

ORDINANCE OF MONROE COUNTY MISSISSIPPI REGULATING OWNERSHIP OF DANGEROUS DOGS

WHEREAS, the Monroe County, Mississippi desires to protect the public against the health and safety risk posed by dangerous dogs' and

WHEREAS, by their very nature, dogs classified as "dangerous" pose a direct threat to the people and other animals that live in the same community or may otherwise come into contact with them; and

WHEREAS, the intent of this Ordinance is to govern and control dangerous dogs located within Monroe County, Mississippi; and

WHEREAS, this Ordinance does not regulate, govern or control dogs not considered dangerous, or otherwise impact the regulation and control of other animals.

THEREFORE, BE IT ORDAINED BY 'ME BOARD OF SUPERVISORS OF MONROE COUNTY, MISSISSIPPI THAT:

Section I. Actions Allowed by Authorized Persons Prior to Hearing

If any dog shall attack a person or domestic animal who was peaceably conducting himself or itself in any place where he or it may lawfully be, any person, for the purpose of preventing imminent injury or further injury, may use such force as is required to stop the attack.

A police officer or peace officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury.

Section II. Definitions

1. a. "Dangerous dog" means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is dangerous.

Further,

- b. No dog may be declared "dangerous"
 - i. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
 - ii. If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog;
 - iii. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
 - iv. If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian, of the dog;
 - v. If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;
 - vi. If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.
 - vii. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."
2. "Attack" means aggressive physical contact initiated by the dog.
3. "Serious injury" means any physical injury consisting of broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.
4. "Domestic animal" means any animal commonly kept as a pet in family households in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits and hamsters; and any animals commonly kept for companion or commercial purposes.
5. "Animal Control Officer" shall mean the Monroe County Sheriff or any of his lawfully authorized deputies, or other law enforcement personnel or any independent contractor so appointed or designated by the Monroe County Sheriff and/or the Monroe County Board of Supervisors.
6. "County" shall mean Monroe County, Mississippi, its departments and employees.

Section III. Hearing Procedure

- A. Any person may make a complaint of an alleged "dangerous" dog as that term is defined herein to the Animal Control Officer. Such officer shall immediately inform the complainant of his right to commence a proceeding provided for in

Paragraph 2, immediately below, and, if there is reason to believe the dog is a "dangerous" dog, the officer shall forthwith commence such proceeding himself.

B. Any person, the Animal Control Officer, or any police officer or peace officer, may make a complaint under oath or affirmation of an alleged "dangerous" dog as that term matter for hearing and determine if there is probable cause to believe the dog is a "dangerous" dog and, if so, shall issue an order to the Animal Control Officer directing such officer to immediately seize such dog and hold same pending a judicial determination as provided herein. Whether or not the Justice Court finds there is probable cause for-such seizure, it shall, within five (5) business days and upon the written notice to the owner of the dog, if he can be found, hold a hearing on the complaint.

C. Where a dog is determined pursuant to clear and convincing evidence to be "dangerous", the Justice Court shall require the owner of such animal to:

- i. register such animal with the Monroe County Animal Control Officer and to provide prompt notification to the Animal Control Officer of any changes in the ownership of the animal; names, addresses and telephone numbers of new owners;
- ii. report any change in the health status of the animal;
- iii. report any further incidences of attack;
- iv. report any claims made or lawsuits brought as a result of further incidences of attack;
- v. report death of the animal.

In addition, the Justice Court may require all or any of the following, but Items 5, 6 and 10, or any one of them, may only be imposed where there has been a serious injury to a person.

1. Indoors, when not alone, the dog be under the control of a person eighteen (18) years or older. (Provisions for the dog to be outdoors must also be made.)
2. Outdoors and unattended, the dog be kept within a locked fenced area from which it cannot escape.
3. When outdoors the dog must be attended and kept within a fenced area from which it cannot escape.
4. When outdoors and outside its enclosure, the dog must be attended and kept on a leash no longer than (6) feet and under the control of a person eighteen (18) years of age or older.
5. When outdoors, the dog shall not go outside its enclosure unless such animal is securely muzzled by a muzzling device. Such muzzle shall not cause injury to the

dog or interfere with its vision all respirations but shall prevent it from biting any person or animal.

6. Outdoors and unattended, the dog must be confined to an escape-proof kennel of the following description:
 - a. Such kennel shall allow the dog to stand normally and without restriction, and shall be at least 2 1/2 (2.5) times the length of the dog, and shall protect the dog from the elements.
 - b. Fencing materials should not have opening with a diameter of more than 2 (2) inches, and in case of wooden fences, the gaps shall not be more than 2 (2) inches.
 - c. Any gates without such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel and unattended such locks shall be kept locked.
 - d. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
7. Placement of a sign or signs of a description and in places directed by the Justice Court advising the public of the presence and tendencies of said animal.
8. Neutering or spaying of the dog at the owner's expense, unless medically contraindicated.
9. Let the dog be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices comma identification number and identification of the person performing the procedure to be registered with the appropriate health department or animal control facility as indicated above.
10. The procurement of liability insurance in an amount to be determined by the Monroe County Justice Court, but in no case in an amount of less than Thirty Thousand Dollars (\$30,000), covering medical and or veterinary costs resulting from future actions of the dog. This condition may not be imposed if it is shown that no such insurance is available for a reasonable premium.
11. If a further incident or attack occurs under such circumstances that the dog, after a hearing as described above, is determined to be a "dangerous" dog, the Justice Court, may impose or re-impose any applicable directives listed above; additionally, human destruction of the dog may be ordered, but only where the further incident involves serious injury to a person.

Section IV. Penalty for Violation of the Ordinance

Any person convicted of violating a provision of this Ordinance 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.

In addition to any such fine and imprisonment which may be imposed, the Court may also order that restitution be made to any victims of the crime. The measure for restitution and money shall be the amount of the actual financial loss to the victim(s) as a result of the actions by the defendant in violation of this ordinance.

Section V. Enforcement

The Monroe County Sheriffs Office and/or any designated representative of the County shall have the primary duty and responsibility of enforcing the provisions 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.

Section VI. Severability

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 thereof 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 have been found to be unconstitutional or invalid.

The above and foregoing Ordinance is hereby adopted this the 20th day of September, 2013, and shall be published one (1) time in the legal notices section of a newspaper published within Monroe County, Mississippi; further, that it shall become effective thirty (30) days after the publication date.

Supervisor Doug Wiggins voted	"Yea"
Supervisor Billy Kirkpatrick voted	"Yea"
Supervisor Carol Crawford voted	"Yea"
Supervisor Fulton Ware voted	"Yea"
Supervisor Robert Torrey voted	"Yea"