

ORDINANCE

2008-O-37

AN ORDINANCE REGULATING ANIMAL CONTROL IN VERMILION PARISH, LOUISIANA

WHEREAS, the Parish of Vermilion has experienced and continues to experience a population growth with a corresponding growth in its animal population, and

WHEREAS, the Parish of Vermilion recognizes its responsibility to promote responsible pet ownership and to uphold the care and custody of animals in the interest of public health, safety and welfare, and

WHEREAS, the Parish of Vermilion recognizes a need for an Ordinance providing for the registration and immunization against rabies, with an approved anti-rabies vaccine of all dogs and cats in Vermilion Parish, providing that such immunization must be performed once a year; providing proper means of identifying dogs or cats so immunized; providing that that dogs and cats not immunized and properly tagged may be impounded; that on failure of owner to redeem impounded dog or cat and pay impounding fees, as well as immunization fee within the time provided the dog or cat shall be destroyed; that any animal that has bitten a human being or any other animal that is a rabies carrier shall be impounded as specified by the Parish Board of Health; providing a penalty for willfully or negligently allowing a dog or cat not immunized and properly tagged to run at large; providing for the effective date of this ordinance; and repealing all ordinances or parts of ordinances in conflict herewith.

NOW THEREFORE, BE IT ORDAINED by the Police Jury of Vermilion Parish as follows:

ARTICLE I. DEFINITIONS

- A. **ABANDON:** To set loose with the intent of avoiding responsibility for custody and care.
- B. **ANIMAL:** Any living, vertebrate creature, domestic or wild, except human beings.
- C. **ANIMAL CONTROL OFFICER:** A Vermilion Parish Animal Control Officer charged with enforcing this ordinance, or any other ordinance or law concerning animal control.
- D. **ANIMAL CONTROL FACILITY:** A place, designated by the Parish, in which animals taken into custody by an Animal Control Officer pursuant to this Ordinance are impounded.
- E. **AT LARGE:** Any animal not physically controlled by a human being by means of a leash or lead held by the human being, or not at all times accompanied by a person and does not at all times immediately respond to sound, mechanical, electrical or other command of its accompanying person. Exceptions are: a dog while actually working livestock, located or retrieving wild game in season for a licensed hunter, assisting law enforcement officers or while actually being trained for any of these specifically enumerated pursuits, and an animal that is physically or electronically secured within the confines of the real property of its owner or keeper or other real property that the owner or keeper has permission to use or is within a motor vehicle (excluding an unleashed animal in an open bed of a truck).
- F. **BODILY INJURY:** Any physical injury to a human being caused by an animal, including, but not limited to injuries wherein the skin is broken, interior or exterior bleeding or bruising occurs, or bone, tissue, or muscle damage is suffered.
- G. **CAT:** Any animal of the feline species.
- H. **DANGEROUS DOG:** Dangerous dog shall mean and include any of the following:

1. Any dog which has a propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise endanger the safety of human beings, pet animals or livestock.
2. Any dog which is of a breed that its propensities for violent actions are known or should be reasonable foreseeable.
3. Any dog kept primarily to guard public or private property which is not owned by a law enforcement agency.

I. DISTURBANCE: Any act causing:

1. annoyance or agitation to another, or
2. interference with the quiet and peaceful enjoyment to the property of another.

J. DOG: Any animal of the canine species.

K. FOWL: Chickens, turkeys, guineas, pheasants, quail, ostriches, emus, ducks or geese.

L. HUMANE SOCIETY: Society for the Prevention of Cruelty to Animals (SPCA) or other organizations which promote animal welfare.

M. INTACT ANIMAL: An animal not spayed or neutered.

N. KEEPER: A person who has custodial or supervisory authority or control over an animal.

O. LEASH OR LEAD: A thong, cord, rope, chain or similar tether which holds an animal in restraint and which is not more than six (6) feet in length. A leash or lead longer than six feet in length or a retractable lead of variable length may be used when exercising or training an animal provided that the use of the leash or lead does not allow the animal to interfere with public access to or use of public areas.

P. LIVESTOCK: Any horse, mule, donkey, hog, cattle, sheep or goat.

Q. OWNER: Any person having control or purporting to have control over an animal; the occupant of the premises where the animal is usually kept or allowed to remain about their premises for a period of three (3) consecutive days or more. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner as defined herein. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this Ordinance, even if the animal was in the possession of or under the control of a keeper at the time of the offense.

R. PARISH: The Parish of Vermilion, Louisiana and/or the Vermilion Parish Police Jury.

S. PET ANIMAL: Any animal owned or kept by a person for companionship or protection or for sale to others for such purposes.

T. PROVOCATION: Threatening, teasing or striking an animal. It also includes threatening or striking the animal's owner/keeper either on or off the animal owner/keeper's property.

U. NUISANCE ANIMAL OR STRAY: Any animal that is at large, has not been spayed or neutered, or is a vicious dog.

V. SHELTER: Access to a barn, doghouse, 3-sided structure with a roof over the structure, or other enclosed structure sufficient to protect the animal from the weather.

W. UNDER RESTRAINT: Under the physical or voice control of an owner or keeper.

- X. VICIOUS DOG:** Any dog that while at large has, without provocation, inflicted bodily injury upon or has caused the death of a person, pet animal or livestock, or any dog which on private property, without provocation, approaches in apparent attitude of attack, or bites, or inflicts injury upon any meter reader, delivery person, service person, mail carrier or other person who is on the property of the owner or keeper of the dog who is there by reason of business or with invitation of said owner or keeper.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

A. Enforcement Personnel:

1. The office of Vermilion Parish Animal and Rabies Control, through the Vermilion Parish Police Jury is recognized as the entity with continuing jurisdiction over animal and rabies control within the Parish of Vermilion, Louisiana. Vermilion Parish Animal Control Officers shall be charged with all duties, including the issuing of verbal and written warnings, pertaining to the enforcement of ordinances, regulating or controlling the keeping of animals within the Parish for the purpose of performing such function.
2. Whenever a Vermilion Parish Animal Control Officer has probable cause to believe that a violation of this Ordinance has occurred, the Animal Control Officer may issue a warning or contact local law enforcement to summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. Animal Control Officers shall enforce all of the provisions of this Ordinance as set forth herein and shall take up and impound any animal authorized to be impounded by Vermilion Parish Ordinances and/or any provision of law.
3. Any person who shall knowingly interferes with, impedes or obstructs any Animal Control Officer who is attempting to discharge or is in the course of discharging an official duty or failing to obey the lawful order of an Animal Control Officer shall be guilty of a misdemeanor.

B. Right of Entry Granted:

1. Animal Control Officers are hereby authorized to enter upon any premises in the Parish (except a dwelling), for the purpose of impounding animals which they are authorized herewith to impound, or for any other purpose authorized by this Ordinance or by law.

ARTICLE III. RABIES CONTROL

- A. It shall be the duty of every person owning or having in his or her possession any dog or cat within the Parish at the age of or over three (3) months to register said animal with the Vermilion Parish Animal and Rabies Control.
- B. Before the Vermilion Parish Animal and Rabies Control shall register any dog or cat, it shall be presented by the owner of any person having possession of such animal a certificate certifying to such inoculation, signed by a licensed veterinarian showing that such animal has been inoculated on some date previous thereto, which shall render said animal immune for the period of registration as herein provided.
- C. The licensed veterinarian shall furnish such person owning or keeper of such animal at the time of registration with a metal tag for each animal which shall be attached to said animal's collar, and which shall be numbered and shall indicate the calendar year for which such inoculation has been issued.
- D. All dogs and cats shall be registered and inoculated each year and that each certificate and tag issued by licensed veterinarian shall be effective for a period of one year from the date of the registration. All records of rabies vaccination books shall be kept at the Vermilion Parish Animal and Rabies Control facility for five years, after which they may be destroyed.
- E. All dogs or cats in the Parish of Vermilion over the age of three (3) months at any time after May 1, 1986, which has not be inoculated and registered with a licensed

veterinarian, shall be seized and impounded by the Animal Control Officers, and held for a period of not to exceed four (4) days with a \$15.00 first day boarding fee and \$5.00 per day boarding fee thereafter. If any such animal is not claimed within four (4) calendar days after it is seized and impounded and requirements of this ordinance are not complied with, it shall be the duty of the Animal Control Officers to humanely destroy such animal, place animal with rescue, humane society, or in an adoption.

- F. It shall be the duty of the Parish Health Officer, or Animal Control Officers, or such other persons appointed by the Parish, to impound or to cause to be impounded any dog or cat or other animal, whether registered or not, that has bitten a human being within the Parish of Vermilion or has been bitten by an animal suspected of having rabies (or carrier of rabies), or any infection associated thereto, for a period of ten (10) days or longer for observation.

ARTICLE IV. CONTROL OF ANIMALS

A. Dangerous Dogs:

It is unlawful for the owner, or keeper, of a dangerous dog to:

1. Have the animal on their property without securing the dog from public contact by confining the dog in a manner approved by the Animal Control Officer that shall prevent the entry of the general public and to preclude any release or escape of the dangerous dog;
2. Have the animal on their property without warning the public about the presence of the dangerous dog by posting visible and legible signage on and around the property such as "BEWARE OF DOG" or other appropriate verbiage;
3. Have the animal off their property unless the dog is securely muzzled and adequately restrained on a lease;

B. Vicious Dogs:

It shall be unlawful to own, keep or possess any vicious dog. Any such vicious animal may be taken and impounded by the Animal Control Officer wherever a violation has occurred in the Animal Control Officer's presence, or whenever a citizen has registered a complaint, that adequately establishes probable cause, and after performing an investigation, the Animal Control Officer is of the opinion that the situation requires that the dog be impounded to protect the safety and wellbeing of humans and/or other animals.

C. Dogs at Large Prohibited:

It shall be unlawful for any person to suffer or permit any dog or cat owned by him or in his possession, or kept by him about his premises to roam at large on the public roads or public places, or on enclosed or unenclosed lands or other properties, unless such dog or cat be in the immediate presence of the owner or keeper and under restraint. If a dog or cat is found to be at large in the Parish, the owner or keeper shall be presumed to have violated this section.

D. Disturbance of the Peace and Quiet Prohibited:

Each owner or keeper of a pet animal in the Parish shall not permit such pet animal to disturb the peace and quiet of any person by barking, whining, howling or making any noise that violates any Parish ordinance which regulates noise. If any pet animal does so, its owner or keeper shall be deemed guilty of a violation of this section, in addition to any other Parish ordinance or any State law.

E. Public Nuisance Prohibited:

It shall be unlawful for any owner or keeper of a pet animal to fail to exercise proper care and control of his pet animal so as to have it become a public nuisance. For the purposes of this section, a public nuisance includes:

1. A pet animal which is a safety or health hazard, which damages or destroys the property of another (including gardens, flower beds and trees), which creates offensive odors which materially interferes with or disrupts another person in the conduct of lawful activities at such person's home or which defecates upon private property not owned or exclusively occupied by the owner or keeper or upon public property if the feces deposited by the pet animal is not immediately removed by the owner or keeper.
2. A pet animal at large that jumps on, or that runs after and barks at horses, joggers, pedestrians, bicyclists or any vehicle being ridden or driven upon roads or any public grounds or place within the Parish.
3. A pet animal at large that chases or attacks wildlife (including birds) or livestock on property not owned or exclusively occupied by the owner or keeper, whether or not the pet animal injures or destroys the wildlife or livestock.

F. Animal Curbing Requirements:

1. No person shall knowingly allow an animal which is kept by that person to urinate upon private property or defecate upon a public street, right-of-way, public or private property, without the prior permission of the owner; however, it shall be a defense to said violation if,
 - a. when an animal defecates on property described in this subsection, the animal's owner or keeper immediately shall remove any feces to a waste container; or
 - b. if the animal is serving a vision impaired person in any capacity to assist such person with a physical impairment; or
 - c. if the dog is on official police business.
2. No person shall be in control of a dog upon a public street, right-of-way, or upon any public property without being in possession of a device or material to remove feces to a waste container.
3. No person shall allow his or her animal to disperse waste material placed for public or private collection upon any public street, right-of-way or upon public or private property.

G. Quantity of Pet Animals Restricted:

In no event shall any person keep at his or her premises more pet animals that can be property maintained in a healthy condition without presenting a health or safety hazard to the owners, keeper or others and without constituting a nuisance to the occupants or neighboring properties.

H. Abandonment of Animals:

It shall be unlawful for a person to abandon any animal on any public or private property in the Parish.

ARTICLE V. IMPOUNDMENT AND RECLAMATION

A. Authorization for Capture and Impoundment:

In addition to the authority to issue warnings, summons and citation in conjunction with local law enforcement (police departments and/or Vermilion Parish Sheriff Department), Animal Control Officers are hereby further authorized to take or capture animals deemed by them to be included in the categories listed below, and to impound them at the Vermilion Parish Animal and Rabies and Control Facility or other appropriate location where the animals will be confined in a humane manner. Such officers may utilize such means as is necessary in order to capture an animal which appears to be vicious or is not able to be captured in any other humane manner.

The officer may destroy such animal if necessary to avoid a physical threat to human beings.

1. Nuisance animals.
2. Animals at large, mistreated or abused.
3. Animals that constitute a safety or health hazard.
4. Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the animal as a result of the accident and there is no responsible person present to take possession of the animal.
5. Animals that will apparently be and have been left uncared for as a result of the death, arrest, detention or other incapacitation of the owner or keeper.

B. Notice of Impoundment:

If by tags or other identification attached to the animal or any other information given to a Vermilion Parish Animal Control Officer, the owner of an impounded animal can be identified, an Animal Control Officer or supervisor shall, immediately upon impoundment, notify the owner of such impoundment by telephone or written notice.

C. Minimum Time for Impoundment of Unclaimed Animals:

Unclaimed animals shall be kept at the Vermilion Parish Animal and Rabies Control Facility or other appropriate location for a period of four (4) days, during which period the owner may reclaim said animal, unless euthanasia prior to that time is deemed necessary or appropriate by a licensed veterinarian advising the Vermilion Parish Animal Control Officer. If any such dog or cat is not claimed within the four (4) days after it is seized and impounded, it shall be disposed of in a humane manner. An animal shall be evaluated by the Animal Control Officer to determine if said animal needs to be humanely euthanized.

D. Reclamation of Certain Animals Restricted or Prohibited:

Any pet animal which constitutes a known safety or health hazard, or which poses a known physical threat to human beings, shall not be released to the owner or any other person. The Animal Control facility may euthanize animals which, in the opinion of the Animal Control Officer, with the advice of a veterinarian advising the facility, constitute a safety or health hazard, or which pose a physical threat to human beings.

E. Reclamation of Animals by Employees of Animal Control Facility:

It shall be unlawful for any employee of the Animal Control Facility to redeem any dog or cat or become directly or indirectly interested in the reclamation or adoption of any dog or cat not owned by such employee of the Animal Control Facility prior to its impoundment.

F. Fees for Reclaiming:

Any person owning, possessing or keeping a dog or a cat which has been impounded may claim and retrieve from the Vermilion Parish Rabies Control Facility by payment of check or money order, an impounding fee of \$15.00 for the first day and a boarding fee of \$5.00 per day for each day during which the seized dog or cat has remained impounded. If said dog or cat has not been vaccinated against rabies within the immediately preceding twelve (12) months, said dog or cat will have an additional \$5.00 added to the impoundment fee. An owner or keeper reclaiming an impounded dog or cat shall present a current certification of rabies vaccination for such animal issued by a licensed veterinarian prior to reclaiming the animal. If the owner or keeper cannot provide evidence of current rabies vaccination, the owner or keeper will get a written notice that will be voided upon presenting, within ten (10) business days, such evidence of current rabies vaccination.

ARTICLE VI. ADOPTION OF DOGS AND CATS

A. Adoption of Dogs and Cats by Humane Society or Rescues:

1. If not claimed by the owner or keeper, the Parish may transfer ownership of any dogs or cats held at the Vermilion Parish Animal and Rabies Facility after the expiration of the detention period, to the Humane Society, or any animal agency that is approved by the Parish and upon obtaining possession of each such dog or cat, agrees not to release the animal to any person other than the owner or person in charge until the following requirements have been met:
 - a. The signing of the Cooperative Agreement for Rescue/Release of Animals.
 - b. The Parish shall not transfer ownership for purposes of adoption of any dog or cat that is maimed or diseased and, in the opinion of the Animal Control Officer, not suitable for adoption. This subsection, however, shall not be construed to preclude transfer of an injured, maimed or diseased dog or cat to a veterinarian agreeable with the Humane Society, or other approved agency, with payment for subsequent veterinary service to be made by the Humane Society or by other approved agency, when it is mutually agreed to by the authorized agent of the Humane Society or the authorized agent of an approved agency and the Animal Control Officer.
 - c. If the owner of an injured animal is unknown and the animal has been hospitalized by a licensed veterinarian for a period of five (5) days, the animal may be released to the veterinarian upon his request.
 - d. The Parish shall not transfer ownership of any dog or cat to any group or individual that is known to have bitten a person or to have bitten another animal without justifiable provocation.

B. Adoption of Dog and Cats by Individuals:

At this time, there is no adoption program in place for individuals. We are currently working on one with the veterinarians of Vermilion Parish.

ARTICLE VII. PENALTIES

- A. Any person found guilty of violating any provision of this Ordinance, whether by acting in a manner declared unlawful or by failing to act as required, shall be punished as set forth below.
- B. Any violation of any provision of this Ordinance involving bodily injury to any person by a dog or other pet animal shall be punishable by a maximum sentence of thirty (30) days imprisonment, or maximum \$500.00 fine, or both, for each separate offense.
- C. Any violation of any provision of this Ordinance not involving bodily injury to any person by a dog or other pet shall be an offense punishable by a fine of not more than \$500.00 or imprisonment for not more than thirty (30) days, or both, for each separate offense.
 1. The penalty for violation of any provision of Article IV (B) Vicious Dogs and Article IV (I) Abandonment shall be \$100.00 for the first offense and \$150.00 for the second offense.
 2. The penalty for the violation of any provision of Article IV (C) Dogs at Large shall be:
 - a. First Impoundment = \$15.00 + boarding
 - b. Second Impoundment = \$20.00 + boarding
 - c. Third Impoundment = \$50.00 + boarding

d. Fourth Impoundment = \$100.00 + boarding

The penalty for violation of any provision of Article IV (D) Disturbance of the Peace and Quiet shall be a written warning for the first offense; second offense will be turned over to law enforcement to follow through with court citations.

- 3. The penalty for violation of any provision of Article IV (E) Public Nuisance shall be a written warning for the first offense and a \$25.00 fine for the second offense.
- 4. The penalty for violation of any provision of Article IV (F) shall be a written warning for the first offense and a \$25.00 fine for the second offense.
- 5. The penalty for violation of any provision of Article IV (G) Improper Care or Treatment and Article IV (H) Quantity of Pet Animals shall be \$50.00 added to court costs and the impoundment fee and boarding of said animals for the first offense. Second offenses will be set for a court of law. In accordance with Louisiana Revised Statute R. S. 14:102 (B) (1) specifically authorizes an Animal Control Officer to remove and care for any animals found abandoned, neglected or cruelly treated or unfit for use. Pursuant to Section 102.0 (b) (1) of the Louisiana Revised Statutes, any animal(s) taken into custody pursuant to Louisiana Statute 102.6 may be placed for adoption, or humanely disposed of by sale, adoption or euthanasia after fifteen (15) days, following the date of impoundment, unless a cash or corporate surety bond is posted with the District Attorney's Office, pursuant to R. S. 14:102.2 (b) (4) of the Louisiana Revised Statutes, to secure the cost of the animals care and keeping for thirty (30) days. That cost of care comes to the amount of \$160.00 per animal for boarding, feed and care of the animal at the Rabies Control Facility.

D. The fees, deposits, penalties and fines as established by this Ordinance may be changed from time to time by action of the Vermilion Parish Police Jury.

ARTICLE VIII. SEVERABILITY

Should any section, clause, sentence or part of this Ordinance be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate this Ordinance as a whole or any part therefore, other than a part so declared to be invalid.

ARTICLE IX. REPEAL OF CONFLICTING ORDINANCES

All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

ARTICLE X. EFFECTIVE DATE

This ordinance shall become effective upon the signature of the President of the Vermilion Parish Police Jury.

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YEAS: Dane Hebert, Chris Beraud, Nathan Granger, Wayne Touchet, Mark Poche`, Keith Meaux, Errol J. Domingues, Gerald Butaud, Ronald Menard, Pervis Gaspard, Cloris J. Boudreaux, T. J. Prejean, Jr., Leon Broussard

NAYS: None

ABSENT: Ronald Darby

Gerald Butaud
President

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I, Chris Theriot, Administrator/Secretary-Treasurer of the Vermilion Parish Police Jury, do hereby certify that the above is a true and exact copy of an ordinance adopted by the Vermilion Parish Police Jury, at the regular meeting of December 8, 2008, at which a quorum was present and acting.

Chris Theriot
Administrator/Secretary-Treasurer