

CHAPTER 8 -- ANIMALS

ARTICLE I. - IN GENERAL

Sec. 8-1. – Scope

This chapter shall apply to animals or property found or located within the limits of St. Landry Parish.

Sec. 8-2 – Definitions

The following words, terms and phrases, whether they appear in lower case letters, italics or capital letters, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for proper care, sustenance and shelter for the animal. However, returning community cats as part of the community cat diversion program as provided herein does not constitute abandonment.

Adoption means the sale of an animal that is owned and in the custody of the St. Landry Parish Animal Control to a member of the general public in exchange for cash or other financial consideration

Animal means any vertebrate creature, living or dead, domestic or wild, not including humans or fish; except that, when used in reference to rabies, it shall denote animals capable of transmitting the rabies virus.

Animal control advisory board means the St. Landry Parish Animal Control & Shelter Advisory Board established in article II of this chapter.

Animal control shelter means the division of the St. Landry Parish Government, known as the St. Landry Parish Animal Control & Shelter, comprised of the animal care center director, animal control officers, office staff, and shelter/care center for impounded animals.

Animal control officer means any person employed by the St. Landry Parish Government and charged with the enforcement of this article.

Animal control director means that person employed by the St. Landry Parish Government to act as the director/supervisor of the animal control and shelter.

Animal establishment means a facility which is operated as a pet shop, feed store, department store selling animals, commercial kennel, K-9 training or guard dog rental

service, breeder or dealer facility, grooming shop, stable or riding facility, auction, roadside or petting zoo or exhibition, or circus or rodeo, or other facility training animals for any purpose. Animal shelters under public jurisdiction, humane organizations or veterinary hospitals are not included in this definition.

At large and *stray* mean any animal, with the exception of all cats, which is not within the confines of the owner's home, dog yard, pen or fenced area or is not under the direct control of the owner or designated handler by means of a leash.

Bite means any abrasion, puncture, tear or piercing of the skin by an animal. As it pertains to rabies, the term "animal" refers to mammals capable of transmitting the rabies virus.

Breeder means a person who breeds or raises specific animals of any breed or breed(s) on his/her premises.

- a. Any person found to have more than two (2) unaltered animals of the same species on their premises shall be presumed to be a breeder.
- b. There shall be an irrebuttable presumption that any person found to have more than three (3) unaltered animals of the same species on their premises is a breeder.
- c. Exception: There shall be an exception for unaltered male dogs used for hunting purposes only if no unaltered females are found on the premises. The burden of proof shall be on the party claiming the exception.

Carrier means any airline, railroad, motor vehicle, shipping line or other enterprise engaged in the transportation of animals for hire.

Cat means members of the species *Felis catus*; other members of the family *Felidae* are excluded.

Collar means any band, chain, harness or other device worn by an animal to which a vaccination tag may be attached.

Commercial kennel means any person engaged in the commercial breeding, individually or in any quantity, or in the boarding, training, sale or hire of animals for compensation. Animal hospitals maintained as part of the practice of veterinary medicine, shelters operated by public jurisdictions, tax-exempt humane organizations or private kennels shall be exempted from this definition.

Community cat means any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats may be distinguished from other cats by being

sterilized, ear tipped and vaccinated for rabies. A community cat may also be defined as a cat 'found' outside that is brought to an animal shelter and not yet sterilized, ear tipped or vaccinated for rabies.

Community cat caregiver means a person who provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, custodian, harbinger, controller, or keeper of a community cat, or who has care or charge of a community cat.

Community cat diversion program means that a cat in good body condition 'found' outside that is brought to the animal care center, or other location determined by the animal care center, should be sterilized, ear tipped, rabies vaccinated and returned to its location from which it was found or other live outcome placement.

Companion animal means any domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal, and whose physical, emotional, behavioral, and social needs can be readily met as companions in the home, or in close daily relationships with humans. Companion animals shall not include farm animals.

Dealer/dealer breeder means any person who sells, donates or exchanges animals or offers to sell, donate or exchange animals to another dealer, pet shop, research facility, corporation or individual. Humane organizations are excluded from this definition.

Dog means domesticated members of the species *Canis familiaris*; other members of the family *Canidae* are excluded.

Eartipping means the removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated for rabies at least once.

Enclosure means a securely locked, fenced pen or structure constructed in accordance with standards established by the animal care center and which is suitable to prevent the unauthorized entry of children and animals and which is designed to prevent the animal from escaping.

Euthanasia means the humane destruction of an animal in compliance with state and local laws.

Exotic animal means a nonnative animal, a list of which shall be established by the St. Landry Parish Advisory Board after receiving recommendations for the list from the animal control advisory board.

Extreme weather conditions means conditions in which the actual or effective outdoor temperature is below 32 degrees Fahrenheit, or a hurricane, tropical storm, flood, flash flood, severe thunderstorm or tornado warning or heat advisory has been issued for the jurisdiction by the National Weather Service.

Fence means a physical or electronic barrier, adequate for the species, which prevents an animal from escaping a defined area.

Fowl means those species belonging to the class Aves.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise cosmetically treated.

Humane organization means any organization recognized by the animal control advisory board as a nonprofit humane organization and qualified under section 501(c) of the U.S. Internal Revenue Code.

Intact Horse means any unaltered male horse over two (2) years of age.

Intact Pet means any unaltered male dog or cat over eight (8) months of age and or any unaltered female dog or cat over six (6) months of age.

Kennel means a place or establishment where animals are sheltered, cared for, fed and watered.

St. Landry Parish Animal Control Shelter means the division of the St. Landry Parish Government comprised of the animal care center supervisor, animal care center officers, office staff, and shelter/care center for impounded animals.

Leash means a rope, chain or cord not more than 15 feet in length, or an electronic device, which is of sufficient strength to control the action of the animal and is affixed to such animal for maintaining direct control of the animal.

Livestock means farm animals (such as cattle, mules, horses, sheep, goats and pigs) that are kept, raised, and used by people.

Micro-chip implant means an identifying integrated circuit placed under the skin of an animal for identifying the animal.

Micro-chipped means an animal that has a micro-chip implant under its skin.

Necessary food and/or water means that amount of foodstuff and/or water which, in the good faith judgment of the animal control officer, is required for survival of the animal.

Owner means any person who has right of property or custody of an animal, or who harbors, keeps or finds and knowingly permits the animal to remain on or about his

premises for more than three days, shall be deemed the owner of such animal, with the exception of community cats, for purposes of this article. This definition shall not apply to any veterinary clinic or boarding kennel.

Pet shop means any person who sells at retail animals or fowl, whether as owner, agent or consignee, and who sells or offers for sale such animals to the general public, whether or not the sale of such animals or fowl constitutes a major portion of income or a major portion of the business.

Proper feed means the provision at suitable intervals, not to exceed 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 clean and sanitized container or dish.

Proper shelter means the provision of a suitable source of shelter from the elements so as to prevent unnecessary or unjustified pain or suffering to an animal. A suitable source of shelter is more fully defined as follows:

- (1) *Indoor facilities.* Facilities shall be large enough for the animal to stand, turn around, and lie down without touching the sides or top of the shelter and shall be adequately ventilated to allow for movement of air by means of windows, doors, vents, fans or air conditioning.
- (2) *Outdoor facilities.* All animals kept outdoors shall have access to shelter that provides protection from the elements. Such shelter shall be appropriate for the species. All companion animals shall have access to shade from the sun during hot weather.
- (3) *Outdoor shelter for dogs.* The shelter shall have a roof, three sides, an entryway, and a solid, level floor. Covered porches, covered patios and covered carports shall be deemed proper shelter for dogs if adequate protection from the elements is provided. Such shelter shall (i) be constructed of such material and in such a manner as not to pose a threat to the health and safety of the dog being housed; (ii) be of adequate size to allow for the dog to stand, turn around, and lie down without touching the sides or top of the shelter; (iii) have sufficient bedding material or other means of protection from the elements when weather is colder than what a dog of that breed and condition will comfortably tolerate and that will allow the dog to retain body heat; (iv) utilize bedding material which shall be kept clean and dry; (v) contain a suitable means for the prompt elimination of excess liquid; (vi) be structurally sound and maintained in good repair to protect the dog from injury or harm; (vii) be constructed and maintained so that the dog has convenient access to clean water and food; (viii) allow the dog easy access in and out of the shelter, and

(ix) be cleaned and maintained in a manner designed to ensure sanitary conditions. Excrement shall be removed from the shelter and from the premises, including yard and dog run, as frequently as necessary to prevent contamination and reduce hazards and odors. Excrement shall be properly disposed of in trash containers and shall not be washed into the gutter or storm drain. When a hosing or flushing method is used to clean the shelter, dogs shall be removed when reasonably possible.

- (4) *Stabling for a Horse* shall meet the following minimum standards:
- (a) All facilities in which horses are maintained shall be kept free of excessive feces, urine, mud, or other waste products;
 - (b) All facilities in which horses are maintained shall be constructed and maintained to minimize hazards that may cause injury to the horses confined within;
 - (c) The roof of the stable must be weatherproof and the structure must provide adequate ventilation;
 - (d) For horses, housed in an indoor facility with concrete floor, dry bedding shall be provided for the comfort and warmth of the horses;
 - (e) Horses confined to minimal enclosed areas shall receive sufficient turnout time or controlled exercise (e.g., hand-walking, lunging, riding, driving, hot walker, treadmill) unless directed otherwise by a veterinarian; and
 - (f) When housed in groups, horses shall be segregated as to minimize conspecific aggression.

Proper veterinary care means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Proper water or proper drink means access to a fresh, clean and potable water supply provided in a sanitary manner at all times.

Running at large means the encroachment upon private or public property by an animal without the owner or handler having direct control, by means of a leash, over such animal, with the exception of all cats.

Standards means the requirements with respect to the humane treatment, handling, care and transportation of animals by persons.

Trap-neuter-return means the process of humanely trapping, sterilizing, vaccinating for rabies, and ear tipping community cats, and returning them to their original location.

Vaccination tag means a metal disc which shall be attached to a collar or such device which shall serve to identify such animal and show proof of compliance with this article as it pertains to rabies control. Such tag shall bear serially consecutive numbers to correspond to the certificates issued to the owners by the veterinarian.

Veterinarian means any person duly licensed by the state board of veterinary medicine to practice veterinary medicine in the state.

Veterinary hospital means any facility where medical and surgical treatment of animals is administered under the supervision of a veterinarian.

Wild animal means those animals which are not tame by nature, which, because of habit, mode of life or natural instinct, are incapable of being completely domesticated, which requires the exercise of art, force or skill to keep them in subjection, and which would create a reasonable likelihood of hazard to the public. The St. Landry Parish Council shall establish, by ordinance, a list of wild animals after receiving recommendations for the list from the animal care center advisory board.

Sec. 8-3. – Acceptance of donations, gifts or bequests

The director is authorized to accept, on behalf of the Parish, donations, gifts and bequests, which shall be used solely for the care of the animals in the care and control of the Parish. Funds donated to Animal Control shall be used exclusively for Animal Control. Donations may be accepted by the St. Landry Parish Government through an authorized electronic commerce company account.

All donees shall complete a donation form adequately describing each donation. The St. Landry Parish Animal Shelter shall issue a receipt for all donations to the donee. Records of all donations, including copies of donation forms and receipts, shall be kept by the St. Landry Parish Animal Shelter.

Sec. 8-4. – Disposition of fees

Except as otherwise provided by law, all fines and fees collected pursuant to this chapter shall be payable to the St. Landry Parish Animal Control & Shelter and dedicated to the animal shelter. All fines and fees shall be paid by credit card, money order, personal/business check or cashier's check.

Sec. 8-5. – Records

It shall be the duty of the animal control director to keep or cause to be kept accurate and detailed records of the licensing, impounding and disposition of all animals coming into his/her custody, and all bite cases reported to him/her and his/her investigation of such cases.

Further, it shall be the duty of the animal control director to keep or cause to be kept accurate and detailed records of all monies in his possession belonging to the parish, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the parish and shall be audited by the parish annually in the same manner as other parish records are audited.

ARTICLE II. – ST. LANDRY PARSIH ANIMAL CONTROL ADVISORY BOARD

Sec. 8-6. – Creation of the St. Landry Parish Animal Control Advisory Board.

The St. Landry Parish Council does create the St. Landry Parish Animal Control Advisory Board under the terms and conditions contained in this article.

(Ord. No. _____)

Sec. 8-7. - Name.

The advisory board provided for in this article shall be known as the St. Landry Parish Animal Control Advisory Board.

(Ord. No. _____)

Sec. 8-8. - Number of members; residency requirement.

The board established by this article shall consist of five (5) members. Any member to be appointed must be a registered voter and domiciled in the Parish of St. Landry at the time of his/her appointment, and he/she must remain a registered voter and domiciled in the Parish of St. Landry during his/her term of office. All members shall serve at the pleasure of the appointing authority.

(Ord. No. _____)

Sec. 8-9. - Appointment of members.

The St. Landry Parish Council shall appoint (1) member of the board and the St. Landry Parish President shall appoint (4) members of the board. Preferably, two (2) of the appointments shall be a licensed Veterinarian who practice within St. Landry Parish, preferably one (1) who specializes in small animal veterinary medicine and one (1) who specializes in large animal veterinary medicine.

(Ord. No. _____)

Sec. 8-10. - Functions.

The board established by this article is to act in an advisory capacity to the St. Landry Parish Government and to the St. Landry Parish Animal Control & Shelter concerning the conduct of animal care in the Parish of St. Landry and is to hear and decide matters and/or appeals as is provided in this chapter. The board shall carry out such other functions and duties as may be assigned to it from time to time by the St. Landry Parish Government.

(Ord. No. _____)

Sec. 8-11. - Meetings and procedures.

The board established by this article shall meet regularly at a regular meeting on a date and at a time and in a place to be decided by the board but no less than one (1) time per month. The board shall meet in a special meeting at any time on the call of the chairman, the St. Landry Parish President or the St. Landry Parish Council, or on the written request of any two (2) members. The board may make its own rules and regulations concerning the conduct of its meetings. All meetings of the board shall be open to the public, as provided by law.

(Ord. No. _____)

Sec. 8-12. - Officers; quorum.

The board established by this article shall elect, at its first meeting and annually thereafter, a chairman, a vice-chairman and a secretary from its membership. The term of each office shall be for one year, with eligibility for reelection. Three (3) members of the board shall constitute a quorum for all purposes.

(Ord. No. _____)

Sec. 8-13. - Committees.

The board established by this article shall have the power to designate and appoint from among its members various committees with such powers and duties as the board may prescribe, provided that such powers and duties do not violate any law of the State or the St. Landry Parish Government.

(Ord. No. _____)

Sec. 8-14. - Records and reports.

The board established by this article shall keep an accurate record of all its meetings and shall, at least annually, give to the St. Landry Parish Council both a written and oral report on the board's activities for the prior year. The board shall provide to the clerk of the council copies of the minutes of each of its meetings.

(Ord. No. _____)

Sec. 8-15. - Legal representation.

The St. Landry Parish Attorney, or his designee, shall serve as the legal advisor of the board established by this article.

(Ord. No. _____)

Sec. 8-16. - Applicability of general policies.

The board established by this article shall be subject to the general policy for all boards, commissions and/or agencies established in any resolution by the St. Landry Parish Council.

(Ord. No. _____)

Sec. 8-17. – Filing of appeals, notice to the advisory board

Any person authorized pursuant to this chapter to file an appeal with the St. Landry Parish Animal Control Advisory Board may file a timely, written appeal at the St. Landry Parish Animal Control located at 255 Hangar Road, Opelousas, Louisiana, 70570. Upon the filing of a any appeal, the St. Landry Parish Animal Control Director shall notify the Chairman and Secretary of the Advisory Board of the filing of the appeal and provide them with a copy of the written appeal within five (5) days of the filing of said appeal.

ARTICLE III. – PARISH OF ST. LANDRY

Sec. 8-18. - Enforcement.

Any police or law enforcement officer or post-certified animal control officer or the animal control director/supervisor shall be given the authority to enforce any and all of the regulations of this chapter and to issue notices or court citations for violations of the regulations and controls in this chapter. Such authority shall include but shall not be limited to the right to inspect animal establishments, the right to inspect any premises or operations which are or may be regulated by this chapter, and the right to request, obtain and execute search warrants for these purposes as may be required by law.

(Ord. No. _____)

Sec. 8-19. - Interference with enforcement officers.

1. No person shall interfere with, hinder or molest any animal control officer in the performance of any duty of such agent, or seek to release any animal in the custody of an animal control officer or his agents.
2. It shall be unlawful for any person to knowingly interfere with or damage any equipment owned or used by the division of animal control or to release any animal contained, therein.
3. It shall be unlawful for any person to make false reports or unfounded complaints to the animal control authority. Any person making such false report or unfounded complaint shall be issued a warning by the animal control authority upon the first offense. Subsequent false reports or unfounded complaints shall be subject to the penalty set forth in subsection (4) below
4. Any person violating any part of this section shall be fined \$50.00 for the second offense and \$100.00 for any subsequent offenses.

(Ord. No. _____)

Sec. 8-20. – Entry onto property

1. The animal control director or designee may enter any premises upon exigent circumstances or when authorized to do so by any provisions herein.
2. The animal control director or other duly designated representative of the parish may enter any establishment holding a permit, where animals are maintained, for investigation or inspection as to whether or not:
 - a. The owner/operator is in compliance with the applicable permit requirements; or
 - b. Any portion of such premises, buildings, structures, enclosures, pens, or cages are being used, kept or maintained in violation of this or any pertinent state law.

Sec. 8-21. – Nuisance. In general, violations, hearings, penalties.

It is unlawful for any person having ownership, custody, or control of any animal to cause, allow, permit, either willfully or by failure to exercise due care, in any of the following, defined as public nuisance or contained in this chapter and is prohibited as set forth herein:

1. *Disposal of Waste.* Any person having an animal which defecates in public or private property without the property owner's consent shall immediately remove and dispose of the excrement from any such place to a site not prohibited by law.
2. *Animal Noise.*
 - a. The ownership, custody, or control of an animal that barks, bays, cries, howls, or makes any other noise so continuously or incessantly as to disturb the peace or quiet of any person for a period of ten (10) or more consecutive minutes or intermittent noise for a period of thirty (30) or more minutes is prohibited.
 - b. Any person who keeps or permits on any premises any animal as defined in subsection (a) of this section is guilty of a violation of this division, provided that during the time that the animal is making such a noise, no person or other animal is trespassing or threatening to trespass or no person is teasing or provoking the animal.

- c. This section shall not be construed to prohibit the ownership of keeping of a watchdog, provided that the keeper takes immediate steps to quiet such dog whenever it barks, and provided that such keeper never leaves such dog unattended on the premises in a place where its barking for a period of ten (10) or more consecutive minutes or intermittent noise for a period of thirty (30) or more minutes.
 - d. If the noise disturbs the peace and quiet of any two (2) persons living in different households or any one (1) person with evidence including video or tape recordings within one hundred fifty (150) feet of the locations of the disturbances said person(s) may report the disturbance to an animal control officer or other law enforcement officer.
- 3. *Destruction of Property.* Any domesticated animal which enters upon private or public property, so as to damage or destroy any real or personal property of another is prohibited.
- 4. *Violations, citations, hearings, penalties.*
 - a. Upon receipt of a nuisance complaint and verification by the animal control director/officer or law enforcement agent of such nuisance, a reasonable attempt shall be made to notify the person with ownership, custody, or control of the animal in question to inform them of the nuisance complained of and that a nuisance complaint has been received. If the complaint is determined to be valid, the person shall be assessed a fine of \$25.00.
 - b. Upon receipt of a second complaint within a twelve-month period, from any person, including the original complainant, an animal control officer or law enforcement agent, without further warning, shall be assessed a fine of \$100.00.
 - c. Upon receipt of a third complaint within a twelve-month period, from any person, including the original complainant, an animal control officer or law enforcement agent, without further warning, shall issue a violation notice to the owner and/or person with custody or control of the animal or

animals causing the nuisance, in lieu of a fine, and the matter will be set for hearing before the advisory board.

- d. Any third or subsequent violation shall subject the person to the cost of the hearing plus fines pursuant to this chapter if found to be in violation by the trier of fact.
- e. *Hearings.*
 - i. Any person assessed a fine may either pay the fine or request a hearing before the advisory board. Should the person request a hearing, said person, if found to be in violation, shall bear the cost of the hearing.
 - ii. If there is no physical evidence submitted by the complainant and no personal observations by the officer for either complaint, the violation may be dismissed at the discretion of the advisory board.
 - iii. In cases where a violation notice has been issued upon a third or subsequent verified complaint and public nuisance is found to exist, the advisory board may order:
 - 1. A reduction in the number of animals kept by an owner, or require whatever reasonable restrictions in the keeping of animals that the advisory board may deem necessary to eliminate or mitigate a public nuisance.;
 - 2. Neutering/spaying of the animal;
 - 3. Microchipping;
 - 4. Other reasonable penalties including additional fines.
 - iv. The animal may also be subject to impoundment pending a hearing and the owner, harbinger, and/or keeper being responsible for payment of impoundment fees or any other fees assessed pursuant to this chapter.

(Ord. No. _____)

Sec. 8-22. - Disposition of livestock animal carcasses.

In an effort to prevent, control or eradicate contagious or communicable diseases of mules, horses, cattle, sheep, goats, and swine throughout the state, the carcasses of all animals shall be disposed of in a sanitary manner by deep burial within forty-eight (48) hours of the death of the animal. Burial in this sense means that the animal carcass shall be placed in a hole or pit not less than six feet deep in the disposition of carcasses of cows, mules, and horses, and not less than four feet as applying to carcasses of sheep, goats, and swine. The owners, agents, firms, or corporations, or persons in charge of any or all livestock on ranges, pastures or other premises shall be responsible for disposition of carcasses of all animals over which they have jurisdiction, with reference to complying with the provisions of this section.

Whoever is found to be in violation of this ordinance shall pay a fine of \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense. In addition to any and all fines that the violator may be assessed, the violator will also be responsible for all reasonable costs incurred by the parish for the sanitary burial or disposal of said carcass(es).

(Ord. No. _____)

Sec. 8-23. - Permit for keeping wild or exotic animal.

- (a) *Required; fee; issuance.* Any person wishing to house or keep a wild animal or an exotic animal as a pet shall obtain an annual, nontransferable permit from the animal care center. The annual fee for a wild animal or exotic animal permit shall be \$25.00. The animal control director shall issue or deny the permit.
- (b) *Prerequisites for issuance.* No person shall be issued a wild animal or an exotic animal permit unless the permittee demonstrates knowledge and ability to properly care for and handle the animal, which may include an inspection of the premises, equipment and facilities where the animal is to be kept; and an ability to respond in damages for bodily injury to or death of any person which may result from the ownership, maintenance, keeping or housing of such animal. Proof of ability to respond in damages shall be given by:
 - (1) Filing with the animal care control director a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is insured by a policy of at least \$100,000.00 combined single limit liability for bodily injury and property damage; or

- (2) Posting with the animal care center supervisor a surety bond conditioned upon the payment of such damages as described in this subsection.

A copy of any such certificate of insurance and surety bond shall be given to the division of risk of the St. Landry Parish Government management by the permittee at the time of issuance of a wild animal or an exotic animal permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond shall be made unless ten days written notice is first given to the animal care center supervisor and to the division of risk management of the St. Landry Parish Government.

- (c) *Denial; appeals.* Any denial of a wild animal or an exotic animal permit shall be accompanied by a written explanation of denial. Such denial may be appealed to the animal control advisory board in writing within ten calendar days of the date of the written denial of the application. Any timely appeal of a denial of a wild animal or an exotic animal permit shall be addressed at the next scheduled animal care center advisory board meeting, and the disposition of such appeals shall be decided by a majority vote of the animal care center advisory board.
- (d) *Exceptions.* This section shall not apply to any wild or exotic animal which is owned by an educational institution under the supervision, management or control of any of the agencies established or recognized by Article 8 of the Louisiana Constitution of 1974, and which is used by such educational institution in a course of study which has obtained such approvals as may be required by the governing bodies of the educational institution.

(Ord. No. _____)

DIVISION 1. - IMPOUNDMENT

Sec. 8-24. - Generally – Dogs, Cats and Small Animals.

- (a) *Animals subject to impoundment; impoundment period.* The animal control officer may take up and take charge of any animal found to be in violation of any of the regulations and controls as stated in sections 8-87 (Running at large), 8-29 (Rabies, inoculation, tag required), 8-30 (Cert. of vaccination and registration, wearing of tag), 8-31 (Counterfeiting or misusing tag, removing tag), 8, 8-36 (Running at large; pens, coops or other enclosures) and 8-37 (Keeping pigeons), with the exception of healthy community cats and may take such animals to the animal control shelter. The stray hold period for dogs is (7) seven days. The stray hold period for cats is (5) five days. Community cats are not subject to a stray hold and may be sterilized, ear tipped, rabies vaccinated and returned to their outdoor home. There is no stray hold period with regard to any other animals, unless otherwise provided in this

chapter. Notwithstanding anything contained herein to the contrary, in the event such animal has bitten someone or has rabies or is suspected of having rabies, then such animal must be held for at least (10) ten days as provided in this article. In the event any animal is transferred to a rescue organization approved by the St. Landry Parish Animal Control, within a respective stray hold period, the stray hold period must be observed by the rescue organization. Unless the animal is claimed by its owner in person within the time period prescribed in this subsection, all rights to the animal by the owner shall be forfeited and title shall pass to the St. Landry Parish Animal Control & Shelter.

- (b) *Notice to owner.* Within twenty-four (24 hours) after an animal has been impounded at the St. Landry Parish Animal Control Shelter, exclusive of weekends and holidays, it shall be the duty of the person in charge of such shelter to notify the person to whom the license tag (or band, in the case of pigeons) was issued or the owner of such animal, if otherwise known, by letter, postal card, e-mail or telephone. The mailing of such letter or postal card or the attaching of such letter or postal card on the door of the premises of the person to whom the license tag (or band, in the case of pigeons) was issued or the owner of such animal, if otherwise known, shall be deemed sufficient notice, whether the person addressed receives the notice or not.
- (c) *Redemption of animal by owner; fees.* Provided a respective animal has not been adopted, rehomed or transferred as provided herein, the owner of an impounded animal may, upon presentation of satisfactory proof of ownership, reclaim the animal upon payment of the following charges and/or fees, where applicable, unless such animal has bitten someone or has rabies or is suspected of having rabies, in which case the animal must be held for at least (10) ten days for observation:
 - (1) An impounding fee, which shall be a minimum of \$25.00 for the first impoundment of the animal, \$50.00 for the second impoundment, \$100.00 for the third impoundment, and \$150.00 for the fourth and other subsequent impoundments, if any;
 - (2) The current year's vaccination fee of \$25.00, if the animal has not been vaccinated, which shall go towards the intake vaccination of such animal;
 - (3) A boarding fee of a minimum of \$5.00 for each day the animal has been impounded;
 - (4) A \$5.00 fee for deworming, if the animal has not been dewormed; and
 - (5) A \$25.00 office filing fee.

- (6) All fees set by this section may be altered by the St. Landry Parish Advisory Board with the approval of the St. Landry Parish Council.

Community cat caregivers may redeem community cats without proof of ownership and are exempt from any charges and/or fees.

- (d) *Disposition of animals not reclaimed.* Any animal impounded and taken to the St. Landry Parish Animal Shelter that is not reclaimed adopted, transferred, or rehomed may be humanely euthanized or in the case of livestock may be sold at the sale barn provided, however, that the required time as described in this article has elapsed.
- (e) *Euthanasia of diseased or injured.* Any animal which is diseased or severely injured at the time of impoundment may, at the discretion of the animal control director and the approval of a licensed veterinarian, be euthanized in a humane manner, immediately and without waiting the prescribed stray hold period. This action may be taken if, in the opinion of the director and the veterinarian of the animal control shelter, its condition is such that imminent destruction is necessary as a humane gesture and/or for the protection of humans or other animals with which the animal may come into contact. In the event a veterinarian is not available to approve the decision regarding the euthanasia of the animal, the director shall approve the euthanasia of the animal. Detailed logs shall be maintained regarding the euthanasia of an animal.
- (f) *Exemptions from fees.* The owner of an animal which has bitten someone and has been impounded and taken to the St. Landry Parish Animal Control Shelter for observation shall be exempt from payment of impounding fees and boarding fees under the following circumstances:
- (1) The animal was not running at large at the time of the biting incident; and
 - (2) The animal was vaccinated, licensed and tagged in compliance with section 8-30 and was in compliance with all other sections of this article at the time of the incident.
- (g) *Adoption of impounded animals.* Any animal that has been impounded at the St. Landry Parish Animal Control Shelter (or a rescue organization) for the prescribed period or given by the owner by signature may be offered for adoption. Before being allowed to adopt any animal, the adopter shall agree in writing to such terms and conditions as are required by the St. Landry Parish Animal Control. Adoption fees are not to exceed \$150.00 and, where applicable, shall include the sterilization, micro-chipping, rabies vaccination, intake vaccinations for dogs and cats, deworming and flea control, provided on intake. Notwithstanding anything

contained herein to the contrary, adoption fees may be waived or reduced for an adoption event, veterans, a rescue organization, senior citizens 65 years or older, and any rescue animals.

- (h) *Owner requested euthanasia or disposal.* Any animal taken to the animal care center for euthanasia and disposal by a private owner shall pay a minimum fee of \$150.00 and such shall be done only with the approval of a veterinarian or the animal control director (or designee.) At the animal control director's discretion, the euthanasia fee may be reduced or waived. In the event a veterinarian is not available to approve the decision regarding the euthanasia of the animal, the animal care control director shall approve the euthanasia of the animal. Detailed logs shall be maintained regarding the euthanasia of an animal. Further, the person requesting euthanasia and/or disposal must sign an acknowledgment of euthanasia form.

Notwithstanding anything contained herein to the contrary, as to any animal delivered to the St. Landry Parish Animal Control for euthanasia and disposal by a private owner, the St. Landry Parish Animal Control may offer such animal for adoption or rescue.

Any deceased animal taken to the animal care center for disposal by a private owner shall pay a minimum fee of \$25.00.

- (j) *Surrender by an owner of an animal.* Anyone surrendering the ownership of an animal to the animal care center shall pay a minimum fee of \$25.00. The Animal Control director has the discretion to waive these fees.

(Ord. No. _____)

Sec. 8-25. – Confined, abandoned animals; seizure

When a living animal is confined and is found to be without proper water, proper food and/or proper shelter as necessary to sustain itself, an animal control officer may, as often as is necessary, enter any place in which the animal is confined and supply it with necessary food, water and/or shelter. If the owner or attendant of said animal does not respond within twenty-four (24) hours to official notification by the animal control officer relative the animal's neglect, abandonment or conditions, that animal shall be deemed abandoned. Notwithstanding any other provisions in this chapter, an animal control officer may seize or impound the abandoned animal and any other animal on the premises

Sec. 8-26. - Exemptions from impoundment fees; vaccination fee.

- (a) Any animal impounded at the animal control shelter for observation but not in violation of sections 8-29, 8-30 or 8-31 shall be exempt from impoundment fees and subsequent charges.
- (b) If the owner of such animal is unable to provide proof of compliance with provisions concerning vaccination against rabies, the owner shall be assessed a fee of \$15.00, which will go toward the vaccination of such animal.

(Ord. No. _____)

DIVISION 2. - DOGS, CATS AND RABIES CONTROL

Subdivision I. - In General

Sec. 8-27. - Community cat diversion program.

- (a) The St. Landry Parish Council adopts the community cat diversion program.
- (b) Trap-neuter-return is the preferred method for controlling the community cat population through the community cat diversion program. The animal care center and any contracted shelter organizations shall prioritize the trap-neuter-return method as the preferred outcome for community cats by directing any impounded, non-eartipped, free-roaming cats to the trap-neuter-return process.
- (c) All community cats shall be sterilized, ear tipped and vaccinated in accordance with the trap-neuter-return process.
- (d) All community cats may be managed and maintained by a community cat caregiver.
- (e) If the requirements of subsections (c) and (d) of this section are met, the community cat is exempted from licensing, stray, at-large, and other provisions of this chapter that apply to owned animals. However, in no event shall a community cat be exempted from the nuisance provisions of this chapter.
- (f) Any person may provide care for a community cat, including, but not limited to the following:
 - (1) Food, if supplied, maintained in a feeding container.
 - (2) Water, if supplied, clean, potable, and free from debris and algae.
 - (3) Shelter, if provided, unobtrusive, safe, and of the proper size for the cat(s).
- (g) Trapping of free-roaming or community cats is permitted only for the purpose of trap-neuter-return unless the community cat is injured and veterinary care is required.

(h) An ear tipped cat received by the animal care center or a local shelter shall be returned to the location where trapped with no hold period, unless veterinary care is required.

(Ord. No. _____)

Sec. 8-28. - Running at large; Penalties.

(a) *Prohibited.* No dog shall be allowed to run at large, whether it is tagged or untagged or whether it is on private or public property, except where such private property is the private property of such owner; or on private property governed by a homeowners' association which allows dogs to run at large; or person in charge and such property precludes the escape or possible escape of such animal, and except as provided in subsection (b) of this section. However, under no circumstances, shall an intact dog ever be allowed to run at large.

(b) *All cats may be at large.*

(c) *Penalties.* In addition to the impoundment fees assessed the owner of an unaltered dog found to be running at large, the owner of said pet shall be assessed an additional fee. Said fees are as follows:

1. *First Offense*.....\$75

2. *Second Offense*.....\$150

3. *Third Offense*.....\$200 and the animal may be subject to mandatory sterilization and/or seizure and forfeiture.

4. *Exception:* If the owner is assessed a fine pursuant to this section, the owner, at the Animal Control Director's discretion, may elect to have the animal altered and any fines that would have been assessed the owner would be applied to payment of the alteration fee.

(d) No animal shall be released until either the fees are paid or the animal is spayed/neutered.

(Ord. No. _____)

Subdivision II. - Dog and Cat Licensing

Sec. 8-30. - Registration, inoculation, microchip, and tag required.

No person shall own, keep or harbor a dog or cat without having:

- (1) Such animal inoculated against rabies by a licensed veterinarian in accordance with the following: vaccinated against rabies by a licensed veterinarian at three months of age, initially, and thereafter vaccinated annually or upon advice of a veterinarian;
- (2) Registered microchip; and
- (3) Proof of a current certificate of rabies vaccination.

(Ord. No. _____)

Sec. 8-31. - Certificate of vaccination and registration; wearing of tag.

- (a) It shall be the duty of the owner of any animal to obtain and retain at all times a certificate of vaccination and a certificate of registration giving the name and address of the owner, a description of the animal by sex, color, approximate age and weight, and the breed if known. A current vaccination certificate shall be obtained, annually. A vaccination tag bearing the same number as the certificate as referred to in section 8-30(3) shall be securely fastened at all times to a collar and worn by such animal at all times when not confined in the owner's home or in an enclosed pen on the owner's property. Due to safety concerns, cats are exempted from wearing a collar and tag. Hunting or stock dogs, and show animals, while being worked, conditioned and/or shown under the supervision of their owner or agents or employees of the owner, are exempted from wearing the tag.
- (b) Every person living in the Parish of St. Landry for more than three (3) months and owning, keeping or having in his possession an animal which is over three (3) months of age is required to obtain from the animal control or a licensed veterinarian an annual license therefor, and a vaccination against rabies as provided in section 8-30(3), and to obtain and require to be permanently affixed to the collar of such animal a vaccination tag, unless otherwise provided in this article.
- (c) Caregivers of ear tipped community cats that have been vaccinated against rabies at least once should make every effort to ensure the community cat receives a booster for the rabies vaccine as per the manufacturer's instructions.

(Ord. No. _____)

Sec. 8-32. - Counterfeiting or misusing tag; removing tag.

- (a) Any person who counterfeits or imitates the license tag as provided by the animal care center, or any person who shall put on an animal such counterfeit or imitation tag, or who shall use a tag on a dog for which it was not issued, shall be deemed guilty of a misdemeanor. Whoever, if convicted of violation of any provisions of this section, shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six months, or both such fine and imprisonment.
- (b) Any person who shall maliciously or wantonly remove or cause to be removed, directly or indirectly, any such tag from the animal of another person shall be deemed guilty of a misdemeanor. Whoever, if convicted of violation of any provisions of this section, shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six months, or both such fine and imprisonment.

(Ord. No. _____)

Subdivision III. - Rabies Control

Sec. 8-33. - Administration.

- (a) The responsibility for the control of rabies within the Parish of St. Landry shall rest with the St. Landry Parish Animal Control. The St. Landry Parish Animal Control and the animal control officers shall be under the supervision and control of the animal control supervisor.
- (b) Fees collected pursuant to this division shall be remitted to the animal control.

(Ord. No. _____)

Sec. 8-34. - Confinement of animals suspected of having rabies.

- (a) No animal infected with rabies or symptoms thereof or which has been exposed to or is suspected of having rabies or symptoms thereof shall be allowed at any time on the streets or public ways.
- (b) The owner of any animal that has rabies or symptoms thereof or has been exposed to rabies or has bitten or scratched any human being under circumstances where the skin of that human being was broken from either the bite or the scratch, whether vaccinated or not, shall notify the director of the animal care center or any animal control officer of such circumstances, and shall on demand turn over such animal for the purpose of observation for a period of at least ten (10) full days. If the owner desires, he may, at his expense, direct the conveyance of the animal to a veterinary clinic within St. Landry Parish for the same period or request home quarantine of

the animal. The veterinarian to whom the animal is so conveyed shall be responsible for maintaining custody during this period and for reporting the results of such observation to the animal care center supervisor at its conclusion prior to the release of such animal. Upon satisfactory conclusion of the observation period, if the animal is not otherwise dangerous, the animal shall be released to its owner.

- (c) The animal care center director may consider and agree to in-home ten (10) days' quarantine for rabies observation only if the following criteria are met:
 - (1) The owner of the animal agrees to the in-home observation and signs a form recognizing such agreement.
 - (2) The animal was not at large at the time of the bite.
 - (3) The owner signs an indemnity clause holding the animal control and St. Landry Parish Government harmless from any and all liability which might arise while the animal is undergoing in-home observation.
 - (4) The St. Landry Parish Animal Control may inspect the facilities at any time to determine compliance.
 - (5) The animal is secured on the property at all times during observation in a room, pen, or other structure to prevent escape and contact with other animals or humans other than the owner.
 - (6) Animals shall be examined by a licensed veterinarian within 24 hours after the end of the observation period, and the animal care center shall be notified of release within 24 hours, thereof.
 - (7) The St. Landry Parish Animal Control shall be notified within 24 hours if the animal dies, escapes or becomes ill during the observation period.
 - (8) If the St. Landry Parish Animal Control observes any violation of the terms and conditions of an in-home quarantine, the animal shall then be seized and taken to the animal care center.
- (d) If any animal has bitten or scratched any human being and is impounded for rabies observation at the animal care center and held for the prescribed ten (10) days, such animal on the twelfth day (holidays and weekends excluded) shall be deemed abandoned, if not reclaimed by its owner, and at the discretion of the animal care center supervisor shall be offered for adoption or euthanized in a humane manner and without further notice to owners.
- (e) The owner of any animal impounded for rabies observation shall present to the animal care center supervisor or his designee proof of vaccination against rabies in accordance with this article prior to the release of the animal.

- (f) If any animal which has bitten or scratched any human, exhibits signs consistent with rabies, as determined by a licensed veterinarian, the animal control shelter shall attempt to notify the owner. Twenty-four (24) hours after such attempted notification, the animal care center may direct the euthanasia of the animal in a humane manner for purposes of laboratory testing for rabies.

(Ord. No. _____)

Sec. 8-35. - Public and private clinics.

- (a) The annual fee at public clinics for registration, vaccination and tagging shall be determined by the animal control advisory board with the approval by the St. Landry Parish Council, and advertised at least one month prior to informing such clinics. At such public clinics the veterinarian shall administer the vaccine and the animal control shall provide the licensing certificates, tags and administrative personnel.

- (i.) The annual fees at public clinics for registration, vaccination and tagging shall be determined by the animal control advisory board with the approval from the St. Landry Parish Council, and advertised at least one (1) month prior to informing such clinics. At such public clinics, animal control shall provide the vaccine at the lowest price, as well as the licensing certificates, tags, and administrative personnel.

- (b) All fees and costs relating to this section shall be set by the St. Landry Parish Advisory Board with the approval of the St. Landry Parish Council.

(Ord. No. _____)

DIVISION 4. - FOWL AND RABBITS

Sec. 8-37. - Running at large; pens, coops or other enclosures.

- (a) It shall be prohibited for any person raising or keeping chickens, turkeys, geese, guineas, ducks, pigeons or other fowl or rabbits to allow or permit the fowl or rabbits to run at large or be at large.
- (b) It shall be the duty of every person raising or keeping chickens, turkeys, geese, guineas, pigeons or other fowl, except pigeons and migratory waterfowl being raised or kept pursuant to a permit issued by the United States Fish and Wildlife Service of the Department of the Interior on private property, to keep them in a pen, coop or enclosure. Such pen, coop or enclosure shall be constructed in such manner

that the fowl shall be confined within such pen, coop or enclosure at all times. Such pen, coop or enclosure shall be at a distance of at least 25 feet from any and every building or structure used for sleeping, dining, living or working, shall be kept in a sanitary condition at all times, and shall be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.

- (c) It shall be the duty of every person raising or keeping migratory waterfowl pursuant to a permit issued by the United States Fish and Wildlife Service of the Department of the Interior on private property to keep them in a pen, coop or enclosure, which shall be constructed in such a manner that fowl shall be confined within such pen, coop or enclosure at all times. Such pen, coop or enclosure shall be a distance of at least 25 feet from any and every building or structure used for sleeping, dining, living or working, shall be kept in a sanitary condition at all times, and shall be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.
- (d) It shall be the duty of every person raising or keeping rabbits on private property to keep them in a coop, pen or enclosure at all times. Such pen, coop or enclosure shall conform to guidelines available at the animal control and be constructed in such a manner that such rabbits shall be confined within the pen, coop or enclosure at all times. Such structure shall be no less than two feet above the ground or slab and shall be a distance of at least 25 feet from any and every building or structure, not on the owner's property, used for sleeping, dining, living or working. The area shall be kept in a sanitary condition at all times and shall be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public not on the owner's property.

(Ord. No. _____)

DIVISION 5. - LIVESTOCK

Sec. 8-38. - Roaming at large; tying on streets or sidewalks; penalties for intact horses roaming at large.

- (1) The roaming at large or tying across or on sidewalks or streets of livestock is hereby prohibited. For purposes of this section, the term "livestock" includes but is not limited to cattle, mules, horses, pigs, hogs, sheep and goats.

(2) In addition to any impoundment and redemption fees assessed an owner of livestock found to be running at large, the owner of any intact horse found to be running at large shall be assessed the following fees which must be paid before the horse is reclaimed by the owner:

- a. First Offense.....\$175
- b. Second Offense.....\$250
- c. Third Offense.....\$500 and the animal may be subject to mandatory sterilization and/or seizure and forfeiture.
- d. Exception: If the owner is assessed a fee pursuant to this section, the owner, at the Animal Control Director's discretion, may elect to have the horse altered and any fines that would have been assessed the owner shall be applied towards payment of the alteration fee.

(Ord. No. _____)

Sec. 8-39. - Sanitary conditions required.

The maintenance, keeping and possessing of livestock, including but not limited to horses, cattle, hogs, sheep and goats, is hereby declared to be a nuisance endangering the health and welfare of the citizens, unless such animals are kept under strict sanitary conditions and in such a manner as to protect the health, welfare and safety of the people adjacent thereto.

(Ord. No. _____)

Sec. 8-40. - Separation of enclosures from other structures; maintenance of enclosures; minimum property area.

- (a) It shall be the duty of every person maintaining, keeping or possessing livestock, including but not limited to cattle, mules, horses, hogs, pigs, sheep and goats, to keep such animals within a fence which shall be a distance of not less than 75 feet from every established building or structure used for sleeping, dining, living, working or playing, including but not limited to any residence or part thereof, garage or carport. For purposes of this subsection, an established building or structure is defined as a building or structure for which construction has lawfully commenced, as evidenced by the lawful obtaining of all necessary building permits

and the actual breaking of ground, prior to the lawful placement, maintenance, keeping or possession of livestock on adjacent property.

- (b) All enclosures and other areas to which livestock have access shall be kept in a sanitary condition and shall be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.

(Ord. No. _____)

Sec. 8-42. - Impoundment.

- (a) *Authorized; notice to owner.* It shall be the duty of the animal control officer to take charge of any livestock, including but not limited to cattle, mules, horses, hogs, pigs, sheep and goats, found to be in violation of any of the regulations and controls as stated in sections 8-38, 8-39 and 8-40 and to take such animals to the St. Landry Parish Animal Shelter, there to be impounded and detained for a period of not less than ten (10) calendar days. The St. Landry Parish Animal Control shall make a reasonable effort to determine the identity of the owner, by checking for tattoos or scanning for microchips, of such impounded livestock, and the animal control shall send a notice in substantially the following form to the owner of such livestock, if known, and shall post such notice in a conspicuous location upon the property from which the livestock was taken, if the livestock was not running at large at the time of taking:

| |
|---|
| To: _____ |
| From: _____ |
| Director of the St. Landry Parish Animal Control & Shelter Opelousas, Louisiana |
| Re: _____ (Description of Animals); |

You are hereby notified that the animal(s) described above have been impounded by the St. Landry Parish Animal Control pursuant to the authority of Chapter 8 of the

St. Landry Parish Government Code of Ordinances. Such animal(s) have been impounded because of the following incident(s) or circumstances:

An appeal may be made in writing to the St. Landry Parish Animal Control Advisory Board within ten (10) days of the date of this notice.

You are further notified that unless the above animal(s) is/are claimed by their owner in person within ten (10) days of the date of this notice, all rights to the animal(s) shall be forfeited to the St. Landry Parish Animal Control, and the animal(s) may be offered for sale after that time by the St. Landry Parish Animal Control for the amount of accrued fees against the animal(s) or otherwise disposed of as determined by the St. Landry Parish Animal Control. If sold, the original owner of the animal(s) may reclaim it/them within ten (10) days of the date of sale by paying the purchaser at any such sale twice the purchase price of the animal(s) plus other costs incurred. Such redemption of this/these animal(s) shall not release the owner from fines assessed in connection with the impoundment of this/these animal(s) or violations of Chapter 8 of the St. Landry Parish Government Code of Ordinances by this/these animal(s) or its/their owner.

This notice given this _____ day of _____/_____/_____, 20_____, in compliance with section 8-41 of the St. Landry Parish Government Code of Ordinances.

This notice received:

| |
|----------------|
| _____ Owner |
| _____ Date |

| |
|----------------------------------|
| St. Landry Parish Animal Control |
| _____ Director/Agent |

In the event the owner of the livestock is unknown, the St. Landry Parish Animal Control shall, after three (3) days,

1. Advertise the livestock on the St. Landry Parish Animal Control's website/social media page for the owner to come forward and claim his property after paying the required redemption costs.
- (b) *Forfeit of rights by owner; appeals.* Unless the impounded livestock is claimed by its owner in person within ten (10) calendar days of the date given in the notice or advertisement, all rights to the animal by the owner shall be forfeited, and title shall pass at the end of ten (10) days to the St. Landry Parish Animal Control. Within the ten-calendar-day period from the date of the notice, whether by written or advertisement, the owner of the livestock may appeal the impoundment of the livestock to the animal control advisory board, and the sole question on appeal shall be whether the livestock were correctly impounded for a violation of section 8-38, 8-39 and/or 8-40. In the event of a timely appeal to the animal control advisory board, all proceedings for the sale or disposition of the impounded livestock shall be suspended until disposition of the appeal by the animal control advisory board.
- (c) *Redemption by owner; fees.* The owner of any impounded livestock may, upon presentation of satisfactory proof of ownership, reclaim the livestock upon payment of the following charges and/or fees, where applicable, unless such livestock has injured someone or has rabies or is suspected of having rabies, in which case the livestock must be held for at least ten (10) days for observation:
- (1) An impounding fee, which shall be a minimum of \$170.00 for the first impoundment of the livestock, \$200.00 for the second impoundment, and \$500.00 for the third impound. Any subsequent impoundments may result in seizure and permanent forfeiture of the animal. In addition to any impounding fee assessed, the owner shall also be responsible for any and all additional cost(s) incurred by the Parish for the securement and transportation of the animal to the St. Landry Parish Animal Shelter which shall include a \$75.00 call-out fee;
 - (2) A boarding fee of a minimum of \$20.00 for each day the livestock has been impounded.;
 - (3) Any and all veterinary expenses incurred to treat the animal; and
 - (4) An office/filing fee of \$25.00

Furthermore, any owner in violation of sections 8-39 and 8-40 must show proof of compliance, therewith.

(d) *Euthanasia of diseased or injured animals.* Any livestock which is diseased or severely injured at the time of impoundment may, at the discretion of the animal control director (or designee) and approved by the veterinarian, be euthanized in a humane manner immediately and without waiting the prescribed ten (10) days. This action may be taken if, in the opinion of the animal care control director (or designee), the condition of the livestock is such that imminent destruction is necessary as a humane gesture, and/or for the protection of other livestock or animals with which the livestock may come into contact.

(e) *Disposition of unredeemed livestock.*

(1) *Livestock with a Body Condition Score of 2 or less.* Any impounded livestock with a Body Condition Score of two (2) or less, shall be held for ten (10) days. However, animal control can immediately transfer said livestock to an approved rescue organization or foster home who shall hold the livestock for no less than ten (10) days. The disposition of said livestock after the ten (10) day period shall be controlled by this section. All approved fosterers shall be required to sign a waiver of liability agreement form.

(2) *Sale of impounded livestock.* Any livestock animal impounded and not reclaimed by the original owner within ten (10) days may be offered for sale by Animal Control for the amount of the accrued fees against the animal, not to exceed \$1500.00. Such sale may take place at the sale barn. If sold, the original owner of the animal may reclaim the animal within ten (10) days of the sale by paying the purchaser an amount of twice the sum paid for the animal when bought from the animal care center plus any cost incurred therein. Regardless, under no circumstances will the St. Landry Parish Animal Control of the St. Landry Parish Government be responsible for any livestock it sold pursuant to this section.

(3) *Other disposition of livestock not reclaimed.* Any animal impounded and not reclaimed may be adopted, transferred, rehomed or humanely euthanized provided that the required time as described in this article has elapsed.

(4) *Adoption and/or rehoming of livestock.* A minimum fee of five hundred dollars (\$500) shall be required for adoption of healthy livestock. Before the adoption of

any livestock, the Animal Control Director must inspect and approve of the premises where the adopted livestock is to be kept. If and when livestock is adopted from the St. Landry Parish Animal Control and Shelter, the adoptee must sign an adoption contract agreeing to the following terms:

- (a) All livestock adopted from the St. Landry Parish Animal Shelter must be kept by the adoptee for a period of no less than two (2) years. If within the two (2) year period, the adoptee is no longer willing or able to care for the adopted livestock, the adoptee must return said livestock to the St. Landry Animal Control.
- (b) The adoptee must agree to provide proper care, maintenance, shelter, and veterinary care for the adopted livestock.
- (c) For a two (2) year period following the adoption of livestock, the adoptee must keep his address current with the St. Landry Parish Animal Control and notify animal control of a change in address of where the livestock will be kept.
- (d) The adoptee agrees to random and periodic checks to be performed by animal control to ensure the proper care, maintenance, shelter and veterinary care is being provided to the adopted livestock.
- (e) Failure of the adoptee to abide by any of the aforementioned terms may result in the revocation of the adoption and return of the ownership of the livestock to the St. Animal Control.

(Ord. No. _____)

Sec. 8-43. - Horse Shows, Rodeos, Trail Rides, Parades, and Special Events

(1) Requirements.

- a. *Water.* Should the event last longer than one (1) hour, all livestock shall have access to and be provided water throughout the event. For trail rides or parades lasting longer than three (3) hours, a midway point

must be designated where the horses/livestock shall be provided water.

- b. *Proof of Negative Coggins Test.* All horses present for or participating in any event governed by this section must have proof of valid, current negative Coggins test.
- c. *Reckless or Unsafe Manner.* All riders and horses must behave in a safe and reasonable manner. Any horse or rider acting in a reckless, unsafe, or unreasonable manner will be required to leave the premises or event.
- d. *Animal Welfare and Cruelty.* All animals must be serviceably sound and fit to participate in the event. The owner/riders of any animal ridden while noticeably lame, ill, sore or sick, shall be subject to the animal cruelty section of these provisions and the animal may be impounded.
- e. *Inspection and Enforcement by St. Landry Parish Animal Control.* When a permit is issued for any horse or livestock-related event, Animal Control is to be immediately notified and provided a copy of the permit and permit application. All horse shows, trail rides, parades, and special events are subject to inspection by the St. Landry Parish Animal Control to ensure enforcement of this section and that all horses have a current, negative Coggins test, and that all animals are being treated in a humane manner.
 - i. The owner/rider of any horse found at the event must immediately present proof of a current, negative Coggins test upon request by animal control.
 - ii. If the Animal Control director/officer, suspects any livestock is lame, malnourished, overly-fatigued, over-heated, ill, sore, or sick, the director/officer has a right to inspect the animal without tack and to call for a veterinarian to inspect the horse, if necessary, at the owner's expense.
 - iii. Should the owner be unable to provide a current, negative Coggins test, the horse shall be impounded by the St. Landry

Parish Animal Control and owner shall be assessed a fee of \$150.00 for every offense, in addition to any impoundment or reclaim fees.

DIVISION 6. – ANIMAL ABUSE/NEGLECT AND RELATED OFFENSES

Sec. 8-44. – Animal Abuse/Neglect.

- (a) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of cruelty to animals:
- (1) Overdrives, overloads, drives when overloaded, or overworks a living animal;
 - (2) Tortures, harasses, torments, cruelly beats or unjustifiably injures, maims, mutilates or kills any living animal, whether belonging to himself or another;
 - (3) Having charge, custody or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper feed, proper drink, proper shelter or proper veterinary care;
 - (4) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to the St. Landry Parish Animal Control Shelter an animal, which he found running at large. Returning community cats as part of the community diversion program to the location from which it was found does not constitute abandonment;
 - (5) Impounds or confines or causes to be impounded or confined in a pound or other place a living animal and fails to supply it during such confinement with proper feed, proper drink and proper shelter;
 - (6) Carries, or causes to be carried, a living animal in or upon a vehicle, or otherwise, in a cruel or inhumane manner;
 - (7) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the drug or substance shall be taken or swallowed by any domestic animal;
 - (8) Kills or injures any animal belonging to another person without legal privilege or consent of the owner;
 - (9) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering or death is caused to or permitted upon the animal;

- (10) Fits any animal with a collar that becomes embedded in the animal's skin; and/or
 - (11) Causes or procures to be done by any person any act enumerated in this section.
- (b) Whoever is convicted for the crime of cruelty to animals shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six months, or both such fine and imprisonment.
- (c) This section shall not apply to the lawful hunting or trapping of wildlife as provided by law, herding of domestic animals, accepted veterinary practices, and activities carried on for scientific or medical research governed by accepted standards.

(Ord. No. _____)

Sec. 8-45. – Seizure and disposition of abused/neglected animals

- (a) When a person is charged with animal abuse/neglect, the animal control officer may seize any abused/neglected animal, as well as any other animal on the premises.
- (b) The seizing animal control officer shall, within twenty (24) hours of seizure, notify the owner or the attendant of the seized animal of the provisions of this section by posting written notice at the location where the animal was seized or by leaving it with a person of suitable age and discretion residing at the location. When a person is charged with animal abuse/neglect for abandoning a confined animal, this written notice shall be within twenty-four (24) hours of identifying the responsible person.
- (c) The seized animals shall be photographed and housed at the animal shelter or with a suitable custodian determined by the animal control director. The seized animal shall be held by the custodian for a period of fifteen (15) consecutive days, including weekends and holidays, after notice of seizure is given. However, nothing in this section shall prevent the animal control director from humanely disposing of any animal that has been seized and impounded in accordance with section 8-24.

- (d) Any person claiming an interest in any animal seized pursuant to this section may prevent the disposition of the animal by posting a bond with the St. Landry Parish Animal Control within fifteen (15) days from the date that the initial notice of seizure was issued in an amount sufficient to secure payment for all reasonable costs incurred in the boarding and treatment for any seized animal for a thirty-day period commencing on the date of the initial seizure. The amount of the bond shall be determined by the animal control director in accordance with the current rate (established by the Advisory Board and approved by the Parish Council) for board and on the condition of the animal. Such bond shall not prevent the division of animal control or its agents from disposing of the animal at the end of the thirty-day period covered by the bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for the additional thirty-day period. In addition, nothing shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of physical condition. In such instances, the court, in its discretion may order the return of any bond posted, less reasonable costs, at the time of trial.
- (e) Upon a person's conviction of animal abuse/neglect, it shall be proper for the court, in its discretion, to order for forfeiture and final determination of the custody of any animal found to be abused, neglected or abandoned in accordance with this section and the forfeiture of the bond posted. The court may, in its discretion order payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized animal prior to its disposition, whether or not a bond was posted. In the event of the acquittal of final discharge without held conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof and order the return of any bond posted, less reasonable administrative costs.

Sec. 8-46. – Tethering prohibited; exceptions

- (a) Except as provided in subsection (b) of this section, it shall be unlawful for any person owning or keeping an animal tethered to leave an animal tethered which is unsupervised as a means of confinement.

- (b) A dog may be tethered to a running line, pulley or trolley system in accordance with all of the following specifications:
- a. Only one (1) dog shall be attached to a tether at one (1) time.
 - b. The minimum length of the trolley line shall be fifteen (15) feet.
 - c. The tether line shall weigh no more than five (5) percent of the dog's body weight and be made of a substance which cannot be damaged by the dog.
 - d. The dog shall be fitted with an appropriate harness or buckle-style collar fitted with room enough for two (2) fingers to fit between the collar and the dog.
 - e. The use of pinch, weighted, or choke collars are prohibited.
 - f. A clamp of proper size and durability shall connect the dog's harness to the tether line, a swivel of proper size and durability shall connect the tether line to the trolley line.
 - g. The trolley system shall maintain the dog's freedom of movement and freedom from entanglement, and it shall allow access to food, water, shelter, and shade.
 - h. Both ends of the trolley line shall be situated at least five (5) feet away from any fence to prevent strangulation.
 - i. The dog shall be at least four (4) months old.
 - j. The dog shall be neutered or spayed, unless the dog is tethered within another secured enclosure as a primary means of restraint.
 - k. Under no circumstances shall a female dog in estrus be restrained by a trolley system without direct supervision by the owner or attendant.
 - l. No dog shall be tethered to a trolley system between the hours of 10:00 p.m. and 6:00 a.m.
 - m. No dog shall be tethered to a trolley system during extreme weather conditions.

(c) *Penalty Provision.*

- a. Whoever is found to have violated this section shall be assessed a fee of \$75.00 for the first violation, \$100.00 for the second violation and \$150.00 for the third violation. Any subsequent violation of this section, may result forfeiture and seizure of said dog.
- b. In addition to any fine assessed the owner for violation of this section, the dog shall be impounded pursuant to sections 8-25 *et seq.* if the owner has no other means to confine the dog. In addition to the requirements set forth in sections 8-25 *et seq.* to reclaim a dog impounded pursuant to this section, the owner must provide animal control with proof of appropriate, alternative means of confining the impounded dog.
- c. An owner found to have violated this section may file an appeal with St. Landry Parish Animal Control Advisory Board within five (5) days of receiving written notice of said violation.

Sec. 8-47. - Animal fighting.

- (a) No person shall intentionally do any of the following:
 - (1) For amusement or gain, cause any animal to fight with any other animal, or cause any animals to injure each other.
 - (2) Permit any act in violation of subsection (a)(1) of this section to be done on any premises under his charge or control, or aid or abet any such act.
 - (3) Promote, stage, advertise or be employed at an exhibition which involves the fighting of animals.
 - (4) Sell a ticket of admission or receive money for the admission of any person to any place used, or about to be used, for any activity described in subsection (a)(1) of this section.
 - (5) Own, manage or operate any facility kept or used for the purpose of fighting animals.
- (b) Whoever is convicted as violating the provisions of this section shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six months, or both such fine and imprisonment.

(Ord. No. _____)

Sec. 8-48. - Cleanliness of property.

- (a) The owner of an animal shall maintain the property on which such animal is kept, maintained or harbored in such a state so as not to attract flies, insects or other vermin and to assure that any odor therefrom cannot be detected on any adjacent or neighboring property nor interfere with the reasonable use and enjoyment of adjacent or neighboring property.
- (b) Whoever fails to comply with the provisions of this section shall be subject to the following penalties:
 - (1) First violation. A warning will be issued.
 - (2) Second violation. If another violation occurs within one year from the date of the first violation under this section, it constitutes a second violation and is punishable by a fine of \$100.00 or 20 days imprisonment, or both. If it occurs greater than one year from the date of the first violation, it is punishable as a first violation.
 - (3) Third and each subsequent violation. If one or more violations occurs within one year from the date of a violation which constitutes a second violation, each such violation is punishable by a fine of \$250.00 or 30 days imprisonment, or both.
- (c) In addition to the above penalties, if the condition of the animal and/or property on which any animal is kept, maintained or harbored remain the same after five days of a violation of subsection (a), and it is determined by the animal control officer that the safety and well-being of the animal is jeopardized in any manner, the animal shall be impounded in accordance with the provisions of section 8-24 or 8-41.

(Ord. No. _____)

DIVISION 7. - APIARIES

Sec. 8-49. - Definitions.

The following words, terms and phrases, when used in this division, whether they appear in lower case letters, italics or capital letters, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absconding means the process by which domesticated bees may, under certain stress, depart from domesticated status and enter the wild.

Apiary means the assembly of one or more colonies of bees at a single location, and is also referred to as a "yard."

Beekeeper means a person who owns or has charge of colonies of bees.

Beekeeping equipment means anything that is used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

Colony means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones; including the brood, combs, honey, and the receptacle inhabited by the bees. A colony may also be referred to as a "hive."

Feral colony means a colony of wild bees that may naturally exist in the environment that is not under the control and supervision of a beekeeper.

Hive. See Colony.

Honey bee means all life stages of the common domestic honey bee, *Apis mellifera* species.

Lot means an undivided tract, parcel or plot of land contained within a block or designated on a subdivision plat by numerical identification.

Parish means the unincorporated areas of the Parish of Lafayette.

Rural area means land located in the unincorporated area of the Parish of Lafayette.

Setback means the distance from a building or other structure to the property line.

Suburban area means land located in the area outside the incorporated limits of a municipality that is relatively densely populated, and is also referred to as the "transitional area."

Swarm means the product of the natural process of colony division or swarming. Swarming results from the crowding of the bee colony in its hive when the colony has increased in number and the combs are filled with brood, nectar, honey and pollen.

Tract means a contiguous parcel of land under common ownership.

Undeveloped property means idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for use therewith. The term shall be deemed to include property utilized exclusively as a street or highway or property used for commercial agricultural purposes.

Urban area means land located within the corporate limits of a municipality.

(Ord. No. _____)

Sec. 8-50. - Purpose of division; prohibited conditions.

- (a) The purpose of this division is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- (b) Notwithstanding compliance with the various requirements of this division, it shall be unlawful for any beekeeper to keep any colony in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(Ord. No. _____)

Sec. 8-51. - Inspection.

The animal control director or his/her designee shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives.

(Ord. No. _____)

Sec. 8-52. - Complaints; hearing on violations; appeals.

- (a) *Complaints; investigation of violations.* Upon receipt of information that any colony is not being kept in compliance with this division, the animal control director or his/her designee shall cause an investigation to be conducted. Such an investigation shall be conducted within 14 regular business days following receipt of a formal complaint. Formal complaints shall be filed with the animal control director. Formal complaints must be made in writing and can either be delivered in person or delivered by the United States Postal Service. All such formal complaints must contain the name, address and telephone number of the complainant, the location of the injurious apiary, the name and address of the beekeeper, if known, and a description and explanation of the complaint. If the animal care center supervisor or his designee finds that grounds exist to believe that one or more violations have occurred, he shall cause a written notice of hearing to be issued to the beekeeper within ten regular business days.
- (b) *Notice of hearing.* The notice of hearing shall set forth:
 - (1) The date, time and place at which the hearing will be conducted.

(2) The violation alleged.

(3) That the beekeeper may appear in person or through counsel, present evidence, and cross examine witnesses.

(4) That the bees may be ordered destroyed or removed from the problem location and/or the parish/urban area if the animal control advisory board finds that they have been kept in violation of this division.

Notices shall be delivered to the beekeeper via certified United States Postal Service delivery or by personal delivery on behalf of the animal care center supervisor or his designee. However, if the animal care center supervisor or his designee is unable to locate the beekeepers, then the notice may be given by publication one time in the legal notice section of a newspaper of general circulation at least five regular business days prior to the date of the hearing.

(c) *Conduct of hearing; order by hearing officer.* The hearing shall be conducted by the animal control advisory board. The burden shall be on the animal control director to demonstrate by a preponderance of credible evidence that the colonies have in fact been kept in violation of this division. If the animal control advisory board finds that the colonies have been kept in violation of this division, then he may order that the bees be destroyed or removed from the problem location and/or the parish/urban area within a period not to exceed 20 days, and that bees not thereafter be kept upon the tract for a period of up to two years. In instances where the animal control advisory board finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then it may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the animal care center supervisor or his designee may cause the bees to be destroyed or removed and the hive structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall, upon the beekeeper's written request, be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return. If the beekeeper is unknown, the animal control director shall impound the hive structures. Disposition of these structures shall be effected under the appropriate guidelines.

(d) *Appeal to council.* The decision of the animal control advisory board may be appealed by filing a notice of appeal with the clerk of the council within ten days following the date that the animal care center advisory board announces his decision, or if the decision is not announced at the conclusion of the hearing, then within 15 days following the date that the animal control advisory board places

written notice of its decision by certified mail to the beekeeper. Upon receipt of an appeal, the clerk of the council shall enter the appeal within 30 days on the agenda of a meeting of the St. Landry Parish Council for the council's consideration. An appeal shall not negate the hearing officer's decision, and it shall not be the responsibility of the beekeeper to remove the bees from the problem location and/or the parish/urban area pending the determination of the appeal.

(e) *Appeal from decision of council.* Upon appeal to the St. Landry Parish Council, the decision of the council shall be final unless an appeal is made to the district court of the order to remove or destroy the bees in violation of this division and an appropriate temporary restraining order has been issued by the court.

(f) *Exceptions to hearing requirement.* The provisions of this section shall not be construed to require the conduct of a hearing for the destruction of:

- (1) Any bee colony, feral or domesticated, not residing in a hive intended for beekeeping;
- (2) Any swarm of bees located outside of a registered apiary site; or
- (3) Any colony residing in a standard or manmade hive, which by virtue of its condition has obviously been abandoned by the beekeeper.

(Ord. No. _____)

Sec. 8-53. - Hive registration.

All honey bee colonies shall be registered annually with, and abide by all rules and requirements of, the state department of agriculture and forestry.

(Ord. No. _____)

Sec. 8-54. - Hive type; condition of hives.

In accordance with the laws of the state, all honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

(Ord. No. _____)

Sec. 8-55. - Fencing of flyways.

(a) In each instance in which any colony is situated within 25 feet of a public or private property line of the tract or lot upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper

shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary. It is a defense against prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least 25 feet from the property line of the apiary tract.

- (b) A flyway barrier shall be required if the apiary is situated between 25 feet and 100 feet from a property line where an occupied structure exists.
- (c) In each instance in which any colony is situated at a distance of 100 feet or more from a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, no flyway barrier will be required.
- (d) Notwithstanding the provisions of subsection (a) of this section, in no instance shall a colony be situated within 25 feet of an inhabited dwelling on adjoining property.

(Ord. No. _____)

Sec. 8-56. - Water.

Each beekeeper shall ensure that a convenient source of water is available on the same property as the apiary at all times during the year so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, bird baths, or other sources on other properties where they may cause human, bird or domestic pet contact.

(Ord. No. _____)

Sec. 8-57. - General maintenance of site.

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee proof enclosure.

(Ord. No. _____)

Sec. 8-58. - Queens.

All colonies shall be maintained with marked queens, except colonies registered with the state department of agriculture and forestry as commercial colonies. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly requeen the colony with another queen. Queens shall be selected from European stock bred for gentleness and nonswarming characteristics.

(Ord. No. _____)

Sec. 8-59. - Colony densities.

(a) It shall be unlawful to keep more than the following number of colonies on any tract, based upon the size or configuration of the tract on which the apiary is situated:

(1) One-quarter acre or less tract size: two colonies.

(2) More than one-quarter acre but less than one-half acre tract size: four colonies.

(3) More than one-half acre but less than one acre tract size: six colonies.

(4) One acre or larger tract size: eight colonies.

(5) Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

(6) Regardless of tract size, so long as all property other than the tract upon which the hives are situated that is within a radius of at least 200 feet from any hive remains undeveloped property, there shall be no limit to the number of colonies.

(b) For each two colonies authorized under this section, there may be maintained upon the same tract one nucleus colony, in a hive structure not exceeding one standard 95/8-inch depth ten-frame hive body with no supers attached, from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.

(Ord. No. _____)

Sec. 8-60. - Marking hives; presumption of beekeeping.

(a) In apiaries, the beekeeper shall conspicuously post a legible sign setting forth his name and telephone number. In addition, the beekeeper's registration yard marker,

provided by the State Department of Agriculture and Forestry, shall be posted on a sign within the apiary or on the top or side of a prominent and visible hive structure. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

(b) Unless marked in accordance with subsection (a) of this section, it shall be presumed for purposes of this division that the beekeeper is the person who owns or otherwise has the present right of possession and control of the tract upon which hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colonies upon the tract, setting forth the name, address and telephone number of the other person who is acting as the beekeeper.

(Ord. No. _____)

ARTICLE IV. - POTENTIALLY DANGEROUS, DANGEROUS OR VICIOUS ANIMAL

Sec. 8-61. - Territorial applicability.

The provisions of article IV shall apply both within the Parish of St. Landry.

(Ord. No. _____)

Sec. 8-62. - Definitions.

When used in this article the following words, terms and phrases, whether they appear in lower case letters, italics or capital letters, shall have the meanings ascribed to them, except where the content clearly indicates a different meaning:

Animal means any vertebrate creature, living or dead, domestic or wild, not including humans or fish.

Animal control advisory board means the St. Landry Animal Control Advisory Board established in article II of this chapter.

Animal control means the division of the St. Landry Parish Government, known as the St. Landry Parish Animal Control & Shelter, comprised of the animal control director, animal control officers, office staff, and shelter/care center for impounded animals.

Animal control officer means any person employed by the St. Landry Parish Government and charged with enforcement of this article.

Animal control director means that person employed by the St. Landry Parish Government to act as the director of the animal control.

At large means that an animal is not under the direct control of the owner.

Potentially dangerous animal or dog means: (1) an animal or dog while at large menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person, domestic animal, or livestock while on streets, sidewalks, public grounds, or private grounds; (2) any animal or dog that due to combination of size, strength and aggressiveness, that demonstrates aggressive or threatening behavior directed against a person or animal at a place in time where the person or animal was conducting themselves peaceably and lawfully; (3) an animal or dog that aggressively bites or causes physical injury to any person, domestic animal, or livestock either on public or private property; or (4) any animal or dog with a known propensity, tendency or disposition to attack unprovoked, inflict an injury upon a human, pet, or livestock while on streets, sidewalks, or on public or private grounds.

Dangerous animal or dog means: (1) Any animal or dog which when unprovoked, on two separate occasions within the prior 24 month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal or dog are off the property of the owner of the animal or dog; or (2) any animal or dog which, when unprovoked, bites a person causing an injury; or (3) any animal or dog which, when unprovoked, on two separate occasions within the prior 24 month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the animal or dog.

Direct control means immediate, continuous physical control of an animal such as by means of a leash, cord, secured fence, or chain of such strength to restrain the animal and controlled by a person capable of restraining the animal, or safe and secure restraint within a vehicle. Direct control shall not be required with reference to any government police animal.

Dog means domesticated members of the species *Canis familiaris*; other members of the family *Canidae* are excluded.

Impoundment means the taking or picking up and confining of an animal by any police officer, animal care center officer or any other public law enforcement officer under the provisions of this article.

St. Landry Parish Animal Shelter means the division of the St. Landry Parish Government comprised of the animal control director, animal control officers, office staff, and shelter/care center for impounded animals.

Muzzle means a device constructed of strong soft material or of metal commercially designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

Owner means any person who has right of property or custody of an animal, or who harbors, keeps or finds and knowingly permits the animal to remain on or about his premises for more than three days, shall be deemed the owner of such animal, with the exception of community cats, for purposes of this article. This definition shall not apply to any veterinary clinic or boarding kennel.

Sanitary condition means a condition of good order and cleanliness to minimize the possibility of disease transmission.

Secure enclosure means a structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous or dangerous dog in conjunction with other measures, which may be taken by the owner of the dog. The enclosure shall be designed in order to prevent the animal from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- (a) A minimum of ten feet shall be used as a guide for proper length.
- (b) The height shall be such as to allow ample head room at any time when the animal is standing erect on two legs. Ample shall be defined as a minimum of four inches from the crown of the head at maximum height.
- (c) The width shall permit freedom of movement. Freedom of movement shall be defined as the ability of the animal to adjust posture without coming into contact with the sides of the structure. Minimum width shall be four feet.
- (d) Such enclosure shall consist of at least three solid sides, a roof, a solid level floor and shall be large enough to allow for postural adjustments.
- (e) Such enclosure shall be constructed of material, which does not lend to escape and does not cause discomfort to the animal.
- (f) The flooring of the enclosure shall be of such construction as to prevent tunneling or digging to escape.
- (g) Constraining walls shall be of such material and such size or dimension as to prevent and preclude said animal from biting through said walls, or the possibility of said animal escaping through damaged sections of said walls.

Serious bodily injury means bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or

impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

Under restraint means that an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the property limits of the owner's premises.

Vicious animal or dog means any animal or dog which, when unprovoked, in an aggressive manner, inflicts serious bodily injury on or kills a human being and was previously determined to be a dangerous dog.

(Ord. No. _____)

Sec. 8-63. - Procedure for declaring an animal potentially dangerous, dangerous or vicious.

- (a) An animal control officer or any adult person may request that an animal be classified as potentially dangerous, dangerous or vicious by submitting a sworn written complaint on a form approved by the animal control director. Upon receipt of such complaint, the animal control director shall notify the owner of the animal that a complaint has been filed and that an investigation into the allegations set forth in the complaint will be conducted.
- (b) At the conclusion of his investigation, the animal control director may:
 - (1) Determine that the animal is not potentially dangerous, dangerous or vicious and, if the animal is impounded, waive any impoundment fees incurred and release the animal to its owner; or
 - (2) Determine that the animal is potentially dangerous, dangerous or vicious, in which case he/she shall cause written notice of a hearing to the owner within 14 regular business days to be sent via certified mail or by hand-delivery. If the animal control director cannot, with due diligence, locate the owner of the animal, the animal control director shall cause the animal to be impounded for not less than ten business days. If after ten business days the owner fails to claim the animal, the animal care center supervisor shall cause the animal to be humanely euthanized.

(Ord. No. _____)

Sec. 8-64. - Notice of hearing on potentially dangerous, dangerous or vicious animal determination.

The notice of hearing shall set forth:

- (a) The date, time and place at which the hearing will be conducted.
- (b) The violation alleged.
- (c) That the owner of the animal may appear in person or through counsel, present evidence, and cross examine witnesses.
- (d) That the animal may be ordered euthanized or subject to the requirements for keeping potentially dangerous or dangerous animals, as set forth herein.

(Ord. No. _____)

Sec. 8-65. - Hearing on potentially dangerous, dangerous or vicious animal determination.

- (a) The animal control advisory board shall hold a hearing within 14 business days after receiving the animal care center supervisor's written notice of a hearing.
- (b) At a hearing, all interested persons shall be given the opportunity to present evidence of the issue of the animal's dangerousness or viciousness. Criteria to be considered in a hearing required herein shall include, but not be limited to, the following:
 - (1) Provocation;
 - (2) Severity of attack or injury to a person or domesticated animal;
 - (3) Previous aggressive history of the animal;
 - (4) Observable behavior of the animal;
 - (5) Sight and circumstances of the incident; and
 - (6) Statements from interested parties.
- (c) A determination by the animal control advisory board that the animal is, in fact, a potentially dangerous, dangerous or vicious animal as defined herein shall subject the animal and its owners to all of the provisions of this article.

(Ord. No. _____)

Sec. 8-66. - Appeal from potentially dangerous, dangerous or vicious animal declaration.

- (a) If the animal control advisory board determines that the animal is potentially dangerous, dangerous or vicious at the conclusion of the hearing conducted, that

decision shall be final unless the animal owner applies to a court of competent jurisdiction for any remedies that may be available within five business days after receiving notice that the animal has been finally declared potentially dangerous, dangerous or vicious. The appeal will be a civil proceeding for the purpose of affirming or reversing the animal control advisory board's determination of potentially dangerousness, dangerous or viciousness.

- (b) The appeal shall be commenced upon the filing of a petition and the issuance of a rule to show cause by the owner of the animal that the animal should not be declared a potentially dangerous, dangerous or vicious animal. This civil rule shall, at the time of its issuance, be fixed for hearing not later than five days, including Sundays, half holidays and holidays, from the date of the issuance. It shall be heard by preference over all other matters in cases fixed for the same day and shall be heard continuously day after day until submitted for adjudication. Upon the trial of the rule to show cause the court shall determine whether or not the animal is a potentially dangerous, dangerous or vicious animal and then make any order deemed appropriate by the court.

(Ord. No. _____)

Sec. 8-67. - Keeping of potentially dangerous or dangerous animals.

The keeping of potentially dangerous or dangerous animals as defined herein shall be subject to the following requirements:

- (1) *Leash.* No person having charge, custody, control or possession of a potentially dangerous or dangerous animal shall allow the animal to exit its kennel, pen, or other proper enclosure unless such animal is securely attached to a leash not more than four feet in length. No such person shall permit a potentially dangerous or dangerous animal to be kept on a chain, rope or other type of leash outside a kennel or pen, unless a person capable of controlling the animal is in physical control of the leash.
- (2) *Muzzle.* It shall be unlawful for any owner or keeper of a potentially dangerous or dangerous animal to allow the animal to be outside of its secure enclosure unless it is necessary for the animal to receive veterinary care or exercise. In such cases, an animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing or vision.
- (3) *Confinement.* Except when leashed and muzzled as provided in this section, a potentially dangerous or dangerous animal shall be in a secure enclosure.

- (4) *Signs.* All owners, keepers or harborers of potentially dangerous or dangerous animals shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Animal," or "Beware of Dog," or "Dangerous Dog" or "Dangerous Animal."
- (5) *Liability insurance, surety bond.* The owner of a dangerous animal shall present to the St. Landry Animal Control proof that the owner has procured liability insurance or a surety bond in the amount of not less than \$100,000.00 covering each animal so declared for any damage or injury that may be caused by each such dangerous animal. The liability insurance policy or surety bond shall contain a provision requiring that the St. Landry Parish Government be notified immediately by the agent issuing the policy or bond or by the company issuing the policy or bond in the event that the insurance policy or bond is canceled, terminated or is about to expire. The liability insurance, or surety bond, shall be obtained prior to the issuing of a permit to keep a dangerous animal. The animal owner shall sign a statement attesting that the animal owner shall maintain and not voluntarily cancel the liability insurance policy, or the surety bond, at any time during which the owner possesses the dangerous animal. The appropriateness of the liability insurance or of the surety bond must be approved by the Risk Management Division of the Department of Administrative Services of the Lafayette City-Parish Consolidated Government.
- (6) *Notification of escape.* The owner, keeper or harborer of a potentially dangerous or dangerous animal shall notify animal care center supervisor immediately if such animal escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the animal bites or attacks a person or domestic animal. The person in charge of any animal which, at the time of its escape, has been declared potentially dangerous or dangerous shall also be personally liable for any damage that may result from the animal's escape as well as any costs of its capture.
- (7) *Failure to comply.* It shall be unlawful and a misdemeanor for any owner, keeper or harborer of a potentially dangerous or dangerous animal registered with the animal control director to fail to comply with the requirements and conditions set forth in this article. Whoever violates this provision shall be fined not more than \$300.00. Any animal found to be in violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this article shall result in a revocation of the animal's license and the permit providing for the keeping of such animal.

(Ord. No. _____)

Sec. 8-68. - Permit and tag requirement for dangerous or vicious animal, etc.

- (a) The owner, keeper or harbinger of a potentially dangerous or dangerous animal shall, within three business days after the classification of an animal as potentially dangerous or dangerous, or upon acquisition of such an animal, must register the animal with the St. Landry Parish Animal Control and obtain an annual permit from the animal care center supervisor to harbor the animal. The fee for such permit shall be \$50.00 per year.
- (b) At the time the permit is issued, a red tag shall be issued to the owner of the potentially dangerous or dangerous animal. The tag shall be worn at all times by the animal to clearly and easily identify it as a potentially dangerous or dangerous animal.
- (c) The permit for maintaining a potentially dangerous or dangerous animal shall be presented to any animal care center officer or law enforcement officer upon request.
- (d) The owner of any animal declared to be potentially dangerous or dangerous must have the animal sterilized (neutered or spayed as the case may be) by a licensed veterinarian at the owner's expense.
- (e) The owner of any animal declared to be potentially dangerous or dangerous must have the animal micro-chipped, at the owner's expense, by a licensed veterinarian.

(Ord. No. _____)

Sec. 8-69. - Impoundment.

- (a) Pending an investigation of whether or not an animal is potentially dangerous, dangerous or vicious, the animal may be immediately impounded when the animal control director or his designee determines such immediate impoundment is necessary for the protection of public health or safety.
- (b) Impoundment may be ordered for any violation of this article or when the animal bites a person or domestic animal.
- (c) The owner or custodian of the animal immediately impounded pursuant to subsection (b) of this section shall be notified of the impoundment by certified mail or by hand-delivery of written notification within five business days after the animal's impoundment. The notice of impoundment shall inform the owner or custodian of the animal that the owner may request, in writing, a hearing to contest the impoundment within 14 business days after the mailing or hand-delivery of the notice of impoundment. Upon request by the owner or custodian of the animal for a hearing under this subsection, a hearing shall be held within ten business days after

such request. Notice of the date, time and location of the hearing shall be provided by certified mail to the animal owner requesting the hearing.

(Ord. No. _____)

Sec. 8-70. - Impoundment hearing.

- (a) If after hearing on impoundment, the animal control advisory board finds no violation of the article, or that the animal has not bitten an individual or domesticated animal, the animal shall be returned to its owner or custodian if already impounded or shall not be impounded as intended.
- (b) Incident to the findings and conclusions made at the impoundment hearing, the animal control advisory board or its designee may impose reasonable restrictions and conditions for the maintenance of the animal to ensure the health and safety of the public and the animal. Such conditions shall include, but shall not be limited to, the following:
 - (1) Micro-chipping of the animal as provided for in this article with the costs of any such micro-chipping to be paid for by the owner or custodian of the animal.
 - (2) Payment of reasonable fees to recover the costs incurred by the Lafayette Animal Care Center in insuring compliance with this article.

(Ord. No. _____)

Sec. 8-71. - Destruction of vicious animal.

The animal control advisory board shall order the euthanasia of an animal that is determined to be vicious.

(Ord. No. _____)

Sec. 8-72. - Change of ownership.

- (a) Any owner of a declared potentially dangerous or dangerous animal who sells or otherwise transfers ownership, custody or residence of the animal shall, within five business days after such change of ownership or residence, provide written notification to the animal care center supervisor of the name, address and telephone number of any new owner. It also shall be the responsibility of the person transferring ownership or custody of the animal to provide written notification of the animal's classification as potentially dangerous, dangerous or vicious to the person receiving the animal. The previous owner shall furnish a copy of such

notification to the animal care center supervisor along with written acknowledgment by the new owner of the receipt of such notification.

- (b) Any person receiving an animal classified as potentially dangerous or dangerous will be subject to all requirements set forth in this article including, but not limited to, any required permitting, tagging and enclosure for the animal. The new owner shall comply with the full provisions of this article pertaining to obtaining liability insurance/surety bond, payment of fees, maintenance, control and ownership of a potentially dangerous or dangerous animal.
- (c) Upon the transfer of any animal having previously been declared potentially dangerous or dangerous, the original owner or person in possession of said animal will remain liable until such time that the new owner will have complied with all of the provisions of this article. Only in the event that the new owner fully complies with the provisions of this article will the original owner or person in possession of the animal having been declared potentially dangerous or dangerous be deemed not liable under the terms and provisions of this article.

(Ord. No. _____)

Sec. 8-73. - Continuation of dangerous declaration.

Any animal that has been declared dangerous by any agency, division and/or department of any other jurisdiction, whether within the State of Louisiana or out of the State of Louisiana, shall be subject to the provisions of this article for the remainder of its life. The person owning or having custody of any animal designated as a dangerous animal by any other jurisdiction shall notify the animal control director of the animal's address and condition of maintenance within five business days of moving the animal into the jurisdiction of the St. Landry Parish Government. The restrictions and conditions of maintenance of any animal declared dangerous by St. Landry Parish Government or any other jurisdiction shall remain in force while the animal remains in the jurisdiction of St. Landry Parish Government.

(Ord. No. _____)

Sec. 8-74. - Provisions of Louisiana law.

The provisions of this article are intended to complement, and not conflict with, any provisions of Louisiana law, including but not limited to the provisions of La. R.S. 14:102.3 dealing with hearings to determine if a dog is dangerous or vicious; the provisions of La. R.S. 14:102.14 dealing with unlawful ownership of dangerous dogs; the provisions of La. R.S. 14:102.15 dealing with the unlawful ownership of a vicious

dog; the provisions of La. R.S. 14:102.16 dealing with the seizure and destruction or disposition of dangerous or vicious dogs; and the provisions of La. R.S. 14:102.17 dealing with the registration of dangerous dogs and fees. Any such provisions of state law shall also apply, where applicable.

(Ord. No. _____)

Sec. 8-75. - Misdemeanor.

- (a) Any violation of any provision of this article shall be deemed a misdemeanor. Furthermore, the filing of a false complaint by any person under the provisions of this article shall also be deemed a misdemeanor. Furthermore, the providing of false information by any person subject to the provisions of this article will also be deemed a misdemeanor.
- (b) In addition to any other sanction, fine or penalty herein expressed, every person convicted of a violation of any provision of this article, or of a violation of any rule or regulation adopted or issued in pursuance to this article, shall be punished by a fine not exceeding \$500.00, imprisonment for a term not exceeding 30 days, or both such fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.
- (c) In addition to the misdemeanor penalty prescribed herein, the St. Landry Parish Government may pursue all other available remedies, such as but not limited to injunctive relief and revocation of licenses or permits.

(Ord. No. _____)

Sec. 8-76. - Miscellaneous.

- (a) Nothing to the contrary withstanding, in the event that any animal bites a human being or a domesticated animal, (even without a declaration that the animal is potentially dangerous, dangerous and/or vicious), that biting animal will be micro-chipped. Any time an animal is brought to the St. Landry Parish Animal Shelter, such animal shall be micro-chipped. In order for the owner or custodian of such animal to retrieve the animal, the owner or custodian must pay any costs incurred by the animal shelter, including but not limited to the cost of micro-chipping. At the discretion of the animal care center supervisor the process of micro-chipping may be accomplished by the owner or custodian with the owner or custodian's private veterinarian.

- (b) In the event that any insurance/surety bond is required under this article, and in the event that said insurance/surety bond is canceled, for any reason without acceptable replacement, the animal will be subject to automatic humane destruction.
- (c) Notwithstanding anything contained herein to the contrary, any notice required under the provisions of this article can be made by the use of certified mail or hand-delivery at the election of the person giving such notice. If any such notice is done by hand-delivery, an affidavit of the person making such hand-delivery shall constitute proof of delivery. If such notice is accomplished by certified mail, proof of the notice can be substantiated by the certified mail return receipt card. Posting of such certified mail shall be conclusive proof of notice and the failure of the person so noticed to receive the certified mail shall not, in any fashion, serve to defeat the notice requirement.
- (d) The animal control director, or his/her designee, at all times, shall have the right to inspect any facilities and enclosures required under this article. Such inspection shall occur within normal business hours. The animal control director, or his/her designee, can access the property where the facility or enclosure is located with or without the permission of the property owner or occupant of the property. The refusal of the owner or occupant of the property to allow access to the animal control director, or his/her designee, to inspect the facilities or enclosure, shall be deemed to be a violation of this article and shall subject said person to any and all penalties and sanctions provided for in this article.

(Ord. No. _____)

ARTICLE V. - COMMERCIAL BUSINESSES OR ESTABLISHMENTS

DIVISION 1. – BREEDERS AND/OR DEALER BREEDER

Sec. 8-77. – Permit required, permit requirements

1. *Permit required.* No person shall be a breeder or dealer breeder unless a permit to operate as a dealer breeder and/or dealer shall have been granted by animal control. Applications procedures and requirements for such permit shall be in accordance with the rules and regulations promulgated by the animal control advisory board under the provisions of this chapter.

a. The permit shall be for the calendar year and the permit fee shall be as follows for each breeder/dealer breeder for each permit period or part thereof beginning with the first day of the calendar year:

i. 1-5 animals.....\$250

ii. 5-15 animals.....\$500

iii. 15-25 animals.....\$1000

iv. More than 25 animals...\$5000

b. Any advertisement promulgated by a breeder or dealer/breeder for the sale of any animal in St. Landry Parish shall include the St. Landry Parish Animal Control Permit Number. The breeder/dealer breeder shall display the permit number on the bottom right hand side of the ad using the verbiage "SLP Permit No. (fill in number)."

2. *Requirements for holding a permit.* All breeders/dealer 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.

3. *Application for Permit.* Permit application forms may be obtained from St. Landry Parish Animal Control, or may be requested in writing or by telephone. Completed, notarized forms accompanied by the appropriate fee may be mailed to St. Landry Parish Animal Control.

a. At the time of application for permit, an applicant shall provide animal control with a statement that signed and dated and includes both the following:

i. The applicant's Class A or Class B animal dealer's license number issued by the United States Department of Agriculture pursuant to provisions of the federal Animal Welfare Act, 7 U.S.C. 2131 *et seq.*, or the reason the applicant is not required to hold either license.

- ii. The applicant's sales tax identification number or reason the applicant is not required to have a sales tax identification number.
 - iii. A valid occupational license issued by St. Landry Parish Government.
 - b. If an applicant certifies that all of the requirements of these rules and regulations are met in their establishment, the animal control director 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 the date of issue, and shall be revoked at the time of inspection if all permit requirements are not met.
 - c. Upon certification by an authorized representative of the animal control that all pertinent requirements are being met, the director shall forthwith issue a regular permit which shall be valid until December thirty-first (31st) of the year issued.
4. *Renewal of Permit.* Prior to December thirty-first (31st) of each year, all holders of animal handling permits must renew same by applying to animal control for the appropriate form, executing such form and remitting the current annual permit fee.

Sec. 8-78. – Inspection

The establishment of all breeders/dealer breeders shall be subject to inspection any time by animal control.

Sec. 8-79. – Prohibitions

1. No breeder/dealer breeder shall allow any female dog or cat to produce more than two (2) litters in any one (1) continuous twelve-month period.
2. Under no circumstances shall any breeder/dealer breeder have more than fifty (50) dogs, cats or other small animals of any age on the premises at any time.

Sec. 8-80. – 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 removed for cleaning and be mounted so that animals cannot turn them over;
2. Cage temperatures shall be maintained at a level that is healthful for the species of animals kept in the cage;
3. All cages and enclosures shall be of metal or nonporous plastic material for each cleaning and disinfecting. Each cage must be of sufficient size. Cage floors shall be of solid material;
4. All animals under three (3) months of age are to fed at least three (3) times per twenty-four (24) hour period. 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 appropriate temperature for the specific breed of bird; 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;
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 daylight hours;
8. All animals must be fed, and watered, and their cages shall be cleaned every day, including weekends and holidays; and
9. Adult animals of opposite sexes shall not be kept in common cages.

Sec. 8-81. – Records; number and person to contact in emergencies.

1. The holder of any breeder/dealer breeder 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 boarding, sale, breeding, grooming; the description of the animal, including its age, breed, sex, and color.

2. The owner shall place in a visible place the name, address and telephone number of the parish animal control, 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 control the name, address and telephone number of the veterinarian or other responsible party authorized to act on behalf of the holder in case of emergency.

Sec. 8-___ - Penalties for Breeder and/or Dealer Breeders Violations.

1. Any person found to have violated any provision of this division shall be fined not more than five hundred (\$500) dollars per violation.

DIVISION II: OTHER COMMERCIAL ESTABLISHMENTS

Sec. 8-82. - Pet shops.

(a) *Permit required.* No person shall operate a pet shop unless a permit to operate such establishment shall have been granted by animal control. Application procedures and requirements for such permit shall be in accordance with rules and regulations promulgated by the animal shelter advisory board under the provisions of this article. The permit period shall be the calendar year and the permit fee shall be as stated for each permit period or part thereof beginning with the first day of the calendar year

(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 St. Landry Parish Animal Control, 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, the animal shelter director 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 department that all pertinent requirements are being met, the director 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 for the appropriate form, executing such form and remitting the current annual permit fee.

(e) *Permit Fees.* Permit fees shall be set by the Animal Control Advisory Board.

(f) *Inspection.* All pet shops shall be subject to inspection at any time by the animal shelter department.

(g) *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.

(h) *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 of metal or nonporous plastic material for easy cleaning and disinfecting. Each cage must be of sufficient size. Cage floors shall be of solid material, or if of open mesh construction at least one-half (½) 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) The water temperature for fish shall be maintained at a constant temperature that is healthful;
- (7) 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;
- (8) No animals shall be kept in darkness during daylight hours;
- (9) All animals must be fed, and watered, and their cages shall be cleaned every day, including Saturdays, Sundays and holidays;
- (10) Adult animals of opposite sexes shall not be kept in common cages;
- (11) Feeding of reptiles is to be conducted before opening hours or after closing hours.

(i) *Records; number and person to contact in emergency.* The holder of any pet shop 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 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 emergency.

(j) Any advertisements promulgated by a pet shop for the sale of any animals shall include the St. Landry Parish Animal Control Permit number. The pet shop shall display the number on the bottom right hand side of the ad using the verbiage "SLP Permit no. (fill in number)

Sec. 8-83. – Permit to operate a commercial stable.

(a) It shall be unlawful for any person to own, operate, maintain or manage a stable or permit the maintenance of a stable upon his premises unless he shall first obtain from animal control a permit issued in accordance with rules and regulations of the animal control advisory board promulgated under the provisions of this article. The permit period shall be the calendar year and the permit fee shall for each permit period or part thereof beginning with the first day of the calendar year.

(b) Such permit shall be issued upon inspection and approval by the department of inspection and code enforcement, and provided further that such inspection shows the stable to be in conformity with this article and the regulations adopted hereunder.

(c) No commercial livery stable shall be granted a permit unless it shall attach to its staff as a full-time operator/manager a person certified by the animal shelter advisory board as qualified, and shall possess equipment, materials and facilities sufficient for the proper care, feeding, bedding and custody of equine species.

(d) A stable permit may be transferred to a new owner of the premises upon payment of a transfer fee as set by the advisory board and the submission of a written application of the proposed new holder of the license to the animal control together with the written consent of the present holder endorsed thereon. Such permits when issued by the department shall be posted together with the original permit.

(e) Permits so obtained shall be posted in an open and accessible area at the location where equine species are kept, or near the entrance and same shall be reasonably visible and accessible to any reasonably aware adult.

(f) All permit fees related to this section shall be set by the advisory board.

Sec. 8-84. – Rules and regulations for permit to own or operate a commercial stable.

All stables 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 for a permit to operate, or revocation for any previously issued permit.

(1) *Application for permit.* Permit application forms may be obtained from animal control, 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 animal control that all pertinent requirements are being met, the director shall forthwith issue a regular permit which shall be valid until December thirty-first of the year issued.

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

(3) *Inspection.* All stables shall be subject to inspection at any time by animal control.

(4) *Minimum standards for care of animals:*

a. *Feeding.* All animals shall be provided twice daily with food and continuously with water, free from contamination. Feed shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements of the animal.

b. *Riding equipment.* All equipment used for riding must be properly fitted for each animal and be suited to the use of the animal.

c. *Sanitation.* All structures used for the stabling of animals shall be kept clean and in good repair and shall be kept adequately lighted and ventilated and provide protection from the weather.

Manure shall be removed from all structures used for stabling of animals at intervals sufficient to assure dry, sanitary, odor free conditions inside the

structure. Manure removed from the area must be disposed of or treated in a manner which assures prevention of insect growth, deterrence of disease, and odor control. Manure disposal shall be suited to the size and location of the stable area.

Any enclosure where animals are kept, other than an enclosed structure, shall be kept graded and drained so as to keep the area reasonably dry. Removal of treatment of fecal matter must provide prevention of insect growth, disease deterrence, and odor control.

d. *Fly control.* Flies must be controlled through general sanitation practices. The type of product used for fly and insect control should be suited to the size and location of the stable or enclosure.

e. *Health of the animals.* Animals should show signs of regular attention and care. The name of the attendant veterinarian for each animal should be available to the animal shelter inspector upon request.

f. *Disputed findings.* If the owner/operator of the stable should be unable to come to an agreement with the animal control inspectors as to the sanitation of the premises, the health department shall be asked to issue an opinion as to the general conditions of sanitation. In a dispute over the health or condition of the animal, the owner/operator shall have the right to present the opinion of his own veterinarian to the inspector before a decision is reached. If further veterinary advice is warranted, a veterinarian appointed by animal control may be consulted after the attending veterinarian has been notified. In all cases, the owner/operator has the right to petition the board for a hearing before his permit is refused or revoked.

Sec. 8-85. –Grooming Shops.

(a) *Permit required.* No person shall operate a grooming shop unless a permit to operate such an establishment shall have been granted by animal control. Application procedures and requirements for such permit shall be in accordance with rules and regulations promulgated by the animal control advisory board under the provisions of this article. The permit period shall be the calendar year and the permit fee shall be for each permit period or part thereof beginning the first day of the calendar year.

(b) *Requirements for holding of permit.* All grooming shops, including grooming shops operated in conjunction with another 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 grooming shop or revocation of any previously issued permit.

(c) *Application for permit; temporary permit.* Permit application forms may be obtained from animal control, or may be requested in writing or by telephone. Completed, notarized forms accompanied by the appropriate fee may be mailed to animal control. 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 animal control that all pertinent requirements are being met, the director shall forthwith issue a regular permit which shall be valid until December thirty-first of the year issued. Further, before a permit can be issued the applicant must provide proof of a valid, current occupational license obtained from St. Landry Parish Government.

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

(e) *Permit Fees.* All permit fees related to this section shall be set by the animal control advisory board.

(f) *Inspection.* All grooming shops shall be subject to inspection at any time by the animal shelter department.

(g) *Prohibitions.* Dog groomers may not:

- (1) Tranquilize animals;
- (2) Expel obviously infected (abscessed) anal sacs;
- (3) Give medical advice.

(h) *Minimum standards for care of animals which are kept in cages or runs:*

- (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. This provision shall be applicable only to animals kept over eight (8) hours;
- (2) Cage temperatures shall be maintained at a level that is healthful for the species of animal kept in the cage;
- (3) The floors of all cages and enclosures shall be of metal or nonporous plastic material for easy cleaning and disinfecting. Each cage must be of sufficient size. Cage floors shall be of solid material, or if of open mesh construction at least one-half (½) of the floor area shall be covered with cardboard, multiple layers of paper, plastic sheet or other continuous substantial material;
- (4) Appropriate food shall be provided for any animals retained longer than twelve (12) 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) 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;
- (6) No animals shall be kept in darkness during daylight hours;
- (7) Adult animals of opposite sexes shall not be kept in the same cage.

(i) *Standards for personnel:*

- (1) There must be at least one (1) qualified dog groomer in charge at all times.
- (2) Groomers must be at least eighteen (18) years of age and have one (1) of the following qualifications:
 - a. Certificate of graduation from state licensed school of grooming; or,
 - b. Verifiable employment in the profession of dog grooming for a period of two (2) years in a licensed dog grooming establishment; or,
 - c. Apprenticed for nine (9) months (minimum of nine hundred (900) hours) in a licensed dog grooming establishment.

(j) *Records; number and person to contact in emergencies.* The holder of any grooming shop 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 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 emergency.

Sec. 8-86. –Public Kennels and Public Auctions.

(a) *Permit required.* No person shall operate a public auction or a public kennel unless a permit to operate such establishment shall have been granted by St. Landry Parish Animal Control. Application procedures and requirements for such permit shall be in accordance with the rules and regulations promulgated by the animal control advisory board under the provisions of this article. The permit period shall be the calendar year and the permit fee shall be for each permit period or part thereof beginning with the first day of the calendar year.

(b) *Requirements for holding permit.* All public kennels 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 public kennel or revocation of any previously issued permit.

(c) *Application for permit; temporary permit.* Permit application forms may be obtained from the St. Landry Parish Animal Control, 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, the animal control director 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 department that all pertinent requirements are being met, the director 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 shelter department for the appropriate form, executing such form and remitting the current annual permit fee.

(e) *Inspection.* All public kennels shall be subject to inspection at any time by the animal control.

(f) *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 of metal or nonporous plastic material for easy cleaning and disinfecting. Each cage must be of sufficient size. Cage floors shall be of solid material, or if of open mesh construction at least one-half (½) 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) 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;

(6) No animals shall be kept in darkness during daylight hours;

(7) All animals must be fed, and watered, and their cages shall be cleaned every day, including Saturdays, Sundays and holidays;

(8) Adult animals of opposite sexes shall not be kept in the same cage or run.

(g) *Records; number and person to contact in emergencies.* The holder of any public kennel or public auction 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 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 control the name, address and telephone number of the veterinarian or other responsible party authorized to act on behalf of the holder in case of emergency.

Sec. 8-86. –Zoos, Carnivals and Exhibitions.

No person shall operate a commercial zoo or exhibition of animals or carnival, circus or other enterprise where animals are used or displayed on public or private property wherein an admission fee is charged, or in the absence of such fee, when the exhibition or zoo is used as an incentive to enter a commercial establishment unless a permit for such operation shall have been granted by St. Landry Parish Animal Control. Application procedures and requirements for such permit shall be in accordance with rules and regulations promulgated by the animal control advisory board under the provisions of this article. The permit period shall be the calendar year for permanently established zoos or exhibitions and the permit fee shall be set by the St. Landry Parish Advisory Board for each permit period or part thereof. In the case of temporary or transient zoos or exhibitions ("petting zoos") the permit period shall be as requested by the applicant and the permit fee shall be by the day and set by the St. Landry Parish Advisory Board.