



Parish of Acadia

In the Name and By the Authority of The
Acadia Parish Police Jury

ORDINANCE #1018

An ordinance correcting and amending Acadia Parish Animal Control Ordinance #994. The Animal Control Ordinance is hereby amended as follows.

For the purpose of identifying changes to the Animal Control Ordinance all deletions from the original ordinance or indicated by ~~dashed lines through such words~~ and all additions or are indicated by underlining such additions.

ACADIA PARISH ANIMAL CONTROL ORDINANCE

ARTICLE I. IN GENERAL

ARTICLE II. STOCK LAW

Sec 4-16 Running at large prohibited.

It shall be unlawful for any person owning livestock, consisting of horses, mules, ass, cattle, swine, sheep or goat, to knowingly, willfully or negligently permit his livestock to go at large upon the public highways of any ward of the parish.

Sec 4-17 Impoundment--Generally.

- (1) The sheriff, deputy sheriffs, constables, justices of the peace and state police shall, and any other person may, take possession of and impound any livestock found at large upon any public highways of any ward in the parish, whether it be state, parish and/or ward. Any livestock so taken and impounded shall be impounded by the sheriff, deputy sheriff, constable, justice of the peace or state police. The owner thereof shall be notified personally or by leaving written notice at the place of his residence within twenty-four (24) hours after taking possession of such livestock. Any person other than a sheriff, deputy sheriff, constable, justice of the peace or state policeman taking possession of and impounding livestock shall immediately notify the sheriff and he shall within twenty-four (24) hours of such notification, notify the owner in the manner hereinabove provided.
- (2) The owner of livestock so taken shall have the right to secure his livestock upon the payment to the office or person taking up the livestock all fees and penalties as outlined in Section 5-50.
- (3) In addition to the fees due under Sec 5-50, there shall be a fee of \$50.00 per head captured and \$25.00 per day for maintenance of said stock.

Sec 4-18 Same--Notice of sale.

- (1) If the owner of any livestock found at large on any public highway of any ward of the parish is unknown or if the owner has no residence in the parish, a statement shall be filed with the sheriff setting forth:

- (a) The name and address of the person taking up the livestock;
- (b) A description of the livestock as to kind, sex, marks, brand, color and apparent age;
- (c) The place of taking up and the place where the livestock is impounded;
- (d) The amount of the charges due for feeding and caring for the livestock; and
- (e) The amount of the fee for taking the livestock.

(2) The sheriff shall then give notice by advertising in a newspaper of general circulation in the parish, setting forth the fact of the taking of possession, a description of the livestock, that the owner is unknown or if known cannot be located. This advertisement shall notify any person claiming to be the owner of such livestock to appear before the sheriff at a place named and at a time not less than three (3) days or more than six (6) days from the date of notice to prove such claim or ownership. If the owner appears and proves to the satisfaction of the sheriff that he is the owner of the stock impounded, the sheriff shall require the owner to pay the fee of the person taking the stock, the cost of feeding and caring for the stock at the rates hereinabove specified and the cost of advertisement.

Sec 4-19 Same--Sale.

If after the notice provided in section 4-18 the owner does not appear at the time specified, the sheriff shall proceed to sell such impounded livestock in the following manner:

- (1) The sheriff shall advertise in a newspaper of general circulation in the parish, the date and place of the sale. The place of the sale shall be at the courthouse or at some other public place in the vicinity of the courthouse and the sale shall be made not less than ten (10) days nor more than twenty (20) days after publication of one notice of said sale.
- (2) Said sale shall be by auction to the last and highest bidder for cash.
- (3) From the price of said sale, the sheriff shall deduct the fee of the person impounding the livestock at the rates hereinabove specified and all expenses incurred in the sale. He shall pay the person taking up the livestock the fee due him and the person feeding and caring for the livestock the fees provided for such services and the remainder shall be paid into the state treasury.

ARTICLE III. DOMESTIC ANIMALS AND RABIES CONTROL

Sec 4-31 Definitions.

For the purpose of this article, the following terms, phrases, words and derivations shall have the meaning given in this section.

Abandonment shall mean the act of relinquishment of the custody of an animal without making arrangements for its care, or leaving the animal confined without providing adequate shelter, water and feed.

Adequate feed shall mean the provisions at certain intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain an adequate level of nutrition in each animal.

Adequate shelter shall mean a structurally sound enclosure made with such materials so as to provide the animal with shade and protection from extreme temperatures or elements.

Adequate water shall mean a constant access to a supply of clean, fresh water provided in a sanitary manner or provided at certain intervals for the species, not to exceed twenty-four (24) hours at any interval.

Animal shall mean mammals, birds, fowl, reptile, amphibian, and fish, except when referring specifically to the control of rabies when the word "animal" shall mean only mammal. For the purposes of this article, animal shall not include homo sapiens.

Animal control officer shall be the police jury employee or employees charged with the responsibility of enforcing this article.

Animal control shelter shall mean the Acadia Parish Animal Control Shelter operated by the City of Crowley pursuant to an intergovernmental agreement with the Acadia Parish Police Jury.

At-large shall mean an animal shall be deemed at large if, while unaccompanied by its owner or keeper, it is unrestrained on any road, street, public place, or trespasses on the premises of any person other than its owner. Hunting and stock dogs while being worked by a responsible person shall not be defined as at large.

Attack shall mean aggressive, unprovoked behavior by an animal that would involve biting and/or shaking of its victim.

Bird shall mean any of a class (Aves) of warm-blooded vertebrates distinguished by having the body more or less completely covered with feathers and the forelimb modified as wings. For the purposes of this article, fowl, poultry, or ratites are not defined as birds.

Bite shall mean any puncture, tear, or abrasion of the skin inflicted by an animal.

Canine shall mean of or relating to dogs, the family canidae, not including wolves, jackals, foxes and/or coyotes.

Cat shall mean a feline or the family thereof, either domestic or feral.

Collar shall mean a band, chain, harness, or other device worn around the neck of an animal to which a vaccination tag may be affixed.

Confinement devices shall mean an electronic or signal system designed to act as a boundary or enclosure.

Confinement requirements shall mean a securely enclosed yard, premises, pen, structure, or device, with adequate shelter, on the owner's property, suitable to prevent a dog from leaving the owner's property. Any dog confined within a fenced yard must have an adequate space for exercise having dimensions not less than one hundred (100) square feet. Where dogs are kept or housed on property without a fenced yard, the enclosure for such dogs shall be constructed of chain link or other material that permits adequate ventilation with all sides enclosed and shall contain an area of not less than one hundred (100) square feet. The enclosure shall be of sufficient height to prevent the dog from escaping. The area shall have a top, a dog house, or other area constructed with such materials so as to provide the dog with shade and protection from the elements.

Cruelty shall mean an act inflicted upon an animal with malicious intent to cause pain and or suffering to the animal.

Euthanasia shall mean the humane destruction of any animal accomplished by a method that involves the use of an agent which produces painless loss of consciousness and subsequent death during such loss of consciousness.

Health unit shall mean the Acadia Parish Health Unit operated by the police jury for disease control.

License shall mean a license given at the time the animal is vaccinated against rabies identifying the animal as residing in the parish.

License fee shall mean a fee as set by the parish police jury for the licensing of any animal as defined by this article within the parish.

Micro-chip shall mean an identification device approved by the animal services and adoption center which is intended to be implanted within an animal for identification purposes.

Mutilating shall mean a physical alteration of any domesticated animal by anyone not trained to do so.

Owner shall mean any person, business, corporation, or other legal entity who keeps in his care, harbors, acts as custodian or guardian, permits an animal to remain on his premises, or feeds the animal for more than three (3) days.

Provoke shall mean any action which arouses, tempts, stimulates, or stirs an animal to action.

Restraint shall mean any method of humane animal confinement such as leashing, tying, staking, fencing or housing so as to adequately keep an animal restricted to the owner's property where it cannot leave at will without the animal being defined as "at-large."

Unsanitary conditions shall mean any conditions which encourage the breeding of parasites, insects, and flies and causes odors offensive to a reasonable person.

Vaccination against rabies shall mean an inoculation by a veterinarian or other qualified person under the direct supervision of a veterinarian of a recognized antirabies vaccine.

Vaccination license certificate shall mean a numbered certificate, countersigned by a veterinarian, giving the name of the animal *owner*, description of animal, year issued, and certifying the animal was vaccinated against rabies.

Vaccination license tag shall mean a suitable tag bearing the same number as the vaccination license certificate and the year issued.

Veterinarian shall mean any person duly licensed to practice veterinary medicine by the Louisiana Board of Veterinary Medical Examiners.

Veterinary hospital shall mean a place where medical and surgical treatment is administered to the animals by or under the direct supervision of a veterinarian.

Vicious animal shall mean an animal that has bitten or attacked humans without provocation either on or off the premises of the owner.

Wildlife/wild animal shall mean any animal which occurs naturally, either presently or historically, in a wild state within the boundaries of the United States, including, but not limited to, animals indigenous to Louisiana. This includes any animal which is part wildlife (hybrids) as classified in the Compendium of Animal Rabies Control and the National Association of State Public Health Veterinarians.

Sec 4-32 Enforcement by animal control officers.

The provisions of this article shall be enforced by an Acadia Parish Animal Control Officer with the assistance of parish or municipal law enforcement officials and the parish health unit.

Sec 4-33 Interference with animal control officers.

No person shall interfere with, hinder, or molest an Acadia Parish Animal Control Officer in the performance of any duty of such agent or seek to release any animal in the custody of an Acadia Parish Animal Control Officer or animal control shelter.

Sec 4-34 Citations.

It shall be unlawful for any person to ignore a written citation or ticket from an Acadia Parish Animal Control Officer directing that such person appear in parish or municipal court

on the date designated on the citation or ticket according to the instructions set forth on the citation or ticket issued to him.

Sec 4-35 Cruelty.

It shall be unlawful to be cruel or inhumane to any animal. Such cruelty or inhumanness shall include, but not be limited to, beating, torturing, overloading, overdriving, mutilating, failure to provide adequate feed, adequate water, shelter, medical care, abandoning an animal, poisoning an animal, or cruelly killing an animal.

Sec 4-36 Animals in heat.

Any owner of any female dog or cat who allows the animal to roam at large as defined in this article during its mating season shall be in violation of this article. Such animal may be seized by an Acadia Parish Animal Control Officer and impounded at the animal control shelter. Further, the owner of the animal may be penalized as provided for in section 4-50 of this article.

Sec 4-37 Nuisance animal.

(1) Any animal which:

- (a) Molests passersby or passing vehicles;
- (b) Attacks other animals;
- (c) Trespasses on school grounds while not under the direct control of the responsible

(2) owner;

- (a) Damages private or public property;
- (b) Barks, whines, or howls in an excessive, continuous or untimely manner; or
- (c) Causes unsanitary conditions or odors about the premises of the owner through urination or defecation is deemed and declared a public nuisance. Upon the sworn statement of two (2) witnesses, not in the same household, in the immediate neighborhood and upon investigation by an Acadia Parish Animal Control Officer, and upon conviction of keeping an animal declared a public nuisance by this section, the owner of the animal may be penalized as provided for in section 4-50 of this article. The animal may be seized by an Acadia Parish Animal Control Officer and impounded at the animal control shelter.

(3) Provided further, upon the third offense by the owner of the animal, the owner shall be served written notice that upon the further offense the animal will be impounded by an Acadia Parish Animal Control Officer and destroyed by euthanasia or placed with a suitable person upon proof that person shall prevent the animal from further nuisance offenses.

Sec 4-38 Areas, school grounds, and cemeteries.

(1) No dog shall be permitted to run at large as defined by this article in any parish park whether owned or leased by the parish.

(2) Notwithstanding the provisions of subsection (1) above, owners shall not permit dogs on public park and recreation areas, school grounds, and cemeteries, if specific restrictions prohibit such presence. If allowed, said dog must be controlled by a leash or similar device to prevent the dog from biting any person or animal.

(3) If any person or owner violates the provisions of this section, the dog may be seized and impounded at the animal control shelter. Further, the owner of the dog may be penalized as provided for in this article.

Sec 4-39 Dogs running at-large prohibited.

No person shall suffer or permit any dog in his possession, or kept by him about his premises, to run at large on any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. Any law enforcement officer may seize any dog found unaccompanied by its owner or keeper and running at-large on any road, street, or other public place, or trespassing on any premises other than the owner.

For purposes of this section, any person, business, corporation, or other legal entity that keeps in his care, harbors, acts as custodian, or permits an animal to remain on or about his premises, or is the registered owner of such animal, shall be deemed the owner or keeper of said animal.

Any owner permitting his dog to run at-large shall be in violation of this section and shall be penalized as provided in section 4-50.

Sec 4-40 Vaccination-Required.

It shall be unlawful to own, keep, harbor, or maintain an animal over the age of four (4) months in this parish without having the animal vaccinated against rabies and has attached to its collar the metal tag described below.

Sec 4-41 Same-Frequency.

The owners of any animal over the age of four (4) months shall, on or before April first of each year, cause such animal to be immunized or vaccinated against rabies by a duly licensed veterinarian who shall, at the time of such immunization, furnish such owner with a certificate signed by said veterinarian, showing the date of immunization, the name and description of the animal, and the name and address of the owner, and shall furnish the owner a metal tag, which shall be attached to the animal's collar and shall be numbered and shall indicate the calendar year during which such inoculation has been made. The owner shall keep and maintain such metal tag on the animal at all times.

Sec 4-42 Who administers.

The owner may take his animal to a veterinarian of his choice for all required vaccinations by the parish or may avail himself of any clinics sponsored by the parish health unit or police jury.

Sec 4-43 Confinement of rabies and suspect animals.

No animal that has rabies or symptoms thereof, or has been suspected of having rabies or symptoms thereof, shall be allowed at large as defined in this article within the parish. The owner of any animal that has rabies or symptoms thereof or has been exposed to rabies or has bitten anyone, whether the animal be on or off the owner's private property, whether vaccinated or not, shall hereby notify an Acadia Parish Animal Control Officer, and on demand, turn and convey the animal to him for the purposes of observation. However, if the owner chooses, and upon sufficient evidence thereto, the owner may convey the animal to a veterinary clinic for observation for a period not less than ten (10) days.

Sec 4-44 Impoundment required of untagged animals.

Any animal not wearing a collar with a current vaccination tag shall be taken up by the animal control authority, whether said animal is on or off the premises of its owner, and impounded at the animal shelter, and thereafter returned to its owner or humanely euthanized, as the circumstances may require. The owner of the animal may be penalized as provided for in section 4-50.

Sec 4-45 Additional reasons for impoundment.

Whenever animals are kept within any building or on any premises without food, water, or proper care and attention, are kept in violation of the provisions of this article, are infected with disease, or when animals are kept under conditions which could endanger the public

health or create a nuisance, it shall be the duty of the animal control authority to enter said building or premises and impound said animals.

Animals so impounded shall not be released before the reason for causing said impoundment has been corrected in the opinion of the animal control authority.

Any animal captured off the owner's property or trespassing on the property of another may be seized or restrained by any citizen through use of a humane box trap or other means as defined herein. Further, the owner or keeper of the animal may be penalized as provided herein.

Any animal which bites a person shall be impounded and quarantined for ten (10) days. During quarantine, the animal shall be securely confined and kept from contact with any other animal. The owner shall surrender the animal for the quarantine period to an Acadia Parish Animal Control Officer who shall quarantine such animal at the animal shelter or, at the owner's request, the animal shall be placed in a veterinary hospital, at the owner's expense.

The owner of any animal which shall be impounded and quarantined under the provisions hereof in the animal shelter shall pay a fee of fifteen dollars (\$15.00) per day for the cost of housing the animal.

Sec 4-46 Holding period.

An animal impounded at the animal control shelter shall be kept for a period of five (5) days, and unless claimed by its owner within said time, all rights of the animal held by the owner shall be forfeited and title to the animal shall pass to the animal control shelter.

Sec 4-47 Reclaiming fees, costs and expenses.

The owner, upon producing satisfactory proof of ownership, and within thirty (30) days, may reclaim his animal upon complying with the vaccination requirements, collar tag, and violation penalties, as provided for in this ordinance, together with the payment of impoundment fee of twenty dollars (\$20.00) per animal and board expenses at the rate of fifteen dollars (\$15.00) per day. All animals adopted or redeemed which do not already have implanted in them a micro-chip, shall have the same implanted in them prior to release at the owner's expense.

Sec 4-48 Sale.

Any animal held by the shelter in an effort to place it in a home may be sold to a new owner provided the prospective owner agrees to an adoption procedure set by the Acadia Parish Police Jury and makes payment of impoundment and board expenses.

Sec 4-49 Disposition of unclaimed or diseased animals.

When an animal has been impounded for five (5) full days, excluding weekends and holidays, and its owner has not appeared to reclaim it, it shall be disposed of by euthanasia unless the prospects of finding it a home or any other reason justifies detention for a longer period of time, all of which shall be at the discretion of the Acadia Parish Animal Control Officer. However, a diseased or injured animal may be destroyed immediately and prior to the expiration of five (5) days, if in the opinion of the Acadia Parish Animal Control Officer and a licensed veterinarian, if possible, its condition is such that imminent destruction is necessary as a humane gesture and for the protection of other animals with which the dog may come in contact. A licensed veterinarian need not be contacted in the case of an animal without collar and vaccination tags.

Sec 4-50 Fines and penalties.

Except where otherwise specifically declared, no violation of any of the provisions of this chapter shall constitute a criminal offense. Instead, the violation of any of the provisions in this chapter shall be declared a civil offense with a penalty as outlined below. In addition

to the assessment of a civil penalty, where appropriate, the director or his designated agents may assess a charge for reimbursement of overhead and expenses incurred in the enforcement of the provisions of this chapter and other appropriate fees.

The charge which may be assessed for all infractions of any provision shall be in accordance with the fee schedule as set by the parish police jury.

All penalties shall be paid directly to the Acadia Parish Police Jury at such location as periodically designated.

Civil penalties which may be assessed are as follows:

a. Section 4-35 Cruelty/neglect	: \$250.00
Second offense	: \$500.00
b. Sections 4-16 Livestock at large	: \$100.00
Second offense	: \$250.00
Third offense	: \$500.00
c. Section 4-33 Interference with agents	: \$500.00
d. Section 4-37 Nuisance animal	: \$100.00
Second offense	: \$200.00
Third offense	: \$500.00
Fourth offense	: impoundment
e. Section 4-56 Dangerous animals-confinement	: \$500.00
f. Section 4-53 Dogs in public parks, etc	: \$ 25.00
Second offense	: \$ 50.00
Third offense	: \$100.00
g. Section 4-54 Dogs in tenement yards	: \$ 25.00
Second offense	: \$ 50.00
Third offense	: \$100.00
h. Section 4-55 Dogs running at large	: \$ 40.00
Second offense	: \$ 60.00
Third offense	: \$100.00
Fourth offense	: \$500.00
i. Section 4-40 Mandatory vaccination	: \$ 50.00
j. Section 4-44 and 4-45 Impoundment	: \$ 30.00
Second offense	: \$ 50.00
Third offense	: \$ 70.00

Sec 4-51 Citation.

The director or his designated agent shall have the authority to issue a citation for violation of the provisions of any section of this article assessing a charge for reimbursement of expenses and, where appropriate, a civil penalty as provided in section 4-50. The citation will contain the following information:

- (1) The amount of the charge and, where appropriate, the civil penalty;
- (2) A declared time period for payment of the charge and civil penalty at the Acadia Parish Animal Shelter, located at, Crowley Louisiana;
- (3) A notice that if the recipient wishes to contest the citation or the sums assessed, the recipient must give notice in writing within the specified time period of ten (10) days as noted on the citation to the animal services and adoption center of a desire to contest the issuance of the citation or the sums assessed therein;
- (4) A notice that upon receipt of a notice to contest, the director or his designated agent shall convene a three (3) person hearing panel which will send out a notice to the recipient and all involved parties notifying them of the time, date and place of the hearing; and
- (5) A notice that shall advise that upon failure either to pay the charge and civil penalty within the specified time period or file a written request to contest the citation that

legal proceedings will be instituted in the appropriate parish or municipal court seeking a judgment on open/pending account in the amount of the charge and penalty.

Sec 4-52 Hearing and appeal.

The procedure to contest a citation, the amount of the penalty assessed, or an appeal, is established as follows:

- (1) Upon issuance of a citation, the recipient shall have the specified time as stated on the citation to pay the charge and civil penalty, if assessed, at the Acadia Parish Animal Shelter and adoption center located at Crowley, Louisiana;
- (2) Should a recipient desire to contest the issuance of the citation or the amount of the charge and civil penalty, if assessed, he must give notice in writing to the animal services and adoption center within the specified time period as stated on the citation of the desire to contest the citation or the amount assessed therein.
- (3) Upon receipt of a notice of contest, the director or his designated agent shall ~~invoke~~ convene the three (3) member panel ~~a hearing by the Director~~. The Director will then advise the person desiring to contest the citation or the amounts therein of the time, date, and place of a hearing which shall be no later than thirty (30) days from the date of receipt of the notice of contest.
- (4) At the hearing of the contest to the issuance of the citation and the amounts assessed, the Director and three (3) member panel shall have the authority to uphold, alter, or recall the citation or the amounts of the charges or civil penalties specified therein. The Director may render ~~his~~ the decisions either orally or in writing immediately or after private consideration. The decision issued in writing shall be mailed to all interested parties within seven (7) days of the panel hearing.
- (5) If the recipient is dissatisfied with the result of the panel hearing, he can appeal the decision by filing a civil suit in the 15th judicial District Court not more than fifteen (15) days from the rendition of an oral decision on the date of the hearing, or fifteen (15) days from receipt of the written decision of the panel.

Sec 4-53 Dogs in public parks and recreation areas, school grounds, or cemeteries.

All dogs permitted in any public park, recreation area, school grounds, and cemeteries shall be on a leash, unless otherwise permitted by specific policy or parish ordinance.

Sec 4-54 Dogs in tenement yards.

It shall be unlawful for the owner or keeper of any dog to allow such dog to be unrestrained on the property of any multi-family dwellings.

Sec 4-55 Dogs running at large--Prohibited.

No person shall allow any dog in his possession, or kept by him about his premises, to run at-large on any unenclosed land or trespass upon any enclosed or unenclosed lands of another.

Any citizen may, or law enforcement officer shall, seize any dog found unaccompanied by its owner or keeper and running at-large on any road, street, or other public place or trespassing on any premises other than the owners'. Citizen must contact animal services and adoption center to provide details regarding the animal.

For purposes of this section, any person, business, corporation, or other legal entity that keeps in his care, harbors, acts as custodian, or permits an animal to remain on or about his premises, or is the registered owner of such animal shall be deemed the owner or keeper of said animal.

Any person owning, harboring, or controlling a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall always keep such animal from running at-large by either:

- (1) Securely confining such animal within an appropriate fence, enclosure, or confinement device as prescribed herein or within a house, garage or other building or by accompanying the animal at all times or where otherwise required, on a leash;
- (2) For the purpose of this section, "secure confinement" means securing the dog in an area from which the dog cannot escape based on the size and breed of the dog while providing for appropriate and humane care of the animal while in such confinement; and Sec.4-60. Dogs running at large-Penalty.

In addition to the charges and civil penalties specified herein, the owner, harbinger or possessor of a dog who is found at-large must have the dog micro-chipped in accordance with section 4-47. If the dog has not already been rendered sterile, the owner shall be encouraged to have the animal spayed or neutered within seven (7) days of redemption or return. If the impoundment for said animal is a second offense, the provisions of this section will be mandatory. Verification from the veterinarian performing surgery for sterilization shall be provided by the animal's owner to the animal services and adoption center in writing within seven (7) days of the procedure. The provisions of this section do not apply to a dog owned by and working for a governmental or law enforcement agency.

Sec 4-56 Dangerous animals.

The owner of any animal deemed dangerous as defined in this chapter, shall be subject to the following:

- (1) Shall effectively confine and control the animal at all times in accordance with the dangerous confinement requirements;
- (2) Shall be issued a written notice of confinement requirements (dangerous) stating the animal shall not be in violation of said requirements as defined by this section. Confinement shall be immediate. If confinement requirements (dangerous) as defined herein are not immediately available, the animal must be confined at the animal services and adoption center, a veterinarian clinic, or some other location as approved by the director, at the expense of the owner;
- (3) Any owner seeking to reclaim a dangerous animal impounded shall be notified in writing of confinement requirements (dangerous);
- (4) Shall have the animal micro-chipped and two (2) color photographs will be provided for 10 purposes, and the information shall be turned over to the animal services and adoption center, and the permanent confinement area shall be inspected before the release of the animal to the owner;
- (5) Shall not permit a "dangerous" animal to go beyond said confinement unless such animal is securely leashed and muzzled or otherwise securely restrained and muzzled. Said muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person or animal;
- (6) Any person found in violation of the confinement requirements (dangerous) shall have his animal impounded and shall receive a citation with a specified time period during which to respond. Failure to respond to the citation shall cause said animal to become property of the animal services and adoption center and further cause disposal of the animal by euthanasia in accordance with this article and shelter policies as ordered by the director or his designated agent without further notice to its owner who will be assumed to have abandoned the animal; and
- (7) The owner shall notify the animal services and adoption center upon animal ownership changes. These stated requirements will remain the same as stated herein throughout the life of the animal.

Sec 4-57 Dangerous Animal Definition.

- (1) Any animal which when unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner of the animal; or
- (2) Any animal which, when unprovoked, bites a person causing an injury; or
- (3) Any animal which, when unprovoked, on two separate occasions within the prior thirty-six-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the animal.

Sec 4-58 Exemptions.

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) Nothing in this Part shall prevent any citizen of this state from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper.

ARTICLE IV DANGEROUS DOGS

Sec. 4-76. Dangerous dogs.

This article is adopted to promote the public health, safety and general welfare of the citizens of Acadia Parish. It is intended to be applicable to "dangerous dogs" as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance.

Sec. 4-77. Definitions.

When used in the article, the following words, terms and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

Animal control officer means any person employed or appointed by the parish (including duly commissioned police officers), who is authorized to investigate and enforce violations relating to animal control or cruelty under the provision of this article.

At large means that a dog is not under the direct control of the owner.

Dangerous dog means any dog that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term "dangerous dog" includes any dog that according to the records of the department of animal control or any law enforcement agency:

- (1) Has aggressively bitten, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion

or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above-referenced authorities;

(2) Has more than once severely injured or killed a domestic animal while off the owner's property; or

(3) Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

Direct control means immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and bearing of the dog, voice control shall be considered direct control when the dog is actually participating in training or in an official showing, obedience, or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.

Director means the Secretary/Treasurer of the Acadia Parish Police Jury.

Impoundment means taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this article.

Muzzle means a device constructed of strong, soft material or of metal designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

Owner means any person, partnership, corporation or other legal entity owning, harboring, or keeping any animal, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

Sanitary condition means a condition of good order and cleanliness to minimize the possibility of disease transmission.

Under restraint means that an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

Sec. 4-78. Procedure for declaring a dog dangerous.

(a) Animal control officer or any adult person may request under oath that a dog be classified as dangerous as defined in section 4-77 by submitting a sworn written complaint on a form approved by the director of the department of animal control. Upon receipt of such complaint, the director shall notify the owner of the dog, by certified mail, that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(b) At the conclusion of an investigation, the director may:

(1) Determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

(2) Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in section 4-82, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) business days after a final determination that a dog is dangerous, the director may cause the dog to be humanely destroyed.

Sec. 4-79. Notification of dangerous dog declaration.

(a) Within five (5) business days after declaring a dog dangerous, the director shall notify the owner by certified mail of the dog's designation as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in section 4-82 of this article.

(b) The notice shall inform the dog owner that he may request, in writing, a hearing to contest the director's finding and designation within five (5) business days after delivery of the dangerous dog declaration notice.

(c) If the director cannot with diligence locate the owner of a dog that has been seized pursuant to this article, the director shall cause the dog to be impounded for not less than five (5) business days. If after five (5) days, the owner fails to claim the dog, the director may cause the dog to be humanely destroyed.

Sec. 4-80. Hearing on dangerous dog declaration.

(a) The department of animal control shall hold a hearing within fifteen (15) business days after receiving the dog owner's written request for such a hearing. The department shall provide notice of the date, time and location of the hearing to the dog owner by certified mail and to the complainant by regular mail.

(b) At a hearing, all interest persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:

- (1) Provocation;
- (2) Severity of attack or injury to a person or domestic animal;
- (3) Previous aggressive history of the dog;
- (4) Observable behavior of the dog;
- (5) Site and circumstances of the incident, and
- (6) Statements from interested parties.

(c) A determination at a hearing that the dog is in fact a dangerous dog as defined in section 4-77 shall subject the dog and its owner to the provisions of this article.

(d) Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this article.

Sec. 4-81. Appeal from dangerous declaration.

If the director determines that a dog is dangerous at the conclusion of a hearing conducted under section 4-80 above, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within ten (10) days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the director's determination of dangerousness.

Sec. 4-82. Keeping of dangerous dogs.

The keeping of dangerous dogs is defined in section 4-77 shall be subject to the following requirements:

(a) **Leash.** No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its kennel, pen or other proper enclosure unless such dog is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person capable of controlling the dog is in physical control of the leash.

(b) **Muzzle.** It shall be unlawful for any owner or keeper of a dangerous dog to

allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(c) Confinement. Except when leashed and muzzled as provided in this section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- (1) The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;
- (2) Dog must also be on chain in kennel;
- (3) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and
- (4) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.

(d) Indoor confinement. No dangerous dog shall be kept on a porch, patio or in any part of the house or structure that would allow the dog to exit such building on its own violation. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(e) Signs. All owners, keepers or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "beware of dog".

(f) Animals born of registered dogs. All offspring born of dangerous dogs registered with the department of animals control also must be registered with the department within six (6) weeks of birth.

(g) Notification of escape. The owner or keeper of a dangerous dog shall notify the department of animal control immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

(h) Failure to comply. It shall be unlawful and a misdemeanor for any owner of a dangerous dog registered with the department of animal control to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this article shall result in the revocation of the dog's license and the permit providing for the keeping of such animal.

Sec. 4-83. Permit and tag requirement for a dangerous dog.

(a) The owner of a dangerous dog shall, within three (3) business days after the classification of the dog as dangerous or upon acquisition of such a dog, obtain an annual permit from the department of animal control to harbor the dog. The fee for such permit shall be fifty dollars (\$50.00) per year.

(b) At the time the permit is issued a red circular tag shall be issued to the owner of the dangerous dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a dangerous dog.

(c) The permit for maintaining a dangerous dog shall be presented to an animal control officer upon demand.

Sec. 4-84. Reserved.

Sec. 4-85. Notification of intent to impound.

(a) When the director of animal control or his designee intend to impound a dog declared to be dangerous for violation of section 4-82, he shall notify the owner or custodian of the dog, by certified mail, of the intended impoundment at least five (5) business days prior to the intended impoundment, except as provided in section 4-86.

(b) The notice of intent to impound shall inform the owner or custodian of the dog that he may request in writing, within five (5) business days prior to the intended impoundment, a hearing to contest the intended impoundment and finding of violation.

(c) Upon request by the owner or custodian of the dog for a hearing pursuant to subsection (b), a hearing shall be held within ten (10) business days after the request for a hearing. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog's owner or custodian requesting such hearing.

(d) If the owner or custodian requests a hearing pursuant to subsection (b), no impoundment shall take place until conclusion of the hearing, except as authorized in section 4-86.

Sec. 4-86. Immediate impoundment.

(a) A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when the director of animal control or his designee determines such immediate impoundment is necessary for the protection of public health or safety. Such immediate impoundment may be ordered for violation of section 4-82 or when the dog bites a person or domestic animal.

(b) The owner or custodian of the dog immediately impounded pursuant to subsection (a) shall be notified of the impoundment by certified mail within five (5) business days after the dog's impoundment.

(c) The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five (5) business days after the mailing of the notice of impoundment.

(d) Upon request by the owner or custodian of the dog for a hearing under subsection (c), a hearing shall be held within ten (10) business days after such request. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog owner requesting the hearing.

Sec. 4-87. Impoundment hearing.

If after a hearing on impoundment, the director or his designee finds no violation of section 4-82, or that the dog has not bitten an individual, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.

Sec. 4-88. Destruction.

(a) The director of animal control or his designee may order the destruction of a dog that it determines to be extremely dangerous to public health or safety, a dog that has made an extremely vicious attack upon an individual, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.

(b) The director or his designee shall give written notice by certified mail of his intention to destroy such dog to the owner or custodian of the dog, who may request in writing, within ten (10) business days after delivery of such notice, a hearing to contest the intended destruction.

(c) If no hearing is requested pursuant to subsection (b), the dog shall be destroyed pursuant to applicable provisions of law.

(d) If a hearing is requested pursuant to subsection (b), such hearing shall be held within ten (10) business days after the request; and the dog shall not be destroyed prior to the

conclusion of the hearing.

(e) The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the parish to humanely and safely keep the animal during any legal proceeding.

Sec. 4-89. Appeal from order of humane destruction.

If the director or his designee orders a dangerous dog to be humanely destroyed pursuant to section 4-88, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) days after receiving notice of the destruction order. If an appeal is timely filed, the director shall suspend the destruction order pending the final determination of the court. The appeal hearing must be a trail de novo and shall be a civil proceeding for the purpose of affirming or reversing the director's destruction order.

Sec. 4-90. Change of ownership.

(a) Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten (10) business days after such change of ownership or residence, provide written notification to the department of animal control of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classifications as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the department of animal control along with written acknowledgment by the new owner of his receipt of such notification. The director of animal control or his designee shall notify the chief executive or the police department of any changes of ownership, custody or residence of the dog within three (3) business days after receiving the required information from the previous dog owner.

(b) Any person receiving a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this article pertaining to obtaining liability insurance, payment of fees, and maintenance, control and ownership of a dangerous dog.

Sec. 4-91. Continuation of dangerous dog declaration.

Any dog that has been declared dangerous by any agency or department of this parish, another parish municipality or state shall be subject to the provisions of this article for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, parish or state government shall notify the department of animal control of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the parish. The restrictions and conditions of maintenance of any dog declared dangerous by this parish, another parish, municipality or state shall remain in force while the dog remains in the parish.

The Ordinance was offered by Mr. Kermit Richard, and seconded by Mr. John Quebodeaux, after being read and considered section by section, was adopted as a whole by the following vote:

YEAS: Alton Stevenson, A. J. Broussard, Kermit Richard, John Quebodeaux, Thomas Sonnier, Cade Benoit, and Felton Moreau.

NAYS: None.

ABSENT: None.

ADOPTED: AUGUST 9, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A.J. Credeur
A.J. CREDEUR
PRESIDENT

CERTIFICATE

I, TERRY L. LACOMBE, Secretary-Treasurer of the Acadia Parish Police Jury, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Acadia Parish Police Jury in regular session on the 9th day of August, 2011, at which a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE and Seal of Office on this the 8th day of September, 2011.



TERRY L. LACOMBE
SECRETARY-TREASURER