

ST. TAMMANY PARISH COUNCIL
ORDINANCE

ORDINANCE CALENDAR NO. 3988

ORDINANCE CS. NO. _____

COUNCIL SPONSOR: MR. BILLIOT

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. BILLIOT

SECONDED BY: MR. STEFANCIK

ON THE 8TH DAY OF JANUARY, 2009

ORDINANCE AMENDING THE ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 4 ANIMALS, FOWL AND REPTILES, ARTICLE V ANIMAL CONTROL, TO AMEND AND REENACT SECTIONS 4-120.00 THROUGH 4-136.00, PROVIDING COMPREHENSIVE REGULATIONS GOVERNING ANIMAL CONTROL AND WELFARE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Governing Authority of St. Tammany Parish has previously established the Bureau of Administrative Adjudication and implemented comprehensive regulations and procedures governing administrative appeals, hearings and providing for judicial review thereof; and

WHEREAS, it is the best interest of the public health, safety and welfare for the Governing Authority of St. Tammany Parish to established comprehensive regulations governing animal control and welfare, to establish criminal penalties and procedures for the enforcement thereof, to establish penalties and procedures for administrative enforcement, and to otherwise provide with respect thereto; and

WHEREAS, in order to establish such comprehensive regulations and procedures, it is necessary to amend Article V of Chapter 4, thereby replacing the existing Sections, Sections 4-120.00 through 4-136.00 (Attached Exhibit A), upon the enactment of those Sections set forth herein after, being Sections 4-120.00 through 4-135.00.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Article V of Chapter 4 of the St. Tammany Parish Code of Ordinances is hereby amended and reenacted in its entirety and, as amended, existing Sections 4-120.00 through 4-136.00 (Exhibit A) shall be replaced with the below Sections 4-120.00 through 4-135.00:

ARTICLE V

ANIMAL CONTROL AND WELFARE

SEC. 4-120.00 Applicability

This ordinance shall be known as the St. Tammany Parish Animal Control and Welfare Ordinance. The provisions of this Ordinance shall be in force throughout the unincorporated areas of St. Tammany Parish.

SEC. 4-121.00 Definitions

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

Abandon: means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter.

Administrative Hearing: Means a hearing before the Administrative Hearing Officer of the Bureau of Administrative Adjudication, St. Tammany Parish Code of Ordinances SEC. 1-012.00, et seq.

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

Animal Control Officer: An employee of St. Tammany Parish with enforcement authority as set forth in Section 4-122.00 of this ordinance.

Animal Establishment: A facility operated as a pet shop, grooming shop, commercial or private kennel, boarding dogs or cats or training dogs for any purpose. Animal shelters operated by public authorities or veterinary medical facilities, accredited zoos or accredited institutions of higher learning are exempt from this definition.

Animal Shelter: The parish shelter that is operated by the St. Tammany Parish Department of Animal Services, as designated by the St. Tammany Parish Council.

At large: An animal shall be deemed to be at large when: (a) the animal is off the premises of its owner or keeper and not under the immediate control of a responsible person; or (b) the animal is left unattended while outdoors and upon unenclosed land.

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

Breeder: A person who breeds specific animals. An individual who breeds or raises, on his own premises, not more than a single litter of pups or kittens per year shall not be considered to be a commercial breeder for the purposes of this article.

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

Commercial kennel/breeder: Any person, partnership, or corporation engaged in the commercial breeding of dogs or cats, or both, for sale individually or in litter lots, or in the boarding, training, sale or hire of dogs or cats for compensation, or operation of a guard dog service. Animal hospitals operated by licensed veterinarians as a part of the practice of veterinary medicine, shelters operated by public authorities, and tax-exempt humane organizations shall not be considered commercial kennels.

Commercial livery stable: Any stable where a charge is made for the use of any animal or where instructions in riding or the use of equine species are given for a fee.

Commercial stable: Any stable where any charges are made to accommodate equine species.

Companion animal: An animal that is commonly considered a pet, or is considered by the owner to be a pet, including canines and felines.

Cruelty: Means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.

Dangerous Animal: Any animal that has been classified as a dangerous animal in accordance with the requirements and procedures set forth in the dangerous animal section of this ordinance.

Dealer: Dealer shall mean any person, not a public entity, who, as a business, sells, exchanges, or donates or offers to sell, exchange, or donate animals to any person, including another dealer, pet shop, research facility or corporation.

Department: The St. Tammany Parish Department of Animal Services.

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

Enclosure: Except in the case of a primary enclosure or a secure enclosure or pen required for dangerous animals, an enclosure means a fence or structure, whether or not it is located along the boundary

of the property, that is constructed in such a manner as to: (a) prevent any unattended animal, while outdoors and upon the premises of its owner or keeper, from going beyond or outside of the boundaries of the property; and (b) not allow ready and unobstructed access to the animal by the general public.

Enclosure for Dangerous Animals; secure enclosure: A securely enclosed and locked pen or structure that must be designed and constructed to prevent the dangerous animal from escaping and from coming into contact with either a human being, other than the owner or keeper, or any other animal. The materials used to construct the enclosure or pen must prevent the animal from escaping by digging out, going over and going through the enclosure. The enclosure or pen shall provide a humane existence for the animal, protection from the elements, provide adequate exercise room, light and ventilation and shall be kept in a clean and sanitary condition. Additionally, in the case of a dangerous dog, the pen or structure must have minimum dimensions that measure four (4) feet wide, ten (10) feet long and six (6) feet high. Such pen or structure shall have sides that are securely embedded in concrete, a secure top, and a bottom or floor that is permanently attached to the sides.

Enclosure; primary: Means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

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

Excessive Barking: Means excessive or untimely barking, howling or yelping that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within ones home or unreasonably interferes with the use of ones residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.

Excessive odor: Means all obnoxious odors and stenchs of such unreasonable intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property.

Exposed to rabies: An animal has been exposed to rabies if it has been bitten by a known rabid animal or if it has been in contact with any animal known or suspected of being infected with rabies.

Grooming shop: A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Impounded: Means taken into the custody of the St. Tammany Parish Department of Animal Services.

Owner: Any person, partnership, business, corporation, firm, investment stock company, association or other legal entity owning, keeping or harboring any animal or having in his care an animal on or about his premises.

Pet: A domesticated animal kept for companionship rather than primarily being kept for utility; for the purposes of this ordinance, livestock shall not be included in the classification of pet.

Pet shop: Any person or entity that sells at retail, animals bred by others or by a commercial breeder whether as owner, agent or on consignment, and that sells or offers to sell such animals to the general public at retail.

Police service dog or any dog affiliated with police service: Any dog which is owned, or the service of which is used, by any law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, apprehension of offenders, or the location of missing individuals.

Private kennel: Any person who maintains, within or adjoining his residence, a kennel housing more than four (4) dogs or cats over four (4) months of age, which animals are for that person's recreational use or for exhibition in conformation shows, or field or obedience trials, and where the sale of offspring is not the primary purpose or function of the kennel. Private kennels must be in compliance with all applicable zoning, land use and permit regulations.

Private stable: Any stable operated by or for a private owner where no charge is made or other compensation is made for the use of facilities.

Proper food: Means providing each animal with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.

Proper shelter: Means providing each animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal.

Proper veterinary care: Means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal. An animal exhibiting symptoms such as persistent vomiting or diarrhea should be afforded veterinary care. An animal shall be afforded veterinary care if known or suspected to have suffered an injury, accidental or deliberate, and exhibits such signs as shock, swelling, broken bones, open wounds, blistering, partial or total paralysis, bleeding or other such signs, or animals who are debilitated and weakened or those exhibiting symptoms of bloat or other life threatening illnesses. An animal who has exhibited signs of severe parasitic infestation or disease such as infection, discharge, weight loss, abnormal skin condition or hair loss, tremors, inability to bear weight on a limb or lameness or any other such sign over a period of twenty-four (24) hours or more must be afforded veterinary care within twenty-four (24) hours. This does not apply to conditions that are chronic or permanent and that have previously been diagnosed and treated or are under veterinary care.

Proper water: Means providing each animal with daily supply of clean, fresh, potable water in a sanitary manner and in a sufficient quantity to prevent unnecessary or unjustifiable suffering by the animal.

Public auction: Any place or location where animals are sold at auction to the highest bidder regardless of whether such animals are offered as individuals, as a group, or by weight.

Public kennel: A place or establishment other than the parish animal shelter, where animals not owned by the proprietor are sheltered, fed and watered in return for a fee as a business and is of access to the public.

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.

Service Animals: Service animals are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not companion animals or pets.

Severely Injured: Means any animal which because of major trauma, broken bones, blood loss or other easily apparent life-threatening condition, will not be expected to live and is in severe pain or suffering.

Stable: Shall include any building, barn, or other premises whatsoever at which equine species are kept or from where they are let out for hire, working, training or riding, or from which equine species are provided and used to give instruction in riding, or where equine species are boarded. The term shall include existing stables as well as new construction.

Terminally Ill: Means any animal that, because of apparent sickness or condition, is not expected to live and is in dire physical distress.

Unenclosed Land: Any occupied or unoccupied lot or parcel of land that does not have a fence or structure that meets the above definition of enclosure.

Vaccination: Inoculation with a recognized anti-rabies vaccine, approved by the Louisiana Department of Health & Hospitals (DHH).

Vicious Animal: Any animal previously classified as a dangerous animal, in accordance with the dangerous animal section of this ordinance, and which is subsequently classified as a vicious animal in accordance with the requirements and procedures set forth in the vicious animal section of this ordinance.

Wild or Exotic Animal: Any live monkey, primate, racoon, skunk, wolf, wolf-hybrid, squirrel, fox, fox-hybrid, coyote, coyote-hybrid, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, bird, venomous snake or spider, which can normally be found in the wild state, or any crocodilian including, but not limited to, alligators, crocodiles, caimans and gavials. Ferrets, non-venomous snakes with a length not greater than 6 feet, rabbits, rodents and birds which have been bred and raised in captivity and which have never known the wild shall be excluded from this definition.

SEC. 4-122.00 Enforcement Authority

A. Animal Control Officers. St. Tammany Parish Animal Control Officers of the St. Tammany Parish Department of Animal Services ("DAS") are employees of St. Tammany Parish who are authorized and empowered to administer and enforce the provisions of this ordinance.

Any animal control officer is empowered to administer and enforce the provisions of this Ordinance that are within the jurisdiction of the Bureau of Administrative Adjudication, and may seek the enforcement of any criminal violation of this ordinance through the office of the District Attorney of the Twenty-Second Judicial District.

Any animal control officer who, if P.O.S.T. certified, shall exercise regular police powers of the state granted to law enforcement officers and shall be empowered to enforce all animal-related crimes defined by this ordinance or state law including but not limited to animals at large, animal cruelty, dog fighting, animal theft, or any law or ordinance governing animal disease control. Any officer who has met the qualifications of P.O.S.T. and was P.O.S.T. certified on or after January 1, 2000, and has maintained firearm qualifications and worked continuously for a parish animal control agency shall be deemed to be P.O.S.T. certified. (La.R.S.3:2501)

B. Sheriff of St. Tammany Parish. Nothing contained herein is intended to or shall abrogate or supersede the general police authority vested in the Sheriff of St. Tammany Parish. The authority granted to P.O.S.T. certified employees of the St. Tammany Parish Department of Animal Services shall exist and be exercised concurrently with the general police authority vested in the Sheriff. Said concurrent authority shall include enforcement of all sections of this ordinance and the issuance of citations for violations.

C. Interference with enforcement.

1. It shall be unlawful for any person to knowingly hinder, resist or oppose any Animal Control Officer or employee in the performance of his duties.

2. It shall be unlawful for any person to knowingly interfere with or damage any animal trap owned or used by the animal control center or to molest or release an animal caught therein.

SEC. 4-123.00 Offenses, procedures and penalties strictly governed by state law:

A. Aggravated Cruelty to Animals. The crime of aggravated cruelty to animals shall be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in R.S.

14:102 and R.S. 14:102.1 through R.S. 14:102.4, and any subsequent amendments thereto.

B. Dogfighting. The crime of dogfighting shall be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in R.S. 14:102.5 through R.S. 14:102.7, and any subsequent amendments thereto.

C. Injuring or killing of a police animal. The crime of injuring or killing a police animal shall be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in R.S. 14:102.8, and any subsequent amendments thereto.

D. Cockfighting. The crime of cockfighting shall be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in R.S. 14:102.23, and any subsequent amendments thereto.

SEC. 4-124.00 General Duties of All Animal Owners:

It shall be the duty of every owner of any animal or anyone having any animal in his possession or custody to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

It shall be the duty of every owner of any animal or anyone having any animal in his possession or custody to care for said animal in a humane fashion and provide it with proper water, proper food, proper shelter, proper veterinary care and safe surroundings.

In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this ordinance are complied with.

SEC. 4-125.00 Public Nuisance

Every owner or keeper of animals shall exercise proper care and control of such animals so as to prevent them from creating or becoming a public nuisance. A violation of any of the following provisions shall constitute a public nuisance and is strictly prohibited:

A. Excessive or untimely barking, howling or yelping that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within ones home or unreasonably interferes with the use of ones residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.

B. Attacking or molesting a person or animal or chasing vehicles.

C. Animals at large: No person shall suffer or permit any animal in his possession, or kept by him about his premises, to run loose, free or at-large on any street, sidewalk, alleyway, highway, common or public square, or upon any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. Running loose, free or at large means not under the immediate control of a competent person and restrained by a substantial chain or leash. Nothing in this part is intended to prevent any citizen of this state from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper.

D. Enticing or releasing animals: It shall constitute a violation of this ordinance for any person to release any animal from, or to entice any animal to leave, the property of the owner or keeper of such animal.

E. Scratching on or digging into or urinating or defecating upon lawns, shrubs, buildings or any property, either public or private, other than property of the owner or keeper. In the case of nuisance by defecation, whether such nuisance shall take place in the presence of the owner or keeper or not, the owner or keeper must promptly remove all feces and dispose of them in a sanitary manner or be considered to be further in violation of the provisions of this article

F. Premises on which animals, including fowl, are kept shall be maintained so as to prevent all obnoxious odors and stenches of such unreasonable intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property, or the presence or breeding of flies, mosquitoes and other pests. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.

G. Every female dog or cat in heat shall be confined so that the animal cannot come into contact with an un-neutered male, except for planned breeding.

H. All animal containment areas shall be maintained in order that excessive fecal matter and urine does not build up and create unsuitable living conditions for the animal and humans who enter the containment area; and does not create a health hazard and/or excessive odor. All animal containment areas should remain free of excessive water buildup and/or excessive flooding or continuous standing water.

I. Dogs on school grounds: Owners shall not permit their dogs on any school ground when school is in session, unless specifically authorized by the school board or principal.

J. Animals in restaurants: Dogs or other animals shall not be permitted in restaurants or other places serving food, establishments selling food or edible products, or in any place of business when prohibited by the owner of the business. This provision shall not apply to service animals.

K. Giving live animals as prizes is strictly prohibited and it shall be unlawful for any person to give away an animal as an advertising device, or as a game prize at any fair, festival or charity event. Raffleing or auctioning an animal shall be permitted provided monetary consideration is given in exchange for a chance of winning the animal. For purposes of this section, an animal shall include, but is not limited to, fish, rabbits, birds, cats and dogs.

L. Animals Restricted from Parades and Other Public Events: Pets, animals or reptiles, other than those that have been authorized to participate in a parade or other public event by the organizer thereof, are prohibited from being within one hundred fifty (150) feet of the parade route or the site of such public events for the duration of the parade or event.

(1) This prohibition shall apply to any pet, animal or reptile that is not within an enclosure on the property of the owner or keeper, even if it is under the immediate control of the owner or keeper by means of a leash, cage or hutch, for example.

(2) In the case of a parade route, the distance is measured from the outer edge of the sidewalk or hard surface of the road or street (i.e. the concrete or asphalt) of the designated route.

(3) In the case of the site of a public event, the distance is measured from the fence surrounding the site of the event or, if there is no fence, the boundary line of the property where the event is being held.

(4) For purposes of this prohibition, the duration of the parade or event shall include a two-hour period of time before the scheduled commencement of the parade or event and a two-hour period of time after the parade or event has ended.

M. Penalties and enforcement for violating this section:

1) Misdemeanor enforcement: Whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not more than thirty days, or both. Additionally, upon conviction, such person shall be required to pay all court costs and the court may, in its discretion, order the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.

2) Administrative enforcement: In lieu of, or in addition to, enforcement under the misdemeanor provisions of paragraph M(1) immediately herein above, whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, may be served with notice to appear before the St. Tammany Parish Administrative Hearing Officer in accordance with the provisions governing the Bureau of Administrative Adjudication, Section 1-012.00, *et seq* of the Code of Ordinances. If a particular section of this Article provides for notice and hearing, the notice and hearing shall be governed by those provisions. In all cases where an animal is impounded, the hearing officer may order the payment of the costs of boarding and necessary medical care in addition to any other order.

SEC. 4-126.00 Animals at large; leash law

It shall be unlawful for any person to suffer or permit any animal in his possession, or kept by him about his premises, to run loose, free or at-large on any street, sidewalk, alleyway, highway, common or public square, or upon any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. Running loose, free or at large means not under the immediate control of a competent person and restrained by a substantial chain or leash. "Electronic Leashes" utilizing an electrical charge as a means of restraint shall not serve as a replacement for a tangible chain or leash.

A. Confinement by owner:

1) Enclosure: When not confined within the owner or keeper's dwelling or being exercised or transported outside the owner or keeper's premises, all animals owned or kept in the unincorporated portions of St. Tammany Parish shall be confined within an enclosure, which means a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to:

(a) Prevent any unattended animal, while outdoors and upon the premises of its owner or keeper, from going beyond or outside of the boundaries of the property; and

(b) Not allow ready and unobstructed access to the animal by the general public.

(i) "Electronic Fences", incorporating the use of electrical charges as a means of restraint of an animal within a yard-like perimeter, may only be used as a secondary means of restraint and not as a replacement for actual fencing material or an enclosure.

2) Tethering of Animals: An owner or keeper of an animal, other than one deemed dangerous or vicious, may tether said animal only in a fashion conforming to the method indicated below:

(a) Tethering shall only be used as a secondary means of restraint and shall not serve as an alternative to the enclosure requirements.

(b) Tethering must occur only on a type configuration which permits the animal to move freely in all directions.

(c) Tethering must occur only with a lead rope, chain or cable at least twelve (12) feet in length.

(d) Tethering must occur in an open area free of any choking hazards such as trees, bushes, poles, or other obstructions, with the exception of the object to which the lead is joined.

(e) Tethering by means of a lead rope, chain or cable that weighs more than one-eighth (1/8th) of the total body weight of the animal is strictly prohibited.

B. Seizure and impoundment: Any citizen may, or the sheriff, constable, or animal control officer shall seize any animal found to be at large. Any such animal may be turned over to the Department of Animal Services. Animals found at large by the St. Tammany Parish Department of Animal Services may be seized and impounded; or as an alternative, the animal may be seized and returned to the owner or keeper and a

notice of violation of this section may be issued to the owner or keeper.

C. Penalties and enforcement for violating this section:

1) Misdemeanor enforcement: Whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not more than thirty days, or both. Additionally, upon conviction, such person shall be required to pay all court costs and the court may, in its discretion, order the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.

2) Administrative enforcement: In lieu of, or in addition to, enforcement under the misdemeanor provisions of paragraph C(1) immediately herein above, whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, may be served with notice to appear before the St. Tammany Parish Administrative Hearing Officer as set forth in Section 1-012.00, *et seq* of the Code of Ordinances. The fine shall be not less than twenty-five dollars nor more than five hundred dollars and the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.

D. Escaped dogs and cats: Should any dog or cat while at large be captured, or is sought to be captured, by officers of the St. Tammany Parish Department of Animal Services, and such dog or cat escapes said officers by entering the premises of the owner or keeper, the penalty and enforcement provisions of paragraph C of this section shall be applicable. Should such dog or cat escape by entering the premises of a person other than the owner or keeper, and the person refuses to deliver such dog or cat to the animal control officer of the St. Tammany Parish Department of Animal Services, the refusal shall be a violation of this ordinance and such person shall be subject to administrative enforcement and the civil penalties provided for in paragraph C (2) of this Section.

E. Redemption of impounded dogs or cats found at large: The disposition and processing of any dog or cat found at large shall be in accordance with the provisions set forth in Section 4-128.00B.

F. Dangerous and vicious animals: Owners or keepers of dangerous and vicious animals shall be subject to the provisions and requirements set forth in Sections 4-132.00 and 4-133.00 of this ordinance.

G. Nothing in this Section is intended to prevent any citizen of this state from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper, including recognizable breeds of hunting dogs when in the process of tracking or retrieving of game, during a properly supervised hunt, said breeds being hounds, retrievers, spaniels, setters and pointers.

SEC. 4-127.00 Licensing, Registration, Vaccination, and Tags

A. License required; tag: It shall be the duty of the owner or keeper of every dog, cat and ferret over (3) three months old to register same with the St. Tammany Parish Department of Animal Services by the purchase of a license tag. Such license tag shall be dated and indicate the number of the license tag issued for the animal at the time it is vaccinated by a licensed veterinary or licensed veterinary technologist with appropriate anti-rabies vaccine at the owner's expense. The license tag shall indicate the current calendar year. The license tag shall be fastened to the animal's collar or harness and worn at all times. The license must be renewed annually and no animal shall be vaccinated without the issuance of a license or licensed without a current rabies vaccination.

B. Fees: The annual fee for registration, licensing and issuance of tags shall be Eight (\$8.00) Dollars for each sterilized animal and Twenty (\$20.00) Dollars for each non-sterilized animal. In the event a license tag is lost, a duplicate tag may be issued for a replacement fee of One Dollar (\$1.00) upon presentation of the original license receipt to the issuing agency. Veterinarians collecting such annual fees are entitled to retain Two (\$2.00) Dollars from the fees collected for each tag issued to defray the administrative costs. At the beginning of each calendar year, the Department of Animal Services shall be authorized to adjust the current fees, which adjustment shall be based on the actual cost to board, sterilize, vaccinate and

microchip the animals as demonstrated by the costs incurred during the prior calendar year.

C. Exemptions: Fee exempt registrations may be issued for the following:

- 1) Police, Sheriff's department or other law enforcement dogs.
- 2) Service Animals.
- 3) Licensed veterinary, vet or clinic animals in conduct of business.
- 4) Any person or entity that has a current Animal Establishment Permit.

D. Hunting and show animals: Animals used for hunting, on exhibition at American Kennel Club or other approved shows engaged in a specific "animal club" sponsored race or trial, or such animals while being transported to and from such events need not wear their collars nor their tags.

E. Counterfeiting and unauthorized use of tags prohibited: Any person who counterfeits or imitates the license tag as provided by St. Tammany Parish Department of Animal Services, or any person who shall put on an animal any such counterfeit or imitation tag, or who shall use a license tag on an animal for which it was not issued, shall be subject to the penalties provided for in paragraph H(2) of this Section.

F. Financial Responsibility: The St. Tammany Parish Department of Animal Services shall be responsible for the procurement, distribution and registration of license tags and shall have responsibility for the collection, accounting, administration and reporting of all fees, fines and penalties collected under the provisions of this article, excluding court assessed costs, fees and penalties.

G. Penalty for violating this Section or disturbing dog's collar or tag:

1) Except as otherwise provided in subparagraph two (2) hereof, whoever violates any provision of this Section, or fails or neglects to perform any duty imposed by it, shall be fined not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution or enforcement, or imprisoned for not more than thirty days, or both.

2) Any person who counterfeits, imitates or alters the license tag provided by St. Tammany Parish Department of Animal Services, or any person who removes a license tag from any dog properly registered as herein provided for, or uses a license tag on an animal for which it was not issued, shall be fined not more than one hundred dollars and the costs of prosecution or enforcement, or imprisoned for not more than thirty days, or both. Each counterfeit, imitation, alteration, removal or unauthorized use of a license tag shall constitute a separate violation.

H. Administrative Hearing Authorized:

In lieu of, or in addition to, enforcement of the criminal penalties as set forth in Paragraph H of this Section, a violation of the provisions of this Section may be enforced through the administrative hearing process of the Bureau of Administrative Adjudication. Any civil fine imposed for a violation of this Section shall be in accordance with the fine and costs set forth in Paragraph G(1) and (2).

SEC. 4-128.00 Policies and procedures; adoptions; animals in the custody of the Department of Animal Services

A. Definitions: As used in this Section the following words shall have the following meanings ascribed to them:

- (1) "Adopter" means a person who is legally competent to enter into a contract and who is adopting a dog or cat from the releasing agency.
- (2) "Adult animal" means any dog or cat that has reached the age of one hundred eighty days or six months or more.
- (3) "Out-of-Parish releasing agency" means any humane society, animal shelter, and animal rescue

organization or group, whether or not a duly created legal entity, which brings dogs or cats from outside the parish or state into unincorporated St. Tammany Parish for the purpose of having such dogs and/or cats adopted. Out-of-Parish releasing agency does not include any humane society, animal shelter or animal rescue organization or group that is located in, domiciled in or has its principal place of business in St. Tammany Parish.

(4) "Releasing agency" means the Department of Animal Services. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

(5) "Sterilization" means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

B. Animals brought to the Department of Animal Services ("DAS"):

1) Unwanted Animals: Owners of unwanted animals may relinquish (i.e. sign over) ownership of such animal to the Department of Animal Services at no cost to the owner. Any unwanted dog or cat will immediately be put up for adoption, provided it has been deemed adoptable by the Department of Animal Services. Dogs or cats that are put up for adoption will be held as long as possible. However, if the animal is deemed not to be adoptable, or the animal is terminally ill or severely injured when brought in, the animal may be euthanized.

2) Found At Large: Any dog or cat found unaccompanied by its owner or keeper and running at large on any road, street, or other public place, or upon any unenclosed land, or trespassing upon any enclosed or unenclosed lands of another, and which is brought into the DAS shelter, will be processed in the following manner:

(a) If the dog or cat is not wearing a collar bearing a tag showing the name and address of its owner or keeper or other identification in which to readily identify the owner or keeper, including but not limited to an electronic chip, the dog or cat will be held for at least five (5) days (not to include Saturdays, Sundays and holidays) to give the owner time to search for and claim it. If the dog or cat is reclaimed, the owner shall be responsible to pay the reclaim fee and costs of necessary medical care.

(b) If the dog or cat has identification of its owner, the owner shall be provided written notice that the dog or cat must be claimed, and the owner reclaim fee paid, within seven (7) days of receipt of said notice. If the dog or cat is sick or injured and required immediate medical attention, the owner shall be responsible for the costs of such care and treatment.

(c) If the dog or cat is not claimed, and the requisite fees paid, within the applicable time set forth above, or the owner voluntarily relinquishes (i.e. signs over) ownership to the Department of Animal Services, the dog or cat will immediately be put up for adoption, provided it has been deemed adoptable by the Department of Animal Services. Dogs or cats that are put up for adoption will be held as long as possible. However, if the animal is deemed not to be adoptable, or the animal is terminally ill or severely injured when brought in, the animal may be euthanized.

(d) Livestock will be held according to State law and the livestock ordinance.

(e) The provisions of this Section shall not apply to dangerous and vicious animals, which shall be governed by the provisions of Sections 4-132.00 and 4-133.00.

3. Adoption Procedure: The animal must be free to be adopted (i.e., held the required period or was signed over by the owner) and may be adopted in accordance with the following requirements:

(a) All animals must be sterilized, vaccinated and receive a micro-chip identification. The Department of Animal Services is authorized to perform the sterilization, vaccination and micro-chip procedures or may allow for adoption in accordance with an adoption and sterilization agreement meeting the requirements of subparagraph (b) herein below.

(b) After picking out the animal to be adopted, the adopter will be required to sign an adoption and sterilization agreement containing the following:

(i) The date of the agreement.

(ii) The name, address, and signature of the releasing agency and the adopter.

(iii) A statement that the releasing agency does not guarantee the health or temperament of the animal, and if an animal is adopted and proves to be sick or diseased, the adopter can return the animal and pick another.

(iv) A statement, printed in conspicuous bold print, that sterilization of the animal is required.

(v) A statement that the adopter guarantees that the animal will be spayed or neutered, prior to the sterilization completion date, and that the animal will receive a health examination, heart worm check, general disease vaccinations and Rabies vaccinations.

(vi) A sterilization completion date which shall be either the thirtieth day after the date of adoption in the case of an adult animal or the thirtieth day after a specified date estimated to be the date an adopted infant female or male puppy or kitten becomes six months of age.

(vii) A statement that the adopter must submit to the releasing agency written confirmation signed by a Louisiana licensed veterinarian who performed the sterilization.

(viii) A statement that: the releasing agency agrees to give title, possession, and control of the animal only upon the adopter's compliance with the terms and conditions of the adoption agreement; the adopter agrees to return the animal, upon demand, if the adopter fails to comply with any provision of the agreement.

(c) Failure to comply with any of the adoption provisions shall be a violation of this ordinance. If the person signing the adoption agreement fails to comply with any of the provisions of the adoption agreement, the Director of Animal Services is authorized to institute an administrative hearing for the return of the animal and the imposition of a civil penalty not to exceed one hundred dollars.

(d) The sterilization requirements do not apply to a dog or cat that is claimed from the releasing agency by a person who already owns the animal.

(e) The provisions of this Section shall not apply to animals released to the United States armed forces, police or other law enforcement agencies, licensed veterinary facilities, or to licensed medical facilities.

(f) The adoption procedures, except for the sterilization and vaccination requirements, may be waived for recognized animal rescue groups.

(g) The Department is authorized to waive the owner reclaim fee set forth below, if the owner reclaiming an animal agrees to sterilization of the animal.

4. Fees:

| | |
|-------------------------------|---|
| Adoption fee - Dog | \$65.00 (Sterilization, vaccine & micro-chip) |
| Adoption fee - Cat | \$40.00 (Sterilization, vaccine & micro-chip) |
| Owner First-time reclaim fee | \$25.00 plus \$5.00/day boarding fee |
| Owner Second-time reclaim fee | \$50.00 plus \$5.00/day boarding fee |
| Owner Third-time reclaim fee | \$100.00 plus \$5.00/day boarding fee |
| Rabies watch (bite cases) | \$10.00 plus \$5.00/day boarding fee |

Animal brought in by non-parish resident \$15.00 per animal
Parish tag \$8.00 per year for each sterilized animal and \$20.00
for each non-sterilized animal.

If a dog or cat in the custody of the Department of Animal Services is sick or injured and requires immediate medical attention, the owner shall be responsible for the costs of such care and treatment.

At the beginning of each calendar year, the Department of Animal Services shall be authorized to adjust the current fees, which adjustment shall be based on the actual cost to board, sterilize, vaccinate and microchip the animals as demonstrated by the costs incurred during the prior calendar year.

5. Euthanasia Procedures: The method of euthanasia utilized at the DAS shall be injection of Sodium Pentobarbital. Only staff members that are Certified Animal Euthanasia Technicians (C.A.E.T.) through the State of Louisiana will be allowed to perform the procedure. Continuing training and support will be provided to the staff in euthanasia techniques. Fractious and feral animals will be sedated when necessary before being euthanized. Before being euthanized, animals will be double-checked by the staff to be sure that they have been held for the required amount of time, that all means to reach the owner have been used, and that there are no other holds on the animal.

(Editorial Note. The original policies and procedures for the St. Tammany Parish Department of Animal Services were enacted per Resolution P.J.S. No. 99-9132, adopted March 18, 1999, in accordance with the recommendations of the Animal Control Committee.)

C. Animals brought into unincorporated St. Tammany Parish by Out-of-Parish Releasing Agency:

It shall be prohibited for any "Out-of-Parish Releasing Agency" to bring any dogs or cats from outside of the state or parish and into unincorporated St. Tammany Parish for the purpose of having such animals adopted in unincorporated St. Tammany Parish, unless the following requirements are met:

1) The "Out-of-Parish Releasing Agency" has registered with the Department of Animal Services by providing the Department with the name, address and telephone number of the person, individually or as representative of the agency, who shall be responsible for the animal to be adopted.

2) The responsible person and/or representative signs an agreement to comply with the adoption procedures set forth in Paragraph B(3) and to provide the Department with a copy of the required adoption and sterilization agreement within ten (days) days of the agreement being signed.

Failure to register or timely provide a copy of the required adoption and sterilization agreement shall constitute a violation of this ordinance and shall be subject to the imposition of a civil penalty of not less than one hundred dollars nor more than three hundred dollars.

SEC. 4-129.00 Simple Cruelty to animals; minimum care standards

A.(1) Any person who intentionally or with criminal negligence commits any of the following acts or omissions shall be guilty of simple cruelty to animals:

(a) Overdrives, overloads, drives when overloaded, or overworks a living animal.

(b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.

(c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care as set

forth herein below:

(i) Fresh water for drinking shall be available to all species at all times. Each animal shall be provided with daily supply of clean, fresh, potable water in a sanitary manner and in a sufficient quantity to prevent unnecessary or unjustifiable suffering by the animal. Containers shall remain clean, free of fecal matter, urine and other debris and shall always remain easily accessible to the animal.

(ii) All animals shall be provided with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal. All animals shall be fed in clean containers, free from contamination, which shall be easily accessible to the animal.

(iii) All animals shall be provided with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal. In the case of a pet or companion animal that is kept outdoors, a shelter must have a minimum of three sides, a waterproof roof and a dry floor. Such shelter shall provide proper protection from the sun, rain, cold and the wind. Housing for animals shall be structurally sound and maintained in good repair. Housing for the animal shall allow, as a minimum, enough room for the animal to stand, sit and to turn around comfortably. Proper housing shall always remain easily accessible to the animal at all times.

(iv) Every animal shall be provided with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal. An animal exhibiting symptoms such as persistent vomiting or diarrhea should be afforded veterinary care. An animal shall be afforded veterinary care if known or suspected to have suffered an injury, accidental or deliberate, and exhibits such signs as shock, swelling, broken bones, open wounds, blistering, partial or total paralysis, bleeding or other such signs, or animals who are debilitated and weakened or those exhibiting symptoms of bloat or other life threatening illnesses. An animal who has exhibited signs of severe parasitic infestation or disease such as infection, discharge, weight loss, abnormal skin condition or hair loss, tremors, inability to bear weight on a limb or lameness or any other such sign over a period of twenty-four (24) hours or more must be afforded veterinary care within twenty-four (24) hours. This does not apply to conditions that are chronic or permanent and that have previously been diagnosed and treated or are under veterinary care.

(d) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers the animal to an animal control center. Owners of unwanted animals may bring and release such animals to the St. Tammany Parish Animal Services Center at no cost to the owner to be made available for adoption or other disposition at the discretion of the St. Tammany Parish Department of Animal Services.

(i) An animal found running at large and brought to the Animal Services Center will be processed in accordance with the section governing animals at large.

(e) Impounds, 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 food, proper drink, proper shelter, or proper veterinary care.

(f) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner. No animal shall be left unattended in a vehicle under conditions which cause unnecessary and unjustifiable suffering by the animal.

(g) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes an animal to any such drug or substance, whether mixed with food or not,

with intent that the same shall be taken or swallowed by any domestic animal.

(h) Unjustifiably injures any animal belonging to another person.

(i) 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.

(j) Causes or procures to be done by any person any act enumerated in this Subsection.

SEC. 4-129.01 Seizure and disposition of animals cruelly treated

A. When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer and held pursuant to this Section.

B(1) The seizing officer shall notify the owner 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 that location within twenty-four hours of the seizure.

(2) The seizing officer shall photograph the animal within fifteen days after providing notice of seizure and shall cause an affidavit to be prepared in order to document its condition in accordance with this section and R.S. 15:436.2

(3) The seizing officer shall appoint a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal in accordance with this Section.

(4) The seized animal shall be held by the custodian provided for in Paragraph (3) for a period of fifteen consecutive days, including weekends and holidays, after such notice of seizure is given. Thereafter, if a person who claims an interest in such animal has not posted bond in accordance with Subsection C, the animal may be humanely disposed of by sale, adoption, or euthanasia.

C. A person claiming an interest in any animal seized pursuant to this Section may prevent the disposition of the animal as provided for in Subsection B by posting a bond with the court within fifteen days after receiving notice of such seizure in an amount sufficient to secure payment for all reasonable costs incurred in the boarding and treatment for any seized animal for a thirty-day period commencing on the date of initial seizure. Such bond shall not prevent the department, agency, humane society, or other custodian of the animal from disposing of the animal in accordance with Subsection B at the end of the thirty-day period covered by the bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for an additional thirty-day period. In addition, such bond shall not prevent disposition of the animal for humane purposes at any time, in accordance with Subsection E of this Section. The amount of the bond shall be determined by the department, agency, humane society or other custodian of the animal as authorized by the court in accordance with the current rate for board and on the condition of the animal after examination by a licensed veterinarian.

D. Upon a person's conviction of cruelty to animals, it shall be proper for the court, in its discretion, to order the forfeiture and final determination of the custody of any animal found to be cruelly treated in accordance with this Section and the forfeiture of the bond posted pursuant to Subsection C as part of the sentence. The court may, in its discretion, order the 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 by the defendant. In the event of the acquittal or final discharge without conviction of the

accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof and order the return of any bond posted pursuant to Subsection C, less reasonable administrative costs.

E. Nothing in this Section 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 any 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.

(Editorial Note: Per Authority of R.S. 14:102.2)

SEC. 4-129.02 Search warrant; animal cruelty offenses

If the complaint is made, by affidavit, to any magistrate authorized to issue search warrants in criminal cases, that the complainant has reason to believe that an animal has been or is being cruelly treated in violation of Section 4-129.00, in any building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant to any law enforcement officer authorized by law to make arrests for such offenses, authorizing any such officer to make a search of said building or place, and to arrest any person found violating Section 4-129.00. Said warrant may also authorize said officer to seize any animal believed to be cruelly treated and to take custody thereof. This section shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence at the time of the arrest.

(Editorial Note: Per Authority of R.S. 14:102.3)

SEC. 4-129.03 Confined animals; necessary food and water

When a living animal is impounded or confined in violation of Section 4-129.00A(1)(e), and continues without necessary food and water for more than twenty-four consecutive hours, any law enforcement officer may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food and water so long as it shall remain impounded or confined. (Editorial Note: Per Authority of R.S. 14:102.4)

SEC. 4-129.04 Animals left unattended in a vehicle;

A. Any law enforcement officer who finds an animal left unattended in a vehicle, in a cruel or inhumane manner so as to violate the provisions of Section 4-129.00A(1)(f), shall be permitted to use all reasonable means, including breaking a window, in order to free a suffering animal, provided that all of which following additional conditions have been met:

1. The animal shows physical signs of heat exhaustion, convulsions, or other near death symptoms which require immediate action by the law enforcement officer in order to save the animal's life.

2. All reasonable attempts to contact the owner or driver of the vehicle must have been thoroughly exhausted.

B. If all of the conditions of this section are met, the law enforcement officer and the Parish shall be deemed not liable for any reasonable property damage resulting from the taking of such action to save the animal and the damage to the personal property was limited to what was absolutely necessary.

SEC. 4-129.05 Simple cruelty; criminal penalties

A(1) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(2) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended. (Editorial Note: Per Authority of R.S. 14:102.1)

SEC. 4-129.06 Simple cruelty; administrative hearings

A. Administrative enforcement of a violation of Sections 4-129.00, 4-129.03 and 4-129.04 may only be instituted and/or the administrative hearing proceed in those cases where a person has not been arrested or charged with a criminal violation of this Section or R.S. 14:102, *et seq.* In such case, whenever an animal control officer has reasonable cause to believe that a violation of any provision of Sections 4-129.00, 4-129.03 or 4-129.04 has occurred, or currently exists, the animal control officer is authorized to institute civil enforcement of such violation, and the abatement thereof, through the administrative hearing process.

B. Nothing in this section shall prevent the euthanasia of any animal in the custody of the Department of Animal Services, at any time, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition.

C. The administrative hearing process shall be commenced by serving a notice of animal cruelty violation. The notice shall be dated and may be served by personal service on the owner or keeper, by posting the notice in a conspicuous place at the location of the violation, or by leaving it with a person of suitable age and discretion residing at that location. Notice may be served by certified or registered U.S. mail to the owner or keeper, or both. In case of notice by U.S. mail, the date of the postmark shall be deemed the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement; provided, that in the case of such returned notice, if the person to be notified has a telephone number listed in the St. Tammany Parish phone directory at least one attempt shall be made to notify the person by telephone.

(2) The notice shall be, as much as possible, in laymen's language susceptible of understanding by a person of normal capacity, and shall, in large print, inform the person noticed of the alleged animal cruelty violation and the civil penalty.

(3) If an administrative hearing is to be instituted by the Department of Animal Services, whether or not the animal is in the custody of the Department, the notice shall, in large print, inform the person of the date, time and location of the administrative hearing, that the person has a right to appear at the hearing to dispute the alleged violation, and of his right to present evidence and witnesses on his behalf. If the animal is in the custody of the Department of Animal Services, the notice shall inform the person that the animal will be held for a period of fifteen consecutive days, including weekends and holidays, or pending the administrative hearing.

(4) If the animal is in the custody of the Department of Animal Services and the violation is one that may be abated, and the animal returned to the owner or keeper without endangering the animal, the "Notice of Violation" shall inform the owner or keeper of the following:

a) The owner or keeper may reclaim the animal upon payment of the applicable costs and fees and verification that the conditions giving rise to the violation have been abated. Written notice of voluntary compliance by the owner or keeper is required, and may be provided by signing below the "Voluntary Compliance" section of the notice of violation. Written notice of voluntary compliance must be received by the Department within fifteen (15) days of the date of the notice of violation; or

b) The owner may appeal the Department's determination that the animal has been cruelly treated by appealing the determination, in writing, within fifteen (15) days of the date of the notice of violation. The appeal may be made by signing below the "Appeal-Request for Administrative Hearing" section on the notice of violation and returning same to the Department within fifteen (15) days of the date of the notice.

c) The notice shall inform the owner or keeper that the animal will be held for fifteen (15) days from the date of notice, unless the Department receives written notice that he is appealing the determination or is willing to voluntarily comply with the requirements necessary to abate the conditions giving rise to the alleged violation. If such notice is not timely provided, the animal may be put up for adoption or may be humanely euthanized.

D. If the Administrative Hearing Officer, at the conclusion of the hearing conducted in accordance with the provisions of Section 1-012.00, determines that a violation did not occur, or that the violation has since been abated and that the animal may be returned to the owner or keeper without endangering the animal, the hearing officer shall, on demand, direct the delivery of any animal held in custody to the owner thereof. If the hearing officer is satisfied that the person did violate any provision of Sections 4-129.00, 4-129.03 or 4-129.04, he may order any of the following, which shall be non-exclusive:

(1) If the owner or keeper of an animal has not voluntarily surrendered the animal to the Department of Animal Services, the hearing officer is satisfied that the animal is not presently in need of veterinary care, that the conditions giving rise to the violation have been corrected, that the animal is not likely to be cruelly treated thereafter, and that there is compliance with all other applicable provisions of this ordinance (i.e. license, sterilization and vaccinations, for example), the hearing officer may impose any other reasonable condition deemed necessary for the protection of the animal and the public health, safety and welfare. Additionally, a civil penalty not to exceed five hundred dollars may be imposed for each violation.

(2) If the animal has not been taken into the custody of the Department of Animal Services, and the hearing officer is not satisfied that all of the conditions referred to in paragraph D(1) herein above have been met, the hearing officer may order that the violator immediately surrender the animal to the custody of the Department of Animal Services, pending compliance with all of the aforementioned conditions or the delays for appealing the decision to a court of competent jurisdiction, or he may order that the person retain custody of the animal subject to meeting said conditions, within the time specified in the order, which must be verified in writing by the Department of Animal Services. A civil penalty not to exceed five hundred dollars may be imposed for each violation plus costs.

E. Any person aggrieved by a decision of the St. Tammany Parish hearing officer may appeal that decision to the Twenty-Second Judicial District Court. Notwithstanding the provisions of Section 1-012.18, if the animal is in the custody of the Department of Animal Services, such appeal shall be perfected within ten (10) calendar days from the rendition of the order and shall be made returnable to the Twenty-Second Judicial District Court in not more than fifteen calendar days from the rendition of the order. The hearing officer may order the person to post an amount sufficient to cover the cost of boarding and caring for the animal for a period of time not to exceed fifteen days. If the animal is not in the custody of the Department, an appeal of the decision shall be in accordance with the provisions set forth in Section 1-012.18 of the Code of Ordinances.

SEC. 4-130.00 Minimum Animal Housing Standards

A. The following are the minimum requirements for housing all pets in kennels, cages, tanks or other enclosures:

| Minimum Housing Dimensions | | | | | |
|----------------------------------|------------------|---------|---------|---------|-------------------|
| Species | Weight or Age | Width | Depth | Height | Number of Animals |
| Adult dogs in cages: | 0 to 35 lbs. | 36" (A) | 36" (A) | 30" (A) | 1 |
| Adult dogs in cages: | 0 to 35 lbs. | 60" (A) | 60" (A) | 30" (A) | 2 |
| Adult dogs in cages: | 0 to 35 lbs. | 90" (A) | 90" (A) | 30" (A) | 3 max. |
| Adult dogs in cages: | 36 to 65 lbs. | 36" (A) | 72" (A) | 36" (A) | 1 |
| Adult dogs in cages: | 36 to 65 lbs. | 72" (A) | 72" (A) | 36" (A) | 2 max. |
| Adult dogs in cages: | 66 lbs. and over | 72" (A) | 72" (A) | 48" (A) | 1 max. |
| Puppies in cages: | 0 to 15 lbs. | 30" | 30" | 24" | 1 |
| Puppies in cages: | 0 to 15 lbs. | 30" | 30" | 24" | 2 |
| Puppies in cages: | 0 to 15 lbs. | 36" | 36" | 24" | 3 |
| Puppies in cages: | 0 to 15 lbs. | 48" | 48" | 24" | 5 max. |
| Adult cats in cages: | any size | 24" | 24" | 24" | 1 |
| Adult cats in cages: | any size | 36" | 36" | 24" | 2 max. |
| Kittens in cages: | up to 4 mos. | 24" | 24" | 24" | 1 |
| Kittens in cages: | up to 4 mos. | 24" | 24" | 24" | 2 |
| Kittens in cages: | up to 4 mos. | 36" | 36" | 24" | 3 |
| Kittens in cages: | up to 4 mos. | 48" | 48" | 24" | 4 |
| Kittens in cages: | up to 4 mos. | 60" | 60" | 24" | 5 max. |
| Rabbits and guinea pigs in cages | any size | 24" | 24" | 24" | 2 max. |

| | | | | | |
|----------------------------------|----------|---------|------|----------------------------|--------|
| Rabbits and guinea pigs in cages | any size | 36 | 36" | 24" | 3 |
| Rabbits and guinea pigs in cages | any size | 48" | 48" | 24" | 5 max. |
| Rabbits and guinea pigs in cages | any size | 60" | 36" | 24" | 6 max. |
| Hamsters | any size | 24" | 12" | 12" | 8 max. |
| Adult dogs in runs | any size | 48" | 72" | (Min. 12" higher than dog) | 1 |
| Adult dogs in runs | any size | 48" | 108" | (Min. 12" higher than dog) | 2 |
| Adult dogs in runs | any size | 48" | 120" | (Min. 12" higher than dog) | 3 max. |
| Finches | any size | 19 1/2" | 10" | 12" | 4 max. |
| Canaries | any size | 19 1/2" | 14" | 16" | 3 max. |
| Parakeets | any size | 18" | 18" | 18" | 3 max. |
| Cockatiels | any size | 20" | 20" | 18" | 2 max. |
| Larger breed birds | any size | 24" | 24" | 58" | 2 max. |

- B. These dimensions may require modification to conform to the body sizes of certain breeds. In no case shall the cage height be less than six inches, plus the height of the dog at the withers, nor shall the width or depth be less than six inches, plus the length of the dog from the tip of the nose to the base of the tail.
- C. All animal rooms, cages, kennels, shipping containers and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. As a minimum, sufficient space must be provided for each and every animal in a single enclosure to, separately and together, stand up, lie down and turn around in a natural position.
- D. All confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions. Dog kennel runs, if made of concrete, shall provide adequate draining for proper sanitation. Droppings must be disposed of and the runs periodically treated with an effective disinfectant.
- E. All caged birds must have enough room to move with ease. A caged bird shall be able to flap its wings without touching the sides of the cages.

SEC. 4-131.00 Rabies Control and Attack (Bite) Cases

All dogs and cats shall be inoculated by a licensed veterinarian for rabies in accordance with the State of Louisiana Sanitary Code Title 51 and shall wear the metal rabies inoculation tag given by the

veterinarian at all times.

A. Should a dog or any other animal bite a person or be reported to have bitten a person within the limits of the Parish of St. Tammany, it shall be the duty of the owner, or the person having the same in his possession or under his control, immediately to notify the St. Tammany Parish Department of Animal Services, and surrender said dog or animal to any representative of the St. Tammany Parish Department of Animal Services, who is herewith authorized and empowered to enter the premises in order to make any inspection or examination of said dog or animal as may be deemed necessary by the St. Tammany Parish Department of Animal Services. In those cases where the St. Tammany Parish Sheriff's Office is notified that a dog or any other animal has bitten a person, the Sheriff's Office shall promptly notify the St. Tammany Parish Department of Animal Services. It shall be the duty of the St. Tammany Parish Department of Animal Services to impound, or cause to be impounded, any such dog or animal for a period of ten (10) days for observation either in the hospital facilities of a licensed veterinarian or at the St. Tammany Parish Animal Services Center, or require such animal to be confined securely for a period of ten (10) days by the person owning the same or having possession thereof in such manner and on such premises as may be designated by the St. Tammany Parish Department of Animal Services, or the St. Tammany Parish Department of Animal Services may order the destruction of such animal and send its head to the Bureau of Laboratories of the Louisiana Department of Health for a rabies laboratory test. Home confinement shall be allowed only if the following conditions are met:

1. Current vaccination with an approved rabies vaccine;
2. Specific approval of the director of the St. Tammany Parish Department of Animal Services; and
3. Specific approval of exposed party and agreement to the confinement conditions by the animal owner.

B. If the Director of the St. Tammany Parish Department of Animal Services determines that such animal may be confined under the control or custody of the owner or person having control over it, said owner or person shall notify the St. Tammany Parish Department of Animal Services immediately if the animal shows any symptoms of sickness, or abnormal behavior, or escapes, and if such animal dies during confinement, such person having custody thereof shall surrender the carcass to the St. Tammany Parish Department of Animal Services. This section shall not apply, except in the discretion of the St. Tammany Parish Department of Animal Services, to such small caged pets as mice, rats, gerbils, hamsters or guinea pigs and any other animal that may be specifically excluded by the St. Tammany Parish Department of Animal Services.

C. Should any animal undergoing the ten (10) days observation for having bitten a person show indication of rabies, it shall be the duty of the St. Tammany Parish Department of Animal Services to destroy such animal after confirmation of the diagnosis by a licensed veterinarian. The St. Tammany Parish Department of Animal Services and/or designated agency shall send the head of any such animal, and also the head of any animal which dies during the rabies quarantine, to the Bureau of Laboratories of the Louisiana Department of Health for a rabies laboratory test.

D. It shall be the duty of every veterinarian having an animal quarantined for a bite incident to submit a report to the St. Tammany Parish Department of Animal Services as to the condition of said quarantined animal on the initial day of observation and the tenth day immediately following the date of said bite incident.

E. Provided that all of the applicable requirements of the dangerous animal section have been met, any animal impounded or confined for rabies quarantine may be released upon completion of the ten (10)

days observation period only upon authorization of the St. Tammany Parish Department of Animal Services or their authorized representative. Any such animal must have a valid license and vaccination before it may be released.

F. Animals exposed to rabies. If any animal is suspected of having been exposed to rabies, all persons having knowledge of such condition or event shall forthwith surrender such animal to the St. Tammany Parish Department of Animal Services or their representative, shall fully advise same of all the facts and circumstances involved. Such animal may be quarantined, confined, humanely destroyed, or released under the direction and supervision of the St. Tammany Parish Department of Animal Services as it deems advisable in rabies control.

G. It shall be unlawful to harbor or conceal an animal which has bitten or inflicted serious bodily injury on a human when a person knows or has reason to know that an animal has bitten or inflicted serious bodily injury on a human and the person intentionally harbors or conceals the animal from any law enforcement or animal control agency investigator or agent. (See R.S. 14:102.22)

1. For the purposes of this Section:

(a) "Animal control agency" means the Department of Animal Services.

(b) "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.

(c) Whoever commits the crime of harboring or concealing an animal which has bitten or inflicted serious bodily injury on a human shall be fined not more than one thousand dollars or imprisoned with or without hard labor, for not more than two years, or both.

2. Any health care provider, as provided in R.S. 40:1299.41, who examines or treats any person who has been bitten by an animal or upon whom an animal has inflicted serious bodily injury shall report such bite or injury to the law enforcement or animal control agency for the location where the bite or injury occurred. Such report shall be made immediately, if possible, and in any event shall be made within twenty-four hours.

(a) The report shall include as much of the following information as is available:

(i) The patient's name, date of birth, sex, and current home and work addresses.

(ii) The nature of the bite or injury that is the subject of the report.

(iii) Any information about the location of the biting animal and the name and address of any known owner.

(iv) The name and address of the health care provider.

H. Any person having possession of or responsibility for any quarantined or confined animal shall immediately notify the St. Tammany Parish Department of Animal Services if such animal escapes, or becomes or appears to become sick or dies; and in case of death of the animal while under quarantine or confinement shall immediately surrender the dead body to the St. Tammany Parish Department of Animal Services for diagnostic purposes.

SEC. 4-132.00 Dangerous animals

A. As used in this Section, "dangerous dog" means:

(1) Any dog which when unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog; or

(2) Any dog which, when unprovoked, bites a person causing an injury and is capable of causing serious bodily injury; or

(3) Any dog which, when unprovoked, on two separate occasions within the prior thirty-six-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the dog.

(4) Any dog that has been deemed dangerous by another jurisdiction (i.e. another state, county, parish or municipality).

B. For the purposes of this Section "potentially dangerous dog" means:

(1) Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner or keeper of the dog.

(2) Any dog which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner of the dog.

C. The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

(3) Proprietors of animal hospitals, to veterinarians, zoological gardens, theatrical exhibit, or a circus, provided that such animal hospital, veterinarian, zoological garden, theatrical exhibit, or circus possesses all permits required by the laws of this parish and state and complies with all other regulations concerning the keeping and maintaining of such animals.

D. No dog shall be declared dangerous or potentially dangerous if at the hearing authorized by this Section the evidence presented is sufficient to establish any of the following:

(1) The person taking defensive action to prevent bodily injury had provoked the dog by teasing, tormenting, abusing, or assaulting the dog.

(2) Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a crime upon the property of the owner of the dog.

(3) Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog.

(4) Any injury or damage is sustained by a domestic animal which, at the time the injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog.

(5) If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

(6) If the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

E. It shall be unlawful for any person to own, possess, keep or harbor a dangerous or potentially dangerous dog without properly restraining or confining the dog and complying with all other applicable requirements including, but not limited to, the requirement of registering the dog with the Department of Animal Services and complying with the licensing requirements of this Section.

F. Impoundment:

(1) Any law enforcement officer making an arrest for violation of this Section may lawfully take possession of all dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested.

(2) In the event that an animal control officer or law enforcement officer has probable cause to believe that an animal is potentially dangerous or dangerous, and the animal is found to be at large, the animal shall be immediately impounded.

(3) It shall be unlawful to harbor or conceal an animal which has bitten or inflicted serious bodily injury on a human when a person knows or has reason to know that an animal has bitten or inflicted serious bodily injury on a human and the person intentionally harbors or conceals the animal from any law enforcement or animal control agency investigator or agent. Any law enforcement officer or animal control officer may take possession of any dog that bites a person or is reported to have bitten a person within the limits of the Parish of St. Tammany. In such cases, the provisions of Section 4-131.00 Rabies Control and Attack (Bite) Cases shall also be applicable.

G. Release from impoundment: hearing and voluntary compliance

(1) Any dog impounded under the provisions of this Section may be held pending the outcome of a hearing held in accordance with this Section or until verification of voluntary compliance with the requirements applicable to the designation of the animal as potentially dangerous or dangerous.

(2) A notice of hearing shall be provided at the time of the notice of designation as a potentially dangerous or dangerous animal.

(3) Any owner aggrieved by a determination to designate his animal as potentially dangerous or dangerous may appeal that determination by requesting an administrative hearing on the form designating the animal as potentially dangerous or dangerous. In such case, the Department of Animal Services shall institute the administrative hearing and provide notice thereof.

(4) A hearing shall not be required if the owner consents to voluntarily comply with all of the ordinance requirements applicable to the particular designation and signs a declaration of voluntary compliance. The animal may be held until the owner's compliance with the ordinance requirements applicable to the particular designation of the animal has been verified by the department of animal services.

H. Destruction: Any animal control officer or law enforcement officer may kill any dangerous or vicious dog which cannot be safely taken up or impounded and no animal control officer or law enforcement officer shall be liable for damages by reason of such killing. (R.S. 3:2773D)

SEC. 4-132.01 Requirements for harboring potentially dangerous and dangerous animals

A. Potentially dangerous animal: The owner or keeper of an animal that has been designated as potentially dangerous shall meet the following requirements. Compliance with all requirements must be verified by the Department of Animal Services prior to the animal being released to the owner or keeper:

(1) The owner and/or keeper shall secure a permit from the Department of Animal Services, renewable each year from the anniversary date of such issue.

(2) The owner and/or keeper shall provide two (2) color photographs of the animal that clearly depicts the color, approximate size, and facial characteristics of the animal.

(3) The owner and/or keeper shall provide satisfactory proof that the animal has been vaccinated and has received a micro chip identification tag.

(4) The property of the owner and/or keeper is enclosed by means of a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to: (a) prevent any unattended animal while outdoors and upon the premises of its owner or keeper, from going beyond or outside of the boundaries of the property; and (b) not allow ready and unobstructed access to the animal by the general public.

(5) If the property of the owner and/or keeper is not enclosed by means of a fence or structure as provided for in paragraph four (4) herein above, it is permissible for the owner and/or keeper to sign a declaration agreeing that: (a) the animal will not be allowed outside of the owner and/or keeper's dwelling unless the animal is restrained or in a cage or pen. Dogs must be restrained on a leash and collar having a minimum tensile strength of three hundred (300) pounds and not exceeding six (6) feet in length; and (b) The animal shall be kept under the direct control and supervision of its owner and/or keeper at all times.

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

(ii) Tethering of the animal is strictly prohibited.

(6) The owner and/or keeper signs a declaration acknowledging that he is required to immediately notify the Department of Animal Services whenever the animal is on the loose, is unconfined, has bitten a domestic animal or person, has died, been sold, or given away, or has been relocated.

(7) If the animal has died, been sold, transferred, or given away, or has been relocated, the owner and/or keeper shall provide written notice of the such event to the Department of Animal Services within two (2) days thereof. The notice shall state that the animal has been sold, transferred, or given away, or has been relocated, and provide the name, address, and phone number of the new owner, or the new location of the animal. Additionally, at the time the dog is sold, transferred, or given away, the owner shall give written notice to purchaser, transferee or donee that the dog has been designated as a potentially dangerous dog by the St. Tammany Parish Department of Animal Services.

B. Requirements for harboring a dangerous animal: The owner or keeper of an animal that has been designated as dangerous shall meet the following requirements. Compliance with all requirements must be verified by the Department of Animal Services prior to the animal being released to the owner or keeper:

(1) The owner and/or keeper shall secure a permit from the Department of Animal Services, renewable each year from the anniversary date of such issue.

- (2) The owner and/or keeper shall provide two (2) color photographs of the animal that clearly depicts the color, approximate size, and facial characteristics of the animal;
- (3) The owner and/or keeper shall provide satisfactory proof that the animal has been vaccinated and has received a micro chip identification tag;
- (4) The animal shall be spayed or neutered, at the owner's expense.
- (5) The owner and the animal must complete a course of animal obedience training approved by the Department of Animal Services.
- (6) The owner must procure and maintain in effect a policy of liability insurance, including coverage of claims arising from the conduct of the owner's animal, in an amount not less than \$200,000. Proof of insurance must be submitted to the Department of Animal Services prior to the animal's release and annually thereafter upon renewal of the required permit.
- (7) While on the property of the owner or keeper, a dangerous animal shall, at all times, be kept indoors, unless the animal is being restrained in accordance with the below requirements or the animal is in a secure enclosure meeting the requirements set forth immediately below:
- (a) "Secure enclosure" means a securely enclosed and locked pen or structure that must be designed and constructed to prevent the dangerous animal from escaping and from coming into contact with either a human being, other than the owner or keeper, or any other animal. The materials used to construct the enclosure or pen must prevent the animal from escaping by digging out, going over and going through the enclosure. The enclosure or pen shall provide a humane existence for the animal, protection from the elements, provide adequate exercise room, light and ventilation and shall be kept in a clean and sanitary condition. Additionally, in the case of a dangerous dog, the pen or structure must have minimum dimensions that measure four (4) feet wide, ten (10) feet long and six (6) feet high. Such pen or structure shall have sides that are securely embedded in concrete, a secure top, and a bottom or floor that is permanently attached to the sides.
- (b) "Restrained" means that whenever the dangerous dog is not indoors or in a secure enclosure on the property of the owner or keeper, for whatever reason, the animal shall be restrained in accordance with the following: (i) A dangerous dog must be restrained on a leash and collar having a minimum tensile strength of three hundred (300) pounds and not exceeding six (6) feet in length; and (ii) The animal shall be kept under the direct control and supervision of its owner and/or keeper at all times. The requirement of restraining and being under the direct control of the owner or keeper shall not be satisfied by the mere chaining, roping, or leashing of the animal to inanimate objects such as stakes, trees, posts, or buildings. Tethering of a dangerous animal is strictly prohibited.
8. Whenever a dangerous animal is taken off of the property of the owner or keeper, for whatever reason, the animal must wear a muzzle that prevents it from biting a person or an animal. Further, it shall be unlawful to exercise a dangerous animal upon the public streets, sidewalks, rights-of-way, parks and property of the parish.
9. The owner and/or keeper of a dangerous dog shall post and maintain signs on the property, and on the secure enclosure, which must be sufficient to warn the general public, including young children, that a dangerous dog is being kept on the property. At a minimum, the signs shall be placed on the secure enclosure and at each normal point of ingress and egress. The signs shall be so placed as to be readily visible to any person approaching the property and secure enclosure. The location where the signs must be displayed shall be determined by the Department of Animal Services, and the Department shall provide the signs to the owner and/or keeper at his expense.
- 10) The owner and/or keeper signs a declaration acknowledging that he is required to immediately

notify the Department of Animal Services whenever the animal is on the loose, is unconfined, has bitten a domestic animal or person, has died, been sold, or given away, or has been relocated.

11) If the animal has died, been sold, transferred, or given away, or has been relocated, the owner and/or keeper shall provide written notice of the such event to the Department of Animal Services within two (2) days thereof. The notice shall state that the animal has been sold, transferred, or given away, or has been relocated, and provide the name, address, and phone number of the new owner, or the new location of the animal. Additionally, at the time the animal is sold, transferred, or given away, the owner shall give written notice to purchaser, transferee or donee that the animal has been designated as a dangerous animal by the St. Tammany Parish Department of Animal Services.

SEC. 4-132.02 Notice of designation as potentially dangerous or dangerous animal

A. The Director of the Department of Animal Services is authorized to institute the administrative hearing process, which shall be commenced by serving a "Notice of Designation" as potentially dangerous or dangerous animal. The notice shall be dated and may be served by personal service on the owner or keeper, by posting the notice in a conspicuous place at the owner's or keeper's residence, or by leaving it with a person of suitable age and discretion residing at the owner's or keeper's place of residence. Notice may also be served by certified or registered U.S. mail to the owner or keeper, or both. In case of notice by U.S. mail, the date of the postmark shall be deemed the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement; provided, that in the case of such returned notice, if the person to be notified has a telephone number listed in the St. Tammany Parish phone directory at least one attempt shall be made to notify the person by telephone.

(1) The "Notice of Designation" shall be, as much as possible, in laymen's language susceptible of understanding by a person of normal capacity, and shall, in large print, inform the person noticed of the determination to designate the animal as potentially dangerous or dangerous.

(2) The "Notice of Designation" shall, in large print, also inform the person of the date, time and location of the administrative hearing, that the person has a right to appear at the hearing to dispute the dangerous or potentially dangerous designation, and of his right to present evidence and witnesses on his behalf. If the animal is in the custody of the Department of Animal Services, the notice shall inform the person that the animal will be held for a period of fifteen consecutive days, including weekends and holidays, or pending the administrative hearing.

(4) If an administrative hearing is not to be instituted by the Department, and the animal is in the custody of the Department of Animal Services, the "Notice of Designation" shall inform the owner or keeper of the following:

a) The owner or keeper may reclaim the animal upon payment of the applicable costs and fees and upon the Department's verification of compliance with all of the requirements that are applicable to the particular designation. Written notice of voluntary compliance by the owner or keeper is required, and may be provided by signing below the "Voluntary Compliance" section of the notice of designation. Written notice of voluntary compliance must be received by the Department within fifteen (15) days of the date of the notice of designation; or

b) The owner may appeal the Department's designation of the animal as potentially dangerous or dangerous by appealing that determination, in writing, within fifteen (15) days of the date of the notice of designation. The appeal may be made by signing below the "Appeal-Request for Administrative Hearing" section on the notice of designation and returning same to the Department within fifteen (15) days of the date of the notice.

c) The notice shall inform the owner or keeper that the animal will be held for fifteen (15)

days from the date of notice, unless the Department receives written notice that he is appealing the determination or is willing to voluntarily comply with the requirements necessary to abate the conditions giving rise to the alleged violation. If such notice is not timely provided, the animal ~~may be put up for adoption~~ or may be euthanized.

SEC. 4-132.03 Hearings.

A. Upon the showing made by the parties at the hearing on the designation of the animal, the hearing officer shall determine whether the dog is a potentially dangerous dog or a dangerous dog. If the hearing officer determines that the dog is not potentially dangerous or dangerous, he shall order the designation rescinded and, if the animal is in the custody of the Department, shall order the animal to be returned to the owner on demand.

B. In every case where the dog is established to be a potentially dangerous or dangerous dog, the court shall enter an order declaring the dog to be a potentially dangerous or dangerous dog and shall direct the owner of the dog to comply with the requirements established for the restraint and confinement of the dog as provided by law and all other requirements applicable to the particular designation.

(1) Whoever violates the provisions of the dangerous animal Section shall be fined not more than three hundred dollars and shall be ordered to pay all costs and expenses of keeping the dog and all costs and expenses required for compliance.

C. Any person who fails to restrain and confine a potentially dangerous or dangerous dog as ordered by the hearing officer shall be in violation of the order and shall be fined not less than one hundred dollars nor more than five hundred dollars. Each day that the violation continues shall be a separate violation. Additionally, the hearing officer may enter any other order he deems reasonable for the protection of the public health, safety and welfare.

D. A dog determined by the hearing officer to be a dangerous dog may be humanely euthanized if it is determined that the dog poses an immediate threat to public health and safety. The order shall require that the dog not be humanely euthanized prior to the expiration of the time for appeal to the district court or such other time as he deems reasonable.

SEC. 4-132.04 Appeal.

A. The owner of the dog may appeal to the court of competent jurisdiction an order of the hearing officer determining the dog to be potentially dangerous or dangerous. Notwithstanding the provisions of Section 1-012.18, such appeal shall be perfected within five calendar days from the rendition of the order and shall be made returnable to the Twenty-Second Judicial District Court in not more than fifteen calendar days from the rendition of the order. The hearing officer may order the person to post an amount sufficient to cover the cost of boarding the animal for a period of time not to exceed fifteen days.

SEC. 4-133.00 Vicious animals

A. For the purposes of this Section "vicious dog" means any 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 under the criteria set forth in Paragraph A of Section 4-132.00.

(1) It shall be unlawful for any person to own a vicious dog.

(2) Whoever violates the provisions of paragraph C of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

B. The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity.

enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

(3) Proprietors of animal hospitals, to veterinarians, zoological gardens, theatrical exhibit, or a circus, provided that such animal hospital, veterinarian, zoological garden, theatrical exhibit, or circus possesses all permits required by the laws of this parish and state and complies with all other regulations concerning the keeping and maintaining of such animals

F. Impoundment:

(1) Any law enforcement officer making an arrest for violation of this Section may lawfully take possession of all dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested.

(2) In the event that an animal control officer or law enforcement officer has probable cause to believe that an animal is vicious, and the animal is found to be at large, the animal shall be immediately impounded.

(3) Any law enforcement officer or animal control officer may take possession of any dog that bites a person or is reported to have bitten a person within the limits of the Parish of St. Tammany. In such cases, the provisions of Section 4-131.00 Rabies Control and Attack (Bite) Cases shall also be applicable.

SEC. 4-133.01 Appeal of vicious dog designation; notice

A. The notice of designation shall be, as much as possible, in laymen's language susceptible of understanding by a person of normal capacity, and shall, in large print, inform the person noticed of the determination to designate the animal as vicious.

B. The notice shall be dated and may be served by personal service on the owner or keeper, by posting the notice in a conspicuous place at the owner's or keeper's residence, or by leaving it with a person of suitable age and discretion residing at that location. Notice may also be served by certified or registered U.S. mail to the owner or keeper, or both. In case of notice by U.S. mail, the date of the postmark shall be deemed the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement; provided, that in the case of such returned notice, if the person to be notified has a telephone number listed in the St. Tammany Parish phone directory at least one attempt shall be made to notify the person by telephone.

C. The notice shall, in large print, inform the person noticed that he may appeal the Department's designation of the animal as vicious by appealing that determination, in writing, within fifteen (15) days of the date of the notice of designation. The appeal may be made by signing below the "Appeal-Request for Administrative Hearing" section on the notice of designation and returning same to the Department within fifteen (15) days of the date of the notice.

D. The notice shall inform the owner or keeper that the animal will be held for fifteen (15) days from the date of notice, unless the Department receives written notice that he is appealing the determination. If such notice is not timely provided, the animal may be humanely euthanized.

SEC. 4-133.02 Hearing.

A. Upon the showing made by the parties at the hearing on the designation of the animal, the hearing officer shall determine whether the dog is a vicious dog. If the hearing officer determines

that the dog is not a vicious dog, he shall order the designation rescinded and, if the animal is in the custody of the Department, shall order the animal to be returned to the owner on demand.

B. In every case where the dog is established to be a vicious dog, the hearing officer shall enter an order declaring the dog to be a vicious dog and ordering the dog to be humanely euthanized. If the dog is not in the custody of the Department of Animal Services, the hearing officer shall order that the dog be immediately surrendered to the custody of the department. The order shall require that the dog not be humanely euthanized prior to the expiration of the time for appeal to the district court or such other time as he deems reasonable.

C. The owner of the dog may appeal to the court of competent jurisdiction an order of the hearing officer determining the dog to be vicious. Notwithstanding the provisions of Section 1-012.18, such appeal shall be perfected within five calendar days from the rendition of the order and shall be made returnable to the Twenty-Second Judicial District Court in not more than fifteen calendar days from the rendition of the order. The hearing officer may order the person to post an amount sufficient to cover the cost of boarding the animal for a period of time not to exceed fifteen days.

SEC. 4-134.00 Animal Establishment Permits

A. Permits

1. No person shall operate an Animal Establishment without first obtaining a permit from the St. Tammany Parish Department of Animal Services.
2. The applicant of an Animal Establishment permit shall abide by all St. Tammany Parish Animal Establishment regulations.

The Animal Control Director may adopt animal establishment regulations such as those set forth in Title 9 - Animal and Animal Products, Chapter 1 - Animal and Plant Health Services, United States Department of Agriculture Animal Welfare Act of 1970 (Public Law 91579) or revisions thereto, or statutes of the State of Louisiana, or may promulgate and use any such nutritional or environmental standards which may be considered applicable and standard husbandry practices by expert opinion or literature, or by such organizations as the American Veterinary Medical Association (AVMA), the Humane Society of the United States (HSUS), the American Association of Zoological Parks and Aquariums (AAZP&A), or a qualified veterinarian.

3. The Department of Animal Services will provide a copy of the standards adopted, as provided in subsection (2), to applicants with application for a permit. The applicant shall acknowledge receipt of the standards in the application.
4. The permit period shall begin on the day the permit application is approved by the Director. All applications for renewal of a permit for the ensuing year shall be filed with the Department of Animal Services no later than the day of the annual inspection and a remittance therefore in cash, cashier's check or money order, in the proper amount as set forth hereinafter, payable to the Department of Animal Services.
5. Any person who maintains or operates an animal establishment shall pay an annual permit fee as provided hereinafter. If any person shall own or operate more than one (1) facility, he shall be required to have a permit for each facility.
6. The annual permit fee shall be one-hundred dollars (\$100.00).

B. Issuance and revocation of Animal Establishment Permits.

1. St. Tammany Parish Animal Control Officers shall be required to conduct all inspections

of animal establishments, and Department of Animal Services shall issue permits in compliance with this part and revoke permits for establishments not in compliance with this part.

2. The Department of Animal Services shall have the right of entry, at reasonable hours, on premises affected by this title and into all areas where animals are kept and maintained, for inspection to ascertain if the permittee is in compliance with the standards as set forth in section A2. Failure of the owner to comply with the standards as stated therein shall be cause for the revocation of the permit and/or a misdemeanor summons to be issued.
3. If the St. Tammany Parish Department of Animal Services, after inspection, determines that the permittee is in violation of this part, it shall advise the permittee in writing of the violations and shall further inform the permittee that its failure to comply with the standards as provided in section A2 shall be cause for the removal of animals from such premises or areas and/or a misdemeanor summons may be issued. The Department of Animal Services shall give the permittee fourteen (14) days from receipt of the written notice to comply with the standards. Extended periods may be granted for good cause shown. If it shall be necessary for the Department of Animal Services to remove or cause to be removed any animals as provided herein, it shall return the animals to the permittee upon compliance with this part. The permittee shall compensate the Department of Animal Services or boarder at a reasonable daily rate per animal.
4. Any person aggrieved by the decision of the Department of Animal Services regarding violations of this part and its decision to suspend or revoke the permit upon the failure of the permittee to comply with this part, may take an appeal to a St. Tammany Parish Hearing Officer with fifteen (15) days of receipt of written notification. The appeal is taken by filing a written notice of the aggrieved persons intent to appeal with the Department of Animal Services.
 - (a) The decision of the Department of Animal Services shall be final unless appealed within the time and in the manner as set forth above. If it was necessary for the Department of Animal Services to remove or cause to be removed any animals as provided herein, and the permittee has failed to comply and has not timely appealed to the St. Tammany Parish Hearing Officer, the animals may be put up for adoption or humanely euthanized.
 - (b) If an aggrieved person timely appeals to the St. Tammany Parish Hearing Officer, and the hearing officer determines, based upon the evidence submitted, that the person was not in violation, or has subsequently come into compliance with this part, he may rescind the suspension or revocation of the permit and order the animals returned upon compensating the Department of Animal Services or boarder at a reasonable daily rate per animal.
 - (c) Should the hearing officer determine, based upon the evidence, that the person violated the provisions of this part and has not come into compliance, he may order any of the following, which shall be non-exclusive and shall become final upon expiration of the ten (10) day period for appeal to the Twenty-Second Judicial District Court: (i) that the animals be put up for adoption or be humanely euthanized; (ii) that the violator pay a fine of not less than twenty-five dollars nor more than five hundred dollars; (iii) that the violator pay the costs of enforcement and all reasonable costs for the care and boarding of the animals.
 - (d) Any person aggrieved by a decision of the St. Tammany Parish hearing officer may appeal that decision to the Twenty-Second Judicial District Court. If any animal is in the custody of the Department of Animal Services, such appeal shall be perfected within ten (10) calendar days from the rendition of the order and shall be made returnable to the Twenty-Second Judicial District Court in not more than fifteen calendar days from the rendition of the order. The hearing officer may order the person to post an amount sufficient to cover the cost of boarding and caring for the animal for a period of time not to exceed fifteen days. If the animal is not in the custody of the Department, an appeal of

the decision shall be in accordance with the provisions set forth in Section 1-012.18 of the Code of Ordinances.

5. If an applicant is shown to have withheld or falsified any material information on its application, the Department of Animal Services may refuse to issue a permit or license or may revoke a permit or license.
6. A person denied a permit may not reapply for a permit until after a period of thirty (30) days has elapsed. Each application shall disclose any previous denial or revocation and shall be accompanied by a fee as set forth in this part.
7. The Animal Establishment permit shall be displayed in a conspicuous place, so as to be plainly visible to any member of the general public.
8. Any Animal Establishment selling avians, reptiles, amphibians, rodents, rabbits or other small animals must make a substantial effort to educate the prospective owner on the environmental and dietary requirements of each species being considered. Written materials regarding environmental and dietary requirements of said species and general counseling shall be considered as adequate educational tools.
9. The sale, possession or ownership of any venomous snakes in the Parish, except by an institution of higher education, zoo, or governmental agency, is prohibited.
10. The Department of Animal Services Director shall be empowered to inspect and issue temporary permits that shall be valid, unless revoked, until the annual inspection occurs.
11. It shall be unlawful for any Animal Establishment to offer for sale or trade any animal that is known or suspected to be ill, sick, injured, diseased or the carrier of a disease.
12. Animal Establishments shall keep all sick, injured, or diseased animals in a separate area away from healthy animals until they become healthy or are destroyed.

SEC. 4-135.00 Wild or Exotic Animal

- A. No person may own, possess, or have custody of any wild or exotic animal unless that person first obtains a permit from the Director or is exempted from obtaining such a permit as set forth herein.
- B. No person shall keep or permit to be kept on his or any other premises any wild or exotic animal for display or for exhibition purposes, whether gratuitously or for a fee, including by way of example but not limited to traveling or stationary reptile shows. This section shall not apply to zoological parks accredited by AAZP&A, circuses or veterinary clinics, performing animal exhibitions or governmental institutions.
- C. No person may sponsor, promote, or train a wild or exotic animal in, or attend as a spectator, any activity or event in which any wild or exotic animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed or displayed in such a way that the animal is abused or mentally or physically stressed or has the potential to injure a human being. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event, whether gratuitous or fiscal.
- D. No person shall own, keep or harbor any venomous snake in the parish, except institutions of higher learning, zoos or governmental agencies.
- E. No person shall allow a wild or exotic animal to escape.
- F. Permits: All applicants shall complete and submit an application form prior to licensing.

I. Exemptions; Standards for Issuing Permits.

- a. The following persons are exempt from the permit requirement of section.
- i. A person possessing or having temporary custody of a sick, orphaned or injured wild animal solely for the purpose of temporarily keeping or transporting the animal to a licensed veterinarian or permitted wildlife rehabilitator or animal shelter, or to a federal, state, or local governmental official with authority to handle the animal.
 - ii. Licensed veterinarians tending to injured or sick wild and/or exotic animals.
 - iii. Any "research facility" within the meaning of section 2(d) of the Federal Animal Welfare Act, 7 USC section 2132(e), licensed by the Secretary of Agriculture of the United States pursuant to that act.
 - iv. The Department of Animal Services or any agent or official thereof, acting in an official capacity.
 - v. Any agency or official of the federal, state, or local government, acting in an official capacity.
 - vi. A zoo that is an accredited member of the AAZP&A.
 - vii. State universities or other state agencies working with wild or exotic animals.
 - viii. Circuses.
 - ix. Agricultural operations as defined in R.S. 3:3602.
- b. Persons applying for permits must demonstrate to the Director:
- i. That the facility is not in a recognized subdivision in the parish.
 - ii. That the proposed ownership, possession or custody of the wild or exotic animal will enhance the species in question.
 - iii. That the applicant possesses the scientific and animal husbandry credentials and material resources to implement the proposed species enhancement program.
 - iv. That the applicant will be able to comply with the minimum care standards.
 - v. That the wild animal or exotic will not be kept as a pet.
 - vi. That the applicant will be able to comply with any other applicable state, local or municipal laws, titles or regulations, including those issued by the director under authority of this chapter.
 - vii. That the wild or exotic animal in question will not be used, directly or indirectly, in activities or events prohibited by section.
 - viii. That the applicant can comply with all other terms, conditions and requirements as set forth by the director.
 - ix. That every animal be inspected by a licensed veterinarian every year that upon a determination that the animal is in good health, shall issue a health

certificate and shall forward said certificate to the Department of Animal Services.

- x. That the animal will not endanger the public health and safety and will be housed in a manner to prevent escape and to enable species-typical activities.

2. Requisite Provisions of the Permit:

- a. Any permit issued shall be consistent with the purpose and other provisions of this title.
- b. The permit must specify:
 - i. The number, species and exact identification of the individual animals authorized to be owned, possessed or held by the permit.
 - ii. The location where each animal will be kept.
- c. The Director may promulgate by rule any additional conditions or restrictions to be contained in permits consistent with the purpose and provisions of this title.

3. Application Procedure:

- a. Each applicant for a permit shall submit a written application to the Director, prior to possessing any animals in the parish.
- b. Duration of Permit: The permit shall authorize the applicant to own, possess, or have custody of all animals specified in the permit for a period of one (1) year or for a shorter period if deemed necessary by the director and specified on the permit.
- c. Renewal of Permits: The Director may renew a permit annually, after inspection, upon the applicant showing that the applicant continues to comply with all the requirements of this title.
- d. Fees: The fee per permit is one hundred dollars (\$100.00) annually.
- e. Modification or Revocation of Permit.
 - i. The Director shall have the power to modify or revoke any permit issued pursuant to this section for any of the following reasons:
 - a. In order to make the permit conform to any regulation promulgate by the Director.
 - b. In any case where the terms and conditions of the permit are violated.
 - c. Where a wild or exotic animal owned or possessed pursuant to a valid permit is found in the custody, care, possession or control of any person other than the permit holder or his agent or other persons specified on the permit, except when such animals are involved in formal breeding or propagation, loan agreements between zoological parks, aquariums, private breeders or rehabilitators with proper permits.

- d. In any case where the permit holder or other person with possession or custody of the animals is found not to meet the minimum care standards or has violated any provisions of R.S.14:102.
 - e. When the number of animals listed on the permit changes, except in regard to animals that have given birth or have died: and these changes must be reported to the animal control center within one (1) month of the event.
 - f. In any case where the permit holder or his agents denies the Director or his agents access for inspection.
 - g. For nonpayment of any fees due under the provisions of this chapter.
- ii. If the Director revokes the permit, the animal shall be permanently removed from the custody of the permit holder and forfeited to the director to be disposed of accordingly.
 - iii. The Director's decision to revoke the permit can be appealed to the St. Tammany Parish Adjudication within fifteen (15) days after the revocation.
4. Grandfather clause.

Any wild or exotic animal which is housed or kept in the parish prior to this title becoming law, must meet all requirements of this title and be inspected and permitted or denied a permit by the director within six (6) months of the effective date of this title.

5. Liability insurance for wild or exotic animals.

The owner or keeper shall present to the director of the animal control center proof that the owner or keeper has procured liability insurance in the amount of at least two hundred thousand dollars (\$200,000.00), covering any damage or injury which may be caused by such animal during the twelve-month period for which licensing is sought, which policy shall contain a provision requiring the parish to be named as an additional insured and the parish shall be notified by the owner or keeper of any cancellation, termination or expiration of the liability insurance policy.

SEC. 4-136.00 Reserved

REPEAL: The amendment, which is limited in its scope and application to the particular Division, Sections and subparagraphs amended, shall not be held to repeal any previously existing ordinance or parts of ordinances, including any provision of Zoning Ordinance 523, Subdivision Regulatory Ordinance 499 and the Building Code of St. Tammany Parish.

CONFLICTS: In the event of a conflict with any other ordinance or regulation, the provisions of this ordinance are to be so interpreted as to be in harmony with, preserve, and effectuate the manifest intent of the St. Tammany Parish Council, and an interpretation should be avoided which would operate to defeat the purpose and object of the ordinance.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

Moved for Adoption by _____, **Seconded by** _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2009 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2008

Published adoption: _____, 2009

Delivered to Parish President : _____, 2009 at _____

Returned to Council Clerk: _____, 2009 at _____