

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6708

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: LORINO/COOPER

PROVIDED BY: CIVIL ADA

INTRODUCED BY: MS. O'BRIEN

SECONDED BY: MR. BINDER

ON THE 3 DAY OF JUNE , 2021

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 10, ARTICLE IV ANIMAL CONTROL AND WELFARE, SECTIONS 10-641 THROUGH 10-692 TO PROVIDE DEFINITIONS AND REGULATIONS FOR THE MANAGEMENT OF COMMUNITY CAT POPULATIONS AND THE MODIFICATION OF STANDARDS FOR INVISIBLE FENCING.

WHEREAS, the last comprehensive revision of this Article occurred in 2016, and periodic reviews of existing ordinances are useful in assuring that the ordinances are correct and up to date; and

WHEREAS, a local law addressing feral and community cats will reduce the population of free-roaming cats, reduce annoyance caused to come people by feral or community cats, positively affect the health and welfare of feral and community cats, and reduce the problems sometimes associated with feral or community cats; and

WHEREAS, the trap-neuter-vaccinate-return (TNVR) method is the only proven mechanism to stabilize and/or reduce existing feral and community cat populations and address potential disease concerns; and

WHEREAS, St. Tammany Parish Government endorses TNVR policies as the model to stabilize and/or reduce existing feral and community cat populations, which would address potential disease concerns and increase the quality of life for both the citizens of St. Tammany Parish as well as the feral and community cat populations; and

WHEREAS, it is in the best interest of St. Tammany Parish Government to protect the health, safety, and welfare of feral and community cats as well as Parish residents by setting standards for management of feral and community cats; and

WHEREAS, proper standards for the use of an underground "invisible" fencing can help restrain animals in their owner's yard, and prevent unwanted contact with other animals and humans.

WHEREAS, it is necessary to amend Article IV of Chapter 10, thereby replacing the existing Sections, Sections 10-641 through 10-692, upon the enactment of those Sections 10-641 through 10-692 as set forth below.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Article IV of Chapter 10 of the St. Tammany Parish Code of Ordinances is hereby amended and reenacted in its entirety and, as amended, the existing Sections 10-641 through 10-692, shall be replaced with Sections 10-641 through 10-692 as set forth below.

ARTICLE IV. - ANIMAL CONTROL AND WELFARE

Sec. 10-641. - Applicability.

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

Sec. 10-642. - Definitions.

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

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, section 2-542.

Animal means 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 term "animal" shall mean only mammals.

Animal control officer means an employee of the parish with enforcement authority as set forth in section 10-643.

Animal establishment means a facility operated as a pet shop, grooming shop, commercial, public, or private kennel, boarding or training animals 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 establishments must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit pursuant to section 10-667.

Animal shelter means the parish shelter that is operated by the parish department of animal services, as designated by the parish council.

At large. ~~An animal shall be deemed to be at large when: (1) The animal is off the premises of its owner or keeper and not under the immediate control of a responsible person; or (2) The animal is left unattended while outdoors and upon unenclosed land.~~

(1) Dog: A dog shall be considered at large if it is not within the confines of its owner's home, yard, a dog pen, primary enclosure, or automobile, or it is not on a chain or tether which restricts the animal to the confines of its owner's property, or on a leash longer than six (6) feet.

2(2) Cat: A cat shall be considered at large if it is not within the confines of its owner's home, cat yard, primary enclosure, on a leash longer than six (6) feet, or in the owner's physical possession.

2(3) Exception: Hunting or stock dogs, show dogs or cats, community cats, government or law enforcement animals actively being worked or other animals being worked or shown under the physically present supervision of their owners, handlers, agents or employees of owners.

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

Breeder means 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 means any member of the Felis catus classification of the Felidae species (i.e., any domestic member of the feline family).

Commercial kennel/breeder means any person, partnership, or corporation engaged in the commercial breeding of animals for sale individually or in litter lots, or in the boarding, training, sale or hire of animals 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 kennels/breeders must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit pursuant to section 10-667.

Commercial livery stable means 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 livery stables must be in compliance with all applicable zoning, land use and permit regulations.

Commercial stable means any stable where any charges are made to accommodate equine species. Commercial stables must be in compliance with all applicable zoning, land use and permit regulations.

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

Community cat means ny altered or unaltered cat, having been found to be at large and lacking identifying information for an owner/keeper and may or may not be feral. Community cats shall be distinguished from other cats by being sterilized, vaccinated against rabies, microchipped, and ear tipped. Qualified community cats shall be exempt from licensing, stray and at-large provisions of this title, and may be exempt from other provision of this title as they pertain to owned animals.

2*Community cat caretaker* means any person who is not an owner, keeper, custodian or harbinger, and who provides food and/or water to a community cat or cats.

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

Dangerous animal means 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 article.

Dealer means 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 means the parish department of animal services.

Dog means any member of the *Canis familiaris* classification of the *Canidae* species (i.e., any domestic member of the canine family).

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

Enclosure, except in the case of a primary enclosure or a secure enclosure or pen required for dangerous animals, 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:

(1) 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

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

Enclosure for dangerous animals; 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 animal, the pen or structure must have minimum dimensions that measure four feet wide, ten feet long and six 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 to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

Euthanasia means 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 animal noise means excessive or untimely barking, howling, yelping, or other animal noise that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within one's home or unreasonably interferes with the use of one's 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 stenches 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 means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed. Grooming shops must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit.

Impounded means taken into the custody of the parish department of animal services.

Livestock means cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised raptures, and other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals placed under the jurisdiction of the commissioner of agriculture and forestry and any hybrid, mixture, or mutation of any such animal.

Owner means 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 means a domesticated animal kept for companionship rather than primarily being kept for utility; for the purposes of this article, livestock shall not be included in the classification of pet.

Pet shop means 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. Pet shops must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit.

Police service dog or any dog affiliated with police service means 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 means any person who maintains, within or adjoining his residence, a kennel housing more than five animals over four months of age, which animals are for that person's personal or 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, and must obtain a permit.

Private stable means any stable operated by or for a private owner where no charge is made or other compensation is made for the use of facilities. Private stables must be in compliance with all applicable zoning, land use and permit regulations.

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

Proper invisible fencing means any such fencing utilizing an electronic restraining correction system, which when combined with proper training and conditioning, and direct supervision of the owner, prevents an animal from leaving the owner's property. The use of electrically charged fencing for the confinement of companion animals or pets is not permitted.

Proper shelter means providing each animal 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.

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 24 hours or more must be afforded veterinary care within 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 means 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 means 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. Public kennels must be in compliance with all applicable zoning, land use and permit regulations, and must obtain a permit.

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.

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 animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Tasks performed can include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button. Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either. The work or tasks performed by a service animal must be directly related to the individual's disability. It does not matter if a person has a note from a doctor that states that the person has a disability and needs to have the animal for emotional support. A doctor's letter does not turn an animal into a service animal.

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 includes 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 "stable" includes existing stables as well as new construction. Stables must be in compliance with all applicable zoning, land use and permit regulations.

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 means 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 means inoculation with a recognized anti-rabies vaccine, approved by the state department of health and hospitals (DHH).

Vicious animal means any animal previously classified as a dangerous animal, in accordance with the dangerous animal section of this article, 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 article.

Wild or exotic animal means any live monkey, primate, raccoon, 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, reptile, amphibian, 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 six 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. 10-643. - Enforcement authority.

(a) *Animal control officers.*

(1) The animal control officers of the parish department of animal services (DAS) are employees of the parish who are authorized and empowered to administer and enforce the provisions of this article.

(2) Any animal control officer is empowered to administer and enforce the provisions of this article that are within the jurisdiction of the bureau of administrative adjudication, and may seek the enforcement of any criminal violation of this article through the office of the district attorney of the 22nd Judicial District.

(3) 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 article or state law including but not limited to animals at large, animal cruelty, dogfighting, 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 (R.S. 3:2501).

(b) *Sheriff of the parish.* Nothing contained herein is intended to or shall abrogate or supersede the general police authority vested in the parish sheriff. The authority granted to P.O.S.T. certified employees of the 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 article 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. 10-644. - 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 14:102.1 through 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 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. 10-645. - General duties of all animal owners.

(a) 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.

(b) 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.

(c) 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 article are complied with.

Sec. 10-646. - 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:

(1) *Excessive noises.* Excessive or untimely barking, howling, yelping, or other animal noise that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within one's home or unreasonably interferes with the use of one's residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.

(2) *Attack.* Attacking or molesting a person or animal or chasing vehicles.

(3) *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. The term "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. No community cat shall be declared a nuisance solely for running at-large.

(4) *Enticing or releasing animals.* It shall constitute a violation of this article 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.

(5) *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 in violation of the provisions of this article.

(6) *Premises maintained.* 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.

(7) *Animals in heat.* 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.

(8) *Cleanliness of containment areas.* 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.

(9) *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.

(10) *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.

(11) *Animals as prizes.* 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 the purposes of this section, an animal shall include, but is not limited to, fish, rabbits, birds, cats and dogs.

(12) *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 150 feet of the parade route or the site of such public events for the duration of the parade or event.

a. 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.

b. 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.

c. 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.

d. For the 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.

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

(14) *Penalties and enforcement for violating this section Article.*

a. *Misdemeanor enforcement.* Whoever violates any provision of this ~~section~~ Article, or any of its sections or subsections, or fails or neglects to perform any duty imposed by it, shall be fined not less than \$ 25.00 nor more than \$ 500.00, or imprisoned for not more than 30 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.

b. *Administrative enforcement.* In lieu of, or in addition to, enforcement under the misdemeanor provisions of subsection (14)a. of this section, whoever violates any provision of this ~~section~~ Article, or any of its sections or subsections, or fails or neglects to perform any duty imposed by it, may be served with notice to appear before the parish administrative hearing officer in accordance with the provisions governing the bureau of administrative adjudication, section 2-542,et.seq. 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. 10-647. - 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. The term "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.

(1) *Confinement by owner.*

a. *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:

1. 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

2. Not allow ready and unobstructed access to the animal by the general public.

3. Invisible fencing, Electronic fences, incorporating the use of electrical charges, coupled with an appropriate collar, 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. except in In cases when an animal is under the direct supervision of its owner, when combined with proper training and conditioning, and is a fully operational invisible fence is utilized, this shall be considered an acceptable primary enclosure.

4. Property utilizing invisible fencing shall have warning signs posted on all sides of the yard warning persons that an invisible fence is being used as confinement and that an animal is present. Signs shall be plainly marked and visible.

25. Owners of animals which animal is in estrus, intact, dangerous or vicious, or has escaped more than once in the past, or has threatened to or has bitten a human or other animal, are banned from utilizing invisible fencing as a method of confinement.

26. Owners of animals that have escape more than once but which have not threatened to or bitten a human or other animal may be allowed to utilize an invisible fence system, only with the written permission of the Director of Animal Service.

7. The use of electrically charged fencing for the confinement of companion animals or pets is not permitted.

b. *Tethering.* It shall be unlawful to tether a dog, except as follows.

1. The tether is attached to the dog by means of a suitable, properly-fitted collar or harness not exceeding two inches in width. Choke or prong collars are not permitted.

2. The tether provides access to adequate space for the dog to move about freely and cannot become entangled in such a way that would prevent the dog's mobility or cause strangulation.

3. At minimum, the tether should be four times the length of the dog from the tip of nose to the tip of the tail and the tether must allow the dog to lie down with its head flat on the ground and provide an additional 12 inches of slack.

4. The tether is made of a durable, lightweight material that will not cause unnecessary stress on the dog. The tether shall not weigh more than three percent of the dog's total body weight. Thick chains and other heavy lines are prohibited.

5. The tether allows the dog to move at least 30 feet. Otherwise, the dog must be removed from the tether at least twice a day for exercise and/or socialization for a minimum of 60 minutes each day.

6. The tether does not inhibit the animal's access to shelter, shade, food and water; and

7. Intact dogs may not be tethered under any circumstances.

(2) *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 parish department of animal services. Animals found at large by the 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. The provisions of this subsection shall not apply to community cats.

(3) *Penalties and enforcement for violating this section.*

a. *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 \$ 25.00 nor more than \$ 500.00, or imprisoned for not more than 30 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.

b. *Administrative enforcement.* In lieu of, or in addition to, enforcement under the misdemeanor provisions of subsection (3)a. of this section, 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 parish administrative hearing officer as set forth in section 2-542. The fine shall be not less than \$ 25.00 nor more than \$ 500.00 and the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.

(4) *Escaped dogs and cats.* Should any dog or cat while at large be captured, or is sought to be captured, by officers of the 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 subsection (3) 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 department of animal services, the refusal shall be a violation of this article and such person shall

be subject to administrative enforcement and the civil penalties provided for in subsection (3)b. of this section.

(5) *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 10-649(b).

(6) *Dangerous and vicious animals.* Owners or keepers of dangerous and vicious animals shall be subject to the provisions and requirements set forth in sections 10-659 and 10-664.

(7) *Exceptions.* 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. 10-648. - 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 three months old to register same with the 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 \$ 8.00 for each sterilized animal and \$ 20.00 for each non-sterilized animal. In the event a license tag is lost, a duplicate tag may be issued for a replacement fee of \$ 1.00 upon presentation of the original license receipt to the issuing agency. Veterinarians collecting such annual fees are entitled to retain \$ 2.00 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. The department of animal services shall annually post the current fees on the parish website, as well as in the public waiting area at the shelter.

(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.
- (5) Community cats are exempt from licensing.

(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 the 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 subsection (g)(2) of this section.

(f) *Financial responsibility.* The 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 subsection (g)(2) of this section, whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, shall be fined not less than \$ 25.00 nor more than \$ 100.00 and the costs of prosecution or enforcement, or imprisoned for not more than 30 days, or both.

(2) Any person who counterfeits, imitates or alters the license tag provided by the 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 \$ 100.00 and the costs of prosecution or enforcement, or imprisoned for not more than 30 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 subsection (g) 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 subsections (g)(1) and (2) of this section.

Sec. 10-649. - 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:

Adopter means a person who is legally competent to enter into a contract and who is adopting an animal from the releasing agency.

Adult animal means any animal that has reached the age of 180 days or more.

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 animals from outside the parish or state into unincorporated St. Tammany Parish for the purpose of having such animals adopted. The term "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 the parish.

Releasing agency means the department of animal services. The term "releasing agency" does not include an individual who occasionally renders humane assistance or shelter in the individual's home to an animal.

Sterilization means the surgical removal of the reproductive organs of an animal 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 animal will immediately be put up for adoption, provided it has been deemed adoptable by the department of animal services. Animals 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 animal 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 animal 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 animal will be held for at least five days (not to include Saturdays, Sundays and holidays) to give the owner time to search for and claim it. The stray hold period for dogs is five days (not to include Sundays and Holidays). The stray hold period for cats is three days (not to include Sundays or Holidays). At the end of the three day stray hold period, a cat can be put up for adoption or treated as a Community Cat. Community cats are not subject to a stray hold and may be sterilized, ear tipped, microchipped, rabies vaccinated and returned to their outdoor home on a time frame acceptable to the department. If the animal is reclaimed, the owner shall be responsible to pay the reclaim fee and costs of necessary medical care.

b. If the animal has identification of its owner, the owner shall be provided written notice that the animal must be claimed, and the owner reclaim fee paid, within seven days of receipt of said notice. If the animal 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 animal 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 animal will immediately be put up for adoption, provided it has been deemed adoptable by the department of animal services. Animals 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 potentially dangerous, dangerous, or vicious animals, which shall be governed by the provisions of sections 10-659 and 10-664.

f. The department is authorized to waive the owner reclaim fee set forth in subsection (4) of this section, if the owner reclaiming an animal agrees to sterilization of the animal.

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

(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 microchip identification prior to the adoption. The department of animal services is authorized to perform the sterilization, vaccination and microchip procedures.

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

1. The date of the agreement.

2. The name, address and signature of the releasing agency and the adopter.

3. 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.

4. A statement, printed in conspicuous bold print, that sterilization of the animal has been performed.

5. A statement that the adopter guarantees that the animal will receive a health examination, heartworm check, general disease vaccinations and rabies vaccinations.

6. 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 article. 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 \$ 100.00.

d. The sterilization requirements do not apply to an animal 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.

(4) *Fees.*

Adoption fee-Dog -~~\$ 65.00~~ \$ 75.00 (sterilization, vaccine and microchip)

Adoption fee-Cat -~~\$ 40.00~~ \$ 60.00 (sterilization, vaccine and microchip)

Owner first-time reclaim fee - ~~\$ 25.00, plus \$ 5.00/day boarding fee~~ Spayed or neutered: \$ 30.00, plus \$ 10.00/day boarding fee Unaltered: \$ 40.00, plus \$ 10.00/day boarding fee, plus any medical treatment given.

Owner second-time reclaim fee - ~~\$ 50.00, plus \$ 5.00/day boarding fee~~ Spayed or neutered: \$ 60.00, plus \$ 10.00/day boarding fee Unaltered: \$ 80.00, plus \$ 10.00/day boarding fee, plus any medical treatment given.

Owner third-time reclaim fee - ~~\$ 100.00, plus \$ 5.00/day boarding fee~~ Spayed or neutered: \$ 120.00, plus \$ 10.00/day boarding fee Unaltered: \$ 160.00, plus \$ 10.00/day boarding fee, plus any medical treatment given.

Rabies quarantine (bite cases) - \$ 150.00

Animal brought in by non-parish resident - ~~\$ 15.00 per animal~~ \$ 25.00 per animal

Parish tag - \$ 8.00 per year for each sterilized animal - \$ 20 for each non-sterilized animal

a. 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.

b. 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. The updated animal service fees shall be posted on the parish website, as well as in the public waiting area at the shelter.

(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 (CAET) through the state 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.

(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 animals 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, and has provided the department with:

- a. 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.
- b. The proper name of the releasing agency.
- c. If an out-of-state agency, proof of registration with the Louisiana Secretary of State to conduct business in Louisiana.
- d. Certification to act on behalf of the agency.
- e. Listing of the animals to be adopted.
- f. Copy of the adoption agreement to be used, if it is not the one utilized by STPDAS.
- g. Certification that the animals have been sterilized prior to their adoption.
- h. Certification that the animals have not been deemed potentially dangerous, dangerous, or vicious by any agency or jurisdiction.

(2) The responsible person and/or representative signs an agreement to comply with the adoption procedures set forth in subsection (b)(3) of this section and to provide the department with a copy of each of the adoption agreements within ten days of the agreement being signed.

Failure to register or timely provide a copy of the required adoption agreement shall constitute a separate violation of this article and shall be subject to the imposition of a civil penalty of not less than \$ 100.00 nor more than \$ 300.00 for each violation.

Sec. 10-650. - Simple cruelty to animals; minimum care standards.

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

- (1) Overdrives, overloads, drives when overloaded, or overworks a living animal.
- (2) Torments, cruelly beats or unjustifiably injures any living animal, whether belonging to himself or another.
- (3) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care as set forth hereinbelow:

a. 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.

b. 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.

c. 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.

d. 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 24 hours or more must be afforded veterinary care within 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.

(4) 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 parish animal services center at no cost to the owner to be made available for adoption or other disposition at the discretion of the parish department of animal services.

(5) 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.

(6) 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.

(7) 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.

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

(9) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal.

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

(11) An animal found running at large and brought to the animal services center will be processed in accordance with section 10-647.

Sec. 10-651. - 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 24 hours of the seizure.

(2) The seizing officer shall photograph the animal within 15 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. The department of animal services is a suitable custodian.

(4) The seized animal shall be held by the custodian provided for in subsection (b)(3) of this section for a period of 15 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) of this section, 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)(4) of this section by posting a bond with the court within 15 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 30-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)(4) of this section at the end of the 30-day period covered by the bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for an additional 30-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) of this section 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) of this section, 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.

Sec. 10-652. - 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 10-650, 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 10-650. 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.

Sec. 10-653. - Confined animals; necessary food and water.

When a living animal is impounded or confined in violation of section 10-650(a)(1)e, and continues without necessary food and water for more than 24 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.

Sec. 10-654. - 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 10-650(a)(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. 10-655. - Simple cruelty; criminal penalties.

(a) Whoever commits the crime of simple cruelty to animals shall be fined not more than \$ 1,000.00, or imprisoned for not more than six months, or both.

(b) 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.

Sec. 10-656. - Simple cruelty; administrative hearings.

(a) Administrative enforcement of a violation of sections 10-650, 10-653 and 10-654 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 section 10-650, 10-653 or 10-654 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 parish phone directory at least one attempt shall be made to notify the person by telephone.

(1) 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.

(2) 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 15 consecutive days, including weekends and holidays, or pending the administrative hearing.

(3) 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 15 days of the date of the notice of violation.

b. The owner may appeal the department's determination that the animal has been cruelly treated by appealing the determination, in writing, within 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 15 days of the date of the notice.

c. The notice shall inform the owner or keeper that the animal will be held for 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 2-542, 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 section 10-650, 10-653 or 10-654, 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 article (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 \$ 500.00 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 subsection (d)(1) of this section 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 \$ 500.00 may be imposed for each violation plus costs.

(e) Any person aggrieved by a decision of the parish hearing officer may appeal that decision to the 22nd Judicial District Court. Notwithstanding the provisions of section 2-565, if the animal is in the custody of the department of animal services, such appeal shall be perfected within ten calendar days from the rendition of the order and shall be made returnable to the 22nd Judicial District Court in not more than 15 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 15 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 2-565.

(a) The following are the minimum requirements for housing all pets in kennels, cages, tanks or other enclosures:

Species - Weight or Age - Minimum Housing Dimensions - Number of Animals

Width - Depth - Height

Adult dogs in cages - 0-35 lbs.

36" (A) - 36" (A) - 30" (A) - 1

60" (A) - 60" (A) - 30" (A) - 2

90" (A) - 90" (A) - 30" (A) - 3 max.

36-65 lbs.

36" (A) - 72" (A) - 36" (A) - 1

72" (A) - 72" (A) - 36" (A) - 2 max.

66 lbs. and over

72" (A) - 72" (A) - 48" (A) - 1 max.

Puppies in cages

0-15 lbs.

30" - 30" - 24" - 1

30" - 30" - 24" - 2

36" - 36" - 24" - 3

48" - 48" - 24" - 5 max

Adult cats in cages

Any size

24" - 24" - 24" - 1

36" - 36" - 24" - 2 max.

Kittens in cages

Up to 4 mos.

24" - 24" - 24" - 1

24" - 24" - 24" - 2

36" - 36" - 24" - 3

48" - 48" - 24" - 4

60" - 60" - 24" 5 max.

Rabbits and guinea pigs in cages

Any size

24" - 24" - 24" - 2 max.

36" - 36" - 24" - 3

48" - 48" - 24" - 5 max.

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

48" - 108" (Min. 12" higher than dog) - 2

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. Stores offering chicks, ducklings, goslings or other live creatures for sale shall provide the necessary brooders or other heating devices and shall see that such creatures shall not be overcrowded, and shall keep adequate food and water available at all times.

(f) Reptiles. In addition to requirements for this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment or devices shall be non-injurious, and may include, but are not limited to ambient temperature, hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a non-injurious substrate, including but not limited to gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet. Arboreal species of snakes or lizards shall be provided with a perch of sufficient height to allow for such specimen to perch or bask without any portion of its body or tail touching the floor, sides or roof of the enclosure. Enclosure sizes for all snakes or lizards shall be based on the total length of the longest specimen in the enclosure.

(1) *Snakes and glass lizards.*

a. Snakes, except as otherwise provided, and glass lizards: For up to two specimens, a cage or enclosure having a perimeter equal to the length of the longest specimen, the width of the cage shall be ten inches or not less than 30 percent of the length of the longest specimen whichever is greater, and enclosure shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by ten percent.

b. Blood pythons or large constrictors that exceed 12 feet upon maturity: boas, pythons, or anacondas.

1. Specimens up to five feet in length. For up to two specimens, a cage or enclosure 2.5 feet by one foot. For each additional specimen increase perimeter by ten percent. Constrictors of this size possessed for exhibition or sale are exempt from this minimum cage requirement but shall meet the requirements as indicated for snakes and glass lizards.

2. Specimens five feet to 12 feet in length. For up to two specimens, a cage or enclosure with a perimeter equal to 1.25 times the length of the longest specimen. The width of the cage shall not be less than 30 percent of the length of the longest specimen and shall not be required to exceed three feet. For each additional specimen, increase perimeter by ten percent.

3. Specimens greater than 12 feet in length. For up to two specimens, a cage or enclosure with a perimeter equal to the length of the longest specimen. The width of the cage shall not be required to exceed three feet. For each additional specimen, increase perimeter by ten percent.

(2) *Lizards (other than glass lizards).*

a. Lizards up to six inches in length. For one or two lizards, a cage or enclosure 12 inches by eight inches, six inches high. For each additional lizard, increase enclosure size by one inch in length and width.

b. Lizards seven to 12 inches in length. For one or two lizards, a cage or enclosure 20 inches by ten inches, 12 inches high. For each additional lizard, increase size by two inches in length and width.

c. Lizards 13 to 24 inches in length. For one or two lizards, a cage or enclosure 30 inches by 12 inches, 12 inches high. For each additional lizard, increase size by three inches in length and width.

d. Lizards 25 to 36 inches in length. For one or two lizards, a cage or enclosure 48 inches by 16 inches, 20 inches high. For each additional lizard, increase size by ten inches or 25 percent in length and width.

e. Lizards 37 inches to six feet in length. For one or two lizards, a cage or enclosure six feet by three feet, four feet high. For each additional lizard, increase size by 25 percent of the original floor area.

f. Lizards over six feet in length. For one or two lizards, a cage or enclosure nine feet by six feet, 4.5 feet high. For each additional lizard, increase the size by 25 percent of original floor area.

(3) *Turtles, tortoises and box turtles.* Each enclosure for turtles, tortoises and box turtles shall have a pool of water. The pool area shall equal no less than two times the shell width by two times the shell length. For turtles, other than tortoises and box turtles, such pool shall allow submersion of the largest

turtle. For soft-shelled turtles, a non-abrasive pool bottom is required. Enclosure and pool sizes for all turtles, tortoises and box turtles shall be based upon the size of the largest specimen in the enclosure.

a. Turtles (other than tortoises and box turtles): For one or two turtles, an enclosure with an area at least five times the shell length by two times the shell width of the largest turtle. The pool area shall equal no less than two times the shell width, by two times the shell length of the largest turtle. A dry resting area equal to the size of the shell of the largest turtle shall be provided. For each additional specimen, increase original floor area and pool area by ten percent.

b. Tortoises and box turtles: For one or two tortoises or box turtles, an enclosure with a floor area ten times the shell size of the largest specimen in the enclosure. For additional specimens, the combined area covered by all their bodies shall not exceed 50 percent of enclosure area.

Sec. 10-658. - Rabies control and attack (bite) cases.

All dogs and cats shall be inoculated by a licensed veterinarian for rabies in accordance with the Louisiana Sanitary Code title 51 and shall wear the metal rabies inoculation tag given by the veterinarian at all times.

(1) Should a dog or any other animal bite a person or be reported to have bitten a person within the limits of the parish, it shall be the duty of the owner, or the person having the same in his possession or under his control, immediately to notify the parish department of animal services, and surrender said dog or animal to any representative of the 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 parish department of animal services. In those cases where the 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 parish department of animal services. It shall be the duty of the parish department of animal services to impound, or cause to be impounded, any such dog or animal for a period of ten days for observation either in the hospital facilities of a licensed veterinarian or at the parish animal services center, or require such animal to be confined securely for a period of ten days by the person owning the same or having possession thereof in such manner and on such premises as may be designated by the parish department of animal services, or the parish department of animal services may order the destruction of such animal and send its head to the bureau of laboratories of the state department of health for a rabies laboratory test. If a dog bites a person on the head or neck and the owner has no record of the dog ever being vaccinated against rabies by a veterinarian, the dog may be euthanized immediately and a tissue sample sent to the State of Louisiana for testing.

(2) Home confinement shall be allowed only if the following conditions are met:

- a. Current vaccination with an approved rabies vaccine;
- b. Approval of the director of the parish department of animal services, or their designee;
- c. Approval of exposed party; and
- d. Agreement to the confinement conditions by the animal owner.

(3) If the director of the 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 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 parish department of animal services. This section shall not apply, except in the discretion of the 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 parish department of animal services.

(4) Should any animal undergoing the ten days observation for having bitten a person show indication of rabies, it shall be the duty of the parish department of animal services to destroy such animal after confirmation of the diagnosis by a licensed veterinarian. The 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 state department of health for a rabies laboratory test.

(5) It shall be the duty of every veterinarian having an animal quarantined for a bite incident to submit a report to the 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.

(6) If the bite case involves allegations of either a potentially dangerous animal, or a dangerous animal, and 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 days' observation period only upon authorization of the parish department of animal services or their authorized representative. Any such animal must have a valid license and vaccination before it may be released.

(7) 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 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 parish department of animal services as it deems advisable in rabies control.

(8) 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.)

a. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal control agency means the department of animal services.

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.

b. 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 \$ 1,000.00 or imprisoned with or without hard labor, for not more than two years, or both.

c. 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 24 hours. The report shall include as much of the following information as is available:

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

2. The nature of the bite or injury that is the subject of the report.

3. Any information about the location of the biting animal and the name and address of any known owner.

4. The name and address of the health care provider.

(9) Any person having possession of or responsibility for any quarantined or confined animal shall immediately notify the 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 parish department of animal services for diagnostic purposes.

(10) In the interest of expediency, if the rabies vaccination records of an animal, reported to have bitten a person, are in the possession of the Department of Animal Services, those records shall be provided by the Department of Animal Services directly to the bite victim upon his/her written request without going through the usual public records request process.

Sec. 10-659. - Dangerous animals.

(a) As used in this section, the term "dangerous animal" means:

(1) Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury that occurs when the person and the animal are off the property of the owner or keeper of the animal;

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

(3) Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the animal; or

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

(b) For the purposes of this section, the term "potentially dangerous animal" means:

(1) Any animal 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 animal.

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

(c) The provisions of this section shall not apply to:

(1) Any animal 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 animal 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 animal, 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 animal 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 animal by teasing, tormenting, abusing, or assaulting the animal.

(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 animal.

(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 animal.

(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 animal.

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

(6) If the injury or damage to a domestic animal was sustained while the animal 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 animal without properly restraining or confining the animal and complying with all other applicable requirements including, but not limited to, the requirement of registering the animal 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 animals 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 animal that bites a person or is reported to have bitten a person within the limits of the parish. In such cases, the provisions of section 10-658 shall also be applicable.

(g) Release from impoundment; hearing and voluntary compliance.

(1) Any animal 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.

(5) Impoundment fee for potentially dangerous or dangerous animal:

2First offense, per animal - Spayed or Neutered \$ 50.00 Unaltered \$ 75.00

2Second offense, per animal - Spayed or Neutered \$ 250.00 Unaltered \$ 300.00

2Fee for boarding at the animal shelter is \$ 15/day per animal.

(h) Destruction. Any animal control officer or law enforcement officer may kill any dangerous or vicious animal 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. 10-660. - 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. If the animal is not under the control of the department of animal services, the proof of compliance must be submitted to the department within 30 days of the date of the signature for voluntary compliance, or the date of an order by the hearing officer, unless a shorter period is stated in the order by the hearing officer. 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 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 microchip 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 subsection (4) of this section, 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 300 pounds and not exceeding six 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.

1. 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.

2. 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 event to the department of animal services within two 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 potentially dangerous animal by the 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. If the animal is not under the control of the department of animal services, the proof of compliance must be submitted to the department within 30 days of the date of the signature for voluntary compliance, or the date of an order by the hearing officer, unless a shorter period is stated in the order by the hearing officer. 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 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 microchip 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 \$ 200,000.00. 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. If the animal is not under the control of the department of animal services, the proof of insurance must be submitted to the department within 30 days of the date of the signature for voluntary compliance, or the date of an order by the hearing officer, unless a shorter period is stated in the order by the hearing officer.

(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. The term "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 feet wide, ten feet long and six 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. The term "restrained" means that whenever the dangerous animal 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:

1. A dangerous dog must be restrained on a leash and collar having a minimum tensile strength of 300 pounds and not exceeding six feet in length; and

2. 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, or walk, 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 animal 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 animal 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 event to the department of animal services within two 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 parish department of animal services.

Sec. 10-661. - Notice of designation as potentially dangerous or dangerous animal.

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 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 15 consecutive days, including weekends and holidays, or pending the administrative hearing.

(3) 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 15 days of the date of the notice of designation.

b. The owner may appeal the department's designation of the animal as potentially dangerous or dangerous by appealing that determination, in writing, within 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 15 days of the date of the notice.

c. The notice shall inform the owner or keeper that the animal will be held for 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 euthanized.

Sec. 10-662. - 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 animal is a potentially dangerous animal or a dangerous animal. If the hearing officer determines that the animal 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. The owner shall not be charged a fee to reclaim the animal.

(b) In every case where the animal is established to be a potentially dangerous or dangerous animal, the court shall enter an order declaring the animal to be a potentially dangerous or dangerous animal and shall direct the owner of the animal to comply with the requirements established for the restraint and confinement of the animal as provided by law and all other requirements applicable to the particular designation. Unless a shorter time is stated in the order, the owner must comply with all requirements within 30 days from the date of the order. If the animal is in the custody of the department, they shall retain the animal until the owner has complied with the court's order. The owner shall be responsible for all reclaim fees, boarding fees, and/or medical fees incurred by the department for housing the animal, all of which must be paid before the animal is released. Whoever violates the provisions of the dangerous animal section shall be fined not more than \$ 300.00 and shall be ordered to pay all costs and expenses of keeping the animal and all costs and expenses required for compliance.

(c) Any person who fails to restrain and confine a potentially dangerous or dangerous animal as ordered by the hearing officer, or fails 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, shall be in violation of the order and shall be fined not less than \$ 100.00 nor more than \$ 500.00. 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) An animal determined by the hearing officer to be a dangerous animal may be humanely euthanized if it is determined that the animal poses an immediate threat to public health and safety. The order shall require that the animal 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. 10-663. - Appeal.

The owner of the animal may appeal to the court of competent jurisdiction an order of the hearing officer determining the animal to be potentially dangerous or dangerous. Notwithstanding the provisions of section 2-565, such appeal shall be perfected within five calendar days from the rendition of the order and shall be made returnable to the 22nd Judicial District Court in not more than 15 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 30 days.

Sec. 10-664. - Vicious animals.

(a) For the purposes of this section, the term "vicious animal" means any animal 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 animal under the criteria set forth in section 10-659(a).

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

(2) Whoever violates the provisions of subsection (c) of this section shall be fined not more than \$ 500.00 or imprisoned for not more than six months, or both.

(b) The provisions of this section shall not apply to:

(1) Any animal 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 animal 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 animal, 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.

(c) Impoundment.

(1) Any law enforcement officer making an arrest for violation of this section may lawfully take possession of all animals 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 animal that bites a person or is reported to have bitten a person within the limits of the parish. In such cases, the provisions of section 10-658 shall also be applicable.

(4) Impoundment fee for vicious animals:

2First offense, per animal - Spayed or Neutered \$ 50.00 Unaltered \$ 75.00

2Second offense, per animal - Spayed or Neutered \$ 250.00 Unaltered \$ 300.00

2Fee for boarding at the animal shelter is \$ 15/day per animal.

Sec. 10-665. - Appeal of vicious animal 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 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 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 15 days of the date of the notice.

(d) The notice shall inform the owner or keeper that the animal will be held for 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. 10-666. - 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 animal is a vicious dog if the hearing officer determines that the animal is not a vicious animal, he shall order the designation rescinded and, if the animal is in the custody of the department of animal services, shall order the animal to be returned to the owner on demand. The owner shall not be charged a fee to reclaim the animal.

(b) In every case where the animal is established to be a vicious animal, the hearing officer shall enter an order declaring the animal to be a vicious animal and ordering the animal to be humanely euthanized. If the animal is not in the custody of the department of animal services, the hearing officer shall order that the animal be immediately surrendered to the custody of the department. The order shall require that the animal 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 animal may appeal to the court of competent jurisdiction an order of the hearing officer determining the animal to be vicious. Notwithstanding the provisions of section 2-565, such appeal shall be perfected within five calendar days from the rendition of the order and shall be made returnable to the 22nd Judicial District Court in not more than 15 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 30 days.

Sec. 10-667. - Animal establishment permits.

(a) *Permits.*

(1) No person shall operate an animal establishment without first obtaining a permit from the parish department of animal services.

(2) The applicant of an animal establishment permit shall abide by all 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, 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 (a)(2) of this section, 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 therefor 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 facility, he shall be required to have a permit for each facility.

(6) The annual permit fee shall be \$ 200.00.

(7) A permit shall be required for all commercial kennels/breeders, public kennels, private kennels, pet shop, grooming shop, or where an owner has more than five animals, excluding livestock, over four months of age.

(b) *Issuance and revocation of animal establishment permits.*

(1) Parish animal control officers shall be required to conduct all inspections of animal establishments, and the 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 subsection (a)(2) of this section. Failure

of the owner to comply with the standards as stated therein shall be cause for the revocation of the permit, a hearing before the bureau of administrative adjudication, and/or a misdemeanor summons to be issued.

(3) If the 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 subsection (a)(2) of this section shall be cause for the removal of animals from such premises or areas, a hearing before the bureau of administrative adjudication, and/or a misdemeanor summons may be issued. The department of animal services shall give the permittee 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 their compliance with this part and the permittee's compensation to the department of animal services 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 parish hearing officer with 15 days of receipt of written notification. The appeal is taken by filing a written notice of the aggrieved person's 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 parish hearing officer, the animals may be put up for adoption or humanely euthanized.

b. If an aggrieved person timely appeals to the 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-day period for appeal to the 22nd Judicial District Court:

1. That the animals be put up for adoption or be humanely euthanized;

2. That the violator pay a fine of not less than \$ 25.00 nor more than \$ 500.00;

3. 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 parish hearing officer may appeal that decision to the 22nd Judicial District Court. If any animal is in the custody of the department of animal services, such appeal shall be perfected within ten calendar days from the rendition of the order and shall be made returnable to the 22nd Judicial District Court in not more than 15 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 30 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 2-565.

(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 30 days has elapsed from the date of the denial. 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. 10-668. - 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 the American Association of Zoological Parks and Aquariums, 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.

(1) *Exemptions; standards for issuing permits.*

a. The following persons are exempt from the permit requirement of this section:

1. 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.

2. Licensed veterinarians tending to injured or sick wild and/or exotic animals.

3. Any "research facility" within the meaning of section 2(d) of the Federal Animal Welfare Act, 7 USC 2132(e), licensed by the Secretary of Agriculture of the United States pursuant to that act.

4. The department of animal services or any agent or official thereof, acting in an official capacity.

5. Any agency or official of the federal, state, or local government, acting in an official capacity.

6. A zoo that is an accredited member of the American Association of Zoological Parks and Aquariums.

7. State universities or other state agencies working with wild or exotic animals.

8. Circuses.

9. Agricultural operations as defined in R.S. 3:3602.

b. Persons applying for permits must demonstrate to the director:

1. That the facility is not in a recognized subdivision in the parish.

2. That the proposed ownership, possession or custody of the wild or exotic animal will enhance the species in question.

3. That the applicant possesses the scientific and animal husbandry credentials and material resources to implement the proposed species enhancement program.

4. That the applicant will be able to comply with the minimum care standards.

5. That the wild animal or exotic will not be kept as a pet.

6. That the applicant will be able to comply with any other applicable federal, state, local or municipal laws, titles or regulations, including those issued by the director under authority of this chapter.

7. That the wild or exotic animal in question will not be used, directly or indirectly, in activities or events prohibited by this section.

8. That the applicant can comply with all other terms, conditions and requirements as set forth by the director.

9. 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.

10. 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:

1. The number, species and exact identification of the individual animals authorized to be owned, possessed or held by the permit.

2. 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. Application. 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 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 \$ 200.00 annually.

e. *Modification or revocation of permit.*

1. The director shall have the power to modify or revoke any permit issued pursuant to this section for any of the following reasons:

(i) In order to make the permit conform to any regulation promulgated by the director.

(ii) In any case where the terms and conditions of the permit are violated.

(iii) 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.

(iv) 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.

(v) 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 month of the event.

(vi) In any case where the permit holder or his agents denies the director or his agents access for inspection.

(vii) For nonpayment of any fees due under the provisions of this article.

2. 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.

3. The director's decision to revoke the permit can be appealed to the parish adjudication within 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 months of the effective date of the ordinance from which this article is derived.

(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 \$ 200,000.00, covering any damage or injury which may be caused by such animal during the 12-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. 10-669. - Community Cat Management.

2(a) All cats that are part of the community cat management programs shall be:

2(1) Assessed by a veterinarian and deemed healthy;

2(2) Sterilized;

2(3) Microchipped;

2(4) Vaccinated against the threat of rabies; and

2(5) Ear-tipped for easy identification.

2(b) All managed community cats shall be maintained on private property of the care giver, or with the expressed permission on the property of another, including city, state, and federal property. In no event shall a community cat be returned to the private property if the owner of that property, after being educated on the community cat program, does not consent to the return or the relocation to that property.

(c) If the requirements of subsections (a) (1-5) and (b) are met, the community cat is exempted from licensing, stray, at-large, and other provisions of this title that apply to owned animals. In no event shall

a community cat be exempted from the nuisance provisions of this chapter. However, a community cat shall not be deemed a nuisance solely for running at large.

2(d) Any person may provide care for a community cat, including, but no limited to the following, but shall not be deemed as the community cat's owner:

2(1) Food, if supplied, maintained in a feeding container.

2(2) Water, if supplied, clean, potable, and free from debris and algae.

2(3) Shelter, if provided, unobtrusive, safe, and of the proper size for the cat(s).

2(e) Any person may file a complaint with Animal Services stipulating the specific community cat problem. Animal Services will offer education and tools, such as deterrents, to lessen the nuisance or they may require relocation or removal from the community cat program any or all nuisance community cats.

2(f) Nothing in this Article shall prevent Animal Services from picking up, receiving, or impounding a community cat for necessary medical treatment, and then releasing the cat when deemed medically appropriate by Animal Services or the Animal Services Veterinarian.

2(g) Violations of this section are subject to the penalties provided in Section 10-646 (14).

2(h) The parish council shall review the community cat program three (3) years after its inception to assess its functionality and impact on the parish.

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 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 8 DAY OF JULY, 2021; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: MAY 26 , 2021

Published Adoption: _____, 2021

Delivered to Parish President: _____, 2021 at _____

Returned to Council Clerk: _____, 2021 at _____