

STATE OF MISSISSIPPI

COUNTY OF OKTIBBEHA

ORDINANCE FOR THE CONTROL OF VICIOUS DOGS

Section 1. DEFINITIONS

Vicious Dog means any dog:

- (1) When unprovoked, that approaches a person or persons in a dangerous, threatening, terrorizing manner or in an apparent mode of attack, upon the streets, sidewalks, public grounds or other places within the County. Vicious dog also includes a dog that constitutes a physical threat to human beings, their pets, livestock or poultry.
- (2) With a known propensity, tendency or disposition to attack, when unprovoked, to cause injury or otherwise endanger the safety of human beings, domestic dogs, livestock or poultry.
- (3) Which bites, inflicts injury, assaults or otherwise attacks a human being, other dogs, livestock or poultry without provocation on public or private property.
- (4) That is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Vicious Dog shall not include a police dog used to assist law enforcement officers in the performance of their duties or a dog attempting to prevent a trespass or other criminal offense on the property of its owner, keeper or harborer. A vicious dog shall not include any animal trained and certified to assist an individual covered under the federal American Disability Act.

Owner means a person, partnership or corporation owning, possessing, keeping or harboring one or more dogs.

Secure Enclosure means a fenced enclosure or building located no closer than ten feet (10') from the boundary lines of the owners property which is covered and constructed in such a manner to prevent a dog from escaping, including adequate measures to prevent dogs from digging out or escaping under the fenced enclosure.

Severe Injury means any physical injury to a human being that results in muscle tears, disfiguring lacerations, requires multiple procedures, corrective or cosmetic surgery.

Unprovoked means that a dog was not hit, kicked or struck by a person with an object or part of a person's body, nor was any part of the dog's body pulled, pinched or squeezed by a person.

Section 2. For the purpose of this Ordinance the following definitions shall apply regarding the Oktibbeha County

- (1) The word "Oktibbeha County" or "County" shall mean all unincorporated areas of Oktibbeha County, Mississippi.
- (2) The word "Board" shall mean the Board of Supervisors of Oktibbeha County, Mississippi.
- (3) The word "Law Officer" or "officer" shall mean the Oktibbeha County Sheriff, any of his deputies, other law enforcement personnel or any designee of the Sheriff or Board of Supervisors requested to assist in the enforcement of this Ordinance.
- (4) The word "County" shall mean Oktibbeha County, Mississippi, its departments and employees and any other governmental agency assisting the County.

Section 3. VACCINATIONS

Every person who owns or has in his possession or who keeps or harbors any dog in Oktibbeha County, shall have and keep the dog inoculated against rabies, as required by the laws of the State of Mississippi, and as promulgated by the rules and regulations prescribed by the Mississippi State Board of Health. It is declared to be unlawful and in violation of this Ordinance for any person to own, possess, keep or harbor any dog unless the dog has been inoculated against rabies. Upon request by a law enforcement officer, the owner shall provide documented proof that the dog has been inoculated.

Any dog suffering with rabies or reasonably suspected of so suffering, that is at large, may be destroyed by any law enforcement officer or a designated representative of the County, or other person, without the necessity of capturing the dog and impoundment for definitive tests to be performed. Moreover, no criminal or civil action may be maintained by the destroyed dog's owner against any person or persons that destroyed the animal.

The Sheriff's Office or designated representative, having probable cause, may enter private property to enforce the provisions of this Ordinance and may issue citations or cause summons to issue for suspected violators. The Oktibbeha County Justice Court is afforded full jurisdiction to determine the guilt or innocence of the defendant, as in other cases.

It shall be a violation of this Ordinance for any person or persons to interfere with a law enforcement officer in the performance of their duty.

Section 4. ENFORCEMENT

- (1) The Oktibbeha County Sheriff's Department shall have the primary duty and responsibility of enforcing the provisions of this Ordinance and any such law officer or designated representative of the County is authorized and empowered to enforce all of the provisions hereof.
- (2) Any law enforcement officer may enter private premises to enforce this Ordinance or any other law of the State of Mississippi.
- (3) The Sheriff, his Department or other designee of the County, shall have the power and authority to issue summons and citations returnable to the Oktibbeha County Justice Court for a violation or suspected violation of this Ordinance.
- (4) It shall be a violation of this Ordinance to interfere with a law enforcement officer in the performance of his/her duty.

Section 5. AUTHORIZED DESTRUCTION OF DOGS

- (1) Should it be determined by the Oktibbeha County Justice Court that a dog is vicious, that dog may be destroyed, provided that two (2) of the following requirements are met:
 - i. The dog is running at large or not properly confined.
 - ii. There is no ownership identification tag on the dog's collar.
 - iii. There is no vaccination tag around the dog's neck.
 - iv. Attempts to peacefully capture the dog have been made but were unsuccessful.
- (2) Any dog that aggressively attacks and causes severe injury or the death of any human shall be immediately confiscated and thereafter destroyed in an expeditious and humane manner. "Severe injury" includes any physical injury that results in broken bones, disfiguring lacerations requiring multiple sutures or cosmetic surgery.
- (3) The Sheriff's Department, County designee, or other person may cause any seriously injured or diseased dog to be euthanized by a licensed Veterinarian or to discharge a firearm in order to mercifully end the life of the suffering animal.
- (4) When any vicious dog poses a serious and immediate threat of serious harm to a human, it shall be lawful for any person to eliminate the dog without any attempt to capture, restrain and impound the dog.
- (5) Neither the County nor any other person shall be held liable for any act done in compliance with this Ordinance.

Section 6. EXPOSING TO POISONS

No person shall expose any known poisonous substance, whether mixed with food or not, so that the substance will be eaten by any dog.

Section 7. EXCUSED BEHAVIOR

No dog shall be declared vicious if the threat, injury or damage caused by such dog was sustained by a person who, at the time of such threat, injury or damage, was committing a trespass or other crime or tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. Nor shall any dog be declared vicious if the dog was responding to pain or injury, or was protecting itself, its kennel or its offspring.

Section 8. ACQUISTION

No person shall train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to attack humans or other dogs when unprovoked. The owner of a vicious dog shall register such dog with the Sheriff's Department. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and other identifying marks on the dog. If requested by the Sheriff, the owner registering a dog shall provide photographs.

The Sheriff's Department shall order the owner of a vicious dog to confine the dog at all times, either indoors, or in a proper secure enclosure, which shall consist of a securely enclosed and locked pen or structure suitable to prevent escape or the entry of young children, or any parts of their bodies. Such enclosure shall provide the dog protection from the elements. The owner of a registered vicious dog shall conspicuously display on the enclosure and near each entrance to the residence where the dog is kept, a sign, designated with a warning symbol approved by the Sheriff's Department which indicates to both children and adults the presence of a vicious dog. Any dog registered as vicious must be vaccinated.

Section 9. FINES, PENALTIES AND COSTS ASSESSED BY JUSTICE COURT

Penalties and disposition of fines charged. Any person convicted of violating a provision of this chapter 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.

Section 10. SEVERABILITY

This Ordinance has been considered section by section, provision by provision, and as a whole. Should any section or provision herein be held unconstitutional or invalid for any reason, the remaining sections and provisions hereof shall be valid, it being expressly declared that all constitutional, valid sections and provisions would have been enacted after the exclusion of any section or provision which might be found unconstitutional or invalid.

The Board specifically finds this Ordinance to be in the best health, welfare and safety interests of citizens.

Section 11. EFFECTIVE DATE

The Clerk of the Board of Supervisors shall cause this Ordinance to be published for three (3) consecutive weeks, and the Ordinance will become effective thirty (30) days after the last publication.