

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5953

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. TANNER

PROVIDED BY: COUNCIL ATTORNEYS

INTRODUCED BY: MR. TOLEDANO

SECONDED BY: MR. BELLISARIO

ON THE 1 DAY OF MARCH , 2018

AN ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES CHAPTER 10 ANIMALS FOWLS AND REPTILES, ARTICLE IV ANIMAL CONTROL AND WELFARE, SECTION 10-647 ANIMALS AT LARGE; LEASH LAW, RELATIVE TO THE TETHERING OF ANIMALS.

WHEREAS, in order to provide for the safety and welfare of pets and domesticated animals it is necessary to amend the St. Tammany Parish Code of Ordinances relative to tethering animals.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Chapter 10 Animals Fowls and Reptiles, Article IV Animal Control and Welfare, Section 10-647 Animals at large; leash law be amended as follows:

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.

Electronic fences, incorporating the use of electrical charges as a means of restraint of an animal within a yard-like perimeter, may only be used as a secondary means of restraint and not as a replacement for actual fencing material or an enclosure except in cases when an animal is under the supervision of its owner, in which case a fully operational invisible fence shall be considered an acceptable primary enclosure.

~~b. Tethering of animals. An owner or keeper of an animal, other than one deemed dangerous or vicious, may tether said animal only in a fashion conforming to the method indicated below:-~~

- ~~1. Tethering shall only be used as a secondary means of restraint and shall not serve as an alternative to the enclosure requirements.-~~
- ~~2. Tethering must occur only on a type configuration which permits the animal to move freely in all directions.-~~
- ~~3. Tethering must occur only with a lead rope, chain or cable at least 12 feet in length.-~~

~~4. Tethering must occur in an open area free of any choking hazards such as trees, bushes, poles, or other obstructions, with the exception of the object to which the lead is joined.~~

~~5. Tethering by means of a lead rope, chain or cable that weighs more than one-eighth of the total body weight of the animal is strictly prohibited.~~

b. Tethering. It shall be unlawful to tether a dog, except as follows. A dog may be restrained to an overhead running line, pulley, or trolley system under the following conditions:

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. The tether must have a swivel on both ends.

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.

8. Dogs may not be tethered unsupervised between the hours of 11:00 p.m. and 6:00 a.m.

(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.

(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.

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 5 DAY OF APRIL , 2018 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

S. MICHELE BLANCHARD, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: FEBRUARY 21 , 2018

Published Adoption: _____, 2018

Delivered to Parish President: _____, 2018 at _____

Returned to Council Clerk: _____, 2018 at _____