

**ORDER OF THE BOARD OF SUPERVISORS
JACKSON COUNTY, MISSISSIPPI
ADOPTING ANIMAL CONTROL ORDINANCE**

Supervisor McKay made a motion to adopt the Animal Control Ordinance as presented by the Board Attorney, effective October 30, 2007, with publication in The Mississippi Press on September 30, 2007; seconded by Supervisor Broussard; motion passed in favor 4 to 0 (Supervisor Leach was absent.)

ORDERED this the 17th day of September, 2007.





TERRY MILLER, CHANCERY CLERK

ANIMAL CONTROL ORDINANCE OF
JACKSON COUNTY, MISSISSIPPI

WHEREAS, the Board of Supervisors of Jackson County, Mississippi, finds that it has been over a decade since its animal control ordinance was last amended, and since that time there has been a significant increase in the number of animals in the county, the number of people in the county, and the number of unfavorable encounters between people and animals in the county; and

WHEREAS, the Board of Supervisors finds, based on reliable information, that it would be in the best interest of Jackson County, Mississippi, to adopt a new animal control ordinance in order to more appropriately address animal control issues, and to aid in protecting the public health, safety, and welfare of its citizens; and

WHEREAS, the Board of Supervisors of Jackson County, Mississippi, has the authority to adopt an animal control ordinance pursuant to Title 19, Chapter 5, Section 50 and Title 19, Chapter 3, Section 40 of the Mississippi Code of 1972, as amended, along with its general authority to protect the public health, safety and welfare; and

WHEREAS, the Jackson County Board of Supervisors hereby adopts the following Animal Control Ordinance; and

BE IT THEREFORE ORDAINED, by the Board of Supervisors of Jackson County, Mississippi, as follows:

ANIMAL CONTROL ORDINANCE

SECTION 1: DEFINITIONS.

For the purposes of this ordinance, the following words and phrases shall have the meaning respectively ascribed to them:

ANIMAL, means any live vertebrate creature, domestic or wild, except human beings.

ANIMAL CONTROL OFFICER, means any person designated by the county to enforce the provisions of this ordinance.

ANIMAL SHELTER, means the facilities operated by Jackson County, Mississippi, for the purpose of caring for animals and/or impounding animals under the authority of state law or this ordinance.

AT LARGE, means any animal off the premises of the owner or custodian and not under the control of the owner, custodian or other person by leash, lead, cord, rope, chain, crate, bridle, cage or other physical means of restraint sufficient in strength to control the animal.

CHARGE, means entrusted with the duty and/or responsibility of care and control of an animal.

CUSTODIAN, means a person who has been given charge over an animal.

HUMANE MANNER, means the method in which an animal is required to be cared for, including, but not limited to, adequate ventilation, heat, sanitary shelter, food and clean water, and veterinary care consistent with generally accepted practices considering the animals size, species, and breed.

HUNTING DOG, means a dog which is owned or kept for the express purpose of hunting and is being used for hunting during a legal hunting season.

INJURY, means the breaking of skin, which results in bleeding, caused by an animal bite or bites.

LAW ENFORCEMENT OFFICER, means the Sheriff, his deputies, and Jackson County constables.

NUISANCE ANIMAL, means any animal which:

- (1) damages property of a person other than the owner; or
- (2) barks, whines, screams, or howls in an excessive, lengthy or untimely manner; or
- (3) frequently defecates or urinates on property of one other than the owner.

OWNER, means :

- (1) any person having a property right in an animal; and/or
- (2) the custodian of an animal; and/or
- (3) any person who keeps or harbors an animal, and/or
- (4) any person who knowingly permits an animal to remain on any premises occupied by said person over which said person has substantial control.

Excepted from the definition of owner in the immediately preceding (2), (3), and (4) are veterinarians, veterinary hospitals, commercial animal boarding businesses, commercial animal grooming businesses and the animal shelter.

OWNER'S REAL PROPERTY, means any real property owned or leased by the owner or owners of the dog.

PERFORMING ANIMAL EXHIBITION, means any authorized display, act, or event, other than a circus, in which performing animals are used.

PERSON, means any human being, corporation, partnership, association, organization or institution.

PROVOCATION, means the act of teasing, irritating, abusing, assaulting, exciting, stimulating ,or tormenting an animal to the point of aggression.

RESTRAINT, means the condition of having an animal under control by securing said animal by leash, lead, cord, rope, chain, bridle, crate, or cage.

SEVERE INJURY, means any physical injury that results in a broken bone(s) or disfiguring lacerations or which require surgery that were caused by an animal bite or bites.

VETERINARY HOSPITAL, means any establishment operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries to animals.

VICIOUS ANIMAL, means any animal, except dogs, that constitute a physical threat to human beings or other animals.

VICIOUS DOG, means:

(1) a dog that without provocation has:

- a) inflicted injury on a human being, or
- b) killed or inflicted severe injury upon a domestic animal or livestock, when not on the offending dog owner's real property; or
- c) approached a human being when not on the offending dog owner's real property in a menacing and/or terrorizing manner and/or an apparent attitude of attack; or

- (2) a dog owned or harbored, primarily or in part, for the purpose of dog fighting, or other fighting or any dog trained for fighting; or
- (3) a dog which has shown a propensity, tendency, or disposition to attack, unprovoked, a human being.

Notwithstanding the provisions of the foregoing definition of a vicious dog, no dog may be considered a vicious dog if:

- 1) an injury or severe injury is sustained by a human being and at the time of such injury the dog was being provoked; or
- 2) an injury or severe injury is sustained by a human being who at the time of such injury was committing a willful trespass, or other tort, upon the premises owned or leased by the owner of the dog; or
- 3) the dog was protecting a human being within the immediate vicinity of the dog from an unjustified attack; or
- 4) the dog is a police dog which was engaged in the performance of its duties at the time of the act complained of.

SECTION 2: APPLICATION.

This ordinance shall apply to all unincorporated areas of Jackson County, Mississippi.

SECTION 3: INOCULATING DOGS AND CATS FOR RABIES.

Every person in the County who owns or has in his or her possession, any dog and/or cat of the age of three (3) months or over shall have and keep such dog and/or cat inoculated against rabies, pursuant to Title 41, Chapter 53, Section 1 of the Mississippi Code of 1972, as amended,

and the rules and regulations promulgated by the Mississippi State Board of Health. All inoculations must be done by either a licensed veterinarian or other competent person granted a permit to administer a rabies vaccine by the State Board of Health, pursuant to Title 41, Chapter 53, Section 5 of the Mississippi Code of 1972, as amended. It shall be unlawful for any person to own, possess, keep or harbor any dog or cat unless such dog or cat has been so inoculated against rabies. A violation of Section 3 of this Ordinance shall be punished in accordance with the penalties set out in Title 41, Chapter 53, Section 13 of the Mississippi Code of 1972, as amended.

SECTION 4: TAGS FOR DOGS AND CATS.

It is the duty of the owner of any dog or cat to require said dog and/or cat to wear at all times a metal tag that is stamped with the serial number of its rabies vaccination, and also stamped with the year in which the dog and/or cat was inoculated. A violation of Section 4 of this Ordinance shall be punished in accordance with the penalties set out in Title 41, Chapter 53, Section 13 of the Mississippi Code of 1972, as amended.

SECTION 5: CONFINEMENT TO PREMISES.

A. An owner of an animal shall confine said animal to his/her real property, unless said animal is under restraint or participating in a performing animal exhibition. It shall further be the duty of all owners and custodians to keep such animals under control so as to prevent such animal from:

- 1) trespassing on another's property, and/or
- 2) being a nuisance animal; and/or

3) being a danger to persons; and/or

4) being a danger to property.

B. An owner of a vicious dog or vicious animal shall confine such animal in accordance with Section 9 of this ordinance.

C. Every female dog or cat in heat shall be confined in such a manner as to prevent from coming in contact with a male dog or cat, respectively, except for intentional breeding purposes.

SECTION 6: OVERCROWDED, UNSANITARY CONDITIONS AND OFFENSIVE ODORS.

It shall be a violation of this ordinance for any person to keep or harbor an animal in a manner that:

1.) is overcrowded; and/or

2.) is unsanitary; and/or

3.) produces offensive odors which move off the owners premises.

SECTION 7: RUNNING AT LARGE.

It shall be unlawful for any owner and/or custodian of any animal to allow such animal to run at large upon the streets, sidewalks, alleys, or other public property, or property of another.

An animal running at large may be impounded in accordance with Section 7 of this Ordinance.

The provisions of this section shall not be applicable to hunting dogs during legal hunting seasons.

SECTION 8: IMPOUNDMENT AUTHORIZED.

A. Impoundment for "At Large" Animals.

1) Animals running at large may be pursued, caught and impounded by animal control officers and law enforcement officers. Said animals shall be held for a minimum of five

(5) days, unless the animal is so diseased or seriously injured that it should be immediately, humanely destroyed, or unless the owner of the animal redeems the animal within the five (5) days by paying all fees which have accrued and receiving custody of the animal. Said fees are not in lieu of any fine or penalty provided by law.

2) The fees for redemption of an impounded animal include:

a). Feeding per day: \$ 5.00

plus,

b). Impoundment fee:

i. First occurrence: \$15.00

ii. Second occurrence: \$25.00

iii. Third and any subsequent occurrences: \$50.00

3) Owners of dogs and cats redeemed from impoundment shall provide proof of rabies inoculation prior to release of the animal from impoundment. In the event proof of inoculation cannot be produced, the owner shall produce a receipt for prepayment of a rabies vaccination from a licensed veterinarian or person certified by the State Board of Health before said animal is released.

4) If the owner does not redeem such animal within five (5) days, the animal shall be either put up for adoption or humanely destroyed. In the event the animal is adopted, the person who adopts the animal is then the legal owner of the animal.

B. Impoundment for Animal Bite and Impoundment of Animals Suspected of Rabies.

1) Anyone being the owner and/or custodian of any animal which has bitten a person or who has an animal suspected of having been exposed to rabies, or has an animal suspected of having rabies, by the County Health Officer or Animal Control Officers, shall immediately surrender such animal to the Jackson County Animal Shelter to be kept for the period of time in which symptoms of rabies will or will not become evident; provided, however, that the owner of said animal may, upon permission of the Director of the Animal Shelter or his/her designee, place said animal within a licensed veterinarian's clinic or hospital in Jackson County, Mississippi, for the specified period of time. The owner and/or custodian shall also be responsible for the costs of the confinement in such clinic or hospital.

2) If any animal has bitten a person, and/or is suspected of having been exposed to rabies and/or is suspected of having rabies by the County Health Officer or Animal Control Officers, said animal shall be safely quarantined for a period of ten (10) days by the Jackson County Animal Shelter or with permission of the Director of the Animal Shelter or his/her designee, by a licensed veterinarian in Jackson County, Mississippi, at the owner's expense. In the event the owner elects to destroy the animal all costs for rabies tests shall be paid by the owner.

C. Other Impoundments.

Any animal which is being kept or held in a manner that is in violation of the provisions of this ordinance, other than those specified in this Section *supra*, may be caught and impounded by Animal Control Officers and/or Law Enforcement Officers. These animals may be impounded in the same manner and conditions as set out in paragraph A of this Section,

except that if the animals are not being kept in a humane manner, they are not to be returned to the owner unless said owner can provide satisfactory evidence to the Animal Control Director that the animals will be humanely kept.

SECTION 9: DESTRUCTION OF RABID ANIMALS.

In the event an animal is suffering from rabies or reasonably suspected of having rabies, and is allowed to run at large, such animal may be killed by any law enforcement officer without such officer being required to catch or impound such animal.

SECTION 10. PROHIBITED TREATMENT.

A. It shall be unlawful and a violation of this ordinance for any person to:

- 1.) confine an animal inside a motor vehicle without adequate ventilation.
- 2.) fail to provide proper food, drink, protection from the weather and veterinary care for any animal which they own or any animal in their custody.
- 3.) abandon any animal which they own or any animal in their custody.
- 4.) intentionally poison any animal, excepting moles, mice, and rats.
- 5.) keep his/her animal in unsanitary conditions.
- 6.) keep or confine an animal in other than a humane manner.
- 7.) intentionally allow or promote any fight between animals, on his/her real property or on property under his/her possession or control.

SECTION 11. KEEPING OF VICIOUS DOGS AND VICIOUS ANIMALS:

A. While on the owner's real property, a vicious dog or animal shall be securely confined indoors or in a securely locked pen or structure, suitable to prevent the entry of children and designed to prevent the dog or other animal from escaping. Such a pen or structure shall have

secure sides and a secure top, and shall also provide protection from the elements for the dog or animal. If the pen or structure has no bottom secured to the sides, then the sides shall be embedded eighteen (18) inches in the ground on all sides. Such enclosure must assure the safety of the public as well as confinement of the dog or animal in a humane, sanitary and healthful environment. The Jackson County Animal Control Director, or his designee, after reviewing the circumstances associated with each situation and inspection, shall make a determination as to whether the enclosure meets the requirements.

B. No owner of a vicious dog or animal shall permit such dog or animal to go beyond the owner's real property unless such dog or animal is securely leashed and muzzled, with the muzzle being sufficient to prevent such dog or animal from biting human beings and animals, except that:

- 1) a vicious dog shall not be required to be muzzled when being shown in a dog show sanctioned by a national kennel club, or
- 2) a vicious dog or animal shall not be required to be leashed and muzzled when securely caged or otherwise securely contained inside a commercial establishment in the business of boarding and/or medically treating dogs or animals.

C. No vicious dog or animal may be kept on a porch, patio, or in any part of a house or structure that would allow the dog or animal to exit such area on its own volition.

- D. When an animal or dog is reasonably determined to be vicious by the Animal Control Officer or Law Enforcement Officer the dog may be destroyed providing each of the following requirements are met:
- 1) the animal is at large; and
 - 2) attempts to peacefully capture and impound the animal have been made and proved unsuccessful; and
 - 3) the animal poses a serious and immediate threat of serious harm or injury to human life.
- E. Before filing a complaint/affidavit for a violation under this section in the Justice Court, the Jackson County Animal Control Director or his/her designee shall give written notice to the person suspected of a violation that his/her dog or animal is deemed a vicious dog or animal and subject to the requirements of this section. The notice shall also inform the person named that he/she may appeal this determination to the Board of Supervisors within five business days, excluding national holidays, by filing a written notice of appeal with the Director of the Animal Control Shelter. Filing such notice shall stay the determination pending action by the Board of Supervisors.
- F. Once the owner is notified that his/her dog or animal has been deemed vicious the owner shall have thirty (30) days from said notification to comply with the confinement requirements for vicious dogs and animals under this ordinance. during this thirty (30) day period the dog or animal should be confined in accordance with Section 5A of this Ordinance.

- G. Owners of vicious animals are hereby required to maintain liability insurance, such as homeowners or renter's insurance, that covers injuries inflicted by dogs or animals, as the case may be, in an amount of not less than One Hundred Thousand Dollars (\$100,000.00), and said policy shall require notification of cancellation of said policy to the Jackson County Animal Shelter, P. O. Box 998, Pascagoula, MS 39568-0998. Proof of said liability insurance shall be provided the Animal Control Director or his/her designee upon his/her request.
- H. The Director of the Animal Control Shelter shall keep for ten (10) years a record of all dogs or animals determined to be vicious. The records shall include a description of the dog or animal, breed, sex, approximate age, physical address where the dog or animal is kept or harbored and the name of the owner.
- I. All owners of vicious dogs or animals shall within ten (10) days from the effective date of this ordinance display in prominent, conspicuous, places legible signs which can be easily read on all sides of their real property where the vicious dog or animal is kept, using such words as "Beware of Dog" or "Dangerous Animal" and in addition a similar sign shall be posted on the kennel or pen for such dog or animal.
- 1) Signs shall be constructed and maintained in a manner to withstand the elements.
 - 2) The absence of any required signs shall be prima facia evidence of a violation of this section.

- J. An animal control officer or law enforcement officer may enter the premises where a vicious dog is kept for the purpose of inspection of the premises to ascertain whether such complies with the provisions of this ordinance. Such inspection shall be made only after reasonable notice to the occupant of the premises. If the owner shall refuse the inspection, the assistance of a court may be requested.

SECTION 12: VIOLATIONS; PENALTIES.

Unless another penalty is set forth herein for a specific violation in this Ordinance, any person who shall violate any provision of this animal control ordinance, or fail to comply with any of the requirements thereof shall be guilty of a misdemeanor and any person found guilty of such violation shall, upon conviction , be fined for each violation not more than One Thousand Dollars (\$1,000.00), or imprisoned in the county jail for not more than six (6) months, or both, plus all court costs.

SECTION 13: ENFORCEMENT.

A. It shall be the duty of Animal Control Officers and/or Law Enforcement Officers to enforce the provisions of this Ordinance.

B. It shall be a violation of this Ordinance for any person to interfere with or hinder an Animal Control Officer and/or Law Enforcement Officer in the performance of their duties, or to release or attempt to release any animal in said officers custody.

C. Animal Control Officers and/or Law Enforcement Officers having probable cause to believe a person has violated this ordinance may file a complaint or affidavit in Jackson County Justice Court against said person. Said officers may issue citations in the enforcement of this ordinance to any person the officer(s) have probable cause to believe has violated this ordinance, with the citation designating the offense(s) charged and requiring the person so charged to appear before the Jackson County Justice Court on a specified date to answer the charges contained therein.

SECTION 14: CONSTITUTIONALITY.

Should any portion, provision, or section of this Animal Control Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect..

SECTION 15: SUPERCEDING.

Upon this Animal Control Ordinance's effective date, it shall supercede and replace all prior Animal Control Ordinances adopted by Jackson County, Mississippi

SECTION 16: EFFECTIVE DATE AND PUBLICATION.

This Animal Control Ordinance shall be published in a newspaper of general circulation in Jackson County, Mississippi on the 30th day of September, 2007, and shall be in full force and effect thirty (30) days after said publication.

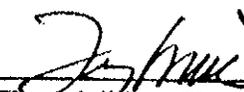
The motion to approve and adopt the foregoing ordinance was made by Supervisor McKay, seconded by Supervisor Broussard, and the following vote was recorded:

Supervisor Broussard	<u>Yes</u>
Supervisor McKay	<u>Yes</u>
Supervisor Leach	<u>Absent</u>
Supervisor Barton	<u>Yes</u>
Supervisor Norvel	<u>Yes</u>

SO ORDAINED, on this the 17th day of September, 2007.


Timothy G. Broussard, President
Jackson County, Mississippi,
Board of Supervisors

ATTEST:


Terry Miller, Clerk of the Board
of Supervisors

