

The following ordinance was introduced by Mr. John Arnold, in regular session convened on August 12, 2014.

PROPOSED ORDINANCE

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. John Arnold, seconded by Mr. Michael Delatte.

ORDINANCE NO. 5516

ORDINANCE AMENDING AND RE-ENACTING PART II, CHAPTER 8 ANIMALS AND FOWL, ARTICLE IV VICIOUS AND DANGEROUS ANIMALS OF THE LAFOURCHE PARISH CODE OF ORDINANCES TO FURTHER ENFORCE THE REGULATIONS OF VICIOUS AND DANGEROUS ANIMALS.

BE IT ORDAINED, by the Lafourche Parish Council, which convened in Regular Session on August 26, 2014, that:

SECTION 1.

WHEREAS, to insure the health, safety and welfare of the citizens of Lafourche Parish the Lafourche Parish Council deems it necessary to further enforce the regulations of vicious and dangerous animals; and

WHEREAS, for clarity of this ordinance, Article IV Vicious and Dangerous Animals of the Lafourche Parish Code of Ordinances shall be included in its entirety:

Section 8-136. Definitions:

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

Dangerous animal means any dog or other animal:

- (1) **Previously declared dangerous by a court or compliant jurisdiction as provided for L.A.R.S. 14:102.13 or as may be amended.**
- (+2) Which, when unprovoked:
 - a. Bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property;
 - b. Chases or approaches a person upon the streets, sidewalks or on any public grounds in a menacing or terrorizing manner or apparent attitude of attack; or
 - c. **Any animal which when unprovoked has killed, seriously bitten or otherwise caused severe injury to any human or animal on or off the property of the animal.**
- (3) Which has a known propensity or disposition to attack unprovoked to cause injury or otherwise endanger the safety of human beings or domestic animals; or
- (4) Which has undergone quarantine for rabies observation two or more times within a two year period.

Enclosure means a securely locked fenced pen or structure of at least six feet in height, or which is suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, top and bottom and shall also provide the animal protection from the elements.

Fierce animal means any dog or other animal:

- (1) Which is not securely confined or tethered and jeopardizes any postal carrier, meter reader, utility or building inspector or other lawful invitee on the property of the owner; or

- (2) Which chases vehicles on public property in a menacing or terrorizing manner.

Severe injury means any physical injury that results in broken bones or lacerations requiring multiple structures or cosmetic surgery, or death of a human being.

Vicious animal means any dog or other animal:

- (1) Which, according to the records of an appropriate law enforcement authority:
 - a. Has without provocation inflicted severe injury on a human being on public or private property;
 - b. Has killed a domestic animal without provocation while off the owner's property; or
 - c. Has previously been found to be a "dangerous animal," the owner having received notice of such, and the animal again bites, attacks or endangers the safety of human beings or domestic animals; or
- (2) Which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Section 8-137. Penalties for violation of vicious and dangerous animal regulations:

Any person who violates the provisions of this article shall, upon conviction thereof, be punished by imprisonment in the parish jail for a period of three days, or by a fine of \$300.00 or by both such imprisonment and fine, at the discretion of the court for the first offense; six days imprisonment in the parish jail or by a fine of not more than \$600.00 or by both such imprisonment and fine for the second offense; and no less than ten days imprisonment in the parish jail or by a fine or not less than \$1,000.00 or by both such imprisonment and fine for the third offense.

Section 8-138. Ownership of dangerous or vicious animals:

- (a) It shall be unlawful for any person to own, possess, keep or harbor a fierce, dangerous or vicious animal except in accordance with the provisions of this article.
- (b) All vicious animals not otherwise prohibited by this article shall be securely confined within a building or locked enclosure. Confinement shall be in such a manner that the animal cannot come in contact with any person other than the owner.
- (c) Unless a more restrictive confinement is mandated or ordered, dangerous animals shall be tethered by a substantial chain within a fenced yard or confined within a building. Confinement shall be in such a manner that the animal cannot come in contact with any person except under supervised conditions and the animal is under physical restraint of the owner or other responsible person.
- (d) Unless more restrictive confinement is mandated or ordered, fierce animals shall be tethered by a substantial chain within a fenced yard. Confinement shall be in such a manner that the animal cannot come in contact with any person or other animal except under supervised conditions.

Section 8-139. Control and restriction of vicious animals:

- (a) It shall be unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care, or in order to dispose of the animal.
- (b) In such event, the animal shall be securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control, supervision and physical restraint of the owner or other responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. In the event that an animal is allowed to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care, or in order to dispose of the animal, once the parish sheriff's office determines that the animal is dangerous, fierce, or vicious, the animal will be picked up by the animal control officer.
- (c) The animal will be held by the parish council for a period not to exceed 30 days. If the owner does not comply with all provisions of this section within the 30-day period, the animal will be euthanized.
- (d) This section shall also be applicable to a dangerous animal when so ordered by the parish sheriff's office.

Section 8-140. Impoundment of dogs:

If any dog bites a human, said animal shall be impounded for a period of not less than ten days during which period charges will run as set out hereinafter. The owner may, however, agree to voluntarily impound his own animal, but must have written consent of the injured party to do so.

Section 8-141. Registration and insurance:

No owner shall be allowed to breed any dangerous or vicious animal unless it has been registered and a permit has been obtained from Lafourche Parish Government. The breeding permit fee shall be two hundred dollars (\$200.00); penalties for violations will be set forth as stated in Section 8-137 of this article.

No vicious or dangerous animal shall be licensed in this parish unless the owner of such animal shall meet the following requirements:

- (1) The owner shall procure liability insurance in the amount of at least \$500,000.00, covering any property damage or bodily injury which may be caused by such vicious or dangerous animal during the 12-month period for which licensing is sought. The policy of insurance shall contain a provision requiring a 30-day notice of cancellation or nonrenewal be issued to the parish council or the parish sheriff's department in order for the parish to be notified by the insurance company of any cancellation, nonrenewal, termination or expiration of the liability insurance policy.
- (2) All dangerous and vicious animals shall, at the expense of the owner, be tattooed with the license number assigned to such animal or in such other identification mark as the parish council or parish sheriff's office may require; the tattooing shall be done by a licensed veterinarian or other qualified person. For the purpose of this section, the term "tattoo" shall be defined as any acceptable permanent marking of a vicious animal by means of indelible or permanent ink with the number of mark designated.
- (3) **All dangerous and vicious animals shall have an identifying microchip inserted between the top of the shoulder blade at the withers by an individual licensed to practice veterinary medicine in the State of Louisiana. The tattoo number and the identifying microchip shall be provided to all police agencies within Lafourche Parish by the owner of the animal.** _____
- (3 4) The owner shall display a sign on his premises warning that there is vicious or dangerous animal on the premises. Said sign shall be visible and capable of being read from the public street, sidewalk, or right-of-way abutting the premises.
- (4 5) The owner shall sign a statement attesting that:
 - a. The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the 12-month period for which licensing is sought, unless the owner shall cease to own or keep the said animal prior to the expiration of such license.
 - b. The owner of a vicious animal shall have an enclosure for the animal on the property where the said vicious animal will be kept or maintained. This subsection shall also be applicable to a dangerous animal when so ordered by the parish council or parish sheriff's office.
 - c. The owner shall notify the parish sheriff's office immediately if a vicious or dangerous animal is on the loose, is unconfined, has attacked another animal or has attacked a human being.

SECTION 2. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not effect other provisions, items or application of this ordinance which can be given affect without the invalid provisions, items or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All Ordinances by the Lafourche Parish Council conflicting with or inconsistent with the provisions of these regulations are hereby repealed.

SECTION 4. This Ordinance shall be published in the Official Journal of the Lafourche Parish Council in the manner provided by law.

SECTION 5. This Ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of said Council, was then submitted to an official vote as a whole, the vote thereon being as follows:

YEAS: Mr. Jerry Jones Mr. John Arnold
Mr. Michael Delatte Mr. Lindel Toups
Mr. Aaron Caillouet Mr. Phillip Gouaux
Mr. Joseph "Joe" Fertitta

NAYS: Mr. Jerry LaFont
Mr. Daniel Lorraine

ABSENT: None

SECTION 6. This Ordinance shall become effective on the tenth day after final publication.

/s/ Daniel Lorraine
DANIEL LORRAINE, CHAIRMAN
LAFOURCHE PARISH COUNCIL

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

Delivered to the Parish President on

August 28, 2014, at 2:30 p.m.

APPROVED: X

UNAPPROVED:

VETOED:

/s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

August 28, 2014, at 4:00 p.m.

I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5516, enacted by the Assembled Council in Regular Session on August 26, 2014, at which meeting a quorum was present, and was finally adopted on August 28, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 10TH DAY OF SEPTEMBER, 2014.

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

DATE PUBLISHED: SEPTEMBER 16, 2014

DATE EFFECTIVE: SEPTEMBER 26, 2014