

ORDINANCE NO. _____ C.S

AN ORDINANCE REGARDING DOGS

WHEREAS, the failure or refusal to properly care, control and adequately secure dogs to prevent them from creating a disturbance or running loose, free or at large is declared to be a public nuisance which threatens the health and safety and good order of the City and is deemed to be within the scope of the regulatory authority of the City.

THEREFORE BE IT ORDAINED by the Hammond City Council that Chapter 7 Article II, Division 1, Sections 7-16 through Section 7-21 are hereby repealed and replaced with Sections 7-16 through Section 7-21 and the Code of Ordinances is amended as follows:

A. Chapter 7, Article II Division 1 Sections 7-16 - 7-21 is hereby adopted to read as follows:

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CHAPTER 7.

ANIMALS AND FOWL

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ARTICLE II DOGS

DIVISION 1. GENERALLY

Sec. 7-16. Definitions.

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

Animal Control Officer means any employee or agent of Tangipahoa Parish with enforcement authority to administer and enforce animal control and all animal related ordinances and State laws within Tangipahoa Parish, including but not limited to animals at large, animal cruelty, dogfighting, animal theft, or any law or ordinance governing animal disease control.

At large. A dog shall be deemed to be at large when the dog is off the premises of its owner or keeper and not under the immediate control of a responsible person.

Dog means any member of the *Canis familiaris* classification of the *Canidae* species (i.e., any domestic member of the canine family).

Enclosure, except in the case of a primary enclosure or a secure enclosure or pen required for dangerous or vicious dogs, means a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to:

- (1) Prevent any unattended dog, while outdoors and upon the premises of its owner or keeper, from going beyond or outside of the boundaries of the property; and

(2) Not allow ready and unobstructed access to the dog by the general public.

Enclosure, primary, means any structure used to immediately restrict a dog to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

Excessive odor means all obnoxious odors and stench of such unreasonable intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property.

Impounded means taken into the custody of the Animal Control Officer of Tangipahoa Parish.

Owner means any person, partnership, business, corporation, firm, investment stock company, association or other legal entity owning, keeping or harboring any animal or having in his care a dog on or about his premises.

Running loose, free or at large means not under the immediate control of a competent person and restrained by an adequate chain, leash or control device such as electronic leashes or electronic fencing.

Unenclosed land means any occupied or unoccupied lot or parcel of land that does not have a fence or structure that meets the above definition of enclosure.

Sec. 7-17. Enforcement authority.

(a) Any employee of the City whose job duties include the enforcement of City ordinances shall have the authority to administer and enforce the provisions of this ordinance.

(b) Nothing contained herein is intended to or shall abrogate or supersede the general police authority vested in the Tangipahoa Parish Sheriff or any Animal Control Officer. Such authority shall exist and be exercised concurrently with any employee of the City whose job duties include enforcement of City ordinances. Said concurrent authority shall include enforcement of all sections of this ordinance and the issuance of citations for violations.

(c) It shall be unlawful for any person to knowingly hinder, resist or oppose any Animal Control Officer or City employee in the performance of his duties.

Sec. 7-18. - General duties of all dog owners; public nuisance

It shall be the duty of every owner of any dog or anyone having any dog in his possession or custody to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their dogs' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

Every owner or keeper of dogs shall exercise proper care and control of such dog so as to prevent them from creating or becoming a public nuisance. A violation of any of the following provisions shall constitute a public nuisance and is strictly prohibited:

- (1) Excessive or untimely barking, howling, yelping, or other animal noise that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within one's home or business or unreasonably interferes with the use of one's residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.
- (2) Attacking or molesting a person or animal or chasing vehicles.
- (3) No person shall suffer or permit any dog in his possession, or kept by him about his premises, to run loose, free or at-large on any street, sidewalk, alleyway, highway, common or public square, or trespass upon any enclosed or unenclosed lands of another. Nothing in this part is intended to prevent any person from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper.
- (4) It shall constitute a violation of this ordinance for any person to release any dog from, or to entice any dog to leave, the property of the owner or keeper of such dog.
- (5) Scratching on or digging into or urinating or defecating upon lawns, shrubs, buildings or any property, either public or private, other than property of the owner or keeper. In the case of nuisance by defecation, whether such nuisance shall take place in the presence of the owner or keeper or not, the owner or keeper must promptly remove all feces and dispose of them in a sanitary manner or be considered to be in violation of the provisions of this ordinance.
- (6) Premises on which dogs are kept shall be maintained so as to prevent all excessive odors and stench of such unreasonable intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property, or the presence or breeding of flies, mosquitoes and other pests. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.

Sec. 7-19 - Dogs at large; leash law.

(a) It shall be unlawful for any person to suffer or permit any dog in his possession, or kept by him about his premises, to run loose, free or at-large on any street, sidewalk, alleyway, highway, common or public square, or trespass upon any enclosed or unenclosed lands of another. Specifically, all U.S. Mail receptacles and utility meters must be accessible without encountering the dog.

(b) Any dog found to run loose, free or at large in violation of this ordinance shall be seized and turned over to the Animal Control Officer. Such dogs will be returned to the owner upon payment of all costs associated with feeding, housing, and caring for the animal and necessary medical care and satisfaction of all fines and costs.

(c) Nothing in this section is intended to prevent any person from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper, including recognizable breeds of hunting dogs when in the process of tracking or retrieving of game, during a properly supervised hunt, said breeds being hounds, retrievers, spaniels, setters and pointers.

(d) This section shall not apply in any area designated by the City as a "dog park" or "dog area".

Sec. 7-20. Vaccination and tags.

It shall be the duty of the owner or keeper of every dog over three months old to have the dog vaccinated by a licensed veterinarian or licensed veterinary technologist with appropriate anti-rabies vaccine at the owner's expense on an annual basis. Each dog must wear a license tag which shall indicate the current year of vaccination.

Sec. 7-21. Penalties

Whoever violates any provision of this ordinance, or fails or neglects to perform any duty imposed by it, shall be fined not less than \$100.00 nor more than \$250.00 for the first violation; not less than \$250.00 nor more than \$500.00 for the second violation; and not less than \$500.00 nor more than \$1,000 for each subsequent violation within the previous two years. In addition, such person shall be required to pay all court costs and the court may, in its discretion, order the payment of any reasonable costs incurred in the enforcement thereof, including the costs of feeding, housing, and caring for the dog and necessary medical care.

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The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____, 2019 of the Hammond City Council and discussed at a public meeting held on _____, 2019; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by _____ and Second by _____ the foregoing ordinance was hereby declared adopted on _____, 2019 by the following roll call vote:

Votes: Kip Andrews () Carlee White Gonzales () Devon Wells () Sam DiVittorio () Steve Leon ()

WHEREFORE the above and foregoing ordinance was declared duly adopted on this _____, 2019 at Hammond, Tangipahoa Parish, Louisiana.

Carlee White Gonzales
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks
Clerk, Hammond City Council