

By: Senator(s) Dearing

To: Municipalities; County
Affairs

SENATE BILL NO. 2950

1 AN ACT TO AMEND SECTIONS 21-19-9 AND 19-5-50, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE AUTHORITY OF A LOCAL GOVERNMENT TO
3 REGULATE THE KEEPING OF CERTAIN ANIMALS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 19-5-50, Mississippi Code of 1972, is
6 amended as follows:

7 19-5-50. (1) The governing authority of any county
8 bordering on the Gulf of Mexico and having within its boundaries
9 two (2) cities having in excess of forty thousand (40,000)
10 population each, according to the 1970 United States decennial
11 census and of any county bordering on the Pearl River having two
12 (2) judicial districts, wherein is housed the seat of state
13 government, wherein U.S. Interstates 55 and 20 interchange and
14 having a population in excess of two hundred thousand (200,000),
15 according to the 1970 federal decennial census, shall have the
16 power to prevent or regulate the running at large of animals of
17 all kinds, and to cause such as may be running at large to be
18 impounded and sold to discharge the costs and penalties provided
19 for the violation of such regulations and the expense of
20 impounding and keeping and selling the same; to regulate and
21 provide for the taxing of owners and harborers of dogs, and to
22 destroy dogs running at large, unless such dogs have proper
23 identification indicating that said dogs have been vaccinated for
24 rabies; and to provide for the erection of all needful pens,
25 pounds, and buildings for the use of the county, and to appoint
26 and confirm keepers thereof, and to establish and enforce rules
27 governing the same.

28 (2) The governing authority of any county bordering on the
29 Gulf of Mexico and having within its boundaries two (2) cities
30 having in excess of forty thousand (40,000) population each,
31 according to the 1970 federal decennial census, and of any county
32 bordering on the Gulf of Mexico and the State of Alabama in which
33 there is a shipyard which constructs oceangoing vessels, and any
34 county bordering on the Gulf of Mexico and the State of Louisiana
35 and through which U.S. Interstate Highway 10 runs, shall have the
36 power to prevent or regulate the running at large of animals of
37 all kinds, and to cause such as may be running at large to be
38 impounded and sold to discharge the costs and penalties provided
39 for the violation of such regulations and the expense of
40 impounding and keeping and selling the same; to regulate and
41 provide for the taxing of owners and harborers of dogs, and to
42 destroy dogs running at large unless such dogs have proper
43 identification indicating that said dogs have been vaccinated for
44 rabies; and to provide for the erection of all needful pens,
45 pounds and buildings for the use of the county, and to appoint and
46 confirm keepers thereof, and to establish and enforce rules
47 governing the same.

48 (3) (a) The board of supervisors shall have the power to
49 prohibit the ownership of an individual vicious animal.

50 (b) For the purposes of this subsection, "vicious
51 animal" means an animal that, without provocation, has killed or
52 injured a person, domestic animal or livestock when not on the
53 property of its owner, or approaches a person in a vicious or
54 terrorizing manner in an apparent attitude of attack when not on
55 the property of its owner.

56 (c) An animal can be declared "vicious" only upon the
57 sworn testimony of at least two (2) witnesses.

58 (d) Nothing in this subsection shall be construed to
59 affect the power of a county to regulate animal ownership under
60 Title 49, Chapter 8.

61 **SECTION 2.** Section 21-19-9, Mississippi Code of 1972, is
62 amended as follows:

63 21-19-9. (1) (a) The governing authorities of
64 municipalities shall have the power to prevent or regulate the
65 running at large of animals of all kinds, and to cause such as may
66 be running at large to be impounded and sold to discharge the
67 costs and penalties provided for the violation of such regulations
68 and the expense of impounding and keeping and selling the same; to
69 regulate and provide for the taxing of owners and harborers of
70 dogs, and to destroy dogs running at large, unless such dogs have
71 proper identification indicating that said dogs have been
72 vaccinated for rabies; and to provide for the erection of all
73 needful pens, pounds and buildings for the use of the
74 municipality, within or without the municipal limits, and to
75 appoint and confirm keepers thereof, and to establish and enforce
76 rules governing the same.

77 (b) The governing authorities of municipalities may
78 enter into pacts, agreements or contracts with other
79 municipalities to provide for cooperation in the use or erection
80 of all pens, pounds and buildings to prevent or regulate the
81 running at large of animals of all kinds.

82 (2) (a) The governing authority of a municipality shall
83 have the power to prohibit the ownership of an individual vicious
84 animal.

85 (b) For the purposes of this subsection, "vicious
86 animal" means an animal that, without provocation, has killed or
87 injured a person, domestic animal or livestock when not on the
88 property of its owner, or approaches a person in a vicious or
89 terrorizing manner in an apparent attitude of attack when not on
90 the property of its owner.

91 (c) An animal can be declared "vicious" only upon the
92 sworn testimony of at least two (2) witnesses.

93 (d) Nothing in this subsection shall be construed to
94 affect the power of a municipality to regulate animal ownership
95 under Title 49, Chapter 8.

96 **SECTION 3.** This act shall take effect and be in force from
97 and after its passage and shall apply to all ordinances without
98 regard to the date of enactment.