

TOWN OF BENTONIA, MISSISSIPPI

MUNICIPAL ORDINANCES 2022

ARTICLE 1. ANIMAL CONTROL

Section. 1.0 Animal Control Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **Animal control officer** means the person designated by the Town to represent and act for the Town in the impoundment of animals, controlling of animals running at large and as otherwise required in this article.
2. **At large.** Any dog, cat, fowl, or other animal shall be deemed to be at large when not on a leash, behind a fence or enclosure, or under the control of a competent person.
3. **Feral dog** means a dog that has escaped from domestication and has become wild, dangerous, or untamed.
4. **Health officer** means a licensed physician or veterinarian, or any other person appointed by the Mayor and Board of Aldermen to have charge and control of the work of protecting and preserving the public health.
5. **Inhumane treatment** means 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 treatments as may be determined by:
 - (1) The health officer; or
 - (2) An authorized law enforcement officer or person appointed by the Mayor and Board.
6. **Large canine breeds** means dogs equivalent to or greater than an average size cocker spaniel or above 30 pounds.
7. **Livestock** means all domesticated animals, including but not limited to, horses, cows, mules, goats, sheep, and pigs.
8. **Owner** means any person, firm or corporation owning, keeping, or harboring any animal or fowl.
9. **Vaccination** means an injection of state board of health approved rabies vaccine administered every 12 calendar months by a licensed veterinarian or other competent person granted a permit to administer vaccine by the state board of health.

10. **Vicious animal** means any animal or animals that constitute a physical threat to human beings or to other animals.

11. **Wild animals** means all undomesticated animals, including, but not limited to, lions, tigers, bears, wolves, apes, monkeys foxes, baboons, skunks, raccoons, opossums and squirrels.

Section. 1.1 Impoundment and recovery of animals.

(A) Any dog, animal or fowl caught, picked up or impounded by the animal control officer or any police officer of the Town shall be forthwith turned over to the Mississippi Animal Rescue League or similar organization. Any impounded animal may be reclaimed by the owner within five days of impoundment upon the payment of all impoundment fees and upon showing proof of ownership and current or appropriate vaccination.

Section. 1.2 Procedure for retention, observation and disposition of animals which have bitten persons or other animals, or those suspected of having disease.

(A) The animal control officer, in the course of his duties shall investigate in cases in which animals have bitten persons or other animals and shall immediately notify the owner of such animal which has bitten any person or animal to surrender the animal to the animal control officer immediately or otherwise arranges for the animal control officer to pick up and retain such animal in a separate kennel at the designated animal shelter for a period of not less than ten days after the biting of such person or other animal, during which period it shall be determined by the Town health official or other designated official whether or not such animal is suffering from any disease.

If no disease is found, the Town health official or the designated official shall signify to the animal control officer that such animal may be released to the owner; provided further, that the animal control officer may authorize keeping of any such animal on the owner's premises provided that the owner produces a certificate of rabies vaccination showing that the animal has been vaccinated for rabies not longer than 12 months previous thereto or other vaccination period recognized by the United States Department of Agriculture and provided further, that the animal control officer may authorize the owner of any such animal to be retained for a period of not less than ten days after biting such person or animal in quarters supervised by a veterinarian; provided further, that the Town health officer, or other designated official may authorize the keeping of certain animals confined on the owner's premises because of veterinary reasons, such as small rodents, monkeys or other animals difficult to maintain or susceptible to diseases which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the Town health officer or other designated official.

(B) Any animal suspected of having disease shall be subject to the impoundment and observation provision set out in subsection (A) of this section.

(C) Any animal found to be infected with rabies shall be forthwith destroyed by the animal control officer, an officer of the police department, or by other designated officer.

Section 1.3 Vaccination of dogs and cats required: issuance of certificate and metal tag.

(A) On or before August 1 of each year every owner or keeper of a dog or cat three months or older in the Town shall cause such dog or cat to be vaccinated against rabies by a veterinarian licensed to practice in the state or other competent person granted a permit to administer vaccine by the state board of health.

(B) Evidence of vaccination shall consist of a metal tag and certificate issued and signed by the person administering the vaccination and containing pertinent data for identification of the dog or cat which data must consist of the owner's name, address and telephone number. The metal tag must be worn at all times by the dog or cat.

Section 1.4 Control and Protection of Animals in General.

(A) It shall be unlawful for any person to:

- (1) Permit any animal to run at large within the corporate limits of the Town.
- (2) Carry out any inhumane treatment against any animal.
- (3) Interfere with or molest a dog used by the police department of the Town in the performance of the function or duties of such department.
- (4) Keep or harbor more than four domesticated animals of the same species over the age of six months in any residential area within the corporate limits of the Town or keep more than two of which are large canine breeds (guide dogs, hearing ear dogs or other animals trained to assist physically disable persons do not count in this number).
- (5) **Keep or harbor any animal which by loud, frequent, or habitual barking, howling, yelping, or other noise or action disturbs any person or neighborhood within the corporate limits of the Town.**
- (6) Keep or maintain on their premises any pen, enclosure, etc. for keeping of animals or fowl so as to become a public nuisance to persons residing in the vicinity thereof, nor shall they be maintained or kept in any manner as to cause bodily injury to any person residing in the vicinity of the pen, enclosure, etc.
- (7) Keep or harbor any animal or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to persons residing in the vicinity thereof.
- (8) Fail to provide animals 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:
- (9) Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to such animal; in the event the owner of such vehicle is not available and cannot be found or refuses to prevent such harm or reasonably potential harm from continuing, the animal control officer or the police department shall be authorized to remove such animal from such vehicle and utilize any reasonable method to effect the removal;
- (10) Expose any known poisonous substance, whether mixed with food or not in such a manner as to be ingested by any animal to purposely harm such animal;
- (11) Hobble; tether, tie, stake or otherwise confine an animal in the front yard of any residence or business. This subsection does not apply to an animal on a leash or other restraint under the control of its owner. Maintaining an animal in a front yard through means of an electric fence shall not be a violation of this article for

all electric fences in existence and operation on February 4, 2003.

Section 1.5 Authorization for Quarantine

(A) If a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the Town health officer or other designated official is hereby authorized and it shall be their duty to issue a quarantine proclamation ordering persons owning, keeping, or harboring any dog or cat to muzzle the dog or cat or confine it as provided in this article for such time as may be specified in quarantine proclamation.

Under the publication of such proclamation by the health officer or other designated official, the person keeping or harboring any dog, cat or other animal shall follow the procedures as prescribed in this article, except that any such animal under the control of an adult person on a leash or under control by voice command may do so only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the Town health officer in a quarantine proclamation, without being properly confined or muzzled if under the control of a adult person, may be destroyed by any officer of the Town if such officer is unable, with reasonable effort, to apprehend the animal for impoundment.

Section. 1.6 Animal control officers, Training and certification.

(A) Animal control officers shall be required to be familiar with the Town ordinances pertaining to animals and fowl, and applicable federal and state statutes pertaining to animal and fowl.

Section. 1.7 Police powers and enforcement responsibility.

(A) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provisions of this article, including without limitation, humane wire box traps. and the animal control officer may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.

(B) Any animal control officer appointed by the Town shall be vested with police powers and shall be authorized to issue tickets, summons or other process in the same manner as other police officers of the Town.

Section. 1.8 Reporting vehicle accident involving animal.

(A) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the police department and/or the animal control officer or to the local humane society within a reasonable time.

Section. 1.9 Vicious or diseased animals.

(A) Vicious animals or feral dogs. When an animal is determined by the animal control officer to be a vicious animal or a feral dog, that animal may be destroyed by the animal control officer or his designee providing each of the following requirements is met:

- (1) The animal is running at large.
- (2) There is no vaccination tag around the animal's neck.
- (3) Attempts to peacefully capture the animal have proved unsuccessful.

(B) Incurably injured or diseased animals, etc. It shall be the duty of the police and duly authorized animal control officer to discharge a firearm in order to mercifully end the life

of an animal suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard, including but not limited to pigeons, rabbits, squirrels, snakes and feral dogs.

Section. 1.10 Personnel using firearms pursuant to article.

(A) Personnel empowered by this article to discharge firearms within the Town limits shall qualify with the chief of police once every six months and may not discharge any firearms within the scope of their employment unless and until the chief of police has issued or renewed the appropriate certification. Such certification is to be used based on the following considerations:

- (1) Thorough instruction in operation of the type of firearms issued to the animal control officer.
- (2) Thorough knowledge of all appropriate safety procedures by the animal control officer.
- (3) Competent performance on the firing range by the animal control officer.
- (4) Such other test or qualification as the chief of police in his discretion; deems appropriate.

(B) In issuing the required certification, the chief of police is to take into consideration all the requirements in keeping with good police practice, and will always bear in mind the safety of the citizens of the Town, and shall require the same degree of competence from authorized personnel as is required of police officers discharging firearms within the Town limits.

Section. 1.11 Humane Euthanasia

(A) An injured or neglected animal may be humanely euthanized by the animal control officer or his designee immediately.

Section. 1.12 Penalties for Violations.

(A) Any person who violates any of the provisions of this article shall be guilty of a misdemeanor.

(B) Any person found guilty of violating this article shall be punished as follows:

- (1) First offense, a fine not to exceed \$100.00.
- (2) Second offense, a fine not less than \$250.00 and not more than \$500.00 if the offense is committed within one year of the first offense.
- (3) For a third offense, the animal involved will be removed from the Town limits or euthanized as necessary. It shall be a rebuttable defense that the animal was protecting the home, homeowner, its litter or itself.

(4) Dogs running free: with tags:

(A) First citation, a fine not to exceed \$50.00.

- (B) Second citation, a fine not to exceed \$75.00.
- (C) Third or more citation, a fine not to exceed \$100.00.