

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 7676AA

ORDINANCE COUNCIL SERIES NO: 24-

COUNCIL SPONSOR: MS. TANNER/MR. ROLLING

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MS. TANNER

SECONDED BY: MR. ROLLING

ON THE 5<sup>TH</sup> DAY OF SEPTEMBER , 2024

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, PART I, CHAPTER 10, ARTICLE IV - ANIMAL CONTROL AND WELFARE, SECTION 10-642 – “DEFINITIONS.”, TO UPDATE THE DEFINITION OF PROPER SHELTER IN REGARDS TO CATTLE; SECTION 10-643 - “ENFORCEMENT AUTHORITY.”, TO ADDRESS UNFOUNDED ANIMAL WELFARE COMPLAINTS; SECTION 10-647 – “ANIMALS AT LARGE; LEASH LAW.”, TO ADD ENFORCEMENT FOR REPEAT OFFENDERS; AND SECTION 10-667 – “ANIMAL ESTABLISHMENT PERMITS”, TO PROVIDE UPDATES REGARDING MICROCHIPPING AND ANNUAL PERMITTING REQUIREMENTS FOR ANIMAL ESTABLISHMENTS.

WHEREAS, in order to provide for the safety and welfare of animals, it is necessary to amend several sections of the St. Tammany Parish Code of Ordinances Chapter 10, Article IV – Animal Control and Welfare.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that “Chapter 10, Article IV – Animal Control and Welfare, Section 10-642. Definitions.” be amended to reflect the revised definition of *Proper shelter* as follows:

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.

**State Law reference**— Similar provision, R.S. 14:102(2).

*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:*

- (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 feet.
- (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 feet, or in the owner's physical possession.
- (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.

*Community cat* means any 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.

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

*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.

**State Law reference**— Similar provision, R.S. 3:2462(2).

*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 stench 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 ratites, 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.

**State Law reference**— Similar provision, R.S. 14:102(3).

*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~~ domesticated 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. Cattle are exempt from being required to have proper shelter as described; however, other minimum care standards must be met per LA R.S. 14:102.

**State Law reference**— Similar provision, R.S. 14:102(5).

*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.

**State Law reference**— Similar provision, R.S. 14:102(6).

*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.

**State Law reference**— Similar provision, R.S. 14:102(4).

*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 perform 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.

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THE PARISH OF ST. TAMMANY FURTHER ORDAINS that "Chapter 10, Article IV – Animal Control and Welfare, Section 10-643 – Enforcement authority." be amended to add subsection (d) as follows:

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.
- (d) *Unfounded complaints.* If an anonymous complaint about animal welfare is reported, and the animal control officer does not find a violation, it will be in the purview of the Director of Animal Services to decide when animal control will investigate it again.

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THE PARISH OF ST. TAMMANY FURTHER ORDAINS that "Chapter 10, Article IV – Animal Control and Welfare, Section 10-647 – Animals at large; leash law." be amended to add subsection (3)c. 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.
  2. Not allow ready and unobstructed access to the animal by the general public.
  3. Invisible fencing, 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. 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.
  5. 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.
  6. Owners of animals that have escaped 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.
  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.
  - c. *Enforcement for repeat offenders.* In addition to the misdemeanor enforcement and administrative enforcement in subsections 3(a) and 3(b), whoever is considered to



be a repeat offender may be subject to having the animal confiscated and impounded.

- (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.

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THE PARISH OF ST. TAMMANY FURTHER ORDAINS that Chapter 10, Article IV – Animal Control and Welfare, Section 10-667 be amended to edit subsection (a)(6) and to add subsection (b)(13) as follows:

**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. A report of the number of animals bred the prior year is also required along with the annual permit fee.
- (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.
- (13) Animal establishments shall be required to microchip all animals who are 6months of age or older.

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 3<sup>RD</sup> DAY OF OCTOBER, 2024; AND BECOMES ORDINANCE COUNCIL SERIES NO 24-.

\_\_\_\_\_  
AUTHUR A. LAUGHLIN, COUNCIL CHAIR

ATTEST:

\_\_\_\_\_  
KATRINA L. BUCKLEY, COUNCIL CLERK

\_\_\_\_\_  
MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: AUGUST 28, 2024

Published Adoption: \_\_\_\_\_, 2024

Delivered to Parish President: \_\_\_\_\_, 2024 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2024 at \_\_\_\_\_