAWS

In the event any portion of this ordinance conflicts with the laws of the State of Mississippi, then, and in that event, the laws of the State of Mississippi shall prevail, declares it to be in the interest of health and welfare of the citizenry of Calhoun County.