

CHAPTER 4

ANIMALS

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Sub-Chapter A

Dogs

SECTION 4:1. DOGS, ANNUAL VACCINATIONS REQUIRED; CERTIFICATES AND TAGS; DESTRUCTION OF STRAY DOGS NOT VACCINATED

A. It shall be unlawful for any owner or keeper of dogs to permit their dog or dogs to roam at large unless said dogs shall first have been vaccinated and made immune to rabies by a duly licensed veterinarian.

B. The veterinarian vaccinating any dogs shall issue a certificate to the owner or keeper of the said dogs evidencing such vaccination, and further that a metal tag evidencing such vaccination shall be attached to a collar on said dog.

C. The vaccination of dogs against rabies herein provided for shall be carried on annually.

D. Any dog that shall not have been vaccinated as herein provided and found astray shall be treated as a nuisance and shall be destroyed. The sheriff or his deputies of the parish shall be charged with the destruction of any dog found at large and not vaccinated hereunder roaming at large in violation of this Section.

(Resolution of March 20, 1930, superseded by Ordinance of May 12, 1952)

SECTIONS 4:2 - 4:49. RESERVED

Cross Reference -- Health and Sanitation, Ch. 10; licenses and miscellaneous business regulations, Ch. 13; motor vehicles and traffic, Ch. 17; offenses and miscellaneous law enforcement provisions, Ch. 15; taxation, Ch. 23; streets and roads, Ch. 25.

State Law References -- Louisiana Abandoned Animals Act, R.S. 3:2451 et seq.; powers of parish governing authorities as to minimum standards for animal shelters, R.S. 3:2461; regulation of dogs by local authorities, R.S. 3:2731 et seq.; fencing of public highways, state aid, R.S. 3:2808 et seq.; local regulation of livestock on public highways, R.S. 3:3001 et seq.; power of parish governing authorities to regulate fences and hedges, R.S. 33:1236(4), 33:4875; power of parish governing authorities to regulate certain livestock, animals at large and the killing of animals, R.S. 33:1236(5); rabies control, R.S. 40:4(A)(2), 40:1275 et seq.

[RESERVED]

[The next page is Sub-Chapter B, "Livestock", page 4-7.]

Sub-Chapter B

Livestock

SECTION 4:50. RUNNING OF LIVESTOCK AT LARGE PROHIBITED PARISHWIDE; VIOLATIONS; PENALTIES

A. It shall be unlawful for any horses, mules, cattle, hogs, sheep or goats to run, roam, or be at large, on any of the public highways or commons or on any land other than that of the owner of such animals, within the Parish of Assumption.

B. The owner of any horses, mules, cattle, hogs, sheep or goats, who shall suffer or permit any of said animals to run, roam, or be at large, on any of the public highways or commons, or on any land other than that of the owner of said animals, within the Parish of Assumption, shall be guilty of a misdemeanor, and shall upon conviction in any court of competent jurisdiction, be fined in a sum not exceeding one hundred dollars (\$100.00), or imprisoned in the parish jail for a term not exceeding thirty (30) days, or suffer both such fine and imprisonment, in the discretion of the court, for each such animal thus at large.

C. For the purpose of this Section, each animal that shall be at large, in violation of the provisions hereof, shall constitute a separate offense on the part of its owner.

(Ordinance of May 13, 1924; superseding Resolution of June 17, 1871; Ordinance of March 11, 1890; Ordinance of August 13, 1919; Ordinance of July 12, 1921; Ordinance of July 11, 1922.)

SECTION 4:51. IMPOUNDMENT OF LIVESTOCK FOUND RUNNING AT LARGE; NOTICE OF IMPOUNDMENT

A. All sheriffs, sheriffs deputies, constables, justices of the peace and state police, and any other person may take possession of and impound any livestock found. at large upon any public highway of this state in any ward where livestock is presently prohibited from roaming at large or may hereafter be prohibited from roaming at large as hereinafter provided for. Any livestock so taken and impounded shall be impounded in the parish in which taken and when taken by a sheriff, deputy sheriff, constable, justice of the peace or state police the owner thereof shall be notified personally or by leaving written notice at the place of his residence within twenty-four (24) hours after taking possession of such livestock. Any person other than a sheriff, deputy sheriff, constable, justice of the peace or state police taking possession of and impounding livestock shall immediately notify the sheriff of the parish in which the livestock is taken and said sheriff shall, within twenty-four (24) hours of such notification notify the owner in the manner hereinabove provided. (LRS 3:3004)

Comment -- Section 4 of the Ordinance of May 13, 1924 also provided for the impoundment of stray livestock. Those provisions and others conflicted, however, with prevailing state laws. Rather than codify the local provisions, the provisions of the state laws were included herein as revisions at the direction of the Police Jury.

SECTION 4:52. IMPOUNDMENT CHARGES

Any person taking up or confining any loose animal as hereinabove provided, shall receive two dollars (\$2.00) per head for each head of horses, mules, or cattle, and one dollar (\$1.00) per head for each head of hogs, sheep, or goats so taken up, together with one dollar (\$1.00) per head

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per day for keeping any horses, mules or cattle so taken up, and fifty cents (\$.50) per head per day for keeping any sheep, hogs, or goats so taken up. (Ordinance of May 13, 1924)

SECTION 4:53. ADVERTISEMENT OF IMPOUNDING WHEN OWNER IS UNKNOWN

A. If the owner of any livestock found at large on any public highway of any ward where the roaming at large of stock is prohibited, is unknown or if the owner has no residence in the Parish where the livestock is taken, a statement shall be filed with the sheriff of the parish in which the livestock is taken setting forth:

1. The name and address of the person taking up the livestock;
2. A description of the livestock as to kind, sex, marks, brand, color, and apparent age;
3. The place of taking up and the place where the livestock is impounded;
4. The amount of the charges due for feeding and caring for the livestock;
5. The amount of the fee for taking the livestock.

B. The sheriff shall then give notice by advertising in a newspaper of general circulation within the parish setting forth the fact of the taking of possession, a description of the livestock, that the owner is unknown or if known that he cannot be located. This advertisement shall notify any person claiming to be the owner of such livestock to appear before the sheriff at a place named and a time not less than three (3) days nor more than six (6) days from the date of notice to prove such claim or ownership. If the owner appears and proves to the satisfaction of the sheriff that he is the owner of the stock impounded, the sheriff shall require the owner to pay the fee of the person taking the stock, the cost of feeding and caring for the stock at the rates hereinabove specified in Section 4:52 and the cost of advertisement. (LRS 3:3005)

Comment -- See note following Section 4:51 on derivation of above section from state provisions rather than local ordinance.

SECTION 4:54. DISPOSITION OF IMPOUNDED STOCK UNCLAIMED BY OWNER; PUBLIC SALE; FEES

A. If after the notice provided for in LRS 3:3004 (Section 4:51) and LRS 3:3005 (Section 4:53) the owner does not appear at the time specified the sheriff shall proceed to sell such impounded livestock in the following manner:

1. The sheriff shall advertise in a newspaper of general circulation in the parish where the sale is to take place the face of such sale, the date and place of the sale. The place of the sale shall be at the court house or at some other public place in the vicinity of the court house and the sale shall be made not less than ten (10) nor more than twenty (20) days after publication of one (1) notice of said sale. Said sale shall be by auction to the last and highest bidder for cash. From the price of said sale, the sheriff shall deduct the fee of the person impounding the livestock, the cost of feeding and caring for the livestock at the rates

herein above specified in Section 4:52 and all expenses incurred in the sale. He shall pay the person taking up the livestock the fee due him and the person feeding and caring for the livestock the fees provided for such services and the remainder shall be paid into the state treasury.

(LRS 3:3006)

Comment -- See note following Section 4:51 on derivation of the above Section from state provisions rather than local ordinance. Also see LRS 33:1236(5) for authority of police juries to regulate cattle. Also LRS 3:3001, et seq. on regulations by wards. See LRS 3:2801 et seq. for state regulatory provisions on cattle at large on public highways.

SECTIONS 4:55 - 4:59. RESERVED

[RESERVED]

[The next page is Sub Chapter C, "Miscellaneous Provisions", page 4-15.]

Sub-Chapter C

Miscellaneous Provisions

SECTION 4:60. DISPOSAL OF DEAD ANIMALS; VIOLATIONS, PENALTIES

It shall be the duty of the owner of dead animals found on the public roads of the parish or elsewhere to haul and remove same therefrom subject to a penalty of fifty dollars (\$50.00) upon failure to do so. When such person shall fail to remove such dead animal, it shall be the duty of the road inspector or other designated agent of the Police Jury to enforce this law at the expense of the delinquent owner. (Resolution of September 30, 1871)

SECTIONS 4:61. ANIMAL ADOPTION

A. The Parish's Animal Shelter's mission is to balance the health, safety, and welfare of the people and animals by: protecting the rights of people from the dangers and nuisances caused by uncontrolled animals, insuring the protection of animals from mistreatment, and promoting and motivating responsible pet ownership. It is regulated through the adoption program and the Assumption Parish Police Jury.

B. Animal Shelter means the Assumption Parish Animal Shelter that is a division of the Assumption Parish Police Jury and the premises designated and owned by the parish for the purposes of impounding, caring for, adopting out, and/or disposing of stray, impounded, abandoned, seized, or unwanted animals in the parish. The division of animal shelter is also known as the division of animal control.

C. Animal shelter shall maintain an adoption program.

D. The adoption Program shall at all times be under the guidance of the Assumption Parish Police Jury.

E. The adoption program shall include the following:

1. A mandatory spay/neuter contract upon adoption/rescue;
2. A mandatory adoption agreement to ensure proper care of the adopted animal;
3. A mandatory rescue agreement to ensure responsible care for the animal post adoption;
4. An adoption fee in the amount of \$30.00 per animal.

(Ord. No. 13-07, 7/10/13)

SECTIONS 4:62 - 4:64. RESERVED

SECTION 4:65. ESTABLISHMENT OF IMPOUNDMENT FEES

A. There is hereby established an impoundment fee which will be divided equally between the Assumption Parish Police Jury and the Assumption Parish Sheriff's Office to assist in covering all expenses incurred with the Parish Pound.

B. No animal will be released from the Parish Pound without the remittance of the properly assessed impoundment fee and proper proof of vaccination on the animal. If proper proof of vaccination is not provided, the Assumption Parish Police Jury has the authority to proceed with vaccination of the animal with the owner bearing the costs of the vaccination.

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C. There will be an impoundment fee of \$35.00 for 1st time visits and \$65.00 for additional visits for any animal impounded by the Assumption Parish Sheriff's Office. A \$10.00 per day kennel fee will also be assessed for animals left at the pound and then claimed at a later date.

(Ord. No. 00-10, 8-9-00, amended by Ord. No. 02-01, 1-23-02)

SECTIONS 4:66 – 4:99. RESERVED

[The next page is Sub-Chapter D, "Vicious and Dangerous Animals", page 4-17.]

Sub-Chapter D

Vicious and Dangerous Animals

SECTION 4:100. VICIOUS AND DANGEROUS ANIMALS, DEFINITIONS

A. “Dangerous Animal” means any dog or other animal.

1. Which when unprovoked (1) bites, assaults or otherwise attacks a human being or domestic animal on public or private property, or (2) chases or approaches a person upon the streets, sidewalks or on any public grounds, or on the property of someone other than the animal’s owner, in a menacing or terrorizing manner or apparent attitude of attack; or

2. Which has a known propensity or disposition to attack unprovoked to cause injury or otherwise endanger the safety of human beings or domestic animals; or

3. Which has undergone quarantine for rabies observation two (2) or more times within a two (2) year period.

B. “Fierce Animal” means any dog or animal:

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

2. Which chases vehicles on public property in a menacing or terrorizing manner;

C. “Vicious Animal” means any dog or other animal:

1. Which according to the records of an appropriate law enforcement authority (1) has without provocation inflicted severe injury on a human being or public or private property, or (2) has killed a domestic animal without provocation while off the owner’s property, or (3) has previously been found to be a “dangerous animal” the owner having received notice of such, and the animal again bites, attacks or endangers the safety of human beings or domestic animals; or

2. Which is owned or harbored primarily or in part for the purpose of dog fighting or any dog training for dog fighting.

D. “Enclosure” means a securely locked fenced pen or structure of at least six feet (6’) in height, or which is suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, top and bottom and shall also provide the animal protection from the elements.

E. “Severely Injury” means any physical injury that results in broken bones or lacerations requiring multiple structures of cosmetics surgery, or death of a human being.

(Ord. No. 14-07, 5/19/14)

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SECTION 4:101. OWNERSHIP OF DANGEROUS OR VICIOUS ANIMALS

A. It shall be unlawful for any person to own, possess, keep or harbor a fierce, dangerous or vicious animal except in accordance with the provisions of this Sub-Chapter.

B. All vicious animals not otherwise prohibited by this Sub-Chapter shall be securely confined within a building or locked enclosure. Confinement shall be in such a manner that the animal cannot come in contact with any person other than the owner.

C. Unless a more restrictive confinement is mandated or ordered, dangerous animals shall be tethered by a substantial chain within a fenced yard or confined within a building. Confinement shall be in such a manner that the animal cannot come in contact with any person except under supervised conditions and the animal is under physical restraint of the owner or other responsible person.

D. Unless more restrictive confinement is mandated or ordered, fierce animals shall be tethered by a substantial chain within a fenced yard. Confinement shall be in such a manner that the animal cannot come in contact with any person or other animal except under supervised conditions.

SECTION 4:102. CONTROL AND RESTRICTIONS OF VICIOUS ANIMALS

A. It shall be unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care, or in order to dispose of the animal. In such event, the animal shall be securely muzzled and restrained with a chain having a tensile strength of three hundred (300) pounds and not exceeding three (3') in length, and shall be under the direct control, supervision and physical restraint of the owner or other responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. In the event that an animal is allowed to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care, or in order to dispose of the animal, once the Assumption Parish Animal Control determines that the animal is dangerous, fierce, or vicious, the animal will be picked up by the Animal Control Officer. The animal will be held by the Assumption Parish Police Jury for a period not to exceed thirty (30) days. If the owner does not comply with all provisions of this section within the thirty-day period, the animal will be euthanized.

B. This section shall also be applicable to a dangerous animal when so ordered by the Assumption Parish Sheriff's Office.

C. If a dangerous, fierce or vicious animal is on property other than that of its lawful owner and outside the control of its owner and animal terrorizes or menaces any member of the public, the animal shall be subject to immediate seizure by the Assumption Parish Animal Control and held for a maximum of thirty (30) days at the local animal impoundment facility. The owner, in order to retrieve his animal, shall abide by all rules set forth in this section and pay a fee of five hundred dollars (\$500). If the owner does not meet the requirements to retrieve the animal after thirty (30) days, the animal shall be euthanized.

D. Assumption Parish Animal Control Officer shall have full authority to go unto private property to seize a dog or animal which he has probable cause to believe is dangerous, fierce or vicious and has attacked, terrorized or menaced a citizen as stated in Section 3:1 above.

(Ord. No. 14-07, 5/19/14)

SECTION 4:103. REGISTRATION AND INSURANCE

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

1. The owner shall procure liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any property damage or bodily injury which may be caused by such vicious or dangerous animal during the twelve (12) month period for which licensing is sought. The policy of insurance shall contain a provision

requiring a thirty (30) day notice of cancellation or non-renewal be issued to the Assumption Parish Police Jury or the Assumption Parish Sheriff's Office in order for the Parish to be notified by the insurance company of any cancellation, non-renewal, termination or expiration of the liability insurance policy.

2. All dangerous and vicious animals shall, at the expense of the owner, be tattooed with the license number assigned to such animal or in such other identification mark as the Assumption Police Jury or Assumption Parish Sheriff's Office may require; the tattooing shall be done by a licensed veterinarian or other qualified person. For the purpose of this section "tattoo" shall be defined as any acceptable permanent marking of a vicious animal by means of indelible or permanent ink with the number or mark designated.

3. The owner shall display a sign on his or her premises warning that there is vicious or dangerous animal on the premises. Said sign shall be visible and capable of being read from the public street, sidewalk, or right of way abutting the premise.

4. The owner shall sign a statement attesting that:

a. The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner shall cease to own or keep the said animal prior to the expiration of such license.

b. The owner of a vicious animal shall have an enclosure for the animal on the property where the said vicious animal will be kept or maintained. This subsection shall also be applicable to a dangerous animal when so ordered by the Assumption Police Jury or Assumption Parish Sheriff's Office.

c. The owner shall notify the Assumption Parish Sheriff's Office immediately if a vicious or dangerous animal is on the loose, is unconfined, has attacked another animal or has attacked a human being.

(Ord. No. 03-06, 7-24-03)

SECTION 4:104. PENALTIES FOR VIOLATION OF VICIOUS AND DANGEROUS ANIMAL REGULATIONS

Any person who violates the provisions of the Sub-Chapter shall, upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the court.

(Ord. No. 00-16, 10-11-00)

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SECTION 4:105. UNLAWFUL TO PERMIT DOGS TO RUN AT LARGE

A. It shall be unlawful for any owner to permit his dog to run at large.

1. Exceptions:

Hunting, cattle, government or law enforcement dogs actively being worked under the physical present supervision of their owner or agents or employees of owners.

All other dogs under the immediate control and physical present supervision of their owners.

2. Definitions:

a. At large- Any dog that is not within the confines of its owner's property or automobile or is not under the physical present supervision of their owner.

b. Owner- Any person owning, keeping harboring or controlling a dog, including persons temporarily in possession of a dog at the owner's request.

c. Abandon the animal – to leave the dog unsupervised and to leave the dog(s) on property unattended.

(Ord. No. 06-16, 9-13-06; Ord. No. 10-10, 9-8-10)

[RESERVED]

[The next page is CHAPTER 5, "BUILDING AND CONSTRUCTION REGULATIONS*", page 5-1.]