

On motion by Mr. Roberts, and seconded by Mr. Congemi, the following ordinance was offered:

SUMMARY NO. 23351 ORDINANCE NO. 24118

An ordinance to amend and enact Article II, Division 8, Public Nuisances, Sections 7-173 – 7-175 of the Code of Ordinances of Jefferson Parish, Louisiana, in order to clarify and enhance the provisions relating to public nuisances involving animals and to provide for related matters.
(Parishwide)

THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

SECTION 1. That Article II is amended to enact Division 8, Public Nuisances, containing Section 7-173 through 7-175

SECTION 2. That Article II, Division 8, Section 7-173 be amended to read as follows:

ARTICLE II. DIVISION 8. PUBLIC NUISANCES.

Sec. 7-173. Nuisance in General.

(a) It is unlawful for any person having the ownership, custody, or control of any animal to cause, allow, permit, either willfully or by failure to exercise due care, in any of the following, defined as a public nuisance or contained in this Chapter and is prohibited as set forth herein:

1. *Disposal of Waste.* Any person having an animal which defecates in public or private property without the property owner's consent shall immediately remove and dispose of the excrement from any such place to a site not prohibited by law.

2. *Animal Noise.*

(a) The ownership, custody, or control of an animal that barks, bays, cries, howls, or makes any other noise so continuously or incessantly as to disturb the peace or quiet of any person for a period of ten (10) or more consecutive minutes or intermittent noise for a period of thirty (30) or more minutes is prohibited.

(b) Any person who keeps or permits to remain on any premises any animal as defined in subsection (a) of this section is guilty of a violation of this division, provided that during the time that the animal is making such a noise, no person or other animal is trespassing or threatening to trespass or no person is teasing or provoking the animal.

(c) This section shall not be construed to prohibit the ownership or keeping of a watchdog, provided that the keeper takes immediate steps to quiet such dog whenever it barks, and provided that such keeper never leaves such dog unattended on the premises in a place where its barking for a period of ten (10) or more consecutive minutes or intermittent noise for a period of thirty (30) or more minutes.

(d) If the noise disturbs the peace or quiet of any two persons living in different households or any one person with evidence including video or tape recordings within one hundred and fifty (150) feet of the locations of the disturbance said person(s) may report the disturbance to an animal control officer or other law enforcement officer.

3. *Destruction of Property.* Any domesticated animal which enters upon private or public property, so as to damage or destroy any real or personal property of another is prohibited.

4. *Confinement.* Animals are to be properly controlled or contained, in a carrier or on a leash, when on public or private property unless the property owner consents for the animal to run loose within the confines of the property or the animal is in a designated animal park or location allowing free range. Said animal must be under the control of a person of suitable age, competency and discretion to restrain such animal, or such animal when not under the direct control of the owner or person of suitable age, competency and discretion to restrain such animal must be confined to the owner's premises. Exceptions include animals securely and legally confined as follows: (a) in a vehicle, (b) with consent of an owner or agent within a confined space, (c) specifically designated areas including hunting grounds, (d) animals at organized obedience class, (e) animal or kennel shows, service dogs and/or law enforcement dogs.

(b) Any person having the ownership, custody, or control of any animal found to be in violation of this section shall be guilty of a nuisance and issued a citation.

SECTION 3. That Article II, Division 8, Section 7-173 be enacted to read as follows:

ARTICLE II. DIVISION 8. PUBLIC NUISANCES.

Sec. 7-174 – Dangerous Nuisance

(a) It is unlawful for any person having the ownership, custody, or control of any animal, either willfully or by failure to exercise due care, to allow such animal to:

- (1) Chase vehicles on public property in such a manner to cause or potentially cause an accident or incident for drivers or other persons on or near the public property,
- (2) Assault a legal invitee, person or animal, or
- (3) Otherwise endanger the safety of human beings or domestic animals when unprovoked

provided such dangerous nuisance is observed by the animal control officer or other law enforcement officer or attested to in a sworn statement by at least one person and dutifully investigated by the Jefferson Parish animal shelter or any person with evidence including tape or video recordings and/or photographs of the incident provides such evidence to the Animal Shelter and as otherwise defined in this Chapter.

(b) Any person having the ownership, custody, or control of any animal found to be in violation of this section shall be guilty of endangerment and a dangerous nuisance and issued a citation.

SECTION 4. That Article II, Division 68 Section 7-174 be enacted to read as follows:

ARTICLE II. DIVISION 8. PUBLIC NUISANCES.

Sec. 7-175. Violations; Citations; Hearings; Penalties.

1. Upon receipt of a nuisance complaint and verification by an animal control officer or law enforcement agent of such nuisance, a reasonable attempt shall be made to notify the person with ownership, custody, or control of the animal in question to inform them of the nuisance complained of and that a nuisance complaint has been received, and issue a citation to said person(s).
2. Upon receipt of a second complaint within a twelve (12) month period, from any person, including the original complainant, an animal control officer or law enforcement agent, without further warning, shall issue a second citation to the owner and/or person with custody or control of the animal or animals causing the nuisance.
3. Upon receipt of a third complaint within a twelve (12) month period, from any person, including the original complainant, an animal control officer or law enforcement agent, without further warning, shall issue a violation notice to the owner and/or person with custody or control of the animal or animals causing the nuisance, in lieu of a citation, and the matter will be set for hearing.
4. Any third or subsequent violation shall subject the person to the cost of the hearing plus fines pursuant to this code if found to be in violation by the trier of fact.
5. All hearings docketed for nuisance violations shall be subject to the hearings procedures in Sec. 2.5-7 of this code.
6. Any person issued a citation for a nuisance shall be fined as follows: \$25.00 for a first offense, \$100.00 for a second offense and for a third or subsequent offense within a twelve (12) month period pursuant to Sec. 1-10 and/or Sec. 1-11 of this code.
7. Persons issued a citation shall have the right to pay the fine or to request a hearing. Should the person request a hearing, said person, if found to be in violation, shall bear the cost of the hearing.
8. If there is no physical evidence submitted by the complainant and no personal observations by the officer for either complaint, the violation may be dismissed at the discretion of the animal shelter director or designee.
9. In cases where a violation notice has been issued upon a third or subsequent verified nuisance complaint and a public nuisance is found to exist, the administrative hearing officer may order
 - a. A reduction in the number of animals kept by an owner, or require whatever reasonable restrictions in the keeping of animals he may deem necessary to eliminate or mitigate a public nuisance;
 - b. Neutering/spaying of the animal;
 - c. Microchipping;

- d. Other reasonable penalties including contempt for failing to timely comply with an order or judgment;
10. The animal may also be subject to impoundment pending a hearing and the owner, harborer and/or keeper being responsible for payment of current Animal Shelter impoundment fees for animals at large.

SECTION 5. That all ordinances in conflict with the provisions of this proposed ordinance are hereby repealed.

SECTION 6. That any and all sections found to be void or in conflict with other laws be repealed without the repealing of the entire ordinance.

SECTION 7. That the Chairman of the Jefferson Parish Council, or in his absence, the Vice-Chairman, is authorized to sign and approve this ordinance to enact Article II, Division 8, Public Nuisances, Sections 7-173 through 7-175 of the Code of Ordinances of Jefferson Parish, Louisiana, in order to clarify and enhance the provisions relating to public nuisances involving animals and to provide for related matters. (Parishwide)

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: 7 NAYS: None ABSENT: None

The ordinance was declared to be adopted on this 21st day of September, 2011, and shall become effective as follows; if signed forthwith by the Parish President, ten (10) days after adoption, thereafter upon signature by the Parish President, or if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

