

**IBERVILLE PARISH COUNCIL MINUTES
PUBLIC HEARING, TUESDAY, AUGUST 15, 2017
PROPOSED ORDINANCES**

The Parish Council of Iberville Parish, State of Louisiana, held a Public Hearing in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, on the 15th day of August, 2017 at 6:00 P.M. pursuant to a Notice of Public Hearing published on the 10th day of August, 2017 in the Post South.

The Council Chairman, Matthew H. Jewell, called the hearing to order at 6:00 p.m. followed by the roll call with the following Council Members in attendance: Warren Taylor, District 1; Mitchel J. Ourso, Sr.; District 2; Steve C. Smith, District 5; Ty J. Arnold, District 7; Hunter S. Markins, District 8; Louis R. Kelley, Jr., District 10; Timothy J. Vallet, District 11; Matthew H. Jewell, District 12; Bart B. Morgan, District 13.

Absent: Thomas E. Dominique, Sr., District 3; Leonard Jackson, Sr., District 4; Courtney P. Lewis, District 6; Terry J. Bradford, District 9.

A quorum was present and due notice had been given. Mr. Edward Songy, CAO was also in attendance.

Mr. Songy read the following ordinances in entirety.

ORDINANCE 1 Ordinance to donate an adjudicated parcel to the City of St. Gabriel

The floor was opened to comments and questions. There was no opposition to this ordinance.

ORDINANCE 2 Ordinance to adopt the millage rates for the tax year 2017

The floor was opened to comments and questions. There was no opposition to this ordinance.

ORDINANCE 3 Ordinance whereby the Iberville Parish Council formally expresses intent to acquire full ownership of the tax adjudicated property described below pursuant to the terms of Ordinance #002-13

The floor was opened to comments and questions. There was no opposition to this ordinance.

ORDINANCE 4 Ordinance to adopt the revised ordinance for Iberville Parish Animal Control, Animal Shelter including domestic animals, livestock and wild animals

The floor was opened to comments and questions. There was no opposition to this ordinance.

There being no further business to be conducted, the hearing was adjourned at 6:08 p.m.

/s/ KIRSHA D. BARKER
COUNCIL CLERK

/s/ MATTHEW H. JEWELL
COUNCIL CHAIRMAN

**IBERVILLE PARISH COUNCIL MINUTES
REGULAR MEETING, TUESDAY, AUGUST 15, 2017**

The Parish Council of Iberville Parish, State of Louisiana, met in Regular Session, in the Council Meeting Room, 2nd Floor, Courthouse Building, 58050 Meriam Street, Plaquemine, Louisiana, on the 15th day of August, 2017.

The Council Chairman, Matthew H. Jewell, called the meeting to order at 6:30 p.m. followed by the roll call with the following Council Members in attendance: Warren Taylor, District 1; Mitchel J. Ourso, Sr.; District 2; Leonard Jackson, Sr., District 4; Steve C. Smith, District 5; Courtney P. Lewis, District 6; Ty J. Arnold, District 7; Hunter S. Markins, District 8; Terry J. Bradford, District 9; Louis R. Kelley, Jr., District 10; Timothy J. Vallet, District 11; Matthew H. Jewell, District 12; Bart B. Morgan, District 13.

Absent: Thomas E. Dominique, Sr., District 3.

Chief Administrative Officer- Edward Songy was also in attendance.

A quorum was present and due notice had been published in the official journal on the 10th day of August, 2017. The Pledge of Allegiance followed.

Council Chairman Jewell called for anyone wanting to make public comments to register with the Clerk. No one registered to speak.

PRESENTATIONS AND APPEARANCES

A) Plaque for outgoing Councilwoman Anne M. Reeves of District No. 5

- A plaque was presented by Chairman Jewell and Vice Chairman Taylor to outgoing Councilwoman Anne M. Reeves. A picture was taken for the newspaper.
- Outgoing member Mrs. Anne M. Reeves of District No. 5 thanked President Ourso, Staff, and the entire Parish Council for their support during her term. She expressed heartfelt gratitude for the opportunity to serve District No. 5.
- The Parish Council members took turns thanking Mrs. Anne Reeves for her service.

B) Swearing In Ceremony of Honorable Steve Smith for District No. 5

- Honorable Steve Smith of District No. 5 along with his family was sworn in before the Council. A picture was taken for the newspaper.
- Councilman Smith took his seat amongst the Council.

C) Presentation by Republic Services/BFI, Inc. to Parish Council

- CAO, Edward Songy stated in August of 2014 the Parish entered into a garbage contract with Progressive Wastes Solutions of Louisiana. A few weeks ago, Progressive Wastes informed the Parish they will transfer their contract over to Republic Services on September 1, 2017 and all services will remain the same.
- Ms. Karla Swacker, the Director of Municipal Services of Republic Services, formally known as BFI. Ms. Swacker stated she previously worked with the Parish when BFI was their garbage collector years ago. She introduced several other Republic Services Managers.
- General Manager, Ms. Sharon Mann came before the Council to answer their questions and hear their concerns.
- Business cards were handed out to the Parish Council.

ADDENDUM

Upon a motion by Councilman Kelley, and seconded by the Council, it was moved to go into addendum. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.
ABSTAIN: None.
ABSENT: Dominique.

The motion was declared adopted by the Chairman.

A) Presentation by Mr. Robert Marionneaux, Jr. concerning the Free Trade Zone

- Mr. Robert Marionneaux, Jr. came before the Council to speak as the Director of Governmental Affairs and Outreach for the Port Commission of Greater Baton Rouge. Mr. Marionneaux stated they are here tonight to get the blessing of the Council for a Foreign Trade Zone. Mr. Marionneaux summarized the history of the Port of the Greater Baton Rouge.
- Mr. Jay Hardman, the Executive Director of the Port of Greater Baton Rouge came before the Council to speak about the Foreign Trade Zone. Mr. Hardman summarized the history of Foreign Trade Zones.

Upon a motion by Councilwoman Lewis, and seconded by Councilman Taylor, it was moved to go out of addendum. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.
NAYS: None.
ABSTAIN: None.
ABSENT: Dominique.

The motion was declared adopted by the Chairman.

APPROVAL OF MINUTES

Upon a motion by Councilman Taylor, and seconded by Councilman Jackson, it was moved to wave the reading of the minutes of July 18, 2017 and approve as written. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.
NAYS: None.
ABSTAIN: None.
ABSENT: Dominique.

The motion was declared adopted by the Chairman.

PRESIDENT'S REPORT

CAO, Edward Songy gave the President's Report in President Ourso's absence.

- Mr. Songy thanked outgoing Council member Mrs. Anne M. Reeves for her service, and he congratulated newly elected Councilman Steve Smith.
- The Alligator Bayou Floodgate bids were opened last week, and the lowest bid was \$2,116,987.00 by Wharton-Smith, Inc. Under this contract the floodgate structure will be replaced with three new floodgates. The project time is expected to last 310 days. Manchac Consulting Group Incorporated will be the engineers for this project.
- The bids were received for the aqua damn storage facility that will be located in East Iberville. The lowest bid for this project was \$289,200 to Charles Carter Construction.
- The bid for the Iron Farm Drainage Improvement Project was awarded to L. King Enterprises for \$505,000.
- On August 23, 2017 at 9:00 a.m., the Parish President will meet with Paul Sawyer, representing Congressman Garret Graves' office and Michael Eby, representing Senator Bill Cassidy's office to discuss erosion along the Gulf Intracoastal Waterway.
- The Environmental Protection Agency recently visited the Bayou Sorrell area.
- The Courthouse's parapet project is underway. A copy of the project's report by Fox-Nesbit Engineering, LCC was presented to the Council.

- The abatement project has begun in the Sheriff's Office and the Assessor's Office. Both offices have been relocated to the old EOC/ 9-11 building for the next two months.
- A pre-construction meeting was held on the HVAC system at the Iberville Parish Jail. This project will cost \$757,000 and will begin on August 21, 2017. The project is expected to be completed by October 17, 2017. All Parish jail inmates will be removed.

CHAMBER OF COMMERCE REPORT

Mr. Hank Grace stated the State of Louisiana has an ongoing certified site program. The sites can undergo a rigorous inspection to make it development ready. The site information is gathered and documented by the State. The State certified sites are more competitive and granted priority in site proposals. Iberville Parish currently has 5 certified sites.

FINANCIAL REPORT

Mr. Randall Dunn came before the Council to speak. He stated he was impressed with Mrs. Anne Reeves' involvement during her short term on the Council. He also congratulated Councilman Steve Smith, and let him know if he had any Finance questions to please give him a call.

OLD BUSINESS

ORDINANCE TO DONATE ADJUDICATED PROPERTY TO THE CITY OF ST. GABRIEL PURSUANT TO THE TERMS OF ORDINANCE # 002-13

WHEREAS the Parish of Iberville has an interest in the health, safety and welfare of its citizens;

WHEREAS the Parish of Iberville acquired tax title to the property listed below via a tax sale certificate recorded at CB 636, E 187, on June 11, 2012;

WHEREAS the property listed below has been adjudicated to the Parish of Iberville for more than five (5) years;

WHEREAS this donation shall be made pursuant to the terms of Ordinance # 002-13 and in accordance with Louisiana Constitution Article VII, § 14;

- 1.) Parcel # 0510664750
Tax debtor: Beatrice Johnson Wilson
Location of property: Morris Street
Donation to: City of St. Gabriel
Suggested price: \$1,300.00
Brief Legal Description: LOT SEC.83,T9SR1E(13) FRT MORRIS LANE
REAR FRANCOIS, S WILLIAMS, N DORSETT. 59'X54.8'X67.9'X67.3'
///CB 478 E 102

BE IT ORDAINED that the property described above is declared to be surplus.

BE IT FURTHER ORDAINED that the property described above shall be donated to the City of St. Gabriel in accordance with the terms of Ordinance # 002-13 and the Iberville Parish Adjudicated Property Program as administered by the Parish Administrator.

BE IT FURTHER ORDAINED that the donation of this property to the City of St. Gabriel is needed for a public purpose as the City of St. Gabriel intends to build a municipal park on this property.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED should any part of this ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said ordinance shall remain in full force and effect.

NOW, THEREFORE BE IT ORDAINED by the Iberville Parish Council, in regular session convened on the date set forth below, that the Iberville Parish Council adopts this Ordinance for the purpose of donating adjudicated property to the City of St. Gabriel.

This ordinance shall become effective on this the 15th day of August, 2017.

The foregoing ordinance which was previously introduced at the meeting of the Iberville Parish Council on July 18, 2017 and a summary thereof having been published in the official journal on July 13, 2017, the public hearing on this ordinance held on the 15th day of August, 2017, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Taylor, and seconded by Councilman Kelley, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: Dominique.

The ordinance was declared adopted by the Chairman on the 15th day of August, 2017.

ORDINANCE IPC# 011-17

**ORDINANCE TO ADOPT THE MILLAGE RATES
FOR THE TAX YEAR 2017**

BE IT ORDAINED by the Iberville Parish Council, Louisiana, in an open meeting held on August 15, 2017 and conducted in accordance with the open meetings law, the provisions of Article VII, Section 23(B) and (C) of the 1974 Constitution and LSA-R.S. 47:1705(b)(1) and (2) that the following millage rates be and hereby are levied upon the dollar of the assessed valuation of all property subject to ad valorem taxation within Iberville Parish for the year 2017 for the purpose of raising revenues and appropriating to the respective funds:

	<u>MILLAGE</u>
General Alimony (LLA MN 1042007)	2.49 mills
General Alimony within the City of Plaquemine, City of St. Gabriel, Town of White Castle, and the Town of Maringouin (Exempted Municipalities per Article 6, Section 26 (C) or (D) of the 1974 Constitution of the State of Louisiana.) (LLA MN 1042008)	1.24 mills
Fire District No. 2 (LLA MN 1042020)	6.78 mills
Public Building Maintenance (LLA MN 1042036)	3.00 mills
Parish Wide Drainage (LLA MN 1042012)	5.00 mills
Library Maintenance Fund (LLA MN 1042011)	4.00 mills
Fire District No. 1 (LLA MN 1042021)	3.95 mills

SECTION 2. Be It Further Ordained by the Iberville Parish Council, Louisiana that the method of collections of said taxes, the time of its delinquency, penalties and other matters relating thereto, shall be as now provided by the law for the collection of State Taxes.

SECTION 3. Be it Further Ordained by the Iberville Parish Council, Louisiana that all ordinances or parts of ordinances in conflict with this ordinance herewith be and the same hereby are specifically repealed.

SECTION 4. Be It Further Ordained that the Assessor of the Parish of Iberville shall extend upon the assessment roll for the year 2017 taxes herein levied, and the tax collector of Iberville Parish shall collect and remit the same to the Iberville Parish Council in accordance with law.

The foregoing ordinance which was previously introduced at the meeting of the Iberville Parish Council on July 18, 2017 and a summary thereof having been published in the official journal on July 13, 2017, the public hearing on this ordinance held on the 15th day of August, 2017, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Taylor, and seconded by Councilman Kelley, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: Dominique.

The ordinance was declared adopted by the Chairman on the 15th day of August, 2017.

ORDINANCE IPC# 012-17

ORDINANCE WHEREBY THE IBERVILLE PARISH COUNCIL FORMALLY EXPRESSES INTENT TO ACQUIRE FULL OWNERSHIP OF THE TAX ADJUDICATED PROPERTY DESCRIBED BELOW PURSUANT TO THE TERMS OF ORDINANCE # 002-13

WHEREAS the Parish of Iberville has an interest in the health, safety and welfare of its citizens in regard to adjudicated properties within the Parish of Iberville;

WHEREAS the Parish of Iberville acquired tax title to the property listed below via a tax sale certificate recorded at CB 626, E 261, on June 14, 2011;

WHEREAS the property listed below has been adjudicated to the Parish of Iberville for more than five (5) years;

WHEREAS this acquisition shall be made pursuant to the terms of Ordinance # 002-13 and in accordance with Louisiana Constitution Article VII, § 14, and any other applicable laws;

WHEREAS, the Iberville Parish Council may, in addition to the methods outlined above, utilize any procedure available to it by law according to Chapter Five of Subtitle III of Title 47 to clear the title to the tax adjudicated property listed herein and to obtain full ownership of said property.

- 2.) Parcel # 0300491651
Tax debtor: Joseph Hankston, Jr.
Location of property: Dupont St.
Brief Legal Description: Lot Fr Alley, E Emde, R Posner, W Hirsch.
25'x84'6" Sec 14 T9SR12E /// CB 534 E 46

BE IT ORDAINED that the property described above is declared to be surplus and the acquisition of said property is necessary for a public purpose.

BE IT FURTHER ORDAINED that the Iberville Parish Council shall obtain full ownership of the property described above in accordance with the terms of Ordinance # 002-13.

BE IT FURTHER ORDAINED that the Iberville Parish Council intends to utilize this property to provide additional parking in the future for the Iberville Parish Courthouse.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED should any part of this ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said ordinance shall remain in full force and effect.

NOW, THEREFORE BE IT ORDAINED by the Iberville Parish Council, in regular session convened on the date set forth below, that the Iberville Parish Council adopts this Ordinance for the purpose of acquiring full ownership of the above described property that has been adjudicated to the Parish of Iberville, for non-payment of taxes.

This ordinance shall become effective on this the 15th day of August, 2017.

The foregoing ordinance which was previously introduced at the meeting of the Iberville Parish Council on July 18, 2017 and a summary thereof having been published in the official journal on July 13, 2017, the public hearing on this ordinance held on the 15th day of August, 2017, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Taylor, and seconded by Councilman Kelley, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: Dominique.

The ordinance was declared adopted by the Chairman on the 15th day of August, 2017.

ORDINANCE IPC# 013-17

ORDINANCE TO ADOPT THE REVISED ORDINANCE FOR IBERVILLE PARISH ANIMAL CONTROL, ANIMAL SHELTER INCLUDING DOMESTIC ANIMALS, LIVESTOCK AND WILD ANIMALS

WHEREAS, the Parish of Iberville has an interest in providing appropriate regulations pertaining to animals within Iberville Parish and the keeping of animals within Iberville Parish;

WHEREAS, the regulations pertaining to animal control and the Iberville Parish Animal Shelter protects the quality of life of the residents of Iberville Parish;

WHEREAS, a revised animal control and animal shelter ordinance is now necessary to provide for the effective and efficient control of animals within Iberville parish;

WHEREAS, the following ordinance shall be adopted to revise Chapter 3 of the Iberville Parish Ordinances as follows:

NOW, THEREFORE BE IT ORDAINED BY THE IBERVILLE PARISH COUNCIL that Chapter 3 of the Iberville Parish Ordinances pertaining to Animals and Fowl be revised in its entirety as follows:

Chapter 3 – ANIMAL SHELTER AND CONTROL

ARTICLE I. - IN GENERAL

Sec. 3-1. - Applicability.

This chapter shall be effective in and apply within the parish, outside the boundaries of incorporated municipalities and within the boundaries of any incorporated municipalities which pass ordinances or otherwise adopt the provisions of this chapter and shall hereinafter be referred to as "The Iberville Parish Animal Shelter and Control Ordinance."

Sec. 3-2. - 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:

Abandoned means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter for a period of 24 hours.

Animal means any living vertebrate creature except human beings, including, but not limited to, mammals, birds, fowl, reptiles and fish, except when referring specifically to the control of rabies where the meaning of the term "animal" shall be limited to mammals, domestic and wild.

Animal establishment means a facility operated as a pet shop, grooming shop, commercial kennel, commercial livery stable, permanent or transient zoo, circus or performing animal act, or for the boarding of dogs and cats or the training of dogs for any purpose. Animal shelters operated by public authorities and veterinary medical facilities are exempt from this definition.

At-large stray means any animal that is not within the confines of a home or under authorization of the owner thereof, in a pen or cage, on a leash or in the physical possession of the owner or the owner's agent. Hunting or stock dogs, and show dogs and cats or other animals, while being worked or shown under the supervision of their owners or the agents or employees of said owners, are exempt from this definition.

Bite means the breaking of the skin of a human being by an animal's teeth, mouth, claws or beak.

Breeder means any person who breeds a female dog or cat for the purpose of obtaining a monetary gain from the sale of any portion of the litter produced.

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

Cat means any member of the Felidae (feline) family.

Circus means a commercial variety show featuring animal acts for public entertainment.

Collar means a band, choke chain, harness, or other device worn around the neck of an animal in a humane way to which a vaccination tag may be affixed.

Commercial kennel means any person, partnership, or corporation 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 or cats for compensation, or operation of a guard dog service. Animal hospitals operated by licensed veterinarians as a part of the practice of veterinary medicine, shelters operated by public authorities, and tax-exempt humane organizations shall not be considered commercial kennels.

Commercial livery stable means any establishment where one or more horses are let for hire to be ridden or driven, or where one or more horses are boarded for a fee.

Cruelly-ill treat means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.

Dangerous dog means any dog that when unprovoked, shall be deemed a dangerous dog if it:

(1) on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner of the dog; or

(2) bites a person causing an injury; or

(3) on two separate occasions within the prior thirty-six-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the dog.

(4) The director and/or his agents shall make all determinations that a dog is a dangerous dog.

Dealer means any person, not a public entity, who, as a business, sells, exchanges, or donates or offers to sell, exchange, or donate animals to any person.

Department means the department of Iberville Parish Animal Shelter and Control, sometimes referred to herein as the "Iberville Parish Animal Shelter" or "IPAS".

Director means that person designated by the Parish President or his agent as responsible for the administration of the parish animal services, and, except where clearly limited by the context, shall include duly-appointed officers and others duly authorized and acting under the authority of the director.

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

Dwelling means the house or other structure in which one or more persons live. For determining the maximum number of dogs, only one dwelling per subdivided lot will be used to establish the number of dogs permitted.

Electronic fence means a fence that controls the movement of a dog by emitting an electrical shock through an electric collar worn by the dog when the dog nears or crosses the boundary of the property around which the fence is located.

Excessive barking means unprovoked animal noises of such a loudness, intensity and duration as to prevent or interfere with a person's ability to enjoy his property, included, 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.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed, excluding animal shelters.

Guard dog means any dog that is utilized at a commercial establishment or that is used by commercial entity to provide security protection for employees, employers, property, goods and or equipment.

Horse means any horse, pony, donkey, or mule.

Indoor dog means any dog that:

- (1) Lives inside a dwelling.
- (2) Is not left outside unattended.
- (3) Eats and sleeps in a dwelling.

Isolation means the secure, humane confinement of a dog or cat that has been bitten by a known rabid animal so as to prevent such dog or cat from coming in contact with any other animal. Isolation enclosures shall be so constructed and secured that entry will be limited to the owner of the confined dog or cat, with the primary enclosure so located within a secondary enclosure to prevent accessibility to the public.

Noncommercial kennel means a private residence which exceeds the maximum allowable number of dogs in which the director of Iberville Parish Animal Shelter and Control has deemed it appropriate to permit such. The kennel must be in compliance with all applicable local, state and federal laws.

Nuisance by an animal means the damaging, soiling, defiling, urinating or defecating upon, or repeatedly trespassing upon property other than its owner's, excessive barking or other disruptive noises so as to disturb the peace and repose of persons living or working nearby, molesting, threatening, attacking or interfering with persons on private or public property, chasing motor vehicles or bicycles, attacking other domestic animals, or disturbing or turning over garbage or trash containers, or causing unsanitary conditions or odors on or about the premises of its owner by urination or defecation.

Owner means any person who has a right of property in an animal, or who keeps an animal in his care, harbors an animal, acts as custodian for an animal, or who permits an animal to remain on or about his premises.

Pet shop means any person who obtains animals for sale, exchange, or barter, to the general public, or who grooms animals, 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 house, room, pen, run, cage, compartment, or hutch.

Proper food means daily food of sufficient quality and quantity provided for each animal to prevent unnecessary or unjustifiable suffering by the animal.

Proper shelter means adequate shelter provided for each animal from the elements as required, preventing unnecessary or unjustifiable suffering by the animal.

Proper veterinary care means veterinary care provided for each animal sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Proper water means daily water of sufficient quality and quantity provided for each animal to prevent unnecessary or unjustifiable suffering by the animal.

Vaccination against rabies means the injection subcutaneously or otherwise by a licensed veterinarian, or by a person under his supervision, of animal rabies vaccine approved by the state health officer or the director.

Vaccination certificate means a serially numbered certificate on a form approved by the director, and signed by a veterinarian or his representative, stating the name of the owner of the dog or cat to which issued and a description of the dog or cat to which issued, indicating the year for which issued, certifying that such dog or cat was inoculated or vaccinated against rabies, and stating the date thereof.

Vaccination tag means a suitable tag, bearing the same number as the vaccination certificate and indicating the year for which it was issued.

Vicious Animal shall mean an animal having a mean or bad temper or that has demonstrated in overt ways a propensity to bite or attack humans without provocation whether on or off the premises of the owner, not to include law enforcement, seeing eye, or guard dogs who aid the disabled.

Vicious dog means a dog which, when unprovoked, in an aggressive manner, inflicts serious bodily injury on or kills a human being and was previously determined to be a dangerous dog.

Wild or exotic animals shall mean any undomesticated mammal which can normally be found in the wild state including but not limited to any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal, poisonous snake or tarantula which can normally be found in the wild state or any crocodiles, caimans, and gavials. Ferrets, nonpoisonous snakes, rabbits and rodents which have been bred and raised in captivity and which have never known the wild shall be excluded from this definition.

Working days means Mondays through Fridays, excluding legal holidays recognized by the parish council.

Undomesticated shall mean any species not accustomed to living with or in close association to man, and having no proven traditional long-term association with man or society.

Sec. 3-3. - Penalty.

- (a) In this section, the term "violation of this chapter" means:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
 - (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section, the term "violation of this chapter" does not include the failure of a parish government officer or parish government employee to perform an official duty unless this chapter specifically provides that failure to perform the duty is to be punishable as provided in this section.
- (c) The violation of any provision of this chapter, whether by act or omission, where no specific penalty is provided, shall be a misdemeanor punishable by a term of imprisonment of up to 30 days in the parish jail or a fine of up to \$500.00 or both. Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

Sec. 3-4. - Authority and duties of director.

- (a) The director shall administer the department, shall have the authority and duty to enforce the provisions of this chapter, and shall be authorized to represent the parish in all actions resulting from enforcement or attempted enforcement of this chapter.

- (b) The director shall exercise every reasonable care to prevent injury, illness, death, escape, or pilfering of an animal with which he deals in carrying out the provisions of this chapter.

Sec. 3-5. - Keeping of wild, exotic or vicious animals.

- (a) For the purpose of this section, the following shall be designated wild or exotic animals: tigers, lions, cougars, leopards, jaguars, cheetahs, lynx, bobcats, bears, wolves, chimpanzees, gorillas, orangutans, poisonous snakes, komodo dragons, African buffalo, hyenas, coyotes, deer, any crocodylian including, but not limited to, alligators, crocodiles and gavials, any other species of nonhuman primates, raccoons, skunks, squirrels, foxes, ratite birds, hybrid species consisting of wolves, coyotes, or jackals interbred with domestic dogs and ocelots or margays interbred with domestic cats.
- (b) No person shall keep or permit to be kept on his premises any vicious, wild, or exotic animal for display or for exhibition purposes whether gratuitously or for a fee except such animals that were purchased prior to the effective date of Ordinance 3-91 *et seq.*
- (c) No person shall keep or permit to be kept on his premises any wild or exotic animal as a pet as defined in this section.
- (d) No person shall take or possess any wild animal by illegal methods.
- (e) No person may offer for sale a wild or exotic animal as defined in this section.
- (f) Persons following state or federal regulations and holding such permits or licenses shall be exempt from this section. Cruelty and sanitation laws shall apply to all persons holding such permits and licenses.
- (g) Qualified educational institutions, zoological parks, public-operated parks or displays, performing animal exhibitions, circuses, scientific organizations, veterinary clinics, law enforcement and commercial guard dogs shall be exempt from this section.
- (h) Dual violations. Violations of this section shall be dual violations in reference to violations of title 56 of the state department of wildlife and fisheries.

Sec. 3-6. - Hindering, or interfering with officers.

No person shall hinder, or interfere with any officer or agent of the Iberville Parish Animal Shelter and Control department engaged in, or because of, the performance of any duty provided for, directly or indirectly, by this chapter. Any person who violates this section shall be fined not less than \$200.00 nor more than \$500.00, or shall be imprisoned for a term not to exceed 30 days, or both.

Sec. 3-7. - Fees.

- (a) Fees for impounding and boarding, per dog, running at large:

- (1) First offense: \$35.00
- (2) Second offense: \$50.00
- (3) Third offense: \$100.00
- (4) Per day boarding: \$10.00

(Note: The “per day” boarding fee is in addition to the fees listed for a first, second and third offense, whichever is applicable, for impounding an at large dog.)

- (b) Fees for impounding and boarding, per cat, running at large:

- (1) First offense: \$15.00
- (2) Second offense: \$30.00
- (3) Third offense: \$45.00
- (4) Per day boarding: \$10.00

(Note: The “per day” boarding fee is in addition to the fees listed for a first, second and third offense, whichever is applicable, for impounding an at large cat.)

- (c) The owner of an animal which has been impounded for the third time shall surrender the animal to IPAS.

Sec. 3-8. - Enforcement.

- (a) The department 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 and duly appointed animal control officers shall have authority to exercise the following limited police powers:
 - (1) Contact law enforcement to issue citations for the enforcement of this chapter, as well as take action necessary to enforce state statutes regarding animals.
 - (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.
- (c) In enforcing the provisions of this Code, the director or his authorized representatives are authorized to enter private property without warrant to pursue, capture, or otherwise apprehend animals subject to impoundment or restraint under the provisions of this chapter. If an animal enters an uninhabited structure and the officer can safely gain entry in the same manner as the animal, the officer may enter the structure to capture the animal. If the animal enters the structure through an opening such as a window, hole in the wall or like entrance, the structure will be secured and the officer will obtain permission to enter from the owner/tenant or obtain a warrant to enter the structure. If human safety is a legitimate and immediate concern, the officer may enter the uninhabited structure to capture the animal. This authority to enter does not include inhabited structures unless other justifications dictate immediate entry.
- (d) All parish sheriffs, police officers employed by municipalities within the parish, and the parish animal control officers have authority to enforce provisions of this section.
- (e) For any prosecution of a violation of this chapter which results in a conviction, pre-trial diversion, or nolle contendere, there shall be an administrative fee in addition to any other fees. This fee shall be as established by the IPAS from time to time, and shall be dedicated to the operation of the Iberville Parish Animal Shelter and Control Department and shall not be waived.
- (f) The animal control shelter, 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. 3-9 - 3-20. – Reserved.

ARTICLE II. - OWNER AND DEALER RESPONSIBILITIES

Sec. 3-21. - Owner's responsibilities.

Owners of dogs and cats shall be responsible for compliance with the following:

- (a) All dogs and cats, except cats which have been properly vaccinated for rabies, neutered or spayed and properly tagged, except any dog that is being trained for, or being used for the common and accepted practices associated with search and rescue and the legal hunting of game, including birds and animals, and the herding of livestock, shall be kept from running at-large and must be confined. Community cats may be allowed outside so long as the cats do not prove to be a nuisance. The owner of a cat or dog which causes damage to another person's property shall be responsible for that damage. If a dog causes damage to another person's property, the director may classify the dog as dangerous and enforce the guidelines as set forth in this chapter. Failure of the owner to follow the instructions of the director may result in the animal being seized and humanely disposed of by euthanization, placement for adoption or transfer to a rescue facility.
- (b) Owners shall be responsible for practicing a flea and tick program in order to prevent fleas and ticks from becoming a nuisance or infesting the yards of neighboring properties.

- (c) Owners of animals that bite an individual are responsible for notifying IPAS. The duty to notify IPAS shall apply at all times, including holidays, weekends and after normal business hours of IPAS.
- (d) It shall be the responsibility of the owner to confine outside animals in an enclosed area. Animals may be tethered in accordance with the provisions contained in Section 3-25 of this Chapter. The primary enclosure should contain a minimum of 48 square feet (six feet by eight feet) per animal. Outside animals that reside in a neighborhood with fencing restrictions must be kept inside or confined in an outside kennel. The kennel must meet the requirements as set forth in the minimum standards of care for animal shelters contained in this Chapter. Any animal found in violation will be seized. The owner will have five days to correct the discrepancy or the animal will become the property of IPAS. Whether or not the animal is redeemed, the owner will be responsible for all fees. Whoever is found to be guilty of failing to provide the proper enclosure shall be fined not less than \$250.00 nor more than \$500.00 or serve five days in jail.
- (e) The owner of any dog housed outside shall provide a proper shelter which will provide adequate protection from the elements. This includes, but is not limited to, a doghouse, enclosure, or ready access to an already existing structure. In addition, the owner shall provide the dog access to an adequate water supply. The owner shall provide adequate food for the dog and must feed the dog at least once per day. Any fenced or walled enclosure will consist of chain link, wood, brick, vinyl fencing or any other material deemed appropriate by the director of the Iberville Parish Animal Shelter. The barrier will be a minimum of four feet high but at all times will be of a sufficient height to preclude the dog from escaping over the barrier. No fence or wall will have openings greater than two inches in diameter.
- (f) No owner shall tether a dog to a moveable object which the dog must physically move the object in order to move about the enclosure.
- (g) Dogs confined to residential properties by an electronic fence collar are not allowed to be closer than 10 feet to any public sidewalk, public footpath, allies, or streets. The fence shall not be installed closer than 2 feet from an adjacent property. Any dog confined by an electric fence must have a rabies tag attached at all times and be up to date on rabies vaccination. An electronic fence collar may only be used as a secondary means of restraint and not as a replacement for actual fencing material or an enclosure. Any dog confined by an electric fence collar is still considered to be at large. The owner of a dog confined by an electric fence collar shall be responsible for any damage caused by the dog.
- (h) It shall be unlawful for any occupant or owner of a dwelling to keep or allow to be kept outdoors on the premises of any dwelling more than four dogs, except that a litter of pups may be kept for a period of time not exceeding five months from birth. This provision shall not apply to any establishment where dogs are lawfully kept for breeding, sale, sporting purposes or boarding. In a case where the number of dogs exceeds the legal limit, the owner may apply to the director for a noncommercial kennel permit. The director will approve the permit if the following conditions exist:
 - (1.) There is adequate space to house the dogs.
 - (2.) The additional dogs do not create a health risk for the humans or other animals which occupy the residence.
 - (3.) The additional dogs do not degrade the environment for the surrounding residences.
 - (4.) All animals on the property have been properly vaccinated.
 - (5.) There is an adequate tick and flea control program.
 - (6.) The applicant is in compliance with all other portions of this chapter.
 - (7.) The applicant and or owner/caretaker of the dwelling has not received any legitimate dog complaints from adjacent residences or the surrounding neighborhood.

If the director finds that all of the conditions listed under this subsection (9) exist, he may issue a noncommercial permit. If the director finds that one or more of the conditions as

listed under this subsection (9) are not in compliance, he may deny the permit and the applicant will be required to come into compliance.

- (i) For indoor dogs, there shall be no limit unless those dogs create a nuisance. The director may enforce the maximum limits as stated for outdoor dogs for any owner who permits his indoor dogs to create a nuisance.
- (j) Owners of dogs that have been declared dangerous must register the dogs with IPAS and abide by the provisions set forth in section 3-44.
- (k) Owners are responsible for limiting the number of cats in their possession in order to prevent the cats from creating or becoming a nuisance.

Sec. 3-22. - Rabies tags required for dogs and cats.

- (a) It shall be the duty of the owners of dogs and cats to obtain and retain at all times a rabies tag for each such animal. Tags containing vaccination numbers shall be securely fastened at all times to a collar or harness and worn at all times by the dog or cat for which the tags were issued. Hunting or stock dogs, show dogs and cats, and law enforcement dogs are excepted from wearing tags while being worked, conditioned or shown under the supervision of their owners or agents thereof. For their safety, ear-tipped cats who have been vaccinated against rabies are not required to wear the license tag on a collar and are exempted from this requirement.
- (b) It shall be unlawful for any person to own, keep, maintain, harbor or possess any dog or cat in the Parish unless such dog or cat, if it is over four months old, is vaccinated with rabies vaccine by a licensed veterinarian and a tag evidencing such vaccination is affixed to the collar or harness.
- (c) Fees for tags for dogs and cats shall be paid to the designated licensing agents by their owners.
- (d) Rabies tags shall be renewed annually during their anniversary month.
- (e) The requirements imposed by this section shall not apply to dogs or cats kept by regularly chartered medical schools, veterinary schools, veterinary hospitals and public animal control shelters and tax-exempt humane organization shelters.
- (f) Persons failing to obtain a rabies tag required by this section shall be subject to the penalty set forth in section 3-3.
- (g) Any person who counterfeits or imitates the rabies tag provided by the licensing authority, or who shall put on a dog or cat any such counterfeit or imitation tag, shall be subject to the penalties provided in section 3-3.
- (h) Rabies tags are not transferable.
- (i.) Rabies vaccination may only be distributed by, harbored by and administered by a Louisiana licensed veterinarian.
- (j.) Upon request of the director or the agency, the owner, or keeper of any dog or cat must furnish evidence that such dog or cat has been vaccinated by a licensed Louisiana veterinarian and is current on its vaccination against rabies as required herein.
- (k) The Director or his authorized agents or representatives shall impound any animal suspected of being infected with rabies. The disposition of any animal so suspected and impounded shall be at the discretion of the director.

Sec. 3-23. - Nuisance; owner to maintain clean premises.

- (a) No person shall willfully or knowingly harbor or keep on his premises or elsewhere any animal which causes an unreasonable disturbance of the peace of the neighbors or occupants of adjacent premises, or suffer or permit any animal to create a nuisance as defined in this chapter. This includes excessive barking. A person shall be deemed to have willfully and knowingly violated this section, if such person, having been notified by the department or law enforcement officers of such disturbances, shall have refused for a period of 24 hours to correct same and prevent reoccurrence. In the matter of excessive barking, the remedy shall be immediate upon notification.
- (b) The owner of any animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property or a nuisance to the public generally. Pens or

yards in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing within a reasonable distance of said premises. The animals themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons.

- (c) Premises on which animals are kept shall be maintained so as to prevent disagreeable odors arising therefrom, or the presence or breeding of flies, mosquitoes, and other pests. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.
- (d) If any part of a public street or the private property of a person other than the owner of the animal shall be soiled by the excreta of that animal, whether such nuisance shall take place in the presence of the owner or not, the owner shall, upon becoming aware thereof, promptly remove such excreta and dispose of it in a sanitary manner.

Sec. 3-24. - Cruelty to animals prohibited.

- (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) Torments, cruelly beats, cruelly ill-treats, unjustifiably or otherwise abuses or injures any living animal, whether belonging to himself or another.
 - (3) Causes, instigates or permits any dog fight, bullfight or other combat between animals or between animals or humans. It shall be unlawful for any person to hold, operate, attend, sponsor, or in any way further a contest that pits animals against each other and for anyone to maintain facilities for this purpose.
 - (4) 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 or with humane care and treatment. An animal shall be provided with:
 - (a.) Clean, sanitary, safe and humane conditions;
 - (b.) Sufficient quantities of appropriate food daily served in a sanitary container or dish;
 - (c.) Proper shelter as defined in Section 3-21 of Owner's Responsibilities;
 - (d.) Adequate quantities of visibly clean and fresh water available at all times provided in a sanitary manner;
 - (e.) Medical attention and/or necessary veterinary care when an animal is sick, diseased, or injured. This shall include necessary efforts to maintain an animal's coat and skin in a reasonably healthy condition free of fleas and ticks. Upon request of the agency, written proof of veterinary care must be provided.
 - (f.) Sufficient space for the animal to move about freely to exercise, lie down, as well as sit and stand.
 - (5) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control shelter an animal which he found running at large. An animal shall also be considered abandoned if any of the requirements listed in Section 4(a-f) of the preceding paragraph are not met for more than 24 hours.
 - (6) Impounds or confines, or causes to be impounded or confined in a shelter or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.
 - (7) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner. No animal shall be transported in the trunk of any vehicle at any time. It shall be unlawful to transport any animal on a public road in any open-bed vehicle unless the animal is safely and humanely restrained (at a minimum by a harness with double tethering for dogs) so that the animal is unable to jump or fall out of the vehicle. If transporting an animal in a kennel or cage in an open bed vehicle, the kennel or cage must be double tethered to prevent the kennel from moving.

- (8) It shall be unlawful to leave any animal in an unattended motor vehicle or transport an animal in any motor vehicle without adequate ventilation. Temporary or permanent medical injury, distress or death caused to an animal in a vehicle regardless of ventilation shall be considered cruelty.
- (9) Knowingly or unjustifiably exposes any known poisonous substance, whether mixed with food or not, so that it may be eaten by an animal, provided that it shall not be unlawful for a person to expose, on his own property, common rat poison mixed only with vegetable substances, nor shall any person in any other manner whatsoever intentionally poison any animal other than rats.
- (10) Individuals, institutions or corporations who trap domestic animals or wildlife in humane traps are responsible for monitoring the traps and ensuring the safety of the animals trapped until they are removed by the agency or a certified wildlife removal company or agency. Failure to monitor the wellbeing of the trapped animals resulting in injury or death of the trapped animal whether intentional or through negligence shall be unlawful and considered cruelty to animals.
- (11) Injures any animal belonging to another person.
- (12) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering or death is caused to or permitted upon the animal.
- (13) Causes or procures to be done by any person any act enumerated in this subsection:
 - (b) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report the injury or death of the animal to the animal's owner, if the identity of the owner is apparent. If the owner cannot be ascertained or located, such motor vehicle operator shall report the accident to IPAS or the appropriate law enforcement agency.
 - (c) No person shall color, dye, stain, or otherwise change the natural color of baby chickens, ducklings, other fowl or rabbits; nor shall any person possess for the purpose of sale any chickens, ducklings, other fowl or rabbits which have been so colored.
 - (d) Ponies used at concessions consisting of a wheel-like device to which they are attached must be given sufficient resting time. Resting time shall be one-half hour after working one hour.
 - (e) Any occurrence of animal cruelty, even if not specifically enumerated in this section, may be enforced in accordance with the authority, definitions, provisions and procedures that are currently set forth in La R.S. 14:102 through La R.S. 14:102.7 and any subsequent amendments thereto.
 - (f) No one previously convicted of cruelty to an animal shall be issued an animal establishment or kennel permit, or be permitted to adopt a pet pursuant to the provisions of this chapter. No one convicted for a second time of cruelty to an animal shall be issued an animal establishment or kennel permit, or be permitted to adopt a pet pursuant to the provisions of this chapter, nor own or keep an animal in his care, harbor an animal, act as custodian for an animal, or permit an animal to remain on or about his premises.

Sec. 3-25. - Minimum standards of care for animals.

Shelter and care.

- (a) A shelter must be sanitary, of sound construction, and provide adequate protection from the cold and heat. The shelter must be placed in a dry area free of debris, feces, and standing water. It must have at least three solid sides and a solid, immovable, weatherproof roof, have a solid sanitary floor that sits at least 1.5 inches off of the ground, be adequately ventilated, provide adequate light, and provide shelter from wind, rain, sun and the elements at all times. Suitable drainage must be provided so that water is not standing in or around the shelter.
- (b) A shelter must be large enough for the animal to stand, turn around, and lie down without touching the sides or top of the shelter.
- (c) All areas where animals are kept shall be cleaned regularly so that fecal matter is disposed of so not to attract insects or rodents, become unsightly or cause objectionable odors. For cats and dogs, floors of animal housing areas should be

made of an impervious material to facilitate cleaning and drainage. Sealed concrete is ideal.

- (d) If multiple animals are present in one location, each animal must have a separate and clean food bowl. Each animal must have access to shelter and the owner must meet all standards as detailed in this section.
- (e) When outdoor temperatures reach freezing levels, all cats, except feral and community cats, dogs, and companion animals (excluding wild, exotic and ferocious animals) must be moved indoors or to an area that provides shelter from the weather. All cats, except feral and community cats, and dogs must be moved indoors for their safety for the duration of an extreme weather advisory issued for a specific time period by the NOAA's National Weather Service including but not limited to: heat, tornado, tropical storm, or hurricane. Animals must remain indoors and provided care for the duration of the advisory unless being walked on a leash by their owners, guardian or custodian.
- (f) No dog or cat shall wear a muzzle unless the owner is present or the dog or cat is under veterinary care.
- (g) If the agency determines upon inspection that an animal owner or keeper is not in compliance with the provisions of this section, the agency shall provide written notice to the owner or keeper as such. Failure by the owner to comply within five business days of receiving notice shall result in the temporary impoundment of all animals on the offending property(s) by the agency and the issuance of a summons or citation, through local law enforcement, to the owner pursuant to Section 3-8. The agency may remove any animal from the property in less than five business days, if the removal is deemed necessary by the agency to protect the health and well-being of the animal. All animals shall be promptly released to the owner or keeper upon a determination by the agency that the owner or keeper has come into compliance with this section or determination by a court that the owner or keeper was not in violation of this section. The owner or keeper shall compensate the agency for the costs of keeping and care of the animal(s) for every day that the animal was in the possession of the agency pursuant to the fee schedule laid out in Section 3-7, except that the owner or keeper shall not be required to compensate the agency if a municipal or district court determines that the keeper or owner was not in violation of this of this section.
- (h) *Tethering*. It shall be unlawful to tether a dog, except as follows:
 - (1) The tether is attached to the dog by means of a suitable, properly-fitted collar or harness not exceeding two inches in width. Choke or prong collars are not permitted. The tether must have a swivel on both ends.
 - (2) The tether provides access to adequate space for the dog to move about freely and cannot become entangled in such a way that would prevent the dog's mobility or cause strangulation.
 - (3) At minimum, the tether should be five times the length of the dog from the tip of nose to the tip of the tail and the tether must allow the dog to lie down with its head flat on the ground and provide an additional 12 inches of slack.
 - (4) The tether is made of a durable, lightweight material that will not cause unnecessary stress on the dog. The tether shall not weigh more than three percent of the dog's total body weight. Thick chains and other heavy lines are prohibited.

Sec. 3-26. - Soiling of public and private property by animals

- (a.) If any public or private property is soiled or contaminated by an animal, whether such nuisance shall take place in the presence of the owner or keeper or not, or if the owner of the keeper is a minor, the parents or guardian thereof shall be deemed guilty of violating this section. This section shall not apply in a designated off-leash area or “dog park” in which the owner or keeper, or parents or guardian thereof, shall abide by the regulations imposed by the management of such area, which shall include, but not be limited to immediate cleanup and proper disposal of animal waste by the owner or keeper, or parent or guardian thereof.
- (b.) Any person, who is in violation of this section, shall be punished by a fine of not less than \$100.00 and no less than three seven-hour days of trash cleanup duties.

Sec. 3-27. - Animal establishment permits; standards.

- (a) No person shall operate an animal establishment without first obtaining, and subsequently maintaining, a valid permit in compliance with this section. In the event any person shall own or operate more than one facility, they shall be required to obtain a permit for each facility.
- (b) Applications for such permits shall be made to the department on application forms provided by same.
- (c) Upon receipt of a properly completed application, the department shall promptly investigate the applicant and the facilities sought to be permitted, to determine if they are in compliance with provisions and requirements of this chapter. The Director shall issue or deny the permit applied for. If the permit is denied, the applicant shall be given written reasons for such denial.
- (d) Each permit shall be initially effective from the date of issuance through December 31 of the year of issuance.
- (e) Each permit shall be renewed annually and an application for renewal shall be filed with the department between October 1 and December 1. Renewed applications shall be effective from January 1 to December 31 of the following year.
- (f) Permittees must comply with the standards and regulations adopted by the department based on standards set forth in title 9 of the Code of Federal Regulations. The department may amend such standards and regulations from time to time for purposes of public health and safety and the protection of animals. The standards and regulations shall be amended only after allowing permittees an opportunity to be heard on the proposed amendments. Notice of said hearing shall be mailed to each permittee at least ten days prior to the hearing date and at least 30 days prior to the effective date of the amendment. The notice shall set forth the amendment in its entirety and shall advise of the date, time and purpose of the hearing and the effective date of the amendment.
- (g) The department shall provide a copy of applicable standards and regulations with each permit application. Each applicant shall acknowledge, in his application, receipt of said standards and regulations.
- (h) A representative of the department shall have the right of entry, at reasonable hours, upon the premises of permittees and into all areas thereof where animals are kept and maintained, for inspection to ascertain whether the permittee is in compliance with the provisions of this chapter and the standards and regulations established under same. Failure of any owner to comply with said provisions, standards, and regulations, or allow reasonable entry and inspection by the animal services department representative shall be grounds for revocation of the owner's permit.
- (i) If, upon inspection, department representatives determine that a permittee is in violation of this chapter, the department shall advise said permittee in writing of the violation and shall inform the permittee that his failure to comply with the provisions of this chapter within 14 days of receipt of said notice shall constitute grounds for removal of all animals from the premises or area subject to violation. If the permittee fails to comply within said period, IPAS representatives may proceed to remove the animals from said premises or area. Extended periods for compliance may be granted by the department for good cause shown. In the event it shall become necessary for the department to remove any animal as provided herein, it shall return the animals to the permittee upon termination of the violation for which the animals were removed unless the director determines that the violation justifies revocation of the

permittee's permit. Such return, however, shall be contingent upon payment by the permittee of fees incurred by the removal as established by Section 3-7. Removed animals will become the property of the department 14 days after removal unless the violation is terminated and the fees incurred are paid or an extension is granted by the director. In the event that such an extension is granted, failure to terminate the violation and pay all boarding fees incurred, including fees for the period of the extension, by the end of said extension shall result in forfeiture of the seized animals to the department. The director may, however, waive all or any portion of the boarding fees incurred under this section for good cause shown.

- (j) If the owner disagrees with the decision of the director to revoke the permit, he may appeal that decision to the 18th Judicial District Court. The owner must be present or legally represented at the hearing or any right to the appeal will be deemed waived and the ruling of the director will be final.

Sec.3-28 - Commercial livery stables.

- (a) In the operation of commercial livery stables:

- (1) No horse shall be let for riding purposes when it has any injury, illness, or sore which may be negatively affected by such use, or when it is suffering from overheating or exhaustion.
- (2) All sick horses shall be segregated so as to prevent illness or disease from being transmitted to other animals or to humans.
- (3) No condition which is injurious to the health of any horse shall be knowingly permitted or maintained.
- (4) All buildings and sheds used for the stabling and/or boarding of horses shall provide adequate light, ventilation, and protection from the weather, and shall be kept clean and in good repair.
- (5) All stable and corral areas where horses are kept shall be sloped and drained so as to keep the surfaces thereof reasonably dry.
- (6) All riding equipment furnished shall be in a safe condition and shall properly fit the horses and riders for which provided.
- (7) All horses shall have hooves kept properly cleaned and trimmed and shall be properly shod.
- (8) Horses shall not be worked in temperatures of 95 degrees Fahrenheit or greater.

Secs. 3-29 - 3-40. – Reserved.

ARTICLE III. - ANIMAL CONTROL

Sec. 3-41. - Impoundment of dogs and cats; disposition, identification and classification.

- (a) It shall be the duty of the director to seize and impound any at-large stray dog or cat not tagged with the current official vaccination and license tags. Any dog or cat so seized and impounded shall be held for a period of at least five working days during which time the owner may reclaim the dog or cat. The director may also seize and impound tagged dogs which are at large in violation of section 3-46. Any tagged dog which is impounded shall be held for a period of five working days during which time the owner may reclaim the dog. To reclaim an impounded dog or cat, the owner must pay redemption and board fees as provided in section 3-7, and provide satisfactory proof of ownership. If the dog or cat is not legally vaccinated and licensed, the owner shall also be required to obtain the requisite licensing and vaccination from a veterinarian and provide proof of such to IPAS within five days of release.
- (b) Any dog or cat impounded by the department and not reclaimed by the owner within the prescribed time limits may be placed for adoption as a pet, transferred to a rescue facility, or humanely euthanized. A good faith attempt to notify the owner shall be made first if the name of the owner is known. Upon notification, the owner shall have five working days from such notice to redeem the animal after which it may be disposed of by euthanization, placement for

adoption or transfer to a rescue facility. If upon notification the owner does not wish to reclaim the animal and signs a release of his rights therein, the animal may be disposed of immediately.

- (c) The director may order the timely euthanasia for any animal lawfully taken into custody at the animal shelter which, in the opinion of the director, is necessary by reason of age or physical condition of the animal or as is required for other humane reasons. The director, with the concurrence of a veterinarian, may order the timely euthanasia for any animal lawfully taken into custody at the animal shelter which, in the opinion of the director, is appropriate by reason of the animal's temperament.
- (d) Owners of unwanted animals may bring the animals to the animal shelter and release them to be disposed of at the discretion of the director by placing the animal for adoption as a pet, transferring the animal to a rescue facility, or humanely euthanizing the animal. Should an owner want to redeem an animal which has been released, all impoundment, board, vaccination, and license fees as applicable, must be paid.
- (e) It shall be the duty of the director to seize any domesticated animal, in addition to dogs and cats, found to be at large, and any non-domesticated (wild) animal that is a potential public health hazard, a nuisance, or is sick or injured. The seizure of any non-domesticated (wild) animal shall be at the discretion of the IPAS, with consideration being given to the safety and welfare of the seizing officer.
- (f) Domesticated animals other than dogs and cats will be held for a period of at least five working days during which time they may, after payment of impoundment and board fees, be claimed by their owners. If the owner does not claim any such animal, the animal may be disposed of at the discretion of the director.
- (g) Non-domesticated animals may be relocated or humanely euthanized at the discretion of the director.
- (h) Any person adopting an unspayed or unneutered animal from the department must sign an agreement to have the animal spayed or neutered within six months of age. The department shall perform follow-up investigations to confirm compliance with this section, and failure to comply shall constitute a waiver of all rights of the adopting party in and to the animal, returning full custody of the animal to the department and shall further constitute forfeiture of all fees paid by said party in connection with the adoption.

Sec. 3-42. - Animals which bite or scratch persons.

- (a) If any person shall report to the police department, sheriff's office, Iberville Health Unit or IPAS that a dog or cat has bitten or scratched him or any other person, when such bite or scratch has broken the skin, the director shall direct the owner of the dog or cat to confine it for a ten-day observation period in the rabies observation cages maintained on the premises of IPAS or, should the owner prefer, in an established veterinary hospital. The agency on its own authority or if ordered by the director, may extend the length of the quarantine period.
- (b) When an owner chooses to confine his dog or cat within a veterinary hospital, the owner shall have 12 hours from the time of the bite or scratch to do so. The animal must be confined in the parish. The owner shall advise the director of which veterinary hospital the dog or cat will be confined in and shall advise the veterinarian that the dog or cat is to be placed under observation for biting or scratching. If the dog or cat is not confined within 12 hours, the director may contact local law enforcement to issue a citation to the owner or the dog or cat shall be apprehended and confined by the department.
- (c) Each veterinarian caring for a dog or cat quarantined for biting or scratching shall submit a report to the director as to the health status of the dog or cat observed by him at the end of the ten-day observation period.
- (d) If any dog or cat dies during the ten-day observation period, whether at the veterinary hospital or at the animal shelter, the director shall have the head of such dog or cat submitted to the state department of health and human resources laboratory or other approved facility for examination for rabies.
- (e) If any dog or cat placed under observation for biting or scratching has been injured or becomes sick, in such a state that its recovery is seriously in doubt, or if the sickness of such dog or cat endangers the health of other animals or persons, the director shall have said dog or cat humanely euthanized and its head submitted to the department of health and human resources laboratory or other approved facility for examination for rabies.

- (f) In cases where a bite wound or scratch, which has broken the skin, is on the head or neck of the victim, the director may humanely euthanize the animal to expedite test results to permit the rapid determination of the need for rabies post-exposure prophylaxis. The rabies vaccination status of the animal should be evaluated in making this decision. The director may consult with the state public health veterinarian to authorize the humane euthanization of the animal prior to the expiration of the ten-day observation period.
- (g) Home confinement for observation of a dog or cat involved in a bite or scratch may be allowed, at the discretion of the director, if the following conditions are met:
 - (1) The dog or cat is currently licensed and vaccinated with an approved rabies vaccine.
 - (2) The owner was in compliance with the applicable leash or confinement and restraint requirements of this chapter at the time of the bite.
 - (3) The confinement and conditions thereof have specific approval of the bitten or scratched party, or his proper legal representative, as evidenced by a signed, written agreement, which agreement shall hold the director and the parish harmless for any loss or damage whatsoever which may result from the allowance of such confinement.
 - (4) The dog or cat is examined by a licensed veterinarian after the bite or scratch and written certificate by said veterinarian that the animal appears to be in good health is supplied to the director within 24 hours after the bite or scratch.
 - (5) Immediately upon expiration of the ten-day observation period, a licensed veterinarian shall examine the dog or cat and certify to the director in writing the health and condition of the animal.
 - (6) If the director determines that a dog or cat may be confined at the home of its owner, the owner shall notify the Iberville Health Unit's medical director or IPAS immediately if the animal shows any symptoms of sickness or abnormal behavior or escapes or dies during confinement. Persons having custody shall surrender the carcass of the dog or cat which dies during confinement to IPAS.
- (h) In order for an animal to remain impounded, the victim must have the bite or scratch verified by a licensed medical doctor or animal control officer. Proof of any doctor visit must be provided to the IPAS.
- (i) Any doctor, hospital, clinic, or other medical facility within the parish that examines and or treats an animal bite of any nature must notify the IPAS.
- (j) Any certified enforcement dog belonging to a law enforcement agency is exempt from this requirement of this section. Vaccination status of all enforcement dogs shall be retained by the agency involved.

Sec. 3-43. - Release of dogs or cats impounded for observation; fees.

- (a) The owner shall also be responsible for redeeming their animal as soon as the quarantine period is over. On the 12th day, the animal becomes the property of IPAS.
- (b) Any owner redeeming a dog or cat impounded for a ten-day observation period shall pay an impounding fee and board fee as provided in section 3-7.

Sec. 3-44. - Dangerous and vicious dogs.

(a) *Dangerous dogs.*

- (1) The animal shelter may investigate reported incidents involving dogs that may be dangerous. Upon such investigation, if the director finds the dog to constitute a dangerous dog as defined in this section and section 3-2, said dog shall be so classified. The owner shall receive written notification of the animal control shelter's classification of the animal. A record of the dog will be maintained in the dangerous dog data base and file system at IPAS.
- (2) Hearing in District Court.
 - (a.) If the owner disagrees with the classification of the Director, the district attorney, the sheriff, an animal control officer, or other designated representative, in the name of and on behalf of the parish and without the payment of any costs, shall be authorized

to file a petition in the district court having jurisdiction requesting a hearing for the purpose of determining whether or not a dog should be declared dangerous.

- (b.) Upon the filing of the petition, the district judge shall immediately issue a rule on the owner of the dog to show cause why the dog should not be declared a dangerous dog. This rule shall, at the time of its issuance, be fixed for hearing not later than five days, including Sundays, half-holidays and holidays, from the date of its issuance, and shall be heard by preference over all other matters and cases fixed for the same day and shall be heard continuously day after day until submitted for adjudication.
 - (c.) In every case where the dog is established to be a dangerous dog, the court shall enter an order declaring the dog to be a dangerous dog and shall direct the owner of the dog to comply with conditions established for the restraint and confinement of the dog as provided by law and herein.
 - (d.) The owner of the dog shall be liable to IPAS for the costs and expenses of keeping the dog if the dog is later adjudicated dangerous.
- (3) 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.) Execute a written acknowledgement of owner's responsibilities prior to the release of the dog, which shall include, but may not be limited to, the following statements:
 - (1.) owner agrees and acknowledges that the dog is declared to be a dangerous dog as defined by La R.S. 14:102.14;
 - (2.) owner is obligated and bound to at all times, while the dangerous dog is on owner's property, to keep the dog indoors or in a secure enclosure;
 - (3.) the dog may be off owner's property only if it is restrained by a leash which prevents its escape or access to other persons;
 - (4.) owner shall post signs around the secure enclosure on owner's property no more than thirty feet apart at each normal point of ingress or egress, which bear the words "Beware of Dog" or "Dangerous Dog" in letters at least three and one half inches high with said signs being readily visible to any person approaching the secure enclosure; and
 - (5.) if the dangerous dog dies, is sold, transferred or permanently removed from Iberville Parish, the owner shall notify IPAS of the changed condition and new location of the dog in writing within two days.
 - (b.) A microchip will be implanted, at the owner's expense, by IPAS or a licensed veterinarian, if the dog is deemed too aggressive for IPAS to safely handle. If the dog already has a chip, that chip will be registered with IPAS.
 - (c.) The owner shall immediately notify the animal control shelter when a dangerous dog:
 - (1.) Is loose or unconfined;
 - (2.) Has bitten a human being or attacked another animal;
 - (d.) A dangerous dog must be securely confined indoors or in a securely fenced enclosure 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 six feet by eight feet or an enclosure not less than 48 square feet. Such pen shall have secure sides, at least six feet in height, of sufficient design 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 of the requirements of a dog pen as required in this Chapter. The enclosures must be physical in nature, not invisible or electronic.
 - (e.) The owner shall prominently display a sign at the owner's expense on his premises at all entry points warning that there is a dangerous dog on the property.
 - (f.) A dangerous dog may be off the owner's premises or out of its enclosure only if it is restrained by a substantial leash not exceeding four feet in length and under the control of an adult (person who has attained the age of 18 years).

- (g.) The animal control shelter, in its discretion, may require a dangerous dog to be spayed or neutered.
 - (h.) The animal control shelter, 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.
 - (i.) 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 animal control shelter. Each new owner shall execute a document to be supplied by the animal control shelter, acknowledging that said owner is aware of the "dangerous dog" classification, and that said owner shall comply with the requirements of this chapter.
 - (j.) An owner of a dangerous dog shall have the option to have said dog humanely euthanized, at his expense, by IPAS or licensed veterinarian if said owner is unable to comply with the requirements recited herein.
 - (k.) 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.
 - (l.) IPAS shall have the right to inspect the premises of dangerous animals' enclosures to ensure compliance with this part.
 - (m.) The owner or keeper shall sign a hold-harmless and indemnification clause in favor of the Iberville Parish Council and/or any municipality which adopts this ordinance.
 - (n.) If IPAS reasonably believes that an owner cannot or will not abide by the requirements of this subsection (a) (3), the dog may be seized.
- (4) Continuation of declaration as a dangerous dog. Any dog which has been declared a dangerous dog by any agency or department of this parish, another parish, municipality, county or state shall be subject to the provisions of this chapter for the remainder of its life. The person who owns or possesses any dog declared a dangerous dog by any parish, municipality, county, or state government must notify the Iberville Parish Animal Shelter and Control department, if so delegated, of the dog's address and restrictions of maintenance, within ten days of moving the animal into the parish. The restrictions and conditions of maintenance of any dog declared dangerous by this parish, another parish, city, county or state will continue to remain in force while the dog is in this parish.

(b) *Vicious dog.*

- (1) 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.
- (2) The animal control shelter may investigate reported incidents involving dogs that may be vicious. Upon such investigation, if the animal control shelter and/or its director 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 IPAS' classification of the animal.
- (3) Any dog that has been classified as "vicious" shall be impounded by the animal control shelter. The animal will be kept at the animal control shelter 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 humanely euthanized.
- (4) Hearing in District Court.
 - (a.) If the owner disagrees with the classification of the Director, the district attorney, the sheriff, an animal control officer, or other designated representative, in the name of and on behalf of the parish and without the payment of any costs, shall be authorized to file a petition in the district court having jurisdiction requesting a hearing for the purpose of determining whether or not a dog should be declared vicious.
 - (b.) Upon the filing of the petition, the district judge shall immediately issue a rule on the owner of the dog to show cause why the dog should not be declared a vicious

dog. This rule shall, at the time of its issuance, be fixed for hearing not later than five days, including Sundays, half-holidays and holidays, from the date of its issuance, and shall be heard by preference over all other matters and cases fixed for the same day and shall be heard continuously day after day until submitted for adjudication.

- (c.) In every case where the dog is established to be a vicious dog, the court shall enter an order declaring the dog to be a vicious dog and shall direct that the vicious dog be humanely euthanized.
- (d.) The owner of the dog shall be liable to IPAS for the costs and expenses of keeping the dog if the dog is later adjudicated vicious.

Sec. 3-45. Seizure and disposition of dogs which cause death or inflict bodily injury

- (a.) IPAS may seize any dog which when unprovoked, in an aggressive manner, causes the death of or inflicts bodily injury on a human being. Any dog seized pursuant to the provisions of this Section may be impounded pending the outcome of the hearing held in accordance with this Section.
- (b.) The district attorney, the sheriff, an animal control officer, or other designated representative, in the name of and on behalf of the parish, and without the payment of any costs, shall be authorized to file a petition in the district court having jurisdiction requesting a hearing for the purpose of determining whether or not a dog which, when unprovoked, in an aggressive manner, causes the death of or inflicts bodily injury on a human being, shall be euthanized.
- (c.) The hearing shall be conducted in accordance with the procedure provided in Section 3-44.
- (d.) A dog determined by the court to have, when unprovoked, in an aggressive manner, caused the death of or inflicted bodily injury on a human being may be humanely euthanized by IPAS.
- (e.) The owner of the dog shall be liable to IPAS for the costs and expenses of keeping the dog if the dog is later adjudicated to have, when unprovoked, in an aggressive manner, caused the death or inflicted bodily injury on a human being.

Sec. 3-46. - Impounding or destruction of dogs and cats bitten or scratched by known rabid animals.

- (a) When a dog or cat has been bitten or scratched by a known rabid animal and the dog or cat is currently vaccinated with an approved rabies serum:
 - (1) The owner shall have the dog or cat examined by a licensed veterinarian and revaccinated.
 - (2) The veterinarian shall submit a written report to the department as to the health of such animal.
 - (3) The owner shall place the dog or cat that has been bitten in strict isolation for a 90-day period.
 - (4) The dog or cat may be isolated with a licensed veterinary clinic or at the owner's home with the approval of the director after inspection of the home isolation facility. If the owner elects to isolate the animal on his premises, the director shall inspect the security of the animal without notice at least once each week. If the security of the animal is not as approved by the director, the animal shall be seized and transported to the Iberville Parish Animal Shelter and the owner shall be subject to the penalties set forth in section 3-3 and applicable fees set forth in section 3-7.
 - (5) The owner shall have the dog or cat examined by a licensed veterinarian at the expiration of the 90-day isolation period, and the veterinarian shall submit a written report to the director as to the health of such dog or cat.
 - (6) If the owner of the dog or cat does not desire to have it isolated, he may surrender it to the department for euthanization, after which the head of such animal shall be submitted to the department of health and human resources or another approved facility for analysis.
- (b) When a dog or cat is bitten or scratched by a known rabid animal and the dog or cat is not currently vaccinated with an approved rabies serum, the owner shall have the dog or cat humanely euthanized by a licensed veterinarian or the department and the head of such animal

submitted to the state department of health and human resources for analysis; or alternatively, the owner shall have the dog or cat placed in isolation for a period of six months at a licensed veterinary clinic, which shall examine such animal and render a written report on the health thereof to the department. The department shall cause such dog or cat to be humanely euthanized and the head of such animal shall be submitted to the department of health and human resources laboratory for analysis.

- (c) If the dog or cat should become sick during a period of isolation after being bitten by a known rabid animal, the owner, if the dog or cat is isolated on the owner's premises, or the veterinarian, if the dog or cat is isolated at a veterinary clinic, shall immediately advise the department. The department shall cause such dog or cat to be humanely euthanized and the head of such animal shall be submitted to the department of health and human resources laboratory or another approved facility for analysis.

Sec. 3-47. - At-large dogs in Iberville Parish.

- (a) No person shall suffer or permit any dog in his possession, or kept by him about his premises, to run at large on any unenclosed land, or trespass upon any enclosed or unenclosed lands of another.
- (b) At-large dogs not in compliance with the foregoing shall be subject to impoundment.
- (c) No dog at large in violation of this section shall be harbored or withheld from animal control officers by any person.
- (d) Each dog that shall run or otherwise be at large in violation of this section shall _____ constitute a separate offense by the owner of such animal.
- (e) To reclaim an impounded dog, the owner must pay redemption and board fees as provided in section 3-7, and provide satisfactory proof of ownership.
- (f) 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.

Sec.3-48. - Seizure and disposition of animals 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 pursuant to this section.
- (b) The seizing officer shall:
 - (1) Notify the owner of the seized animal of the provisions of this section by posting written notice at the location where the animal was seized or by leaving it with a person of suitable age and discretion residing at that location within 24 hours of the seizure.
 - (2) Contact the Iberville Parish Animal Shelter to care for any such animal. IPAS shall retain custody of the animal or find a suitable location for the animal to be kept.
 - (3) Photograph the animal within 5 days after posting of the notice of seizure and shall cause an affidavit to be prepared in order to document its condition in accordance with La R.S. 15:436.2.
- (c) The seized animal shall be held by the custodian provided for in subsection (b)(2) of this section for a period of 5 consecutive days, including weekends and holidays, after such notice of seizure is given. Thereafter, if a person who claims an interest in such animal has not posted bond in accordance with subsection (d) of this section, the animal may be humanely disposed of by transfer to a rescue facility, adoption, or euthanasia.
- (d) A person claiming an interest in any animal seized pursuant to this section may prevent the disposition of the animal as provided for in subsection (c) of this section by posting a bond with the Iberville Parish Animal Shelter within 5 days after receiving notice of such seizure in an amount sufficient to secure payment for all reasonable costs incurred in the boarding and treatment for any seized animal for a 30-day period commencing on the date of initial seizure. Such bond shall not prevent the department, agency, humane society, or other custodian of the animal from disposing of the animal in accordance with subsection (c) of this section at the end of the 30-day period covered by the bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for an additional 30-day period. In addition, such bond shall not prevent disposition of the animal for humane purposes at any time, in accordance with subsection (f) of this section. The amount of the bond shall be

determined by the department, agency, humane society or other custodian of the animal as authorized by the court in accordance with the current rate for board and on the condition of the animal after examination by a licensed veterinarian.

- (e) 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 in accordance with this section and the forfeiture of the bond posted pursuant to subsection (d) of this section as part of the sentence. The court may, in its discretion, order the payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized animal prior to its disposition, whether or not a bond was posted by the defendant. In the event of the acquittal or final discharge without conviction of the accused, the court shall, on demand, direct the release of any animal held in custody to the owner thereof and order the return of the bond posted pursuant to subsection (d) of this section, less reasonable administrative costs.
- (f) Nothing in this section shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition. In such instances, the court, in its discretion, may order the return of any bond posted, less reasonable costs, at the time of trial.

Sec.3-49. - Importation of dogs and cats by public carrier.

- (a) No dog or cat four months of age or older shall be delivered in the parish from out of state by any public carrier unless there is a certificate of a licensed veterinarian at the point of shipment accompanying the dog or cat and the bill of lading therefore, showing that the dog or cat is in good health and has been currently vaccinated for rabies within six months of the date of such delivery.
- (b) All dogs or cats less than four months of age brought into the parish from out of state by a public carrier shall be accompanied by a health certificate signed by a licensed veterinarian at place of shipment origin.

Sec. 3-50. - Commerce in live animals.

It shall be unlawful for any person to sell, trade, barter, exchange, lease, rent, donate or display a live animal on a roadside, public right-of-way, sidewalk, street, parkway or any other public property or any property dedicated to public use, a commercial parking lot, or at an outdoor special sale, swap meet, flea market, fair, parking lot sale or similar event, regardless of whether the event is authorized by the property owner. This section does not apply to sales on privately-owned property with the permission of the property owner by humane societies, animal welfare groups and other non-profit organizations sponsoring animal adoption events. It further does not apply to any activity undertaken by the department of animal services.

Secs. 3-51 - 3-63. – Reserved.

ARTICLE IV. - LIVESTOCK

Sec. 3-64. - Running at large prohibited.

It shall be unlawful for any horses, mules, donkeys, cattle, llamas, hogs, sheep, goats or geese or farm animal to run, roam or be at large or on any of the public highways or commons or on any land other than that of the owner of such animals, within the parish.

Sec. 3-65. - Impoundment—Generally.

- (a) It shall be the duty of Iberville Parish Animal Shelter to seize and impound any cattle, horses, mules or other livestock running at large within the parish. Any of the animals enumerated that may run, roam or be at large in violation of the provisions of this article may be taken up or confined by IPAS.
- (b) No person shall be liable for any injury which an animal may receive while it is being taken up as provided in this article.
- (c) Any livestock which is severely injured at the time of impoundment may, at the discretion of the director, be destroyed in a humane manner immediately and without

waiting the prescribed fifteen days if the owner is unknown or unavailable. This action may be taken, if, in the opinion of the 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 animal control shelter. The director may authorize a law enforcement officer to humanely euthanize said animal.

- (d) *Authorized; notice to owner.* IPAS shall make a reasonable effort to determine the identity of the owner of such impounded livestock, and shall send a notice in substantially the following form to the owner of such livestock, if known, and shall post such notice in a conspicuous location upon the property from which the livestock was taken, if the livestock was not running at large at the time of taking:

To: _____
From: _____
Director, Iberville Parish Animal Shelter and Control (IPAS)
Re: _____ (Description of Animals)

You are hereby notified that the animal(s) described above have been impounded by the Iberville Parish Animal Shelter and Control department pursuant to the authority of Chapter Three Article IV of the Compiled Ordinances for Iberville Parish. Such animal(s) have been impounded because of the following incident(s) or circumstances:

An appeal may be made in writing to the director of IPAS within ten days of the date of this notice.

You are further notified that unless the above animal(s) is/are claimed by their owner in person within fifteen days of the date of this notice, all rights to the animal(s) shall be forfeited to IPAS.

This notice given this _____ day of _____ / _____ / at _____, _____, in compliance with section 3-65 of Article IV, Chapter 3 of the Compiled Ordinances for Iberville Parish.

This notice received:

Owner
Date

	Director, Iberville Parish Animal Shelter and Control (IPAS)
	<hr/> Director

(e) At the expiration of fifteen days following notice of taking up or confinement of animals as provided in this article, should the owner fail to come forward and pay the charges and penalties herein provided, the Iberville Parish Animal Shelter may place the animals for adoption or transfer the animals to a rescue facility.

TETHERED LIVESTOCK

Sec. 3-66. - Prohibition.

It shall be unlawful for any person to tether, picket or otherwise tie livestock outside of a fence or enclosure, whether for grazing or other purposes.

Sec. 3-67. - Penalty.

Persons found to be in violation of the above provision shall be subject to a fine of not more than one hundred dollars (\$100.00) per offense.

Sec. 3-68. - Separate offense.

For the purposes of this division, each animal tethered, picketed or otherwise tied in violation of this division shall constitute a separate offense.

Sec. 3-69. - Impoundment and fees.

In the event that the owner of livestock at large, tethered, picketed or otherwise tied in violation of this section cannot be readily located or fails to immediately secure said livestock, then Iberville Parish Animal Shelter may impound the animals. To recover an animal from impoundment pursuant to this section, the owner shall pay an impoundment fee of fifty dollars (\$50.00) together with a boarding fee of fifteen dollars (\$15.00) for each day, or portion thereof, that the animal is impounded. The impoundment fee shall increase to seventy-five dollars (\$75.00) for a second offense and one hundred and twenty-five dollars (\$125.00) for a third offense.

Sec. 3-70. - Livestock—Movement of animals.

- (a) It shall be unlawful for any person to drive livestock through the streets of the city.
- (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 manned any livestock upon or across any grass lawns, golf grounds or parks of the parish.
- (c) It shall be unlawful for any person to knowingly bring into the city any animal affected with any infectious or contagious disease.

Sec.3-71. - Same—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 one acre for the first two livestock animals, plus a minimum of one-half an acre for each additional livestock animal within the parish.

- (b) No livestock shall cause a nuisance to any resident in the parish. Acts deemed “public nuisances” include, but are not limited to, conditions offensive or dangerous to the public health and safety by virtue of the number and living conditions of such livestock. “Conditions offensive or dangerous to public health, safety and welfare” include, but are not limited to conditions which attract insects and rodents, large numbers of animals kept in poor living conditions, unvaccinated animals, and odors which emanate beyond the property owned or controlled by the owner of the alleged nuisance livestock
- (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.
 - (3) Any such fence or other method of enclosure shall be inspected by an official designated by the parish to ensure that the livestock on the premises are reasonably confined to said property.
 - (4) The provisions of subsection 3-71(c) shall only apply to a structure, barn, shed, pen or fenced area constructed or erected after the effective date of this Ordinance.
- (d) This section shall only apply upon receipt of a written letter of complaint, including the complainant's name, address and telephone number.
- (e) The provisions of Section 3-49 pertaining to the seizure and disposition of cruelly treated animals shall also apply to livestock.

Sec. 3-72. - Chickens, other fowls and birds.

- (a) 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.
- (b) Required:
 - (1) All chickens, or other fowl, or avian species shall be confined to the owner's property at all times.
 - (2) Pens, coops, flight cages, or other enclosures shall be located a minimum of ten feet from the nearest property line and minimum of 50 feet from any residence other than that of the owner.
 - (3) 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.
 - (4) Appropriate food, water, shelter and housing shall be provided to meet the requirements of the particular fowl or avian species in question.
 - (5) 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 the parish. Pens or yards in which fowl or birds are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing

within a reasonable distance of said premises and the fowl or birds themselves shall be kept in such a fashion that noise emanating therefrom shall not be disturbing to such persons. The premises on which fowl or birds are kept shall be maintained so as to prevent disagreeable odors arising therefrom, or the presence or breeding of flies, mosquitoes, and other pests. Provisions shall be made for the removal and disposal of food wastes, bedding, dead fowl or birds and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

- (c) The provisions of this section shall apply upon receipt of written and signed complaint by the director of animal control. 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 chickens, fowl or other birds being seized by IPAS and held for five days. If the violation still remains after five days have elapsed, the chickens, fowl or other birds may be sold, placed for adoption or transferred to a rescue facility.
- (d) Properly licensed raptor owners shall be exempted from this section provided that they meet all provisions of subsections (b)(3) and (4) of this section.

Section 3-73.- Penalty

Whoever violates any section of Article IV shall be fined not more than one thousand dollars, or imprisoned for not more than six months or both. Whoever commits a second or subsequent offense shall be fined not less than five thousand dollars or imprisoned without hard labor for not less than one year, or both. In addition, the Court shall issue an order prohibiting the defendant from owning or keeping livestock for a period of time deemed appropriate by the Court.

ARTICLE V. - NATIVE BIRDS

Sec.3.74. - Interfering with song or insectivorous birds.

It shall be unlawful for any person to interfere with, trap, destroy, wound, shoot or shoot at any native song or insectivorous bird, or destroy or interfere with the nest or eggs of such bird; provided, however, that persons holding state or federal permits allowing such activity and persons legally practicing the art of falconry shall be exempt from the provision of this section.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED should any part of this ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said ordinance shall remain in full force and effect.

NOW, THEREFORE BE IT ORDAINED by the Iberville Parish Council, in regular session convened on the date set forth below, that the Iberville Parish Council adopts this Ordinance for the purpose of revising Chapter 3 of the Iberville Parish Ordinances pertaining to Animals and Fowl in its entirety.

This ordinance shall become effective on this the 15th day of August, 2017.

The foregoing ordinance which was previously introduced at the meeting of the Iberville Parish Council on July 18, 2017 and a summary thereof having been published in the official journal on July 13, 2017, the public hearing on this ordinance held on the 15th day of August, 2017, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Taylor, and seconded by Councilman Kelley, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.
ABSTAIN: None.
ABSENT: Dominique.

The ordinance was declared adopted by the Chairman on the 15th day of August, 2017.

NEW BUSINESS

A) Introduction of Ordinances

The following ordinances were introduced by Mr. Songy:

- 1) Ordinance to acquire fee title to parcel of land adjacent to Bayou Paul Road identified at Lot 1A-2 on a map prepared by Pan American Engineers dated April 18, 2017 for expansion of roadway
- 2) Ordinance to establish fee for review of drainage impact studies and plans/specifications for commercial building projects and pollution control
- 3) Ordinance to abandon portions of drainage canals identified as W4-17 and W4-17a located within the Shintech Industrial Area and to provide for maintenance of said drainage canals by Shintech Louisiana, LLC

Upon a motion by Councilman Bradford, seconded by Councilman Markins, it was moved that a public hearing be held on Tuesday, September 19, 2017 at 6:00 p.m. on the three introduced ordinances. The motion having been duly submitted to a vote, was duly adopted by the following ye and nay votes on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.
ABSTAIN: None.
ABSENT: Dominique.

The motion was declared adopted by the Chairman.

RESOLUTION COMMITTEE REPORT

The Resolution Committee met on Tuesday, August 15, 2017 at 6:15 p.m., followed by the roll call with the following Resolution Committee Members only in attendance: Smith, Vallet, Arnold, Kelley, Markins, Morgan.

Absent: Lewis, Jackson, Dominique.

Councilwoman Lewis is now present.

The following resolution was read aloud by Mr. Songy:

- A) Resolution to consider and take action with respect to adopting a resolution ordering and calling a Special Election to be held in the Parish of Iberville, State of Louisiana, to authorize the renewal of a special tax therein; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith

Councilman Vallet made a recommendation to forward the resolutions to the regular meeting, seconded by Councilman Kelley. The recommendation having been duly submitted to a vote was duly adopted by the following ye and nay votes on roll call by Resolution Committee Members only:

YEAS: Smith, Vallet, Lewis, Arnold, Kelley, Markins, Morgan.
NAYS: None.
ABSTAIN: None.

ABSENT: Jackson, Dominique.

The recommendation was declared adopted by the Chairman to forward these items to the regular meeting.

RESOLUTION COMMITTEE REPORT- DURING THE REGULAR MEETING

RESOLUTION IPC#2017- 012

A RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF IBERVILLE, STATE OF LOUISIANA, TO AUTHORIZE THE RENEWAL OF A SPECIAL TAX THEREIN; MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

The following resolution was introduced by Councilman Smith, and seconded by Councilman Kelley.

BE IT RESOLVED by the Parish Council of the Parish of Iberville, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of Iberville, State of Louisiana (the "Parish"), that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Article VI, Sections 26, 30 and 32 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5 and Chapter 6-A of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the Parish on **SATURDAY, NOVEMBER 18, 2017**, between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(MILLAGE RENEWAL)

Shall the Parish of Iberville, State of Louisiana (the "Parish"), levy a special tax of five (5) mills on all the property subject to taxation in the Parish (an estimated \$3,017,000 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of ten (10) years, beginning with the year 2019 and ending with the year 2028, for the purpose of acquiring, constructing, improving, maintaining and operating the public drainage works throughout the Parish?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in the *Post South*, a newspaper of general circulation within the Parish, published in Plaquemine, Louisiana, and being the official journal of the Parish, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

Notwithstanding the foregoing, prior to the publication of the Notice of Elections, the Chairman is authorized and directed to make any amendments to the foregoing proposition that may be required to comply with any state or federal regulatory agencies.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, the Council Meeting Room, 2nd Floor, Courthouse Building, 58050 Meriam Street, Plaquemine, Louisiana, on **TUESDAY, DECEMBER 19, 2017**, at **SIX-THIRTY O'CLOCK (6:30) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places for the precincts in the Parish are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Tuesday, December 19, 2017, as provided in Section 3 hereof. All registered voters in the Parish will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Council Clerk of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Chairman and/or Council Clerk of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of Iberville Parish and the Registrar of Voters of Iberville Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided, and in the event said election carries for further consent and authority to continue to levy and collect the special tax provided for therein. A certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

The above resolution was duly adopted in regular session this 15th day of August, 2017 by the following vote on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: Dominique.

The resolution was declared adopted by the Chairman on the 15th day of August, 2017.

BOARDS & COMMISSIONS REPORT

The Boards and Commissions Committee met on Tuesday, August 15, 2016 at 6:10 p.m. followed by the roll call with the following Committee Members only in attendance: Vallet, Markins, Lewis, Smith, Arnold.

Absent: Jackson.

A quorum was present.

A) Appointment of Carrie Booksh to the Iberville Parish Planning Commission

Upon a recommendation by Councilman Vallet, and seconded by Councilman Arnold, it was recommended to forward the appointment of Carrie Booksh to the Iberville Parish Planning Commission to the regular meeting. The recommendation having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call by Boards and Commission Committee Members only:

YEAS: Vallet, Markins, Lewis, Smith, Arnold.
NAYS: None.
ABSTAIN: None.
ABSENT: Jackson.

The recommendation was declared adopted by the Chairman.

B) Re-appointments (4) to the Library Board of Control

Upon a recommendation by Councilman Vallet, and seconded by Councilman Markins, it was recommended to forward the re-appointment of Mr. Eugene LeBlanc, Mr. Mark Murrell, Ms. Tonya Orcino, and Ms. Deena Thomas to the Iberville Parish Library Board of Control to the regular meeting. The recommendation having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call by Boards and Commission Committee Members only:

YEAS: Vallet, Markins, Lewis, Smith, Arnold.
NAYS: None.
ABSTAIN: None.
ABSENT: Jackson.

The recommendation was declared adopted by the Chairman.

BOARDS & COMMISSIONS REPORT- DURING THE REGULAR MEETING:

A) Appointment of Carrie Booksh to the Iberville Parish Planning Commission

Upon a motion by Councilman Vallet, and seconded by Councilwoman Lewis, it was moved to appoint Ms. Carrie Booksh to the Iberville Parish Planning Commission. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet,
Morgan.
NAYS: None.
ABSTAIN: None.
ABSENT: Dominique.

The motion was declared adopted by the Chairman on August 15, 2017.

B) Re-appointments (4) to the Library Board of Control

Upon a motion by Councilman Vallet, and seconded by Councilwoman Lewis, it was moved to re-appoint Mr. Eugene LeBlanc, Mr. Mark Murrell, Ms. Tonya Orcino, and Ms. Deena Thomas to the Iberville Parish Library Board of Control. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Taylor, Ourso, Jackson, Smith, Lewis, Arnold, Markins, Bradford, Kelley, Vallet,
Morgan.
NAYS: None.
ABSTAIN: None.
ABSENT: Dominique.

The motion was declared adopted by the Chairman on August 15, 2017.

ADJOURNMENT

There being no further business, it was moved by Councilman Markins, and seconded by the Council to adjourn at 7:14 p.m.

The motion was unanimously adopted.

/s/ KIRSHA D. BARKER
COUNCIL CLERK

/s/ MATTHEW H. JEWELL
COUNCIL CHAIRMAN