

**Town Of Pearl River Animal Control and Welfare Ordinance  
#16-22-03**

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

- Abandon 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.
- Animal means any living creature except human beings, including, but not limited to, mammals, birds, fowls, reptiles and fish, except when referring specifically to the control of rabies when the word "animal" shall mean only mammals.
- Animal Establishment means a facility operated as a pet shop, grooming shop, commercial or private kennel, boarding dogs or cats or training dogs for any purpose. Animal shelters operated by public authorities or veterinary medical facilities, accredited zoos or accredited institutions of higher learning are exempt from this definition.
- Animal Shelter means the Town's kennels and/or St. Tammany Parish Department of Animal Services.
- At large: An animal shall be deemed to be at large when: (a) the animal is off the premises of its owner or keeper and not under the immediate control of a responsible person; or (b) the animal is left unattended while outdoors and upon unenclosed land.
- Bite means any abrasion, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.
- Cat: Any member of the Felis catus classification of the Felida species, i.e., any domestic member of the feline family.
- Companion animal means an animal that is commonly considered a pet, or is considered by the owner to be a pet, including canines and felines.
- Cruelty means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.
- Dangerous Animal means any animal that has been classified as a dangerous animal in accordance with the requirements and procedures set forth in the dangerous animal section of this ordinance.
- Dog means any member of the Canis familiaris classification of the Canidae, i.e., any domestic member of the canine family.
- Enclosure: Except in the case of a primary enclosure or a secure enclosure or pen required for dangerous animals, an enclosure means a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to:
  - (a) Prevent any unattended animal, while outdoors and upon the premises of its owner or keeper, from going beyond or outside of the boundaries of the property; and
  - (b) Not allow ready and unobstructed access to the animal by the general public.
- Enclosure for Dangerous Animals; secure enclosure means a securely enclosed and locked pen or structure that must be designed and constructed to prevent the dangerous animal from escaping and from coming into contact with either a human being, other than the owner or keeper, or any other animal. The materials used to construct the
- Enclosure or pen must prevent the animal from escaping by digging out, going over and going through the enclosure. The enclosure or pen shall provide a humane existence for the animal, protection from the elements, provide adequate exercise room, light and

- Ventilation and shall be kept in a clean and sanitary condition. Additionally, in the case of a dangerous dog, the pen or structure must have minimum dimensions that measure four (4) feet wide, ten (10) feet long and six (6) feet high. Such pen or structure shall have sides that are securely embedded in concrete, a secure top, and a bottom or floor that is permanently attached to the sides.
- Enclosure; primary means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.
- Excessive Barking means excessive or untimely barking, howling or yelping that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within ones home or unreasonably interferes with the use of one's residential property, which is defined to include single family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.
- Excessive odor means all obnoxious odors and stenchs of such unreasonable, intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property.
- Exposed to rabies: An animal has been exposed to rabies if it has been bitten by a known rabid animal or if it has been in contact with any animal known or suspected of being infected with rabies.
- Impounded means taken into the custody of the Town of Pearl River.
- Owner means any person, partnership, business, corporation, firm, investment stock company, association or other legal entity owning, keeping or harboring any animal or having in his care an animal on or about his premises.
- Pet means a domesticated animal kept for companionship rather than primarily being kept for utility. For the purposes of this ordinance, livestock shall not be included in the classification of pet.
- Police service dog or any dog affiliated with police service means any dog which is owned or the service of which is used, by any law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, apprehension of offenders, or the location of missing individuals.
- Private kennel: Any person who maintains, within or adjoining his residence, a kennel housing more than five (5) dogs or cats over four (4) months of age, which animals are for that person's recreational use or for exhibition in conformation shows, or field or obedience trials, and where the sale of offspring is not the primary purpose or function of the kennel. Private kennels must be in compliance with all applicable zoning, land use and permit regulations.
- Proper food means providing each animal with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.
- Proper shelter means providing each animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal.
- Proper veterinary care means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal. An animal exhibiting symptoms such as persistent vomiting or diarrhea should be afforded veterinary care. An animal shall be afforded veterinary care if known or suspected to have suffered an injury, accidental or deliberate, and exhibits such signs as shock, swelling, broken bones, open wounds, blistering, partial or total paralysis, bleeding or other such signs, or animals who are debilitated and weakened or those exhibiting symptoms of bloat or other life threatening illnesses. An animal who has exhibited signs of severe parasitic infestation or disease such as infection, discharge, weight loss, abnormal skin condition or hair loss, tremors, inability to bear weight on a limb or

lameness or any other such sign over a period of twenty-four (24) hours or more must be afforded veterinary care within twenty-four (24) hours. This does not apply to conditions that are chronic or permanent and that have previously been diagnosed and treated or are under veterinary care.

- Proper water means providing each animal with daily supply of clean, fresh, potable water in a sanitary manner and in a sufficient quantity to prevent unnecessary or unjustifiable suffering by the animal.
- Serious bodily injury means bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.
- Service Animals are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not companion animals or pets.
- Severely Injured means any animal which because of major trauma, broken bones, blood loss or other easily apparent life threatening condition, will not be expected to live and is in severe pain or suffering.
- Terminally Ill means any animal that, because of apparent sickness or condition, is not expected to live and is in dire physical distress.
- Unenclosed Land means any occupied or unoccupied lot or parcel of land that does not have a fence or structure that meets the above definition of enclosure.
- Vaccination means an inoculation with a recognized anti-rabies vaccine, approved by the Louisiana Department of Health & Hospitals (DHH).
- Vicious Animal means any animal previously classified as a dangerous animal, in accordance with the dangerous animal section of this ordinance, and which is subsequently classified as a vicious animal in accordance with the requirements and procedures set forth in the vicious animal section of this ordinance.
- Wild or Exotic Animal means any live monkey, primate, raccoon, skunk, wolf, wolf-hybrid, squirrel, fox, fox-hybrid, coyote, coyote-hybrid, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, bird, venomous snake or spider, which can normally be found in the wild state, or any crocodylian including, but not limited to, alligators, crocodiles, caimans and gavials. Ferrets, non-venomous snakes with a length not greater than 6 feet, rabbits, rodents and birds which have been bred and raised in captivity and which have never known the wild shall be excluded from this definition.

#### Enforcement Authority

##### A. Animal Control Officers.

1. Any animal control officer designated by the Mayor, any member of the Town of Pearl River Police Department and St. Tammany Parish through its Department of Animal Services are empowered to administer and enforce the provisions of this Ordinance that are within the jurisdiction of the Mayor's Court of the Town of Pearl River.

##### B. Interference with enforcement.

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

2. It shall be unlawful for any person to knowingly interfere with or damage any animal trap owned or used by the Town of Pearl River or to molest or release an animal caught therein.

#### General Duties of All Animal Owners:

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

It shall be the duty of every owner of any animal or anyone having any animal in his possession or custody to care for said animal in a humane fashion and provide it with proper water, proper food, proper shelter, proper veterinary care and safe surroundings.

In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this ordinance are complied with.

#### Public Nuisance:

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

- A. Excessive or untimely barking, howling or yelping that is unreasonably loud and intrusive or disturbing and which essentially interferes with the right of privacy within one's home or unreasonably interferes with the use of one's residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.
- B. Attacking or molesting a person or animal or chasing vehicles.
- C. Animals at large: No person shall suffer or permit any animal in his possession, or kept by him about his premises, to run loose, free or at-large on any street, sidewalk, alleyway, highway, common or Public Square; or upon any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. Running loose, free or at large means not under the immediate control of a competent person and restrained by a substantial chain or leash. Nothing in this part is intended to prevent any citizen of this state from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper.
- D. Enticing or releasing animals: It shall constitute a violation of this ordinance for any person to release any animal from, or to entice any animal to leave, the property of the owner or keeper of such animal.
- E. Scratching on or digging into or urinating or defecating upon lawns, shrubs, buildings or any property, either public, private or other than property of the owner or keeper. In the case of nuisance by defecation, whether such nuisance shall take place in the presence of the owner or keeper or not, the owner or keeper must promptly remove all feces and dispose of them in a sanitary manner or be considered to be further in violation of the provisions of this article.
- F. Premises on which animals, including fowl, are kept shall be maintained so as to prevent all obnoxious odors and stenches of such unreasonable intensity and duration that it prevents or essentially interferes with a person's ability to use or enjoy his property, or the presence or breeding of flies, mosquitoes and other pests. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.
- G. Every female dog or cat in heat shall be confined so that the animal cannot come into contact with an un-neutered male, except for planned breeding.
- H. All animal containment areas shall be maintained in order that excessive fecal matter and urine does not build up and create unsuitable living conditions for the animal and humans who enter the containment area; and does not create a health hazard and/or

excessive odor. All animal containment areas should remain free of excessive water buildup and/or excessive flooding or continuous standing water.

I. Dogs on school grounds: Owners shall not permit their dogs on any school ground when school is in session, unless specifically authorized by the school board or principal.

J. Animals in restaurants: Dogs or other animals shall not be permitted in restaurants or other places serving food, establishments selling food or edible products, or in any place of business when prohibited by the owner of the business. This provision shall not apply to service animals.

K. Giving live animals as prizes is strictly prohibited and it shall be unlawful for any person to give away an animal as an advertising device, or as a game prize at any fair, festival or charity event. Raffling or auctioning an animal shall be permitted provided monetary consideration is given in exchange for a chance of winning the animal. For purposes of this section, an animal shall include, but is not limited to, fish, rabbits, birds, cats and dogs.

L. Animals Restricted from Parades and Other Public Events: Pets, animals or reptiles, other than those that have been authorized to participate in a parade or other public event by the organizer thereof, are prohibited from being within one hundred fifty (150) feet of the parade route or the site of such public events for the duration of the parade or event.

(1) This prohibition shall apply to any pet, animal or reptile that is not within an enclosure on the property of the owner or keeper, even if it is under the immediate control of the owner or keeper by means of a leash, cage or hutch, for example.

(2) In the case of a parade route, the distance is measured from the outer edge of the sidewalk or hard surface of the road or street (i.e. the concrete or asphalt) of the designated route.

(3) In the case of the site of a public event, the distance is measured from the fence surrounding the site of the event or, if there is no fence, the boundary line of the property where the event is being held.

(4) For purposes of this prohibition, the duration of the parade or event shall include a two-hour period of time before the scheduled commencement of the parade or event and a two-hour period of time after the parade or event has ended.

M. No person shall sell, exchange, barter, trade, lease, rent, give away, or display for such purposes any live animal on any roadside, public right-of-way, parkway, median, park, playground, or other recreational area, flea market, commercial or retail parking lot, or property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not.

(1) Exception: This section shall not apply to humane societies, animal welfare groups, animal control agencies or non-profit organizations sponsoring animal adoption events.

N. Penalties and enforcement for violating this section:

1) Misdemeanor enforcement: Whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not more than thirty days, or both. Additionally, upon conviction, such person shall be required to pay all court costs and the court may, in its discretion, order the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.

In all cases where an animal is impounded, the owner may be ordered to pay the costs of boarding and necessary medical care in addition to any other cost.

Animals at large; leash law:

It shall be unlawful for any person to suffer or permit any animal in his possession, or kept by him about his premises, to run loose, free or at-large on any street, sidewalk, alleyway, highway, common or Public Square, or upon any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. Running loose, free or at large means not under the immediate control of a competent person and restrained by a substantial chain or leash.

"Electronic Leashes" utilizing an electrical charge as a means of restraint shall not serve as a replacement for a tangible chain or leash.

A. Confinement by owner:

1) Enclosure: When not confined within the owner or keeper's dwelling or being exercised or transported outside the owner or keeper's premises, all animals owned or kept in the Town of Pearl River shall be confined within an enclosure, which means a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to:

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

(b) Not allow ready and unobstructed access to the animal by the general public.

(i) "Electronic Fences", incorporating the use of electrical charges as a means of restraint of an animal within a yard-like perimeter, may only be used as a secondary means of restraint and not as a replacement for actual fencing material or an enclosure.

2) Tethering of Animals: An owner or keeper of an animal, other than one deemed dangerous or vicious, may tether said animal only in a fashion conforming to the method indicated below:

(A) Tethering shall only be used as a secondary means of restraint and shall not serve as an alternative to the enclosure requirements.

(b) Tethering must occur only on a type configuration which permits the animal to move freely in all directions.

(c) Tethering must occur only with a lead rope, chain or cable at least twelve (12) feet in length.

(d) Tethering must occur in an open area free of any choking hazards such as trees, bushes, poles, or other obstructions, with the exception of the object to which the lead is joined.

(e) Tethering by means of a lead rope, chain or cable that weighs more than one-eighth (1/8th) of the total body weight of the animal is strictly prohibited.

B. Seizure and impoundment: Any citizen may, or the sheriff, constable, or animal control officer shall seize any animal found to be at large. Any such animal may be turned over to the Department of Animal Services. Animals found at large by the St. Tammany Parish Department of Animal Services may be seized and impounded; or as an alternative, the animal may be seized and returned to the owner or keeper and a notice of violation of this section may be issued to the owner or keeper.

C. Penalties and enforcement for violating this section:

Misdemeanor enforcement: Whoever violates any provision of this section, or fails or neglects to perform any duty imposed by it, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not more than thirty days, or both. Additionally, upon conviction, such person shall be required to pay all court costs and the court may, in its discretion, order the payment of any reasonable costs incurred in the enforcement thereof, including the costs of boarding the animal and necessary medical care.

D. Escaped dogs and cats: Should any dog or cat while at large be captured, or is sought to be captured, by an animal control officer, and such dog or cat escapes said officers by

entering the premises of the owner or keeper, the penalty and enforcement provisions of paragraph C of this section shall be applicable. Should such dog or cat escape by entering the premises of a person other than the owner or keeper, and the person refuses to deliver such dog or cat to the animal control officer the refusal shall be a violation of this ordinance and such person shall be subject to the penalties provided for in paragraph C of this Section.

E. Redemption of impounded dogs or cats found at large: The disposition and processing of any dog or cat found at large shall be in accordance with the provisions set forth in this ordinance.

F. Dangerous and vicious animals: Owners or keepers of dangerous and vicious animals shall be subject to the provisions and requirements set forth in this ordinance.

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

#### Licensing, Registration, Vaccination, and Tags:

A. License required; tag: It shall be the duty of the owner or keeper of every dog, cat and ferret over (3) three months old to register same by the purchase of a license tag. Such license tag shall be dated and indicate the number of the license tag issued for the animal at the time it is vaccinated by a licensed veterinary or licensed veterinary technologist with appropriate anti-rabies vaccine at the owner's expense. The license tag shall indicate the current calendar year. The license tag shall be fastened to the animal's collar or harness and worn at all times. The license must be renewed annually and no animal shall be vaccinated without the issuance of a license or licensed without a current rabies vaccination.

B. Exemptions: Fee exempt registrations may be issued for the following:

- 1) Police, Sheriff's department or other law enforcement dogs.
- 2) Service Animals.
- 3) Licensed veterinary, vet or clinic animals in conduct of business.
- 4) Any person or entity that has a current Animal Establishment Permit.

C. Hunting and show animals: Animals used for hunting, on exhibition at American Kennel Club or other approved shows engaged in a specific "animal club" sponsored race or trial, or such animals while being transported to and from such events need not wear their collars nor their tags.

D. Counterfeiting and unauthorized use of tags prohibited: Any person who counterfeits or imitates the license tag as provided or any person who shall put on an animal any such counterfeit or imitation tag, or who shall use a license tag on an animal for which it was not issued, shall be subject to the penalties provided for in this Section.

E. Penalty for violating this Section or disturbing dog's collar or tag:

- 1) Except as otherwise provided in subparagraph two (2) hereof, whoever violates any provision of this Section, or fails or neglects to perform any duty imposed by it, shall be fined not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution or enforcement, or imprisoned for not more than thirty days, or both.
- 2) Any person who counterfeits, imitates or alters the license tag, or any person who removes a license tag from any dog properly registered as herein provided for, or uses a license tag on an animal for which it was not issued, shall be fined not more than one hundred dollars and the costs of prosecution or enforcement, or imprisoned for not more than thirty days, or both. Each counterfeit, imitation, alteration, removal or unauthorized use of a license tag shall constitute a separate violation.

Simple Cruelty to animals; minimum care standards:

A. (1) any person who intentionally or with criminal negligence commits any of the following acts or omissions shall be guilty of simple cruelty to animals:

(a) Overdrives, overloads, drive when overloaded, or overworks a living animal.

(b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.

(c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care as set forth herein below:

(i) Fresh water for drinking shall be available to all species at all times. Each animal shall be provided with daily supply of clean, fresh, potable water in a sanitary manner and in a sufficient quantity to prevent unnecessary or unjustifiable suffering by the animal. Containers shall remain clean, free of fecal matter, urine and other debris and shall always remain easily accessible to the animal.

(ii) All animals shall be provided with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal. All animals shall be fed in clean containers, free from contamination, which shall be easily accessible to the animal.

(iii) All animals shall be provided with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal. In the case of a pet or companion animal that is kept outdoors, a shelter must have a minimum of three sides, a waterproof roof and a dry floor. Such shelter shall provide proper protection from the sun, rain, cold and the wind.

Housing for animals shall be structurally sound and maintained in good repair. Housing for the animal shall allow, as a minimum, enough room for the animal to stand, sit and to turn around comfortably. Proper housing shall always remain easily accessible to the animal at all times.

(iv) every animal shall be provided with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal. An animal exhibiting symptoms such as persistent vomiting or diarrhea should be afforded veterinary care. An animal shall be afforded veterinary care if known or suspected to have suffered an injury, accidental or deliberate, and exhibits such signs as shock, swelling, broken bones, open wounds, blistering, partial or total paralysis, bleeding or other such signs, or animals who are debilitated and weakened or those exhibiting symptoms of bloat or other life threatening illnesses. An animal who has exhibited signs of severe parasitic infestation or disease such as infection, discharge, weight loss, abnormal skin condition or hair loss, tremors, inability to bear weight on a limb or lameness or any other such sign over a period of twenty-four (24) hours or more must be afforded veterinary care within twenty-four (24) hours. This does not apply to conditions that are chronic or permanent and that have previously been diagnosed and treated or are under veterinary care.

(d) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers the animal to an Animal Shelter. Owners of unwanted animals may bring and release such animals to the Town of Pearl River at no cost to the owner to be made available for disposition at the discretion of the Town of Pearl River.

(i) An animal found running at large and brought to the Town will be processed in accordance with the section governing animals at large.

(e) Impounds, confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, proper shelter, or proper veterinary care.

(f) 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 left unattended in a vehicle under conditions which cause unnecessary and unjustifiable suffering by the animal.

(g) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes an animal to any such drug or substance whether



mixed with food or not, with intent that the same shall be taken or swallowed by any domestic animal.

- (h) Unjustifiably injures any animal belonging to another person.
- (i) 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.
- (j) Causes or procures to be done by any person any act enumerated in this Subsection.

Animals left unattended in a vehicle:

A. Any law enforcement officer who finds an animal left unattended in a vehicle, in a cruel or inhumane manner so as to violate the provisions of this ordinance shall be permitted to use all reasonable means, including breaking a window, in order to free a suffering animal, provided that all of which following additional conditions have been met:

1. The animal shows physical signs of heat exhaustion, convulsions, or other near death symptoms which require immediate action by the animal control officer in order to save the animal's life.
2. All reasonable attempts to contact the owner or driver of the vehicle must have been thoroughly exhausted.

B. If all of the conditions of this section are met, the animal control officer and the Town of Pearl River shall be deemed not liable for any reasonable property damage resulting from the taking of such action to save the animal and the damage to the personal property was limited to what was absolutely necessary.

Rabies Control and Attack (Bite) Cases:

All dogs and cats shall be inoculated by a licensed veterinarian for rabies in accordance with the State of Louisiana Sanitary Code Title 51 and shall wear the metal rabies inoculation tag given by the veterinarian at all times.

Dangerous Animals:

A. As used in this Section, "dangerous dog" means:

- (1) Any dog which when unprovoked, 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 or keeper of the dog; or
- (2) Any dog which, when unprovoked, bites a person causing an injury and is capable of causing serious bodily injury; or
- (3) Any dog which, when unprovoked, 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) Any dog that has been deemed dangerous by another jurisdiction (i.e. another state, county, parish or municipality).

B. For the purposes of this Section "potentially dangerous dog" means:

- (1) Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner or keeper of the dog.
- (2) Any dog which, when unprovoked, 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.

C. The provisions of this Section shall not apply to:

- (1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

(3) Proprietors of animal hospitals, to veterinarians, zoological gardens, theatrical exhibit, or a circus, provided that such animal hospital, veterinarian, zoological garden, theatrical exhibit, or circus possesses all permits required by the laws of this parish and state and complies with all other regulations concerning the keeping and maintaining of such animals.

D. No dog shall be declared dangerous or potentially dangerous if evidence presented is sufficient to establish any of the following:

(1) The person taking defensive action to prevent bodily injury had provoked the dog by teasing, tormenting, abusing, or assaulting the dog.

(2) Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a crime upon the property of the owner of the dog.

(3) Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog.

(4) Any injury or damage is sustained by a domestic animal which, at the time the injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog.

(5) If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

(6) If the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

E. It shall be unlawful for any person to own, possess, keep or harbor a dangerous or potentially dangerous dog without properly restraining or confining the dog and complying with all other applicable requirements including, but not limited to, the requirement of registering the dog with the Town of Pearl River and complying with the licensing requirements of this Section.

F. Impoundment:

(1) Any law enforcement officer making an arrest for violation of this Section may lawfully take possession of all dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested.

(2) In the event that an animal control officer or law enforcement officer has probable cause to believe that an animal is potentially dangerous or dangerous, and the animal is found to be at large, the animal shall be immediately impounded.

(3) It shall be unlawful to harbor or conceal an animal which has bitten or inflicted serious bodily injury on a human when a person knows or has reason to know that an animal has bitten or inflicted serious bodily injury on a human and the person intentionally harbors or conceals the animal from any law enforcement or animal control agency investigator or agent. Any law enforcement officer or animal control officer may take possession of any dog that bites a person or is reported to have bitten a person within the limits of the Town of Pearl River. In such cases, the provisions of Section 4-131.00 Rabies Control and Attack (Bite) Cases shall also be applicable.

G. Destruction: Any animal control officer or law enforcement officer may kill any dangerous or vicious dog which cannot be safely taken up or impounded and no animal control officer or law enforcement officer shall be liable for damages by reason of such killing. (R.S. 3:2773D)

Requirements for harboring potentially dangerous and dangerous animals:

A. Potentially dangerous animal: The owner or keeper of an animal that has been designated as potentially dangerous shall meet the following requirements.

(1) The property of the owner and/or keeper shall be enclosed by means of a fence or structure, whether or not it is located along the boundary of the property, that is constructed in such a manner as to:

- (a) prevent any unattended animal while outdoors and upon the premises of its owner or keeper, from going beyond or outside the boundaries of the property; and
- (b) not allow ready and unobstructed access to the animal by the general public.

B. Requirements for harboring a dangerous animal: The owner or keeper of an animal that has been designated as dangerous shall meet the following requirements:

(1) The owner and/or keeper of a dangerous dog shall post and maintain signs on the property, and on the secure enclosure, which must be sufficient to warn the general public, including young children, that a dangerous dog is being kept on the property. At a minimum, the signs shall be placed on the secure enclosure and at each normal point of ingress and egress. The signs shall be so placed as to be readily visible to any person approaching the property and secure enclosure.

Vicious Animals:

A. For the purposes of this Section "vicious dog" means any 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 under the criteria set forth in this ordinance

(1) It shall be unlawful for any person to own a vicious dog.

(2) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

B. The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

(3) Proprietors of animal hospitals, to veterinarians, zoological gardens, theatrical exhibit, or a circus, provided that such animal hospital, veterinarian, zoological garden, theatrical exhibit, or circus possesses all permits required by the laws of this parish and state and complies with all other regulations concerning the keeping and maintaining of such animals

C. Impoundment:

(1) Any law enforcement officer making an arrest for violation of this Section may lawfully take possession of all dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested.

(2) In the event that an animal control officer or law enforcement officer has probable cause to believe that an animal is vicious, and the animal is found to be at large, the animal shall be immediately impounded.

(3) Any law enforcement officer or animal control officer may take possession of any dog that bites a person or is reported to have bitten a person within the limits of the Town. In such cases, the provisions of this ordinance relative to Rabies Control and Attack (Bite) Cases shall also be applicable.

Now, therefore on April 4, 2016, this ordinance was adopted by a motion from Alderman Bridgett Bennett and seconded by Alderman David McGregor and will go into effect immediately upon its passage.

VOTING:

Yeas:	4
Nays:	1
Abstain:	0

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Clarence D. McQueen, Mayor

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Carla Benelli, Town Clerk