

CITY OF ST. GEORGE

BY COUNCILMEMBER COOK:

ORDINANCE NO. 2024-003

AN ORDINANCE TO PROVIDE FOR THE POSSESSION, REGISTRATION, AND CONTROL OF ANIMALS, ENFORCEMENT THEREOF TO PROVIDE FOR RELATED MATTERS.

WHEREAS, the City of St. George (“St. George”) desires to adopt an ordinance to further assure the healthy and humane treatment and care of domestic pets within St. George and to enhance the safety of citizens and pets within St. George against the threats of nuisance, potentially dangerous, dangerous or vicious domestic animals

BE IT ORDAINED by St. George City Council:

Section 1: Enactment

Title 3 of the Code of Ordinances is hereby enacted to read as follows:

**Title 3
ANIMALS
CHAPTER 1. GENERAL PROVISIONS**

Sec. 3:1. Definitions.

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

Abandon means to completely forsake and desert an animal previously under the custody or possession of a person, without making reasonable arrangements to provide for its proper care, sustenance, shelter and medical care.

Animal means any live or dead vertebrate creature, not to include fish, or homo sapiens.

Animal Control Center or Center means the animal control center established by the Metropolitan Council, its Director, agents, and employees. The Center shall have jurisdiction in to enforce any applicable law or ordinance.

Animal Control Director or Director means the Animal Control Center’s director, whose powers, duties and responsibilities shall be delegated to him by the St. George City Council and the Mayor and who shall be responsible to the St. George City Council and the Mayor in the discharge of such duties and responsibilities.

Animal Establishment means a facility operated as a pet shop, grooming shop, private shelter, commercial or private kennel, boarding dogs or cats or training of dogs for any purpose. Animal shelters operated by public jurisdiction or veterinary medical facilities, accredited zoos or accredited institutions of higher learning are exempt from this definition.

Animal Shelter means a facility operated by a public body for the purpose of impounding, harboring, selling, placing or destroying seized, stray, distressed, homeless, abandoned or unwanted animals in compliance with the standards set forth and amended in Article 9, Animal and Animal Products, Chapter 1, Animal and Plant Health Services, United States Department of Agriculture Animal Welfare Act of 1970 (Public Law 91-579).

Cat means any member of the species *felis domesticus*, excluding any and all other members of the family *felidae* or hybrids of *felis domesticus*.

Cat yard means an owner's yard or an enclosure which shall be used to retain or confine a cat.

Commercial kennel means any person engaged in the commercial breeding of dogs or cats, or both, for sale, individually or in litter lots; or in the boarding, training, sale or hire of dogs and cats for compensation. Animal hospitals, maintained by a veterinarian licensed by the state as part of the practice of veterinary medicine, shelters operated by a public jurisdiction, tax-exempt humane organizations or private kennels shall not be considered commercial kennels.

Common carrier means any airline, railroad, motor carrier, shipping line or other enterprise which is engaged in the business of transporting things for hire.

Cruel means any act or failure to act, whereby unjustifiable physical pain or suffering is caused or permitted.

Dog means any member of the species *canis familiaris*, excluding any and all other members of the family *canidae* or hybrids of *canis familiaris*.

Dog pen means any enclosure used for retaining a dog or dogs having an area of less than 1,200 square feet per animal.

Dog yard means an enclosure for restraining or retaining a dog, whether by use of a fence, a tether which shall be a minimum of five times the length of the animal as measured from nose to the base of the tail, a proper invisible fence or other means; having an area of 1,200 square feet or greater for one dog, plus a minimum of 300 square feet for each additional dog. Enclosed patios in apartments or multi housing situations are exempt as long as the area is kept clean, disinfected and odor free and does not cause a nuisance.

Excessive barking means animal noises of such a loudness, intensity, and duration as to prevent or interfere with a person's ability to enjoy his property, including but not limited to, situations where:

- (1) On more than one occasion has awakened the complainant up from sleep; or

- (2) Continues in such a manner so as to cause mental anguish or suffering, loss of sleep, or a disturbance of the peace.

Excessive noise making means animal noises of such a loudness, intensity, and duration as to prevent or interfere with a person's ability to enjoy his property, including but not limited to, situations where:

- (1) On more than one occasion has awakened the complainant up from sleep; or
- (2) Continues in such a manner so as to disturb the comfort or repose of persons, dwelling in the vicinity of where the animal or bird is kept.

Excessive odor means odor of such intensity and duration as to prevent or interfere with a person's ability to enjoy his property, including but not limited to situations where the odor continues in such a manner as to cause mental anguish and suffering or such as to disturb the comfort or repose of persons dwelling in the vicinity of where the animal or bird is kept.

Exotic animal means all species of vertebrate animals not naturally occurring, either presently or historically, in any ecosystem in the United States, including hybrids thereof, including but not limited to, lions, tigers, jaguars, leopards, cheetahs, jackals, hyenas, ocelots, margay, primates (excluding homo sapiens) bears, elephants, rhinoceros, hippopotamuses, wildebeests, buffalo, bison, warthogs, antelope, deer, or poisonous snakes, excluding avians (birds) and nonpoisonous reptiles, excluding caimans and gavials.

Hunting or show animals mean animals used for hunting or for exhibitions, shows, trials, or events.

Livestock means any horse, mule, donkey, bovine, sheep, pig, goat, or llama.

Nuisance means damaging, soiling, defiling, or defecating on property other than its owner's or on public sidewalks, excessive noise making, excessive odor, excessive barking, molesting, threatening, attacking or interfering with persons on public or private property, chasing automobiles or other means of conveyance, attacking other animals and disturbing or turning over garbage containers or running at large or interfering with another person's enjoyment of his property is hereby declared a nuisance.

Owner means any person having a right of property or custody of an animal or who keeps, harbors, finds or knowingly permits the animal to remain on or about his premises shall be deemed the owner of the animal.

Person means any individual, business, partnership, corporation, firm, organization or association or other legal entity.

Pet shop means a person who obtains animals for sale, exchange, barter or hire to the general public as a principal or agent, or who holds himself out to be so engaged.

Primary enclosure means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

Private animal welfare society means an organization organized and operated exclusively for the prevention of cruelty to animals.

Private kennel means any person who maintains within or adjoining his residence a kennel housing more than 12 dogs or cats over four months of age, such animals to be for that person's recreational use or for exhibition in conformation shows or field or obedience trails, and where the sale of offspring is not the primary function of the kennel.

Proper invisible fencing means any such fencing utilizing an electronic restraining correction system, which when combined with conditioning, prevents any dog from leaving the owner's property.

Severely injured means any animal which because of major trauma, broken bones, blood loss, or other easily apparent life-threatening condition, will not be expected to live and is in severe pain or suffering.

Standards means the requirements with respect to the humane handling, care, treatment, and transportation of animals by persons.

State means a state of 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.

Stray means any dog or cat that is found, observed, or impounded while at large or secured by a complainant and is not physically wearing a rabies license tag or any other means of identification.

Tag means the metal rabies tag, supplied at the time of registration and rabies vaccination.

Terminally ill means any animal that, because of apparent sickness or condition, is not expected to live and is in dire physical distress.

Vaccinate means the administration of an antirabies vaccine to an animal by a licensed veterinarian in accordance with the latest compendium of animal rabies vaccines and recommendations for immunization published by the National Association of State Public Health Veterinarians.

Veterinarian means any licensed veterinary practitioner.

Wild animal means any living member of the kingdom animalia, including those born or raised in captivity, occurring naturally either presently or historically, within the boundaries of the United States, including hybrids thereof, except the following:

- (1) The species *Homo sapiens* (human beings).
- (2) Licensed and legally antirabies-vaccinated:
 - a. Ferrets.

- b. The species *canis familiaris* (domestic dogs, excluding hybrids and other wild canids).
 - c. The species *felis domesticus* (domestic cats, excluding hybrids).
 - (3) The species *equus caballus* (domestic horses or hybrids thereof).
 - (4) The species *equus asinus* (asses/donkeys or hybrids thereof).
 - (5) The species *bos domesticus*, *bos indicus*, *bos taurus* (cattle).
 - (6) The subspecies *ovis ammon aries* (sheep).
 - (7) The species *capra hircus* (goats).
 - (8) The subspecies *sus scrofa domestica* (swine).
 - (9) Domesticated races of the species *gallus gallus* or *meleagris gallopavo* (poultry).
 - (10) Domesticated races of the species *mesocricetus auratus* (golden hamsters).
 - (11) Domesticated races of the subspecies *cavia aperea procelus* (guinea pigs).
 - (12) Domesticated races of rats or mice, gerbils (white or albino, trained, laboratory raised).
 - (13) Domesticated races of the species *oryctolagus cuniculus* (rabbits), chinchillas.
 - (14) Avians (birds).
 - (15) Nonpoisonous reptiles, excluding alligators and crocodiles.
- Worked* means using an animal for hunting, obedience training, or showing.

Sec. 3:2. Animal control officers.

- (a) The East Baton Rouge Parish Animal Control Center shall have the authority to appoint animal control officers and such other personnel as it deems proper for maintaining a public animal shelter and to enforce the provisions of this Chapter.
- (b) The Director shall appoint and duly commission animal control officers, who shall have the following limited police powers:
 - (1) Issue citations for the enforcement of this ordinance, as well as take action necessary to enforce state statutes regarding animal cruelty.
 - (2) Obtain warrants for such violations and assist law enforcement personnel in making arrests for such violations.
 - (3) Submit affidavits to the courts regarding such violations.

Secs. 3:3—3:18. Reserved.

CHAPTER 2. DOMESTICATED ANIMALS

Sec. 3:19. Requirements for possession.

No person shall own, keep, or harbor any dog or cat over the age of three months within St. George without having:

- (1) The dog or cat vaccinated for rabies on a yearly basis by a licensed veterinarian, except in case of injury or any other medical condition that would preclude proper vaccination of the dog or cat or endanger the health of the animal and only upon receipt by the Center of a letter signed by a licensed veterinarian requesting an exception until the medical condition is resolved to the point that vaccination is no longer a threat to the health of the dog or cat;
- (2) Registered the dog or cat with the Center upon presentation of a certificate of such rabies inoculation; and

(3) Tagged or licensed the dog or cat as hereinafter specified.

Sec. 3:20. Registration.

- (a) It shall be the duty of the owner of every dog or cat to register same with the Center, to pay all pertinent fees and 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, date of birth or estimated approximate age and weight; and the breed of the dog or cat if known; and the Center shall record all such information. The tag referred to herein shall be securely fastened at all times to a collar or harness which must be worn at all times by the dog or cat for which the tag was issued. Law enforcement dogs, hunting dogs and show dogs or cats while being worked and/or shown under the supervision of their owner or agents or employees, are exempted from wearing the above-stated tag. Dogs or cats while under veterinary care or kept by institutions of higher learning are also exempted.
- (b) The registration renewal date shall be one year from the date of vaccination and initial registration, on an annual basis, for both the one-year and the triennial vaccination option. No animal shall be licensed without a current rabies vaccination. A licensed veterinarian will perform the registration upon proof of rabies vaccination. New residents must make application for registration and license within 30 days of establishing residence in St. George.
- (c) The requirements imposed by this section shall not apply to dogs or cats kept by regularly chartered medical colleges, veterinary schools or other educational or scientific institutions and used for scientific purposes; or veterinary hospitals or public animal control centers or private animal welfare societies; or dogs used for law enforcement purposes by law enforcement agencies; or registered dogs used by the blind, deaf or disabled.
- (d) Persons failing to obtain a license within the yearly period specified in this section will be subjected to a fine of \$50.
- (e) A 30-day grace period shall apply to owners who have failed to fulfill the requirements of section 3:19, after their license due date has expired. If the owner fulfills the requirements of that section, the \$50 fine shall be waived; however, all other fees shall still apply.
- (f) All ferrets shall be licensed and vaccinated against rabies using USDA-approved vaccine at three months of age and yearly thereafter. A license registration form shall be used by the administering veterinarian to prove vaccination.
- (g) All veterinary hospitals, clinics, animal feed stores, pet supply facilities, animal establishments and any establishment, where animal vaccines are sold shall post a sign, supplied by the Center, in a conspicuous location stating:
"For The Public Health And Safety, the St. George Animal Control Ordinance Requires All Dogs, Cats And Ferrets Over Three Months Of Age To Be:
 - 1. Vaccinated against rabies by a licensed veterinarian on a yearly basis.
 - 2. Registered with the Center on a yearly basis.
 - 3. Tagged with the rabies license tag on a collar or harness. Exception: Ferrets shall be exempt from wearing tags.
 - 4. Prevented from running at large and/or causing a nuisance.

For your convenience, your veterinarian collects the registration fees. These fees fund the Animal Control and Rescue Center's public health and safety function by administering the rabies program, investigating cruelty, dog-fighting and dangerous

animal cases and conducting animal rescues, stray animal, leash law and nuisance animal investigations involving domestic, exotic, wildlife and livestock animals.
Penalty: Up to \$500.”

Sec. 3:21. Registration tags.

- (a) It shall be the duty of the Center to furnish veterinarians with tags containing the registration number and the year for which such tag is issued. The color and shape of such tags shall be changed each year. Each registration and the tag issued pursuant thereto shall be valid from that date for a period of one year.
- (b) Any person who attaches the tag to any dog or cat other than the dog or cat for which it was issued shall be subject to the penalties provided herein.
- (c) For the purpose of compensating veterinarians who account for and remit rabies license fees, an amount equal to two percent of the amount of the fees due shall be allowed as a deduction when remitting such fees to the city/parish.
- (d) The Center shall recognize tags issued by legal licensing authorities of other parishes of this state and counties of another state, provided the animal owner is able to produce a certificate of registration as defined in section 3:20 issued within the preceding year by such licensing authority.

Sec. 3:22. Minimum requirements for pens and yards.

- (a) *Minimum requirements for dog and cat pens.* Dog and cat pens shall meet the following minimum requirements:
 - (1) Pen floors shall be constructed of concrete or other impervious material and shall be constructed so as to prevent animal escape.
 - (2) Dogs housed in any primary enclosure shall be provided, as a minimum, floor space equal to the mathematical square of the sum of the length of the dog in inches as measured from the tip of the nose to the base of its tail plus six inches, expressed in square feet. Cats housed in a primary enclosure shall be provided a minimum of 2½ square feet of floor space.
 - (3) Dog pens shall be sloped to a drain connected to a sanitary sewer or an approved individual sewerage system. This requirement shall not apply to dog pens containing less than two dogs.
 - (4) Dog pens shall be equipped with a curb at least three inches high around the perimeter. The top of the curb shall be at such elevation that the surrounding surface water cannot drain into the pen.
 - (5) Dog pens shall be provided with a hose bib and water under pressure.
 - (6) Cleanliness.
 - a. All dog pens shall be hosed down, thoroughly cleaned and disinfected as often as needed and in no case less than once a day.
 - b. It shall be unlawful for any person keeping or harboring animals to fail to keep the dog or cat pen where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of said premises.

- c. It shall be unlawful to allow animals or pens where animals are kept to become infested with ticks or fleas or other animal-related parasites, by failing to diligently and systematically apply accepted methods of insect/parasite control as indicated.
- (7) Dog pens shall be located a minimum of ten feet from the nearest property line and a minimum of 50 feet from any residence other than that of the owner.
- (8) The pen must meet all subdivision restrictions or zoning laws or ordinances.
- (9) The above requirements shall only apply to pens located in recognized subdivisions in St. George.
- (10) Pens located outside of a recognized subdivision shall meet the specifications as set forth in subsections (a)(2), (6), (7), and (8) of this section.
- (11) Town houses, apartments or condominiums need only comply with subsections (a)(2) and (6)b and c of this section.
- (12) The Center shall be empowered to order all animals removed from affected pens until the owner comes into compliance with this section. The Center shall be entitled to charge a reasonable boarding fee for animals so held.
- (13) Animal establishments are exempt from the requirements of this section.
- (14) This section shall only take effect upon receipt by the Director, of a written complaint stating what the problem is and the name, address, and phone number of the complainant.
- (b) *Minimum requirements for dog and cat yards.*
 - (1) It shall be unlawful for any person keeping or harboring animals to fail to keep the premises or dog or cat yard where such animals are kept, free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of said premises.
 - (2) It shall be unlawful to allow the premises or dog or cat yards where animals are kept to become unclean and a threat to the public health or comfort by failing to diligently and systematically remove all animal waste and fecal material from the premises.
 - (3) It shall be unlawful to allow dogs or cats or premises where dogs or cats are kept to become infested with ticks, fleas, flies or other animal-related parasites, by failing to diligently and systematically apply accepted methods of insect/parasite control as indicated.
 - (4) Dog yards shall be fenced in such a manner as to prevent escape of the animal.
 - (5) Proper invisible fencing shall have warning signs posted on all sides of the dog yard warning persons that a dog is present. Signs shall be plainly marked and visible. Dogs in estrus and dangerous dogs or dogs that have escaped in the past and threatened or bitten a human or other animal are banned from utilizing this system. Electric fences are illegal. Animals that escape more than once may not be allowed to utilize this system at the discretion of the Director.
 - (6) Tethers used to restrict the animal to the confines of its owner's property shall be minimum length of five times the length of the animal, as measured from the nostrils to the base of the tail. Tethers shall restrict the animal to its owner's property. The area shall be kept free of obstructions to prevent entanglement. No tethered animal shall be allowed to endanger the health, safety or welfare of others.
 - (7) The Center shall be empowered to order all animals removed from the affected premises and dog and cat yards until the owner comes into compliance with this section. The Center shall be entitled to charge a reasonable boarding fee for animals so held.

- (8) This section shall only take effect upon receipt by the Director of a written complaint stating what the problem is and the name, address, and phone number of the complainant.

Sec. 3:23. Owner's responsibility.

- (a) The owner or possessor of any animal shall be held responsible and liable for any and all actions taken by said animal.
- (b) All dogs shall be kept, at all times, from running at large.
- (c) All cats shall be kept, at all times, from running at large.
- (d) Female dogs or cats in estrus shall be secured in such a manner so as to prevent contact with a non-neutered adult male of the same species except for planned breeding.
- (e) No dog or cat shall cause a nuisance.
- (f) The owner or possessor of a dog or cat shall be held responsible for any behavior of the dog or cat that is deemed a nuisance under the provisions of this division.
- (g) The owner of any animal shall be responsible for any veterinary bills incurred by the Center as a result of veterinary care rendered to that animal.
- (h) No dog shall cause any excessive noise making or excessive barking.
- (i) The Center will respond to excessive noise making and excessive barking dog complaints in the following manner:
 - (1) A complaint shall be logged into the dispatcher's logbook, giving the owner's or possessor's address and the complainant's name, address and phone number.
 - (2) The complainant shall then write a letter to the Center with the owner's or possessor's address and stating what the problem is and how it is affecting the complainant.
 - (3) Upon receipt of complainant's letter, the Center may dispatch an officer to the owner's or possessor's address, advising the owner or possessor of the complaint and requesting that the nuisance be abated. A warning notice will be left as documentation.
 - (4) If the complainant makes another complaint which is received by the Center within 15 days of the previously issued warning notice, an animal control officer will then be dispatched to the owner's or possessor's house to issue a summons regarding a violation of this Chapter.

Sec. 3:24. Impounding procedure.

- (a) *Duty to impound.* It shall be the duty of the Center through its Director and agents to seize and impound any dog or cat which is not inoculated, not licensed, not currently tagged, or is running at large as noted below:
 - (1) Upon a park, school ground or into a public building, airport or bus terminal, hotel, restaurant, public conveyance, or place of like character, unless the dog is held by a leash not longer than six feet in the case of a dog or in the case of a cat in the physical possession of its owner.
 - (2) 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 St. George.
 - (3) The Center through its agents, upon call, complaint or otherwise, shall answer complaints and patrol the streets, roads, private or public places of St. George 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 or roads or public or private property in St. George.

(b) *General provisions.*

- (1) The Center shall charge a reasonable fee to be set by the Director for a copy of any departmental complaint or impoundment record or other records, and a receipt shall be given to the person requesting said information.
- (2) A complainant's name, address or phone number cannot be given out over the telephone.
- (3) Cruelty or dangerous animal complaints can be processed based on an anonymous complainant. All other complaints shall require the complainant's name, address and phone number.
- (4) Any animal control officer in hot pursuit of any animal may follow said animal onto private property to seize such animal if said animal is, in the judgment of said officer, deemed a nuisance or a threat to public health or safety.
- (5) If any animal deemed a threat to public health or safety is seized by the owner and put inside a place of residence to prevent impoundment, the following course of action may be undertaken:
 - a. A search and seizure warrant may be obtained from a court of competent jurisdiction authorizing a law enforcement officer to accompany an animal control officer to seize such animal.
 - b. A warning notice notifying the owner of the above procedures can be left at the door, giving the owner 48 hours to turn said animal over to the Center.
- (6) No animal shall be left unattended in a vehicle if it subjects the animal to cruel conditions. An animal control officer, upon a complaint of this nature and in the presence of at least one witness, shall be permitted to use all reasonable means, including breaking a window, in order to free a suffering animal in the following circumstances, all of which must be met:
 - a. The animal shows physical signs of heat exhaustion, convulsions, or other symptoms which require immediate action by the animal control officer in order to save the animal's life.
 - b. Any such action by the animal control officer will require prior approval from a supervisor, provided that a supervisor is readily available and obtaining prior approval will not seriously impede the rescue of the animal. Prior approval is not necessary if, in the judgment of the animal control officer, the delay in obtaining such approval would jeopardize the life of the animal.
 - c. Reasonable effort to contact the owner or driver of the vehicle has been attempted and unsuccessful.
 - d. If all of the above circumstances are met, the animal control officer, Center supervisor, the Center and St. George, its officers and agents will be immune from liability for any property damage as a result of such action taken so long as the intent was to save the animal from suffering and the damage to the personal property was limited to what was reasonably necessary.

Sec. 3:25. Notification of owner.

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, the Center must, within a reasonable period of time, advise the owner of the conditions upon which the animal may be released.

Sec. 3:26. Redemption of impounded animals.

- (a) All redemptions shall be payable in cash, cashier's check or money order.
- (b) Impounded dogs and cats may be released to the owner or keeper upon payment of all relevant fees and fines as set forth by the director of the animal shelter based upon the fee set by East Baton Rouge Parish.
- (c) Owners of dogs and cats impounded at the animal shelter who cannot produce proof of rabies vaccination and licenses will be required to pay the fees as established by state law and/or the animal shelter in addition to any fines imposed for failure to vaccinate the animal(s).
- (d) Upon proof of current rabies inoculation from other parishes or states, the animal shelter will apply only those requirements as stated in section 3:20.
- (e) Any animals that are seized, except dogs and cats, livestock or wildlife and exotics, may be released to the owner upon payment of a thirty dollar (\$30.00) fine.
- (f) All other animals, except dogs and cats and livestock, may be held for a period of time as determined by the director of the animal shelter before disposing of said animal in the reasonable discretion of the animal shelter.
- (g) The director of the animal shelter may reduce the adoption cost of animals for special events in which the Center or animal shelter is involved, as long as the licensing, vaccination and spay/neuter requirements are met.
- (h) Any animal which has no identification and has been held for 3 days or any animal which has identification and has been held for 5 days, inclusive of the day of impoundment, and which is not reclaimed, redeemed and physically removed after payment of fees or fines by the owner or keeper, is considered abandoned and may be forfeited and disposed of by the animal shelter, in the reasonable discretion of the animal shelter. Holidays are not included in the calculation of this holding period.
- (i) Any animal impounded in the animal shelter which is not weaned and has no mother at the time of impoundment and is considered stray or abandoned may be cause for the animal shelter to humanely dispose of such animal as soon as possible after impoundment in the reasonable discretion of the animal shelter.
- (j) A stray, seriously injured, diseased or terminally ill animal impounded at the animal shelter shall be cause for the animal shelter to waive the six- or four-day holding period, as the case may be, and euthanize said animal in a humane manner as soon as possible. Euthanasia shall only be performed in the reasonable discretion of the animal shelter director.
- (k) The Center is empowered to euthanize severely injured, terminally ill, stray or untagged animals in the field whose owners are unknown and which animals are suffering severe pain without having to hold said animal for the required four- or six-day period. Euthanasia shall only be performed after a decision is made by the impounding officer if in the field. Euthanasia shall only be performed in the reasonable discretion of the animal shelter, if the animal is in the shelter.

- (l) The animal shelter shall not be required to accept or hold animals from other parishes. Animals from other parishes may be accepted at a reasonable rate set and published by the animal shelter.
- (m) Any stray dog that has been impounded, has no identification and presents a clear and present threat to the life and/or limb of employees or other animals in the Center or animal shelter, may be cause for the animal to be humanely euthanized as soon as possible after impoundment in the reasonable discretion of the animal shelter and its director.
- (n) A photograph of the dog shall be taken and held as evidence with other official records of the case.
- (o) At the conclusion of the impound period set forth in subsection (h) of this section, any former ownership, title, or interest in an animal shall be extinguished. Upon such termination of ownership, title, or interest, the Center or its contractor shall have sole title to the animal and may dispose of the animal according to the provisions of this title.

Sec. 3:27. Adoptions.

- (a) All animals to be adopted from the Center shall be spayed or neutered prior to leaving the Center. This shall be the responsibility of the veterinarian under contract with the Center.
- (b) The owner must have the adopted animal examined, licensed, and vaccinated against rabies by a private veterinarian within the time period established by the Center veterinarian within the adoption contract, but in no event shall this time period exceed 21 days after the date of adoption. Failure to do so may result in the seizing of the animal by the Center and/or legal action being taken in a court of competent jurisdiction.
- (c) Within 14 days of adoption, the owner may return the adopted animal for exchange or refund if the animal becomes sick or dies due to any reason other than traumatic injury, nonmedical problems, the owner's negligence, or owner's lack of knowledge of general pet care.

Sec. 3:28. Potentially dangerous dog, dangerous dog, vicious dog.

- (a) *Level 1: Potentially dangerous dog.*
 - (1) A dog may be classified as potentially dangerous if such dog constitutes a menace to public health or safety. In order for a dog to be classified as potentially dangerous, one of the following incidents shall occur:
 - a. Said dog has killed or injured a domestic animal without provocation while such dog is at large.
 - b. Any dog's behavior, while on or off the dog owner's property, which constitutes a substantial threat of bodily harm to a person when such person is conducting himself peacefully and lawfully.
 - c. An attack occurs which results in injury to a person or a dog bites a person when such person is conducting himself or herself peacefully and lawfully.
 - d. An animal which on three separate occasions within a year's period has been observed at large, off or on the owner's property, or has been impounded on three occasions for being at large.
 - e. An animal that, in the opinion of the Center, constitutes a threat to public health or safety.

- f. An employee of the Center or a law enforcement officer recommends declaration as potentially dangerous.
- (2) A dog will not be classified as potentially dangerous if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property with the intent to commit a crime or tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or if the dog was defending or protecting its owner from unjustified attack or assault, or was protecting or defending its young or other animals from harm or attack.
- (3) The Center may investigate reported incidents involving dogs that may be potentially dangerous. Upon such investigation, if the Center finds the dog to constitute a menace to public health or safety, such dog shall then be classified as potentially dangerous. The owner shall receive written notification of the Center's classification of the animal. The classification of potentially dangerous shall be added to registration records of the dog.
- (4) The owner of a dog that has been classified as potentially dangerous shall take whatever measures are necessary to confine or restrain such animal to prevent any future incidents from occurring that constitute a menace to public health or safety.
- (5) A citation may be issued to the owner of any potentially dangerous dog alleged to be in violation of this part. The investigating officer may issue such citation upon the receipt of one sworn affidavit of complaint. Said affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner, if known, and a description of the animal.

(b) *Level 2: Dangerous dog.*

- (1) A dog may be classified as dangerous under any of the following circumstances:
 - a. If the dog has attacked, caused serious injury or otherwise endangered the safety of human beings, or has a known propensity, tendency, or disposition to attack, to cause serious injury or to otherwise endanger the safety of a person who is conducting himself or herself peacefully and lawfully.
 - b. If the dog has attacked, caused serious injury or death to a domestic animal.
 - c. If the dog has previously been classified as potentially dangerous, and one additional but separate incident has occurred as set forth in subsection (a) of this section, level 1.
 - d. If the dog has been owned or kept primarily or in part for the purpose of dog fighting.
 - e. If the dog has upon recommendation by a law enforcement agency or an employee of the Center.
- (2) A dog will not be classified as dangerous if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property with the intent to commit a crime or tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or if the dog was defending or protecting its owner from unjustified attack or assault, or was protecting or defending its young or other animals from harm or attack.
- (3) The Center may investigate reported incidents involving dogs that may be dangerous. Upon such investigation, if the Center finds the dog to constitute a dangerous dog as defined in this section, said dog shall be so classified. The owner shall receive written notification of the Center's classification of the animal. Said notification shall include

the procedure for appeal. The classification of dangerous shall be added to the registration records of the dog.

(4) The owner of a dog that has been classified as dangerous shall abide by the following mandates within 30 days after the dog has been so classified:

- a. A dangerous dog tag supplied by the Center shall be purchased annually and affixed to the dog's collar to be worn at all times.
- b. A micro-chip shall be obtained at the owner's expense for each dog that has been classified as "dangerous."
- c. The owner shall immediately notify the Center when a dangerous dog:
 1. Is loose or unconfined;
 2. Has bitten a human being or attacked another animal;
 3. Was sold, given away, or died; or
 4. Has moved to another address.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and phone number of the new owner to the Center. Each owner shall execute a document to be supplied by the Center, acknowledging that said owner is aware of the dangerous dog classification, and that said owner shall comply with the requirements of this Title.

- d. A dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the dog from coming into contact with either a human being other than the owner or any other animal and designed to prevent the animal from escaping. The pen or structure must have minimum dimensions of four feet by ten feet.
- e. Such pen shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure. The enclosures shall provide a humane existence for the dog and protection from the elements. The pen shall meet all requirements of a dog pen and the pen sides shall be embedded securely in concrete.
- f. The owner shall prominently display a sign to be provided by the Center at the owner's expense on his premises at all entry points warning that there is a dangerous dog on the property.
- g. A dangerous dog may be off the owner's premises or out of its enclosure only if it is muzzled and restrained by a substantial chain or leash not exceeding four feet in length and under the control of an able-bodied person. The 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.
- h. The Center, in its discretion, may require a dangerous dog to be spayed or neutered.
- i. The Center, in the exercise of its discretion, shall have the authority to make whatever inspections are deemed necessary to ensure that the provisions recited herein are complied with.
- j. A dangerous dog shall not be used as a guard dog.
- k. An owner of a dangerous dog shall have the option to have said dog humanely euthanized at his expense by the Center or licensed veterinarian if said owner is unable to comply with the requirements recited herein.
- l. It shall be unlawful for any person to keep, harbor or possess a dangerous animal on a porch, patio or in any part of a house or building that would allow the animal

to exit or escape on its own volition. Screened windows or screened doors alone are considered inadequate.

- m. The Center shall have the right to inspect the premises of dangerous animals' enclosures to ensure compliance with this part.
 - n. The owner or keeper shall sign a hold-harmless and indemnification clause in favor of St. George.
 - o. The owning, keeping or harboring of a dangerous animal in violation of this Chapter is deemed a public nuisance.
 - p. If the Center reasonably believes an owner cannot or will not abide by the above requirements, a seizure warrant may be requested, pending final disposition of the case.
- (5) A citation may be issued to the owner of any dangerous dog alleged to be in violation of this part. The investigating officer may issue such citation upon the receipt of one sworn affidavit of complaint. Said affidavit shall specify the address or location of the alleged violation, the nature, time and date of the act, the name and address of the owner if known, and a description of the animal.
- (6) Appeal process.
- a. The owner of a dog t classified as dangerous may appeal this classification to the animal classification appeals committee. A notice of appeal must be filed with the Director within 10 days of the receipt of notice of classification. The Director shall then notify the animal classification appeals committee.
 - b. The appeal shall be heard by the animal classification appeals committee within 30 days after the owner has submitted a notice of appeal.
 - c. The owner shall, until final disposition of the appeal, take necessary measures to prevent any future incidents from occurring. Failure to prevent future incidents shall result in additional citation and/or seizure of the dog at the owner's expense until the case is heard by the animal classification appeals committee or otherwise resolved.
 - d. The classification of a dog as dangerous shall be revoked only by a majority vote of the animal classification appeals committee.
 - e. All decisions by the animal classification appeals committee shall be final and binding.

(c) *Level 3: Vicious dog.*

- (1) A dog may be classified as vicious if said dog has:
 - a. Attacked and caused severe and gross injuries or death to a human being; or
 - b. Previously been classified as dangerous or potentially dangerous and an incident has occurred as set forth in subsections (a) or (b) of this section.
- (2) A dog will not be classified as vicious if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property with the intent to commit a crime or tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or if the dog was defending or protecting its owner from unjustified attack or assault, or was protecting or defending its young or other animals from harm or attack.
- (3) The Center may investigate reported incidents involving dogs that may be vicious. Upon such investigation, if the Center finds the dog to constitute a vicious dog as defined in

this Chapter, said dog shall be so classified. The owner shall receive written notification of the Center's classification of the animal. Said notification shall include the procedure for appeal. The classification of vicious shall be added to the registration records of the dog.

- (4) Any dog that has been classified as vicious shall be impounded by the Center. The animal will be kept at the Center and placed in rabies quarantine, if necessary, for the proper length of time, or held for ten days after the owner's receipt of notification, and then shall be euthanized unless the owner initiates an appeal procedure within this ten-day period.
- (5) Appeal process.
 - a. The owner of a dog that has been classified as vicious may appeal this classification to the animal classification appeals committee within the ten-day period after the Center impounds such dog.
 - b. The animal will remain impounded at the Center until such time as the animal review committee hears and decides the appeal of the owner. The appeal must be heard by the animal classification appeals committee within ten days after the owner has submitted a notice of appeal.
 - c. The classification of a dog as vicious shall be revoked only by a majority vote of the animal classification appeals committee. If the committee does not revoke the vicious dog classification, the dog will be kept an additional ten days and then be humanely euthanized at the expense of the owner by the Center. If the committee revokes the vicious dog classification, such dog shall then be classified as dangerous; and its owner shall be required to comply with subsection (b) of this section. The committee shall provide the owner with written notice of its decision by mailing same to the dog's owner at his last known address.
 - d. The owner will be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal at the Center through the appeals process.
 - e. Written notice is prescribed in subsection (c)(3) of this section in order to give the owner of a dog classified as vicious time to apply to a court of competent jurisdiction for any remedies which may be available. Should the owner of a dog that has been classified as vicious wish to appeal the decision of the animal classification appeals committee to uphold the vicious classification, then a court injunction must be obtained within ten days of said decision in order to delay the euthanasia of such dog. Should an injunction be obtained, the owner will be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal at the Center through the court appeal process. Applicable fees shall be paid in advance.

Sec. 3:28.1. Animal classification appeals committee.

- (a) The St. George City Council shall appoint a three-member animal classification appeals committee which in its judgment shall fairly represent the Center, animal owners, and citizens of St. George. The committee shall make decisions relating to appeals that have been initiated concerning dangerous dogs and vicious dogs.
- (b) The animal classification appeals committee shall be appointed from nominations submitted to the St. George City Council. One member shall be a licensed Louisiana veterinarian, one

member shall be a commissioned law enforcement officer, and one member shall be a member of a private animal welfare society. All members shall be residents of St. George.

Sec. 3:29. Liability insurance for dangerous dogs.

- (a) The owner or keeper shall present to the Director proof that the owner or keeper has procured liability insurance in the amount of at least \$100,000, covering any damage or injury which may be caused by such dangerous dog during the 12-month period for which licensing is sought, which policy shall contain a provision requiring St. George to be named as an additional insured and St. George shall be notified by the owner or keeper of any cancellation, termination or expiration of the liability insurance policy. In lieu of the above insurance requirement, the owner or keeper may procure a dangerous dog liability bond as defined by subsection (b) of this section.
- (b) Dangerous dog liability bond means a bond conditioned:
 - (1) The obligor shall, within 30 days after the rendition thereof, satisfy:
 - a. All judgments rendered against him or against any person responsible for actions of the dog in actions to recover damages for property damage or for bodily injuries, including death at any time resulting therefrom; and
 - b. Judgments rendered as aforesaid or consequential damages consisting of expenses incurred by a husband, wife, parent, or tutor for medical, nursing, hospital, or surgical services in connection with or on account of such bodily injuries or death sustained during the term of the bond by any person; and
 - c. Arising out of the ownership, control or use of said dangerous dog;
 - (2) To the amount of not less than \$100,000 for damages to the property of others and/or on account of injury to or death of any person.

Sec. 3:30. Guard dogs.

Guard dogs must be kept within a structure or a fenced enclosure at all times, and any guard dog found at large may be processed as a potentially dangerous or dangerous dog pursuant to the provisions of this Chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog" or words of similar import. It shall be the owner's responsibility to immediately notify the Center when a guard dog has escaped and is at large.

Sec. 3:31. Dog and cat bite cases.

- (a) *Dog and cat bite cases in general.*
 - (1) The breaking of the skin of a human being by a dog or cat shall be considered a bite case; except that if a dog or cat which is currently vaccinated and licensed scratches a human being, that animal shall not be required to be held for observation. All unvaccinated dog or cat scratch cases shall be held for observation. Stray dogs or cats may be sacrificed for testing or held for ten days' observation.
 - (2) All bite cases shall be reported to the Center or to the East Baton Rouge Parish Sheriff's Office 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/or the person bitten to report such fact to the proper authorities as stated above.

- (3) Any dog or cat that has bitten a human shall be impounded at the Center or licensed veterinarian of the owner's choice for a period of not less than ten days from the date of the bite.
- (4) Any dog or cat which is suspected of being rabid may be destroyed and its head shall be submitted for proper testing at a suitable facility or may be held for 10 days' rabies observation at a licensed veterinarian or at the Center.
- (5) No animal shall be held for ten days' rabies observation outside of the animal shelter or licensed veterinarian's facility without the prior approval of the Director.
- (6) Any dog or cat in violation of this Chapter at the time of the bite shall be cause for said animal to be impounded and taken to the Center. After any applicable fees or fines are paid in cash, the animal may then be transferred to a veterinarian by an agent of the Center for the remainder of the 10-day period.
- (7) In the event of extenuating circumstances, an animal control officer may permit the owner to produce proof, within 24 hours of the bite, that the animal was currently licensed and vaccinated and not at large at the time of the bite, before requiring that the animal be delivered to a licensed veterinarian in St. George.
- (8) No animal shall be returned to the owner prior to the expiration of the ten-day observation period.
- (9) The day of the bite shall be considered day one of the observation period.
- (10) All animals shall be released by a licensed veterinarian after the ten-day observation period, either at the Center or within 24 hours after being redeemed by the owner. Results of the post-rabies observation examination and the name and location of the attending veterinarian shall be reported to the Center within 24 hours after redemption, or the end of the ten-day rabies observation period.
- (11) Animals shall be redeemed by the owner within 24 hours after the ten-day observation period is finished. Failure to redeem animals within this time period shall be cause for the Center to dispose of said animal as they would then be considered abandoned and shall be property of the Center.
- (12) Stray animals shall be disposed of after the expiration of the 10-day observation period or may be sacrificed for testing at the discretion of the Center.
- (13) 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 agency or appropriate facility for rabies examination.
- (14) When an animal, not otherwise in violation of this Chapter and upon being provoked, breaks the skin of a human being, there will be no fees applicable if the animal is held for observation at the Center.

(b) *In-home rabies observation.*

- (1) The Center may consider in-home ten days' rabies observation only if the following criteria are met:
 - a. The owner of the animal agrees to the in-home observation and signs a form recognizing such agreement.
 - b. The animal was in full compliance with the requirements under sections 3:19 and 3:20 at the time of the bite.
 - c. The animal was not at large at the time of the bite.

- d. The owner signs an indemnity clause holding the Center and St. George, its officers and agents harmless from any and all liability which might arise while the animal is undergoing in-home observation.
 - e. The Center may inspect the facilities at any time to determine compliance.
 - f. The animal is secured on the property at all times during observation in a room, pen, or other structure to prevent escape and contact with other animals or humans other than the owner.
 - g. Animals shall be examined by a licensed veterinarian within 24 hours after the end of the observation period, and the Center shall be notified of release within 24 hours thereof.
 - h. The Center shall be notified within 24 hours if the animal dies, escapes or becomes ill during the observation period.
 - i. If the Center observes any violation of this exception, the animal shall then be seized and taken to the Center or a licensed veterinary facility; and the owner may be issued a summons for violation of this part.
- (2) All law enforcement agencies are exempt from this requirement. Vaccination status of all K-9 or enforcement dogs shall be retained by the agency involved.

Sec. 3:32. Dog fighting.

- (a) No person shall intentionally do any of the following:
 - (1) For amusement or gain, cause, allow, engage or make any dog fight with another dog or cause any dogs to injure each other.
 - (2) Permit any act in violation of this part to be done on any premises under his charge or control, or aid or abet any such act.
 - (3) Promote, stage, advertise, or be employed at a dog fighting exhibition.
 - (4) Sell a ticket of admission or receive money for the admission of any person to any place used, or about to be used, for any activity described in subsection (a)(2) of this section.
 - (5) Own, manage, or operate any facility kept or used for the purpose of dog fighting.
 - (6) Own or train a dog with the intent that the dog be used in an exhibition of dog fighting.
 - (7) Attend as a spectator, observer, attender or witness an exhibition of dog fighting.
 - (8) Bait, attack with violence, provoke or harass an animal with one or more animals for the purpose of training an animal for or to cause or allow an animal to engage in fights with or among other animals.
- (b) Seizure of dogs and equipment used in dog fighting.
 - (1) Any law enforcement officer may lawfully take possession of all dogs and all paraphernalia, implements, equipment or other property or things used or employed in violation of this section. Such officer, after taking possession of such dogs, paraphernalia, implements, equipment or other property or things, shall file within any court of competent jurisdiction, an affidavit stating therein the name of the person charged, a description of the property so taken, and the time and place of the taking thereof, together with the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed in such violation. He shall thereupon deliver the property so taken to such court which shall, by order in writing, place such dogs, paraphernalia, implements, equipment or other property in the custody

of a licensed veterinarian or other suitable custodian, to be kept by such custodian until the conviction or final discharge of the accused and shall send a copy of such order without delay to the appropriate prosecutor. The veterinarian or custodian so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which the accused shall be required to appear for trial. Upon the certification of a licensed veterinarian that, in his professional judgment, a dog which has been seized is not likely to survive the final disposition of the charges or that, by reasons of the physical or temperamental condition of the dog, it should be humanely euthanized before such time, the court may order the dog humanely euthanized. The owner of a dog which is euthanized without an order of the court with such certification of a licensed veterinarian shall have a right of action for damages against the department or agency by which the arresting or seizing officer is employed. Upon conviction of the person so charged, all dogs so seized shall be adjudged by the court to be forfeited and the court shall order a humane disposition of same. In the event of the acquittal or final discharge, without conviction, of the accused, the court shall, on demand, direct the delivery of the property so held in custody to the owner thereof. All reasonable expenses incurred by the veterinarian or other party as custodian of seized dogs and property shall be charged as costs of court.

- (2) In the event no owner claims or can prove ownership of the dog within ten days after such custody begins, the agency or individual, may, at their discretion, humanely dispose of the dog in custody. No agency or individual acting under the provisions of this subsection shall be held liable for civil or criminal damages.

Sec. 3:33. Animal establishment permits.

- (a) No person shall operate an animal establishment without first obtaining a permit from the Center.
- (b) The Director may adopt animal establishment regulations such as those set forth in Title 9, Animal and Animal Products, Chapter 1, Animal and Plant Health Services, United States Department of Agriculture Animal Welfare Act of 1970 (Public Law 91579) or revisions thereto, or statutes of the State of Louisiana, or may promulgate and use any such nutritional or environmental standards which may be considered applicable and standard husbandry practices by expert opinion or literature, or by such organizations as the American Veterinary Medical Association (AVMA), the Humane Society of the United States (HSUS), the American Association of Zoological Parks and Aquariums (AAZP&A), or a qualified veterinarian.
- (c) The Center will provide a copy of the standards adopted, as provided in subsection (b) of this section, to applicants with application for a permit. The applicant shall acknowledge receipt of the standards in the application.
- (d) The permit period shall begin on the day the permit application is approved by the Director. All applications for renewal of a permit for the ensuing year shall be filed with the Center no later than the day of the annual inspection and a remittance therefor in cash, cashier's check or money order, in the proper amount as set forth hereinafter, payable to the Center.
- (e) Any person who maintains or operates an animal establishment shall pay an annual permit fee as provided hereinafter. If any person shall own or operate more than one facility, he shall be required to have a permit for each facility.

- (f) The annual permit fee shall be as set by the Director based upon the fee set by East Baton Rouge Parish,

Sec. 3:34. Issuance and revocation of animal establishment permits.

- (a) The Director shall appoint a committee, known as the animal establishments committee, of not less than three persons, consisting of a licensed veterinarian, the Director, and a resident of St. George. This committee shall be required to conduct all inspections of animal establishments, and the Center shall issue permits in compliance with this division and revoke permits for establishments not in compliance with this Chapter.
- (b) The Center and the animal establishments committee shall have the right of entry, at reasonable hours, on premises affected by this Chapter and into all areas where animals are kept and maintained, for inspection to ascertain if the permittee is in compliance with the standards as set forth in section 3:33. Failure of the owner to comply with the standards as stated therein shall be cause for the revocation of the permit and/or a misdemeanor summons to be issued.
- (c) If the Center and/or the animal establishments committee, after inspection, determines that the permittee is in violation of this division, it shall advise the permittee in writing of the violations and shall further inform the permittee that its failure to comply with the standards as provided in section 3:33 shall be cause for the removal of animals from such premises or areas and/or a misdemeanor summons may be issued. The Center shall give the permittee 14 days from receipt of the written notice to comply with the standards. Extended periods may be granted for good cause shown. If it shall be necessary for the Center to remove or cause to be removed any animals as provided herein, it shall return the animals to the permittee upon compliance with this part. The permittee shall compensate the Center or boarder at the daily rate per animal.
- (d) Any person aggrieved by the decision of the animal establishments committee or the Center regarding violations of this division and its decision to suspend or revoke the permit upon the failure of the permittee to comply with this part, may take an appeal to a court of competent jurisdiction with 15 days of receipt of written notification. The decision of the Center and/or the animal establishments committee shall be final unless appealed within the time and in the manner as set forth above.
- (e) If an applicant is shown to have withheld or falsified any material information on his application, the Center may refuse to issue a permit or license or may revoke a permit or license.
- (f) A person denied a permit may not reapply for a permit until after a period of 30 days has elapsed. Each application shall disclose any previous denial or revocation and shall be accompanied by a fee as set forth by the Parish of East Baton Rouge.
- (g) The animal establishment permit shall be displayed in a conspicuous place, so as to be plainly visible to any member of the general public.
- (h) Any animal establishment selling avians, reptiles, amphibians, rodents, rabbits or other small animals must make a substantial effort to educate the prospective owner on the environmental and dietary requirements of each species being considered. Written materials regarding environmental and dietary requirements of said species and general counseling shall be considered as adequate educational tools.
- (i) No pet shop or animal establishment may sell a wild or exotic animal as defined in this Chapter. Any pet shop or animal establishment that sells avians, reptiles, amphibians, rodents,

rabbits or other small mammals shall post a sign in a conspicuous place and manner and in plain view of the general public, supplied by the Center stating:

"All living creatures have specific dietary and environmental needs. The East Baton Rouge Parish animal control center recommends consultation with the seller and careful evaluation of an owner's responsibilities towards these animals prior to purchase."

- (j) No turtle with a carapace of less than four inches may be offered for sale by any animal establishment.
- (k) The sale, ownership or possession of poisonous snakes in St. George, except by an institution of higher education, zoo, or governmental agency is prohibited.
- (l) The sale, possession or ownership of any venomoid snakes in St. George, except by an institution of higher education, zoo, or governmental agency is prohibited.
- (m) The Director shall be empowered to inspect and issue temporary permits that shall be valid, unless revoked, until the annual inspection occurs.
- (n) It shall be unlawful for any animal establishment to offer for sale or trade any animal that is known or suspected to be ill, sick, injured, diseased or the carrier of a disease.
- (o) Animal establishments shall keep all sick, injured, or diseased animals in a separate area away from healthy animals until they become healthy or are destroyed.

Sec. 3:35. Transportation of dogs and cats.

- (a) No dog or cat three months of age or older shall be delivered by any out-of-state carrier of freight, express bus, motor car, or other public carrier into St. George unless there is a health certificate of a licensed veterinarian at the point of shipment accompanying the dog or cat showing that the dog or cat has been currently rabies inoculated within the previous 12 months.
- (b) All dogs or cats less than three months of age entering St. George by any out-of-state carrier must be accompanied by a health certificate signed by a veterinarian practicing at the place of origin.
- (c) No animal shall be moved, transferred or transported in a cruel or inhumane manner.

Sec. 3:36. Interference with enforcement.

- (a) It shall be unlawful for any person to knowingly hinder, resist or oppose any officer or employee of the Center in the performance of his duties.
- (b) It shall be unlawful for any person to knowingly interfere with or damage any animal trap owned or used by the Center or to molest or release an animal caught therein.

Sec. 3:37. Livestock—Movement of animals.

- (a) It shall be unlawful for any person to drive livestock through the streets of St. George.
- (b) It shall be unlawful for any person to tie or anchor livestock or any other domestic animal for grazing or such like purposes, or to drive, ride or otherwise cause to be manded any livestock upon or across any grass lawns, golf grounds or parks of St. George.
- (c) It shall be unlawful for any person to knowingly bring into the St. George any animal affected with any infectious or contagious disease.

Sec. 3:38. Livestock—Prohibited.

- (a) It shall be unlawful for any person to keep, possess or maintain any livestock unit on any parcel of land unless such parcel of land shall have a minimum of three acres for the first two livestock animals, plus a minimum of one acre for each additional livestock animal within St. George.
- (b) No livestock shall cause a nuisance to any resident of St. George.
- (c) The restrictions as set forth in subsection (a) of this section shall not apply, provided livestock remain on or about their premises as noted below:
 - (1) In a building or structure such as a stable, barn, shed or pen being a minimum of 150 feet, measured in a straight line, from the nearest point of a neighboring structure used for human habitation other than that of the owner, such as a residence, public eating place, church, school or hospital.
 - (2) In a fenced area, the perimeter being a minimum of 150 feet measured in a straight line from the nearest point of a neighboring structure used for human habitation other than that of the owner, such as a residence, public eating place, church, school or hospital.
- (d) The provisions of subsections (a) and (b) of this section notwithstanding, such restriction may be waived if a petition is submitted by any property owner requesting permission to keep livestock, which petition has been signed by more than 50 percent of the property owners within a 300-foot radius of the location of the property.
- (e) This section shall only apply upon receipt of a written letter of complaint, including the complaint's name, address and telephone number.

Sec. 3:39. Livestock—At large prohibited.

- (a) It shall be unlawful for any livestock thereof to run, roam, or be at large or on any of the public highways, commons or lands, either public or private, within the city limits of St. George. The owner or keeper is liable for any damages caused by such animals. Staked or secured animals shall not be permitted to reach any road or highway or cause any danger or obstruction.
- (b) The Center or any other law enforcement officer, may seize and impound all and any livestock found at large in St. George, using all manners and means necessary.
- (c) Impounded animals shall be held for six days and the owner notified of impoundment within 24 hours by letter or warning notice. If not redeemed in six days, the animal shall be sold. The provisions of Chapter 6, seized animals, of this title shall also apply.
- (d) If the owner is unknown, an advertisement in a newspaper of general circulation shall set forth the following information:
 - (1) The name and address of the impounding organization.
 - (2) Species, sex, size, marks, brands, color and approximate age of animal.
 - (3) Date, time and location of impoundment.
 - (4) Applicable fines and fees.
 - (5) The holding period on the animal and the fact that the animal, will be sold if not claimed.
 - (6) The person claiming ownership must appear in person to prove claims of ownership.
- (e) If, after the advertisement in the newspaper, the owner does not appear by the time specified, the Center shall proceed to sell the animal at public auction to the highest bidder.
- (f) Each day a violation of this section is continued shall be deemed a separate violation.

Sec. 3:40. Chickens, other fowls and birds.

- (a) The keeping of chickens, roosters, geese, guinea fowl, ducks, turkey, peacocks, other fowl and birds is hereby declared to be a public nuisance, if not maintained in accordance with this section.
- (b) The keeping of roosters, geese, guinea fowl, ducks, turkeys, or peacocks is prohibited in a recognized residential subdivision on lots of two acres or less.
- (c) (1) All chickens, roosters, geese, guinea fowl, ducks, turkeys, peacocks or other fowl and birds kept in a recognized residential subdivision shall be maintained as follows:
 - a. All chickens, or other fowl, or avians shall be confined to the owner's property at all times in a pen, coop, flight cage or other enclosure.
 - b. Pens, coops, flight cages, or other enclosures shall be located only in the rear yard and shall be a minimum of ten feet from the nearest property line and a minimum of 50 feet from any residence other than that of the owner.
 - c. All enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.
 - d. Appropriate food, water, shelter and housing shall be provided to meet the requirements of the particular fowl or avian in question.
- (2) No fowl or bird shall cause a nuisance. Owners of fowl or birds will be held responsible and liable for any damages they cause in St. George.
- (d) The provisions of this section shall apply upon receipt of written and signed complaint by the Director. When a violation is determined to exist, the owner or keeper shall be ordered to correct the violation within 72 hours of receiving such notice. Failure to correct the violation may result in the owner or keeper being issued a summons to appear in court for the violation. Each day a violation of this section is continued shall be deemed a separate violation.
- (e) Registered 4-H and Future Farmers of America (F.F.A.) club members may be allowed to keep fowl otherwise prohibited in this section provided that they:
 - (1) Meet all provisions of subsections (c)(1)c. and d. of this section; and
 - (2) Obtain prior written approval and permission for all adjoining property owners or residents and file such approvals with 4-H or F.F.A. club supervisors or agents.
- (f) Properly licensed raptor owners shall be exempted from this section provided that they meet all provisions of subsections (c)(1)c. and d. of this section.

Sec. 3:41. Penalties.

- (a) Any person who violates any provisions of the sections of this title or who shall hinder or molest or interfere with any officer or agent of the Center in the performance of any duty provided for by this Chapter shall, upon conviction by a court of competent jurisdiction, be deemed guilty of a misdemeanor and may be fined any amount up to \$500.
- (b) The Center, or its agents, may enforce any provision of this Chapter by instituting a suit for injunctive relief and use of summary process, including all temporary restraining orders permitted by law.
- (c) Each animal that shall run or otherwise be at large in violation of this Chapter shall constitute a separate offense by the owner of such animal.
- (d) The owner shall pay any other incidental costs associated with the animal being at large or impounded, including the costs of containing and impounding the animal.

- (e) Any livestock which is severely injured at the time of impoundment may, at the discretion of the supervisor or Director, be destroyed in a humane manner immediately and without waiting the prescribed six days if the owner is unknown or unavailable. This action may be taken, if, in the opinion of the supervisor or Director, the livestock's condition is such that imminent destruction is necessary as a humane gesture, and for the protection of other livestock or animals or humans with which the livestock may have come into contact. Any animal so destroyed may be disposed of at the discretion of the Center. The supervisor may authorize a law enforcement officer to euthanize said animal.
- (f) Fees and fines, per animal, running at large:
 - (1) First offense: \$25.
 - (2) Second offense: \$50.
 - (3) Third offense: \$100.
 - (4) Per day boarding: \$5.

Secs. 3:42—3:57. Reserved.

CHAPTER 3. WILD, EXOTIC ANIMALS AND REPTILES

Sec. 3:58. Intent.

The St. George City Council finds and declares that wild or exotic animals often pose serious threat to human health and safety and can cause severe environmental damage. These animals have very specific biological requirements best met in their natural environment. When it is necessary to confine them in captivity, they should be under the supervision of qualified zoological or otherwise competent professional caretakers. Furthermore, it is unsuitable and cruel to involve them in any display, act, or exhibit which causes them to engage in unnatural behavior or expose the public to potential injury. Because these animals constitute a threat if inadvertently set free, and because they cannot legally be vaccinated against rabies at this time, their presence in a community should always be known to government officials.

Sec. 3:59. Definitions.

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

Agent means any authorized employee of the Center or such other persons as designated by the Director, which may include veterinarians, zoo professionals, law enforcement officers, or others involved in the field of captive wildlife or exotic animal care and husbandry.

Enhance the species means to add significantly to the overall welfare, health and well-being of the species in question through a program that includes, at a minimum, controlled breeding, formal public education presentations, membership and participation in such professional organizations as state and national wildlife rehabilitators associations, the American Association of Zoological Parks and Aquariums (AAZP&A), American Association of Zookeepers, American Association of Zoo Veterinarians, and other such requirements as the Director deems necessary.

Minimum care standards means those standards for animal care promulgated by the Center.

Pet means any animal kept primarily for pleasure rather than for utility.

Resident means a person legally residing in St. George.

Unnatural behavior means behavior which is not part of a wild animal's natural habits or behavioral repertoire, or in which it would not engage in its natural habitat.

Wildlife rehabilitator means any person who has possessed a valid state or federal permit for the capture and possession of injured, infirm, orphaned wild or exotic animals for purposes of treatment or sanctuary, provided that the wild animals and/or under the person's care are not used primarily for any public display, whether or not a fee is charged, or are being kept as pets or does not keep or harbor the wild or exotic animals in a recognized subdivision.

Sec. 3:60. Jurisdiction.

- (a) The Director shall enforce provisions of this Chapter and is authorized to issue or deny permits for the ownership, possession or custody of wild or exotic animals in accordance with requirements of this Chapter.
- (b) The Director shall investigate or inspect to determine whether any permit holder under this Chapter has violated or is violating any provisions of this Chapter or any regulations issued thereunder. The Director and his agents shall, at all reasonable times, have access to all facilities where wild or exotic animals are held pursuant to permits issued under this Chapter. The Director is specifically authorized and directed to make random and unannounced inspections of such facilities at any reasonable time.
- (c) The Director is authorized to establish rules and regulations necessary and appropriate for the particular species of animal and for the administration and enforcement of this Chapter in cooperation with a qualified and licensed veterinarian.
- (d) The Director is authorized to release any wild or exotic animal or reptile to the wild. In addition, wild and exotic animals may be released to a zoological park or to any other person or agency deemed appropriate.

Sec. 3:61. Prohibitions.

- (a) No person shall own, possess or sell or keep a wild or exotic animal as a pet in St. George.
- (b) No person shall keep or permit to be kept on his or any other premises any wild or exotic animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not apply to zoological parks accredited by AAZP&A, circuses or veterinary clinics, performing animal exhibitions not in violation of this Title, section 3:60(c) or governmental institutions.
- (c) No person may own, possess, or have custody of any wild or exotic animal unless that person first obtains a permit from the Director or is exempted from obtaining such a permit as set forth herein.
- (d) No person may sponsor, promote, or train a wild or exotic animal in, or attend as a spectator, any activity or event in which any wild or exotic animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed or displayed in such a way that the animal is abused or mentally or physically stressed or has the potential to injure a human being. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether gratuitously or for a fee.
- (e) No person shall own, keep or harbor any poisonous or venomoid snake in St. George, except institutions of higher learning, zoos or governmental agencies.
- (f) No person shall allow a wild or exotic animal to escape

Sec. 3:62. Permits.

All applicants shall complete and submit an application form prior to licensing.

(1) *Exemptions; standards for issuing permits.*

a. The following persons are exempt from the permit requirement of section 3:61 of this Chapter:

1. A person possessing or having temporary custody of a sick, orphaned or injured wild animal solely for the purpose of temporarily keeping or transporting the animal to a licensed veterinarian or permitted wildlife rehabilitator or animal shelter, or an organization that is an accredited member of AAZP&A or similar organization or to a federal, state, or local governmental official with authority to handle the animal.
2. Licensed veterinarians tending to injured or sick wild and/or exotic animals.
3. Any research facility, within the meaning of Section 2(d) of the Federal Animal Welfare Act, 7 USC Section 2132(e), licensed by the Secretary of Agriculture of the United States pursuant to that act.
4. The Center or any agent or official thereof, acting in an official capacity.
5. Any agency or official of the federal, state, or local government, acting in an official capacity.
6. A zoo that is an accredited member of the AAZP&A.
7. State universities or other state agencies working with wild or exotic animals.
8. Circuses.
9. Performing animal exhibitions that do not violate section 3:60(c).
10. Agricultural operations as defined in R.S. 3:3602.

b. Persons applying for permits must demonstrate to the Director:

1. That the facility is not in a recognized subdivision in St. George.
2. That the proposed ownership, possession or custody of the wild or exotic animal will enhance the species in question within the meaning of section 3:59.
3. That the applicant possesses the scientific and animal husbandry credentials and material resources to implement the proposed species enhancement program.
4. That the applicant will be able to comply with the minimum care standards.
5. That the wild animal or exotic will not be kept as a pet.
6. That the applicant will be able to comply with any other applicable state, local or municipal laws, titles or regulations, including those issued by the Director under authority of this Chapter.
7. That the wild or exotic animal in question will not be used, directly or indirectly, in activities or events prohibited by section 3:61.
8. That the applicant can comply with all other terms, conditions and requirements as set forth by the Director.
9. That every animal be inspected by a licensed veterinarian every year who, upon a determination that the animal is in good health, shall issue a health certificate, and shall forward said certificate to the Center.
10. That the animal will not endanger the public health and safety and will be housed in a manner to prevent escape and to enable species-typical activities.

(2) *Requisite provisions of the permit.*

- a. Any permit issued shall be consistent with the purpose and other provisions of this Chapter.
 - b. The permit must specify:
 - 1. The number, species and exact identification of the individual animals authorized to be owned, possessed or held by the permit.
 - 2. The location where each animal will be kept.
 - c. The Director may promulgate rules for additional conditions or restrictions to be contained in permits consistent with the purpose and provisions of this Chapter.
- (3) *Application procedure.*
- a. Each applicant for a permit shall submit a written application to the Director, prior to possessing any animals in St. George.
 - b. The Director may conduct a hearing with respect to any permit application at the request of any interested party or at the discretion of the Director in order to issue or deny a permit. If a hearing is conducted notice must be published in a newspaper of general circulation, and notice must be mailed to the applicant at least 20 days prior to the hearing.
 - c. The Director shall issue or deny the application for a permit as soon as possible, but no later than 30 days after the 30-day period for comments has expired, or if a hearing is held, no later than 30 days after the hearing. Notice of the issuance or denial of a permit shall be published in a newspaper of general circulation within seven days of issuance or denial.
- (4) *Duration of permit.* The permit shall authorize the applicant to own, possess, or have custody of all animals specified in the permit for a period of one year or for a shorter period if deemed necessary by the Director and specified on the permit.
- (5) *Renewal of permits.* The Director may renew a permit annually, after inspection, upon the applicant showing that the applicant continues to comply with all the requirements of this Chapter.
- (6) *Fees.* The fees, per permit, are \$100 annually.
- (7) *Modification or revocation of permit.*
- a. The Director shall have the power to modify or revoke any permit issued pursuant to this section for any of the following reasons:
 - 1. In order to make the permit conform to any rules promulgated by the Director.
 - 2. In any case where the terms and conditions of the permit are violated.
 - 3. Where a wild or exotic animal owned or possessed pursuant to a valid permit is found in the custody, care, possession or control of any person other than the permit holder or his agent or other persons specified on the permit, except when such animals are involved in formal breeding or propagation, loan agreements between zoological parks, aquariums, private breeders or rehabilitators with proper permits.
 - 4. In any case where the permit holder or other person with possession or custody of the animals is found not to meet the minimum care standards or has violated any provisions of R.S. 14-102 et seq.
 - 5. When the number of animals listed on the permit changes, except in regard to animals who have given birth or have died; and these changes must be reported to the Center within one month of the event.

6. In any case where the permit holder or his agents denies the Director or his agents access for inspection.
7. For nonpayment of any fees due under the provisions of this Chapter.
- b. The Director or his agent shall afford the permit holder an opportunity for a hearing and shall mail, notice of the hearing to the permit holder at least 20 days prior to the hearing.
 1. The permit shall not be modified or revoked and the permit holder shall retain custody of the wild or exotic animal until the Director has rendered a decision following a hearing and a copy of the decision is mailed to the permit holder, except where the Director determines that the health or welfare of the animal or humans may be adversely affected by leaving the animal in the custody of the permit holder, in which case the Director may order the animal temporarily removed to the custody of a facility able to house the animal.
 2. If the Director revokes the permit, the animal shall be permanently removed from the custody of the permit holder and forfeited to the Director to be disposed of accordingly.
 3. The Director's decision to revoke the permit can be appealed to a court of competent jurisdiction within 15 days after the revocation.

Sec. 3:63. Grandfather clause.

Any currently permitted wild or exotic animal which is housed or kept in St. George prior to this Chapter becoming law, must meet all requirements of this Chapter and be inspected and permitted or denied a permit by the Director within six months of the effective date of the ordinance from which this Chapter is derived. No wild or exotic animal grandfathered in shall be allowed to breed. The grandfather permit shall expire after the animal dies, is sold, or is transferred out of St. George.

Sec. 3:64. Wildlife and exotics in transit.

- (a) No nonresident person of St. George may bring any wild or exotic animal into St. George or travel with any wild or exotic animal in St. George, without obtaining a permit from the Director, before entering St. George. To obtain a permit to enter or travel with any wild or exotic animal, such nonresident shall notify or submit an application to the Director, which shall describe the number and species of animals, anticipated itinerary, and purposes for bringing the animal or animals into St. George. The Director may issue the permit provided that the applicant can demonstrate, in advance, compliance with the minimum care standards. The permit shall be valid for no more than 30 days and may not be renewed.
- (b) This section shall not apply to:
 - (1) Common carriers.
 - (2) Animal suppliers transporting wildlife or exotics to zoos.
 - (3) Animal suppliers to institutes of higher education.
 - (4) Local, state or federal agencies.
 - (5) Other individuals or groups granted a waiver by the Director for good cause shown.
 - (6) Nonresidents traveling with any wildlife or exotic animal which shall be in St. George not more than 72 hours, provided that such wild or exotic animal is not employed for or

involved directly or indirectly in any exhibition or commercial purpose in conflict with this Chapter.

- (7) Circuses meeting minimum humane standards.
- (8) Zoos meeting minimum humane standards.

Sec. 3:65. Contingency plan.

All owners shall have a written contingency plan for animal escape and retrieval and shall notify the East Baton Rouge Sheriff's Department and Center immediately if an escape occurs. A copy of the written contingency plan shall be submitted to the Center before a permit can be issued.

Sec. 3:66. Wildlife or exotic escapes and impoundments.

- (a) In the event a wild or exotic animal escapes from the custody of the owner and/or possessor, the owner and/or possessor, as the case may be, shall, upon conviction by a court of competent jurisdiction, be deemed guilty of a misdemeanor and shall be fined and/or imprisoned, in the discretion of the court, according to the provisions of the schedule of subsection (b) of this section.
- (b) The fine and imprisonment schedule for conviction of violations of subsection (a) of this section shall be as follows:
 - (1) *First offense within a one-year period.*
 - a. Fine: \$100.
 - b. Term of imprisonment: 10 days.
 - (2) *Second offense within a one-year period.*
 - a. Fine: \$200.
 - b. Term of imprisonment: 30 days.
 - (3) *Third offense within a one-year period.*
 - a. Fine: \$300.
 - b. Term of imprisonment: 60 days.

Sec. 3:67. Wild or exotic bite cases.

- (a) For the purpose of this section, the term "bite" means the breaking of the skin of a human being by a wild or exotic animal.
- (b) Any wild or exotic animal, provoked or unprovoked, that bites a human shall be disposed of as follows:
 - (1) The animal shall be euthanized and the head sent off for rabies testing.
 - (2) The Center shall deliver said wild or exotic animal head to the appropriate authority for testing.
 - (3) Wild or exotic animals that are found dead and that have bitten a human shall be impounded and their head shall be sent for testing to the parish health officer or other testing agency.
- (c) Exception. The Center may consider a six-month to one-year rabies quarantine period for rare, endangered or threatened or other exotic or wild animals if the following criteria are fully met.
 - (1) A letter is received from a licensed veterinarian requesting observation rather than euthanasia.

- (2) The victim agrees to the observation of the animal rather than euthanasia. Parents or legal guardians may act on behalf of minors.
 - (3) The owner and/or possessor shall agree to indemnify and hold harmless the Center and St. George, its officers and agents.
 - (4) The animal was bred and raised in captivity.
 - (5) The animal was licensed according to all federal, state or local laws.
 - (6) The six-month holding period shall be considered a minimum time period.
 - (7) After the observation period, a licensed veterinarian can release the animal and the Center will be notified, in writing, thereof.
 - (8) Animals shall be quarantined under conditions as required by the Center and the veterinarian involved.
- (d) Other mammal bite cases. For any other animal bite cases, the Center may recommend those standards that are advised by the NASPHV Compendium of Animal Rabies Control.

Sec. 3:68. Liability insurance for wild or exotic animals.

The owner or keeper shall present to the Director proof the owner or keeper has procured liability insurance in the amount of at least \$500,000, covering any damage or injury which may be caused by such animal during the 12-month period for which licensing is sought, which policy shall contain a provision requiring St. George to be named as an additional insured and St. George shall be notified by the owner or keeper of any cancellation, termination or expiration of the liability insurance policy.

Sec. 3:69. Poisonous or venomoid snakes.

- (a) The sale, possession or ownership of poisonous snakes in St. George, except by an institution of higher education, zoos or governmental agencies, is prohibited.
- (b) The sale, possession or ownership of venomoid snakes in St. George, except by an institution of higher education, zoos or governmental agencies, is prohibited.

Sec. 3:70. Penalties.

- (a) Except as provided in section 3:66, any person who violates any provisions of the sections of this Chapter or who shall hinder or molest or interfere with any officer or agent of the Center in the performance of any duty provided for by this Chapter shall, upon conviction by a court of competent jurisdiction, be deemed guilty of a misdemeanor and may be fined any amount up to \$500.
- (b) The Center, or its agents, may enforce any provision of this Chapter by instituting a suit for injunctive relief and use of summary process, including all temporary restraining orders permitted by law.
- (c) Any wild or exotic animal owned, possessed or in the custody of any person so convicted shall be forfeited to the Center. Every violation of this Chapter and/or any regulations promulgated thereunder shall be considered a separate offense.

Secs. 3:71—3:86. Reserved.

CHAPTER 4. PROTECTION OF BIRDS

Sec. 3:87. City of St. George designated bird sanctuary.

The area embraced within the corporate limits of St. George as they now exist, or may hereafter be amended from time to time, is hereby designated as a bird sanctuary.

Sec. 3:88. Trapping, hunting, shooting, molesting of birds prohibited, exception.

Within the corporate limits of St. George it shall be unlawful to trap, hunt, shoot or molest in any manner any bird or wildfowl or to rob bird nests or wildfowl nests. Exceptions include the following:

(1) If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the health authorities of St. George and the Director, such health authorities and Director shall have the right to order the destruction of the birds in such numbers and in such manner as may be deemed advisable for the purpose of abating such nuisance.

(2) If the state department of wildlife and fisheries issues a scientific collecting permit, a permittee may collect, capture, and possess the types and number of organisms as indicated by the permit. The permittee is further limited to the method of collection, collection area, purpose of collection, specimen storage, and personnel, as indicated on the permit.

This section shall not apply to the trapping or recapturing of an owned or permitted bird.

Sec. 3:89. Penalty.

Any person who violates any provisions of the sections of this Chapter shall, upon conviction by a court of competent jurisdiction be fined up to \$500.

Secs. 3:90—3:105. Reserved.

CHAPTER 5. ANIMAL CRUELTY

Sec. 3:106. Definitions.

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

Adequate collars, etc. means that collars, harnesses, halters and the like shall be monitored so as to ensure proper fit and prevent discomfort or injury.

Adequate grooming, hoof care, etc. means that animals shall be groomed in such a manner as to maintain health. Animals shall be provided with hair, hoof, claw, nail, tooth and beak care as appropriate and as necessary to maintain health and comfort.

Dogs on tethers; improper confinement means:

- (1) The continuous maintenance of a dog on a chain, rope or other kind of tether is abnormally restrictive and stressful and often results in health and temperament problems. In most cases such long-term confinement will cause the dog to suffer unnecessarily.
- (2) However, tethering may be acceptable in cases where adequate daily socialization and exercise are allowed.
- (3) If a dog is confined on a tether, the tether shall be positioned to prevent tangling and hanging. The tethered dog shall wear a properly fitted harness or buckle-type collar. A properly installed and positioned running line is preferable to a stationary tether.
- (4) No other animals shall be tethered unless under the supervision of a custodian capable of handling the animal, and the animal is not a threat to public safety and health concerns.

Proper caging of dogs and cats means:

- (1) Cage confinement of dogs and cats is abnormally restrictive and stressful and is only acceptable for temporary confinement. Dogs and cats should not be caged except upon veterinary advice, transport, or for other professionally accepted practices.
- (2) Dogs kept in cages for the above reasons shall be removed from them and exercised a minimum of twice a day; once in the morning and once in the afternoon.
- (3) Dogs in cages shall be monitored as necessary to keep the cage free of urine and fecal matter.
- (4) Cats confined in cages must be provided with litter pans and litter material. Litter pans shall be cleaned and litter materials changes as necessary to prevent odor and accumulation of urine and fecal matter.

Proper caging of small mammals means caging for small mammals and rodents, such as guinea pigs, rabbits, and hamsters, shall be of a size sufficient to permit foraging activities, contain a place to burrow or nest, and space necessary for the animal to exercise.

Proper confinement of dogs in pens means:

- (1) The size of the pens is determined by the size and number of dogs housed therein. Dogs housed together must be socially compatible. It is recommended that no more than four compatible dogs be housed in a single pen.
- (2) Minimum space for dogs in pens shall be same as pen requirements of this Chapter.

Proper food means:

- (1) Food should be wholesome, palatable, and free from contamination. Food shall be provided in sufficient quantity and be of adequate nutritive value to maintain all animals in good health.
- (2) The diet shall be prepared with consideration of the age, species, condition, size and type of animal.
- (3) Animals should be fed at least once a day except as dictated by veterinary advice or other professionally accepted practices for the safety and well-being of the animal.
- (4) All food receptacles shall be kept clean and sanitary. Receptacles used to store food shall be kept covered.
- (5) If more than one animal is fed at one time or in one place, it shall be the responsibility of the owner/custodian to ensure that each animal receives enough food.

Proper light means:

- (1) All animals shall have at least eight hours of light a day, except as directed by hibernation, veterinarian advice or professionally accepted practices for the safety and well-being of the animal.
- (2) Lighting of primary enclosures shall be designed to protect animals from excessive illumination. The duration of illumination shall be appropriate for the species involved.

Proper shelter means:

- (1) *Indoor.*
 - a. Facilities shall be sufficiently regulated by heating and cooling, if necessary, to protect animals from extremes of temperature and to provide for their health and well-being. Temperature shall not be below 50 degrees Fahrenheit.
 - b. The ambient temperature shall not be allowed to fall below or rise above temperatures compatible with the health and well-being of the animal.
 - c. Facilities shall be adequately ventilated by natural or mechanical means to provide for the health and well-being of the animal at all times. Such facilities shall be provided with fresh air by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.
- (2) *Outdoor.*
 - a. All animals kept outdoors shall have access to shelter that provides protection from the weather, i.e., wind, precipitation, or other inclement weather conditions.
 - b. Shelter shall be well constructed and appropriate for the species. Consideration shall be given to the animal's age, physical condition, and hair coat when determining whether or not available shelter is proper.
 - c. All animals shall have access to shade from the sun during hot weather.
- (3) *Proper outdoor shelter for dogs.*
 - a. The shelter for a dog shall have a roof, enclosed sides, a doorway, and a solid, level floor.
 - b. If there are no artificial heat sources, structures shall be small enough to permit normal postural adjustments.

Proper space means:

- (1) All animals shall be able to stand to their full height, stretch out, turn around, lie down and make normal postural adjustments comfortably.
- (2) Animals shall be allowed to exercise and have freedom of movement as necessary to reduce stress and maintain good physical condition. Space and provisions for exercise must be appropriate for the species and sufficient to meet the needs of the animal.
- (3) Space available to the animal must be useable, i.e., maintained in a safe and healthful manner and be free of standing water, accumulated waste and debris.

Proper veterinary care means:

- (1) *Emergency treatment.*
 - a. An animal shall be afforded veterinary care if known or suspected to have suffered an injury, accidental or deliberate, and exhibits such signs as shock, swelling, broken bones, open wounds, blistering, partial or total paralysis, bleeding, or other such signs.

- b. Animals who are debilitated and weakened or those exhibiting symptoms of bloat or other life-threatening illnesses, symptoms such as persistent vomiting or diarrhea, should be afforded veterinary care.
- (2) *Treatment within 48 hours.* An animal who has exhibited signs of severe parasitic infestation or disease such as infection, discharge, weight loss, abnormal skin condition or hair loss, tremors, inability to bear weight on a limb or lameness, or any other such sign over a period of 48 hours or more should be afforded veterinary care within the next 48 hours. This does not apply to conditions that are chronic or permanent and that have previously been diagnosed and treated or are under veterinary care.

Proper water means:

- (1) Clean, drinkable water available at all times for all animals.
- (2) Exceptions shall be determined by veterinary consultation or professionally accepted practices for the safety and well-being of the animal.
- (3) Animals who are being worked or are in transport shall be provided water as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size and type of animal. Activity levels and climatic conditions must also be considered.
- (4) All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal, and be positioned or affixed to prevent spills.

Unnecessary suffering means: Situations that expose an animal to prolonged:

- (1) Fear.
- (2) Injury.
- (3) Pain.
- (4) Physical abuse.

Sec. 3:107. Cruelty to animals.

- (a) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of cruelty to animals:
 - (1) Overdrives, overloads, drives when overloaded, or overworks a living animal.
 - (2) Tortures, torments, cruelly beats or unjustifiably injures, causes unnecessary suffering, maims, mutilates, or kills any living animal whether belonging to himself or another.
 - (3) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper water, proper shelter, proper veterinary care, proper space, proper light, proper confinement, adequate grooming and care and adequate collars.
 - (4) Abandons any animal.
 - (5) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.
 - (6) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.

- (7) Kills or injures any animal belonging to another person without lawful authority of consent of the owner.
Exception: If a person is being actively attacked by an animal, they may kill such animal as a means of self-defense.
 - (8) Mistreating any living animal by any act or omission whereby unnecessary suffering or unjustifiable physical pain, suffering, or death is caused or permitted upon the animal.
 - (9) Causes or procures to be done by any person any act enumerated in this section.
 - (10) Fights, causes or allows to fight any animal or procures to fight, or is a spectator or on-looks at a fight any animal as defined, including birds and/or other fowl.
- (b) This section shall not apply to the lawful hunting or trapping of wildlife as provided by law, accepted veterinary practices, accepted livestock and poultry production practices, and activities carried on for scientific or medical research governed by accepted standards. Steel leg hold traps are banned in recognized subdivisions in St. George, except if permitted by the Center, to remove dangerous or nuisance animals and permits are current from any other pertinent agency.

Sec. 3:108. Seizure and disposition of animal cruelly treated.

- (a) When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer and held pending final disposition of the charge. The seizing officer shall appoint a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal for the purpose of evidence upon the trial, subject to order of the court. All costs incurred in boarding and treatment for 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 court may order that such 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.
- (b) Upon a person's conviction of cruelty to animals, it shall be proper for the court, in its discretion, to order the forfeiture and final determination of the custody of any animal found to be cruelly treated as part of the sentence.
- (c) In the event of the acquittal or final discharge of the case without conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof.

Sec. 3:109. Search warrant; animal cruelty offenses.

If the complaint is made, by affidavit, to any judge authorized to issue search warrants in criminal cases, that the complainant has reason to believe that an animal has been or is being cruelly treated in violation, in any building or place, such judge, if satisfied that there is reasonable cause for such belief, shall issue a search warrant to any law enforcement officer authorized by law to make arrests for such offenses, authorizing any such officer to make a search of said building or place, and to arrest any person found in violation of this Chapter. Said warrant may also authorize said officer to seize any animal believed to be cruelly treated and to take custody thereof. This section shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence at the time of the arrest.

Sec. 3:110. Confined animals; necessary food and water.

- (a) When a living animal is impounded or confined and continues without necessary food and water or proper veterinary care for more than 24 consecutive hours, any law enforcement officer may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food and water, so long as it shall remain impounded or confined.
- (b) If the owner or keeper of said animal does not respond within 24 hours to official notification by the Center relative to the animal's abandonment or conditions, the Center shall then seize the animal for six days. If the animal is not claimed within six days, it is then considered abandoned and forfeited to the Center and shall be disposed of accordingly.

Sec. 3:111. Penalties.

- (a) Any person who violates any provisions of the sections of this Chapter or who shall hinder or molest or interfere with any officer or agent of the Center in the performance of any duty provided for by this Chapter shall, upon conviction by a court of competent jurisdiction, be deemed guilty of a misdemeanor and may be fined any amount up to \$500 or imprisoned for not more than 180 days, or both fined and imprisoned, in the discretion of the court.
- (b) The Center, or its agents, may enforce any provision of this Chapter by instituting a suit for injunctive relief and use of summary process, including all temporary restraining orders permitted by law.

Secs. 3:112—3:127. Reserved.

CHAPTER 6. SEIZED ANIMALS

Sec. 3:128. Disposition of seized animals.

- (a) An animal, except dogs and cats, taken into custody by the Center pursuant to this Chapter may be humanely disposed of at the discretion of the Center seven days after the animal is taken into custody.
- (b) A person claiming an interest in an animal taken in custody by the Center may prevent disposition of the animal by posting a bond or security in an amount sufficient to provide for the animal's care and keeping for at least 30 days, inclusive of the date on which the animal was taken into custody. Even if a bond or security is posted, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses of care and keeping are covered by the bond or security, unless there is a court order prohibiting the disposition. The order must provide for a bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping or disposal of the animal.
- (c) The Center shall give notice of this section by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person on the property where the animal is taken into custody.

Section 2. Severability.

If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

This Ordinance having been submitted to a vote, the vote thereon was:

For: Cook, Edmonds, Himmel, Monachello
Against: None
Absent: Ryan Heck


Adopted this 23rd day of July, 2024.

Signed this 25th day of July, 2024.

Delivered to Mayor on the 25th day of July, 2024:


Lorraine Beaman, City Clerk

Approved:


Dustin Yates, Mayor

Received from Mayor on the 25th day of July, 2024:


Lorraine Beaman, City Clerk

Adopted Ordinance published in *The Advocate* in the 10th day of August, 2024.