

**ORDINANCE SETTING STANDARDS, CONDITIONS, AND REQUIREMENTS
PREVENTING AND PROHIBITING CATTLE AND LIVESTOCK FROM RUNNING AT
LARGE UPON LANDS OWNED BY ANOTHER; ESTABLISHING AND PRESCRIBING
PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, § 19-3-41(1) of the Mississippi Code of 1972, as amended, authorizes the board of supervisors of any county to adopt any order, resolution or ordinance governing “matters of county police”, and which are not inconsistent with the Mississippi Constitution, or the Mississippi Code of 1972, as amended; and

WHEREAS, pursuant to Mississippi AG Opinion 1993 WL 156887 (Edens), it has been established that pursuant to said police powers that counties have the independent authority to regulate the “running at large” of animals; and

WHEREAS, in recognition of § 69-13-1 MS Code of 1972 (Annotated), otherwise known as the statewide stock law, which “prohibits any person or persons owning or having under his control any livestock such as cattle, horses, mules, sheep, goats and hogs, from causing such livestock to run at large upon the open (or unfenced) lands of another person, and provides that such persons owning the livestock shall keep the livestock in a safe enclosure or upon lands belonging to such owner”, the board believes that the construction, intent, approval and enforcement of a county ordinance contemplated herein would not be inconsistent or constitute a conflict with the ‘statewide stock law’; and

WHEREAS, the Madison County Board of Supervisors has received multiple complaints from residents notifying them of horses and other large animals roaming free about their lands, without permission or authorization from the landowners, and the Madison County Board of Supervisors has determined that such actions of trespass by the animals have risen to a level as would threaten the peace, enjoyment, health and safety of the residents of Madison County, and that further attention must be paid to deter such trespass by the passage of a county ordinance prohibiting such activity; and

WHEREAS, it has been determined that the drafting of an ordinance prohibiting livestock from “roaming about” and occupying the lands of another is within the public interest of the county and should be approved as being authorized under the inherent police powers of the county and that the approval of said Ordinance is within the duty of the board of supervisors; and

WHEREAS, such ordinance should create a system of incremental fines for each offence committed in each single year and is intended to serve as deterrence against such violations of ordinance.

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

Section 1
Definitions

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

- 1.1. Cattle or Livestock Animal(s): Horses, mules, cows, sheep, goats, hogs, etc. or animals commonly known as grazing livestock animals;
- 1.2. Livestock Owner: Any person or persons having title, ownership, and actual possession of the cattle or livestock animal(s) prior to the straying incident;
- 1.3. County: Any unincorporated portion or platted subdivision within Madison County, Mississippi.
- 1.4. 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 this ordinance or state law.
- 1.5. “Running at Large”. A cattle or livestock animal that is not under restraint and not occupying lands owned by the Livestock Owner.
- 1.6. County Patrol: Agents of Madison County employed pursuant to s.45-7-3 Ms Code of 1972 (Annotated) who are authorized to perform all acts authorized to be done by the sheriff, constable, or any peace officer except those duties of the sheriff, constable, and other peace offices which relate to the enforcement of general criminal laws of the state or in service of criminal or civil process in cases which do not arise out of and have no relation to the performance of their duties as county patrolmen. The County Patrol officers exercise their duties under the supervision of the Director of the Madison County Office of Emergency Management.

Section 2
General Control of Livestock Animals

- 2.1 It shall be unlawful for any Livestock Owner of any cattle or livestock animal to permit it to run at large within any Platted Subdivision or other areas

within Madison County except upon those lands as which are owned by the Livestock Owner, his licensees; permittees; or designees, or otherwise as not being upon lands for which the Livestock owner has prior authorization.

- 2.2 Livestock Animals running at large may be seized or impounded as provided in Section 3 below.
- 2.3 Interpretation of an incident constituting a violation of this Ordinance regarding the “Running at Large” of Livestock Animals” shall be made by the Director of the Madison County Office of Emergency Management, by the Madison County Administrator, under authority of the Madison County Board of Supervisors, in accordance with section 1.1 herein.

Section 3

Seizure and Impoundment

- 3.1 Authority to Seize; Confinement Period. A Livestock Animal that is Running at Large shall be taken by any law enforcement officer or any County Patrolman and impounded in a safe enclosure or Animal Shelter designated by the County for that purpose, and there confined in a humane manner.
- 3.2 Notice to Owner; Reclaiming of Livestock Animal. If the Owner of an impounded Livestock Animal can be identified by a tag or other means, the Owner shall be notified immediately upon impoundment, by telephone or by mail that such Livestock 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 that the Animal is properly vaccinated, licensed and tagged, the rightful Owner of any Livestock Animal held under this Section 3 may reclaim the Livestock Animal upon payment of an impoundment fee to the County or to its designee sufficient to pay for all costs associated with the Livestock Animal’s impoundment. If an unvaccinated Livestock Animal is reclaimed by it’s Owner, the Owner must make arrangements for the vaccination of said Livestock Animal prior to it being released from impoundment.
- 3.3 Disposition if Not Reclaimed by Owner; Waiver of Waiting Period. Any Livestock 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, or humanely euthanized. If an unclaimed Livestock Animal is adopted, the adoptive Owner must make arrangements for the vaccination of said Livestock Animal prior to its release from impoundment. The seven (7) day waiting period may also be waived for any injured or neglected Livestock Animal which may be humanely euthanized or released to the Mississippi Animal Rescue League or to any other animal rescue league organization, which the County may determine, is appropriate.

- 3.4 Additional Proceedings Against Owner Authorized. The Owner of an impounded Livestock Animal may also be proceeded against by the County for violation of this ordinance within the Madison County Justice Court.

Section 4
Enforcement

- 4.1 The civil and criminal provisions of this ordinance shall be enforced by any law enforcement officer in the County or by the officers of the County Patrol under the jurisdiction of the Madison County office of Emergency Control and the Madison County Justice Court. It shall be a violation of this ordinance to interfere with any office in the performance of his duties.
- 4.2 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 herein under related to the seizure of Livestock Animals, the impoundment of Livestock Animals, and certain other duties which the County may deem appropriate.

Section 5
Penalties

- 5.1 Any person violating any provision of this ordinance, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred dollars (\$100.00) for the *First Offense*; Two Hundred dollars (\$200.00) for the *Second Offense*; and not more than Five Hundred dollars (\$500.00) for the *Third Offense*; or by imprisonment in the County jail not to exceed (30) days, or by both fine and imprisonment.
- 5.2 Fines for the violations of this ordinance shall be determined on a yearly basis based upon successive calendar years.
- 5.3 Fines for violations of this ordinance shall be paid unto and collected by the Administrator of the Madison County Justice Court.

THIS ORDINANCE IS HEREBY PASSED, by the Board of Supervisors of Madison County, Mississippi on this, the _____ day of _____ 2015.

MADISON COUNTY BOARD OF SUPERVISORS

BY: _____
President, Madison County Board of Supervisors

ATTEST:

SEAL

By: _____
Chancery Clerk