

DOGS WITHIN THE CORPORATE LIMITS OF PEARL RIVER

#95-01

The following ordinance was offered by Alderman Richard Karchner and seconded by Alderman David McQueen.

An ordinance for the Town of Pearl River, Louisiana, providing for the regulation of dogs within the corporate limits of the Town of Pearl River, Louisiana, replacing Ordinance #01-91.

Section 1: Definitions as used in this article, the following words and terms have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning.

- A.) Animal:
Both the male and female sex of all warm-blooded species.

- B.) Owner:
Any person, firm, or corporation owning, possessing, harboring, or keeping an animal.

- C.) Dangerous:
Vicious, fierce or mischievous. An animal shall be conclusively presumed to be dangerous when it or attempts to, or actually causes damage or injury to persons or property.

- D.) At Large:
Off the premises of owner and not under the control of the owner or other person by leash, cord, chain, or other physical means of restraint sufficient in strength to control such animal.

- E.) Town:
The Town of Pearl River, Louisiana, and any and every place within the corporate limits of the Town of Pearl River, Louisiana.

Section 2: Rabies Inoculation

It shall be unlawful for any owner to own, possess, harbor, or keep an animal within the corporate limits unless the animal is inoculated against rabies as provided by the laws of the State of Louisiana and the rules and regulations of Louisiana State Board of Health. Each animal must bear a suitable metal tag approved by the State Board of Health bearing the serial number of the inoculation, the year in which the animal was inoculated and the name and address of the person administering the inoculation.

Section 3: Running at Large or Walking Dog on Leash

It shall be unlawful for an owner to permit an animal to be at large within the corporate limits. 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. Excessive or untimely barking, howling, yelping so as to disturb the peace and quiet of the neighbor of its residents or to disturb the health or repose of the other residence; being repeatedly at large; chasing vehicles; scratching or digging into or urinating or defecating upon lawns, shrubs, building, or any property either public or private other than the property of the owner or keeper of the animal. Shall be deemed to be the creation of public nuisance be guilty of a misdemeanor. The walker of the animal(s) is responsible for picking up the feces left by the animal(s)

Section 4: Contract with the Humane Society authorized. The Mayor and Board of Aldermen may enter into an agreement with the Humane Society or any other private or governmental agency pertaining to the enforcement of this section. However, any such agreement shall not relieve the Police from their duties to enforce the laws of the Town.

Section 5: Impounding and Disposition

If the Town receives a dog at large or nuisance animal complaint, any animal caught in violation of this article may be caught and transported to the nearest animal control shelter and thereafter be subject to the requirements of the LA R.S. 3-2273," (A), seizure of dogs at large." To recover an animal, fees will be paid to the Town of Pearl River according to Section 8 of this ordinance. The owner will be given the necessary forms to bring to the Humane Society to recover the animal.

Section 6: No Pets Allowed

Due to the unsanitary and unsafe conditions of having pets in the park, no pets will be allowed in the park. Signs to this effect will be posted.

Section 7: Emergency Proclamation

The Mayor and Town Council may find and adjudge by resolution an emergency and promulgation's for the duration of the emergency to safeguard the public from the dangers of Hydrophobia. Any citizen or officer may kill any dangerous or vicious dog, and no citizen or officer shall be liable for damages or to prosecution by reason of killing any dangerous of vicious dog.

Section 8: Penalty

Whoever violates any provision of this article in addition to any costs, or fees imposed herein shall for the first offense be issued a written warning; for the second offense be fined \$50.00; and for any subsequent offense be fined a sum not less than \$100.00, and not to exceed \$500.00, imprisoned for a term not more than thirty (30) days, or both. A fifth offense will result in a fine not less than \$100.00 and not to exceed \$500.00 and Animal Control will be notified to pick up the animal.

Section 9:

If any section, subsection, sentence, clause, or phrase of this article shall be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this article. The Mayor and Town Council hereby declare that they would have adopted this article, and each section, subsection, sentences, clauses and phrases, thereof, irrespective of the fact that any one or more section, subsection, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 10: Inconsistent Ordinances Repealed

Any and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Introduced and amended on the 25th day of April, 1995; having been submitted to a vote. The vote thereon was as follows:

Voting: Yeas:

Nays: 5

Abstained: 0

Absent: 0

0

/s/ James Lavinge, Mayor

/s/ Ruby Gauley, Town Clerk

The Town of Pearl River Board of Aldermen held a Public Hearing at the Pearl River Town Hall, 39460 Willis Alley, Pearl River, LA at 6:30pm on December 9, 2008 for the purpose of getting the public's input to amend Dog Ordinance #95-01. In Section 3 the subtitle will read "Running at Large or Walking Dogs on a Leash" also in Section 3 it is to be added that the walker of the animal(s) is responsible for picking up the feces left by the animal(s).

On December 9, 2008 Dog Ordinance#95-01 has been amended to Dog Ordinance95-01-A at the regular scheduled Council Meeting on December 9, 2008 and shall become effective immediately upon adoption.

Alderman McQueen so moved to accept the changed amendments to Dog Ordinance #95-01 and Alderwoman Gauley seconded the motion.

This amended ordinance was passed by unanimous consent.

VOTING: 4 YEAS, 0 NAYS , 1 ABSENT - MOTION CARRIED

James Lavigne, Mayor

Elizabeth Allen, Town Clerk

The Town of Pearl River Board of Aldermen held a Public Hearing at the Pearl River Town Hall, 39460 Willis Alley Pearl River, LA at 6:30p.m. on August 14, 2012 for the purpose of getting the public's input to amend Dog Ordinance#95-01 by including RS 14:102.14 and RS 14:102.15

On August 14, 2012 Dog Ordinance #95-01A was amended at the regular scheduled Council Meeting and shall become effective immediately upon adoption.

Alderman McQueen so moved to amend Dog Ordinance #95-01A by including RS: 102.14 and RS:102.15 and Alderwoman Walsh seconded the motion.

This amended ordinance was passed by unanimous consent.

VOTING: 5 YEAS, 0 NAYS, 0 ABSENT - MOTION CARRIED

James Lavigne, Mayor

Diane Hollie, Town Clerk

.14 Unlawful ownership of dangerous dog RS 14:102.14

A. For the purposes of 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 of the dog; or

(2) Any dog which, when provoked, bites a person causing an injury; or

(3) Any dog which, when provoked, 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.

B. It is unlawful for any person to own a dangerous dog without properly restraining or confining the dog.

C. A dangerous dog, while on the owner's property, shall at all times, be kept indoors, or in a secure enclosure. A dangerous dog may be off the owner's property only if it is restrained by a leash which prevents its escape or access to other persons.

D. The owner of a dog determined by the court to be dangerous shall post signs around the secure enclosure no more than thirty feet apart and at each normal point of ingress and egress. The signs shall bear the words "Beware of Dog", or "Dangerous Dog" in letters at least three and one-half inches high and shall be so placed as to be readily visible to any person approaching the secure enclosure. A dangerous dog may be off the owner's property only if it is restrained by a

E. If the dog in question dies, or is sold, transferred, or permanently removed from the municipality or parish where the owner resides, the owner of a dangerous dog shall notify the animal control agency of the changed condition and new location of the dog on writing within two days.

F. Whoever violates the provisions of this Section shall be fined not more than three hundred dollars.

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

(1) Any dog which is owned, or the service of which is employed, by the state or local 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.

RS 14:102.15 Unlawful ownership of a vicious dog

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.

B. It is unlawful for any person to own a vicious dog.

C. 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.

D. 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.