

## **AN ORDINANCE PROVIDING FOR THE CONTROL AND PROTECTION OF DOMESTICATED ANIMALS IN LAUDERDALE COUNTY, MISSISSIPPI**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF LAUDERDALE 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 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.

Animal Control Officer means the person(s) designated by the Lauderdale County Board of Supervisors to enforce this ordinance.

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.

Health Officer means a licensed physician or veterinarian appointed by the Board of Supervisors to assist the County to protect and preserve the public health.

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 at 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 Lauderdale County, Mississippi, which has been alleged to be a nuisance, and against which a written complaint has been filed with the Animal Control Officer, and after notice of the filing of said complaint has been given to its owner, if the owner is, 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.

Inflict inhumane treatment against a domesticated animal.

Keep or harbor an animal which by loud, frequently howling, yelping or other noise or action, disturbs any person within Lauderdale 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 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, In the event the owner of said vehicle is not available, and cannot be found, or refuses to prevent said harm or reasonably potential harm from continuing, the Animal Control Officer or any Law Enforcement Officer of Lauderdale County, Mississippi, shall be authorized to remove said animal from such vehicle, and to utilize any reasonable method to effect said removal.

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.

The Animal Control Officer may seize or cause to have seized any animal whose owner is found to be in violation of any part of this Section 1-2 and impound or cause to be impounded such animal in a designated shelter. The animal shall be held for five (5) days. The Animal Control Officer shall inform the owner, if the owner can be reasonably identified and located, what is required to bring said owner into compliance with this Section 1-2.

## SECTION 1-3: VICIOUS/DANGEROUS ANIMALS

An animal may be declared vicious or dangerous by the Animal Control Officer or any Law Enforcement Officer of Lauderdale 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 the Animal Control Officer or any Law Enforcement Officer of Lauderdale County, Mississippi, to be vicious 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, is 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 locked, and the enclosure must also provide protection from the elements for the animal.

An Animal Control Officer or Law Enforcement Officer of Lauderdale County, Mississippi may seize, or cause to have seized, any animal which is vicious or dangerous, or whose owner has violated any part of this ordinance, and such animal be impounded at the animal shelter designated by the Lauderdale County Board of Supervisors.

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: IMPOUNDMENT OF ANIMALS

Any domesticated animal caught or picked up by the Animal Control Officer or Law Enforcement Officer shall be taken to the designated animal shelter facility for holding. If after five (5) days such animal has not been released to its owner, then such animal becomes the property of the animal shelter facility to be disposed of in accordance with its rules and regulations.

The above five (5) day holding period may be waived for a vicious or feral animal.

The above five (5) day holding period may be waived for any animal suffering from a critical injury or contagious disease and such animal may be humanely euthanized without any waiting period.

Impounded animals may be reclaimed by their owner, within the five (5) day holding period, upon payment of any board and care fees assessed by the shelter housing the animal, and upon the payment of a \$10.00 per day impound fee to Lauderdale County, Mississippi, and upon showing proof of current rabies vaccination. These fees are separate from and in addition to any penalties that may be levied under Section 1-9 hereof.

#### SECTION 1-5: PROCEDURE ON RETENTION, OBSERVATION AND DISPOSITION OF ANIMALS WHICH HAVE BITTEN PERSONS OR OTHER ANIMALS, OR THOSE SUSPECTED OF HAVING DISEASE.

The Animal Control Officer or any person designated by the Board of Supervisors of Lauderdale County, Mississippi to enforce this ordinance, in cases where any animal has bitten persons or other

animals, shall immediately notify the owner of such animal to surrender the animal to an authorized officer immediately, or otherwise arrange for the authorized officer to pick up and retain such animal in a separate kennel at the designated animal shelter facility. The animal shall be kept in the separate kennel for a period of not less than ten (10) days, after the biting of such person or other animal, during which period it shall be determined by the Lauderdale County Health Officer, or designated official, whether or not said animal is suffering from any disease. If no disease is found, the Lauderdale County Health Officer is to notify the Animal Control Officer that such animal may be released to the owner, provided the owner produces a certificate of rabies vaccination, showing that such animal has been vaccinated for

rabies, not longer than twelve (12) months previous thereto, or vaccination period recognized by the U.S. Department of Agriculture. Further, the Animal Control Officer, may authorize any such animal to be retained for a period of not less than ten (10) days, after biting such person, or animal in question; supervised by a veterinarian; provided further that the Lauderdale County Health Officer may authorize the keeping of certain animals confined on the owner's premises because of veterinary medical reasons, such as animals difficult to maintain or susceptible to diseases, which might occur with changes of environment, or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the Lauderdale County Health Officer.

Any animal suspected of having disease shall be handled in accordance with Section 4 hereof, or in such other manner the Animal Control Officer deems appropriate.

Any animal found to be infected with rabies shall be forthwith destroyed by the Lauderdale County Health Officer or any other designated officer in a humane manner.

#### SECTION 1-6: AUTHORIZATION FOR QUARANTINE

In the event a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the Lauderdale County Health Officer is hereby authorized, and it shall be his duty, to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same, or confine it as herein provided, for such time as may be specified in such quarantine proclamation. Upon the publication of such proclamation by the Health Officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as in the definition "at large", except prescribed that any such animal under the control of any adult person on a leash or under a control by voice command, may do so only if the animal is effectively muzzled. All dogs, cats or other animal found at large during the time specified by the Lauderdale County Health Officer in his/her quarantine proclamation, without being properly confined or muzzled, and not under the control of an adult person, may be destroyed by an authorized officer, if said officer is unable with reasonable effort, to apprehend the animal for impoundment.

#### SECTION 1-7: ANIMAL CONTROL OFFICERS - TRAINING AND CERTIFICATION.

The Animal Control Officer shall be familiar with this ordinance as well as applicable Federal and State statutes pertaining to the control and protection of domesticated animals.

#### SECTION 1-8: ANIMAL CONTROL OFFICERS - POLICE POWER AND ENFORCEMENT RESPONSIBILITY.

The Animal Control Officer may utilize any equipment, reasonable and necessary, to enforce the provision of this ordinance including, without limitation, humane wire box traps; and the Animal Control Officer may lend such traps or other equipment to private persons for the sole purpose of preventing nuisances resulting from animals running at large

The Animal Control Officer shall be vested with all powers necessary for the enforcement of this ordinance, and he is empowered to issue citations for any violation of this ordinance.

#### SECTION 1-9: 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:

1. First offense: \$50.00
2. Second offense:\$100.00
3. Third offense: \$400.00 and/or up to ninety (90) days in the Lauderdale County Detention Facility, or both and also, the Judge will determine the disposition of the animal.

#### SECTION 1-10: 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 1-11: MISCELLANEOUS.

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

It shall be a violation of this ordinance to interfere with the Animal Control 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 a 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 its passage.

SO ORDAINED this the 4th day of September, 2001.