

CHAPTER 21

Animals

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ARTICLE I. Definitions

The following words, terms and phrases shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

“Animal” means any live or dead vertebrate creature, domestic or wild, not to include fish, birds or rodents bred and raised in captivity, or Homo sapiens.

“Animal Control Operations Board” means a five (5) member board. The West Baton Rouge Parish Council shall appoint two (2) representatives, the Town of Addis, Town of Brusly and the City of Port Allen shall each appoint one (1) representative to the Board. The Board may make recommendations to the West Baton Rouge Parish President regarding the budget and operations of the Animal Control Center.

“Animal Control Complaint Board” means a five (5) member board. The West Baton Rouge Parish Council shall appoint two (2) representatives, the Town of Addis, Town of Brusly and the City of Port Allen shall each appoint one (1) representative to the board. The Board shall hear all appeals of persons aggrieved by decision of the Animal Control Director while enforcing this ordinance. The members of this Board may be some or all of the members of the Animal Control Operations Board. The Animal Control Complaint Board shall have jurisdiction over all appeals and disputes arising under this chapter.

“Animal Control Center/Agency” means the West Baton Rouge Parish animal control center, established by the parish as the animal shelter for the municipalities and parish, its director,

board and agents and is the entity which performs animal control functions.

“Animal Control Director” means the animal control center supervisor, whose powers, duties and responsibilities shall be delegated to him by the West Baton Rouge Parish President and who shall be responsible to the West Baton Rouge Parish President in the discharge of such duties and responsibilities.

“Animal Control Officers” means the animal control center staff, whose powers, duties and responsibilities shall be delegated to them by the Animal Control Director and who shall be responsible to the Animal Control Director in the discharge of such duties and responsibilities.

“Animal shelter” means a facility operated by West Baton Rouge Parish Council and funded through a cooperative endeavor agreement entered into by and between the West Baton Rouge Parish Council, the Town of Addis, Town of Brusly and the City of Port Allen for the purpose of impounding, harboring, selling, placing or destroying seized, stray, distressed, homeless, abandoned or unwanted animals in compliance with this ordinance.

“At large or stray” means any dog or cat that is not within the confines of its owner's home, dog yard, dog pen or fenced yard or other secured enclosure, nor on a leash no longer than six feet in the case of a dog, nor in the physical possession of its owner in the case of a cat. Hunting or stock dogs, show dogs and cats, or other animals while being worked or shown under the supervision of their owners or agents or employees of the owners are excepted from the provisions of this definition.

“Cat” means any member of the Felidae (felid or feline) family unless defined by ordinance as an exotic animal.

“Dangerous dog” is defined by Section 21.6 of Article II of this ordinance.

“Dog” means any member of the Canidae (canine) family.

“Dogs and/or Cats” in this ordinance shall include all animal not considered livestock or exotic animals.

“Dog Pen” means any enclosure used for retaining a dog having an area of not less than 100’ square feet per animal.

“Impounded” means taken into the custody of the parish animal control center where the dangerous or vicious dog is found or taken into custody or taken into custody for any other reason provided under this Article.

“Inoculate” means the administration of an anti-rabies vaccine in accordance with the latest compendium of animal rabies vaccines and recommendations for immunizations published by the National Association of State Public Health Veterinarians.

“Livestock” means any horse, cow, bull, ox, mule, donkey, bovine, sheep, hog, pig, goat or llama.

“Nuisance by any animal or any livestock” means damaging, soiling, defiling or defacing property other than its owner's by any animal or livestock; excessive barking or noise making by any animal or livestock; molesting, threatening, attacking, biting a human being or interfering with persons on private or public property by any animal or livestock; chasing movables by any animal or livestock; animal or live stock depositing or leaving manure on property not owned or leased by the owner of the animal or livestock; animal or livestock attacking other domestic animals; and disturbing or turning over garbage containers by any animal or livestock; and any animal or livestock being kept, possessed and maintained in manner that is grossly inadequate to sustain the health of the animal or livestock; or the animal or livestock is kept, possessed and maintained in such a manner that the odors emitted by the animal or livestock prevents the peaceable enjoyment of the adjoining land by its owner or tenant; or keeping, possessing or maintaining livestock in violation of the West Baton Rouge Parish Zoning ordinance; or keeping, possessing or maintaining a dog declared dangerous or vicious in violation of Sec. 21.6.

“Owner” means any person having a right of property or custody of an animal or who keeps or harbors or finds and knowingly permits the animal to remain on or about his premises.

“Parish” means the Parish of West Baton Rouge.

“Person” means any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

“President” means the West Baton Rouge Parish President.

“Secure Enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a 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.

"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.

“State” means a state of Louisiana, the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

“Tag” means a metal disc when applied to a dog and a metal or an identifying collar when applied to a cat or micro chip for identification purposes implanted under the skin of a dog, cat or other animal.

“Town” means the Town of Brusly.

“Veterinarian” means any licensed veterinary practitioner.

“Vicious dog” is defined by Section 21.6 of Article II. of this ordinance.

ARTICLE II DOGS AND CATS

Section 21.1 - Requirements for Possession

No person shall own, keep or harbor a dog or cat within the Town or Parish without having:

- (1) The dog or cat inoculated for rabies annually or tri-annually by a licensed veterinarian;
- (2) The dog or cat registered with the animal control center upon presentation of a certificate of such inoculation;
- (3) Tagged, micro chip implanted or licensed the dog or cat as hereinafter specified.

Section 21.2 - Registration

(a) Duty of Owner

It shall be the duty of the owner to obtain and to retain at all times the certificate of registration, giving the name and address of the owner; a description of the dog or cat by sex, color, estimated approximate age and weight; and the breed of the dog or cat if known; and the animal control center shall record all such information. The tag shall be securely fastened at all times to a collar or harness and worn at all times by the dog or cat for which the tag was issued.

Hunting or stock dogs, show dogs and cats while being worked, conditioned and/or shown under the supervision of their owner or agents or employees of the owner are excepted from wearing the above-stated tag. The owner may choose to implant the dog or cat with a micro chip in lieu of the tag. With the approval of the Parish Council, the animal control center may discontinue the use of a tag system and require the use of micro chip implantations.

(b) Annual Fee

The annual fee for registration is established at an amount as outlined below. If the owner chooses (unless required as stated above) to implant the dog or cat with a micro chip, the micro chip and implantation of said chip is an additional fee.

1. Registration fee: \$2.00 per dog or cat, maximum of two (2) animals, thereafter \$1.00 per animal.
2. Implanted micro chip is a \$20.00 fee
3. Dog declared dangerous, dangerous dog tag fee plus micro chip, \$100.00 fee

(c) Renewal Period

The registration and licensing renewal period shall be on the original month, yearly. New residents must make application for registration or license within thirty (30) days of establishing residence in the parish.

(d) Time Period for Registration

Residents acquiring dogs or cats must make application for registration and license within thirty (30) days after purchase or resident moving into the Parish must make application for registration and license within thirty (30) days of moving into the Parish. Failure to make application for registration and license as herein provided is deemed to be no or out of date registration.

(e) Newborn Dogs or Cats

All newly born dogs or cats must be registered within four (4) months from date of birth. Failure to make application for registration and license as herein provided is deemed to be no or out of date registration.

(f) Dogs or Cats Kept by Chartered Medical Colleges, etc.

The requirements imposed by Sec. 21.1(2) and subsection (b) of this section shall not apply to dogs or cats kept by regularly chartered medical colleges, veterinary schools or other educational or scientific institutions to be used for scientific purposes; or veterinary hospitals or public control center; or dogs used for law enforcement; Seeing Eye, hearing or to assist handicapped, specially trained.

(g) Tags

The parish shall provide registration tags and may also provide micro chips to interested area veterinarians.

(h) Failure to Register Dog or Cat

Persons failing to register a dog or cat annually or tri-annually as specified in this section shall be subject to the fines, fees and penalties as established by Sec. 21.2, 21.9 and Sec. 21.11

Section 21.3 - Registration Tags

(a) It shall be unlawful for any person to attach the tag issued to any dog or cat other than the dog or cat for which it was issued or to implant a micro chip issued in any dog or cat other than the dog or cat for which it was issued.

(b) The animal control center shall recognize tags or micro chips issued by legal licensing authorities of other governmental agencies of this state, provided the animal owner is able to produce a certificate of registration and/or license which has been issued within one year by such legal licensing authority of another parish of this state.

Section 21.4 - Owner Responsibility for Dogs and Cats

(a) Running at Large

All dogs and cats shall be kept from running at large at all times. Failure of owners to prevent their dogs or cats from running at large shall constitute a misdemeanor.

(b) Nuisances

No dog or cat shall cause a nuisance. The owner of any dog or cat shall be held responsible for any behavior of the dog or cat deemed a nuisance under the provisions of Article II.

(c) Abandoning, Leaving, etc.

It shall be unlawful for any person to abandon, leave, desert, or relinquish possession of a dog or cat within the parish when the said dog or cat does not meet the requirements of possession under Sec. 21.1.

(d) Female Dogs and Cats in Heat

Female dogs and cats in heat shall be secured in such a manner as to prevent contact with a male of the same species except for planned breeding.

Section 21.5 - Animal Bite Cases

(a) The breaking of the skin of a human being by an animal biting a human being shall be considered a bite case. A bite by an animal that breaks of the skin of a human being is a nuisance under this ordinance.

(b) All bite cases must be reported to the animal control center, sheriff's office or to a municipal police department, as soon as possible, and in no case more than 24 hours after such bite. It shall be the responsibility of the owner of the animal and the person bitten to report such fact to the proper authorities as stated herein. Failure to do so shall constitute a misdemeanor.

(c) Any animal which has broken the skin of a human being by biting or is suspected of being rabid shall be impounded separately at the animal control center shelter or by a veterinarian of the owner's choice for a period of at least ten (10) days, and no such animal shall be returned to the owner or humanely destroyed until after the expiration of the impounding period and not until the animal has been examined by a veterinarian at the expiration of the ten-day period.

(c.1) Additionally, if a petition has been filed to declare an animal/dog dangerous or vicious under Sec. 21.6, the animal/dog shall not be returned to the owner or humanely destroyed until a final and definitive adjudication under Sec. 21.6. The return of the impounded animal/dog shall be determined by the final and definitive adjudication under Sec. 21.6, if any. During the adjudication under Sec. 21.6 impoundment fees and charges shall apply.

(d) All animals which have broken the skin of a human being and are found dead are to be immediately impounded and their heads sent to the parish health officer for rabies examination.

(d.1) The animal control center, through its agents, shall humanely destroy all dogs or cats suffering from an obvious infectious disease, contagious disease, or severe injury.

(e) No healthy dog or cat shall be humanely destroyed until six (6) days have elapsed since the dog or cat was impounded and not then unless the animal control center has been unable to find the owner or someone who will pay the charges and accept the dog or cat. If such person is found, the receipt of the animal control center shall be evidence that such person by the payment has become the owner of the dog or cat.

(f) All animal bite cases are to be impounded and transported to the animal control center or veterinarian of the owner's choice only by officers of the animal control center or their agents. Because of extenuating circumstances, an animal control officer may permit the owner to transport his or her animal to a veterinarian; however, it shall be the animal control officers' responsibility to ensure that the animal in question be delivered to the appropriate designated veterinarian for observation within 12 hours after impoundment. If the owner's choice of the impounding veterinarian is not located in West Baton Rouge Parish, the Animal Control Center shall charge a reasonable fee for transporting the animal to said veterinarian. The fee charged shall consider the distance traveled, time involved and Animal Control Center equipment and personnel involved. The transport fee shall be paid prior to the animal being transported and until the transport fee is paid in full the animal shall be impounded at the Animal Control Center.

Section 21.6 - Dangerous or Vicious Dogs

The Town hereby adopts and incorporates R.S. 14:102.12 through R.S. 14:102.18 and as hereafter amended by the state legislature, as the Town ordinance for the regulation, enforcement and determination of dangerous or vicious dogs.

Section 21.7 - Dangerous Dog Tag and Micro Chip

(a) A dangerous dog tag, supplied by the animal control center, shall be purchased annually and affixed to the dog's collar of all dogs declared dangerous under Sec. 21.6 and shall be worn at all times.

(b) In addition to the dangerous dog tag for dogs declared dangerous under Sec. 21.6, a micro chip for identification purposes shall be implanted beneath the dog's skin to identify the said dog as dangerous. Such micro chip for identification purposes shall be implanted, at the owner's sole expense, by a licensed veterinarian or person trained to implant the micro chip and authorized as

such by any state or town. Any dangerous dog already implanted with a micro chip for other purposes need not be re-implanted if the existing micro will serve the purpose and intent of this section and can properly identify that dog.

Section 21.8 - Miscellaneous

(a) The animal control center, in the exercise of its discretion, shall have the authority to make whatever inspections are deemed necessary to ensure that the provisions R.S. 14:102.14 B, C, D and E are being complied with by the owner of a dog declared dangerous.

(b) An owner of a dangerous dog shall have the option to have said dog humanely euthanized at the owner's expense by the animal control center or licensed veterinarian if said owner is unable or unwilling to comply with the provisions R.S. 14:102.14 B, C, D and E or a dangerous dog may be humanely euthanized pursuant to R.S. 14:102.16 C.

(c) The owner or keeper shall sign a hold-harmless and indemnification clause in favor of the West Baton Rouge Parish and the Town of Brusly upon the release of a dog declared dangerous.

(d) The owning, keeping or harboring of a dangerous dog in violation of this Article is deemed a public nuisance.

(e) It shall be unlawful for any person to release any animal captured by or in a trap set by Animal Control Center or its agents. Traps set by the West Baton Rouge Animal Control Center or its agents shall be clearly marked as traps of the West Baton Rouge Animal Control Center.

(f) It shall be unlawful for any person to damage, remove or tamper with a dangerous dog tag or micro chip issued or implanted under the authority of this Article.

(g) Animal Control Officers and or law enforcement officers are hereby authorized to enter upon any lot, tract or parcel of land for the purpose of seizing and impounding any animal found thereon in violation of this of Article II and III of this chapter.

Section 21.9 - Animal Control Director

(a) Appointment

The Animal Control Director and any Animal Control Officers shall be classified Parish employees. The Parish President shall appoint an animal control director and such other personnel as it deems proper for maintaining a public animal shelter and to enforce the provisions of this article pertaining to the animal control center.

(b) Authority to Issue Citations

The Animal Control Director and any Animal Control Officers shall be duly commissioned animal control officers, who shall have the authority to issue citations in the enforcement of this article. The Animal Control Director and Officers may also be commissioned by the West Baton Rouge Parish Sheriff or any municipal police department within the parish.

Section 21.10 - Penalty

(a) Any person who violates any section of Article II, except a violation of Sec. 21.6, shall upon conviction by a court of competent jurisdiction, be deemed guilty of a misdemeanor and may be fined any amount up to \$250.00, or be imprisoned for not more than 180 days or both fined and imprisoned, in the discretion of the court.

(b) Each day a violation of this article continues following the issuance of a citation(s) by any law enforcement officer or animal control officers to the owner of the animal causing the violation shall be deemed separate and subsequent violation of this article and punishable hereunder as such without the necessity of issuing separate and subsequent citations for each day the ordinance violation continues.

(c) Any person who violates Sec. 21.6 shall be subject to the penalty and fines as provided therein.

Section 21.11 – Impoundment Procedure

It shall be the duty of the animal control center through its director or officers or agents to seize and impound any dog or cat which is not inoculated, not licensed, or not currently tagged or implanted with a micro chip, or running at large or suspected of being dangerous or vicious, as noted below:

(a) Upon a park, school ground, or into public buildings, hotels, restaurants, public conveyances, or places of like character, unless the dog is held by a leash not longer than six feet in the case of a dog not in the physical possession or supervision of its owner in the case of a cat.

(b) No dog or cat, whether licensed, registered or otherwise, shall be permitted to run or be at large on any street, road or other public place within the Town.

(c) The animal control center, through its director or agents, upon call, complaint or otherwise, shall answer complaints and patrol the streets, roads, private or public places of the parish with proper and suitable equipment and shall have the authority to perform all such acts that may be deemed necessary to catch and impound all dogs or cats which are found running at large in the streets, roads, public or private property of the Town.

(d) Any animal or dog in violation of Sec. 21.6.

(e) Impoundment fees and fines are set as follows:

- Impound fee for first impoundment of animal is \$25.00
- Impound fee for second impoundment of same animal is \$50.00
- Impound fee for third and subsequent impoundment of same animal is \$100.00 per impoundment
- Boarding fee per animal per day is \$5.00
- Boarding fee per head of live stock per day is \$10.00
- Fee for no or out of date inoculation is \$50.00
- Fee for no or out of date registration is \$50.00
- Impound fee for impoundment of any animal at a location other than the West Baton Rouge Parish Animal Control Center, because the Animal Control Center is not properly equipped or manned to care for the animal, shall be the actual cost plus transportation cost.

Section 21.12 - Owner to be notified

Whenever an animal has been impounded and the owner thereof is known or can be ascertained from the registration tag, or identifying collar, or any other means such as a tattoo or brand, or micro chip implant, it shall be the duty of the animal control center to advise the owner in writing of the conditions upon which the animal may be released.

Section 21.13 - Redemption of Impounded Animals

(a) Impounded dogs and cats, except those which have not been inoculated, or which are rabid or suspected of being rabid or have bitten or broken the skin of a human being or have been bitten

by a rabid animal, or have been exposed to rabies or dogs impounded pursuant to Sec. 21.6, may be released to the owner upon payment of all fines, fee, boarding cost, inoculation cost and spading and/or neutering cost.

(b) If an animal, in compliance with the terms of Sec. 21.5 or 21.6 breaks the skin of a human being, there will be applicable fees, as established hereinabove, if the animal is held for observation at the animal control center shelter. The same fees shall be applicable when a dog is impounded during a dangerous or vicious dog classification hearing or appeal as outlined in Sec. 21.6.

(c) Owners of dogs and cats impounded at the animal control center who cannot produce proof of current registration, inoculation/rabies vaccination and licenses will be required to pay the fees for such as established by this ordinance.

(d) Upon proof of current rabies inoculation from other parishes or states, the animal control center will apply only those requirements as stated in Sec. 21.2.

(e) Before releasing an impounded dog or cat, the owner shall be required to provide, in writing, the address the dog or cat is being release to, whether said address is within the parish or not. If the release address is outside the parish, the owner shall provide proof to the animal control center that the dog or cat being release is registered with the animal control center having jurisdiction over the release address or proof from the new animal control center that the registration process has begun and that the new animal control center is aware of the dog or cat being release to its jurisdiction. If a dog declared dangerous under Section 21.6 of this ordinance is relocated outside of the Parish by the owner, the West Baton Rouge animal control center shall notify the animal control center having jurisdiction over the release address that the dog has been declared dangerous under this ordinance.

ARTICLE III. LIVESTOCK

Section 21.14 – Nuisance Livestock Prohibited

No livestock shall cause a nuisance to any inhabited residence located in the Town regardless of the zoning classification of the real estate the livestock is kept, possessed or maintained on.

Section 21.15 - Penalty for violation

The owner of any livestock, who shall suffer or permit any of said livestock to run, roam, or be at large, on any of the public street, road or highways or commons, or on any land other than that of the owner of the said live stock or on land leased by the owner of the said live stock or keep, possess or maintain any livestock, within the parish, in violation of Sec. 21.14 shall be guilty of a misdemeanor, and shall upon conviction in any court of competent jurisdiction, be fined in a sum not exceeding \$25.00, or imprisoned in the parish jail for a term not exceeding ten days, or both such fine and imprisonment, in the discretion of the court, for each such animal thus at large or kept; provided, that the court shall always have the right, in its discretion, when imposing a fine for the violation of this article, as herein provided, to impose an alternative jail sentence as herein provided, in case of the failure of the person convicted to pay the fine so imposed.

Section 21.16 - Violations

For the purpose of Sec. 21.14 each such livestock that shall be, run or roam or kept, possessed or maintained, in violation of the provisions of Sec. 21.14 shall constitute a separate offense on the part of its owner. Each day a violation of these sections continues following the issuance of a citation(s) by any law enforcement officer to the owner of the animal causing the violation shall be deemed separate and subsequent violation of this Article and punishable hereunder as such without the necessity of issuing separate and subsequent citations for each day the ordinance violation continues.