

VILLAGE OF ELIZABETH
STATE OF LOUISIANA

ORDINANCE NUMBER 35-2022.1

BE IT ORDAINED, by the Mayor and the Board of Aldermen of the Village of Elizabeth, Louisiana, that the Village of Elizabeth hereby enacts this ordinance to read as follows:

**AN ORDINANCE PERTAINING TO VICIOUS AND STRAY DOGS
AND OTHER ANIMALS AND RELATED ISSUES**

It is the will of the Board to consolidate all Village regulations pertaining generally to dogs and other stray animals and pets into a single ordinance. Therefore, this ordinance combines and unifies the existing rules contained within ordinances 01-17 and 5-99 as well as Resolution No. 1-2018 and the Policy of Stray Dogs incorporated thereto. All existing ordinances, resolutions, rules and regulations which conflict with the following are hereby revoked.

Section I - Definitions

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

Animal means any domestic dog, cat or other animal.

Leash means a rope, chain or cord of not more than 15 feet in length, and of sufficient strength to control the actions of an animal, which is affixed to the animal for maintaining direct physical control of the animal.

Owner means any person who owns, keeps, or harbors an animal or who acts as its custodian, or who permits an animal to remain on or about his or her property.

Tagging means a metal plate on an animal's collar bearing its owner's name, residential address and telephone number.

Running at Large means the going upon public or private property by an animal without the owner having direct physical control over such animal and includes any animal which is staked, tied or hobbled in any manner to allow such animal to go upon a public street or sidewalk, or another person's property.

Vicious animal means any Animal which, without provocation, attacks or bites or has attacked or bitten, a human being or domestic animal, or any Animal owned or harbored primarily, or in part, for the purpose of dog fighting, or any Animal trained for fighting.

A vicious Animal is "***unconfined***" if the Animal is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the Animal. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

Section II – Regulations - Vicious Animals

CONFINEMENT. The owner of an Animal, including a dog, defined as vicious under Section I of this ordinance shall not suffer or permit the Animal to go unconfined.

LEASH AND MUZZLE. The owner of a vicious Animal shall not suffer or permit the animal to go beyond the premises of the owner unless the animal is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person capable of handling the Animal. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human or animal.

SIGNS. The owner of a vicious Animal shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious Animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

DOG FIGHTING. No person, firm, corporation, organization, or department shall possess or harbor or maintain care or custody of any Animal for the purpose of dog fighting, or train, torment, badger, bait or use any dog or other animal for the purpose of causing or encouraging the Animal to attack human beings or domestic animals.

INSURANCE. Owners of vicious Animals must provide to the Town Clerk for the Village of Elizabeth proof of public liability insurance in the amount of at least \$100,000.00, in the form of a certificate of insurance from an authorized insurer providing that the Village of Elizabeth will be given at least ten (10) days written notice in advance in the event of cancellation or expiration of the policy, insuring the owner for any personal injuries inflicted by his or her vicious Animal.

PENALTIES. Any person found to be in violation of any provision of this ordinance shall be guilty of a misdemeanor and may be punished by a fine -Of not less than \$100.00 and not more than \$500.00, or imprisonment of not more than 60 days in jail, or by both fine and imprisonment.

Section III – Running at Large

Running at Large Prohibited. No animal shall be allowed to run at large in the Village, whether on public or private property, without the owner having direct physical control over such animal by means of a leash except where such private property is the private property of such owner. Notwithstanding the foregoing, any person having previously been convicted of violating this article shall not permit any animal to be outside of his or her dwelling unless the property is enclosed by a fence or other structure which is constructed such that the animal cannot leave the property of the owner, or unless the animal is kept under the direct physical control of the owner by the use of a leash; and it is further provided that this requirement for an enclosure or leash shall not be satisfied by the chaining, roping, leashing, or any similar restraint of the animal to inanimate objects such as stakes, trees, pots, buildings, or lines.

The owner of any Animal that has been impounded and sold to another person shall not be entitled to claim the animal after the 5th day of sale or rehoming.

Any dog or other animal that has bitten a human being within the village, or that has been bitten by any animal suspected of having rabies, or any infection associated therewith, shall be impounded for a period of ten days or longer for observation and, upon the advice of a veterinarian, be destroyed if diagnosed with rabies.

Penalty. Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon first conviction shall be subject to a fine of not more than \$150.00 or imprisonment not to exceed 30 days, or both; each separate day of violation shall constitute a separate offense. Upon a second or subsequent conviction, any such person shall be subject to a fine of not more than \$250.00, or imprisonment not to exceed 60 days, or both; each separate day of violation shall constitute a separate offense.

Section IV – Stray Animals

Policy in Respect of Stray Animals. The Village of Elizabeth **POLICE DEPARTMENT** shall appoint **A POLICE** officer **WHOSE DUTIES SHALL INCLUDE** discharging the **DUTIES AND** functions **OF** dealing with stray dogs and other animals **WITHIN THE JURISDICTION OF THE MUNICIPALITY.** The officer shall be known as the Animal Control Officer **AND CARRY** out the duties of 'Dog Catcher'; **PROVIDED, THE MAYOR OR HIS/HER DESIGNEE SHALL COOPERATE WITH AND ASSIST THE ANIMAL CONTROL OFFICER WITH MANAGEMENT OF THE ELIZABETH HOLDING FACILITY (EHF) AND THE CAPTURE OF ANIMALS AS MAY BE NECESSARY.**

1. A dog or other Animal roaming unattended in a public place is deemed to be a 'stray' and the dog catcher will 'seize' and detain it. Members of the public who find a stray animal are required to either return it to its owner or contact the local authority of the area where it was found.
2. Current village ordinances require an Animal in a public place to be fitted with a collar and a tag bearing the name, residential address and telephone number of the owner. When the **IDENTITY OF THE** owner of a stray animal is known the Animal Control Officer will first attempt to return the animal to the owner. This service may result in a fee being payable to the village. In some circumstances, the village may serve upon the owner a notice of seizure. The notice shall specify that the animal has been seized, where it is being kept and provide the animal is subject to being re- homed or disposed of if it is not claimed within for (4) clear days from the date of the notice.
3. The owner of a stray animal is "not entitled" to the return of the animal until they have paid all the expenses incurred and a further prescribed sum. Should the animal not be claimed, or the owner declines to pay the sums outstanding, the ownership of the

animal is legally transferred to the EHF after four clear days. The Animal Control Officer is then entitled to sell or re-home the animal, or have it humanely destroyed.

Seizure. In each case, a dog or other Animal seized as a stray is required to be detained and a notice of seizure served upon the owner (where known). In addition, the policy of the EHF is that, on the first occasion that an animal is seized, the Dog Catcher will make all reasonable efforts to identify the owner and return it to them before putting the animal up for adoption. If the address of the owner is identified, the Dog Catcher will either visit or telephone; if contact is made, the animal will be returned to the owner after all fees have been paid.

An Animal will only be returned to an address if there is someone able to receive the animal - it will not be left at an unoccupied property, for example where the owner is out. An animal seized on a second occasion is automatically taken directly to the kennels, thus incurring kenneling costs as well as fees and charges.

If, in the opinion of the Animal Control Officer, an animal demonstrates objective signs of injury or disease requiring veterinary consultation or care, the Animal Control Officer shall arrange for the animal to receive such consultation and/or care, usually before taking the animal to the kennels or returning it to the owner.

When the Animal is in the care of the EHF, or its allocated kenneling establishment, every effort will be taken to ensure that the animal's welfare is met.

Fees and Charges. The EHF currently insists on the full amount (statutory fee, handling fee, kenneling fees, plus any veterinary costs incurred) be paid before a stray Animal is released to a claimant.

Statutory fees for stray animals picked up

1st offense warning

2nd offense citation \$150.00 (must appear in court)

All fees for kenneling of animals at EHF shall be reasonable and in accordance with a Schedule of Fees published by the Village. All fees for veterinarian services shall be in an amount of the actual charges levied by the veterinarian.

Recovery. Detained or seized stray animals will only be released to the owner or the owner's designee declared in writing signed by the owner. No animal shall be released until all fees for kenneling and veterinarian services have been paid in full.

Unclaimed Strays. Stray animals are held for a minimum period of four (4) clear days following seizure. After this period, ownership of the animal reverts to the EHF. EHF is entitled to deal with unclaimed stray animals in one of three ways:

- 1) By selling it or giving it to a person who will, in his/her opinion, care properly for the animal.

- 2) By selling it or giving it to an establishment for the reception of stray animals.
- 3) By destroying it in a humane manner.

Note: Provided that no animal shall be sold or given for the purpose of inhumane actions.

Stray Animal Adoption Fees. Adoption fees shall be in accordance with a Schedule of Fees published by the Village.

Ordinance introduced on the 19th day of December, 2022 by Alderman Ken Kelly .

Notice of the proposal of this Ordinance was published in the official journal on the 19th day of January 2023.

Public Hearing on this Ordinance was held on the 13th day of February, 2023 at 5:30 P.M. at the Community Center, Elizabeth, Louisiana.

The above and foregoing Ordinance was read and called for a vote by the Mayor at a meeting of the Village Aldermen called for said purpose on the 13th day of February, 2023. Motion was made by Alderwoman Mea Dillehay and seconded by Alderwoman Stacy Weldon to adopt said ordinance. The vote thereon:

Mea Dillehay- yea
Ken Kelly- yea
Stacy Weldon- yea

Yeas-3 Nays-0 Absent-0 Abstain-0

Approved by:/s/Mandy L Green, Mayor

Attest by:/s/Denise Lee, LCMClerk