

PEARL RIVER, MISSISSIPPI ORDINANCE ENACTING ANIMAL CONTROL PROCEDURE

WHEREAS, the citizenry of the County of Pearl River has recently been plagued with dogs and other animals not being kept restrained and running at large within the County so as to constitute a public nuisance, and

WHEREAS, the Board of Supervisors of the County of Pearl River now believe that due to the aforesaid circumstances, good cause exists for their passage of an Animal Control Ordinance to become effective immediately in order to preserve and assure the public peace, health and safety of the citizenry of the County of Pearl River;

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PEARL RIVER, MISSISSIPPI, AS FOLLOWS:

ARTICLE I- DEFINITIONS

SECTION 1: As used in this Ordinance, the following words shall have the meaning herein ascribed to them.

At Large: Any animal shall be deemed to be at large, when off the premises of the owner or not under the control of a person; except that this provision shall not Apply to animals engaged in hunting, working, pleasure or recreational activities of the owner.

cat: A domesticated member of the feline family, other than a lion, tiger, bobcat, jaguar, leopard, cougar, or other prohibited. Animals.

Dog: A domesticated member of the canine family, other than a wolf, jackal, fox, dingo, coyote, or other prohibited Animals.

Dangerous Animal or Vicious Animal: An animal shall be presumed to be dangerous or vicious when it attacks, bites, or scratches any person or other animal; attempts to attack any person or other animal; chase or attempts to catch any person; constitutes a physical threat to human beings or other animal; or trespasses upon the premises of any person, doing damage to said premises.

Law Enforcement Officer: Sheriff, Deputy Sheriff, Constable or Animal Control Officer.

Owner: Any person, partnership or corporation controlling, possessing, keeping or harboring one (1) or more animals.

Public Nuisance: Any animal which:

1. Molests a passerby or passing vehicles or
2. Attacks a human being or other animal; or
3. Trespasses on school grounds, or in any parks or
4. Is repeatedly at large.
5. Does not have a collar with a metal tag identifying the owner by name and phone number or address.

Restraint: Any animal securely caged or secured by a leash or lead or under the effective control of a responsible person or obedient to that person's commands or within the confines of the real property limits of its owner's home or yard.

ARTICLE II - GENERAL PROVISIONS

SECTION 2: Compliance.

It shall be unlawful for any owner to permit livestock to run at large within the unincorporated areas of Pearl River County. Any livestock found at large shall be captured and impounded by the Sheriff's Department. The rightful owner may redeem the livestock by payment of all impoundment fees incurred. If the livestock is not claimed within ten (10) days then the same shall be sold upon sealed bids, or at private sale, or at public auction, to the highest and best bidder in satisfaction of all fees and expenses incurred. Notice of auction and/or public or Private sale of the animal(s) will be posted at the county courthouse, and in two other public places in the county, and fourthly at the place of impoundment, at least ten (10) days prior to the sale of any animal(s)."

It shall be unlawful to keep or harbor any animal or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to persons residing in the vicinity thereof.

it shall be unlawful and shall be a misdemeanor for any owns v to-d any act forbidden or fail to do any act required in this Ordinance. Unless specifically required herein, no mental element need be present to constitute an offense under this Ordinance. Unless stated otherwise, the minimum penalty shall be a fine of \$25.00 and the maximum penalty shall be a fine of \$1000.00 and/ or 6 months in jail.

SECTION 3: Public Nuisance.

Any animal that engages in any of the activities defined in section 1(7), shall be deemed a public nuisance.

Any citizen may file a complaint by phone with the Pearl River County Sheriff's Department reporting Animals engaging in activities as defined in section 1(7).

Any person may file a complaint with the Justice Court charging persons with violations of this ordinance.

Any person or owner keeping an animal which is determined to be a public nuisance by the Justice Court, shall be guilty of committing a misdemeanor and if the violation is continuing, each day violated, shall be deemed a separate offense.

ARTICLE III - ANIMAL CONTROL SECTION

SECTION 4: Restraint.

Every vicious/dangerous animal, as determined by Law, Enforcement Officers, 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.

SECTION 5: Impoundment.

Animals which constitute a public nuisance may be impounded by any Law Enforcement officer:

If by tag or other means, the owner of an impounded animal can be identified by the Law Enforcement Officer, Said Officer shall notify the owner by telephone or other reasonable means.

In addition to, or in lieu of impounding an animal, any Law Enforcement Officer may issue to the owner of such animal a Citation, summoning the owner to appear before the Justice Court Judge to answer violations of this Ordinance, State, or Federal law.

SECTION 6: Elimination of Animals

When an animal is determined by any Law Enforcement Officer to be a vicious, dangerous or feral animal, that animal may be destroyed by the Officer, provided the following requirements are met:

1. The animal is running at large; and
2. Attempts to peacefully capture the animal have been made and proven unsuccessful.

SECTION 7: Relations to other Rights, Remedies, Duties, and Penalties.

The rights, remedies, duties, and penalties created by this ordinance are in addition to and supplemental to the rights, remedies, duties, and penalties created by Sections 97-41-1 et. Seq., 69-13-1 et. Seq., 41-53-1 et. Seq. 69-13-301 et. Seq, MS code of 1972 as annotated and amended.