

ORDER OF THE LEE COUNTY BOARD OF SUPERVISORS 0058

SUBJECT: ORDINANCE

AT A ~~REGULAR~~ RECESSED MEETING OF THE LEE COUNTY
COUNTY BOARD OF SUPERVISORS ON 8-5-02

AT THE LEE COUNTY JUSTICE CENTER IN TUPELO, MS

Ordinance Providing for the Control
of Dogs & Dangerous Animals within
Lee County, MS

WAS DISCUSSED AND CONSIDERED.

UPON MOTION MADE BY SUPERVISOR Morgan

AND A SECOND OFFERED BY SUPERVISOR Smith,

THAT Ordinance Providing for the
Control of Dogs & Dangerous Animals
within Lee County, MS BE APPROVED/DISAPPROVED

THE PRESIDENT CALLED THE MOTION TO A ROLL CALL VOTE

AS FOLLOWS:

SUPERVISOR PHIL MORGAN

SUPERVISOR BOBBY G. SMITH

SUPERVISOR CHARLES R. DUKE

SUPERVISOR TOMMIE L. IVY

SUPERVISOR GLEN WEEKS

"Aye"
4 "Aye"

FOLLOWING THE VOTE, THE PRESIDENT DECLARED THE
MOTION CARRIED/FAILED AND REQUESTED THE ORDER BE

RECORDED BY THE CLERK OF THE BOARD, THIS THE

5th DAY OF August, 2002.

/Glen Weeks/
PRESIDENT

Bill Benson
/Bill Benson/
CLERK

ORDINANCE PROVIDING FOR THE CONTROL OF DOGS AND DANGEROUS
ANIMALS WITHIN LEE COUNTY, MISSISSIPPI

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF LEE COUNTY,
MISSISSIPPI:

SECTION 1. DEFINITIONS

That for the purpose of this Ordinance, the following definitions shall apply when used herein:

- (a) The word "Dog" shall include both the male and female sex of the canine species.
- (b) The word "Owner" shall include any person, partnership, firm or corporation owning, keeping or harboring one or more dogs.
- (c) The words "Dangerous Dog" shall mean that a dog without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite, or has bitten, maimed, killed, or otherwise endangered any person, dog, or other animal.

"Dangerous Dog" shall not include:

- (1) A police dog while being used to assist law enforcement officials in the performance of their official duties.
 - (2) A dog attempting to prevent a trespass or other criminal offense on the property of its owner, keeper, or harborer.
- (d) The words "Pit Bull Dogs" and dogs belonging to the breed of dogs commonly referred to as "Pit Bull Terriers" shall be considered prima facie as dangerous dogs under the terms and provisions of this Ordinance.
 - (e) The words "Without Provocation" shall mean that the dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.
 - (f) The words "Menacing Fashion" shall mean that the dog would cause a reasonable person being chased or approached to believe that the dog would attempt to cause physical injury to that person.

- (g) The words "Lee County" shall mean the unincorporated areas of Lee County, Mississippi.
- (h) The word "Board" shall mean the Board of Supervisors of Lee County, Mississippi.
- (i) The word "Law Officer" shall mean the Lee County Sheriff or any of his lawfully authorized deputies.
- (j) The word "County" shall mean Lee County, Mississippi, its departments and employees.

SECTION 2. VACCINATIONS

Provision 1. Every person who owns or has in his possession or who keeps or harbors any dog in Lee County, shall have and keep said dog inoculated (vaccinated) against rabies, as provided by the laws of the State of Mississippi, and as provided by the rules and regulations prescribed and promulgated by the Mississippi State Board of Health and it shall be unlawful for any person to own, possess, keep or harbor any dog within Lee County unless said dog has been so inoculated against rabies.

SECTION 3. HYDROPHOBIA (RABIES)

Provision 1. If any dog within Lee County shall at any time have rabies, or shall be suspected by the County Health Officer or designated representative of the County of having rabies, or shall have been exposed to rabies, said dog shall be safely confined by its owner and all respects dealt with in accordance with the direction of the County Health Officer or designated representative of the County.

Provision 2. If any dog suffering with rabies or reasonably suspected of suffering with rabies is caused or permitted to be at large within Lee County, said dog may be killed by any law officer or designated representative of the County without said officer/representative having to catch or impound said dog. No action shall be maintained by the owner of said dog for said animal being destroyed.

Provision 3. Whenever the Board finds and adjudge, by order or resolution duly passed by them and entered upon their minutes that it has become necessary to further safeguard the public from the dangers of Hydrophobia (Rabies), they may in the exercise of their sound discretion, issue a proclamation directing every person owning or possessing a dog in Lee County to securely confine said dog on the premises of the owner thereof. Any dog caused or permitted to be at large in violation of the terms of any such proclamation may be dealt with in the same manner as hereinabove provided. Before any such proclamation the Board may, in their discretion, seek and abide by the advice of the County Health Officer or other representative of the Board of Health of the State of Mississippi.

Provision 4. If any dog is caught and/or impounded by the County or its designee in compliance with this section of the ordinance then said dog shall not be released to the owner until such time as the owner provides proof of a current rabies vaccination or provides the vaccination by a licensed veterinarian. If said dog is in violation of this ordinance and has no proof of a current rabies vaccination, then said dog may be humanly destroyed by the County or its designee.

SECTION 4. INJURED, NEGLECTED OR ABANDONED DOGS

Provision 1. Upon receipt of a sworn affidavit from any respectable citizen of Lee County or if in the opinion of any law officer or designated representative of the County that any dog is found to be neglected, abandoned, injured or diseased past recovery then said dog may be caught, impounded and/or humanly destroyed by any law officer or designated representative of the County. No action shall be maintained by the owner of said dog for said animal being destroyed.

SECTION 5. DANGEROUS ANIMALS

Provision 1. The following animals are hereby found and determined to be dangerous animals and as such are subject to all requirements and provisions of this article:

- (a) Any animals, other than domestic dogs, which in a wild state are carnivorous or poisonous or which, due to their physical makeup or capabilities, are capable of inflicting serious physical harm or death to human beings.

This includes, but is not limited to, animals belonging to the cat or snake family, including all constrictors, bears, wolverines, badgers, lions, tigers and such other animals as the Board may from time to time determine by order or resolution to be vicious animals. The Clerk of the Board of Supervisors or County Administrator is authorized to compile and maintain a list of said animals as may be determined to be regulated by this article.

- (b) Any Pit Bull Terrier, which shall be herein defined as any Pit Bull Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Pit Bull Terrier or American Pit Bull Terrier so as to be identifiable as partially of the breed of Pit Bull Terrier or American Pit Bull Terrier by any qualified veterinarian duly licensed as such by the State of Mississippi.
- (c) Any domestic dog or any other animal that exhibits any of the following characteristics:
 - (1) Without provocation approaches, in a threatening or terrorizing manner, any person in any apparent attitude of attack or exhibits any behavior that constitutes a physical threat of bodily harm to a person upon the streets, sidewalks, any public or common grounds or places, or in any place where such person is conducting himself peaceably and lawfully.
 - (2) Without provocation bites, inflicts injury, assaults or otherwise attacks a person, in any place where such person is conducting himself peaceably and lawfully, or when such animal is not on the property of the owner of the attacking animal.
 - (3) A known propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise endanger the safety of human beings or other domestic animals.
 - (4) Owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

Provision 2. For the purposes of this article, a person shall be considered to be peaceably and lawfully upon the private property of any owner of an animal when he is on such property in the performance of any duty imposed upon him by any laws or postal regulations of the United States or any political subdivision thereof or when he is on such property upon invitation, expressed or implied.

Provision 3. The provision of this section notwithstanding, no animal may be determined to be dangerous due to the facts that it:

- (a) Inflicts injury or damage on a person who is committing a willful trespass or other tort upon the premises occupied by the person owning or in possession of the animal or who is teasing, tormenting, abusing or assaulting the animal or who is committing or attempting to commit a crime.
- (b) Inflicts injury or damage on another domestic animal that is or was teasing, tormenting, abusing or assaulting the animal.

- (c) Takes any action to defend or protect a human being within the immediate vicinity of the animal from any unjustified attack or assault.

Provision 4. Unless specifically stated to the contrary, the following are exempt from the requirements of this article:

- (a) Any duly authorized and lawfully operating dealers in animals within Lee County.
- (b) Any lawfully operated circus, carnival, performing act or similar functions and events of a temporary nature as may be authorized by the County.
- (c) Dogs or other animals lawfully used to guard private property.
- (d) Dogs or other animals assisting a law officer engaged in law enforcement duties.
- (d) Animals in a licensed veterinary, animal or small animal hospital for treatment or kept in a bona fide educational, medical or other research institution or in zoos, museums or similar places where such animals are kept as live exhibits or for study.

SECTION 6. PENALTIES

Provision 1. The failure or refusal of any person to comply with any of the provisions of this Ordinance, and the violation of any provision of this Ordinance by any person shall constitute a misdemeanor, and any person guilty of any violation or any provision of this Ordinance shall, on conviction thereof, be fined for the first offense in a sum not to exceed Twenty-Five Dollars (\$25.00); and the second offense in a sum not to exceed Fifty Dollars (\$50.00); and for the third offense a sum not to exceed One Hundred Dollars (\$100.00); and for any subsequent offense a sum not to exceed One Thousand Dollars (\$1000.00) and/or six (6) months in jail.

SECTION 7. ENFORCEMENT

Provision 1. The Lee County Sheriff's Department and any designated representative of the County shall have the primary duty and responsibility of enforcing the provision 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 8. SEVERABILITY

Provision 1. 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 hereof 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 be found to be unconstitutional or invalid.

SECTION 9. EFFECTIVE DATE

This Clerk of the Board of Supervisors shall cause this Ordinance to be published as soon as possible after the passage hereof and this Ordinance shall become effective thirty (30) days after the date of its adoption.

Publish August 9, 16, 23 and 30th ,2002

Instrument # 2008-08-05-0008