

***In re: Adoption of Animal Control Ordinance***

The Board of Supervisors of Madison County, Mississippi (the "County") acting for and on behalf of the County, took up for consideration the matter of adopting and enforcing an Animal Control Ordinance. After a discussion of the subject, Supervisor Douglas L. Jones offered and moved the adoption of the following Ordinance:

**ORDINANCE SETTING STANDARDS, CONDITIONS AND REQUIREMENTS  
FOR THE KEEPING, MAINTAINING AND TREATMENT OF ANIMALS IN  
MADISON COUNTY AND PRESCRIBING PENALTIES  
FOR THE VIOLATION THEREOF**

WHEREAS, Section 19-3-40 of the Mississippi Code of 1972, as amended, authorizes the board of supervisors of any county to adopt any order, resolution or ordinance with respect to county affairs, property and finances, for which no specific provision has been made by general law and which is not inconsistent with the Mississippi Constitution, the Mississippi Code of 1972, as amended, or any other statute or law of the State of Mississippi; and

WHEREAS, Section 97-41-1 through 97-41-17 prohibit cruelty to animals; and  
WHEREAS, the Madison County Board of Supervisors desires to adopt an ordinance for the purpose of controlling the running wild or nuisance behavior of animals, assuring the safety of animals and monitoring the general treatment of animals:

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

**SECTION 1  
Definitions.**

As used in this ordinance, the following terms shall have the following meanings:

- 1.1 Animal. Any live, vertebrate creature, domestic or wild.
- 1.2 Animal Shelter. Any facility operated by a humane society, municipal or county agency or its authorized agent, or other private entity for the purpose of impounding or caring for Animals held under the authority of this ordinance or state law.
- 1.3 County. Any unincorporated portion of Madison County, Mississippi.
- 1.4 Feral Animal. An animal that has escaped from domestication and become wild, dangerous, or untamed.
- 1.5 Kennel. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats or other domesticated Animals.

1.6 Owner. Any person, partnership or corporation owning, keeping or harboring one or more Animals. An Animal shall be deemed to be harbored if it is fed or sheltered, or if an Animal is dependent upon a human being for necessary sustenance.

1.7 Inhumane Treatment. Any treatment to any Animal which deprives the Animal of necessary sustenance, including food, water and protection from weather, or any treatment of any Animal such as overloading, overworking, tormenting, beating, mutilating, teasing or poisoning or other abnormal treatment as may be determined by any authorized law enforcement officer.

1.8 Nuisance Animal. Any Animal which: (a) Attacks or bites passersby or other Animals; (b) Trespasses on school grounds, in parks or in a zoological park; (c) Damages private or public property; or (d) Barks, whines or howls in an excessive or continuous fashion.

1.9 Platted Subdivision. Any subdivision within the County which is platted and on record with the County.

1.10 Restraint. Any Animal secured by a leash or lead of less than six (6) feet or within the fenced real property limits of its Owner.

1.11 Running at Large. An Animal not under Restraint is running at large if it is within a Platted Subdivision.

1.12 Veterinary Hospital. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of Animals.

1.13 Vicious Animal. Any Animal that constitutes a physical threat to human beings or to other Animals.

## **SECTION 2**

### **Rabies Vaccinations**

2.1 Any person owning, keeping, harboring, or having custody of any dog or cat six (6) months of age or older within a Platted Subdivision shall have that Animal vaccinated against rabies with the approved dosage of an approved anti-rabid virus (vaccine) properly administered by one legally authorized to do so. Every dog or cat must be so vaccinated immediately upon attaining the age of six (6) months, and every three (3) years thereafter. It shall be unlawful for any person to own or have in his or her possession any dog or cat not so vaccinated.

2.2 The Owner of any dog or cat shall see that the Animal wears a securely bradded metal tag approved by the State Board of Health with the serial number of the vaccination and the year in which the Animal was inoculated stamped thereon, and to see that the tag is worn by the Animal at all times.

2.3 The failure to comply with this Section shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined twenty-five dollars (\$25.00) for the first offense,

fifty dollars (\$50.00) for the second; and one-hundred dollars (\$100.00) for the third offense. Any fine imposed pursuant to this Section 2.3 shall be paid to the Justice Court within five (5) days of the imposition of such fine and related citation. In the event that such fine is not paid within the prescribed time, a misdemeanor warrant may be issued for contempt.

**SECTION 3**  
**Impoundment and Quarantine of Animals Having Bitten Persons**

In case of an attack by an Animal resulting in injury to any person or other Animal, such Animal shall be impounded by the County for observation for a period of ten (10) days, or the County may have such Animal impounded for ten (10) days with a private Veterinarian Hospital. All costs of impoundment, and any related Veterinarian Hospital fees, shall be paid by the Owner.

**SECTION 4**  
**General Animal Control**

4.1 It shall be unlawful for the Owner of any Animal to permit it to run at large within any Platted Subdivision within the County.

4.2 It shall be unlawful for the Owner of any Animal to permit such Animal to become or continue to be a Nuisance Animal within a Platted Subdivision within the County.

4.3 Animals within Platted Subdivisions that are Nuisance Animals or Animals Running at Large may be seized and impounded as provided in Section 5 below.

4.4 No Animal shall be allowed within the grounds of any County park unless it is kept under Restraint at all times. 4.5 In addition to or in lieu of impounding an Animal found at large or a Nuisance Animal, any law enforcement officer may issue to the known Owner of such Animal a citation or violation. Such citation shall impose upon the Owner, at the discretion of the Justice Court Judge, a penalty as follows: First offense \$ 85.00 Second offense \$100.00 Third offense not less than \$150.00 and not more than \$500.00 All offenses will be presented by the County to the Justice Court Judge. Any fine to be paid pursuant to this Section 4.5 shall be paid to the Justice Court within five (5) days of the imposition of such fine and related citation. In the event that such fine is not paid within the prescribed time, a misdemeanor criminal warrant may be issued for contempt.

**SECTION 5**  
**Seizure and Impoundment Generally**

5.1 Authority to Seize; Confinement Period. An Animal within a Platted Subdivision that is a Nuisance Animal or an Animal Running at Large shall be taken by any law enforcement officer and impounded in an enclosure or Animal Shelter designated by the County for that purpose, and there confined in a humane manner. Such an Animal not suffering from an incurable injury or disease shall be kept for not less than seven (7) days.

5.2 Notice to Owner; Reclaiming of Animal. If the Owner of an impounded Animal can be identified by a tag or by other means, the Owner shall be notified, immediately upon impoundment, by telephone or by mail that such Animal has been impounded by the County at an Animal Shelter designated by the County. Within seven (7) days of being seized by the County, and provided the Animal is properly vaccinated, licensed and tagged, the rightful Owner of any Animal held under this Section 5 may reclaim the Animal upon payment of an impoundment fee to the County or to its designee sufficient to pay for all costs associated with the Animal's impoundment. If an unvaccinated Animal is reclaimed by its Owner, the Owner must make arrangements for, and pay for, the vaccination of said Animal prior to it being released from impoundment.

5.3 Disposition if Not Reclaimed by Owner; Waiver of Waiting Period. Any Animal not reclaimed by its Owner within seven (7) days shall become the property of the County and shall be placed for adoption in a suitable home for the fee of Ten Dollars (\$10.00), or humanely euthanized with an injection of sodium pentobarbital. If an unclaimed Animal is adopted, the adoptive Owner must make arrangements for, and pay for, the vaccination of said Animal prior to its release from impoundment. The seven-day waiting period is waived for a Vicious or Feral Animal, or for any Animal suffering from an incurable disease. The seven-day waiting period may also be waived for any injured or neglected Animal which, pursuant to Section 97-41-3 of the Mississippi Code, may be humanely euthanized. Animals not claimed within the prescribed seven-day waiting period may also be released to the Mississippi Animal Rescue League or to any other animal rescue league organization which the County may determine is appropriate.

5.4 Additional Proceedings Against Owner Authorized. The Owner of an impounded Animal may also be proceeded against by the County for violation of this ordinance.

## **SECTION 6** **Animal Care**

6.1 No Owner shall fail to provide his or her Animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

6.2 No person shall beat, cruelly treat, torment, overload, over-work, or otherwise abuse an Animal, or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between Animals or between Animals and humans.

6.3 No Owner of an Animal shall abandon such Animal.

6.4 No person shall expose any known poisonous substance, whether mixed with food or not, so that the same is likely to be eaten by any Animal, provided that it shall not be unlawful for a person to expose on his or her own property common pest-control poison mixed only with vegetable substances.

6.5 No Owner shall fail to exercise proper care and control of his or her Animal(s) to prevent it/them from becoming a public nuisance.

6.6 Every Vicious Animal, as determined by the County, shall be confined by the Owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its Owner.

6.7 No person shall leave an Animal unattended inside a motor vehicle when such action is harmful or 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 reasonable potential harm from continuing, any law enforcement officer shall be authorized to remove said Animal from such vehicle and to utilize any reasonable method to effect said removal.

## **SECTION 7**

### **Animal Waste**

The Owner of every Animal shall be responsible for the removal of any excreta deposited by his or her Animal(s) on public walks, recreation areas or private property.

## **SECTION 8**

### **Pet Shops, Aviaries and Kennels**

Any law enforcement officer of the County is hereby authorized at any reasonable time, upon receipt of any public complaints or requests to inspect any store or business located within the County which buys, sells, gives away or trades live Animals or which operates a Kennel.

## **SECTION 9**

### **Enforcement**

9.1 The civil and criminal provisions of this ordinance shall be enforced by the any law enforcement officer in the County. It shall be a violation of this ordinance to interfere with any officer in the performance of his duties.

9.2 The County may, at its option, contract with any municipality or other private entity for the purpose of carrying out the County's duties set forth hereunder related to the seizure of Animals, the impoundment of Animals, and certain other duties which the County may deem appropriate.

## **SECTION 10**

### **Penalties**

Any person violating any provision of this ordinance, except as provided in Section 2.3 and in Section 4.4, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or imprisonment in the County jail not to exceed thirty (30) days, or by both fine and imprisonment. If any violation be continuing, each day's violation shall be deemed a separate violation.

Supervisor Andy Taggart seconded the motion to adopt the foregoing Ordinance and, the

question being put to a roll call vote, the result was as follows:

Supervisor Douglas L. Jones	voted: Aye
Supervisor Tim Johnson	voted: Aye
Supervisor Andy Taggart	voted: Aye
Supervisor Karl M. Banks	voted: Aye
Supervisor Paul Griffin	voted: Aye

The motion having received the affirmative vote of a majority of the members present, the President of the Board of Supervisors declared the motion carried and the Ordinance adopted, on this the 19th day of June, 2006.

SO ORDAINED AND ADOPTED this the 19<sup>th</sup> day of June, 2006.