

ORDINANCE NO. 135

AN ORDINANCE ENACTING ARTICLE B OF CHAPTER TWENTY-ONE OF THE CODE OF ORDINANCES OF THE VILLAGE OF HODGE PROVIDING FOR THE REGULATION OF ANIMALS IN GENERAL, VICIOUS DOGS, DOGS AND CATS IN GENERAL AND RABIES CONTROL AND PROVIDING FOR MATTERS RELATED THERETO.

BE IT ORDAINED by the Mayor and Board of Aldermen of the Village of Hodge, Louisiana, in regular session, duly convened:

SECTION 1

Section 21.6 of Article A of Chapter 21 of the Code of Ordinances of the Village of Hodge, hereinafter referred to as the Village, be and the same is hereby repealed.

SECTION 2

BE IT ORDAINED by the Mayor and Board of Aldermen, in regular session duly convened as the governing authority that Article B, of Chapter 21 of the Code of Ordinances of the Village of Hodge be and the same is hereby enacted to read as follows, to-wit:

"Chapter 21

ARTICLE B. DOGS, CATS AND OTHER DOMESTIC ANIMALS

DIVISION 1. GENERALLY

Sec. 21.11. Definitions.

As used in this article, unless the context otherwise indicates:

Animal control officer shall mean the person designated by the Mayor to represent and act for the Village in the impoundment of animals, controlling of animals, running at large and as otherwise provided and required in this chapter.

Animal shelter shall mean the facility operated at the Village's discretion, by either the Village or a private entity

acting under contract with the Village, for the purpose of impounding and caring for animals held under the authority of this chapter.

Cat shall mean any member of the feline family or species and is intended to mean both male and female.

Dog shall mean any member of the canine family or species and is intended to mean both male and female.

Excessive barking shall mean loud and frequent barking and howling sufficient to disturb the peace and quiet of any person who may reside within reasonable proximity of the place where a dog is kept.

Inoculation means the injection, subcutaneously or otherwise, of animal anti-rabies vaccine, as approved by the state Board of Health.

License shall mean a certificate of ownership or tag upon the annual payment of a three dollar license fee.

Owner shall be intended to mean any person owning, keeping or harboring a dog or cat, or who acts as its custodian, or who permits a dog or cat to remain on or about his premises.

Running at large shall mean off the premises of the owner and not under the control of the owner or other persons authorized by the owner to care for the animal by leash, cord, chain, or otherwise.

Sec. 21.12. Animal shelter advisory committee.

(a) The Mayor may appoint an advisory committee to serve in an advisory capa in the operation of the animal shelter.

(b) The committee shall be comprised of three (3) members,

one member of the Board of Aldermen, the Chief of Police or his designated representative and one appointed by the Mayor. The Mayor or his designee may act as an ex-officio member.

(c) The committee shall serve at the pleasure of the Mayor and shall advise the Village on matters relevant to animal control.

Sec. 21.13. Interference with animal control officer.

It shall be a violation of this chapter for the owner or any other person to hinder, obstruct, or attempt to obstruct in any manner, or to refuse to permit the animal control officer or his representative when such person is acting in his official capacity from picking up for impounding purposes any animal not wearing the current official vaccination and license tags or running loose or suspected of having rabies or any other infectious or communicable disease or any other animal which has attacked or bitten any person, or killed another animal, whether such animal may be running at large or enclosed on the owner's premises.

Sec. 21.14. Excessive barking declared public nuisance.

(a) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking shall be deemed a public nuisance.

(b) The animal control officer and/or the Hodge Police Department shall be responsible for effective control of such public nuisance.

Sec. 21.15. Cruelty to animals.

(a) The following words, phrases and terms as used in this section shall be defined and construed as follows:

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.

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

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.

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

(b) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of cruelty to animals:

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

(2) Tortures, torments, cruelly beats or unjustifiably injures, maims, mutilates or kills any living animal, whether belonging to himself or another.

(3) Having charge, custody or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it

(e) Whoever commits the crime defined in paragraph 21.14(b) of this section shall be guilty of a misdemeanor and may be punished by a fine of not more than \$500.00 or imprisonment for not more than sixty days, or both.

DIVISION II. DOGS AND CATS

Sec. 21.15. Prohibited at large.

(a) No owner or keeper of any dog or cat, licensed or unlicensed, shall permit such dog or cat to run at large on any street, alley or any other place of the Village off the premises of the custodian of the dog or cat except on a leash.

(b) No dog or cat shall be allowed to run loose on school grounds at any time.

Sec. 21.16. Impoundment of dogs and cats in violation of section 21.15; registry.

It shall be the duty of the animal control officer or his authorized representative to apprehend any dog or cat found running at large contrary to the provisions of Section 21.15 and to impound such dog or cat at the animal shelter or other suitable place. The animal control officer or his authorized representative upon receiving any dog or cat shall make a complete registry, entering the breed, color, and sex of such dog or cat and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag.

Sec. 21.17. Notice to owner upon impoundment; redemption.

(a) *Licensed dogs and cats.* Not later than three (3) days after the impounding of any dog or cat, the animal control officer or his authorized representative shall notify the owner of the dog

or cat wearing a valid rabies and license tag. The owner of any dog or cat so impounded may reclaim such dog or cat upon payment of the license fee, if unpaid, and the sum of five dollars (\$5.00) for board daily. The owner shall also pay a seven dollar and fifty cent (\$7.50) fine for the first offense of allowing his dog or cat to run at large. A fine of fifteen dollars (\$15.00) shall be charged for second and all subsequent offenses.

(b) *Unlicensed dogs and cats or dogs and cats of unknown owners.* Not later than three (3) days after the impounding of any untagged dog or cat or dog or cat whose owner is unknown, the animal control officer or his authorized representative shall cause written notice to be posed for seven (7) days at three (3) or more conspicuous places in the Village describing the dog or cat and the place and time of taking. The owner of any dog or cat so impounded may reclaim such dog or cat upon payment of the license fee, if unpaid, and the sum of five dollars (\$5.00) for board daily. The owner shall also pay a fine of seven dollars and fifty cents (\$7.50) for the first offense of allowing his dog or cat to run at large. A fine of fifteen dollars (\$15.00) shall be charged for second and all subsequent offenses.

Sec. 21.18. Disposition of unclaimed dogs or cats.

(a) It shall be the duty of the animal control officer to keep all dogs or cats impounded for a period of seven (7) days. If, at the expiration of seven (7) days from the date of the notice to the owner or the posting of notice pursuant to Section 21.16, a dog or cat shall not have been redeemed, it may be humanely destroyed or become available for adoption.

(b) Any dog or cat so held for a period of seven (7) days and unclaimed, may, after proper licensing, be adopted by any citizen for a fee of seven dollars (\$7.00) plus cost of the license.

(c) Any dog or cat impounded and suffering from serious injury or disease with probability of recovery remote, or having an infectious disease which would endanger the health of people or of other dogs or cats may be humanely destroyed after reasonable efforts to determine ownership have failed without waiting for a lapse of seven (7) days; however, no dog or cat under observation for a biting incident or suspected of having rabies shall be destroyed until it has been released from observation by a licensed veterinarian.

(d) No unclaimed impounded dog or cat with a known record of biting shall be available for adoption.

(e) A dog or cat may be humanely disposed of or made available for adoption under seventy-two (72) hours from the time of impoundment if the owner states that he does not wish to redeem the dog or cat and subsequently releases, in writing, the dog or cat to the custody of the animal control officer.

Sec. 21.19. Enclosure requirements.

(a) Every owner of a dog or cat shall confine it in secure confinement to prevent its running at large and such enclosure shall be maintained in a clean and sanitary condition. The animal control officer may examine any premises where inhumane confinement is suspected.

(b) When dogs or cats are off the owner's premises, they must at all times be under the direct control of a responsible person

either by means of a secure leash not over six (6) feet in length or by some other equivalent means of positive physical control.

(c) It shall be unlawful for the owner of any unspayed female dog or cat, while such dog or cat is in season, to allow same to remain upon his premises unless kept in secure confinement, or to be upon the streets or other public or private places of the Village. Secs. 21.20 through 21.30. Reserved.

DIVISION 3. LICENSE AND REGISTRATION

Sec. 21.31. Required; fee; due date.

All dogs or cats kept harbored or maintained by their owners in the Village shall be licensed and registered if over six (6) months of age. Dog and cat licenses shall be issued by the Village Hall upon the payment of an annual license tax of three (\$3.00) for each dog or cat. All license taxes are due on the first day of January of each year and shall be paid within thirty (30) days of the first day of each year; provided that as soon as a dog or cat becomes six (6) months of age it shall be liable for the license tax for the year in which it reaches such age.

Sec. 21.32. Application; required information.

At the time the application is made for the license required by this division, the owner shall state upon printed forms provided for such purpose his name and address and the name, breed, color and sex of each dog or cat owned or kept by him.

Sec. 21.33. Proof of rabies inoculation prerequisite to issuance.

Before any license and tag required by this division shall be issued to any dog or cat owner, the dog or cat owner must first present satisfactory proof to Village that the dog or cat has ben

inoculated for rabies in compliance with Louisiana Revised Statutes 40:1275 et. seq., commonly known as the Rabies Control Law. The presentation of a proper, valid certificate or tag provided by the state board of health shall be sufficient evidence attesting to proper compliance with the Rabies Control Law.

Sec. 21.34. Certificates and tags.

(a) Upon the payment of the annual license fee for the license required by this division, the Village shall issue to the owner a license certificate and a metallic tag for each dog or cat so licensed. The shape of the tag may be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog or cat with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In the case the dog or cat tag is lost or destroyed, a duplicate will be issued by the Village upon presentation of a receipt showing the payment of a license fee for the current year and the payment of a two dollar and fifty cent (\$2.50) fee for such duplicate. Dog or cat tags shall not be transferable from one dog or cat to another and no refund shall be made on any dog or cat license because of death of the dog or cat or the owners leaving the Village before expiration of the license period.

(b) It shall be unlawful for the owner of any dog or cat to permit such dog or cat to wear any rabies inoculation tag or license tag not issued to that particular dog or cat and any owner violating this provision shall be punished by a ten dollar (\$10.00)

fine.

Sec. 21.35. Removal of tags.

Whoever removes from any dog or cat a collar bearing a license tag or a rabies inoculation tag or alters or removes any such license tag tax or rabies inoculation tag from a dog or cat properly registered as herein provided shall be guilty of a misdemeanor and shall be subject to punishment as provided in Section 21.15(e).

Sec. 21.36. Exemptions.

The provisions of this division shall not be intended to apply to dogs or cats whose owners are nonresidents temporarily within the Village, nor to dogs or cats brought into the Village for the purpose of participation in any dog or cat show, nor to "seeing-eye" dogs, properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

Sec. 21.37 - 21.50. Reserved.

SECTION 3

Should any portions, items, applications or sections of this ordinance be held invalid, such invalidity shall not affect the validity of the remaining portions, items, applications or sections of this ordinance which can be given effect without the invalid provisions, items, applications or sections and to this end the provisions of this ordinance are hereby declared severable.

The above ordinance was read and as read, considered section by section and finally adopted as a whole by the following vote:

YEAS: Leon Knox Jr, Carla Smith, Jimmy
Culpepper

NAYS: none

ABSENT: none

WHEREUPON said ordinance was declared adopted on this 2
day of Feb, 1998 at Hodge, Jackson Parish, Louisiana.

ATTEST:

Mayor

Sharon McMiller
CLERK