

ORDINANCE NO. O-142-2017

AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL AMENDING AND RESTATING CHAPTER 10, "ANIMALS," OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES TO CONSOLIDATE THE ARTICLES CURRENTLY AFFECTING THE CITY OF LAFAYETTE AND UNINCORPORATED AREAS OF THE PARISH OF LAFAYETTE, TO REVISE OUTDATED PROVISIONS, TO INCLUDE NEW PROVISIONS PERTAINING TO THE COMMUNITY CAT DIVERSION PROGRAM AND TO SHELTER INTAKE AND RELEASE OF ANIMALS AND TO CHANGE THE NAME OF THE LAFAYETTE ANIMAL CONTROL CENTER TO THE LAFAYETTE ANIMAL CARE CENTER

BE IT ORDAINED by the Lafayette City-Parish Council, that:

WHEREAS, the Lafayette City-Parish Council desires to amend and restate the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 10, "Animals," to consolidate the articles currently affecting the City of Lafayette and unincorporated areas of the Parish of Lafayette, to revise outdated provisions, to include new provisions pertaining to the Community Cat Diversion Program and to shelter intake and release of animals and to change the name of the Lafayette Animal Control Center to the Lafayette Animal Care Center.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: All of the aforescribed "**WHEREAS**" clauses are herein adopted as part of this ordinance.

SECTION 2: The name of the Lafayette Animal Control Center is hereby changed to the Lafayette Animal Care Center.

SECTION 3: Chapter 10, "Animals," of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby repealed, amended and restated to read in its entirety, as follows:

Chapter 10

ANIMALS

ARTICLE I. IN GENERAL

Secs. 10-1—10-30. Reserved.

ARTICLE II. ANIMAL CARE CENTER ADVISORY BOARD

Sec. 10-31. Existing board reorganized.

The Lafayette City-Parish Council does reorganize the existing Lafayette Animal Care Center Advisory Board under the terms and conditions contained in this article.

Sec. 10-32. Name.

The advisory board provided for in this article shall be known as the Lafayette Animal Care Center Advisory Board.

Sec. 10-33. Number of members; residency requirement.

The board established by this article shall consist of 12 members. Any member to be appointed must be a registered voter and domiciled in the Parish of Lafayette at the time of his/her appointment, and he/she must remain a registered voter and domiciled in the Parish of Lafayette during his/her term of office. All members shall serve at the pleasure of the appointing authority.

Sec. 10-34. Appointment of members.

The members of the board shall be appointed as follows: The Lafayette Mayor-President shall have one (1) direct appointment. The Lafayette City-Parish Council shall appoint nine (9) members with each councilmember having a direct appointment. The Mayors of the Town of Broussard, City of Carencro, Town of Duson, City of Scott and Town of Youngsville, collectively and jointly, shall have one (1) direct appointment. The President of the Lafayette Veterinarian Association shall have one (1) direct appointment.

Sec. 10-35. Functions.

The board established by this article is to act in an advisory capacity to the Lafayette City-Parish Consolidated Government and to the Lafayette Animal Care Center concerning the conduct of animal care in the City of Lafayette and the unincorporated areas of the Parish of Lafayette and is to hear and decide matters and/or appeals as is provided in this chapter. The board shall carry out such other functions and duties as may be assigned to it from time to time by the Lafayette City-Parish Consolidated Government.

Sec. 10-36. Meetings and procedures.

The board established by this article shall meet regularly at a regular meeting on a date and at a time and in a place to be decided by the board. The board shall meet in a special meeting at any time on the call of the chairman, the Lafayette Mayor-President or the Lafayette City-Parish Council, or on the written request of any six (6) members. The board may make its own rules and regulations concerning the conduct of its meetings. All meetings of the board shall be open to the public, as provided by law.

Sec. 10-37. Officers; quorum.

The board established by this article shall elect, at its first meeting and annually thereafter, a chairman, a vice-chairman and a secretary from its membership. The term of each office shall be for one (1) year, with eligibility for reelection. Seven (7) members of the board shall constitute a quorum for all purposes.

Sec. 10-38. Committees.

The board established by this article shall have the power to designate and appoint from among its members various committees with such powers and duties as the board may prescribe, provided that such powers and duties do not violate any law of the State or the Lafayette City-Parish Consolidated Government.

Sec. 10-39. Records and reports.

The board established by this article shall keep an accurate record of all its meetings and shall, at least annually, give to the Lafayette City-Parish Council both a written and oral report on the board's activities for the prior year. The board shall provide to the Clerk of the Council copies of the minutes of each of its meetings.

Sec. 10-40. Audits.

If the Lafayette City-Parish Council determines that the board established by this article is an entity which must be audited, the Lafayette City-Parish Council shall have the right, by separate council resolution, to select and designate an auditor for the Board, to determine the cost of any such audit, and to determine how the cost of such audit shall be paid. Furthermore, the Lafayette City-Parish Council has the right to designate a private auditor to make any audit which it desires concerning the financial affairs of the Board.

Sec. 10-41. Budget.

The annual proposed budget of the Board established by this article, if any exists, shall be submitted by the Board to the Lafayette Mayor-President no later than 60 days before the end of

the board's fiscal year. The Lafayette Mayor-President shall have the proposed budget reviewed and shall submit his findings, if any, to the Lafayette City-Parish Council, together with his recommendations, if any, within 30 days after his receipt of the proposed budget. The Lafayette City-Parish Council shall approve each annual budget for the board and shall have the ability to approve and/or deny any part or portion of the proposed budget of the board.

Sec. 10-42. Legal representation.

The Lafayette City-Parish Attorney, or his designee, shall serve as the legal advisor of the Board established by this article.

Sec. 10-43. Applicability of general policies.

The Board established by this article shall be subject to the general policy for all boards, commissions and/or agencies established in any resolution by the Lafayette City-Parish Council.

Secs. 10-44—10-70.- Reserved.

ARTICLE III. CITY OF LAFAYETTE AND UNINCORPORATED AREAS OF LAFAYETTE PARISH

DIVISION 1. GENERALLY

Sec. 10-71. Definitions.

The following words, terms and phrases, when used in division 1-7 of this article, whether they appear in lower case letters, italics or capital letters, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for proper care, sustenance and shelter for the animal. However, returning community cats as part of the community cat diversion program as provided herein does not constitute abandonment.

Animal means any vertebrate creature, living or dead, domestic or wild, not including humans or fish; except that, when used in reference to rabies, it shall denote animals capable of transmitting the rabies virus.

Animal Care Center Advisory Board means the Lafayette Animal Care Center Advisory Board established in Article II of this chapter.

Animal care center means the division of the Lafayette City-Parish Consolidated Government, known as the Lafayette Animal Care Center, comprised of the animal care center supervisor, animal care center officers, office staff, and shelter/care center for impounded animals.

Animal care center officer means any person employed by the Lafayette City-Parish Consolidated Government and charged with the enforcement of this article.

Animal care center supervisor means that person employed by the Lafayette City-Parish Consolidated Government to act as the supervisor of the Animal Care Center.

Animal establishment means a facility which is operated as a pet shop, feed store, department store selling animals, commercial kennel, K-9 training or guard dog rental service, breeder or dealer facility, grooming shop, stable or riding facility, auction, roadside or petting zoo or exhibition, or circus or rodeo, or other facility training animals for any purpose. Animal shelters under public jurisdiction, humane organizations or veterinary hospitals are not included in this definition.

At large and stray mean any animal, with the exception of all cats, which is not within the confines of the owner's home, dog yard, pen or fenced area or is not under the direct control of the owner or designated handler by means of a leash.

Bite means any abrasion, puncture, tear or piercing of the skin by an animal. As it pertains to rabies, the term "animal" refers to mammals capable of transmitting the rabies virus.

Breeder means a person who breeds or raises on his premises specific animals.

Carrier means any airline, railroad, motor vehicle, shipping line or other enterprise engaged in the transportation of animals for hire.

Cat means members of the species *Felis catus*; other members of the family Felidae are excluded.

Collar means any band, chain, harness or other device worn by an animal to which a vaccination tag may be attached.

Commercial kennel means any person engaged in the commercial breeding, individually or in any quantity, or in the boarding, training, sale or hire of animals for compensation. Animal hospitals maintained as part of the practice of veterinary medicine, shelters operated by public jurisdictions, tax-exempt humane organizations or private kennels shall be exempted from this definition.

Community cat means any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats may be distinguished from other cats by being sterilized, ear tipped and vaccinated for rabies. A community cat may also be defined as a cat 'found' outside that is brought to an animal shelter and not yet sterilized, ear tipped or vaccinated for rabies.

Community cat caregiver means a person who provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, custodian, harbinger, controller, or keeper of a community cat, or who has care or charge of a community cat.

Community cat diversion program means that a cat in good body condition 'found' outside that is brought to the animal care center, or other location determined by the animal care center, should be sterilized, ear tipped, rabies vaccinated and returned to its location from which it was found or other live outcome placement.

Companion Animal means any domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal, and whose physical, emotional, behavioral, and social needs can be readily met as companions in the home, or in close daily relationships with humans. Companion Animals shall not include farm animals.

Dealer means any person who sells, donates or exchanges animals or offers to sell, donate or exchange animals to another dealer, pet shop, research facility, corporation or individual. Humane organizations are excluded from this definition.

Dog means domesticated members of the species *Canis familiaris*; other members of the family *Canidae* are excluded.

Eartipping means the removal of the ¼ 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 lawfully vaccinated for rabies at least once.

Enclosure means a securely locked, fenced pen or structure constructed in accordance with standards established by the animal care center and which is suitable to prevent the unauthorized entry of children and animals and which is designed to prevent the animal from escaping.

Euthanasia means the humane destruction of an animal in compliance with state and local laws.

Exotic animal means a nonnative animal, a list of which shall be established by the Lafayette City-Parish Council after receiving recommendations for the list from the Animal Care Center Advisory Board.

Fence means a physical or electronic barrier, adequate for the species, which prevents an animal from escaping a defined area.

Fowl means those species belonging to the class *Aves*.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise cosmetically treated.

Humane organization means any organization recognized by the animal control advisory board as a nonprofit humane organization and qualified under section 501(c) of the U.S. Internal Revenue Code.

Kennel means a place or establishment where animals are sheltered, cared for, fed and watered.

Lafayette Animal Care Center means the division of the Lafayette City-Parish Consolidated Government comprised of the animal care center supervisor, animal care center officers, office staff, and shelter/care center for impounded animals.

Leash means a rope, chain or cord not more than 15 feet in length, or an electronic device, which is of sufficient strength to control the action of the animal and is affixed to such animal for maintaining direct control of the animal.

Livestock means farm animals (such as cattle, mules, horses, sheep, goats and pigs) that are kept, raised, and used by people.

Micro-chip implant means an identifying integrated circuit placed under the skin of an animal for identifying the animal.

Micro-chipped means an animal that has a micro-chip implant under its skin.

Necessary food and/or water means that amount of foodstuff and/or water which, in the good faith judgment of the animal care center officer, is required for survival of the animal.

Owner means any person who has right of property or custody of an animal, or who harbors, keeps or finds and knowingly permits the animal to remain on or about his premises for more than three (3) days, shall be deemed the owner of such animal, with the exception of community cats, for purposes of this article. This definition shall not apply to any veterinary clinic or boarding kennel.

Pet shop means any person who sells at retail animals or fowl, whether as owner, agent or consignee, and who sells or offers for sale such animals to the general public, whether or not the sale of such animals or fowl constitutes a major portion of income or a major portion of the business.

Proper feed means the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain an adequate level of nutrition in each animal. Such foodstuff shall be served in a clean and sanitized container or dish.

Proper shelter means the provision of a suitable source of shelter from the elements so as to prevent unnecessary or unjustified pain or suffering to an animal. A suitable source of shelter is more fully defined as follows:

- (1) *Indoor facilities.* Facilities shall be large enough for the animal to stand, turn around, and lie down without touching the sides or top of the shelter and shall be adequately ventilated to allow for movement of air by means of windows, doors, vents, fans or air conditioning.
- (2) *Outdoor facilities.* All animals kept outdoors shall have access to shelter that provides protection from the elements. Such shelter shall be appropriate for the species. All Companion Animals shall have access to shade from the sun during hot weather.
- (3) *Outdoor shelter for dogs.* The shelter shall have a roof, three sides, an entryway, and a solid, level floor. Covered porches, covered patios and covered carports shall be deemed proper shelter for dogs if adequate protection from the elements is provided. Such shelter shall (i) be constructed of such material and in such a manner as not to pose a threat to the health and safety of the dog being housed; (ii) be of adequate size to allow for the dog to stand, turn around, and lie down without touching the sides or top of the shelter; (iii) have sufficient bedding material or other means of protection from the elements when weather is colder than what a dog of that breed and condition will comfortably tolerate and that will allow the dog to retain body heat; (iv) utilize bedding material which shall be kept clean and dry; (v) contain a suitable means for the prompt elimination of excess liquid; (vi) be structurally sound and maintained in good repair to protect the dog from injury or harm; (vii) be constructed and maintained so that the dog has convenient access to clean water and food; (viii) allow the dog easy access in and out of the shelter, and (ix) be cleaned and maintained in a manner designed to insure sanitary conditions. Excrement shall be removed from the shelter and from the premises, including yard and dog run, as frequently as necessary to prevent contamination and reduce hazards and odors. Excrement shall be properly disposed of in trash containers and shall not be washed into the gutter or storm drain. When a hosing or flushing method is used to clean the shelter, dogs shall be removed when reasonably possible.

Proper veterinary care means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Proper water or proper drink means access to a fresh, clean and potable water supply provided in a sanitary manner at all times.

Running at large means the encroachment upon private or public property by an animal without the owner or handler having direct control, by means of a leash, over such animal, with the exception of all cats.

Standards means the requirements with respect to the humane treatment, handling, care and transportation of animals by persons.

Trap-Neuter-Return means the process of humanely trapping, sterilizing, vaccinating for rabies, and ear tipping community cats, and returning them to their original location.

Vaccination tag means a metal disc which shall be attached to a collar or such device which shall serve to identify such animal and show proof of compliance with this article as it pertains to rabies control. Such tag shall bear serially consecutive numbers to correspond to the certificates issued to the owners by the veterinarian.

Veterinarian means any person duly licensed by the state board of veterinary medicine to practice veterinary medicine in the state.

Veterinary hospital means any facility where medical and surgical treatment of animals is administered under the supervision of a veterinarian.

Wild animal means those animals which are not tame by nature, which, because of habit, mode of life or natural instinct, are incapable of being completely domesticated, which requires the exercise of art, force or skill to keep them in subjection, and which would create a reasonable likelihood of hazard to the public. The Lafayette City-Parish Council shall establish, by ordinance, a list of wild animals after receiving recommendations for the list from the Animal Care Center Advisory Board.

Sec. 10-72. Territorial applicability.

The provisions of this article apply in the City of Lafayette and unincorporated areas of the Parish of Lafayette.

Sec. 10-73. Enforcement.

Any police or law enforcement officer or animal care center officer or the animal care center supervisor shall be given the authority to enforce any and all of the regulations of this chapter and to issue notices or court citations for violations of the regulations and controls in this chapter. Such authority shall include but shall not be limited to the right to inspect animal establishments, the right to inspect any premises or operations which are or may be regulated by this chapter, and the right to request, obtain and execute search warrants for these purposes as may be required by law.

Sec. 10-74. Interference with enforcement officers.

No person shall interfere with, hinder or molest any person with authority to enforce any regulation of this chapter in the performance of such person's duties under this article.

Sec. 10-75. City designated bird sanctuary.

- (a) The area embraced within the corporate limits of the City of Lafayette, as those limits now stand or as may be amended in the future, is hereby designated as a bird sanctuary.
- (b) It shall be unlawful to hunt, trap, shoot or attempt to hunt, trap, shoot or molest in any manner any bird or wildfowl or to rob bird nests or wildfowl nests. However, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property in the opinion of the authorities, such authorities shall meet with representatives of the Audubon Society, bird club, garden club or humane society, or as many of these organizations which are found to be in existence in the City of Lafayette, after three (3) days' actual notice of the time, date and place of such meeting to the members of such organizations. If as a result of such meeting no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such manner and in such numbers as deemed advisable by the authorities. Such action shall be taken under the supervision of the Lafayette Police Chief or his appointee.

Sec. 10-76. Nuisance.

- (a) Any person may file a complaint with the Lafayette Animal Care Center stipulating a specific animal problem.

- (b) A nuisance animal shall be an animal that causes any unhealthy condition, interferes with the normal use and enjoyment of human or animal life of others, or interferes with the normal use and enjoyment of any public property or property of others. An animal determined to be a nuisance shall be impounded in accordance with sec. 10-101. A nuisance animal not reclaimed adopted, transferred, or rehomed may be humanely euthanized.

Sec. 10-77. Disposition of livestock animal carcasses.

In an effort to prevent, control or eradicate contagious or communicable diseases of mules, horses, cattle, sheep, goats, and swine throughout the state, the carcasses of all animals shall be disposed of in a sanitary manner by deep burial within a timely manner. Burial in this sense means that the animal carcass shall be placed in a hole or pit not less than six (6') feet deep in the disposition of carcasses of cows, mules, and horses, and not less than four (4') feet as applying to carcasses of sheep, goats, and swine. The owners, agents, firms, or corporations, or persons in charge of any or all livestock on ranges, pastures or other premises shall be responsible for disposition of carcasses of all animals over which they have jurisdiction, with reference to complying with the provisions of this section.

Sec. 10-78. Permit for keeping wild or exotic animal.

- (a) *Required; fee; issuance.* Any person wishing to house or keep a wild animal or an exotic animal as a pet shall obtain an annual, nontransferable permit from the Animal Care Center. The annual fee for a wild animal or exotic animal permit shall be \$25.00. The animal care center supervisor shall issue or deny the permit.
- (b) *Prerequisites for issuance.* No person shall be issued a wild animal or an exotic animal permit unless the permittee demonstrates knowledge and ability to properly care for and handle the animal, which may include an inspection of the premises, equipment and facilities where the animal is to be kept; and an ability to respond in damages for bodily injury to or death of any person which may result from the ownership, maintenance, keeping or housing of such animal. Proof of ability to respond in damages shall be given by:
- (1) Filing with the animal care center supervisor a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is insured by a policy of at least \$100,000.00 combined single limit liability for bodily injury and property damage; or
 - (2) Posting with the animal care center supervisor a surety bond conditioned upon the payment of such damages as described in this subsection.

A copy of any such certificate of insurance and surety bond shall be given to the division of risk of the Lafayette City-Parish Consolidated Government management by the permittee at the time of issuance of a wild animal or an exotic animal permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond shall be made unless ten (10) days written notice is first given to the animal care center supervisor and to the division of risk management of the Lafayette City-Parish Consolidated Government.

- (c) *Denial; appeals.* Any denial of a wild animal or an exotic animal permit shall be accompanied by a written explanation of denial. Such denial may be appealed to the Animal Care Center Advisory Board in writing within ten (10) calendar days of the date of the written denial of the application. Any timely appeal of a denial of a wild animal or an exotic animal permit shall be addressed at the next scheduled animal care center advisory board meeting, and the disposition of such appeals shall be decided by a majority vote of the Animal Care Center Advisory Board.
- (d) *Exceptions.* This section shall not apply to any wild or exotic animal which is owned by an educational institution under the supervision, management or control of any of the agencies established or recognized by Article 8 of the Louisiana Constitution of 1974, and which is used by such educational institution in a course of study which has obtained such approvals as may be required by the governing bodies of the educational institution.

Secs. 10-79—10-100. - Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 10-101. Generally.

- (a) *Animals subject to impoundment; impoundment period.* The animal care center officer may take up and take charge of any animal found to be in violation of any of the regulations and controls as stated in sections 10-121, 10-141, 10-142, 10-143, 10-162, 10-191 and 10-192, with the exception of healthy community cats and may take such animals to the animal care center. The stray hold period for dogs is seven (7) days. The stray hold period for cats is three (3) days. Community cats are not subject to a stray hold and may be sterilized, ear tipped, rabies vaccinated and returned to their outdoor home. There is no stray hold period with regard to any other animals, unless otherwise provided in this chapter. Notwithstanding anything contained herein to the contrary, in the event such animal has bitten someone or has rabies or is suspected of having rabies, then such animal must be held for at least ten (10) days as provided in this article. In the event any animal is transferred to a rescue organization approved by the Lafayette Animal Care Center, within a respective stray hold period, the stray hold period must be observed by the rescue organization. Unless the animal is claimed by its owner in person within the time period prescribed in this subsection, all rights to the animal by the owner shall be forfeited and title shall pass to the Lafayette Animal Care Center.
- (b) *Notice to owner.* As soon as possible after an animal has been impounded at the Lafayette Animal Care Center, it shall be the duty of the person in charge of such center to notify the person to whom the license tag (or band, in the case of pigeons) was issued or the owner of such animal, if otherwise known, by letter, postal card, e-mail or telephone. The mailing of such letter or postal card or the attaching of such letter or postal card on the door of the premises of the person to whom the license tag (or band, in the case of pigeons) was issued or the owner of such animal, if otherwise known, shall be deemed sufficient notice, whether the person addressed receives the notice or not.
- (c) *Redemption of animal by owner; fees.* Provided a respective animal has not been adopted, rehomed or transferred as provided herein, the owner of an impounded animal may, upon presentation of satisfactory proof of ownership, reclaim the animal upon payment of the following charges and/or fees, where applicable, unless such animal has bitten someone or has rabies or is suspected of having rabies, in which case the animal must be held for at least ten (10) days for observation:
- (1) An impounding fee, which shall be a minimum of \$25.00 for the first impoundment of the animal, \$50.00 for the second impoundment, \$100.00 for the third impoundment, and \$150.00 for the fourth and other subsequent impoundments, if any.
 - (2) The current year's vaccination fee of \$10.00, if the animal has not been vaccinated, which shall go towards the vaccination of such animal.
 - (3) A boarding fee of a minimum of \$5.00 for each day the animal has been impounded.
 - (4) A micro-chip fee of \$15.00, if the animal has not been micro-chipped.
 - (5) All animals returned to their owners may be sterilized upon execution of a consent form and payment of the fee for sterilization.
 - (6) A fee for boosters and deworming.
- Community cat caregivers may redeem community cats without proof of ownership and are exempt from any charges and/or fees.
- (d) *Sale of impounded livestock animals.* Any livestock animal impounded and reclaimed by its owner from the animal care center shall pay the animal care center for the amount of accrued fees associated with the animal. Any livestock animal impounded and not reclaimed by the original owner within ten (10) days may be offered for sale by the animal care center for the amount of the accrued fees against the animal, not to exceed \$200.00. Such sale may take place at the animal barn. The original owner of the animal may reclaim the animal within ten (10) days of the sale by paying the purchaser an amount of twice the sum paid for the animal when bought from the animal care center plus any cost incurred therein.
- (e) *Disposition of animals not reclaimed.* Any animal impounded and taken to the Lafayette Animal Care Center that is not reclaimed adopted, transferred, or rehomed may be humanely euthanized or in the case of livestock may be sold at the sale barn provided, however, that the required time as described in this article has elapsed.

- (f) *Euthanasia of diseased or injured.* Any animal which is diseased or severely injured at the time of impoundment may, at the discretion of the animal care center supervisor and the approval of the veterinarian of the Lafayette Animal Care Center, be euthanized in a humane manner, immediately and without waiting the prescribed stray hold period. This action may be taken if, in the opinion of the supervisor and the veterinarian of the animal control center, its condition is such that imminent destruction is necessary as a humane gesture and/or for the protection of humans or other animals with which the animal may come into contact. In the event the veterinarian of the animal care center is not available to approve the decision regarding the euthanasia of the animal, the supervisor shall approve the euthanasia of the animal. Detailed logs shall be maintained regarding the euthanasia of an animal.
- (g) *Exemptions from fees.* The owner of an animal which has bitten someone and has been impounded and taken to the Lafayette Animal Care Center for observation shall be exempt from payment of impounding fees and boarding fees under the following circumstances:
- (1) The animal was not running at large at the time of the biting incident; and
 - (2) The animal was vaccinated, licensed and tagged in compliance with section 10-141 and section 10-142 and was in compliance with all other sections of this article at the time of the incident.
- (h) *Adoption of impounded animals.* Any animal that has been impounded at the Lafayette Animal Care Center (or a rescue organization) for the prescribed period or given by the owner by signature may be offered for adoption. Before being allowed to adopt any animal, the adopter shall agree in writing to such terms and conditions as are required by the Lafayette Animal Care Center. Adoption fees are not to exceed \$35.00 and, where applicable, shall include the sterilization, micro-chipping, rabies vaccination, Feline Rhinotracheitis Viral Calici Panleukopenia (FVRCP or booster) vaccination for cats, DH2PP (Distemper Hepatitis Parainfluenza Parvo virus or booster) vaccination for dogs, deworming and flea control, provided on intake. Cats entering the shelter adoption program must also be tested for Feline Immunodeficiency and Leukemia viruses (FIV/FelV) and dogs over six (6) months must be tested for heartworm disease. Notwithstanding anything contained herein to the contrary, adoption fees may be waived or reduced for an adoption event, veterans, a rescue organization, senior citizens 65 years or older, and any rescue animals.
- (i) *Owner requested euthanasia or disposal.* Any animal taken to the animal care center for euthanasia and disposal by a private owner shall pay a minimum fee of \$75.00 and such shall be done only with the approval of the Lafayette Animal Care Center veterinarian and animal care center supervisor (or designee.) In the event the veterinarian of the Lafayette Animal Care Center is not available to approve the decision regarding the euthanasia of the animal, the animal care center supervisor shall approve the euthanasia of the animal. Detailed logs shall be maintained regarding the euthanasia of an animal.

Notwithstanding anything contained herein to the contrary, as to any animal delivered to the Lafayette Animal Care Center for euthanasia and disposal by a private owner, the Lafayette Animal Care Center may offer such animal for adoption or rescue.

Any deceased animal taken to the animal care center for disposal by a private owner shall pay a minimum fee of \$25.00.

- (j) *Surrender by an owner of an animal.* Anyone surrendering the ownership of an animal to the animal care center shall pay a minimum fee of \$25.00.

Sec. 10-102. Exemptions from impoundment fees; vaccination fee.

- (a) Any animal impounded at the animal care center for observation but not in violation of sections 10-141, 10-142 or 10-143 shall be exempt from impoundment fees and subsequent charges.
- (b) If the owner of such animal is unable to provide proof of compliance with provisions concerning vaccination against rabies, the owner shall be assessed a fee of \$10.00, which will go toward the vaccination of such animal.

Secs. 10-103-10-119. - Reserved.

DIVISION 3. DOGS, CATS AND RABIES CONTROL

Subdivision I. In General

Sec. 10-120. Community cat diversion program.

- (a) The Lafayette City-Parish Council adopts the community cat diversion program.
- (b) Trap-Neuter-Return is the preferred method for controlling the community cat population through the community cat diversion program. The animal care center and any contracted shelter organizations shall prioritize the Trap-Neuter-Return method as the preferred outcome for community cats by directing any impounded, non-eartipped, free-roaming cats to the Trap-Neuter-Return process.
- (c) All community cats shall be sterilized, ear tipped and vaccinated in accordance with the Trap-Neuter- Return process.
- (d) All community cats may be managed and maintained by a community cat caregiver.
- (e) If the requirements of subsections 10-120 (c) and (d) are met, the community cat is exempted from licensing, stray, at-large, and other provisions of this chapter that apply to owned animals. However, in no event shall a community cat be exempted from the nuisance provisions of this chapter.
- (f) Any person may provide care for a community cat, including, but not limited to the following:
 - (1) Food, if supplied, maintained in a feeding container.
 - (2) Water, if supplied, clean, potable, and free from debris and algae.
 - (3) Shelter, if provided, unobtrusive, safe, and of the proper size for the cat(s).
- (g) Trapping of free-roaming or community cats is permitted only for the purpose of Trap-Neuter-Return unless the community cat is injured and veterinary care is required.
- (h) An ear tipped cat received by the animal care center or a local shelter shall be returned to the location where trapped with no hold period, unless veterinary care is required.

Sec. 10-121. Running at large.

- (a) *Prohibited.* No dog shall be allowed to run at large, whether he be tagged or untagged or whether he be on private or public property, except where such private property is the private property of such owner or person in charge and such property precludes the escape or possible escape of such animal, and except as provided in subsection (b) of this section.
- (b) *Exception.*
 - (1) The immediate area on the right, inside the Couret Drive entry of Moore Park, including the pond, is an assigned area for exercising dogs, training hunting and other dogs, and obedience training of dogs. Owners of dogs using this assigned area must have voice control over dogs to ensure that dogs do not interfere with or endanger citizens using Moore Park. Violators of this subsection will be prohibited from future use of this designated area for dog training or exercising.
- (c) All cats may be at large.

Sec. 10-122. Transporting animals; bringing animals into city.

- (a) No dog or cat three (3) months of age or older shall be delivered by any out-of-state carrier into the City of Lafayette or the unincorporated areas of the Parish of Lafayette unless there is a certificate of a licensed veterinarian at the point of shipment accompanying the dog or cat, or the bill of lading therefor, showing that the dog or cat has been currently inoculated against rabies and is in good health.

- (b) All dogs and cats less than three (3) months of age entering the City of Lafayette or the unincorporated areas of the Parish of Lafayette by any out-of-state carrier must be accompanied by a health certificate signed by a veterinarian at the place of origin.
- (c) Any carrier transporting animals shall upon request provide proof of adequate ventilation and care of such animals as to safe and humane treatment.
- (d) It shall be unlawful for any person to knowingly bring into the City of Lafayette or the unincorporated areas of the Parish of Lafayette any animal infected with any infectious or contagious disease or any wild or exotic animal which may constitute a threat to the safety of citizens and whoever is convicted of this crime shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

Secs. 10-123—10-140. - Reserved.

Subdivision II. Dog and Cat Licensing

Sec. 10-141. Registration, inoculation and tag required.

No person shall own, keep or harbor a dog or cat without having:

- (1) Such animal inoculated against rabies by a licensed veterinarian in accordance with the following: vaccinated against rabies by a licensed veterinarian at three (3) months of age, initially, vaccinated one (1) year later and vaccinated either annually or triennially, thereafter.
- (2) Proof of a current certificate of rabies vaccination.
- (3) Tagged or licensed such animal as specified in this article. However, community cats are exempt from the licensing requirement.

Sec. 10-142. Certificate of vaccination and registration; wearing of tag.

- (a) It shall be the duty of the owner of any animal to obtain and retain at all times a certificate of vaccination and a certificate of registration giving the name and address of the owner, a description of the animal by sex, color, approximate age and weight, and the breed if known. A current vaccination certificate shall be obtained, annually. A vaccination tag bearing the same number as the certificate as referred to in section 10-141(2) shall be securely fastened at all times to a collar and worn by such animal at all times when not confined in the owner's home or in an enclosed pen on the owner's property. Due to safety concerns, cats are exempted from wearing a collar and tag. Hunting or stock dogs, and show animals, while being worked, conditioned and/or shown under the supervision of their owner or agents or employees of the owner, are exempted from wearing the tag.
- (b) Every person living in the City of Lafayette or unincorporated areas of the Parish of Lafayette for more than three (3) months and owning, keeping or having in his possession an animal which is over three (3) months of age is required to obtain from the animal care center or a licensed veterinarian an annual license therefor, and a vaccination against rabies as provided in 10-141(1), and to obtain and require to be permanently affixed to the collar of such animal a vaccination tag, unless otherwise provided in this article.
- (c) Every person moving into the City of Lafayette or unincorporated areas of the Parish of Lafayette and owning or having in his possession or keeping an animal which is over three (3) months of age and has been vaccinated by a duly licensed veterinarian shall, within 30 days of arrival, obtain a certificate of vaccination and registration from the Lafayette Animal Care Center or a veterinarian for the sum of \$3.00 with proof of vaccination.
- (d) Caregivers of ear tipped community cats that have been vaccinated against rabies at least once should make every effort to ensure the community cat receives a booster for the rabies vaccine as per the manufacturer's instructions.

Sec. 10-143. Counterfeiting or misusing tag; removing tag.

- (a) Any person who counterfeits or imitates the license tag as provided by the animal care center, or any person who shall put on an animal such counterfeit or imitation tag, or who shall use a tag on a dog for which it was not issued, shall be deemed guilty of a misdemeanor. Whoever, if convicted of violation of any provisions of this section, shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

- (b) Any person who shall maliciously or wantonly remove or cause to be removed, directly or indirectly, any such tag from the animal of another person shall be deemed guilty of a misdemeanor. Whoever, if convicted of violation of any provisions of this section, shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

Secs. 10-144—10-160. - Reserved.

Subdivision III. Rabies Control

Sec. 10-161. Administration.

- (a) The responsibility for the control of rabies within the City of Lafayette and the Parish of Lafayette shall rest with the Lafayette Animal Care Center. The Lafayette Animal Care Center and the animal care center officers shall be under the supervision and control of the animal care center supervisor.
- (b) Fees collected pursuant to this division shall be remitted to the animal care center.

Sec. 10-162. Confinement of animals suspected of having rabies.

- (a) No animal infected with rabies or symptoms thereof or which has been exposed to or is suspected of having rabies or symptoms thereof shall be allowed at any time on the streets or public ways.
- (b) The owner of any animal that has rabies or symptoms thereof or has been exposed to rabies or has bitten or scratched any human being under circumstances where the skin of that human being was broken from either the bite or the scratch, whether vaccinated or not, shall notify the supervisor of the animal care center or any animal care center officer of such circumstances, and shall on demand turn over such animal for the purpose of observation for a period of at least ten (10) full days. If the owner desires, he may, at his expense, direct the conveyance of the animal to a veterinary clinic for the same period or request home quarantine of the animal. The veterinarian to whom the animal is so conveyed shall be responsible for maintaining custody during this period and for reporting the results of such observation to the animal care center supervisor at its conclusion prior to the release of such animal. Upon satisfactory conclusion of the observation period, if the animal is not otherwise dangerous, the animal shall be released to its owner.
- (c) The animal care center supervisor may consider and agree to in-home ten (10) days' quarantine for rabies observation only if the following criteria are met:
- (1) The owner of the animal agrees to the in-home observation and signs a form recognizing such agreement.
 - (2) The animal was not at large at the time of the bite.
 - (3) The owner signs an indemnity clause holding the animal care center and Lafayette City-Parish Consolidated Government harmless from any and all liability which might arise while the animal is undergoing in-home observation.
 - (4) The Lafayette Animal Care Center may inspect the facilities at any time to determine compliance.
 - (5) The animal is secured on the property at all times during observation in a room, pen, or other structure to prevent escape and contact with other animals or humans other than the owner.
 - (6) Animals shall be examined by a licensed veterinarian within 24 hours after the end of the observation period, and the animal care center shall be notified of release within 24 hours, thereof.
 - (7) The Lafayette Animal Care Center shall be notified within 24 hours if the animal dies, escapes or becomes ill during the observation period.
 - (8) If the Lafayette Animal Care Center observes any violation of the terms and conditions of an in-home quarantine, the animal shall then be seized and taken to the animal care center.
- (d) If any animal has bitten or scratched any human being and is impounded for rabies observation at the animal care center and held for the prescribed ten (10) days, such animal on the twelfth day (holidays and weekends excluded) shall be deemed abandoned, if not reclaimed by its owner, and at the discretion of the animal care center supervisor shall be offered for adoption or euthanized in a humane manner and without further notice to owners.

- (e) The owner of any animal impounded for rabies observation shall present to the animal care center supervisor or his designee proof of vaccination against rabies in accordance with this article prior to the release of the animal.
- (f) If any animal which has bitten or scratched any human, exhibits signs consistent with rabies, as determined by a licensed veterinarian, the animal care center shall attempt to notify the owner. 24 hours after such attempted notification, the Animal Care Center may direct the euthanasia of the animal in a humane manner for purposes of laboratory testing for rabies.

Sec. 10-163. Public and private clinics.

- (a) The annual fee at public clinics for registration, vaccination and tagging shall be determined by the Animal Care Center Advisory Board and advertised at least one (1) month prior to informing such clinics. At such public clinics the veterinarian shall provide the vaccine and the animal care center shall provide the licensing certificates, tags and administrative personnel.
- (b) Veterinarians administering inoculations at a veterinary hospital shall remit to the Lafayette Animal Care Center the sum of \$4.00 dollars for each spayed or neutered dog or cat and \$8.00 dollars for each dog or cat, which is not spayed or neutered, for an annual license fee.

Sec. 10-164. Sale of antirabies vaccine to unauthorized persons.

It shall be unlawful to sell, trade or exchange or offer to sell, trade or exchange antirabies vaccine except to licensed veterinarians.

Secs. 10-165—10-190. - Reserved.

DIVISION 4. FOWL AND RABBITS

Sec. 10-191. Running at large; pens, coops or other enclosures.

- (a) It shall be prohibited for any person raising or keeping chickens, turkeys, geese, guineas, ducks, pigeons or other fowl or rabbits to allow or permit the fowl or rabbits to run at large or be at large.
- (b) It shall be the duty of every person raising or keeping chickens, turkeys, geese, guineas, pigeons or other fowl, except pigeons and migratory waterfowl being raised or kept pursuant to a permit issued by the United States Fish and Wildlife Service of the Department of the Interior on private property, to keep them in a pen, coop or enclosure. Such pen, coop or enclosure shall be constructed in such manner that the fowl shall be confined within such pen, coop or enclosure at all times. Such pen, coop or enclosure shall be at a distance of at least 25 feet from any and every building or structure used for sleeping, dining, living or working, shall be kept in a sanitary condition at all times, and shall be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.
- (c) It shall be the duty of every person raising or keeping migratory waterfowl pursuant to a permit issued by the United States Fish and Wildlife Service of the Department of the Interior on private property to keep them in a pen, coop or enclosure, which shall be constructed in such a manner that fowl shall be confined within such pen, coop or enclosure at all times. Such pen, coop or enclosure shall be a distance of at least 25 feet from any and every building or structure used for sleeping, dining, living or working, shall be kept in a sanitary condition at all times, and shall be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public.
- (d) It shall be the duty of every person raising or keeping rabbits on private property to keep them in a coop, pen or enclosure at all times. Such pen, coop or enclosure shall conform to guidelines available at the animal care center and be constructed in such a manner that such rabbits shall be confined within the pen, coop or enclosure at all times. Such structure shall be no less than two(2) feet above the ground or slab and shall be a distance of at least 25 feet from any and every building or structure, not on the owner's property, used for sleeping, dining, living or working. The area shall be kept in a sanitary condition at all times and shall be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public not on the owner's property.

Sec. 10-192. Keeping pigeons.

The keeping, breeding, maintenance and flying of pigeons shall be permitted on the following conditions:

- (1) The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
- (2) There shall be at least one (1) square foot of space in any loft for each mature pigeon kept therein.
- (3) All feed for the pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
- (4) All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition, and at no time shall pigeons be allowed to perch or linger on the property of others.
- (5) All pigeons shall be fed within the confines of the loft.
- (6) Pigeons may be released to fly for exercise, training or competition, provided that the owner takes all reasonable measures, consistent with established practice and custom for the proper keeping of pigeons, to provide for the return of the pigeons to the owner's loft and to avoid the creation of a nuisance to adjacent neighbors or to the public.

Secs. 10-193—10-210. - Reserved.

DIVISION 5. LIVESTOCK

Sec. 10-211. Roaming at large; tying on streets or sidewalks.

The roaming at large or tying across or on sidewalks or streets of livestock is hereby prohibited. For purposes of this section, the term "livestock" includes but is not limited to cattle, mules, horses, pigs, hogs, sheep and goats.

Sec. 10-212. Sanitary conditions required.

The maintenance, keeping and possessing of livestock, including but not limited to horses, cattle, hogs, sheep and goats, is hereby declared to be a nuisance endangering the health and welfare of the citizens, unless such animals are kept under strict sanitary conditions and in such a manner as to protect the health, welfare and safety of the people adjacent thereto.

Sec. 10-213. Separation of enclosures from other structures; maintenance of enclosures; minimum property area.

- (a) It shall be the duty of every person maintaining, keeping or possessing livestock, including but not limited to cattle, mules, horses, hogs, pigs, sheep and goats, to keep such animals within a fence which shall be a distance of not less than 75 feet from every established building or structure used for sleeping, dining, living, working or playing, including but not limited to any residence or part thereof, garage or carport. For purposes of this subsection, an established building or structure is defined as a building or structure for which construction has lawfully commenced, as evidenced by the lawful obtaining of all necessary building permits and the actual breaking of ground, prior to the lawful placement, maintenance, keeping or possession of livestock on adjacent property.
- (b) All enclosures and other areas to which livestock have access shall be kept in a sanitary condition and shall be kept in such a manner as will be reasonably calculated not to become offensive to adjacent neighbors or to the public. The maintaining, keeping or possessing of livestock on property situated in the city limits having less than two (2) acres is prohibited.

Sec. 10-214. Impoundment.

- (a) *Authorized; notice to owner.* It shall be the duty of the animal care center officer to take charge of any livestock, including but not limited to cattle, mules, horses, hogs, pigs, sheep and goats, found to be in violation of any of the regulations and controls as stated in sections 10-211, 10-212 and 10-213 and to take such animals to the Lafayette Animal Care Center, there to be impounded and detained for a period of not less than ten (10) calendar days. The Lafayette Animal Care Center shall make a reasonable effort to determine the identity of the owner of such impounded livestock, and the animal care center shall send a notice in substantially the following form to the owner of such livestock, if known, and shall post such

notice in a conspicuous location upon the property from which the livestock was taken, if the livestock was not running at large at the time of taking:

To: _____

From: _____

Supervisor of the
Lafayette Animal Care Center
Lafayette, Louisiana

Re: _____
(Description of Animals)

You are hereby notified that the animal(s) described above have been impounded by the Lafayette Animal Care Center pursuant to the authority of Chapter 10 of the Lafayette City-Parish Consolidated Government Code of Ordinances. Such animal(s) have been impounded because of the following incident(s) or circumstances:

An appeal may be made in writing to the Lafayette Animal Care Center Advisory Board within ten (10) days of the date of this notice.

You are further notified that unless the above animal(s) is/are claimed by their owner in person within ten (10) days of the date of this notice, all rights to the animal(s) shall be forfeited to the Lafayette Animal Care Center, and the animal(s) may be offered for sale after that time by the Lafayette Animal Care Center for the amount of accrued fees against the animal(s) or otherwise disposed of as determined by the Lafayette Animal Care Center. If sold, the original owner of the animal(s) may reclaim it/them within ten (10) days of the date of sale by paying the purchaser at any such sale twice the purchase price of the animal(s) plus other costs incurred. Such redemption of this/these animal(s) shall not release the owner from fines assessed in connection with the impoundment of this/these animal(s) or violations of Chapter 10 of the Lafayette City-Parish Consolidated Government Code of Ordinances by this/these animal(s) or its/their owner.

This notice given this _____ day of _____ / _____ / _____, 20_____, in compliance with section 10-214 of the Lafayette City-Parish Consolidated Government Code of Ordinances.

This notice received:

Owner

Date

Lafayette
Animal Care Center

Supervisor

In the event the owner of the livestock is unknown, the Lafayette Animal Care Center shall, after three (3) days, advertise the livestock in two (2) issues of a daily newspaper published in the parish for the owner to come forward and claim his property after paying the required redemption costs.

- (b) *Forfeit of rights by owner; appeals.* Unless the impounded livestock is claimed by its owner in person within ten (10) calendar days of the date given in the notice or advertisement, all rights to the animal by the owner shall be forfeited, and title shall pass at the end of ten (10) days to the Lafayette Animal Care Center. Within the ten (10) -calendar-day period from the

date of the notice, whether by written or advertisement, the owner of the livestock may appeal the impoundment of the livestock to the Animal Care Center Advisory Board, and the sole question on appeal shall be whether the livestock were correctly impounded for a violation of section 10-211, 10-212 and/or 10-213. In the event of a timely appeal to the Animal Care Center Advisory Board, all proceedings for the sale or disposition of the impounded livestock shall be suspended until disposition of the appeal by the Animal Care Center Advisory Board.

- (c) *Redemption by owner; fees.* The owner of any impounded livestock may, upon presentation of satisfactory proof of ownership, reclaim the livestock upon payment of the following charges and/or fees, where applicable, unless such livestock has injured someone or has rabies or is suspected of having rabies, in which case the livestock must be held for at least ten (10) days for observation:

- (1) An impounding fee, which shall be a minimum of \$25.00 for the first impoundment of the livestock, \$50.00 for the second impoundment, and \$100.00 for the third and other subsequent impoundments, if any.
- (2) A boarding fee of a minimum of \$20.00 for each day the livestock has been impounded.
- (3) A fee for a Coggins test of \$40.00.

Furthermore, any owner in violation of Sections 10-212 and 10-213 must show proof of compliance, therewith.

- (d) *Euthanasia of diseased or injured animals.* Any livestock which is diseased or severely injured at the time of impoundment may, at the discretion of the animal care center supervisor (or designee) and approved by the veterinarian of the Lafayette Animal Care Center, be euthanized in a humane manner immediately and without waiting the prescribed ten (10) days. This action may be taken if, in the opinion of the animal care center supervisor (or designee), the condition of the livestock is such that imminent destruction is necessary as a humane gesture, and/or for the protection of other livestock or animals with which the livestock may come into contact.
- (e) *Disposition of unredeemed livestock.* Any livestock impounded and taken to the Lafayette Animal Care Center, and held for the prescribed ten (10) day period and not claimed by the owner, may be disposed of as determined by the animal care center supervisor.

Secs. 10-215—10-230. - Reserved.

DIVISION 6. CRUELTY TO ANIMALS AND RELATED OFFENSES

Sec. 10-231. Cruelty to animals.

- (a) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of cruelty to animals:
- (1) Overdrives, overloads, drives when overloaded, or overworks a living animal;
 - (2) Tortures, harasses, torments, cruelly beats or unjustifiably injures, maims, mutilates or kills any living animal, whether belonging to himself or another;
 - (3) Having charge, custody or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper feed, proper drink, proper shelter or proper veterinary care;
 - (4) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to the Lafayette Animal Care Center an animal, which he found running at large. Returning community cats as part of the community diversion program to the location from which it was found does not constitute abandonment;
 - (5) Impounds or confines or causes to be impounded or confined in a pound or other place a living animal and fails to supply it during such confinement with proper feed, proper drink and proper shelter;
 - (6) Carries, or causes to be carried, a living animal in or upon a vehicle, or otherwise, in a cruel or inhumane manner;
 - (7) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the drug or substance shall be taken or swallowed by any domestic animal;

- (8) Kills or injures any animal belonging to another person without legal privilege or consent of the owner;
 - (9) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering or death is caused to or permitted upon the animal;
 - (10) Tethers, confines or restrains any living animal in such a way as to permit such animal to become entangled in such tether or other instrumentality, or render such animal incapable of consuming food and/or water for more than 24 hours, or from obtaining shelter from the elements. For purposes of this section, a tether or other instrumentality used to effect confinement or restraint of an animal shall be a minimum length of five (5) times the length of the animal, as measured from the nostrils to the base of the tail. However, if the property upon which an animal is located is of an insufficient size to allow the animal to move about safely or without entanglement when a tether or other instrumentality that measures the minimum length required by this section is used, then the restraint used shall be of such a length as to allow the animal to move about safely within the confines of the property without becoming entangled in such tether or other instrumentality and to allow the animal to consume his food and/or water and obtain shelter from the elements. In any event, it shall be such as will restrict the animal to the property of its owner, and the entirety of the area which the tether or other instrumentality might reach must be kept free of obstructions to prevent entanglement;
 - (11) Fits any animal with a collar that becomes embedded in the animal's skin; and/or
 - (12) Causes or procures to be done by any person any act enumerated in this section.
- (b) Whoever is convicted for the crime of cruelty to animals shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six months, or both such fine and imprisonment.
 - (c) This section shall not apply to the lawful hunting or trapping of wildlife as provided by law, herding of domestic animals, accepted veterinary practices, and activities carried on for scientific or medical research governed by accepted standards.

Sec. 10-232. Animal fighting.

- (a) No person shall intentionally do any of the following:
 - (1) For amusement or gain, cause any animal to fight with any other animal, or cause any animals to injure each other.
 - (2) Permit any act in violation of subsection (a)(1) of this section to be done on any premises under his charge or control, or aid or abet any such act.
 - (3) Promote, stage, advertise or be employed at an exhibition which involves the fighting of animals.
 - (4) Sell a ticket of admission or receive money for the admission of any person to any place used, or about to be used, for any activity described in subsection (a)(1) of this section.
 - (5) Own, manage or operate any facility kept or used for the purpose of fighting animals.
- (b) Whoever is convicted as violating the provisions of this section shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

Sec. 10-233. Artificial coloring of fowl or rabbits.

It shall be unlawful to color, dye, stain or otherwise change the natural color of fowl or rabbits or to possess for the purpose of sale any fowl or rabbits which have been so colored. Violation of this section shall be deemed a misdemeanor and any person convicted of such crime animals shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

Sec. 10-234. Animal excrement removal.

No person shall allow any animal under his or her direct or physical control by leash, tether or other apparatus to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device for the removal and containment of such animal's excrement; nor shall any person fail to remove any excrement deposited by any animal under his or her control on public or private property.

This section shall not apply to guide animals under the control of a blind person or animals trained to assist or support a person with a disability.

A person may be found guilty or held liable under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the animal causing the violation of this section was owned by or under the direct or physical control of such person.

Whoever fails to comply with the provisions of this section shall be guilty of a misdemeanor and whoever is convicted of such shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

Sec. 10-235. Cleanliness of property.

- (a) The owner of an animal shall maintain the property on which such animal is kept, maintained or harbored in such a state so as not to attract flies, insects or other vermin and to assure that any odor therefrom cannot be detected on any adjacent or neighboring property nor interfere with the reasonable use and enjoyment of adjacent or neighboring property.
- (b) Whoever fails to comply with the provisions of this section shall be subject to the following penalties:
 - (1) *First violation.* A warning will be issued.
 - (2) *Second violation.* If another violation occurs within one (1) year from the date of the first violation under this section, it constitutes a second violation and is punishable by a fine of \$100.00 or 20 days imprisonment, or both. If it occurs greater than one (1) year from the date of the first violation, it is punishable as a first violation.
 - (3) *Third and each subsequent violation.* If one (1) or more violations occurs within one (1) year from the date of a violation which constitutes a second violation, each such violation is punishable by a fine of \$250.00 or 30 days imprisonment, or both.
- (c) In addition to the above penalties, if the condition of the animal and/or property on which any animal is kept, maintained or harbored remain the same after five (5) days of a violation of subsection (a), and it is determined by the animal care center officer that the safety and well-being of the animal is jeopardized in any manner, the animal shall be impounded in accordance with the provisions of section 10-101 or 10-214.

Sec. 10-236. Prohibition on the sale or other transfer of animals in certain restricted areas.

- (a) *Prohibition.* No person shall sell, exchange, barter, trade, lease, rent, give away, display or transfer any animal on any roadside, public right-of-way, parkway, median, park, playground, flea market, commercial or retail parking lot, or property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not.
- (b) *Exception.* This section shall not apply to bona fide humane societies, animal welfare groups, animal control agencies or non-profit organizations sponsoring animal adoption events or to sales or other transfers from a personal residence.
- (c) *Prohibited.* Whoever commits a violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of \$500.00 or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment.

Secs. 10-237—10-240. - Reserved.

DIVISION 7. APIARIES

Sec. 10-241. Definitions.

The following words, terms and phrases, when used in this division, whether they appear in lower case letters, italics or capital letters, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absconding means the process by which domesticated bees may, under certain stress, depart from domesticated status and enter the wild.

Apiary means the assembly of one or more colonies of bees at a single location, and is also referred to as a "yard."

Beekeeper means a person who owns or has charge of colonies of bees.

Beekeeping equipment means anything that is used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

Colony means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones; including the brood, combs, honey, and the receptacle inhabited by the bees. A colony may also be referred to as a "hive."

Feral colony means a colony of wild bees that may naturally exist in the environment that is not under the control and supervision of a beekeeper.

Hive. See Colony.

Honey bee means all life stages of the common domestic honey bee, *Apis mellifera* species.

Lot means an undivided tract, parcel or plot of land contained within a block or designated on a subdivision plat by numerical identification.

Parish means the unincorporated areas of the Parish of Lafayette.

Rural area means land located in the unincorporated area of the Parish of Lafayette.

Setback means the distance from a building or other structure to the property line.

Suburban area means land located in the area outside the incorporated limits of a municipality that is relatively densely populated, and is also referred to as the "transitional area."

Swarm means the product of the natural process of colony division or swarming. Swarming results from the crowding of the bee colony in its hive when the colony has increased in number and the combs are filled with brood, nectar, honey and pollen.

Tract means a contiguous parcel of land under common ownership.

Undeveloped property means idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for use therewith. The term shall be deemed to include property utilized exclusively as a street or highway or property used for commercial agricultural purposes.

Urban area means land located within the corporate limits of a municipality.

Sec. 10-242. Purpose of division; prohibited conditions.

- (a) The purpose of this division is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- (b) Notwithstanding compliance with the various requirements of this division, it shall be unlawful for any beekeeper to keep any colony in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

Sec. 10-243. Inspection.

The animal care center supervisor or his/her designee shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives.

Sec. 10-244. Complaints; hearing on violations; appeals.

- (a) *Complaints; investigation of violations.* Upon receipt of information that any colony is not being kept in compliance with this division, the animal care center supervisor or his/her designee shall cause an investigation to be conducted. Such an investigation shall be conducted within fourteen (14) regular business days following receipt of a formal complaint. Formal complaints shall be filed with the animal care center supervisor. Formal complaints must be made in writing and can either be delivered in person or delivered by the United States Postal Service. All such formal complaints must contain the name, address and telephone number of the complainant, the location of the injurious apiary, the name and address of the beekeeper, if known, and a description and explanation of the complaint. If the animal care center supervisor or his designee finds that grounds exist to believe that one or more violations have occurred, he shall cause a written notice of hearing to be issued to the beekeeper within ten (10) regular business days.

(b) *Notice of hearing.* The notice of hearing shall set forth:

- (1) The date, time and place at which the hearing will be conducted.
- (2) The violation alleged.
- (3) That the beekeeper may appear in person or through counsel, present evidence, and cross examine witnesses.
- (4) That the bees may be ordered destroyed or removed from the problem location and/or the parish/urban area if the Animal Care Center Advisory Board finds that they have been kept in violation of this division.

Notices shall be delivered to the beekeeper via certified United States Postal Service delivery or by personal delivery on behalf of the animal care center supervisor or his designee. However, if the animal care center supervisor or his designee is unable to locate the beekeepers, then the notice may be given by publication one (1) time in the legal notice section of a newspaper of general circulation at least five (5) regular business days prior to the date of the hearing.

(c) *Conduct of hearing; order by hearing officer.* The hearing shall be conducted by the Animal Care Center Advisory Board. The burden shall be on the animal care center supervisor to demonstrate by a preponderance of credible evidence that the colonies have in fact been kept in violation of this division. If the Animal Care Center Advisory Board finds that the colonies have been kept in violation of this division, then he may order that the bees be destroyed or removed from the problem location and/or the parish/urban area within a period not to exceed 20 days, and that bees not thereafter be kept upon the tract for a period of up to two (2) years. In instances where the Animal Care Center Advisory Board finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then it may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the animal care center supervisor or his designee may cause the bees to be destroyed or removed and the hive structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall, upon the beekeeper's written request, be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return. If the beekeeper is unknown, the animal care center supervisor shall impound the hive structures. Disposition of these structures shall be effected under the appropriate guidelines.

(d) *Appeal to council.* The decision of the Animal Care Center Advisory Board may be appealed by filing a notice of appeal with the Clerk of the Council within ten (10) days following the date that the Animal Care Center Advisory Board announces his decision, or if the decision is not announced at the conclusion of the hearing, then within 15 days following the date that the Animal Care Center Advisory Board places written notice of its decision by certified mail to the beekeeper. Upon receipt of an appeal, the Clerk of the Council shall enter the appeal within 30 days on the agenda of a meeting of the Lafayette City-Parish Council for the council's consideration. An appeal shall not negate the hearing officer's decision, and it shall not be the responsibility of the beekeeper to remove the bees from the problem location and/or the parish/urban area pending the determination of the appeal.

(e) *Appeal from decision of council.* Upon appeal to the Lafayette City-Parish Council, the decision of the Council shall be final unless an appeal is made to the district court of the order to remove or destroy the bees in violation of this division and an appropriate temporary restraining order has been issued by the court.

(f) *Exceptions to hearing requirement.* The provisions of this section shall not be construed to require the conduct of a hearing for the destruction of:

- (1) Any bee colony, feral or domesticated, not residing in a hive intended for beekeeping;
- (2) Any swarm of bees located outside of a registered apiary site; or
- (3) Any colony residing in a standard or manmade hive, which by virtue of its condition has obviously been abandoned by the beekeeper.

Sec. 10-245. Hive registration.

All honey bee colonies shall be registered annually with, and abide by all rules and requirements of, the state department of agriculture and forestry.

Sec. 10-246. Hive type; condition of hives.

In accordance with the laws of the state, all honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

Sec. 10-247. Fencing of flyways.

- (a) In each instance in which any colony is situated within 25 feet of a public or private property line of the tract or lot upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6') feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. It is a defense against prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least 25 feet from the property line of the apiary tract.
- (b) A flyway barrier shall be required if the apiary is situated between 25 feet and 100 feet from a property line where an occupied structure exists.
- (c) In each instance in which any colony is situated at a distance of 100 feet or more from a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, no flyway barrier will be required.
- (d) Notwithstanding the provisions of subsection (a) of this section, in no instance shall a colony be situated within 25 feet of an inhabited dwelling on adjoining property.

Sec. 10-248. Water.

Each beekeeper shall ensure that a convenient source of water is available on the same property as the apiary at all times during the year so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, bird baths, or other sources on other properties where they may cause human, bird or domestic pet contact.

Sec. 10-249. General maintenance of site.

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee proof enclosure.

Sec. 10-250. Queens.

All colonies shall be maintained with marked queens, except colonies registered with the state department of agriculture and forestry as commercial colonies. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly requeen the colony with another queen. Queens shall be selected from European stock bred for gentleness and nonswarming characteristics.

Sec. 10-251. Colony densities.

- (a) It shall be unlawful to keep more than the following number of colonies on any tract, based upon the size or configuration of the tract on which the apiary is situated:
 - (1) One-quarter acre or less tract size: two (2) colonies.
 - (2) More than one-quarter acre but less than one-half acre tract size: four (4) colonies.
 - (3) More than one-half acre but less than one (1) acre tract size: six (6) colonies.
 - (4) One (1) acre or larger tract size: eight (8) colonies.
 - (5) Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
 - (6) Regardless of tract size, so long as all property other than the tract upon which the hives are situated that is within a radius of at least 200 feet from any hive remains undeveloped property, there shall be no limit to the number of colonies.

- (b) For each two (2) colonies authorized under this section, there may be maintained upon the same tract one (1) nucleus colony, in a hive structure not exceeding one standard 95/8-inch depth ten-frame hive body with no supers attached, from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.

Sec. 10-252. Marking hives; presumption of beekeeping.

- (a) In apiaries, the beekeeper shall conspicuously post a legible sign setting forth his name and telephone number. In addition, the beekeeper's registration yard marker, provided by the State Department of Agriculture and Forestry, shall be posted on a sign within the apiary or on the top or side of a prominent and visible hive structure. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.
- (b) Unless marked in accordance with subsection (a) of this section, it shall be presumed for purposes of this division that the beekeeper is the person who owns or otherwise has the present right of possession and control of the tract upon which hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colonies upon the tract, setting forth the name, address and telephone number of the other person who is acting as the beekeeper.

Secs. 10-253—10-260. - Reserved.

ARTICLE IV. POTENTIALLY DANGEROUS, DANGEROUS OR VICIOUS ANIMAL

Sec. 10-261. Territorial applicability.

The provisions of article IV shall apply both within the City of Lafayette and in the unincorporated areas of the Parish of Lafayette.

Sec. 10-262. Definitions.

When used in this article the following words, terms and phrases, whether they appear in lower case letters, italics or capital letters, shall have the meanings ascribed to them, except where the content clearly indicates a different meaning:

Animal means any vertebrate creature, living or dead, domestic or wild, not including humans or fish.

Animal Care Center Advisory Board means the Lafayette Animal Care Center Advisory Board established in article II of this chapter.

Animal care center means the division of the Lafayette City-Parish Consolidated Government, known as the Lafayette Animal Care Center, comprised of the animal care center supervisor, animal care center officers, office staff, and shelter/care center for impounded animals.

Animal care center officer means any person employed by the Lafayette City-Parish Consolidated Government and charged with enforcement of this article.

Animal care center supervisor means that person employed by the Lafayette City-Parish Consolidated Government to act as the supervisor of the animal care center.

At large means that an animal is not under the direct control of the owner.

Potentially dangerous animal or dog means: (1) an animal or dog while at large menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person, domestic animal, or livestock while on streets, sidewalks, public grounds, or private grounds; (2) any animal or dog that due to combination of size, strength and aggressiveness, that demonstrates aggressive or threatening behavior directed against a person or animal at a place in time where the person or animal was conducting themselves peaceably and lawfully; (3) an animal or dog that aggressively bites or causes physical injury to any person, domestic animal, or livestock either on public or private property; or (4) any animal or dog with a known propensity, tendency or disposition to attack unprovoked, inflict an injury upon a human, pet, or livestock while on streets, sidewalks, or on public or private grounds.

Dangerous animal or dog means: (1) Any animal or dog which when unprovoked, on two (2) separate occasions within the prior 24 month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal or dog are off the property of the owner of the animal or dog; or (2) any animal or dog which, when

unprovoked, bites a person causing an injury; or (3) any animal or dog which, when unprovoked, on two (2) separate occasions within the prior 24 month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the animal or dog.

Direct control means immediate, continuous physical control of an animal such as by means of a leash, cord, secured fence, or chain of such strength to restrain the animal and controlled by a person capable of restraining the animal, or safe and secure restraint within a vehicle. Direct control shall not be required with reference to any government police animal.

Dog means domesticated members of the species *Canis familiaris*; other members of the family *Canidae* are excluded.

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

Lafayette Animal Care Center means the division of the Lafayette City-Parish Consolidated Government comprised of the animal care center supervisor, animal care center officers, office staff, and shelter/care center for impounded animals.

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

Owner means any person who has right of property or custody of an animal, or who harbors, keeps or finds and knowingly permits the animal to remain on or about his premises for more than three (3) days, shall be deemed the owner of such animal, with the exception of community cats, for purposes of this article. This definition shall not apply to any veterinary clinic or boarding kennel.

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

Secure enclosure means a structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous or dangerous dog in conjunction with other measures, which may be taken by the owner of the dog. The enclosure shall be designed in order to prevent the animal from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- (a) A minimum of ten (10) feet shall be used as a guide for proper length.
- (b) The height shall be such as to allow ample head room at any time when the animal is standing erect on two (2) legs. Ample shall be defined as a minimum of four (4) inches from the crown of the head at maximum height.
- (c) The width shall permit freedom of movement. Freedom of movement shall be defined as the ability of the animal to adjust posture without coming into contact with the sides of the structure. Minimum width shall be four (4) feet.
- (d) Such enclosure shall consist of at least three (3) solid sides, a roof, a solid level floor and shall be large enough to allow for postural adjustments.
- (e) Such enclosure shall be constructed of material, which does not lend to escape and does not cause discomfort to the animal.
- (f) The flooring of the enclosure shall be of such construction as to prevent tunneling or digging to escape.
- (g) Constraining walls shall be of such material and such size or dimension as to prevent and preclude said animal from biting through said walls, or the possibility of said animal escaping through damaged sections of said walls.

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.

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

Vicious animal or dog means any animal or dog which, when unprovoked, in an aggressive manner, inflicts serious bodily injury on or kills a human being and was previously determined to be a dangerous dog.

Sec. 10-263. Procedure for declaring an animal potentially dangerous, dangerous or vicious.

- (a) An animal care center officer or any adult person may request that an animal be classified as potentially dangerous, dangerous or vicious by submitting a sworn written complaint on a form approved by the animal care center supervisor. Upon receipt of such complaint, the animal care center supervisor shall notify the owner of the animal that a complaint has been filed and that an investigation into the allegations set forth in the complaint will be conducted.
- (b) At the conclusion of his investigation, the animal care center supervisor may:
 - (1) Determine that the animal is not potentially dangerous, dangerous or vicious and, if the animal is impounded, waive any impoundment fees incurred and release the animal to its owner; or
 - (2) Determine that the animal is potentially dangerous, dangerous or vicious, in which case he/she shall cause written notice of a hearing to the owner within 14 regular business days to be sent via certified mail or by hand-delivery. If the animal care center supervisor cannot, with due diligence, locate the owner of the animal, the animal care center supervisor shall cause the animal to be impounded for not less than ten (10) business days. If after ten (10) business days the owner fails to claim the animal, the animal care center supervisor shall cause the animal to be humanely euthanized.

Sec. 10-264. Notice of Hearing on potentially dangerous, dangerous or vicious animal determination.

The notice of hearing shall set forth:

- (a) The date, time and place at which the hearing will be conducted.
- (b) The violation alleged.
- (c) That the owner of the animal may appear in person or through counsel, present evidence, and cross examine witnesses.
- (d) That the animal may be ordered euthanized or subject to the requirements for keeping potentially dangerous or dangerous animals, as set forth herein.

Sec. 10-265. Hearing on potentially dangerous, dangerous or vicious animal determination.

- (a) The Animal Care Center Advisory Board shall hold a hearing within 14 business days after receiving the animal care center supervisor's written notice of a hearing.
- (b) At a hearing, all interested persons shall be given the opportunity to present evidence of the issue of the animal's dangerousness or viciousness. Criteria to be considered in a hearing required herein shall include, but not be limited to, the following:
 - (1) Provocation;
 - (2) Severity of attack or injury to a person or domesticated animal;
 - (3) Previous aggressive history of the animal;
 - (4) Observable behavior of the animal;
 - (5) Sight and circumstances of the incident; and
 - (6) Statements from interested parties.
- (c) A determination by the Animal Care Center Advisory Board that the animal is, in fact, a potentially dangerous, dangerous or vicious animal as defined herein shall subject the animal and its owners to all of the provisions of this article.

Sec. 10-266. Appeal from potentially dangerous, dangerous or vicious animal declaration.

- (a) If the Animal Care Center Advisory Board determines that the animal is potentially dangerous, dangerous or vicious at the conclusion of the hearing conducted, that decision shall be final unless the animal owner applies to a court of competent jurisdiction for any remedies that may be available within five (5) business days after receiving notice that the animal has been finally declared potentially dangerous, dangerous or vicious. The appeal will be a civil proceeding for the purpose of affirming or reversing the Animal Care Center Advisory Board's determination of potentially dangerousness, dangerous or viciousness.
- (b) The appeal shall be commenced upon the filing of a petition and the issuance of a rule to show cause by the owner of the animal that the animal should not be declared a potentially dangerous, dangerous or vicious animal. This civil rule shall, at the time of its issuance, be fixed for hearing not later than five (5) days, including Sundays, half holidays and holidays, from the date of the issuance. It shall be heard by preference over all other matters in cases fixed for the same day and shall be heard continuously day after day until submitted for adjudication. Upon the trial of the rule to show cause the court shall determine whether or not the animal is a potentially dangerous, dangerous or vicious animal and then make any order deemed appropriate by the court.

Sec. 10-267. Keeping of potentially dangerous or dangerous animals.

The keeping of potentially dangerous or dangerous animals as defined herein shall be subject to the following requirements:

- (1) *Leash.* No person having charge, custody, control or possession of a potentially dangerous or dangerous animal shall allow the animal to exit its kennel, pen, or other proper enclosure unless such animal is securely attached to a leash not more than four (4) feet in length. No such person shall permit a potentially dangerous or dangerous animal to be kept on a chain, rope or other type of leash outside a kennel or pen, unless a person capable of controlling the animal is in physical control of the leash.
- (2) *Muzzle.* It shall be unlawful for any owner or keeper of a potentially dangerous or dangerous animal to allow the animal to be outside of its secure enclosure unless it is necessary for the animal to receive veterinary care or exercise. In such cases, an animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing or vision.
- (3) *Confinement.* Except when leashed and muzzled as provided in this section, a potentially dangerous or dangerous animal shall be in a secure enclosure.
- (4) *Signs.* All owners, keepers or harborers of potentially dangerous or dangerous animals shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Animal," or "Beware of Dog," or "Dangerous Dog" or "Dangerous Animal."
- (5) *Liability insurance, surety bond.* The owner of a dangerous animal shall present to the Lafayette Animal Care Center proof that the owner has procured liability insurance or a surety bond in the amount of not less than \$100,000.00 covering each animal so declared for any damage or injury that may be caused by each such dangerous animal. The liability insurance policy or surety bond shall contain a provision requiring that the Lafayette City-Parish Consolidated Government be notified immediately by the agent issuing the policy or bond or by the company issuing the policy or bond in the event that the insurance policy or bond is canceled, terminated or is about to expire. The liability insurance, or surety bond, shall be obtained prior to the issuing of a permit to keep a dangerous animal. The animal owner shall sign a statement attesting that the animal owner shall maintain and not voluntarily cancel the liability insurance policy, or the surety bond, at any time during which the owner possesses the dangerous animal. The appropriateness of the liability insurance or of the surety bond must be approved by the Risk Management Division of the Department of Administrative Services of the Lafayette City-Parish Consolidated Government.
- (6) *Notification of escape.* The owner, keeper or harborer of a potentially dangerous or dangerous animal shall notify animal care center supervisor immediately if such animal escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the animal bites or attacks a person or domestic animal. The person in charge of any animal which, at the time of its escape, has been declared potentially

dangerous or dangerous shall also be personally liable for any damage that may result from the animal's escape as well as any costs of its capture.

- (7) *Failure to comply.* It shall be unlawful and a misdemeanor for any owner, keeper or harbinger of a potentially dangerous or dangerous animal registered with the animal care center supervisor to fail to comply with the requirements and conditions set forth in this article. Whoever violates this provision shall be fined not more than \$300.00. Any animal found to be in violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this article shall result in a revocation of the animal's license and the permit providing for the keeping of such animal.

Sec. 10-268. Permit and tag requirement for dangerous or vicious animal, etc.

- (a) The owner, keeper or harbinger of a potentially dangerous or dangerous animal shall, within three (3) business days after the classification of an animal as potentially dangerous or dangerous, or upon acquisition of such an animal, must register the animal with the Lafayette Animal Care Center and obtain an annual permit from the animal care center supervisor to harbor the animal. The fee for such permit shall be \$50.00 per year.
- (b) At the time the permit is issued, a red tag shall be issued to the owner of the potentially dangerous or dangerous animal. The tag shall be worn at all times by the animal to clearly and easily identify it as a potentially dangerous or dangerous animal.
- (c) The permit for maintaining a potentially dangerous or dangerous animal shall be presented to any animal care center officer or law enforcement officer upon request.
- (d) The owner of any animal declared to be potentially dangerous or dangerous must have the animal sterilized (neutered or spayed as the case may be) by a licensed veterinarian at the owner's expense.
- (e) The owner of any animal declared to be potentially dangerous or dangerous must have the animal micro-chipped, at the owner's expense, by a licensed veterinarian.

Sec. 10-269. Impoundment.

- (a) Pending an investigation of whether or not an animal is potentially dangerous, dangerous or vicious, the animal may be immediately impounded when the animal care center supervisor or his designee determines such immediate impoundment is necessary for the protection of public health or safety.
- (b) Impoundment may be ordered for any violation of this article or when the animal bites a person or domestic animal.
- (c) The owner or custodian of the animal immediately impounded pursuant to subsection (b) of this section shall be notified of the impoundment by certified mail or by hand-delivery of written notification within five (5) business days after the animal's impoundment. The notice of impoundment shall inform the owner or custodian of the animal that the owner may request, in writing, a hearing to contest the impoundment within 14 business days after the mailing or hand-delivery of the notice of impoundment. Upon request by the owner or custodian of the animal for a hearing under this subsection, a hearing shall be held within ten (10) business days after such request. Notice of the date, time and location of the hearing shall be provided by certified mail to the animal owner requesting the hearing.

Sec. 10-270. Impoundment hearing.

- (a) If after hearing on impoundment, the Animal Care Center Advisory Board finds no violation of the article, or that the animal has not bitten an individual or domesticated animal, the animal shall be returned to its owner or custodian if already impounded or shall not be impounded as intended.
- (b) Incident to the findings and conclusions made at the impoundment hearing, the Animal Care Center Advisory Board or its designee may impose reasonable restrictions and conditions for the maintenance of the animal to insure the health and safety of the public and the animal. Such conditions shall include, but shall not be limited to, the following:
- (1) Micro-chipping of the animal as provided for in this article with the costs of any such micro-chipping to be paid for by the owner or custodian of the animal.
 - (2) Payment of reasonable fees to recover the costs incurred by the Lafayette Animal Care Center in insuring compliance with this article.

Sec. 10-271. Destruction of vicious animal.

The Animal Care Center Advisory Board shall order the euthanasia of an animal that is determined to be vicious.

Sec. 10-272. Change of ownership.

- (a) Any owner of a declared potentially dangerous or dangerous animal who sells or otherwise transfers ownership, custody or residence of the animal shall, within five (5) business days after such change of ownership or residence, provide written notification to the animal care center supervisor of the name, address and telephone number of any new owner. It also shall be the responsibility of the person transferring ownership or custody of the animal to provide written notification of the animal's classification as potentially dangerous, dangerous or vicious to the person receiving the animal. The previous owner shall furnish a copy of such notification to the animal care center supervisor along with written acknowledgment by the new owner of the receipt of such notification.
- (b) Any person receiving an animal classified as potentially dangerous or dangerous will be subject to all requirements set forth in this article including, but not limited to, any required permitting, tagging and enclosure for the animal. The new owner shall comply with the full provisions of this article pertaining to obtaining liability insurance/surety bond, payment of fees, maintenance, control and ownership of a potentially dangerous or dangerous animal.
- (c) Upon the transfer of any animal having previously been declared potentially dangerous or dangerous, the original owner or person in possession of said animal will remain liable until such time that the new owner will have complied with all of the provisions of this article. Only in the event that the new owner fully complies with the provisions of this article will the original owner or person in possession of the animal having been declared potentially dangerous or dangerous be deemed not liable under the terms and provisions of this article.

Sec. 10-273. Continuation of dangerous declaration.

Any animal that has been declared dangerous by any agency, division and/or department of any other jurisdiction, whether within the State of Louisiana or out of the State of Louisiana, shall be subject to the provisions of this article for the remainder of its life. The person owning or having custody of any animal designated as a dangerous animal by any other jurisdiction shall notify the animal care center supervisor of the animal's address and condition of maintenance within five (5) business days of moving the animal into the jurisdiction of the Lafayette City-Parish Consolidated Government. The restrictions and conditions of maintenance of any animal declared dangerous by Lafayette City-Parish Consolidated Government or any other jurisdiction shall remain in force while the animal remains in the jurisdiction of Lafayette City-Parish Consolidated Government.

Sec. 10-274. Provisions of Louisiana law.

The provisions of this article are intended to complement, and not conflict with, any provisions of Louisiana law, including but not limited to the provisions of La. R.S. 14:102.3 dealing with hearings to determine if a dog is dangerous or vicious; the provisions of La. R.S. 14:102.14 dealing with unlawful ownership of dangerous dogs; the provisions of La. R.S. 14:102.15 dealing with the unlawful ownership of a vicious dog; the provisions of La. R.S. 14:102.16 dealing with the seizure and destruction or disposition of dangerous or vicious dogs; and the provisions of La. R.S. 14:102.17 dealing with the registration of dangerous dogs and fees. Any such provisions of state law shall also apply, where applicable.

Sec. 10-275. Misdemeanor.

- (a) Any violation of any provision of this article shall be deemed a misdemeanor. Furthermore, the filing of a false complaint by any person under the provisions of this article shall also be deemed a misdemeanor. Furthermore, the providing of false information by any person subject to the provisions of this article will also be deemed a misdemeanor.
- (b) In addition to any other sanction, fine or penalty herein expressed, every person convicted of a violation of any provision of this article, or of a violation of any rule or regulation adopted or issued in pursuance to this article, shall be punished by a fine not exceeding \$500.00, imprisonment for a term not exceeding 30 days, or both such fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

- (c) In addition to the misdemeanor penalty prescribed herein, the Lafayette City-Parish Consolidated Government may pursue all other available remedies, such as but not limited to injunctive relief and revocation of licenses or permits.

Sec. 10-276. Miscellaneous.

- (a) Nothing to the contrary withstanding, in the event that any animal bites a human being or a domesticated animal, (even without a declaration that the animal is potentially dangerous, dangerous and/or vicious), that biting animal will be micro-chipped. Any time an animal is brought to the Lafayette Animal Care Center, such animal shall be micro-chipped. In order for the owner or custodian of such animal to retrieve the animal, the owner or custodian must pay any costs incurred by the animal care center, including but not limited to the cost of micro-chipping. At the discretion of the animal care center supervisor the process of micro-chipping may be accomplished by the owner or custodian with the owner or custodian's private veterinarian.
- (b) In the event that any insurance/surety bond is required under this article, and in the event that said insurance/surety bond is canceled, for any reason without acceptable replacement, the animal will be subject to automatic humane destruction.
- (c) Notwithstanding anything contained herein to the contrary, any notice required under the provisions of this article can be made by the use of certified mail or hand-delivery at the election of the person giving such notice. If any such notice is done by hand-delivery, an affidavit of the person making such hand-delivery shall constitute proof of delivery. If such notice is accomplished by certified mail, proof of the notice can be substantiated by the certified mail return receipt card. Posting of such certified mail shall be conclusive proof of notice and the failure of the person so noticed to receive the certified mail shall not, in any fashion, serve to defeat the notice requirement.
- (d) The animal care center supervisor, or his designee, at all times, shall have the right to inspect any facilities and enclosures required under this article. Such inspection shall occur within normal business hours. The animal care center supervisor, or his/her designee, can access the property where the facility or enclosure is located with or without the permission of the property owner or occupant of the property. The refusal of the owner or occupant of the property to allow access to the animal care center supervisor, or his/her designee, to inspect the facilities or enclosure, shall be deemed to be a violation of this article and shall subject said person to any and all penalties and sanctions provided for in this article.

Secs. 10-277—10-290. - Reserved.

SECTION 4: All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall become effective upon the signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

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Lafayette Animal Care Ordinance

Major Revisions/ Additions

Article II: Animal Care Center Advisory Board

- Changed the name of the Lafayette Animal Control Center Advisory Board to the Lafayette Animal Care Center Advisory Board. (Sec 10-31)
- Mayor's appointment to Animal Care Center Advisory Board does not have to be the Shelter Supervisor. (Sec-10-34)

Article III: City of Lafayette & Unincorporated Area of the Parish of Lafayette

Division I: Generally

- Definitions Sec. 10-71:
 - Changed the name from the Animal Control Center etc., to Animal Care Center, Animal Care Officers, and Animal Care Supervisor, etc. (Sec 10-71 definitions)
 - "At large and stray" excepts cats from leash law requirements
 - "Community Cat": Added definition for these type cats, and for "Community cat caregivers"
 - "Eartipping": Added definition for ear tipping community cats as universal identification as cat being spayed/neutered and vaccinated.
 - "Trap Neuter Return": Added definition for humanely trapping, sterilizing, vaccinating, and eartipping community cats, prior to return to original location.
- Territorial: Consolidation of articles pertaining to the City of Lafayette, and the unincorporated areas of the Parish of Lafayette. (Sec. 10-72)

Division 2: Impoundment

- Changed the stray hold period to seven (7) days for dogs consistent with State law. Reduced stray hold period for cats to three (3) days. Eliminates stray hold for community cats and other animals, unless otherwise provided in the Chapter. Allows rescue organizations, to rescue animals, and hold during stray hold period. (Sec. 10-101)
- Adoption: Changed adoption rates to a maximum of \$35. Allows for the fee for adoptions to be waived or reduced for veterans, and senior citizens. Sec. 10-101
- Increased owner requested euthanasia rates to \$75. Also will allow the center to rescue or adopt these animals prior to euthanasia. (Sec. 10-101)

Division 3: Dogs, Cats and Rabies Control

- Community Cat Diversion Program. (Sec. 10-120)
 - Ordinance adopts Community Cat Diversion Program
 - Allows for TNR of community cats
 - Allows caregiver(s) to provide for community cats
 - Allows for return of community cats to original location
- Running at large (Sec. 10-121)
 - Allows for cats to be at large
- Rabies (Sec. 10-162)
 - Added provision for In-home quarantine for animals expected of having rabies.
- Public and Private clinics: Rabies Tags (Sec. 10-163)
 - Increases fees for rabies tags sold to veterinarians from \$2.50 to \$4.00 for spay-neutered animals, and to \$8.00 for non-spay-neutered animals.

Article IV: Potentially Dangerous, Dangerous, and Vicious Animals

- Definitions (Sec. 10-262)
 - Added "Potentially Dangerous" definition
 - Changed "Dangerous Animal or dog" definition to change the time frame from 36 months, down to 24 months for aggressive behavior of biting etc.
- Procedure for declaring animal potentially dangerous, dangerous or vicious requires sworn complaint and notification to owner. (Sec. 10-263)
- Hearing required within 14 days (changed from 10 days) (Sec. 10-265)

0-142-2017
RECEIVED

JUL 11 2017

Lafayette Consolidated Government
Chief Administrative Officer



Internal Memorandum

Legal Department
City-Parish Attorney (1400)

TO: Lowell Duhon, Chief Administrative Officer **DATE:** July 11, 2017

THRU: Robert D. Benoit, Confidential Assistant to Mayor-President *RB*

THRU: Paul D. Escott, City-Parish Attorney

FROM: Tammy P. Pratt, Assistant City-Parish Attorney

SUBJECT: AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL AMENDING AND RESTATING CHAPTER 10, "ANIMALS," OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES TO CONSOLIDATE THE ARTICLES CURRENTLY AFFECTING THE CITY OF LAFAYETTE AND UNINCORPORATED AREAS OF THE PARISH OF LAFAYETTE, TO REVISE OUTDATED PROVISIONS, TO INCLUDE NEW PROVISIONS PERTAINING TO THE COMMUNITY CAT DIVERSION PROGRAM AND TO SHELTER INTAKE AND RELEASE OF ANIMALS AND TO CHANGE THE NAME OF THE LAFAYETTE ANIMAL CONTROL CENTER TO THE LAFAYETTE ANIMAL CARE CENTER

Lowell, I submit the following, to wit:

- (A) An Ordinance Of The Lafayette City-Parish Council Amending And Restating Chapter 10, "Animals," Of The Lafayette City-Parish Consolidated Government Code Of Ordinances To Consolidate The Articles Currently Affecting The City Of Lafayette And Unincorporated Areas Of The Parish of Lafayette, To Revise Outdated Provisions, To Include New Provisions Pertaining To The Community Cat Diversion Program And To Shelter Intake And Release Of Animals And To Change The Name Of The Lafayette Animal Control Center To The Lafayette Animal Care Center;
- (B) Agenda Item Submittal Form;

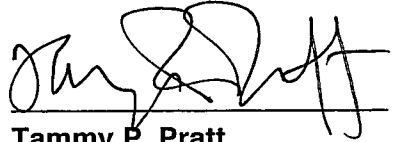
(C) Bullet Points of Major Changes;

(D) Copy of Chapter 10, "Animals," Presently in Effect; and

(E) Copy of Proposed Amendments and Restatement of Chapter 10, "Animals."

Please forward to the Council Office to place this on the agenda of the Council meeting for introduction on July 25, 2017 with final adoption on August 8, 2017.

Should you have any questions, please contact our office.



Tammy P. Pratt
Assistant City-Parish Attorney

TPP/ag
Enclosures

LAFAYETTE CITY-PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) JUSTIFICATION FOR REQUEST: An Ordinance Of The Lafayette City-Parish Council Amending And Restating Chapter 10, "Animals," Of The Lafayette City-Parish Consolidated Government Code Of Ordinances To Consolidate The Articles Currently Affecting The City Of Lafayette And Unincorporated Areas Of The Parish of Lafayette, To Revise Outdated Provisions, To Include New Provisions Pertaining To The Community Cat Diversion Program And To Shelter Intake And Release Of Animals And To Change The Name Of The Lafayette Animal Control Center To The Lafayette Animal Care Center

2) ACTION REQUESTED: Adoption of Ordinance

3) COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY): N/A

4) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: July 25, 2017

B) FINAL ADOPTION: August 8, 2017

5) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Ordinance

B) Memorandum

C) Bullet Points of Major Changes

D) Copy of Chapter 10, "Animals," Presently in Effect

E) Copy of Proposed Amendments and Restatement of Chapter 10, "Animals"

6) FISCAL IMPACT:

_____ Fiscal Impact (Explain)

X No Fiscal Impact

RECOMMENDED BY:



ROBERT D. BENOIT
CONFIDENTIAL ASSISTANT TO
MAYOR-PRESIDENT

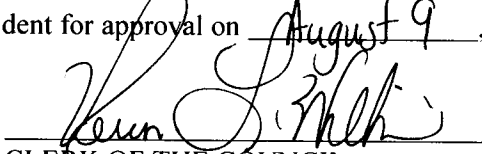
APPROVED FOR AGENDA:

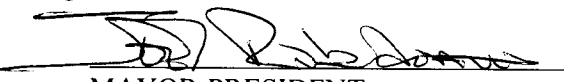

CHIEF ADMINISTRATIVE OFFICER

DISPOSITION OF ORDINANCE NO. O-142-2017

1. This ordinance was introduced: July 25, 2017
YEAS: Naquin, Castille, Lewis, Boudreaux, Bellard, Conque, Cook, Hebert, Theriot
NAYS: None
ABSENT: None
ABSTAIN: None
Final disposition by Council: August 8, 2017
YEAS: Naquin, Castille, Lewis, Boudreaux, Conque, Cook, Hebert, Theriot
NAYS: None
ABSENT: Bellard
ABSTAIN: None
AMENDMENT(S): 8/8/2017 Delete certain provisions regarding fines for animals running at large and for animals who have not been registered or vaccinated.

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on July 28, 2017.

3. This ordinance was presented to the Mayor-President for approval on August 9, 2017, at 4:40 o'clock p.m.

CLERK OF THE COUNCIL

4. Disposition by Mayor-President:
I hereby:
A. Approve this ordinance, the 11th day of August, 2017, at 9:00 o'clock a.m.
B. Veto this ordinance, the _____ day of _____, 2017, at _____ o'clock _____m., veto message is attached.
C. Line item veto certain items this _____ day of _____, 2017, at _____ o'clock _____m., veto message is attached.

MAYOR-PRESIDENT

5. Returned to Council Office ~~with~~/without veto message on August 11, 2017, at 11:24 o'clock a.m.

6. Reconsideration by Council (if vetoed):
On _____, 2017, the Council did/refused to adopt this ordinance after the Mayor-President's veto.

7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on _____, 2017, at _____ o'clock _____m.

If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.


ASST. CLERK OF THE COUNCIL

8. Full publication of this ordinance was made in the Advertiser on August 11, 2017.