

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4165 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

SPONSORED BY: MR. DEAN PREPARED BY: COUNCIL OFFICE

INTRODUCED BY: MR. FALCONER SECONDED BY: MR. DEAN

ON THE 1<sup>ST</sup> DAY OF OCTOBER, 2009

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 4 ANIMALS, FOWL AND REPTILES, ARTICLE V ANIMAL CONTROL, SECTION 4-125.00 PUBLIC NUISANCE, AND ORDINANCE C.S. NO. 09-2000, ADOPTED FEBRUARY 05, 2009, TO PROHIBIT ROADSIDE AND PARKING LOT SALES OF ANIMALS THROUGHOUT THE UNINCORPORATED AREAS OF ST. TAMMANY PARISH (WARD 1, DISTRICT 1).

WHEREAS, it is deemed necessary to prohibit animal sales in restricted areas of St. Tammany Parish with efforts to avoid sales from roadsides and parking lots that potentially create a nuisance, to avoid the sale of sick and diseased animals originating from "puppy mill" breeding, and to avoid "impulse buying," resulting in abandonment; and

WHEREAS, the St. Tammany Parish Code of Ordinances includes SECTION 4-128.00(B)(1), Unwanted Animals, allowing owners of unwanted animals to 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.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Parish Code of Ordinances, Chapter 4, Article V, Section 4-125.00 Public Nuisance, and Ordinance C.S. No. 09-2000, adopted February 5, 2009, by adding new paragraph M to prohibit animal sales, exchanges or donations in restricted areas and to otherwise provide as follows, to-wit:

CHAPTER 4 ANIMALS, FOWL AND REPTILES

ARTICLE V ANIMAL CONTROL

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 stench 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. Raffle 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. No person shall sell, exchange, barter, trade, lease, rent, give away, or display for such purposes any live animal on any roadside, public right-of-way, parkway, median, park, playground, or other recreational area, flea market, commercial or retail parking lot, or property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not.

(1) Exception: This section shall not apply to humane societies, animal welfare groups, animal control agencies or non-profit organizations sponsoring animal adoption events.

**M. N.** 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 N** (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.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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 Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_, SECONDED BY: \_\_\_\_\_

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

YEAS:

NAYS:

ABSTAIN:

ABSENT

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ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_  
PAGE 4 OF 4

THIS ORDINANCE WAS DECLARED 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: September 24, 2009  
Published adoption on: \_\_\_\_\_, 2009  
Delivered to Parish President: \_\_\_\_\_, 2009 @ \_\_\_\_\_  
Returned to Council Clerk: \_\_\_\_\_, 2009 @ \_\_\_\_\_