

ORDINANCE NO. 5650

AN ORDINANCE amending Chapter 5 – Animals and Fowl, of the Code of Ordinances of the Parish of Calcasieu, Louisiana.

BE IT ORDAINED BY THE POLICE JURY OF CALCASIEU PARISH, LOUISIANA, in Regular Session convened on the 7th day of May, 2009, that it does hereby amend Chapter 5 – Animals and Fowl, of the Code of Ordinances of Calcasieu Parish, Louisiana, as follows:

SECTION I. Chapter 5. Animals and Fowl, is hereby amended, in toto, to read as follows:

ARTICLE I. IN GENERAL

Sec. 5-1. Cruelty.

It shall be unlawful to be cruel or inhumane to any animal or fowl. Such cruelty or inhumanity shall include, but not be limited to, beating; torturing; overloading; overdriving; mutilating; failing to provide adequate food, adequate water, appropriate shelter, basic medical or veterinary care; abandoning; poisoning or cruelly killing any animal or fowl. It shall be unlawful to encourage or permit any dog fight, cock fight, or other combat between other animals, or between humans and animals.”

Sec. 5-2. 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. 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. 5-3. Reserved.

Sec. 5-4. Driving away livestock of another.

It shall be unlawful for any person to take or drive away from the place or range where it is kept, any livestock other than that owned by him or lawfully in his keeping and such person shall be subject to a civil penalty and charged as provided for in Section 5-78. Nothing herein shall prevent a person from driving livestock belonging to another from premises either owned or leased by him or otherwise in his lawful possession.

Secs. 5-5 — 5-20. Reserved.

ARTICLE II. LIVESTOCK

DIVISION 1. GENERALLY

Sec. 5-21. Definitions.

For the purpose of this article, the following terms are defined:

At-large: Any animal of a type mentioned in Section 5-24 which is found at any time unattended by the owner or an agent or employee of the owner, at any place within the prohibited zones other than fenced and enclosed land either belonging to the owner of the animal or under his use and control by virtue of a lease or other agreement.

Livestock: Any animal of the species of horses, mules, asses, cattle, swine, sheep, goats, raites, and poultry generally bred for profit.

Owner of livestock: Any person owning or having control of livestock.

Sec. 5-22. Enforcement of this article.

The sheriff, animal services officers, ward marshals or constables of the respective wards of the parish shall take possession of and impound any livestock found at large in violation of this article.

Sec. 5-23. Civil Penalties.

Any owner, harborer, or possessor of livestock found to be in violation of the provisions of 5-1, 5-2, 5-4, 5-24, 5-26, or 5-28, shall be subject to the assessment of a civil penalty as provided herein.

DIVISION 2. STOCK LAWS

Sec. 5-24. Prohibited zones.

As provided in LSA — R.S. 3:3007 et seq., it shall be unlawful for the owner to allow any livestock to rove, roam, or be at large at any place within wards 1, 3, 4, and 7 of the parish, which for the purpose of this article shall be known as the "prohibited zones."

Sec. 5-25. Reserved.

DIVISION 3. PROHIBITION IN OTHER AREAS

Sec. 5-26. Prohibited on parish road rights-of-way.

It shall be unlawful for the owner to allow any livestock to rove, roam, or be at large on any of the parish road rights-of-way.

Sec. 5-27. Reserved.

Sec. 5-28. Prohibited on enclosed cemetery land.

It shall be unlawful to allow any such livestock to run, roam, or be at large on any land wherein there is a public or private cemetery which has an independent or separate enclosure within the confines of the parish.

Secs. 5-29 — 5-35. Reserved.

ARTICLE III. DOMESTIC ANIMALS

DIVISION 1. GENERALLY

Sec. 5-36. Definitions.

For the purpose of this article, the following terms, phrases, words, and derivations shall have the meaning given in this division unless it shall be apparent from the context that a different meaning is intended:

Abandonment shall mean the act of relinquishment of the custody of an animal without making arrangements for its care, or leaving an animal confined without providing adequate shelter, water and feed.

Adequate feed shall mean the provision at least every twenty-four (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.

Adequate shelter shall mean a structurally sound enclosure made with such materials so as to provide the animal with shade and protection from extreme temperatures or elements.

Adequate water shall mean constant access to a supply of clean, fresh water provided in a sanitary manner and appropriate for the species at least every twenty-four (24) hours.

Animal shall mean mammals, birds, fowl, reptile, amphibian, and fish, except when referring specifically to the control of rabies when the word "animal" shall mean only mammal. For the purposes of this article, animal shall not include homo sapiens.

Animal Services and Adoption Center shall mean the Calcasieu Parish Animal Services and Adoption Center operated by the Calcasieu Parish Police Jury.

At-large An animal shall be deemed at large if, while unaccompanied by its owner or keeper, it is unrestrained on any road, street, public place, or trespasses on the premises of any person other than its owner. Hunting, law enforcement and stock dogs while being worked by a responsible person shall not be defined as at-large.

Attack shall mean aggressive, unprovoked behavior by an animal that would involve biting and/or shaking of its victim.

Basic medical care shall mean general health treatment expected for the care of the animal, as prescribed by the American Veterinary Medical Association.

Bird shall mean any of a class (Aves) of warm-blooded vertebrates distinguished by having the body more or less completely covered with feathers and the forelimb modified as wings. For the purposes of this article, fowl, poultry, or ratites are not defined as birds.

Bite shall mean any puncture, tear, or abrasion of the skin inflicted by an animal.

Cat shall mean a feline or the family thereof, either domestic or feral.

Collar shall mean a band, chain, harness, or other device worn around the neck of an animal to which a vaccination tag may be affixed.

Confinement devices shall mean an electronic or signal system designed to act as a boundary or enclosure. *Confinement requirements (dangerous)* shall mean a securely enclosed and locked pen or structure suitable to prevent a dog from coming into contact with a human being other than the owner or any other animal and designed to prevent the animal from escaping. The pen shall be constructed of 9-gauge material or stronger. The pen shall be no smaller than one hundred (100) square feet in area with sides no shorter than six (6) feet. The sides must be embedded into the ground not less than one (1) foot if the pen is not on a concrete slab. Pen or dog run area must also have a secure top connected to the sides to assure that the animal cannot climb out. It shall also include a material, dog house or area to provide the dog with shade and protection from the elements. The pen shall provide a humane existence for the dog in addition to protection from the elements. When allowed on a leash, owner will muzzle dog.

Confinement requirements (general) shall mean a securely enclosed yard, premises, pen, structure, or device, with adequate shelter, on the owner's property, suitable to prevent a dog from leaving the owner's property. Any dog confined within a fenced yard must have an adequate space for exercise having dimensions not less than one hundred (100) square feet. Where dogs are kept or housed on property without a fenced yard, the enclosure for such dogs shall be constructed of chain link or other material that permits adequate ventilation with all sides enclosed and shall contain an area of not less than one hundred (100) square feet. The enclosure shall be of sufficient height to prevent the dog from escaping. The area shall have a top, a dog house, or other area constructed with such materials so as to provide the dog with shade and protection from the elements.

Cruelty shall mean an act inflicted upon an animal with malicious intent to cause pain and or suffering to the animal.

Dangerous animal shall mean any animal that has demonstrated in overt ways a propensity to endanger the safety of humans or other animals by threatening, chasing, or growling without provocation on or off the premises of the owner.

Director shall mean the Director of the Calcasieu Parish Animal Services and Adoption Center.

Dog shall mean relating to canines, the family canidae, not including wildlife.

Domesticated animal shall mean an animal whose species has adapted to life in close association with a human caretaker.

Euthanasia shall mean the humane destruction of any animal accomplished by a method that involves the use of an agent which produces painless loss of consciousness and subsequent death during such loss of consciousness.

Exotic species shall mean any species of animal born or whose natural habitat is outside the continental United States as well as any non-domesticated animal indigenous to the U.S.A. which can normally be found in the wild state which is legally marketed within the pet market (see also *wildlife/wild animal* below).

Health unit shall mean the Calcasieu Parish Health Unit operated by the Calcasieu Parish Police Jury for disease control.

Humane society shall mean a not-for-profit 501(c)3 status organization acting on behalf of the welfare of animals.

License shall mean a license given at the time the animal is vaccinated against rabies identifying the animal as residing in the parish.

License fee shall mean a fee as set by the Calcasieu Parish Police Jury for the licensing of any animal as defined by this article within the parish.

Micro-chip shall mean an identification device approved by the Animal Services and Adoption Center which is intended to be implanted within an animal for identification purposes.

Mutilating shall mean a physical alteration of any domesticated animal by anyone not trained to do so.

Owner shall mean any person, business, corporation, or other legal entity who keeps in his care, harbors, acts as custodian or guardian, permits an animal to remain on his premises, or feeds the animal for more than three (3) days.

Provoke shall mean any action which arouses, tempts, stimulates, or stirs an animal to action.

Unsanitary conditions shall mean any conditions which encourage the breeding of parasites, insects, and flies and causes odors offensive to a reasonable person.

Vaccination against rabies shall mean an inoculation with a recognized anti-rabies vaccine by a licensed veterinarian or other qualified person under the direct supervision of a veterinarian.

Vaccination license certificate shall mean a serially numbered certificate, approved by the Director, giving the name of the animal owner, description of animal, year issued, valid time period, and certifying the animal was vaccinated against rabies and licensed by the parish.

Vaccination license tag shall mean a suitable tag approved by the Director bearing the same number as the vaccination license certificate and the year issued.

Veterinarian shall mean any person duly licensed to practice veterinary medicine by the state of his residency.

Veterinary hospital shall mean a place where medical and surgical treatment is administered to the animals by or under the direct supervision of a veterinarian.

Wildlife/wild animal shall mean any animal which occurs naturally, either presently or historically, in a wild state within the boundaries of the United States, including, but not limited to, animals indigenous to Louisiana. This includes any animal which is part wildlife (hybrids) as classified in the Compendium of Animal Rabies Control and the National Association of State Public Health Veterinarians.

Sec. 5-37. Reserved.

Sec. 5-38. Enforcement by Director.

The provisions of this Ordinance shall be enforced by the Director and his designated agents with the assistance of parish or municipal law enforcement officials and the Calcasieu Parish Health Unit. Notwithstanding the provisions of Section 5-41, the Director or his designated agents shall have the authority to review, waive, or amend any violation of this Ordinance.

Sec. 5-39. Interference with Director or designated agents.

No person shall interfere with, hinder, or molest the Director or his designated agents in the performance of any duty of such agents or seek to release any animal in the custody of the Director or his designated agents except as provided in this article.

Sec. 5-40. Citation.

The Director or his designated agent shall have the authority to issue a citation for violation of the provisions of any Section of this Ordinance assessing a charge for reimbursement of expenses and, where appropriate, a civil penalty as provided in Section 5-78. The citation will contain the following information:

- (a) The amount of the charge and, where appropriate, the civil penalty;
- (b) A declared time period for payment of the charge and civil penalty at the Animal Services and Adoption Center, located at 5500A Swift Plant Road, Lake Charles, Louisiana 70615;
- (c) A notice that if the recipient wishes to contest the citation or the sums assessed, the recipient must give notice in writing within the specified time period as noted on the citation to the Animal Services and Adoption Center of a desire to contest the issuance of the citation or the sums assessed therein;
- (d) A notice that upon receipt of a notice to contest, the Director or his designated agent shall convene a three (3) person hearing panel which will send out a notice to the recipient and all involved parties notifying them of the time, date and place of the hearing;
- (e) A notice that shall advise that upon failure either to pay the charge and civil penalty within the specified time period or file a written request to contest the citation that legal proceedings will be instituted in the appropriate parish or municipal court seeking a judgment on open/pending account in the amount of the charge and penalty.

Sec. 5-41. Hearing and Appeal.

The procedure to contest a citation, the amount of the penalty assessed, or an appeal, is established as follows:

- (a) Upon issuance of a citation, the recipient shall have the specified time as stated on the citation to pay the charge and civil penalty, if assessed, at the Animal Services and Adoption Center located at 5500A Swift Plant Road, Lake Charles, Louisiana 70615;
- (b) Should a recipient desire to contest the issuance of the citation or the amount of the charge and civil penalty, if assessed, he must give notice in writing to the Animal Services and Adoption Center within the specified time period as stated on the citation of the desire to contest the citation or the amount assessed therein.
- (c) Upon receipt of a notice of contest, the Director or his designated agent shall provoke a hearing of a panel composed of three (3) members. The panel shall be composed of a representative from the civil section of the District Attorney's Office, a representative from the Public Defender's Office, and a representative of the Humane Society of Louisiana. The panel will then advise the person desiring to contest the citation or the amounts therein of the time, date, and place of a hearing which shall be no later than thirty (30) days from the date of receipt of the notice of contest.
- (d) At the hearing of the contest to the issuance of the citation and the amounts assessed, the panel shall have the authority to uphold, alter, or recall the citation or the amounts of the charges or civil penalties specified therein. The panel may render its decisions either orally or in writing

immediately or after private consideration. The decision issued in writing shall be mailed to all interested parties within seven (7) days of the panel hearing.

- (e) If the recipient is dissatisfied with the result of the panel hearing he can appeal the decision by filing a civil suit in the 14th Judicial District Court not more than fifteen (15) days from the rendition of an oral decision on the date of the hearing, or fifteen (15) days from receipt of the written decision of the panel.

Sec 5-42. Reserved.

Sec. 5-43. Nuisance animal.

- (a) The Director or his designated agent may designate an animal a nuisance if it engages in any of the following non-exclusive behaviors or activities:

- (1) Molests passersby, moving vehicles, or other animals while at-large;
- (2) Damages private or public property;
- (3) Barks, whines, or howls in an excessive, continuous, or untimely manner; or
- (4) Causes unsanitary conditions or odors about the premises of the owner or others through urination or defecation.

Upon sworn statements of two (2) witnesses, not in the same household, in the immediate neighborhood, and upon investigation by the Director or his designated agents, and upon declaration that an animal is a public nuisance under this Section, the owner of the animal may be penalized as provided in Sections 5-40, 5-41, and 5-78 of this Code. The animal may be seized by the Director or his designated agents and impounded at the Animal Services and Adoption Center. Repeat offenses shall have the same pattern and additional fees charged.

- (b) Provided further, upon the third offense by the owner of the animal, the owner shall be served written notice that upon the fourth offense the animal shall be impounded by the Director or his designated agents and shall receive a citation with a specified time period during which to respond. Failure to respond shall cause said animal to become the property of the Animal Services and Adoption Center and the animal may be destroyed by euthanasia or placed with a suitable person upon proof that this person shall prevent the animal from further nuisance offenses.

Sec. 5-44. Dangerous animals.

The owner of any animal deemed dangerous as defined in this Ordinance, shall be subject to the following:

- (a) Shall effectively confine and control the animal at all times in accordance with the dangerous confinement requirements.
- (b) Shall be issued a written notice of confinement requirements (dangerous) stating the animal shall not be in violation of said requirements as defined by this section. Confinement shall be immediate. If confinement requirements (dangerous) as defined herein are not immediately available, the animal must be confined at the Animal Services and Adoption Center, a veterinarian clinic, or some other location as approved by the Director, at the expense of the owner.
- (c) Any owner seeking to reclaim a dangerous animal impounded under the authority of Sec. 5-62 shall also be notified in writing of confinement requirements (dangerous).
- (d) Shall have the animal micro-chipped and two (2) color photographs will be provided for ID purposes, and the information shall be turned over to the Animal Services and Adoption Center, and the permanent confinement area shall be inspected before the release of the animal to the owner.
- (e) Shall not permit a "dangerous" dog to go beyond said confinement unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled. Said muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- (f) Any person found in violation of the confinement requirements (dangerous) shall have his animal impounded and shall receive a citation with a specified time period during which to respond. Failure to respond to the citation shall cause said animal to become property of the Animal Services and Adoption Center and further cause disposal of the animal by euthanasia in accordance with this ordinance and shelter policies as ordered by the Director or his designated agent without further notice to its owner who will be assumed to have abandoned the animal.
- (g) The owner shall notify the Animal Services and Adoption Center upon animal ownership changes. These stated requirements will remain the same as stated herein throughout the life of the animal.

Sec. 5-45. Dogs in public parks and recreation areas, school grounds, or cemeteries.

All dogs permitted in any public park, recreation area, school grounds, and cemeteries shall be on a leash, unless otherwise permitted by specific policy or parish ordinance.

Sec. 5-45.1. Dogs in tenement yards.

It shall be unlawful for the owner or keeper of any dog to allow such dog to be unrestrained on the property of any multi-family dwellings.

Sec. 5-46. Reserved.

Sec. 5-47. Dogs running at large — Prohibited.

No person shall allow any dog in his possession, or kept by him about his premises, to run at-large on any unenclosed land or trespass upon any enclosed or unenclosed lands of another.

Any citizen may, or law enforcement officer shall, seize any dog found unaccompanied by its owner or keeper and running at-large on any road, street, or other public place or trespassing on any premises other than the owners'. Citizen must contact Animal Services and Adoption Center to provide details regarding the animal.

For purposes of this section, any person, business, corporation, or other legal entity that keeps in his care, harbors, acts as custodian, or permits an animal to remain on or about his premises, or is the registered owner of such animal shall be deemed the owner or keeper of said animal.

Any person owning, harboring, or controlling a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall always keep such animal from running at-large by either:

- (a) Securely confining such animal within an appropriate fence, enclosure, or confinement device as prescribed herein or within a house, garage or other building or by accompanying the animal at all times or where otherwise required, on a leash.
- (b) For the purpose of this Section, "secure confinement" means securing the dog in an area from which the dog cannot escape based on the size and breed of the dog while providing for appropriate and humane care of the animal while in such confinement.
- (c) No person shall chain, tie, fasten or otherwise tether a dog to a dog house, a tree, a fence or other stationary object as a means of secure, permanent confinement to property, except by a system approved by the Director or his designated agent.

Sec. 5-48. Reserved

Sec. 5-49. Dogs Running at Large — Penalty.

In addition to the charges and civil penalties specified herein, the owner, harbinger or possessor of a dog who is found at-large must have the dog micro-chipped in accordance with Section 5-65. If the dog has not already been rendered sterile, the owner shall be encouraged to have the animal spayed or neutered within seven (7) days of redemption or return. If the impoundment for said animal is a second offense, the provisions of this Section will be mandatory. Verification from the veterinarian performing surgery for sterilization shall be provided by the animal's owner to the Animal Services and Adoption Center in writing within seven (7) days of the procedure. The provisions of this Section do not apply to a dog owned by and working for a governmental or law enforcement agency.

Secs. 5-50 — 5-55. Reserved.

DIVISION 2. RABIES CONTROL

Sec. 5-56. Reserved.

Sec. 5-57. Mandatory Vaccination.

Every owner of a dog, cat, or ferret shall cause said animal to be vaccinated initially with a series of two vaccinations, the first to be administered at or about three (3) months of age, the second to be administered at or about one (1) year after the initial vaccination. Dogs, cats, or ferrets initially vaccinated later than three (3) months of age shall also be administered a series of two vaccines, the second vaccine to be given at or about one (1) year after the initial vaccination. Subsequent booster vaccines shall be administered at or about one (1) year after the administration of the vaccine that confers one (1) year of immunity and at or about three (3) years after the administration of a vaccine that confers three (3) years of immunity. Any animal not vaccinated according to this section shall be subject to impoundment.

Sec. 5-58. Same — Who administers.

The owner may take his animal to a veterinarian of his choice for all required vaccinations and licensing by the parish or may avail himself of the clinics provided for in this article. Any individual or entity offering vaccinations to the public is responsible for contacting Animal Services and Adoption Center and obtaining approved license certificates and tags and follow departmental guidelines for issuing same.

Sec. 5-59. Clinics: Vaccine and Micro-chipping.

The health unit is authorized to sponsor public clinics at any place or time of its choosing for rabies vaccinations and to arrange for the services of veterinarians at the clinics. At the clinics the veterinarian shall supply the vaccine, and the Director shall supply the vaccination license certificates and tags. The parish health unit shall supply administrative personnel. Authority shall be granted for the Animal Service and Adoption Center to sponsor public clinics to facilitate vaccinations and micro-chipping of animals. The fees of the clinic services shall be set by the Calcasieu Parish Police Jury after consultation with the Calcasieu Parish Veterinarian Association and the health unit.

Sec. 5-60. Issuance of license certificate.

Upon having an animal vaccinated for rabies, the owner is required to pay the parish license fee as set forth by the Animal Services and Adoption Center. At such time the owner shall be issued the appropriate vaccination license certificate. If a three (3) year immunity vaccine has been administered, the owner is required to purchase the second and third year vaccination licenses on or about the anniversary of the original three (3) year vaccination.

Sec. 5-61. Lost tag replacement.

Lost vaccination license tags may be replaced on presentation of a vaccination license certificate and payment of a fee as set by the Animal Services and Adoption Center.

Sec. 5-62. Confinement of rabies and suspect animal.

The owner of any animal that has rabies or symptoms thereof or has been exposed to rabies or has bitten or scratched anyone, whether the animal be on or off the owner's private property, whether vaccinated or not, shall hereby notify the Director or his designated agents, and on demand, transfer the animal to the Animal Services and Adoption Center for the purposes of observation. All charges related to the observation/quarantine period shall be paid in full, in advance, at the time of transfer. However, if the owner chooses, he may transfer the animal to a veterinary clinic for observation for a period not less than ten (10) days and provide the Animal Services and Adoption Center with proof thereof at the time of transfer.

Sec. 5-63. Impoundment required of untagged dogs, exceptions.

Any dog not wearing a collar with a current license tag may be impounded by the Animal Services and Adoption Center, whether said dog is on or off the premises of its owner, and thereafter returned to its owner or humanely euthanized, as the circumstances may require, all according to the conditions, rules, regulations, and requirements concerning the impounding of dogs as herein set forth. Animals received or impounded are eligible to be micro-chipped, at the discretion of the Director.

As an alternative to impoundment, if said dog is not wearing a collar with a current license tag, the animal may be allowed to remain on the property after compliance with confinement requirements as set forth herein.

The owner of the dog may be penalized as provided for in Section 5-78.

Sec. 5-63.1. Reasons for impoundment.

Whenever animals are kept within any building or on any premises without food, water, or basic veterinary care and attention; are kept in violation of the provisions of this Chapter; are infected with disease; or are kept under conditions which could endanger the public health or create a nuisance, it shall be the duty of the Animal Services and Adoption Center to enter said building or premises and impound said animals. Animals so impounded shall not be released before the reason for causing said impoundment has been corrected in the opinion of the Director or his designated agents.

Sec. 5-64. Same — Holding period.

An animal impounded at the Animal Services and Adoption Center shall be kept for a period of five (5) days excluding weekends and holidays, and unless claimed by its owner in said time, all rights of the animal held by the owner shall be forfeited and title to the animal shall pass to the Animal Services and Adoption Center. All animals not claimed after the ten (10) day observation/quarantine period shall also be considered forfeited. Failure by an owner to claim an animal, traceable to that owner by means of license tag registration, micro-chip or owner acknowledgement, does not relieve said owner of charges and penalties assessed as provided for herein. Repeated offenses will incur additional fees and penalties.

Sec. 5-65. Same-Redemption and micro-chipping.

The owner upon producing satisfactory proof of ownership may reclaim his animal upon complying with the vaccination, collar, tag, and violation penalties, as provided for in this article, together with the payment of impoundment and board expenses as set by the Calcasieu Parish Police Jury. All animals adopted or redeemed which do not already have implanted in them a micro-chip, shall have the same implanted in them prior to release at the owner's expense.

Sec. 5-66. Adoption.

Any animal held by the Animal Services and Adoption Center may be adopted by a new owner provided the Director or his designated agents deem it suitable for release and the prospective owner agrees to the adoption procedure set by the Director and makes payment of all fees imposed. No dog or cat shall be released for adoption without being spayed or neutered or without written agreement from adopter guaranteeing that the animal will be altered within a specified time.

Sec. 5-67. Same-Disposition of unclaimed or diseased animals.

When an animal has been impounded for five (5) full days, excluding weekends and holidays, and its owner has not appeared to reclaim it, it shall be disposed of by euthanasia unless the prospects of finding it a home or any other reason justifies detention for a longer period of time, all of which shall be at the discretion of the Director or his designated agents. However, a diseased or injured animal may be destroyed immediately and prior to the expiration of five (5) days, if in the opinion of the Director or his designated agents and a licensed veterinarian, if possible, its condition is such that imminent destruction is necessary as a humane gesture and for the protection of other animals with which an animal may come in contact. A licensed veterinarian need not be contacted in the case of an animal without collar and tags or identifiable tattoo or registered micro-chip.

Secs. 5-68 — 5-75. Reserved.

DIVISION 3. EXOTIC/WILD ANIMALS

Sec. 5-76. Prohibited.

- (a) For purposes of this division, "exotic/wild animal" shall mean (1) any animal or fowl which is not normally domesticated or kept as a pet; (2) any animal or fowl, traditionally considered as a non-domesticated animal; (3) any animal or fowl which, as a species, has demonstrated in overt ways or is commonly known to have a propensity to bite or inflict harm on human beings without provocation, including, but not limited to, lions, tigers, cougars, leopards, bears, poisonous snakes, poisonous lizards, poisonous amphibians, alligators, squirrels, skunks, raccoons, foxes, wolves, otters, monkeys, prairie dogs, and kangaroos; and (4) wild animals crossbred with domestic animals to create hybrids considered wildlife by the Compendium of Public Health Veterinarians and the Department of Health and Hospitals.

- (b) It shall be unlawful to own, keep, possess, maintain, or harbor any exotic/wild animal.
- (c) It shall be unlawful to harbor any snake in any apartment house in the parish.

Sec. 5-77. Exceptions.

This article shall not apply to exotic/wild animals that are totally helpless and, because of such helplessness, require the care of human beings in order to survive. Said animal shall be required to be under the care and custody of a licensed, accredited, and/or permitted person or organization.

This article also shall not apply to animals in traveling shows, exhibitions, and carnivals which present non-domesticated animals for display or use such animals, as set forth herein, in their acts, as permitted under the United States Department of Agriculture, Animal and Plant Health Inspection Service-Animal Welfare Act, nor does it exempt such animals protected under L.R.S. 14:102.

DIVISION 4. EXPENSE CHARGES AND CIVIL PENALTIES

Sec. 5-78. Charges and Civil Penalties.

Except where otherwise specifically declared, no violation of any of the provisions of Section 5 “Animals and Fowl” of this Ordinance shall constitute a criminal offense. Instead, the violation of any of the provisions in this Section shall be declared a civil offense with a penalty as outlined below. In addition to the assessment of a civil penalty, where appropriate, the Director or his designated agents may assess a charge for reimbursement of overhead and expenses incurred in the enforcement of the provisions of this Section and other appropriate fees.

- (a) The charge which may be assessed for all infractions of any provision shall be in accordance with the fee schedule as set by the Calcasieu Parish Police Jury.

Civil penalties which may be assessed are as follows:

- (1) For Section 5-1 Cruelty/Neglect: \$250
Second offense \$500
- (2) Section 5-2 Disposition of carcasses: \$100
Second offense \$250; Third offense \$500
- (3) Section 5-4 Driving away livestock of another: \$100
Second offense \$250; Third offense \$500
- (4) Section 5-24, 5-26 and 5-28 Livestock at large: \$250
Second offense \$500; Third offense \$1,500
- (5) Section 5-39 Interference with Director or designated agents: \$500
- (6) Section 5-43 - Nuisance Animal: \$100
Second offense \$200; Third offense \$500
Fourth offense, impoundment in accordance with Section 5-43.
- (7) Section 5-44 - Dangerous Animals - Confinement: \$500
- (8) Section 5-45 Dogs in public parks, etc.: \$25
Second offense \$ 50; Third offense \$100
- (9) Section 5-45.1 Dogs in tenement yards: \$25
Second offense \$50; Third offense \$100
- (10) Section 5-47 Dogs running at large: \$40
Second offense \$60; Third offense \$100; Fourth offense: \$500
- (11) Section 5-57 Mandatory vaccination: \$50
- (12) Section 5-63 Impoundment: \$30
Second offense \$50; Third offense \$70

BE IT FURTHER ORDAINED that this ordinance shall become effective sixty (60) days after adoption.

BE IT FURTHER ORDAINED that any ordinance or parts of any ordinance in conflict herewith are hereby repealed.

BE IT FURTHER AND FINALLY ORDAINED that the provisions of this ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

THUS PASSED AND ADOPTED on this, the 7th day of May, 2009.

/s/ Hal McMillin
Hal McMillin, President

/s/ S. Mark McMurry
S. Mark McMurry, Administrator &
Ex-Officio Secretary

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STATE OF LOUISIANA
PARISH OF CALCASIEU

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original ordinance as adopted by the Calcasieu Parish Police Jury in Regular Session convened on the 7th day of May, 2009.

IN TESTIMONY WHEREOF, witness my official signature and the seal of the Parish of Calcasieu, Louisiana, on this the ____ day of _____, _____.

Kathy P. Smith, Recording Secretary