

**ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS WITHIN
LAFAYETTE COUNTY, MISSISSIPPI**

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

SECTION 1. DEFINITIONS

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

- (a) The word “animal” shall include both the male and female sex of the canine species, and any other animal, wild or domestic, except humans.
- (b) The word “Owner” shall include any person, partnership, firm or corporation owning, keeping or harboring one or more animals.
- (c) The words “Vicious Animal”: shall mean any animal which, 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, animal, or other animal.
- (d) The words “Without Provocation” shall mean that the animal was not teased, tormented, or abused by a person, or that the animal 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 animal as means of carrying out such activity.
- (e) The words “Menacing Fashion” shall mean that the animal would cause a reasonable person being chased or approached to believe that the animal would attempt to cause physical injury to that person.
- (f) The words “Lafayette County” shall mean the unincorporated areas of Lafayette County, Mississippi.
- (g) The words “Board” shall mean the Board of Supervisors of Lafayette County, Mississippi.
- (h) The word “Law Officer” shall mean that Lafayette County Sheriff or any of his lawfully authorized deputies.
- (i) The word “County” shall mean Lafayette County, Mississippi, its departments and employees.

- (j) “Restraint” or “Restrained” means the condition of securing any Animal by Tethering or restraining in such a way that the Animal is confined or restrained within the real property limits of its Owner or, when the Animal is off the property of the Owner, by keeping the Animal secured by leash or lead of not more than six (6) feet.
- (k) “Running at Large” describes any Animal not under "Restraint." Notwithstanding the foregoing, no dog may be considered to be running at large while:
 - (i) it is working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its Owner;
 - (ii) it is bodily carried by a person who is capable of controlling and restraining the Animal;
 - (iii) it is under voice control and is actively participating in organized group training or is in an official showing, obedience or field event.
- (l) “Secure Enclosure” means an Enclosure, as defined, which must include the following additional features:
 - (1) secured sides of at least six (6) feet in height (or greater if recommended by the Designee);
 - (2) sides which are embedded in the ground no less than two (2) feet so as to prevent escape by erosion or digging;
 - (3) the enclosure must have a diameter of at least ten (10) feet by ten (10) feet (or greater if recommended by the Designee on a case by case basis) and include a shelter protecting the animal from the elements;
 - (4) all gates to the enclosure must be lockable and designed to prevent entry of children and escape of the animal;
 - (5) the fencing shall comprised of chain link, or other materials as approved by the Designee on a case by case basis, and must be secured by posts set in concrete;
 - (6) the enclosure shall remain locked and secured during all times the animal is present within the enclosure;
 - (7) the enclosure must be at least five (5) feet from any property line of the owner or person having custody of the animal.
- (m) “Injury” means any physical injury that results in broken bones, severe or disfiguring lacerations, hospitalization, professional medical attention, suturing, cosmetic surgery, or death.
- (n) “Designee” shall mean the Oxford-Lafayette Humane Society or its representatives.

SECTION 2: VACCINATIONS

Provision 1. Every person who owns or has in his possession or who keeps or harbors any animal in Lafayette County, shall have and keep said animal 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 animal within Lafayette County unless said animal has been so inoculated against rabies as required by law.

SECTION 3: HYDROPHOBIA (RABIES)

Provision 1. If any animal within Lafayette 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 animal 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 animal suffering with rabies or reasonably suspected of suffering with rabies is caused or permitted to be at large within Lafayette County, said animal may be killed by any law officer or designated representative of the County without said officer/representative having to catch or impound said animal. No action shall be maintained by the owner of said animal 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 an animal in Lafayette County to securely confine said animal on the premises of the owner thereof. Any animal 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 animal is caught and/or impounded by the County or its designee in compliance with this section of the ordinance then said animal 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 animal is in violation of this ordinance and has no proof of a current rabies vaccination, then said animal may be humanely destroyed by the County or its designee.

SECTION 4. INJURED, NEGLECTED OR ABANDONED ANIMALS

Provision 1. Upon receipt of a sworn affidavit from any respectable citizen of Lafayette County or if in the opinion of any law officer or designated representative of

the County that any animal is found to be neglected, abandoned, injured or diseased past recovery then said animal may be caught, impounded, placed for adoption and/or humanely destroyed by any law officer of the County. No action shall be maintained by the owner of said animal for said animal being destroyed.

SECTION 5. VICIOUS ANIMALS

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

- (a) Any animals, other than domestic animals, 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 domestic animal or any other animal that exhibits any of the following characteristics based on a finding by the Justice Court of Lafayette County:
 - (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 common grounds or places, or in any place where such person is conducting himself peaceably and lawfully, or without provocation or justification, kills or injures another animal.
 - (2) Without provocation or justification, bites, inflicts injury (including death), assaults or otherwise attacks a person, in any place where such person is conducting himself peaceably and lawfully.
 - (3) 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 vicious due to the facts that it:

- (a) Inflicts injury or damage on a person who is committing a wilful trespass or other tort upon the premises occupied by the person owning or in possession of 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.
- (d) Inflicts injury upon a Domestic Animal or Livestock caused by the Animal while it was working as a hunting animal, herding animal or predator control animal on property of, or under the control of, its Owner, and the damage or injury was to a species or type of Animal which is specific to the work of the Animal.

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 Lafayette 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) Animals or other animals lawfully used to guard private property.
- (d) Animals or other animals assisting a law officer engaged in law enforcement duties.
- (e) 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.
- (f) Domesticated Farm Animals commonly characterized as livestock and raised and maintained for the purpose of grazing, processing, production or consumption.

SECTION 6. KEEPING OF VICIOUS ANIMALS AND EXOTIC ANIMALS:

- (a) It is unlawful for any person to keep, possess, harbor, maintain or own a Vicious Animal, except as otherwise provided for herein. All Vicious Animals, while on the Owner's property, shall be securely confined indoors or confined in a Secure Enclosure. Such Secure Enclosure shall be upon the premises of the Owner or the person harboring the Vicious Animal.
- (b) No person owning or harboring a Vicious Animal shall suffer or permit such animal to go beyond the premises of such person unless the Vicious Animal is securely Restrained and under the direct control of a person who is at least eighteen (18) years of age and sufficiently able to restrain the Animal. Further, the Animal must be Muzzled, provided that the Animal is capable of being fitted with a Muzzle, at all times. As used herein, Muzzle is defined as any device designed to prevent the Animal from biting a person or other Animal. This regulation is intended to provide flexibility of design appropriate to the specific Animal to be muzzled.
- (c) No Vicious Animal may be kept on a porch or patio, or within any part of a house or structure, in such a manner that would allow the Animal to exit such building on its own. In addition, no such Animal may be kept in a house or structure when the windows are open or when the screen windows or doors are the only obstacles preventing the Animal from exiting the structure, and such screens are not sufficiently able to restrain the Animal in the event it attempted to escape.
- (d) All Owners, keepers or harborers of Animals, which fall within the definition of a Vicious Animal, shall display at all points of entry to their property a sign easily readable by the public of the existence of such Animals. For example, using words such as "Beware of Vicious Dog [or other type]," In addition, a similar sign shall be posted on the Secure Enclosure.
- (e) The Owner of a Vicious Animal shall maintain liability insurance providing coverage for injuries or death caused by the vicious animal in an amount no less than \$100,000, except that in cases where the Vicious Animal has not been shown to have inflicted injury or death to a human, the Justice Court may waive this requirement or require a lesser amount in coverage based on the totality of the circumstances.
- (f) The Owner of any Vicious Animal shall, at the Owner's expense, have a licensed veterinarian permanently insert a computer micro-chip in the Animal for the purpose of identification of the Animal and proof of such micro-chipping shall be provided to the Designee.
- (g) All Vicious Animals shall be registered with the Designee by taking the Animal to the Designee for registration and satisfying the conditions set forth in this Section. The Designee shall take and maintain a digital photograph of the registered Animal. The Designee shall maintain a file containing the registration numbers and name of the Animals and the names and addresses

of the Owners. Registration of a Vicious Animal shall not be transferable and shall be renewable only by the holder of the registration or by a member of the immediate family of such registrant who is at least twenty-one (21) years of age. Should an Owner of a Vicious Animal sell or permanently give possession of the Animal to another person, the new Owner must register the Animal in accordance with this Section 6. The Designee shall give written notice of the registration of the Vicious Animal to the United States Postal Service and all utility companies servicing the location where the animal is located.

- (h) No Vicious Animal will be allowed to be kept within one hundred (100) yards of a school, daycare facility or other facility designed primarily to provide services to children.
- (i) The persons having the enforcement duty under this Ordinance may, upon having notice or knowledge of the harboring, keeping or maintaining of a Vicious Animal enter the premises where said Animal is kept for regular on-site inspection of the premises, and said inspection shall be made only after twenty-four (24) hours' notice to the occupant of the premises. Notwithstanding the foregoing, any Lafayette County Deputy Sheriff may seek a warrant, from a court of proper jurisdiction, for the authority to immediately inspect an Owner's premises, with the assistance of Designee, without advance notice. Refusal of an Owner to allow a Deputy Sheriff to permit an on-site inspection upon request, or upon presentment of a warrant, shall be a misdemeanor.
- (j) This Section shall not apply to Animals kept by: law enforcement agencies; public zoos; fully accredited educational or medical institutions; exhibitions to the public by traveling circus, carnival, exhibitor show; or if kept in a licensed veterinary hospital for treatment.
- (k) The Owner or keeper of a Vicious Animal shall immediately notify the Sheriff's Department and the Designee if such Animal is loose, unconfined, has attacked another Animal or human, or is otherwise missing.
- (l) Any Owner wishing to contest the designation of a particular class of Animal as a Vicious Animal under Section 5, Provision 1(a), or the application of the classification to the owner's Animal, may file a written appeal with the Lafayette County Board of Supervisors. Upon receipt of a notice of appeal, the issue will be scheduled for hearing at a regularly scheduled hearing of the Board of Supervisors. Should a majority of the Board of Supervisors find that the class or the owner's Animal is not a Vicious Animal, the Owner shall be relieved of the obligations, duties and responsibilities of this Section.

SECTION 7. FIGHTING ANIMALS

It shall be unlawful to train for fighting, keep, harbor, breed, transport through the County limits, own or in any way possess an Animal for the purpose of fight exhibitions,

displays, training or acts. For the purpose of this Section fight training shall include, but not be limited to:

- (1) the use or possession of treadmills unless under the direction of a veterinarian;
- (2) actions designed to torment, badger or bait any Animal for the purpose of encouraging the Animal to fight;
- (3) the use of weights on the Animal unless under the direction of a veterinarian;
- (4) any activity designed for the purpose of training or encouraging the Animal for aggression or vicious activity;
- (5) use of heavy chains, weights, or staking in such a way as to build neck strength or jaw strength.

Scars and wounds on the Animal are rebuttable evidence that the Animal is a fighting animal or is trained for fighting.

SECTION 8. ELIMINATION AND ADOPTION OF ANIMALS

- (a) Subject to the procedures set forth herein, the Sheriff's Department shall have the discretion and authority to seize, impound and destroy any Animal designated or determined to be a Feral Animal or Vicious Animal. The destruction of said Animal shall be conducted in an expeditious and humane manner, with the assistance of the Designee and in accordance with the provisions set forth herein. Additionally, any Sheriff's Deputy shall have the authority to seize and impound any Animal determined to be within one of the six categories identified below:
 - (1) The Animal has aggressively attacked and caused Injury or death of any human, or injury or death of a Domestic Animal or Pet, without provocation. Under such circumstances any Deputy Sheriff shall immediately confiscate said Animal, file an affidavit alleging the circumstances whereby the animal is deemed to be a Vicious Animal and place the same in quarantine for a period of ten (10) days, pending a determination of whether the Animal is Vicious and, if so, the disposition of the Animal, by the Justice Court of Lafayette County as provided in this Ordinance. However, the Deputy Sheriff shall be authorized to use deadly force upon said Animal when the officer is confronted by a Vicious Animal or other Animal and reasonably fears for his or her safety or the safety of others who are in near proximity to said Animal.
 - (2) If any Deputy Sheriff determines that an Animal is seriously injured or diseased to such an extent that medical care is not

practical or reasonably likely to save the Animal, then under such circumstances it shall be the duty of the Sheriff's Department or duly authorized Designee to humanely euthanize said Animal with an injection, or to discharge a firearm, so as to mercifully end the life of the Animal suffering from an incurable injury or disease. However, it shall first be determined that the destruction of the Animal is the safe and only effective means of controlling a public nuisance or health hazard, or is appropriate to end the suffering of the Animal and reasonable efforts shall be conducted by the Sheriff's Department to first locate the Owner of any such injured or sick Animal. Such efforts to locate an owner of the Animal shall not be required if the Animal causes the Deputy to fear for his or her safety or the safety of others in near proximity or so as to prevent a public hazard, or it would be inhumane to continue to allow the Animal to suffer. Further, an injured or neglected Animal may be humanely euthanized without any waiting period when appropriate pursuant to Section 97-41-3, Mississippi Code Annotated (1972).

- (3) Any Vicious Animal which is impounded and the Owner fails to satisfy the conditions for maintaining a Vicious Animal, as set forth in Section 6, within thirty (30) days of the Vicious Animal being impounded.
 - (4) Any Animal which is not a Vicious Animal, which is impounded pursuant to this ordinance, and the Owner fails to claim the Animal, and meet any requirements imposed by this ordinance upon the Owner for the return of the Animal, within fourteen (14) days of the Animal being impounded.
 - (5) Any Animal, which is found to be a Fighting Animal as described in Section 8.
 - (6) Any Animal, which is impounded as a result of a violation of this ordinance, and the Owner, after being ordered by a court to pay fines for the offending violation, fails to make payment of the assessed fines within ten (10) working days, unless otherwise ordered by the Court.
- (b) Except in those instances when the Sheriff's Deputy must immediately destroy a Feral Animal or Vicious Animal, said officer shall take the Animal into his custody for confinement by the Designee. The Sheriff's Department shall take the following steps to locate and/or notify the Owner of the Animal:
- (1) If the Owner is not known or not to be found, the Sheriff's Department shall take reasonable efforts to locate the Owner. If,

despite reasonable efforts, an Owner cannot be identified and contacted within ten (10) days to claim ownership of said Animal, the Sheriff's Department or its Designee shall destroy the Animal or place the Animal for adoption in accordance with the order of the Justice Court.

- (2) If the Owner is identified and known, the Sheriff's Department or its Designee shall advise the Owner by written correspondence and citation, sent certified mail via US Postal Service to the last known address and advising the Owner of the Animal's detention and allegation that said Animal is a Feral Animal, Vicious Animal or Abandoned Animal, or was seized by law enforcement, and is to be destroyed or placed for adoption, as appropriate. The Sheriff's Department or its Designee shall then proceed in accordance with paragraph C below.
- (c)
 - (1) The Sheriff's Department or its Designee shall set a determination hearing to be held before a Justice Court Judge to determine if the Animal is a Vicious Animal and/or should be destroyed or, as appropriate, placed for adoption or conditionally returned to the owner. The Sheriff's Department or its Designee shall advise the Owner, by written correspondence and copy of the citation, sent certified mail via U.S. Postal Service, that application has been made to obtain the authority of the Justice Court to destroy the Animal, to place the Animal for adoption or conditionally return the Vicious Animal to the owner, and that said matter shall be heard by the Court on a date certain. Said notice shall be mailed to the Owner not less than ten (10) days prior to the determination hearing date and provide the date, time, location and purpose of the hearing.
 - (2) The Sheriff's Department or its Designee shall present to the presiding Justice Court Judge the determination of whether the animal is a Vicious Animal and/or stating the desire to destroy the Animal, place the Animal for adoption or return the Animal to the owner under the conditions enumerated in Section 6. The Owner of said Animal shall have the right to appear before the Court and object to the determination that the animal is a Vicious Animal or that the animal should be destroyed, adopted or subject to a conditional release to the owner.
 - (a)
 - (1) Upon the hearing of the facts as presented by the Sheriff's Department or its Designee and the Owner of the Animal at issue, the presiding Justice Court Judge shall determine whether the Animal is a Feral Animal, Vicious Animal or Abandoned Animal as defined in this ordinance and whether the Animal shall be destroyed, placed for adoption or conditionally released to the owner. In the event the Justice Court Judge finds and determines that the Animal is a Vicious Animal under Section 5. 1. (b) (2) (Causing injury or death to humans or Animals), then it shall be the decision of the Justice Court Judge that the Animal be destroyed,

subject to the right of the owner to appeal the determination to the Circuit Court of Lafayette County.

- (2) In the event the presiding Justice Court Judge determines that the Animal is not a Vicious Animal, the Animal shall be released to the Owner as soon as it has been confirmed that the Animal is not rabid and all vaccinations and tags are up to date.
 - (3) In the event that the presiding Justice Court Judge determines that the Animal is a Vicious Animal under Section 5.1. (b) (1), the Court shall impose the conditions for the Animal's release to the owner as set forth in Section 6.
 - (4) Upon a finding and determination that the Animal is a Vicious Animal, the Sheriff's Department or its Designee shall retain control of the Animal for a period often (10) days following the entry of the Court's written order. During this ten (10) day period, the Owner of said Animal shall have the option of appealing the Court's decision to the Circuit Court of Lafayette County.
 - (a) The Owner of an Animal shall have the option to appeal the decision of the Justice Court Judge finding and determining that the Animal is a Vicious Animal and the disposition of the Animal in the same procedural manner that any decision can be appealed to the Circuit Court as provided by the laws of the State of Mississippi provided, however, this appeal shall be perfected within ten (10) days following the Justice Court's decision. If the appeal of the Owner is not perfected within this ten (10) day period, the Animal shall be immediately and humanely destroyed or conditionally released to the owner.
 - (b) In the event the Owner does properly appeal the decision of the Justice Court to the Circuit Court of Lafayette County, the Sheriff's Department or its Designee shall continue to retain control of the Animal at the appropriate county animal shelter until otherwise ordered by the Circuit Court of Lafayette County.
- (b) At any time during the process for the destruction of an Animal, or placing of the Animal for adoption, the Owner of said Animal may sign a waiver agreeing to the immediate euthanization of said Animal, or placing of the Animal for adoption, and waiving any right to contest or appeal said euthanization.

- (c) At any time during the process for the destruction of an Animal, or placing of the Animal for adoption, the Owner may request said Animal to be housed with a veterinarian instead of with the County animal shelter by signing a written request and with the agreement that the Owner pay all expense incurred with the veterinarian,
- (d) Any person identified to be the Owner of an Animal which has been impounded shall be responsible for the following fees for as long as the Animal is impounded, including all periods of Court hearings and appeals:
 - (1) Initial impoundment at the impoundment facility \$25.00; plus, for each day of impoundment \$15.00;
 - (2) If the Animal is determined to be injured or diseased, other than diseased with rabies, then said Owner shall have the option to request proper veterinarian treatment and shall be responsible for all bills incurred for said treatment;
 - (3) The costs incurred for the euthanization of said Animal.
 - (4) All costs incurred by the County with any veterinarian for the treatment or services provided to said Animal.
 - (5) The per call costs of the Designee for requested field assistance in seizing an Animal determined to be a Vicious Animal or a Fighting Animal.

SECTION 9. IMPOUNDMENT OF ANIMALS

- (a) An Animal may be impounded if it is determined by the Sheriff's Department to be a wild or stray Animal by determining that any of the following are met, to-wit:
 - i. the Animal is not properly confined as described pursuant to this ordinance;
 - ii. if the Animal is one which requires, but does not have, a vaccination tag around the Animal's neck, and the Owner is not able to present sufficient proof that it has been properly and currently vaccinated;
 - iii. attempts to peacefully capture the Animal have been made and proven unsuccessful.
- (b) Any Vicious Animal shall be immediately seized by the Sheriff's Department if: (1) the required policy of liability insurance is not verified (2) the Owner does not maintain the Animal in a Secure Enclosure; (3) the Owner willfully or negligently permits the Animal outside the dwelling of the Owner or outside the Secured Enclosure and does not have the Animal under personal physical restraint of the Owner; or (4) the owner fails to

comply with any other terms of a conditional release of the Vicious Animal, including the payment of costs and penalties.

(c) Notice of Owner; redemption. If by a tag or other means, the Owner of an impounded Animal can be readily identified, the Owner shall be notified of such impoundment by telephone or mail. The rightful Owner, of any Animal held under this section may (provided the Animal is properly vaccinated, licensed and tagged) obtain the Animal upon the payment of a pound fee as hereinafter provided, and the Owners demonstration of compliance with all other conditions of this ordinance, In the event an unvaccinated Animal is claimed by the Owner, the Owner must make arrangements for the vaccination of said Animal satisfactory to the Sheriff's Department before the Animal can be claimed. An Owner reclaiming an impounded Animal shall pay the following fees for each Animal impounded:

(1) Reclaim Fee:

First Impoundment of Animal - \$25.00

Second Impoundment of Animal - \$50.00

Third and Subsequent Impoundment of Animal - \$75.00.

(2) Care Fee:

For each day of impoundment (per animal) - \$10.00.

(e) When any Animal is impounded for any reason provided for in this ordinance, and the Animal is not reclaimed by Owner within fourteen (14) days after written notice of impoundment and right to reclaim is provided to the Owner, the Sheriff's Department or its Designee shall proceed in accordance with Section 8. Notwithstanding the foregoing, the procedures required by Section 8, including the ten-day euthanization waiting period, is waived for any Animal suffering from an infectious disease.

(f) The Owner of an impounded Animal may also be held responsible for any violation(s) of any other section of this Ordinance and subject to the appropriate penalties set forth therein.

SECTION 10. IDENTIFICATION AND DESTRUCTION OF RABID ANIMALS

(a) In case of an attack by any Animal resulting in injury to any person, such Animal, unless otherwise provided herein shall be impounded or caused to be confined at the appropriate animal shelter for observation for a period of ten (10) days to determine if the Animal is rabid.

- (b) The Owner thereof may, upon notification, have such Animal impounded for ten (10) days with a private veterinarian licensed to practice veterinary medicine within the state at the Owner's expense.
- (c) If at the end of the above periods of time, or any time prior thereto, it is determined that said Animal has rabies, such Animal shall be immediately destroyed without the necessity of notice to the Owner.

SECTION 11. PENALTIES

- (a) Any Owner whose previously determined Vicious Animal (Section 5.1) attacks, injures, harms or causes the death of a person as a result of the Owner's violation or noncompliance of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars (\$500.00) 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 offense.
- (b) Any person violating any provision of this ordinance, for which no penalty is otherwise specifically provided for by law or specifically herein, 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 hundred dollars (\$100.00) for a first offense. For any second offense occurring within a three (3) year period of time, a fine in the amount of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), and/or a period of incarceration not to exceed thirty (30) days shall be imposed. For any third or subsequent offense occurring within a three (3) year period of time there shall be assessed a fine of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) and/or a period of incarceration not to exceed sixty (60) days. No portion of any fines assessed may be suspended. Each violation of any provision of this ordinance shall be deemed a separate offense.
- (c) The civil and criminal provisions of this Ordinance shall be enforced by the Lafayette County Sheriff's Department.

SECTION 12. ENFORCEMENT

Provision 1. The Lafayette County Sheriff's Department 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 13. 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 would have been enacted after the exclusion of any section or provision which might be found to be unconstitutional or invalid.

SECTION 14. 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.