

## ORDINANCE NUMBER 2184

An ordinance to amend Chapter 5 of the Code of Ordinances for the City of Breaux Bridge, Louisiana, by the enactment of Sections 5-1, et seq, under Article I thereof.

**BE IT ORDAINED** by the Board of Aldermen for the City of Breaux Bridge, Louisiana, duly convened in regular session on the 10<sup>th</sup> day of July, 2012, that:

Article I of chapter 5 of the Code of Ordinances for the City of Breaux Bridge, Louisiana, be amended and revised by the enactment of Sections 5-1 through 5-6 as follows:

### **SECTION 5-1. Statement of Policy.**

The City of Breaux Bridge recognizes that its municipal limits embrace areas traditionally used for the keeping of livestock. Moreover, the residential and commercial development of such areas necessarily creates tension between the possession of the said livestock and the interests of both residential and commercial property owners. Furthermore, the City of Breaux Bridge acknowledges and declares that the keeping of animals without proper regulations poses and undue threat to persons and/or property and poses inherent safety and sanitation concerns. Consequently, regulatory provisions relative to the keeping of livestock are necessary for the protection of the general public.

Moreover, the Mayor, Board of Aldermen, and Chief of Police acknowledge that the City of Breaux Bridge has no impounding facility for livestock that may roam at large and/or which are kept in an unsanitary condition. Pursuant to Louisiana law, the primary responsibility for controlling such animals rests with the Department of Health for the State of Louisiana. Similarly, the City of Breaux Bridge recognizes that the Sheriff is responsible for the enforcement of all state, parish, and local laws and ordinances, including, but not limited to, La. R.S. 3:2771, *et seq.*

### **Section 5-2. Definition of Livestock.**

For purposes of this Chapter, the term “livestock” shall mean horses, mules, donkeys, cattle, llamas, sheep, goats, oxen, swine, bees, ratites, psittacines, domesticated fowl, poultry, and any fur bearing animal bred and maintained commercially or otherwise.

### **Section 5-3. Housing of Livestock.**

Every person maintaining, keeping, or possessing livestock must keep such animals or fowl within a fence which shall be a distance of no less than twenty-five (25') feet from every established building or structure, except one used for housing or feeding livestock. For purposes of this subsection, the term “established building or structure” is defined as including any residence or part thereof, garage or carport, and any edifice used for retail or wholesale transactions.

Moreover, no stable, barn, or other structure constructed or erected after September 1, 2012, and which is designed, intended, or otherwise used to house livestock shall be permitted within fifty (50') feet of any property line.

Any property upon which livestock is kept or maintained shall be enclosed sufficiently so as to reasonably and adequately keep the livestock confined within the boundaries of said property. Any such fence or other method of enclosure shall be inspected by an official designated by the Mayor to insure that the livestock on the premises are reasonably confined and cannot escape.

#### **Section 5-4. Sanitary Conditions.**

All persons who maintain and/or own livestock shall keep them in such a fashion as to prevent them from becoming a public nuisance. Acts deemed "public nuisance" include, but are not limited to, conditions offensive or dangerous to the public safety or welfare by virtue of the number and living conditions of such livestock. "Conditions offensive or dangerous to the public safety or welfare" include, but are not limited to, conditions which attract insects and rodents, large numbers of animals/livestock kept in poor living conditions, unvaccinated animals, and odors which emanate beyond the property owned or controlled by the owner of the alleged nuisance livestock.

#### **Section 5-5. Disposal of Remains of Deceased Livestock**

The disposal of the remains of any deceased livestock shall be the sole and exclusive obligation of the owner, caretaker, or other person having the custody of the said animal. Any disposal shall be in accordance with all rules and regulations of the Louisiana Department of Health, Louisiana Sanitation Code, and all other edicts of the State of Louisiana, Parish of St. Martin, or City of Breaux Bridge, Louisiana.

#### **Section 5-6. Penalties.**

Whoever violates any section of this article shall be fined not less than Three Hundred and No/100 (\$300.00) Dollars, nor more than Five Hundred and No/100 (\$500.00) Dollars. However, the conviction of any person for a second or subsequent violation of any section of this article occurring within three (3) months of a prior conviction thereof, shall result in a fine of Five Hundred and No/100 (\$500.00) Dollars, imprisonment for not more than sixty (60) days, or both.

#### **Section 5-7. Conflicting Ordinances.**

The terms and provisions of this article are hereby deemed to supplement any and all other ordinances of the City of Breaux Bridge which do not conflict therewith. In case of any such conflict, this article shall be and is hereby declared to preempt said conflicting edicts.

**BE IT FURTHER ORDAINED** by the Board of Aldermen for the City of Breaux Bridge, Louisiana, that the provisions of this ordinance are hereby declared to be severable, and if any provision, word, phrase, or clause of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the validity of the remaining portions thereof.

**BE IT FURTHER ORDAINED** by the Board of Aldermen for the City of Breaux Bridge, Louisiana, duly convened in regular session on the 10<sup>th</sup> day of July, 2012, that this ordinance shall become effective immediately upon signature by the Mayor.

UPON MOTION of Gary Champagne, seconded by Terry Thibodeaux, and upon verification and assurances that the foregoing ordinance was:

1. Introduced on March 13, 2012, at the regular meeting of the Mayor and Board of Aldermen for the City of Breaux Bridge, Louisiana;
2. Disseminated to the Mayor and all aldermen;
3. Published, by title, in the official journal of the City of Breaux Bridge, Louisiana, together with notice of the time and place of its consideration for formal adoption; and
4. Presented at a public hearing held on the 10th day of July, 2012,

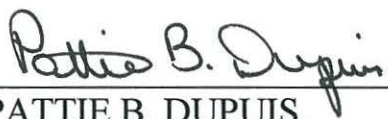
the Board of Aldermen, on July 10, 2012, adopted Ordinance Number 2184 by virtue of the following votes:

YEAS: Howard "Doc" Alexander, Glenn Michael Angelle, Terry P. Thibodeaux, and Gary "Bimmie" Champagne.

NAYS: Albert "Da Da" Menard.

ABSENT: None

ATTEST:

  
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PATTIE B. DUPUIS,  
City Clerk

APPROVED:

  
\_\_\_\_\_  
JACKDALE DELHOMME,  
MAYOR

July 11, 2012\_\_\_\_\_

DATE