

Ord.

2004-0327

INTRODUCED BY: LANCE MARINO, COUNCILMAN-AT-LARGE, DIVISION A
ORDINANCE NO. 04-9-4

An ordinance to amend the Code of Ordinances, Parish of St. Charles, Chapter 4 Animals and Fowl to include and/or keeper throughout the entire document and to make necessary changes under Sections 4-10(C), 4-10(D), 4-10(D-3), 4-10(E) and 4-10-A.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 4 Animals and Fowl, is hereby amended by adding to and revising the following:

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

For the purpose of this article, the following terms, phrases, words and derivations shall have the meaning given herein, unless it shall be apparent from the context that a different meaning is intended:

Adequate feed: The provision at suitable intervals (not to exceed twenty-four (24) hours) of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain an adequate level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish or container.

Adequate water: A constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed twenty-four (24) hours at any interval.

Animal: Any living creature except human beings, including but not limited to mammals, birds, fowls, reptiles and fish, except when referring specifically to the control of rabies when the word "animal" shall mean only mammal.

Animal control officer: An employee of the parish animal shelter in the classified service of the parish in the class of position of animal control officer.

Animal shelter: The parish animal shelter, operated by the parish.

At large: An animal shall be deemed to be at large if off the premises of its owner and/or keeper and not under the immediate control of a responsible person. Exception: Hunting or stock dogs, show dogs and cats, government or law enforcement dogs actively being worked or other animals being worked or shown under the physically present supervision of their owners or agents or employees of owners are excepted.

Bite: Any abrasion, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

Breeder: A person who breeds specific animals. An individual who breeds or raises, on his own premises.

Cat: Any member of the *Felis catus* classification of the *Felidae* species, i.e., any domestic member of the feline family.

Dog: Any member of the *Canis familiaris* classification of the *Canidae* species, i.e., any domestic member of the canine family.

Domestic animal: Any member of a species of animal which is tame by nature or which has been domesticated by man so as to live and breed in a tame condition, or any animal which from time immemorial has been accustomed to the association of man, or by his industry has been subjected to man's will and has no disposition to escape his dominion; for the purposes of this article, livestock shall not be included in the classification of domestic animal.

Euthanasia: The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and subsequent death during such loss of consciousness.

Micro chipping: An identifier code is inserted under the skin of an animal via microchip. The microchip shall be accessible by the scanner at the St. Charles parish Animal shelter as well as a nationwide tracking system. The microchip process shall be administered by a veterinarian and identifying code registered at the St. Charles Animal Shelter.

Owner/Keeper: Any person owning, keeping or harboring any animal, or having in his care an animal on or about his premises.

FIERCE, DANGEROUS or VICIOUS ANIMAL:

Fierce Animal: means any dog or other animal:

1. Which is not securely confined and jeopardizes any postal carrier, meter reader, utility or building inspector or other lawful invitee on the property of the owner; or
2. Which chases vehicles on public property in a menacing or terrorizing manner; or
3. Which upon review of the facts is declared and designated a fierce animal, after an inquiry with the Animal Control Supervisor

Dangerous Animal: means any dog or other animal

1. Which when unprovoked:
 - a. Bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property; or

- b. Chases or approaches a person upon the streets, sidewalks or on any public grounds in a menacing or terrorizing manner or apparent attitude of attack; or
- 2. Which has a known propensity or disposition to attack unprovoked, to cause injury or otherwise endanger the safety of human beings or domestic animals; or
- 3. Which has undergone quarantine for rabies observation two (2) or more times within a two-year period; or
- 4. Any animal, which is deemed dangerous by the Animal Control Supervisor.

Vicious Animal: means any dog or other animal:

- 1. Has without provocation:
 - a. Inflicted severe injury on a human being on public or private property; or
 - b. Has killed a domestic animal without provocation while off the owner and/or keeper's property; or
 - c. Has previously been found to be a "dangerous animal: the owner and/or keeper having received notice of such and the animal again bites, attacks or endangers the safety of human beings or domestic animals; or
- 2. Which is owned or harbored primarily or in part for the purpose of dog fighting; or
- 3. Which would otherwise be deemed dangerous, but upon review of the facts by the Animal Control Supervisor designated a vicious animal.

WILD OR EXOTIC ANIMAL:

Exotic Animal:

Any member of a species of animal, reptile or bird, warm or cold blooded, which is not indigenous to the environs of the parish and/or is not classified or considered as wildlife, livestock or domestic animal.

Wild Animal:

Any member of a species of animal which is wild by nature and/or which because of habit, mode of life or natural instinct, is incapable of being completely domesticated and requires the exercise of art, force or skill to keep it in subjection, for the purposes of this article, this term shall include wildlife, exotic animals, and any other animal whether domestic, livestock or otherwise which is not tame or domesticated.

Wildlife:

Any member of a species of animal, reptile or bird, warm or cold blooded, which is indigenous to the environs of the parish and/or is under the control and authority of the Louisiana Wildlife and Fisheries Commission, as set forth in title 56 of the Louisiana Revised Statutes.

Sec. 4-2. Cruelty

- (a) No person shall ill-treat an animal, nor may an animal be abandoned. No person shall unnecessarily or cruelly beat, mutilate, kill, torture or abuse, or cause or procure to be cruelly beaten, mutilated, killed, tortured or abused, any animal or commit any act which under any other law constitutes cruel treatment, or fail to provide obviously necessary veterinary care. No animal shall be tethered as the primary means of stationary confinement; such stationary confinement by tethering shall be considered cruel treatment.
- (b) It shall be illegal for anyone to intentionally or criminally neglect or commit acts of neglect against any animal, including large animals and livestock. The animal control officer shall investigate all reports of cruelty and act in the best interest of the animal. Immediate surrender of such animals to the Animal Control Office will be enforced. Each animal will be treated and proper care or disposition of the animal will be at the discretion of a veterinarian and the Animal Control Officer.
- (c) When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer or official issuing the citation and held pending final disposition of the charge. Any animal so seized shall be impounded in the custody of the Animal Shelter.
- (d) The Animal Shelter shall retain custody of the animal for the purpose of evidence upon the trial, subject to the order of the court. All costs incurred in the boarding and treatment for any seized animal pending disposition of any animal cruelty charge, upon conviction of the accused, shall be borne by the person so convicted. If a seized animal is unable to humanely survive the final disposition of the animal cruelty charge, the court may order that such animal be humanely put to death, but only upon the certification of a licensed veterinarian either that the animal is not likely to survive or that in his professional judgment, by reason of the physical condition of the animal, it should be humanely euthanized.
- (e) Upon a person's conviction of cruelty to animals, in addition to all fines, costs and punishment authorized by law, the person shall be required to pay all kennel fees associated with the impoundment of the animal, further, it shall be proper for the court, in its discretion, to order the

forfeiture and final determination of the custody of any animal found to be cruelly treated as part of the sentence; in the event of the acquittal or final discharge without conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof.

Sec. 4-3. Staking animals on public roads

It shall be unlawful for any person to tether any animal to a stake, fence, post, tree, vehicle or other hitching device on the public roads or levees of this Parish.

Sec. 4-4. Animals running at large

1. No person shall suffer or permit an animal in his possession, or kept by him about his premises, to run at-large on any unenclosed land, or trespass upon any enclosed or unenclosed lands of another.
2. Any citizen may, or law enforcement officer shall, seize any animal found unaccompanied by its owner or keeper and running at-large on any road, street, or other public place, or trespassing on any premises other than the owner.
3. For purpose of this section, any person, business, corporation, or other legal entity that keeps in his care, harbors, acts as custodian, or permits an animal to remain on or about his premises, or is the registered owner of such animal, shall be deemed the owner and/or keeper of said animal.
4. Any owner and/or keeper permitting his animal to run at-large shall be in violation of this section and shall be penalized as provided in Section 4-27.
5. It shall be unlawful for any person to release or entice any animal secured by the owner and/or keeper within his yard outside of the premises of such keeper and/or owner.
6. Every female animal in heat shall be confined in a building or secured enclosure in such a manner that such female animal cannot come into contact with other animals except for planned breeding.

Sec. 4-5. Public Nuisance

1. Every owner and/or keeper of animals shall exercise proper care and control of such animals so as to prevent them from creating or becoming a public nuisance; and it shall be unlawful to otherwise harbor or keep any animal which is a public nuisance and/or disturbs the peace by loud noises at any time of day or night. Excessive, continuous or untimely barking, howling, yelping, whining, crowing, calling, crying, screeching, caterwauling, bawling, wailing, puling, ululating or other animal noises so as to disturb the peace and quiet of a neighborhood or its residents or to disturb the

health or repose of the residents; attacking or molesting passersby or other animals; being repeatedly at large; chasing vehicles; scratching on or digging into or urinating or defecating upon lawns, shrubs, buildings or any property either public or private other than property of the owner and/or keeper of such an animal shall be deemed to be the creation of public nuisance and the owner and/or keeper of the animal causing such public nuisance shall be guilty of a misdemeanor.

2. In the case of a nuisance by defecation, the owner and/or keeper must remove all feces and dispose of them in a sanitary manner.

3. Premises on which animals are kept shall be maintained so as to prevent disagreeable odors arising there from, or the presence or breeding of flies, mosquitoes and other pests. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.

Sec. 4-6. FIERCE, DANGEROUS or VICIOUS ANIMAL:

1. Any animal classified as fierce, dangerous or vicious by its actions or through evaluation by an Animal Control Officer, which subsequently attacks, causes injury, or otherwise exhibits a propensity to endanger the safety of human beings or domestic animals shall require such animal to be registered with the Animal Control Office. Issuance of a permit, which is renewable each year from the anniversary date of such issue, and a signed statement attesting under oath that said owner and/or keeper, has met the following requirements:

A. A fence or structure of at least six (6) feet in height, forming a pen suitable to prevent the unauthorized entry of human beings, and suitable to confine a fierce, dangerous or vicious animal. Such enclosure shall be securely closed and locked at all times and shall have secure sides. Such structures shall further have a secure bottom sufficient to prevent said animal from digging its way under and/or out of the said enclosure. The enclosure shall be located in a secure fenced area so as to prevent any person, except under conditions supervised by the animal's owner, from gaining any contact with the said animal. The enclosure shall have adequate shelter for the animal consisting of at least a roof and three sides. The

dimensions of the enclosure shall meet or exceed the width of eight feet (8') and depth of eight feet (8'). Said structure shall be complete and ready for occupancy prior to the effective date of the permit for which application is being made.

- B. The above classified animal shall be penned in a proper enclosure at all times when the animal is not confined and supervised within the owner's and/or keeper's dwelling, or being moved or exercised.
 - C. It is unlawful for any owner and /or keeper to allow any classified animal outside the dwelling of the owner and/or keeper, or outside of the herein above defined enclosure without restraints on a leash and collar having a minimum tensile strength of three hundred (300) pounds and not exceeding six (6) feet in length. The animal shall be kept under the direct control and supervision of owner and/or keeper at all times. The owner and/or keeper shall display in a prominent place on the premises on which the animal is kept a sign warning that a fierce, dangerous or vicious animal is housed on the premises. Such sign shall be easily readable by the members of the general public and intelligible to young children and/or those who are unable to read and write the English language. A similar sign shall be posted on the animal's pen. These signs must be posted within 36 hours.
 - D. The owner and/or keeper shall provide two (2) color photographs of the animal clearly depicting color, approximate size, and facial characteristics.
2. The owner and/or keeper shall notify the Animal Control Office or the Sheriff's Department immediately whenever a fierce, dangerous or vicious animal is on the loose, is unconfined, has attacked another animal or has attacked a human, has died, been sold, or given away, or has been relocated. If the animal has been sold or given away, the owner and/or keeper shall provide the name, address and phone number of the new owner to the Animal Control Office.
3. Any fierce, dangerous or vicious animal can be destroyed by the Animal Control Office or the Sheriff's Department if found to be in violation of this ordinance and which cannot be safely taken up or impounded. It shall be unlawful for any other person other than agents of the Animal Control Office or the Sheriff's Department to kill any such animal, except under such circumstances where such action is necessary for defense or

where such animal is imminently threatening attacking any person.

4. Upon designation of any animal being classified as fierce, dangerous or vicious by the Sheriff's Department or an Animal Control Officer as a result of a complaint or by other means, owner and/or keeper will surrender said animal to the Animal Control Office or Sheriff's Department to be impounded at the Parish Animal Shelter until the owner and/or keeper provides an enclosure for the animal as defined above or for a maximum period of thirty (30) days. After the thirty (30) day period set forth above, if the owner and/or keeper does not provide the proper enclosure as set forth by this ordinance, then the said animal may be destroyed.

5. Any animal that has been impounded as the result of a complaint or by other means may be required by the Animal Control Office to be micro-chipped prior to release from impoundment. All costs associated must be paid by owner and/or keeper before release of said animal or within five (5) days of micro chipping. Failure to cover all expenses incurred may result in euthanizing of said animal and legal charges brought against owner and/or keeper to cover all expenses plus legal fees.

6. The owner and/or keeper of any animal that has been impounded as a result of a complaint, attack or other means may require said owner and/or keeper to remove the animal from the Parish. Said owner and/or keeper will have ten (10) days to provide a viable plan for the removal of said animal from the Parish. Any owner and/or keeper that has not presented an appropriate plan to the satisfaction of the Animal Control Office for removal of said animal may lose all rights to said animal and said animal may be euthanized.

7. The requirements of this section for the maintenance of physical control over above described animal shall not be satisfied by the mere chaining, roping, leashing, or similar restraining of the animal to inanimate objects such as stakes, trees, posts or buildings.

8. The provisions of this section shall not apply to proprietors of animal hospitals, to veterinarians, or to search and rescue organizations and law enforcement agencies who keep or maintain said described animal on their professional premises in the usual and normal course of business, or to zoological gardens, theatrical exhibits, or a circus provided that such animal hospital, veterinarian, zoological garden, theatrical exhibit, or circus possesses all permits required by the laws of this Parish and state and complies with all other regulations concerning the keeping and maintaining of such animal.

Section 4-7. Penalties

Any person found guilty of violating any of the provisions of this ordinance shall, for each violation, be fined not less than fifty (\$50.00) nor more than five hundred (\$500.00) plus court costs, or be imprisoned in the parish jail for not more than sixty (60) days or both. Each separate day on which any violation of the provisions of this ordinance is shown to have continued to exist shall constitute a separate offense.

Sec. 4-8. Hindering Animal Control Officers Prohibited

1. It shall be unlawful for any person to knowingly hinder, resist or oppose any officers or employees of the Animal Control Office in the performance of his/her duties.
2. It shall be unlawful for any person to knowingly interfere with or damage any animal trap owned or used by the Animal Control Office or to molest or release any animal caught therein.

Sec. 4-8.1. Hindering Animal Control Officers Penalties

Any person who violates any provisions of Sec: 4-8 of this chapter or who shall hinder or molest or interfere with any officer or agent of the Animal Control Office in the performance of any duty provided for by this chapter shall, upon conviction by a court of competent jurisdiction, be deemed guilty of a misdemeanor and may be fined any amount up to five hundred dollars (\$500.00) or imprisoned for not more than one hundred-eighty (180) days, or both fined and imprisoned, at the discretion of the court.

Sec. 4-9. Exception to provisions of chapter

Except in cases of emergency, none of the provisions of this chapter shall apply to animals owner and/or keeper of nonresidents passing though the Parish or animals brought to the Parish for the purpose of exhibition at any animal show provided said animal is under restraint.

Sec. 4-10. Keeping of animals not considered pets and keeping of exotic animals

A) No animals other than those defined as pets shall be kept in other than an O-L zoning district without first obtaining a letter of no objection signed by all property owners within three hundred (300) feet of the property on which the animals are to be kept. The form for obtaining a letter of no objection shall be obtained from the Animal Control Officer. A copy of the completed form shall be returned to the animal control officer for retention.

B) It shall be unlawful for any person to possess, own, breed, or otherwise bring into St. Charles Parish any live wild or exotic animal.

Any animal determined by the Animal Control Office to be of a type specifically banned shall be subject to immediate impoundment. The owner and/or keeper ~~or possessor~~ of the animal shall have five (5) days following the date of impoundment to provide a verifiable plan for removal of the animal from the Parish. If, after five (5) days, the owner and/or keeper ~~or possessor~~ has not provided an appropriate plan to the satisfaction of the Animal Control Office, the animal may be euthanized. An impounded animal of which no owner and/or keeper ~~or possessor~~ can be located within five (5) days of impoundment, may be euthanized or otherwise removed from the Parish at the discretion of the Animal Control Office.

The Animal Control Office may issue a temporary permit for the keeping, care and protection of an infant banned animal native to the area until such time it may be safely released or disposed of accordingly.

The provisions of this section shall not apply to animal research centers sponsored by accredited universities or hospitals, animal rehabilitation centers, alligator farms or ranches, zoological gardens, theatrical exhibits, or a circus provided that all permits required by law are obtained and all regulations concerning the keeping and maintaining of such animals are adhered to.

C) American Pit Bull Terriers

All American Pit Bull Terriers must be registered with mandatory micro chip with the Animal Control Office. Color pictures with full detail description must be filed with registration. Micro chipping of animal is required (See Section E-4). All premises must be inspected by an Animal Control Officer for confinement of said animal before final registration is approved

D) Wolf

1) No person shall possess any of the following species or its subspecies of live wild, domesticated or otherwise Red Wolf or Gray Wolf.

An animal which appears indistinguishable from a wolf, or is in any way represented to be wolf may be considered to be a wolf in the absence of a bonafide documentation to the contrary.

- 2) All Wolf Hybrids must be registered with the Animal Control Office. Color pictures with full detail description must be filed with registration. Micro chipping is required (See Section E-4). All premises must be inspected by an Animal Control Officer for confinement of said animal before final registration is approved.

E) American Pitt Bull Terriers and Wolf

- 1) Shall be penned in a proper enclosure as described in E-2 at all times when the animal is not confined and supervised within the owner's and/or keeper's dwelling, or being moved or exercised.
- 2) A fence or structure of at least six (6) feet in height, forming a pen suitable to prevent the unauthorized entry of human beings, and suitable for confinement. Such enclosure shall be securely closed and locked at all times and shall have secure sides. Such structures shall further have a secure bottom sufficient to prevent said animal from digging its way under and/or out of the said enclosure. The enclosure shall be located in a secure fenced area so as to prevent any person, except under conditions supervised by the animal's owner, from gaining any contact with the said animal. The enclosure shall have adequate shelter for the animal consisting of at least a roof and three sides. The dimensions of the enclosure shall meet or exceed the width of eight feet (8') and depth of eight feet (8'). Said structure shall be complete and ready for occupancy prior to the effective date of the permit for which application is being made.
- 3) Upon inspection by an Animal control Office the above requirements must be met within a thirty (30) day period. Thereafter, the animal will be impounded at the Parish Animal shelter for a maximum period of thirty (30) days until the owner and/or keeper provides an enclosure as set forth in this ordinance for said animal. All cost of impoundment must be paid by owner and/or keeper before release of said animal. After the thirty (30) day period, if the owner and/or keeper does not provide the proper enclosure as set forth by this ordinance ,then the said animal may be destroyed.

- 4) Shall be required by the Animal control Office to be micro chipped. All costs associated must be paid by owner and/or keeper before release of said animal or within five (5) days of micro chipping. Failure to cover all expenses incurred may result in legal charges brought against owner and/or keeper to cover all expenses plus legal fees.
- 5) The owner and/or keeper of said animal that has been impounded as a result of a complaint, attack or other means may require said owner and/or keeper to remove the animal from the Parish. Said owner and/or keeper will have ten (10) days to provide a viable plan for the removal of said animal from the Parish. Any owner and/or keeper that has not presented an appropriate plan to the satisfaction of the Animal control Office for removal of said animal may lose all rights to said animal and said animal may be euthanized.

Sec. 4-10-A Penalties

Any person found guilty of violating any of the provisions this ordinance shall, for each violation, be fined not less than fifty (\$50.00) nor more than five hundred (\$500.00) plus court costs, or be imprisoned in the parish jail for not more than sixty (60) days or both. Each separate day on which any violation of the provisions of this ordinance is shown to have continued to exist shall constitute a separate offense.

Sec. 4-11. Prohibitions

The following acts involving animals are hereby prohibited:

- a. The raffling or giving away as a prize, premium or advertising device of any living animal.
- b. It shall be unlawful to color, dye, stain or otherwise changing the natural color of any living animal for the purpose of sale; or to possess for the purpose of sale any animal which has been colored.
- c. The giving of any alcoholic beverage, or narcotic drugs, central nervous system stimulants, hallucinogenic drugs, or barbiturates unless prescribed by a licensed veterinarian to any animal.
- d. The intentional exposure of any known poisonous substance to an animal, whether mixed with food or not, so that the same shall be liable to be eaten by any animal.
- e. The promoting, staging, conducting, participating in or observing any dog fight, cock fight, pigeon shoot, turkey shoot, or other staged animal fighting contest shall be guilty of a misdemeanor.

Sec. 4-12. Science Fairs

No person shall conduct a science fair or competition wherein any exhibit or project involves the use of live animals of any kind or size wherein pain or suffering is inflicted on the animals or permanent injury or deformity is caused.

Sec. 4-12.a. School Laboratories

No primary, secondary school, college and/or university, either public or private, in the Parish shall permit students in biology or other laboratories to perform experiments on live animals of any kind or size which will inflict pain or suffering or permanent injury or deformity to the animals. Any headmaster, principal, teacher or instructor who permits or condones such prohibited practices in his/her school, classroom or laboratory shall be guilty of a misdemeanor.

Sec. 4-13. Riding in open vehicle prohibited

It shall be unlawful to permit any animal to ride unsecured in an open bed vehicle or other open areas of a moving vehicle, unless secured in a cage, crate or compartment.

Sec. 4-14. Dogs on tethers

If a dog is on a tether, the tether shall be equipped with swivel ends and be positioned to prevent tangling and/or hanging. The tethered dog shall wear a properly fitted harness or buckled type collar. The line must be a least five times the length of the dog. The dog cannot be tethered in an area which would pose a threat to public safety and health and cannot be the primary means of confinement for any animal.

Sec. 4-15. Autoists striking animals

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animals' owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the Sheriff's Department or the Parish Animal Shelter.

Section 4-16. Penalties

Any person violating any provisions of Section 4-10 through 4-15 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 five hundred dollars (\$500.00). Each day that the violations continue shall be deemed a separate violation

Sections 4-17 - 4-20 reserved

ARTICLE II. LARGE ANIMALS

Sec. 4-21. Purpose of article.

It is necessary for the public's interest, safety, health and general welfare that the ownership and possession of large animals be subject to proper regulations and control, not excluding the entire contents of this ordinance. All large animals must be housed in a proper confined area, suitable for the species of the animal.

Sec. 4-22. Definitions.

Large Animal: Any animal larger than a dog or a cat

Large Animal Owner: Any person who is harboring or shall permit any mule, horse, cow, sheep or large animal of any description upon or about his or her premises shall be deemed the owner or keeper of such animal.

Sec. 4-23. Running at large restricted.

It shall be unlawful for any person to allow any mule, horse, cow, sheep or other large animal to roam on any road, street or other public place or trespass upon any premises other than the premises of the owner within the Parish. In the event any animal running at large is injured it is the responsibility of the owner to provide medical attention or receive the service of a veterinarian. If the animal is not attended to the satisfaction of the Animal Control Officer and veterinarian services are recommended the owner will address the issue within 24 hours of recommendation. If proper medical attention is not addressed within the 24 hour period the Animal Control Officer has the right to secure medical attention or confiscate the animal and secure medical attention through a licensed veterinarian and all expenses will be the responsibility of the owner.

Section. 4-24. Impoundment.

Any mule, horse, cow, sheep or other large animal roaming at large on any road, street or other public place, or trespassing on any premises other than the premises of the owner and/or keeper within the parish, shall be seized and impounded by person(s) authorized and designated to do so or by any law enforcement officer of this parish.

Sec. 4-25. Enforcement.

The animal control office shall enforce the provisions of this article and is authorized to secure a maximum of two (2) large animal control officers to assist with its responsibilities in this regard.

Sec. 4-26. Duty of officers regarding large animals running at large.

It shall be the duty of a large animal control officer to impound all large animals found roaming on any road, street, or other public place or trespassing on any premises other than the premises of the owner and/or keeper, within the parish.

Sec. 4-27. Fees for redemption.

The owner and/or keeper of any large animal mentioned in the provisions of this article which has been impounded shall have the right to have the animal released only upon payment to the large control officer of the following fees:

- a) Fifty dollars (\$50.00) for first offense for picking up the animal by the large animal control officer.
- b.) One Hundred dollars (\$100.00) for each additional offense
- c) Ten dollar (\$10.00) per day for care and boarding of the animal.
- d) Charges will include any additional cost incurred through veterinary expense.

Sec. 4-28. Sales of impounded animals authorized.

Animals not claimed within five (5) days shall be sold by the large animal control officer at public auction on a Saturday between the hours of 11:00 a.m. and 12:00 noon, after being advertised by the large animal control officer for one (1) week in the official journal of the parish.

Sec. 4-29. Records required; disposition of fees.

The large animal control officers shall keep proper books in which shall be registered all animals impounded, area of pickup, owner of property or person requesting pickup, the disposition thereof and information relative to their being released or sold, which books will be sent to the department of finance on an annual basis for renewal and shall be open at all times for public inspection. All collected fees will be paid to the large animal control officer in payment for his services rendered and shall be recorded in an appropriate receipt book, a copy of which shall be given to the person paying the fee. All fees shall be paid by certified check, money order or cash, personal or business checks will not be accepted.

Sec. 4-30. Interference with enforcement

It shall be unlawful to interfere with the large animal control officer while performing his duties, in any manner whatsoever.

Sec. 4-31. Penalties.

a) The owner and/or keeper of a mule, horse, cow, sheep or large animal of any description or any other person violating the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction of such offense by any court of competent jurisdiction shall be fined not more than one hundred fifty dollars (\$150.00) and/or imprisoned in the parish prison for a term not exceeding thirty (30) days, or both, in the discretion of the court.

b) It shall be illegal for anyone, except the Animal Control Officer, to operate a quarantine holding area within the parish, for any large animal and if anyone is caught operating a holding area, her/she shall be fined two hundred fifty dollars (\$250.00) per day per animal every day he/she is holding these animals after being caught.

Sections 4-32-39 reserved

ARTICLE III. LICENSING*

Sec. 4-40. Rabies Inoculation required

a) It shall be the duty of the owner and/or keeper of any dog or cat to have such dog or cat be inoculated once every twelve (12) months by or under the supervision of a duly licensed veterinarian with an approved anti-rabies vaccine.

b) When any dog or cat owned or kept by any person residing within the parish becomes 3 months old, the owner and/or keeper of such dog or cat shall have it inoculated within thirty (30) days of that date.

c) Within thirty (30) days after a person brings a dog or cat into the parish, he shall have it inoculated unless he can show proof that such dog or cat has been inoculated within the previous twelve (12) months with anti-rabies vaccine, in which case the inoculation may be omitted.

d) Any person failing or refusing to have his/her dog or cat inoculated shall be fined fifty dollars (\$50.00) and must show proof of inoculation within 5 business days or fined five dollars (\$5.00) per day thereafter.

e) The dog or cat license shall consist of a certificate issued and signed by the veterinarian who performed the rabies inoculation. The certificate shall state the name, breed, color and sex of the dog or cat; the inoculation certificate number is issued by the veterinarian; and, for a guide dog for the handicapped, the animal's identification number. In addition, the veterinarian who performed the inoculation shall issue a durable tag or collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

f) Dogs and cats must wear identification tags and collars at all times when off the premises of the owner or keeper.

g) The license shall be valid for a period of twelve (12) calendar months. A new license must be obtained prior to the first day of the month next following the expiration of said license.

h) In the event any dog or cat found off the premises of the owner and/or keeper not wearing such a tag or collar, the owner and/or keeper shall be deemed to be in violation of this section. In the event any dog or cat off the premises of the owner and/or keeper is found wearing a tag or collar that is invalid by virtue of expiration, or belonging to another dog or cat, the owner and/or keeper of such dog or cat shall be in violation of this section.

i) Any dog or cat found in violation as provided for in this section shall be impounded.

j) In addition to impounding any animal found in violation of this section or any other section of this chapter, the animal control officer or law enforcement officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of fifty dollars (\$50.00) plus seven dollars (\$7.00) per day, which shall be paid to the Department of Finance within five (5) business days, by money order, certified check or cash, no personal or business checks accepted, in full satisfaction of the assessed fine.

i) Prior to release to owner or keeper the animal shall be vaccinated at the parish animal shelter, licensed and tagged at the follow fee schedule:

- | | | |
|----|--------------------------------------|---------|
| 1) | Vaccination and Veterinarian Service | \$10.00 |
| 2) | License and Tagged | \$ 2.00 |

All fees for veterinarian service, vaccination, license and tags shall be reimbursed to the St. Charles Humane Society.

Sec. 4-41. Bite reports by veterinarians.

It shall be the duty of every veterinarian having an animal quarantined for a bite incident to submit a report to the Louisiana Department of Health & Hospitals, Parish Sanitarian and the Animal Control Office as to the conditions of the quarantined animal on the initial day of the observations and the tenth day immediately following the date of the bite incident.

Sec.4-42 Treatment of animals which have bitten persons.

- (a) Should an animal bite a person, or be reported to have bitten a person within the limits of the parish, it shall be the duty of the owner, or the person having the same in his possession or under his control, immediately to notify the animal shelter and surrender the animal to Animal Control Office. It shall be the duty of Animal Control Office to impound or cause to be impounded any such dog or animal for a period of ten (10) days for observation either in the hospital facilities of a licensed veterinarian or at the animal shelter or require such animal to be confined securely for a period of ten (10) days by the person owning the same or having possession thereof in such manner and on such premises as may be designated by the Supervisor of the Animal Shelter, or any of their authorized representatives or, a health unit or hospital may order the destruction of such animal and send its head to the bureau of laboratories of the state department of health for a rabies laboratory test. Home confinement shall be allowed only if the following conditions are met:
 - (1) Current vaccination with an approved rabies vaccine; or in cases where an animal is unvaccinated, if the person bitten or scratched is the owner or a member of the owner's immediate family and the owner agrees not to have the animal vaccinated for rabies during the ten-day observation period but shall provide proof of a rabies vaccination and a parish license within three (3) days of the completion of the ten-day observation period.
 - (2) Specific approval of the medical doctor of the exposed party
 - (3) Specific approval of the exposed party and agreement to the confinement conditions by the animal owner.
- (b) If Supervisor of the Animal Shelter determines that such animal may be confined under the control or custody of the owner or person having control over it, the owner or person shall notify the designated doctor or health unit and Animal Control immediately if

the animal shows any symptoms of sickness or abnormal behavior, or escapes, and if such animal dies during confinement, such person having custody thereof shall surrender the carcass to the parish health unit or the animal control office.

Sec. 4-43 Penalties

a) In the event fines are not paid within the time period prescribed, a criminal warrant shall be initiated before any court of competent jurisdiction

b) upon conviction of a violation of this article, the owner or keeper shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty (\$50.00) nor more than five hundred dollars (\$500.00). Each day that the violation continues shall be deemed a separate violation.

c) such payment does not relieve the owner and/or keeper of the responsibility to comply with any or all sections of this article

Sec. 4-44 – 4-49. Reserved.

ARTICLE IV. IMPOUNDMENT, ADOPTION

Sec. 4-50. Impoundment authorized.

a) Any dog or public nuisance animal found at large within the parish, contrary to the provisions of this chapter, may be seized and impounded by any law enforcement officer of this parish or by any person authorized by the designated administrative department. Any dog or public nuisance animal so seized and impounded not claimed or redeemed in accordance with section 4-52 by its owner and/or keeper within (5) business days after being seized and impounded shall be offered for adoption or destroyed in some humane manner. The foregoing shall apply regardless of whether or not the dog or public nuisance animal shall have identification, and whether or not the owner or keeper shall be readily ascertainable.

b) In the event an injured or diseased animal is impounded, such animal may be immediately destroyed in a humane manner at the discretion of the animal control office. The animal control officer, or any person authorized by the administrative department; and the parish and its employees shall be held harmless and unaccountable for such actions.

Sec. 4-51. Adoption and Seizure of impounded animals.

a) Any person claiming a dog or cat which was seized and impounded under the provisions of this article and proving ownership thereof shall be entitled to possession of such dog or cat only upon proof that such dog or cat has been inoculated with an approved anti-rabies vaccine within a period of twelve (12) months prior to the seizing and impounding of such dog or cat. Such claim shall be made within five (5) business days from the date of the seizure and impounding of such dog or cat.

b) Any person claiming a dog or cat which has been seized and impounded shall pay

1) for the first claim a fee of not less than twenty dollars (\$20.00) for seizing, and a fee of not less than five dollars (\$5.00) for each day it is impounded;

2) for a second claim of a dog or cat of which has been previously seized or impounded during a twelve month period, shall pay fifty dollars (\$50.00) or choose sterilization for the animal;

3) for a third claim of a dog or cat which has been previously seized or impounded shall pay two hundred dollars (\$200.00) and mandatory sterilization.

4) In the event of a fourth offense the fine will be five hundred dollars (\$500.00) and liability insurance coverage as stated in the following paragraph. A signed and notarized sheet will be provided for each animal.

In addition, any person presenting a fourth claim shall present to the parish proof that the owner or keeper has procured liability insurance in the amount of one hundred thousand dollars (\$100,000.00) covering any damages or injury which may be caused by such dog which policy shall contain a provision requiring the parish to be named for the sole purpose of the parish's receiving notification of the cancellation, termination or expiration of the liability insurance policy.

In the event the dog or cat is redeemed as provided for in subsection

(c), the fee for seizing shall include the cost of rabies inoculation provided the animal has not been inoculated within the previous twelve (12) months, and provided the inoculation is performed by a licensed veterinarian. Proof of inoculation must be submitted to the animal shelter within five (5) business days following the release of the dog or cat. Failure to provide such proof shall be a violation of this article. Fees shall be paid to the Animal Control Office.

d) Any dog or cat that has been impounded and unclaimed by its owner and/or keeper as provided for in section 4-50 within five (5) business days after being seized may be offered for adoption or destroyed in a humane manner. Any dog or cat that has been relinquished by its owner and/or keeper to the animal shelter may be immediately offered for adoption or be destroyed in a humane manner. Animal Control may collect a fee of not more than sixty dollars (\$60.00) for the adoption of an animal, which shall include the cost of rabies inoculation

e) St. Charles Humane Society owns and operates the adoption and spay/neuter program at the Animal Shelter. The Animal Control Office acts as an agent on behalf of the St. Charles Humane Society. Any questionable adoptions will need final approval from the St. Charles Parish Humane Society Board of Directors.

Sec. 4-52. Public offering of animals for adoption.

- (a) No person shall offer dogs or cats for adoption by the public without obtaining from the adopter a signed pledge that the animal will be sterilized by spaying or neutering within twenty (20) days or as soon as it reaches an appropriate age.
- (b) Any pet shop, humane organization, or veterinary clinic may offer pets for adoption upon complying with the following regulations. Records must be kept for one (1) year concerning the source of the animal and the adoptee, with the descriptions of the animal including tag number and the name and address of the adoptee.
- (c) The St. Charles Humane Society or any other agency, shall be allowed to offer for adoption animals that are obtained from the animal shelter.
- (d) No person or humane organization shall offer for adoption any animal which has been declared fierce, dangerous or vicious. Any fierce, dangerous or vicious animal surrendered by its owner to the animal shelter or to any humane organization shall immediately be destroyed in a humane manner.
- (e) A record of all animals placed for adoption shall be forward to the Animal Shelter within three (3) days and kept on file for three (3) months; the form(s) shall be furnished by the animal shelter.

Sec. 4-53. Disposal for medical or scientific experimentation

No animal which might otherwise be destroyed or made available for adoption may be sold or given by the Animal Control Office for medical or scientific experimentation so long as any public funds or tax receipts are used for the operation of the animal control office.

Sec. 4-54. Animal Breeders

a) Permit required. No person shall be an animal breeder unless a permit to operate as a breeder shall have been granted by the Animal Control Office. Application procedures and requirements for such permit shall be in accordance with rules and regulation stipulated by the Animal Control Office. The permit period shall be the calendar year and the permit fee shall be one hundred dollars (\$100.00) for each permit period or part thereof beginning with the first day of the calendar year. Fees shall be paid to the St. Charles Parish Humane Society for the spay/neuter of animals.

b) Requirements for holding of permit. All breeders must, in addition to all other requirements of this article, comply with the requirements set forth below. Failure to meet these requirements shall be grounds for denial of a permit to operate, or revocation of any previously issued permit.

c) Application for permit; temporary permit. Permit application forms may be obtained from the Animal Control Office. Completed, notarized forms accompanied by the appropriate fee will be brought to the Animal Control Office within five (5) days of notification that the application is complete. If an applicant certifies that all of the requirements of these rules and regulations are being met in his establishment, the Animal Control Office may issue a temporary permit until such time as they can make a physical inspection of the establishment. Such temporary permit, however, shall not be valid for more than three (3) months from date of issue, and shall be revoked at the time of inspection if all permit requirements are not being met. Upon certification by an authorized representative of the Animal Control Office that all pertinent requirements are being met, the Animal Shelter Supervisor shall forthwith issue a regular permit which shall be valid until December thirty-first of the year issued.

d) **Renewal of permit.** Prior to December thirty-first of each year, all holders of animal handling permits must renew same by applying to the Animal Control Office for the appropriate form, executing such form and remitting the current annual permit fee.

e) **Inspection.** The establishment of all breeders shall be subject to inspection any time by the Animal Control Office.

Prohibitions. No breeder shall allow any female dog or cat to produce more than two (2) litters in any one continuous twelve-month period.

Sec. 4-55. Pet Shops.

- (a) *Permit required.* No person shall operate a pet shop unless a permit to operate such establishment shall have been granted by the Animal Control Office. Application procedures and requirements for such permit shall be in accordance with rules and regulations promulgated by Animal Control and the provided in this article. The permit period shall be the calendar year and the permit fee shall be \$25.00.
- (b) *Requirements for holding of permit.* All pet shops, including pet shops operated in conjunction with another holding facility, shall in addition to all other requirements of this article comply with the requirements set forth below. Failure to meet these requirements shall be grounds for denial of a permit to operate a pet shop or revocation of any previously issued permit.
- (c) *Application for permit; temporary permit.* Permit application forms may be obtained from the Animal Shelter or may be requested in writing or by telephone. Completed, notarized forms accompanied by the appropriate fee may be mailed to the above address. If an applicant certifies that all of the requirements of these rules and regulations are being met in his establishment, animal control may issue a temporary permit until such time as it may make a physical inspection of the establishment. Such temporary permit, however, shall not be valid for more than three (3) months from date of issue, and shall be revoked at the time of inspection if all permit requirements are not being met. Upon certification by an authorized representative of the Animal Shelter that all pertinent requirements are being met, the Shelter Supervisor shall forthwith issue a regular permit which shall be valid until December thirty-first of the year issued.
- (d) *Renewal of permits.* Prior to December thirty-first of each year, all holders of animal handling permits must renew same by applying to the animal control office for the appropriate form, executing such form and remitting the current annual permit fee.
- (e) *Inspection.* All pet shops shall be subject to inspection at any time by the animal control office.

- (f) *Prohibitions.* No pet shop may keep or offer for sale to the public any wild or exotic species of land animals, reptiles or birds including, but not limited to: felines other than domestic cats; simians of all types including monkeys, apes and chimpanzees; opossums; skunks; raccoons and poisonous snakes.

Sec. 4-56. Grooming Establishments

Permit required. No person shall operate a grooming shop unless a permit to operate such an establishment shall have been granted by the Animal Control Office. Application procedures and requirements for such permit shall be in accordance with rules and regulations promulgated by the Animal Control Office under the provisions of this article. The permit period shall be the calendar year and the permit fee shall be twenty-five (\$25.00) for each permit period or part thereof beginning the first day of the calendar year.

4-57. Breeders, Grooming and Pet Shops

a) Minimum standards for care of animals:

1. Fresh water for drinking shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be removable for cleaning and be mounted so that the animals cannot turn them over.
2. Cage temperatures shall be maintained at a level that is healthful for the species of animal kept in the cage.
3. All cages and enclosures shall be a metal or nonporous plastic material for each cleaning and disinfecting. Each cage must be of sufficient size so as to provide the minimum cage area per animal as specified. Cage floors shall be of solid material, or if of open mesh construction at least one-half of the floor area shall be covered with cardboard, multiple layers of paper, plastic sheet or other continuous substantial material.
4. All animals under three (3) months of age are to be fed at least three (3) times per twenty-four (24) hours. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same.
5. Each bird must have sufficient room to sit on a perch. Perches shall be placed parallel to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.
6. There shall be sufficient clean, dry bedding in each cage to meet the needs of each individual animal. Boxes of sand or prepared litter shall be provided for cats.

7. No animals shall be kept in darkness during the daylight hours.
8. All animals must be adequately fed and watered, and their cages shall be cleaned every day, including Saturdays, Sundays and Holidays. (see definitions)
9. Adult animals of opposite sexes shall not be kept in common cages.

b) Records

The holder of any permit shall keep available for inspection on the premises a record that shall show the name, current address and telephone number of the owner of each animal kept at the facility, the date such animal entered the facility, the reason for such animal being at the facility such as for boarding, sale, breeding or grooming; the description of the animal, including its age, breed, sex and color. The owner and/or keeper shall place in a visible place the name, address and telephone number of the Parish Animal Shelter, or other party who can be contacted in case of emergency, to assume the care of the animals on the premises. In addition, the holder shall furnish to the Parish Animal Shelter the name address and telephone number of the veterinarian or other responsible party authorized to act on behalf of the holder in case of an emergency.

Sec. 4-58 Penalties

a) In the event fines are not paid within the time period prescribed, a criminal warrant shall be initiated before any court of competent jurisdiction

b) upon conviction of a violation of this article, the owner and/or keeper shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty (\$50.00) nor more than five hundred dollars (\$500.00). Each day that the violation continues shall be deemed a separate violation.

c) such payment does not relieve the owner of the responsibility to comply with any or all sections of this article

Sec. 4-59 – 4-65. Reserved.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MARINO, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS,
DUHE, MINNICH
NAYS: NONE
ABSENT: BLACK

And the ordinance was declared adopted this 7th day of September, 2004, to become effective five (5) days after publication in the Official Journal.

Animals and Fowl revised IV

CHAIRMAN:

SECRETARY:

DLVD/PARISH PRESIDENT:

APPROVED:

DISAPPROVED:

PARISH PRESIDENT:

RETD/SECRETARY:

AT:

RECD BY: