



St. Bernard Parish Council

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Guy McInnis
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at Large*

George Cavignac
*Councilman
at Large*

Ray Lauga, Jr.
*Councilman
District A*

Nathan Gorbaty
*Councilman
District B*

Richard "Richie" Lewis
*Councilman
District C*

Casey W. Hunnicutt
*Councilman
District D*

**Manuel "Monty"
Montelongo III**
*Councilman
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 21, 2014 AT THREE O'CLOCK P.M.

On motion of Mr. Hunnicutt, seconded by Mr. Lewis, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1571-10-14

Summary No. 3141

Introduced by: Administration on 9/16/14

Executive Finance Committee recommended **Approval** on 10/2/14

Public Hearing held on 10/21/14

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS AND FOWL; ARTICLE II, ANIMAL CONTROL REGULATIONS; SECTIONS 4-30, 4-104, 4-106, 4-107, 4-109, 4-132, 4-134, 4-135, 4-136, AND 4-143 OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, The St. Bernard Parish Council believes it to be in the best interest of the citizens of St. Bernard Parish and St. Bernard Parish Government amend chapter four of the St. Bernard Parish Code of Ordinances.

SECTION 1. The Parish Council hereby amends chapter four of the Saint Bernard Parish Code of Ordinances in accordance with attachment "A."

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

ORDINANCE SBPC #1571-10-14

Exhibit "A"

Summary No. 3141

Chapter 4 - Animals and Fowl
Article II - Animal Control Regulations

Sec. 4-30. Dog licensing, registration and vaccination.

(h) The hearing officer(s) under Chapter 2.5 of the code shall have jurisdiction to hear all licensing, registration and vaccination violations.

Sec. 4-104. Noncompliance; confiscation and impoundment of animal; disposition

(a) *Confiscation.* Any public nuisance, dangerous or vicious animal whose owner has been notified of such designation by animal control and said owner has failed to validly register, license, securely confine, properly restrain, surgically sterilize or micro-chip said animal in accordance with the provisions of this division, or whose owner does not secure the liability insurance when required in accordance with the provisions of this division, shall be confiscated by animal control and impounded pending an administrative hearing conducted under Chapter 2.5 of this code, to determine the proper disposition of said animal.

(b) *Disposition of confiscated animal.* After the administrative hearing, if the circumstances so warrant, the owner may be allowed to redeem an animal confiscated under paragraph (a), upon payment of the appropriate redemption fees, otherwise the animal may be destroyed in a humane manner following the appropriate delay period as provided in section 4-51

Sec. 4-106. Prohibited ownership; unlawful purpose; shelter designations.

(1) *Shelter designations.* In the event that an animal control officer or law enforcement officer has probable cause to believe that an animal is a public nuisance, dangerous or vicious, the administrator of the animal shelter may give notice to the owner of such designation.

Sec. 4-107. Hearings on animal shelter designations.

The owner of an animal which has been designated as a public nuisance, dangerous or vicious by St. Bernard Parish Animal Control and has received written notification of such may contest such designation by written request to the administrative adjudication division.

(1) *Animal control officer as witness.* In those instances where an animal control officer has personally witnessed a violation, the officer may be considered a complainant; and for the purposes of this section,

any person determined by the administrator of the animal shelter to have personal knowledge shall be regarded as a bona fide complainant.

(2) *Right to counsel.* At any hearing conducted, the complainant and defendant shall each have the right to be represented by counsel, and shall be informed of such right as a part of any notice informing him of such hearing.

(3) *Euthanasia.* Any dog previously determined to be dangerous or vicious or any dog which when unprovoked inflicts serious injury upon any human may be ordered by the hearing officer to be humanly destroyed after a hearing noticed in writing to the owner or keeper not less than 72 hours prior to said hearing. Unless otherwise provided hearing date extensions by the hearing officer may be granted only upon the deposit of impoundment fees to St. Bernard Animal Control at the daily rate for the length of the extension.

(4) All hearings under this section shall be conducted in accordance with Chapter 2.5. The hearing officer shall sit in judgment of the director of Animal Services designation.

(5) *Power and authority of the Hearing Officer.* The Hearing Officer may order any fine or penalty found under this section, the muzzling, secure confinement, order the reduction in the number of animals kept by an owner, removal from the parish, revoke the license of a licensed animal, humane destruction of any such animal, may require whatever reasonable restrictions in the keeping of such animals permitted by this section which it may deem necessary to eliminate any hazard to the public and any other relief deemed equitable and proper.

Sec. 4-109. Appeal of hearing.

All parties shall have the right to appeal a finding of the hearing officer. Any appeal shall be in accordance with Chapter 2.5 of this code.

Sec. 4-132. Fines and penalties.

Additionally the Bureau of Administrative Adjudication under Chapter 2.5 shall have concurrent civil jurisdiction for all fines and penalties for any violation under Chapter 4 ANIMALS AND FOWL.

Sec. 4-134. Citations authorized.

Any law enforcement officer or animal control officer may issue a citation for violations of this article as provided by this article.

Sec. 4-135. Affidavits.

With two (2) signed, individual notarized complaints, St. Bernard Parish animal control officers are empowered to issue citations to appear in Thirty Fourth Judicial District Court or the Bureau of

Administrative Adjudication under Chapter 2.5 of this code even though animal control officers have not witnessed the offense.

Sec. 4-136. Court discretion

In cases of overpopulation nuisance upon conviction, the Thirty Fourth Judicial District Court or the Bureau of Administrative Adjudication under Chapter 2.5 of this code may order the reduction of the population by the owner, the surgical sterilization of the pet(s), or any other penalty or restriction that would prevent or mitigate the nuisance, in addition to any fines and/or penalties or may waive fines and/or penalties if the offending animals are sold or given away.

Sec. 4-143. Fines for failure to comply with permit requirements

The Bureau of Administrative Adjudication shall have jurisdiction over all fines and penalties imposed under this section.