

ORDINANCE NO. 17-122

The following Ordinance was offered by Council Member Black who moved its adoption:

An Ordinance to amend and as amended, re-adopt Chapter 5, Article III of the Plaquemines Parish Code of Ordinance, Dogs and Other Animals; and otherwise to provide with respect thereto.

WHEREAS, it is the consensus of this Council that Chapter 5, Article III of the Code of Ordinances is out of date and not consistent with surrounding parishes or Louisiana State laws; and

WHEREAS, in collaboration with members of the Council, the Administration including the Health Department, Animal Control and Legal, Plaquemines Animal Welfare Society, as well as private citizens, conducted a total review of Chapter 5, Article III of the Plaquemines Parish Code of Ordinances and compared it with Louisiana State laws and surrounding parish codes; and

WHEREAS, through this in-depth collaboration, edits, additions, and revisions were made and are reflected in this Ordinance to bring Chapter 5, Article III up to a higher level of standard for the welfare of the citizens and the animals of Plaquemines Parish;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Section 5-32 is hereby repealed, amended, and adopted to read:

Owner and Harbor defined.

- a) "Harbor" means legal ownership, or the providing of regular care or shelter, protection, refuse or nourishment, or medical treatment; provided however that the term shall not include the providing of nourishment to a stray, or feral, or community cat.
- b) "Owner" means any person owning, keeping, possessing, harboring, or having the care, custody or control of any animal.

SECTION 2

Section 5-33 is hereby repealed, amended, and readopted to read:

- a) The owner of a dog shall have such dog confined within his yard or enclosure or secured by a tether therein or if said dog is allowed outside of said enclosure, it shall be under leash, and shall be accompanied by his owner or keeper.
- b) It shall be the duty of the owner of the dog or cat to provide veterinary care to prevent suffering and to care for the animal in a humane manner.
- c) It shall be the duty of the owner of the dog or cat to not abandon the animal for any reason. Care must be provided in the event that the owner is absent for more than twenty four (24) hours.
- d) "Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal's care.
- e) If a person releases and transfers ownership of an animal to Plaquemines Parish Animal Control or to an animal shelter, that is not an abandonment.
- f) If a feral cat caregiver releases a feral cat in accordance with an approved program to trap, alter, vaccinate, ear tip, and return feral cats, the feral cat is not considered abandoned.

SECTION 3

Section 5-39 of the Plaquemines Code of Ordinances is hereby repealed, amended, and readopted to read:

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

be the duty of any authorized employee of the Parish to lawfully take possession of and remove the animals so abandoned or neglected. Animals so impounded shall not be released before the reason for causing the impoundment has been corrected. Any person who shall hinder or molest, or interfere with any officer or agent of the parish health department in the performance of any duty provided for by this article shall be deemed guilty in, and shall be subject to the penalties provided for in section 5-41 of this article.

SECTION 4

Section 5-41 of the Plaquemines Code of Ordinances is hereby repealed, amended, and readopted to read:

The owner of a dog, and any other person violating the provisions of this article, shall be deemed guilty of a misdemeanor, and upon conviction for such offense, before any court of competent jurisdiction of the parish, shall be fined not more than one-hundred dollars (\$100.00) and, in default of payment of such fine, condemned to imprisonment in the parish prison for a term not exceeding thirty (30) days, or both fine and imprisonment in the discretion of the court.

SECTION 5

Section 5-42 is hereby adopted and added to the Plaquemines Parish Code of Ordinances and it shall read:

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

- (a) 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 or link chains are not permitted to be used as a collar. The tether must have a swivel on both ends.
- (b) 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.
- (c) At minimum, the tether should be four (4) 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 twelve (12) inches of slack.
- (d) 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.
- (e) The tether allows the dog to move at least twenty (20) feet.
- (f) The tether does not inhibit the animal's access to shelter, shade, food and water.
- (g) Intact dogs may not be tethered under any circumstances.
- (h) No animal shall be tethered as a means of permanent confinement; such permanent confinement by tethering shall be considered as cruel treatment.
- (i) Dogs must not be left tethered outside in areas designated as emergency declarations.
- (j) At no time shall a dog be tethered to a moveable object in which the dog must physically move the object in order to move about.
- (k) If the Plaquemines Parish Animal Control Department determines upon inspection that an animal owner or keeper is not in compliance with the provisions of this section, the department shall provide written notice to the owner or keeper as such. Failure by the owner to comply within twenty four (24) hours or any other amount of time as stipulated by the Animal Control Officer of receiving notice shall result in the temporary impoundment of all animals on the offending property(s) by the Animal Control Department. The Animal

Control Department may remove any animal from the property if the removal is deemed necessary by the agency to protect the health and well-being of the animal. All animals shall be promptly returned to the owner or keeper upon a determination by the agency that the owner or keeper has come into compliance with this section. The owner or keeper shall be responsible for all boarding fees for the impoundment of animals.

SECTION 6

Section 5-43 is hereby adopted and added to the Plaquemines Parish Code of Ordinances and it shall read:

Home confinement for rabies observation of an animal that bites a human may be allowed only if all five of the following conditions are met:

- (a) The animal must be on the property of its owner at the time the bite occurred
- (b) Proof of current rabies vaccination by a licensed veterinarian is provided.
- (c) An animal control officer must verify that the owner, caretaker, or person having custody or possession of the animal has the ability to securely, safely, and humanely confine such animal for the ten-day quarantine period.
- (d) The owner signs an indemnity clause holding the animal control department and Plaquemines Parish harmless from any and all liability which might arise while the animal is undergoing in home observation.
- (e) The animal must appear to be healthy at the time the home quarantine begins.

An animal control officer shall conduct a visual examination of the animal and photograph it at the outset of and upon conclusion of the ten-day period to take additional photographs of the animal prior to releasing it from such home quarantine if the animal appears to be healthy. If home confinement is agreed upon, it shall be the duty of the animal's owner to immediately notify the Animal Control Department if the animal shows any symptom of sickness or abnormal behavior or escapes or dies during confinement. If the animal dies, the owner shall surrender the carcass to the animal control department or designated agency for the purpose of rabies testing. If the animal control department observes any violation of this exception, the animal shall then be seized and taken to the animal control shelter or a licensed veterinary facility; and the owner may be subject to violations of Section 5-41.

SECTION 7

Section 5-51 of the Plaquemines Code of Ordinances is hereby repealed, amended, and readopted to read:

The LAC Title 51, Part 23, otherwise known as the Sanitary Code, Chapter 1, Section 103, is hereby adopted establishing the Mandatory Vaccinations of Dogs, Cats, and Ferrets, which states," A .No person shall own, keep or have in his custody a dog, cat, or ferret over three months of age that has not been vaccinated against rabies by a licensed veterinarian. Every owner of a dog, cat, or ferret shall cause said animal to be vaccinated initially with a series of two vaccinations, the first to be administered at three months of age, the second to be administered one year after the initial vaccination. Dogs, cats, or ferrets initially vaccinated later than three months of age shall also be administered a series of two vaccines, the second vaccine to be given one year after the initial vaccination. Subsequent booster vaccines shall be administered one year after the administration of a vaccine that confers one year of immunity and three years after the administration of a vaccine that confers three years of immunity. Approved vaccines and durations of immunity are listed in the most recent Compendium of Animal Rabies Prevention and Control prepared by the National Association of State Public Health Veterinarians, Inc. AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4A(2)(a), and R.S. 40:1277.HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1223 (June 2002), amended LR 33:650 (April 2007)."

SECTION 8

Section 5-53 of the Plaquemines Code of Ordinances is hereby repealed, amended, and readopted to read:

- (a) The parish health department or designated suitable agent shall furnish such tags, otherwise known as a rabies tag, to all persons applying for same, at the rate stipulated by the parish health department or designated suitable agent for the given calendar year in which it is issued, which sum shall not be more than ten dollars for each spayed or neutered dog or cat and not more than twenty dollars for each unspayed or unneutered dog or cat. Said tag to be available for use only for the year in which issued, and to be attached to the collar of the dog registered, as hereinafter set forth. Before said tag is delivered to the owner or keeper of any dog, it shall be the duty of the health department or designated suitable agent, to record and keep, the name and address of the person who owns or has charge of the dog to which the said tag is to be attached, a brief description of said dog, and the registered number assigned to same.
- (b) The health department or designated suitable agent shall, require the owner or keeper to present a certificate of inoculation of the dog with an approved and recognized rabies vaccine, administered by a licensed veterinarian, or any other person designated by the health officer of the parish. The date of administration of vaccine shall be within the same calendar year as that within which the license is issued.
- (c) Whenever a dog has not been inoculated before the issuance of said license, the health department, if the owner so desires, shall cause said dog to be inoculated with an approved and recognized rabies vaccine which shall render said dog immune from rabies for a period of at least one year, such inoculation to be effected by a licensed veterinarian, or any other person designated by the health officer, or through his agent, then the department or designated suitable agent shall issue to each such owner a certificate of such inoculation.

SECTION 9

Subsection b of Section 5-66 of the Plaquemines Parish Code of Ordinances is hereby repealed, amended, and readopted to read:

- (b) If the owner of said dog or cat does not possess a certificate of rabies inoculation for the current year, said dog or cat, before being released to its owner shall be inoculated with an rabies vaccine, as required herein. If such dog or cat shall bear a rabies license tag for the current year, then such owner shall pay the fee of Twenty-Five Dollars (\$25.00) per day for the release of said dog or cat. If such dog or cat shall not bear a rabies license tag, then the Plaquemines Parish Government, or suitable designated agent, shall have the dog or cat inoculated with an rabies vaccine and shall present a copy of the receipt for the paid inoculation and license tag from a licensed veterinarian to the owner of said dog or cat to the Plaquemines Parish Health Department, or suitable designated agent. The dog or cat shall not be released back to the owner until said dog or cat has been inoculated with a rabies vaccine by a licensed veterinarian. In each instance of the release of an impounded dog or cat, even though inoculated for rabies, which has been seized due to running at large without leash and unaccompanied by its owner or keeper, the said owner or keeper shall pay to the Parish Health Department or its agents the sum of Twenty-Five Dollars (\$25.00) per day as a boarding fee for said animal. The maximum fee for boarding an animal shall be Two Hundred Dollars (\$200.00) unless the boarding fee is being charged for rabies observation. On any subsequent impoundment of the same animal in addition to the boarding and/or inoculation fee, for a second impoundment shall be the fee of Fifty Dollars (\$50.00), and on a third impoundment and all subsequent impoundments thereafter the fee of One Hundred dollars (\$100.00) shall be charged.

SECTION 10

Section 5-76 (2) (c) is hereby repealed, amended, and readopted to read:

Prior to the issuance of any certificate of registration by the department of animal control and/or the health department a fee for registration of said owner in the amount of Five Hundred dollars (\$500.00) for a dangerous dog and One Thousand Dollars (\$1000.00) for a vicious dog shall be collected from the owner.

SECTION 11

Section 5-79 is hereby repealed, amended, and readopted to read:

Any dog or cat obtained under the provisions of the section where the owner is not identified within five (5) calendar days after being impounded shall be destroyed or otherwise be disposed of by the parish health department or designated suitable agent either by humane euthanasia if said dog or cat is deemed not adoptable or through adoption through PAWS (Plaquemines Animal Welfare Society) or any other designated suitable agent.

SECTION 12

Section 5-81 is hereby adopted and added to the Plaquemines Parish Code of Ordinances and it shall read:

Animal Control or its designated suitable agent is hereby authorized to accept the voluntary surrender of dogs and cats for the following fees:

- (a) For animals that appear healthy, a fee of Ten Dollars (\$10.00) with an additional fee of five dollars (\$5.00) for each additional animal shall be charged.
- (b) For animals that appear sickly, a fee of Twenty Dollars (\$20.00) per ill animal surrendered shall be charged.

SECTION 13

Section 5-82 is hereby adopted and added to the Plaquemines Parish Code of Ordinances and it shall read:

- (a) All indoor/outdoor cats that are privately owned must be microchipped or ear tipped.
- (b) Community cats and/or feral cats may be allowed outside so long as the cats do not prove to be a nuisance to neighbors. Any ear-tipped cat collected under the provisions of this section shall be released on-site unless suffering from an obvious injury or illness. Any non-ear-tipped cat collected under the provisions of this section shall not be returned to its owner and/or caregiver until such time as said owner shall have cat spayed or neutered, ear tipped or microchipped, and vaccinated against rabies, and all nuisance complaints are resolved.
- (c) "Community Cat" means a feral or free roaming cat that is without visibly-discernible identification of any kind and has been sterilized, vaccinated, and ear-tipped. Community cats are exempt from licensing, feeding bans, and registration requirements.
- (d) "Community Cat Caregiver" means any person other than an owner, keeper, custodian, or harbinger, who provides food or water to a community cat or community cats.
- (e) "Ear-tipped" means removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized for sterilizations.
- (f) "Feral Cat" means a cat that is born in the wild, is the offspring of an owned or feral cat and is not socialized, or is formerly-owned cat that has been abandoned and is no longer socialized.

SECTION 14

Section 5-83 is hereby adopted and added to the Plaquemines Parish Code of Ordinances and it shall read:

It shall be unlawful for anyone to operate a private kennel in Plaquemines Parish without a permit.

- (a) For purposes of this ordinance a Kennel shall be defined as the keeping of more than five (5) dogs, excluding puppies under six (6) months of age, on a common premises. Any individual or business with five (5) or more dogs and who breeds and sells dogs retail, wholesale, or to the public is required to procure a kennel license and pay a kennel license fee in lieu of the individual dog licenses and license fees provided for herein.
- (b) The fee for a Kennel Permit shall be as follow:
 - (1) Fifteen Dollars (\$15.00) if no more than five (5) dogs over the age of six (6) months are harbored on the owner's premises at the time of the application.
 - (2) Twenty-five dollars (\$25.00) if more than five (5) dogs but no more than ten dogs over the age of six (6) months are harbored on the owner's premises at the time of the application; and
 - (3) Thirty dollars (\$30.00) if more than ten (10) dogs over the age of six months are harbored on the owner's premises at the time of the application.
- (c) Anyone seeking a permit to operate a kennel shall make an application to the Plaquemines Parish Animal Control Department. Permits shall be issued upon inspection whenever it is found that the kennel can be operated in a safe and sanitary manner, that there are adequate provisions for the care and feeding of the dogs therein, and that the keeping of a kennel will not create a nuisance for neighboring property owners or otherwise endanger public health and safety. The inspection fee for kennel inspections shall be Fifty Dollars (\$50.00) with a Twenty Five Dollar (\$25.00) re-inspection fee, if deemed necessary by the Animal Control Department.
- (d) All private kennels in Plaquemines Parish shall cause all of the animals kept therein to be properly vaccinated against rabies and other common contagious canine diseases. All such dogs must be tagged.
- (e) At the time of application for an initial or renewal kennel license, an applicant shall provide the governing body of the parish or municipality with a statement that is signed and dated and includes both of the following:
 - (1) The applicant's Class A or Class B animal dealer's license number issued by the United States Department of Agriculture pursuant to provisions of the federal Animal Welfare Act, 7 U.S.C. 2131 et seq., or the reason the applicant is not required to hold either license.
 - (2) The applicant's sales tax identification number or the reason the applicant is not required to have a sales tax identification number. A person selling pure breed dogs must also possess either a valid class A or class B dealer's license number issued the United States Department of Agriculture.
- (f) Any person who violates the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both, per Louisiana RS 3:2772.

SECTION 15

Section 5-84 is hereby adopted and added to the Plaquemines Parish Code of Ordinances and it shall read:

Shelter and care.

- (a) A shelter must be sanitary, of sound construction, and provide adequate protection from the cold and heat. The shelter must be placed in a dry area free of debris, feces, and standing water. It

must have at least three solid sides and a solid, immovable, weatherproof roof, have a solid sanitary floor that sits at least 1.5 inches off of the ground, be adequately ventilated, provide adequate light, and provide shelter from wind, rain, sun and the elements at all times. Suitable drainage must be provided so that water is not standing in or around the shelter so that the animal has access to a dry area at all times.

(b) A shelter must be large enough for the animal to stand, turn around, and lie down without touching the sides or top of the shelter.

(c) All areas where animals are kept shall be cleaned regularly so that fecal matter is disposed of so not to attract insects or rodents, become unsightly or cause objectionable odors. For cats and dogs, floors of animal housing areas should be made of an impervious material to facilitate cleaning and drainage. Sealed concrete is ideal. Shelter areas must have easy access to hose bibs with water under sufficient pressure to properly clean the areas.

(d) Animal areas must meet all zoning laws, subdivision restrictions, or ordinances.

(e) If multiple animals are present in one location, each animal must have a separate and clean food bowl. Each animal must have access to shelter and the owner must meet all standards as detailed in this section. Adequate quantities of clean and fresh food and water must be available daily in food bowls that are clean and well-constructed. Food and water must be free from contamination and insect harborage

(f) When outdoor temperatures reach freezing levels, all cats, except feral and community cats, dogs, and companion animals (excluding wild, exotic and ferocious animals) must be moved indoors or to an area that provides shelter from the weather. All cats, except feral and community cats, and dogs must be moved indoors for their safety for the duration of an extreme weather advisory issued for a specific time period by the NOAA's National Weather Service including but not limited to: heat, tornado, tropical storm, or hurricane. Animals must remain indoors and provided care for the duration of the advisory unless being walked on a leash by their owners, guardian or custodian.

(g) No dog or cat shall wear a muzzle unless the owner is present or the dog or cat is under veterinary care.

(h) If the agency determines upon inspection that an animal owner or keeper is not in compliance with the provisions of this section, the agency shall provide written notice to the owner or keeper as such. Failure by the owner to comply within twenty four (24) hours or any other amount of time as stipulated by the Animal Control Officer of receiving notice shall result in the temporary impoundment of all animals on the offending property(s) by the Animal Control Department. The Animal Control Department may remove any animal from the property, if the removal is deemed necessary by the agency to protect the health and well-being of the animal. All animals shall be promptly returned to the owner or keeper upon a determination by the agency that the owner or keeper has come into compliance with this section. The owner or keeper shall be responsible for all boarding fees for the impoundment of animals.

(i) All provision within Section 15 shall be enforced starting April 1, 2018.

SECTION 16

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

Council Member Rousselle seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members John L. Barthelemy, Jr., W. Beau Black, Kirk M. Lepine, Irvin Juneau, Benedict Rousselle, Charlie Burt, Audrey Trufant-Salvant, Jeff Edgecombe and Nicole Williams

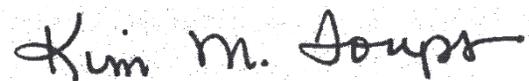
NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 14th day of September, 2017.

I hereby certify the above and foregoing to be a true and correct copy of an Ordinance adopted by the Plaquemines Parish Council at a meeting held in the Belle Chasse Council Building Chamber, 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, Louisiana, on Thursday, September 14, 2017.

A handwritten signature in black ink that reads "Kim M. Joubert". The signature is written in a cursive style with a horizontal line at the end.

Secretary

