

Final Draft of Animal Control Ordinance 12/5/2022

CHAPTER 8 -- ANIMALS

ARTICLE I. - IN GENERAL

**Sec. 8-1. – Scope and Implementation**

- a. This chapter shall apply to animals or property found or located within the limits of St. Landry Parish.
- b. This code shall supersede any and all previous codes in Section 8 of the Code of Ordinances.

**Sec. 8-2 – Definitions**

The following words, terms and phrases, whether they appear in lowercase 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, 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 shelter* means the division of the St. Landry Parish Government, known as the St. Landry Parish Animal Control Shelter, composed of the animal control director, animal control officers, office staff, and shelter for impounded animals.

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

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

*Animal establishment* means a facility which is operated as a breeder or other commercial breeder facility. Animal shelters under public jurisdiction 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 dogs and/or cats of any breed or breed(s) on his/her premises.

- a. Any person found to have more than ten (10) unaltered animals of breeding age of the same breed on their premises shall be presumed to be a breeder; and
- b. Any person who sells, donates, or exchanges dogs and/or cats or offers to sell, donate, or exchange dogs and/or cats to another breeder, pet shop, research facility, corporation, or individual.
- c. Exception: There shall be an exception for unaltered male and female dogs used for hunting purposes only if no unaltered male and females kept and housed in secured separate facilities (pen's) 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, 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 control shelter, or other location determined by animal control, 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.

*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 animal control 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.

*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.

*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 composed of the animal control director, animal control officers, office staff, and shelter 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.

*Microchip implant* means an identifying integrated circuit placed under the skin of an animal for identifying the animal.

*Microchipped* means an animal that has a microchip 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.

*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:

- a. *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. This requirement does not apply to livestock.
- b. *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.
- c. *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:
  1. 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;
  2. 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;
  3. 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;
  4. It is recommended to utilize bedding material which shall be kept clean and dry;
  5. Contain a suitable means for the prompt elimination of excess liquid;
  6. Be structurally sound and maintained in good repair to protect the dog from injury or harm;
  7. Be constructed and maintained so that the dog has convenient access to clean water and food;
  8. Allow the dog easy access in and out of the shelter, and
  9. 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 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.

*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 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 and working dogs.

*Standards* mean 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 an 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.

*Working dog* means a dog that is used to perform practical tasks as opposed to a pet or companion animal.

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

The animal control 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 Control 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 Control 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 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. – PARISH OF ST. LANDRY**

#### **Sec. 8-6. - Enforcement**

Any police or POST certified law enforcement officer 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 commercial 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.

#### **Sec. 8-7. - Interference with enforcement officers**

- a. 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.
- b. 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.
- c. It shall be unlawful for any person to make false reports or unfounded complaints to the animal control authority. Any person making such a false report or unfounded complaint shall be issued a warning by a POST certified law enforcement officer upon the first offense. Subsequent false reports or unfounded complaints shall be subject to the penalty set forth in subsection (4) below.
- d. Any person violating any part of this section shall be fined \$50.00 for the second offense and \$100.00 for any subsequent offenses.

#### **Sec. 8-8. – Entry onto property**

- a. The animal control director or duly designated representative may enter any premises upon

exigent circumstances visual from a public right of way or when authorized to do so by any provisions herein in order to provide care.

- b. The animal control director or duly designated representative of the parish may enter property of any breeders holding a permit, where animals are maintained, for investigation or inspection as to whether or not:
  1. The owner/operator is in compliance with the applicable permit requirements; or
  2. 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.
  3. Exception: The permit holder or his designee authorized on the permit application must be present for an inspection to be conducted.

**Sec. 8-9. – Nuisance. In general, violations, hearings, and 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, any of the following, defined as public nuisance or contained in this chapter and is prohibited as set forth herein:

- a. *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.
- b. *Animal Noise.*
  1. 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.
  2. 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.
  3. This section shall not be construed to prohibit the ownership or 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.
  4. 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.
- c. *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.
- d. *Violations, citations, appeal, penalties.*

1. 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.
2. Upon receipt of a second nuisance complaint and verification within a twelve-month period, from any person, including the original complainant, an animal control officer or law enforcement agent, without further warning, shall assess a fine of \$100.00.
3. Upon receipt of a third nuisance complaint and verification 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 and may seize and impound the animal if necessary.
4. Any third or subsequent violation shall subject the person to the cost of the impoundment plus fines pursuant to this chapter if found to be in violation.
5. The owner or custodian of the animal may submit, in writing, an appeal to the St. Landry Parish President, or his designee, to contest the impoundment within fourteen (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 an appeal under this subsection, an appeal shall be reviewed and a decision rendered within ten (10) business days after such request. Notice of the date, time, and location of the appeal shall be provided by certified mail to the animal owner requesting the appeal.

#### **DIVISION 1. - IMPOUNDMENT**

##### **Sec. 8-10. - 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 this Chapter with the exception of healthy community cats and may take

such animals to the animal control shelter. The stray hold period for dogs is (5) five 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 an 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. *Microchipping.* Any time a dog or cat is impounded to the St. Landry Parish Animal Control Shelter, such animal shall be microchipped with current owner's information, if not already microchipped, when the animal leaves the shelter, whether by adoption or reclaiming. In order

for the owner or custodian of such an animal to retrieve the animal, the owner or custodian must pay any costs incurred by the animal control shelter including but not limited to the cost of microchipping. At the discretion of the animal control director, the process of microchipping may be accomplished by the owner, custodian with the owner, or custodian's private veterinarian. Any dog or cat owner may bring a dog or cat to the animal control shelter to be microchipped for the same microchipping fees in this section.

- c. *Notice to the 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, email, or telephone. The mailing of such letter or postcard or the attaching of such letter or postcard 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.
- d. *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 \$35.00 for the first impoundment of the animal, \$100.00 for the second impoundment, \$150.00 for the third impoundment and other subsequent impoundments, if any;
  2. The actual cost of the current year's vaccination fee of \$35.00 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 \$10.00 for each day the animal has been impounded;
  4. The actual cost of microchipping fee of \$10.00 if dog, cat, or small animal was not already microchipped.
  5. All citations received from St. Landry Parish Government must be paid in full.

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

- e. *Disposition of animals not reclaimed.* Any animal impounded and taken to the St. Landry Parish Animal Control 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 that the required time as described in this article has elapsed.
- f. *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 animal control director shall approve

the euthanasia of the animal. Detailed logs shall be maintained regarding the euthanasia of an animal.

g. *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 and tagged in compliance with this Chapter and was in compliance with all other sections of this article at the time of the incident.
3. Exception: Boarding fees of ten (\$10.00) dollars per day will still apply even if other fees are exempted.

h. *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 will be the actual cost incurred including microchipping, 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.

i. *Surrender by an owner of an animal.* Anyone surrendering the ownership of an animal to the animal control shelter shall not be assessed a fee.

#### **Sec. 8-11. – 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 if the animal's life is in imminent danger or could possibly sustain permanent injury within the 24 hour period.

#### **Sec. 8-12. - Exemptions from impoundment fees; vaccination fee**

- a. If the owner of such an 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.

### **DIVISION 2. - DOGS, CATS AND RABIES CONTROL**

#### **Subdivision I. - In General**

#### **Sec. 8-13. - Community cat diversion program**

- a. Trap-neuter-return is the preferred method for controlling the community cat population through the community cat diversion program. The animal control shelter and any contracted shelter organizations shall prioritize the trap-neuter-return method as the preferred outcome for community cats by directing any impounded, non-ear-tipped, free-roaming cats to the trap-neuter-return process.
- b. All community cats shall be sterilized, ear tipped, and vaccinated in accordance with the trap-neuter-return process.
- c. All community cats may be managed and maintained by a community cat caregiver.
- d. If the requirements of subsections (b) and (c) of this section are met, the community cat is exempted from stray, at-large, and other provisions of this chapter that apply to owned animals. However, in no event shall community cats be exempted from the nuisance provisions of this chapter.
- e. 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).
- f. 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.
- g. An ear tipped cat received by the animal control shelter or a local shelter shall be returned to the location where it is trapped with no holding period unless veterinary care is required.

**Sec. 8-14. - 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 with the exception of working dogs.
- b. *All cats may be at large.*
- c. *Penalties.* The owner of a dog, in addition to the impoundment fees assessed by 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/or seizure and forfeiture.

d. No animal shall be released until the fees are paid.

### **Subdivision II. - Dog and Cat Inoculation**

#### **Sec. 8-15. - Inoculation and tag required**

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

- a. 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 as directed or upon advice of a veterinarian; and
- b. Proof of a current certificate of rabies vaccination.

#### **Sec. 8-16. - 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 rabies vaccination 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 rabies vaccination certificate shall be obtained as frequently as determined by the type of vaccination received. A vaccination tag bearing the same number as the certificate 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. 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.

#### **Sec. 8-17. - Counterfeiting or misusing tag; removing tag**

- a. Any person who counterfeits or imitates the tag as provided by animal control, 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 maliciously or wantonly removes or causes 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.

### **Subdivision III. - Rabies Control**

#### **Sec. 8-18. - 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 director.

b. Fees collected pursuant to this division shall be remitted to the animal control.

**Sec. 8-19. - 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 on 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 animal control director 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 conveyed shall be responsible for maintaining custody during this period and for reporting the results of such observation to the animal control director at its conclusion prior to the release of such animal. Upon satisfactory conclusion of the observation period and if the animal is not otherwise dangerous, the animal shall be released to its owner.
- c. The animal control 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 twenty-four (24) hours after the end of the observation period and animal control shall be notified of release within twenty-four (24) hours, thereof.
  7. The St. Landry Parish Animal Control shall be notified within twenty-four (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 control shelter.
- d. If any animal has bitten or scratched any human being and is impounded for rabies observation

at the animal control shelter 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 control director 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 control director or his/her 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, animal control may direct the euthanasia of the animal in a humane manner for purposes of laboratory testing for rabies.

#### **Sec. 8-20. - Public and private clinics**

There will be no annual fee at public clinics for vaccination and tagging shall be determined by the animal control director 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 vaccination certificates, tags, and administrative personnel.

#### **DIVISION 3. - FOWLAND RABBITS**

#### **Sec. 8-21. - 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 on any property not belonging to the owner.
- 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 twenty-five (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 twenty-five (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 pen, coop, 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 a structure shall

be no less than two (2) feet above the ground or slab and shall be a distance of at least twenty-five (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.

**DIVISION 4. - LIVESTOCK**

**Sec. 8-22. - Roaming at large; tying on streets or sidewalks; penalties for intact horses roaming at large**

- a. 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, donkeys, horses, pigs, hogs, sheep, and goats.
  
- b. The owner of any horse, 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:
  - 1. First Offense.....\$175
  - 2. Second Offense.....\$250
  - 3. Third Offense.....\$500 and/or seizure and forfeiture.

**Sec. 8-23. - 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.

**Sec. 8-24. - Separation of enclosures from other structures; maintenance of enclosures; minimum property area**

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.

**Sec. 8-25. - 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, donkeys, horses, hogs, pigs, sheep, and goats found to be in violation of any of the regulations and controls as stated in this Chapter and to take such animals to the St. Landry Parish Animal Control Shelter 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:

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You are further notified that unless the above animal(s) is/are claimed by their owner in person within seven (7) 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 8-26 of the St. Landry Parish Government Code of Ordinances.

This notice received:

_____
Owner
_____
Date

St. Landry Parish Animal Control
_____
Director/Agent

1. In the event the owner of the livestock is unknown, the St. Landry Parish Animal Control shall, after three (3) days:
  - i. 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 the owner.* Unless the impounded livestock is claimed by its owner in person within seven (7) 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 seven (7) days to the St. Landry Parish Animal Control.
  - 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 \$175.00 for the first impoundment of the livestock, \$250.00 for the second impoundment, and \$500.00 for the third impoundment.

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 Control Shelter;

2. A boarding fee of a minimum of \$15.00 for each day the livestock has been impounded; and
3. Any and all veterinary expenses incurred to treat the animal.

Furthermore, any owner in violation of any provision of this Chapter 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 control director or his/her 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 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 sales may take place at the local sale barn.

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.

#### **Sec. 8-26. - 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 either by burning or 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 it applies 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).

#### **Sec. 8-27. - Horse Shows, Rodeos, Trail Rides, Parades, and Special Events**

##### *a. Requirements*

1. *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.
2. *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.
3. *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.
4. *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.
5. *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, overheated, ill, sore, or sick, the animal control 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.

#### **DIVISION 5. – ANIMAL ABUSE/NEGLECT AND RELATED**

##### **OFFENSES Sec. 8-28. – 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 cruelly 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. Abandoning animals includes but is not limited to the dumping of animals, whether dumping is performed by owner(s) of the animals or person(s) not considered to be owner(s), in any location outside of the supervision and control of the owner(s) where the needs of the animals cannot be met. 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. Cruelly 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.

#### **Sec. 8-29. – 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 control 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 lawfully seized and impounded.

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 (30) 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 for board and on the condition of the animal. Such a bond shall not prevent the division of animal control or its agents from disposing of the animal at the end of the thirty (30) day period covered by the bond unless the person claiming an interest posts an additional bond for such reasonable expenses for the additional thirty (30) 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. 8-30. – 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:
  1. Only one (1) dog shall be attached to a tether at one (1) time.
  2. The minimum length of the trolley line shall be fifteen (15') feet.
  3. 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.
  4. 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.
  5. The use of pinch, weighted, or choke collars are prohibited.
  6. A clamp of proper size and durability shall connect the dog's harness to the tether line, and a swivel of proper size and durability shall connect the tether line to the trolley line.
  7. 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.
  8. Both ends of the trolley line shall be situated at least five (5') feet away from any fence to prevent strangulation.
  9. The dog shall be at least four (4) months old.
  10. Under no circumstances shall a female dog in estrus be restrained by a trolley system without direct supervision by the owner or attendant.
  11. No dog shall be tethered to a trolley system during extreme weather conditions.
- c. Tethering of horses, donkeys, and mules is strictly prohibited with the exception of natural disasters.
- d. *Penalty Provision.*
  1. 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 in forfeiture and seizure of said animal.
  2. In addition to any fine assessed by the owner for violation of this section, the animal shall

be impounded if the owner has no other means to confine the animal. In addition to the requirements set forth in this Chapter to reclaim an impounded animal, the owner must provide animal control with proof of appropriate, alternative means of confining the impounded animal.

**Sec. 8-31. - 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.

**Sec. 8-32. - 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. 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.
- 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 remains 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.

### **ARTICLE III. - POTENTIALLY DANGEROUS, DANGEROUS, OR VICIOUS ANIMAL**

#### **Sec. 8-33. - Territorial applicability**

The provisions of Article III shall apply both within the Parish of St. Landry.

#### **Sec. 8-34. - Definitions.**

When used in this article the following words, terms, and phrases, whether they appear in lowercase 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, not including humans or fish.

*Animal control* means the division of the St. Landry Parish Government, known as the St. Landry Parish Animal Control Shelter, composed of the animal control director, animal control officers, office staff, and shelter 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 that inflicts 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 twenty-four (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 twenty-four (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 control 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 composed of the animal control director, animal control officers, office staff, and shelter 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 (3) 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 (10) feet shall be used as a guide for proper length.
- b. The height shall be such as to allow ample headroom at any time when the animal is standing erect on two (2) legs. Ample shall be defined as a minimum of four (4") 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 (4') feet.
- d. Such enclosure shall consist of at least three (3) 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.

#### **Sec. 8-35. - 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 a 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 or POST certified parish investigator 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 an appeal to the St. Landry Parish President to the owner within fourteen (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 (10) business days. If after ten (10) business days the owner fails to claim the animal, the animal control director shall cause the animal to be humanely euthanized.

#### **Sec. 8-36. - 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:

- a. *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 (4') 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.
- b. *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 a muzzle shall not interfere with the animal's breathing or vision.

- c. *Confinement.* Except when leashed and muzzled as provided in this section, a potentially dangerous or dangerous animal shall be in a secure enclosure.
- d. *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."
- e. *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 animal control director.
- f. *Notification of escape.* The owner, keeper, or harbinger of a potentially dangerous or dangerous animal shall notify the animal control director 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.
- g. *Failure to comply.* It shall be unlawful and a misdemeanor for any owner, keeper, or harbinger 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.

**Sec. 8-37. - Permit and tag requirement for dangerous or vicious animals, etc.**

- a. The owner, keeper, or harbinger of a potentially dangerous or dangerous animal shall within three (3) business days after the classification of an animal as potentially dangerous or dangerous or upon acquisition of such an animal register the animal with the St. Landry Parish Animal Control and obtain an annual permit from the animal control director to harbor the animal. The fee for such a 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 control officer or law enforcement officer upon request.

- d. The owner of any animal declared to be potentially dangerous or dangerous must have the animal microchipped, at the owner's expense, by a licensed veterinarian.

#### **Sec. 8-38. - 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 (5) business days after the animal's impoundment. The notice of impoundment shall inform the owner or custodian of the animal that the owner may submit, in writing, an appeal to the St. Landry Parish President to contest the impoundment within fourteen (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 an appeal under this subsection, an appeal shall be reviewed and a decision rendered within ten (10) business days after such request. Notice of the date, time, and location of the appeal shall be provided by certified mail to the animal owner requesting the appeal.

#### **Sec. 8-39. - Destruction of vicious animal**

The St. Landry Parish President shall order the euthanasia of an animal that is determined to be vicious.

#### **Sec. 8-40. - 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 (5) business days after such change of ownership or residence, provide written notification to the animal control director 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 control director 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.

**Sec. 8-41. - 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 (5) business days of moving the animal into the jurisdiction of the St. Landry Parish Government. The restrictions and conditions of maintenance 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.

**Sec. 8-42. - 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. 14:102.13 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.

**Sec. 8-43. – 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.

**Sec. 8-44. – 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 microchipped. In order for the owner or custodian of such an animal to retrieve the animal, the owner or custodian must pay any costs incurred by the animal control shelter including but not limited to the cost of microchipping. At the discretion of the animal control director, the process of microchipping may be accomplished by the owner, 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 notified 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.

#### **ARTICLE IV. - COMMERCIAL BUSINESSES OR ESTABLISHMENTS**

##### **DIVISION 1. – BREEDERS OF CANINE AND FELINE SPECIES**

###### **Sec. 8-45. – Permit required, permit requirements**

- a. *Permit required.* No person shall be a breeder of dogs and/or cats unless a permit to operate as a breeder 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 St. Landry Parish President under the provisions of this chapter.
  - 1. The permit shall be for the calendar year:
  - 2. Any advertisement promulgated by a breeder for the sale of any animal in St. Landry Parish shall include the St. Landry Parish Animal Control Permit Number. The breeder shall display the permit number on the bottom right hand side of the ad using the verbiage “SLP Permit No. (fill in number).”
- b. *Requirements for holding a permit.* All breeders must, in addition to all other requirements of this article, comply with the requirements set forth below. Failure to meet these requirements shall be grounds for denial of a permit to operate or revocation of any previously issued permit.
- c. *Application for Permit.* Permit application forms may be obtained from St. Landry Parish Animal Control or may be requested in writing or by telephone. Completed, notarized forms may be mailed to St. Landry Parish Animal Control.
  - 1. At the time of application for permit, an applicant shall provide animal control with a statement that is signed and dated and includes 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.
2. 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.
  3. Upon certification by an authorized representative of the animal control that all pertinent requirements are being met, the animal control director shall forthwith issue a regular permit which shall be valid until December thirty-first (31<sup>st</sup>) of the year issued.
- d. *Renewal of Permit.* Prior to December thirty-first (31<sup>st</sup>) of each year, all holders of animal handling permits must renew the same by applying to animal control for the appropriate form and executing such form with no remittance fee.

**Sec. 8-46. – Inspection**

The establishment of all breeders may be subject to inspection twice per permit year by animal control. The permit holder or his designee authorized on the permit application must be present for an inspection to be conducted.

**Sec. 8-47. – Prohibitions**

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

**Sec. 8-48. – Minimum standards for care of animals**

- a. 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;
- b. Cage temperatures shall be maintained at a level that is healthful for the species of animals kept in the cage;
- c. 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;
- d. All animals under three (3) months of age are to be 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;
- e. 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;

- f. All animals must be fed and watered, and their cages shall be cleaned every day, including weekends and holidays; and
- g. Adult animals of opposite sexes shall not be kept in common cages.

**Sec. 8-49. – Records; number and person to contact in emergencies**

- a. The holder of any 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, and the description of the animal, including its age, breed, sex, and color.
- b. 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. 8-50. - Penalties for Breeder Violations**

- a. Any person found to have violated any provision of this division, but is in possession of a permit, shall be fined not more than one hundred (\$100.00) dollars per violation.
- b. Any person found to have violated any provision of this division and is not in possession of a permit shall be fined not more than five hundred (\$500.00) dollars.