

ORDINANCE OF SIMPSON COUNTY, MISSISSIPPI
REGULATING OWNERSHIP OF DANGEROUS
AND POTENTIALLY DANGEROUS DOGS

WHEREAS, the Board of Supervisors of Simpson County, Mississippi, finds it necessary to strictly regulate the keeping of dogs, including dangerous and nuisance dogs, in order to protect and promote the health, safety and welfare of its citizens; and

WHEREAS, the Board finds that the regulations, prohibitions and standards set forth herein are in the best interest of the citizens of Simpson County, Mississippi, and the public at large.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SIMPSON COUNTY, MISSISSIPPI, AS FOLLOWS:

Section I: Definitions. As used in this Ordinance, the following terms shall apply:

- a. "Potentially dangerous dogs" shall mean: any dog with a known propensity, tendency or disposition to make unprovoked attacks, to cause injury to or to otherwise endanger the safety of humans or domestic animals.
- b. "Dangerous dog" shall mean any dog which:
 - i. Demonstrates behavior and/or possesses the vicious propensity to inflict serious bodily injury or death upon a human being and/or domestic animals and constitutes a danger to human life or domestic animals; or,
 - ii. Has behaved in such a manner that the owner knows, or reasonably should know that the dog is possessed of tendencies to commit unprovoked attack or to injure human beings or other domestic animals; or,
 - iii. Has been certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human beings or domestic animals; or,
 - iv. Without provocation, bites or assaults a human or domestic animal; or,

- v. Commits an unprovoked act that causes a person acting in a reasonable and non-aggressive manner to reasonably believe that the dog will attack and cause bodily injury to that person or animal.
- c. "Owner" shall mean any person, 18 years of age or older, or other entity that harbors, shelters, keeps, controls or possesses a dog. A dog is deemed to be harbored if it is fed or sheltered for twenty-four(24) hours or more.
- d. "Harborer" means any person, partnership, corporation or other entity which feeds or shelters a dog, or knowingly permits it to remain on or about any premises occupied by or under its control, for a period of ten (10) days or longer.
- e. "impounds" shall mean taken into custody of the Sheriff of Simpson County, Mississippi
- f. "injury" shall mean any physical injury that requires medical treatment or causes pain
- g. "proper enclosure" means secure confinement indoors or secure confinement in a locked pen, fenced yard or structure measuring at least 6 feet in width, 12 feet in length and 6 feet in height and capped if the dog can climb the fence, with secure sides and suitable to prevent the entry of children and designed to prevent the dog from escaping while enclosed therein.
- h. "Public Nuisance" means any dog which repeatedly or frequently:
 - i. Molests passersby or passing vehicles;
 - ii. Attacks other Animals;
 - iii. Trespasses on school grounds, county parks, or private property;
 - iv. Is running at large;
 - v. Damages private or public property;
 - vi. Vocalizes in a manner which are plainly audible to a person of ordinary hearing, not on the same property as the Animal making the vocalization, for a period of more than 15 minutes without interruption or more than 30 minutes with brief or

limited interruption. Those persons enforcing this provision need not measure the level of vocalization by a sound meter but may rely upon their own senses and the reports of surrounding property owners. Vocalizations that are the result of the Animal responding to an emergency or warning to the presence of an intruder are not deemed a public nuisance.

- vii. Defecates or urinates on public property or private property of one other than its Owner; or
 - viii. Is in heat while not confined within an Enclosure sufficient to prevent unintentional breeding.
 - ix. Damages gardens or other foliage.
 - x. Gets into or turns over garbage pails.
 - xi. Walks on, sleeps on or scratches an automobile of one other than the Harboring.
 - xii. Is found on the property of another.
 - xiii. Otherwise causes undue annoyance to one other than the Harboring.
- i. "restraint" shall mean when an animal is secured by a leash or lead of less than six (6) feet.
 - j. "Sheriff's Office" shall mean the Sheriff of Simpson County, Mississippi, or any lawful deputy thereof.

Section II: Determination of Potentially Dangerous Dogs or Dangerous Dogs

A. The Sheriff's Office shall, as deemed necessary, conduct and investigation into reported incidents involving dogs that may fall within the definition of Potentially Dangerous Dog or Dangerous Dog. If possible, the Sheriff's Office will interview the Harboring and/or Owner of the dog in question and obtain sworn affidavits from individuals desiring to have the dog classified as a Potentially Dangerous Dog or Dangerous Dog.

B. After the investigation, the Sheriff's Office shall make an initial determination as to whether there is sufficient cause to classify the dog in question as a Potentially Dangerous Dog or Dangerous Dog. Written notification of the findings of the Sheriff's Office will be sent to the Owner and, if different, the Harboring of the dog by registered mail. The Owner, and if different, the Harboring, may file a written request, within

ten (10) days from the date of receipt of the notification of the findings, for a hearing on the issue of the dog's classification as a Potentially Dangerous Dog or Dangerous Dog. Upon receipt of the written request of the Owner, or if different, the Harboring, for a hearing the Sheriff's Office will schedule a hearing in the Simpson County Justice Court to review the classification determination (the "Determination Hearing,") and provide notice to the Owner/Harboring of the hearing date. The Determination Hearing shall be held as soon as possible, but not more than twenty one (21), nor less than seven (7) days after receipt of the request for said hearing. If a request for a Determination Hearing is not made within the ten (10) day time period the right to appeal the classification decision of the Sheriff's Office shall be waived.

C. During the period of investigation and Determination Hearing process set forth above, the dog in question must be confined in a proper enclosure or surrendered to the Sheriff's Office for impoundment. If surrendered for impoundment, all costs of housing the dog will be paid by the Owner or Harboring prior to the dog being released.

D. No dog that is subject to an ongoing investigation or Determination Hearing under this section may be relocated nor ownership transferred, other than to the Sheriff's Office, unless the relocation or change in ownership is for the purpose of placing the dog in a Secure Enclosure. In the event of the dog's relocation or change in ownership the Sheriff's Office must be notified immediately and provided with all requested information.

E. Decisions of the Simpson County Justice Court may be appealed pursuant to Rule 1.25 of the Uniform Rules of Procedure for Justice Court.

Section III: Exceptions.

No dog will be declared a dangerous or potentially dangerous dog if:

- a. The dog was used by a law enforcement official for legitimate law enforcement purposes; or,
- b. The threat, injury or damage was sustained by a person:
 1. Who was committing, at the time, a willful trespass or other tort upon premises lawfully occupied by the owner of the dog; or,
 2. Who was provoking, tormenting, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or,
 3. Who was committing, or attempting to commit, a crime on the owner or upon the real property of the owner; or

c. The dog was:

1. Responding to pain or injury; or,
2. Protecting itself or its offspring; or,
3. Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

Section IV. Requirements of Owner after Receiving Notice of Determination if Dog is classified as a Dangerous or Potentially Dangerous Dog.

- a. Upon receipt by the owner of notice from the Sheriff's Office that a dog is a dangerous or potentially dangerous dog, the owner shall:
 1. Construct or provide a proper enclosure and confine the dog within the confines of the property of the owner; and,
 2. If the dog has not been vaccinated against rabies, the owner shall have the dog vaccinated at the cost of the owner; and,
 3. Obtain a registration certificate from the Sheriff's office and annually thereafter, for the sum of \$50.00.

Section V. Impoundment.

- a. Any dog impounded by the Sheriff's office shall be sheltered by the Sheriff's Office or at such place as may be contracted by Simpson County;
- b. Any dog impounded shall be held at the aforementioned shelter for a period of not more than ten (10) days after the owner is notified in writing by certified mail or written notice by hand delivery of such impoundment. If the identity of the owner cannot be determined then a notice of such impoundment shall be posted at the Sheriff's office. If the dog is not claimed within ten (10) days of the date when the owner receives written notice of such impoundment or within ten (10) days of posting, the dog shall be euthanized.
- c. All expenses incurred by Simpson County regarding impoundment, including food and medical attention, shall be paid by the owner upon reclaiming the dog.

Section VI. Reclaiming Dog by Owner.

- a. After the Sheriff's Office has determined that the owner satisfied the requirements of Section IV, the owner may reclaim the impounded dog upon paying any expenses incurred by the Sheriff's office. Reclaiming by the owner must occur within the time period specified in Section V(b).

Section VII. Enforcement.

- a. It shall be unlawful for any owner of person to possess, keep or harbor any dangerous or potentially dangerous dog outside a proper enclosure, unless the dog is securely restrained by leash or caged and under physical control by the owner at all times. All owners of dangerous dogs shall display at all entry points to their property a sign, easily readable by the public, warning of the existence of the dog, such as "Beware of Dangerous Dog".
- b. If any such dog escapes from its proper enclosure or restraint, then the owner shall immediately notify the Sheriff. It shall be unlawful for any owner to not notify the Sheriff of such escape.
- c. It shall be unlawful for any owner to fail or refuse to annually register with the Sheriff's Office any dangerous or potentially dangerous dog.
- d. It shall be unlawful for any owner to fail to properly vaccinate against rabies any dangerous or potentially dangerous dog; and,
- e. It shall be unlawful for any owner or person to interfere with the Sheriff's office in the performance of his official duties as set forth herein which include, but is not limited to, providing the Sheriff's office with false information, and taking or attempting to take any dog from the Sheriff's office.
- f. If any Deputy observes any violation of this ordinance, or finds probable cause exists that a violation of this ordinance has occurred, or that any dog(s) is a Public Nuisance, he may issue a citation to the Owner or Harboring of the dog noting the offending conditions and charging him/her with a violation of this ordinance and setting a date and time certain for a hearing in the Simpson County Justice Court. Any Deputy may rely upon the sworn affidavit of any person he finds to be reliable as sufficient probable cause to proceed under this provision. Any Deputy may, in lieu of issuing a citation, file an affidavit in the Simpson County Justice Court, specifically noting the offending conditions and charging the Harboring of the dog with a violation of this Ordinance.

- g. As an alternative to the procedures set forth under Paragraph (f) above, any member of the public may swear out an affidavit in the Simpson County Justice Court setting forth the sufficient facts and details of the offending conditions and charging the Harboring with a violation of this Ordinance.
- h. Upon receipt of any charging affidavit as described above, the Simpson County Justice Court shall then process the affidavit, in the same manner as affidavits asserting a violation of a criminal statute, so as to bring about the enforcement of this Ordinance.
- i. If the Court determines that a dog is a potentially dangerous dog or dangerous dog as defined in Sections I(a) and I(b), the owner shall be required to comply with the provisions of Section IV herein within a period of ten (10) days thereafter and the Sheriff may impound the dog until the owner has satisfied the requirements of Section IV herein. If the Owner fails to satisfy the requirement of Section IV herein, the Justice Court Judge shall determine whether the dog shall be euthanized, placed for adoption, returned to the Owner or such other relief the Court deems appropriate should be granted. If the Justice Court orders that the dog shall be euthanized or placed for adoption, the dog shall remain impounded for a period of thirty (30) days following entry of the Justice Court's written Order, during which period the Owner may appeal the decision as provided by law. If an appeal is not perfected within such thirty (30) day period, the Sheriff's Office shall be authorized to immediately euthanize or place the dog for adoption. If an appeal is properly perfected, the Sheriff's Office shall retain possession of the dog at the appropriate animal shelter unless the Owner makes a written request that the dog be housed with a local veterinarian and signs a written agreement that the Owner will pay all expenses related thereto.

Section VIII: Identification and Destruction of Rabid Dog

A. In case of an attack by any Animal resulting in severe injury to any human, unless otherwise provided herein, shall be impounded at an appropriate animal shelter by the Sheriff's Office for observation for a period of ten (10) days to determine if the Animal is rabid, (ii) IN case of an attack by any Animal resulting in Severe Injury to any Pet or Livestock unless otherwise provided herein, shall be impounded at any appropriate animal shelter by the Sheriff's Office for observation for a period of ten (10) days to determine if the dog is rabid. If verified proof is presented to the Sheriff's Office that the dog is current on rabies vaccinations this holding period may be waived.

B. The Owner or Harboring may, upon notification to the Sheriff's Office, may have such dog placed with a private veterinarian, licensed to practice veterinary medicine within the State of Mississippi, or a private animal shelter, for the required holding period. Such placement shall be at the expense of the person causing placement of the dog with the private facility.

C. If at the end of above periods of time, or any time prior thereto, it is determined that said dog has rabies, such dog shall be immediately destroyed without the necessity of notice to the Owner.

Section IX: Seizing, Impounding and Administration of Dangerous Dogs

A. The Sheriff's Office shall have the authority to seize and impound any dog which: (i) 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; or (ii) he reasonably believes to be a Dangerous Dog not being kept or maintained in accordance with the requirements of this Ordinance. Any Dangerous Dog seized and impounded by a Law Officer shall be confined by the Sheriff's Office, or if insufficient space is available, in another proper animal shelter.

B. If any dog subject to seizure and impoundment hereunder cannot be immediately seized without fear of injury to humans, and if such dog is further determined by a Law Officer to be a threat to the public health, safety and welfare, such dog may be immediately destroyed by the Law Officer.

Section X: Public Nuisance

A. Whenever the Sheriff's Office receives complaints that any dog is a Public Nuisance the Sheriff's Office may investigate to determine if facts exist to demonstrate a Public Nuisance.

B. In response to a first complaint of Public Nuisance the Sheriff's Office may, in his discretion, issue a written notice to the Owner or Harboring of the subject dog advising that such animal is creating a disturbance, requesting the matter be rectified and advising of the potential violation of this section of the ordinance if the matter is not rectified.

C. It shall not be necessary, for the purposes of establishing a Public Nuisance, to identify and described with particularity the dog which is causing the nuisance but only that it shall be shown who is the Owner or Harboring of the dog or the premises where the dog is located.

Section XI. Penalties.

A. Any person whose dog attacks, injures or harms any human, domestic animal, pet or livestock as a result of a violation or noncompliance of this

Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) or imprisonment in the county jail not to exceed ninety (90) days or by both such fine and imprisonment. Each violation shall be deemed a separate offence.

B. Any person violating any provision of this Ordinance for which no penalty is otherwise specifically provided for shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred (\$200.00) for a first offense. For any second offense occurring within a two (2) year period of time, a fine in the amount of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) and/or imprisonment in the county jail not to exceed thirty (30) days. For any third or subsequent offense occurring within a two (2) year period of time, a fine in the amount of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or imprisonment in the county jail not to exceed one hundred eighty (180) days. Each violation of this Ordinance shall be deemed a separate offense.

C. The Court, in addition to the penalties provided herein, may order the person violating this Ordinance to pay restitution to any person suffering damages resulting from the violation.

D. The Court, in addition, to the penalties provided herein, shall order the person violating this Ordinance to pay the impound fees set forth in this Ordinance.

Section XI. Severability.

This Ordinance shall be cumulative and in addition to any other laws in force. If any part of this Ordinance shall be ruled illegal, unconstitutional or otherwise unenforceable by a Court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Section XIII. Effective Date and Affected Area.

This Ordinance shall become effective on passage by the Simpson County Board of Supervisors, and shall apply to and be enforced within the unincorporated boundaries of Simpson County, Mississippi.

The above and foregoing Ordinance was introduced by Supervisor Welch moved for it's adoption. Supervisor Moore seconded the motion to adopt the Ordinance, the Ordinance was

thereafter read section by section by the Clerk of the Board, and the question being put to roll call vote, the result was as follows:

Supervisor Mitchell Chatman voted	Aye
Supervisor Danny Craft voted	Aye
Supervisor Brian Kennedy voted	Aye
Supervisor Donny Welch voted	Aye
Supervisor Randy Moore voted	Aye

The question having received the affirmative vote of all the Supervisors present and voting, the President declared the motion carried and Ordinance adopted and approved this the 3rd day of October, 2022.

BOARD OF SUPERVISORS OF
SIMPSON COUNTY, MISSISSIPPI

By: Brian Kennedy
BRIAN KENNEDY, President

ATTEST:

Gena Sullivan
GENA SULLIVAN, Clerk of the Board