

On motion by _____, and seconded by _____, the following Ordinance was offered and amended:

SUMMARY NO. _____ **ORDINANCE NO.** _____

An ordinance to amend Article II, Division 6, Sections 7-126, 7-128 through 7-131 of the Code of Ordinances of Jefferson Parish, Louisiana, in order to clarify and enhance the provisions relating to the humane care and treatment of animals and to provide for related matters. (Parishwide)

THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

SECTION 1. That Article II, Division 6, Sections 7-126 be amended to read as follows:

ARTICLE II. DIVISION 6. HUMANE CARE AND TREATMENT.

Sec. 7-126. – Cruelty in general

(a) No person shall ill-treat, neglect, abandon, or cruelly treat an animal. No person shall unnecessarily or cruelly beat, mutilate, kill, torture, inflict injury, or abuse, or cause or procure to be cruelly beaten, mutilated, killed, tortured, injured, or abused, any animal or commit any act which under any other law constitutes cruel treatment, or fail to provide obviously necessary veterinary care.

(b) No animal shall be tethered as a means of stationary confinement; such stationary confinement by tethering shall be considered as cruel treatment.

(c) No animal shall be denied access to proper food, water, shelter, sanitary and safe environment, or proper veterinary care as is provided in Sect. 7-16 and in Division 6 of Chapter 7.

(d) No animal shall be transported or carried in or upon any vehicle in a cruel, inhumane, or dangerous manner. Any animal transported in the open bed of a vehicle must be safely and securely located in a secure crate or carrier that is fastened to the bed of the vehicle to prevent the animal from jumping out of such vehicle or otherwise injuring itself. Any other such transport shall be considered animal neglect. No animal shall be left inside a vehicle or in a crate/carrier while unattended.

(e) When a person is charged with cruelty to animals, said person's animal may be seized. Any animal so seized shall be impounded in the custody of the Jefferson Parish Animal Shelter or other location approved by the council.

(f) All charges subject to Division 6 are subject to the jurisdiction of the Bureau of Administrative Adjudication and also the Jefferson Parish District Attorney's Office for criminal prosecution under relative procedures and law.

Sec. 7-127. - Supply of food and water; leaving animal facilities unattended

All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require, but not less than, in the case of puppies and kittens, once every twelve (12) hours and once every twenty-four (24) hours for adults. No animal shall be without attention more than twenty-four (24) consecutive hours. Whenever an animal is left unattended at a commercial or private animal facility, the name, address and telephone number of the parish animal shelter shall be posted in a conspicuous place at the front of the property, visible from outside the facility. In addition, the facility shall furnish to the parish animal shelter the name, address and telephone number of a veterinarian or other responsible party authorized to act on behalf of the management of the facility in case of emergency.

Sec. 7-128. - Cruelty to animals, simple and aggravated

(a) Any person or entity, including the owner, harbinger or keeper of the animal, or property owner where animal is housed permanently or temporarily commits any of the following shall be guilty of simple cruelty to animals:

- (1) Overdrives, overloads, drives when overloaded, or overworks any living animal.
- (2) Having charge, custody, or possession of any animal, fails to provide proper food, water, shelter, sanitary and safe environment, or veterinary care. (See *Definitions of proper food, water, shelter, sanitary and safe environment, and veterinary care in Section 7-16 of this Chapter.*)
- (3) Having charge, custody, or possession of any dog, cat, or other small pet fails to bring the animal inside the confines of the home or provide proper shelter which also includes insulation such as blanket, hay, newspaper when temperatures reach or fall below 32 degrees Fahrenheit.

- (4) Carries or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane, or dangerous manner which includes but is not limited to carrying an animal in an open pickup truck without it being secured from both sides of the bed in an animal carrier appropriate for the size of the animal, carrying an animal on a flatbed vehicle, or allowing an animal to sit, stand, or walk on any equipment or toolbox inside the bed of the vehicle. Tethering is not an acceptable method of transferring an animal in an open truck, trailer or other similar vehicle or mode of transportation.
- (5) Carries in the trunk of any vehicle any animal for any length of time.
- (6) Transport of small animals by commercial establishments: No small animal shall be transported by a commercial kennel, guard dog service, pet shop or dealer, whether by private or public means, unless individually housed in a container designed for that purpose, including provisions for adequate ventilation and food and water. The container must open at one (1) end, have a solid top and bottom and a minimum of fifteen (15) percent of the total accumulated side and end area shall incorporate an open grill for air circulation. Open space shall be maintained around the outside of each animal's container to ensure adequate ventilation.
- (7) Sales or Gifts of Animals prohibited.
 - (i) No person shall place any animal on public display for the purpose of sale, offer for sale, barter or giveaway upon any street, sidewalk, parking lot, shopping center walkway or other public place.
 - (ii) The seller or giver of an animal shall provide to the recipient at the time of transfer a valid health certificate signed by a licensed veterinarian.
 - (iii) Animals shall not be offered as prizes or awards; however, gift certificate(s) to a legitimate animal shelter or pet store for adoption are acceptable.
- (8) No person shall offer for sale, barter or giveaway dog(s) or cat(s) under the age of six (6) weeks ; must also have obtained the proper vaccinations that are provided at such an age prior to the offering for sale, barter or giving away of such animal.
- (9) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens, ducklings or other fowl under three (3) weeks old, or rabbits under two (2) months old; or to possess for the purpose of sale any chickens, ducklings, other fowl or rabbits which have been so colored.
- (10) No animal shall be given any alcoholic beverage, or narcotic drugs, central nervous system stimulants, hallucinogenic drugs, or barbiturates, unless prescribed by a licensed veterinarian.
- (11) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.
- (12) Working animals shall be given proper rest periods. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions, and no animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit shall be worked, used or rented. No animal which the animal shelter department has suspended from use shall be worked or used until released by the department.
- (13) No animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition shall be displayed for the amusement of the public.
- (14) No primary, secondary school, college and/or university, either public or private, in the parish shall permit students in biology or other laboratories to perform experiments on live animals of any kind or size which will inflict pain or suffering or permanent injury or deformity to the animals. Any headmaster, principal, teacher or instructor who permits or condones such prohibited practices in his school, classroom or laboratory shall be guilty of a misdemeanor.

- (15) No person shall conduct a science fair or competition in the parish wherein any exhibit or project involves the use of live animals of any kind or size wherein pain or suffering is inflicted on the animals or permanent injury or deformity is caused.
- (16) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the sheriff's office, the parish animal shelter or a recognized humane organization.

(b) Any person or entity, including the owner or keeper of the animal, or property owner where animal is housed permanently or temporarily, who commits any of the following shall be guilty of aggravated cruelty to animals:

- (1) Torments, cruelly beats, tortures, maims, or mutilates or unjustifiably injures any living animal, whether belonging to himself or another;
- (2) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large or if the animal is being voluntarily relinquished to the shelter by the owner; and/or
- (3) Having charge, custody, or possession of any animal, fails to provide proper food, water, shelter, sanitary and safe environment, or veterinary care to an extent the animal dies.
- (4) Performing Animals. No performing animal exhibition or circus shall induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering to the animal. All equipment used on a performing animal shall fit properly and be in good working condition.

(c) Each incidence of simple or aggravated cruelty constitutes a separate charge. Upon adjudication or conviction of one count of simple cruelty, all other simple cruelty counts are to be considered counts of aggravated cruelty to animals.

Sec. 7-129. - Seizure and disposition of animals cruelly treated

(a) When a person is charged with cruelty to animal(s), said person's animal or animals may be seized by the arresting officer, animal control officer or official issuing the citation or summons and held pursuant to this section.

(b) Disposition of such animals:

- (1) Prior to seizing the animal(s), a search warrant must be obtained unless exigent circumstances exist. The seizing officer shall notify the owner of the seized animal of the provisions of this Section by posting an original or a copy of the search warrant at the location or other documentation of seizure where the animal was seized if under exigent circumstances or by leaving it with a person of suitable age and discretion residing at that location at the time of the seizure. The search warrant or other documentation will serve as the notice of violation. The bond notice shall be posted within twenty four (24) hours of the seizure.
 - (i) The bond notice shall contain the case number, the parties name(s) and mailing address(es), and estimated housing costs for thirty (30) days.
 - (ii) The named party has 15 days from the date the bond notice is posted to pay the estimated housing costs for thirty (30) days of housing the animal(s). Failure to pay the estimated housing costs in full within fifteen (15) days, including weekends and holidays, will result in the Jefferson Parish Animal Shelter, in its discretion, holding the seized animal out for adoption, fostering, euthanization etc. as it deems reasonable. If the initial bond amount is paid within the fifteen (15) day period, the animal(s) will be held in custody in the shelter or other approved location.
 - (iii) Each additional bond period shall be for 30 days until a final disposition has been rendered by the Bureau of Administrative Adjudication or a court of competent jurisdiction.

(iv) All bonds must be posted at the animal shelter, by a person claiming an interest in the seized animal, within fifteen (15) days, including weekends and holidays, upon posting to prevent the animal shelter director or designee in placing the seized animal as it deems reasonable.

(v) The Bureau of Administrative Adjudication or a court of competent jurisdiction shall order that the bond be given to the animal shelter department to be used to cover the cost of housing the seized animal(s).

(vi) Posting of a bond shall not prevent the Jefferson Parish Animal Shelter from placing the seized animal (i.e. holding it out for adoption, foster, euthanization etc.) for humane purposes in accordance with this chapter or exigent circumstances.

- (2) The seizing officer shall photograph the animal within twenty four (24) hours of issuing the search warrant and shall cause an affidavit to be prepared in order to document its condition in accordance with R.S. 15:436.2.
- (3) The seizing officer shall secure a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal in accordance with this Section.
- (4) The seized animal shall be held by the animal shelter or the place of transfer for a minimum period of fifteen (15) consecutive days, including weekends and holidays, after such bond notice is given. Thereafter, if a person who claims an interest in such animal has not posted bond in accordance with this section, the Jefferson Parish Animal Shelter may, in its discretion, hold the seized animal out for adoption, fostering, euthanization etc.

(c) Upon a person's adjudication or conviction of cruelty to animals, in addition to all fines, costs and punishment authorized by law:

- (1) It shall be proper for the Bureau of Administrative Adjudication or a court of competent jurisdiction, in its discretion, to order the forfeiture and final disposition of the custody of any animal found to be cruelly treated in accordance with this Section and the forfeiture of the bond posted pursuant to Subsection B as part of the sentence. The Bureau of Administrative Adjudication or a court of competent jurisdiction may, in its discretion, order the payment of any reasonable costs, including but not limited to housing costs, incurred in the boarding or veterinary treatment of any seized animal prior to its disposition of the animal, whether or not a bond was posted by the defendant. In the event of the acquittal or final discharge without conviction of the accused, the Bureau of Administrative Adjudication or a court of competent jurisdiction shall, on demand, direct the delivery of any animal held in custody to the owner thereof and order the return of any bond posted pursuant to Subsection B, less reasonable administrative costs.
- (2) Nothing in this Section shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition. In such instances, the Bureau of Administrative Adjudication or a court of competent jurisdiction, in its discretion, may order the return of any bond posted, less reasonable costs, at the time of trial.
- (3) The animal shelter director may impose a fee for cruelty investigation that results in conviction as a result of violations related to such investigation and the cost of investigation. The fee shall be a maximum of three hundred dollars (\$300.00) per investigation. The investigation fee is in addition to any other fees or penalties associated with the provisions of this ordinance or imposed by this chapter payable directly to the Animal Shelter Department.

(d) Any animal that the Jefferson Parish Animal Shelter may, in its discretion, hold the seized animal out for adoption, fostering, euthanization etc. due to the failure of the owner or interested parties to act including but not limited to posting of bond(s) or redemption of a seized animal within seventy-two (72) hours of a final disposition of the Bureau of Administrative Adjudication or if a court of competent jurisdiction releases the animal to the custody of the owner or keeper, the person charged to be in violation under Division 6

of Chapter 7 shall have no legal right or recourse against the animal shelter or adoptive person and shall hold harmless all persons and entities associated with said adoption or other disposition.

Sec. 7-130. - Penalties

(a) If prosecuted before the Bureau of Administrative Adjudication, any person found to have violated the provisions in Division 6 shall be punished as provided in Chapter 2.5 of the Code of Ordinances in addition to the Hearing Officer having the authority to limit the amount of animals the guilty person may own, keep or harbor, may order that the animal that is the subject of the adjudication is prohibited from returning to the person found to be guilty under this Division and any other reasonable provision that the Hearing Officers deems reasonable in its discretion.

(b) If prosecuted through the Jefferson Parish District Attorney's Office the following penalties apply:

- (1) Whoever commits the crime of simple cruelty to animals shall be fined not less than five hundred dollars (\$500) but not more than one thousand dollars (\$1,000) or imprisoned for not more than six months, or both. The fine requirement cannot be suspended.
- (2) In addition to any other penalty imposed, a person who commits the crime of simple cruelty to animals shall be ordered to perform ten (10) eight-hour days of court approved community service. The community service requirement shall not be suspended.
- (3) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars (\$5,000) nor more than twenty five thousand dollars (\$25,000) and not less than one year nor more than ten (10) years in prison, or both. The prison requirement shall not be suspended.
- (4) Whoever commits a second or subsequent offense of simple cruelty to animals shall be ordered to undergo psychological evaluation and anger management counseling.
- (5) The custodian shall retain custody of the animal for the purpose of evidence upon the trial, subject to the order of the court. All costs incurred in the housing of any seized animal pending disposition of any animal cruelty charge, upon conviction of the accused, shall be borne by the person so convicted. If a seized animal is unable to humanely survive the final disposition of the animal cruelty charge, the animal be humanely put to death, but only upon the certification of a licensed veterinarian either that the animal is not likely to survive or that in his professional judgment, by reason of the physical condition of the animal, it should be humanely euthanized.
- (6) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than five thousand dollars (\$5,000) nor more than twenty five thousand dollars (\$25,000) and not less than one year nor more than ten (10) years in prison, or both. The prison requirement shall not be suspended.
- (7) Whoever commits the crime of aggravated cruelty shall be ordered to undergo psychological evaluation and anger management counseling.

(c) For purposes of this section, if more than one animal is subject to an act of cruel treatment, each act shall constitute a separate offense.

(d) The director or designee may enforce any provisions of this article by instituting a suit for injunctive relief and use summary process, including all temporary restraining orders permitted by law.

Sec. 7-131. Emergencies and disclaimer of liability.

In cases where it reasonably appears that an animal is creating an imminent danger to the health, life or safety of any person or other animal or for the prevention of unnecessary or unjustifiable suffering of the animal and the suffering or danger cannot be reasonably remedied unless said animal is euthanized, the animal shelter veterinarian or designee may euthanize the animal without notice to the owner due to exigent circumstances. If an emergency occurs and a final disposition made, the parish shall not be liable for the euthanasia of an animal which results in saving a person's life, ensuring the health of a person, prevents prolonged suffering or pain of an animal and/or the

spread of disease or illness to other animals in the shelter. The reasons for such euthanasia must be documented by the shelter veterinarian or designee. Within twenty-four (24) hours of the emergency action, the owner shall be notified of the incident, the reason for the action taken and the notice that a hearing can be requested before the Bureau of Administrative Adjudication within ten (10) days including holidays and weekends.

Sec. 7-132. - Housing facilities.

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) Every building or enclosure wherein animals are maintained shall be constructed of material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.

(c) All animal rooms, cages, kennels, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. As a minimum, sufficient space must be provided for each and every animal in a single enclosure to, separately and together, stand up, lie down, and turn around in a natural position.

(d) All confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions. Dog kennel runs, if made of concrete, shall provide adequate draining for proper sanitation. Droppings must be picked up and disposed of and the runs treated periodically with an effective disinfectant. For private kennels, requirements for individual runs and shelters as specified for commercial establishments shall not be required, provided the animals have an adequate supply of drinking water, sanitary sleeping quarters, and adequate shelter and exercise areas appropriate to their size and breed characteristics.

Sec. 7-133. - Avoidance of mistreatment.

(a) Every reasonable precaution shall be used to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.

(b) Animals which are natural enemies, temperamentally unsuited, or otherwise incompatible shall not be quartered together or so near each other as to cause injury, fear or torment. If two (2) or more animals are so trained or inclined by nature that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies and shall not be required to be kept in separate runs or accommodations or otherwise be arbitrarily segregated.

(c) The use of any equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal shall not be allowed.

Sec. 7-134. - Maintenance of health.

(a) Every animal establishment shall isolate sick or injured animals sufficiently so as not to endanger the health of other animals.

(b) Any animal shall be taken to a veterinarian for examination or treatment if the director finds this is necessary in order to maintain the health of the animal and orders the owner or custodian to do so.

Sec. 7-135. - Use of drugs.

No animal shall be given any alcoholic beverage, or narcotic drugs, central nervous system stimulants, hallucinogenic drugs, or barbiturates, unless prescribed by a licensed veterinarian.

Sec. 7-136. - Exposure of poisons.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.

Sec. 7-137. - Fighting contests.

Each and every person convicted of promoting, staging, conducting, participating directly or indirectly as an observer in a dog fight, cock fight, pigeon shoot, turkey shoot, bear wrestling event or other staged animal fighting contest or found to be in position of paraphernalia conducive to such activities (i.e. drugs, leg spurs, rings, treadmills, logbooks, photographs, recordings, altered animals, etc.) shall be guilty of a misdemeanor.

Sec. 7-138. - Working animals.

Working animals shall be given proper rest periods. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions, and no animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit shall be worked, used or rented. No animal which the animal shelter department has suspended from use shall be worked or used until released by the department.

Sec. 7-139. - Display of unhealthy animals for amusement prohibited.

No animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition shall be displayed for the amusement of the public.

Sec. 7-140. - School laboratories.

No primary, secondary school, college and/or university, either public or private, in the parish shall permit students in biology or other laboratories to perform experiments on live animals of any kind or size which will inflict pain or suffering or permanent injury or deformity to the animals. Any headmaster, principal, teacher or instructor who permits or condones such prohibited practices in his school, classroom or laboratory shall be guilty of a misdemeanor.

Sec. 7-141. - Science fairs.

No person shall conduct a science fair or competition in the parish wherein any exhibit or project involves the use of live animals of any kind or size wherein pain or suffering is inflicted on the animals or permanent injury or deformity is caused.

Sec. 7-142. - Autoists striking animals.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the sheriff's office, the parish animal shelter or a recognized humane organization.

Sec. 7-143. - Failure to care for.

Failure of any person to adequately house, feed and water animals in his possession or custody shall constitute a misdemeanor, and, upon conviction, such person shall be fined and/or imprisoned according to the provisions of section 7-33, or may be both fined and imprisoned in the discretion of the court. Such animals shall be subject to seizure and impoundment and, upon conviction of such person, may be sold or euthanized in the discretion of the animal shelter department, and such failure shall constitute grounds for revocation of license, permit, certification or registration by the department.

Sec. 7-144. - Entry upon private premises.

The director or other duly designated representatives of the parish may enter any establishment holding a permit, where animals are maintained, for investigation or inspection as to whether or not any portion of such premises, buildings, structures, enclosures, pens or cages are being used, kept or maintained in violation of this or any other pertinent state law. This section does not permit any person to enter a private kennel, or cattery, except where necessary to rescue an animal in distress or with a search warrant.

