

ORDINANCE NO. 1865

An Ordinance regulating Pit Bulls in the Parish of St. Mary.

PIT BULLS REGULATED.

1. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell any pit bull within the unincorporated areas of St. Mary Parish unless said ownership, possession, keeping, exercising control over, maintenance, harboring, transportation, or sale is in compliance with the requirements of this article.

2. Definitions.

(a) An "owner" for purposes of this chapter, is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells a pit bull.

(b) A "pit bull" for purposes of this ordinance, shall be defined as the American Pit Bull Terrier, the American Staffordshire Terrier, Staffordshire Bull Terrier, the Bull Terrier, or any other dog of mixed breed which contains as an element of its breeding any of the aforesaid mentioned breeds of dog and, which is, due to its size, color or conformity, identifiable by a veterinarian licensed to practice veterinary medicine by the state and by the St. Mary Parish Animal Control Supervisor, as being partially of any of the aforementioned breeds of dog, or which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

3. The owner of any pit bull which had been licensed pursuant to St. Mary Parish Code of Ordinances shall be allowed to keep such pit bull within the unincorporated areas of St. Mary Parish upon compliance with the terms of the St. Mary Parish Code of Ordinances if the owner applies for and receives a pit bull license starting July 1, 2010. As a condition of issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:

(a) The owner must reside full time at the same physical address at which the pit bulls are housed.

(b) The owner must be at least 21 years of age.

(c) The owner of the pit bull shall provide proof of rabies vaccination, proof that it has been micro-chipped for identification by a licensed veterinarian and shall pay the one time license fee of \$50.00 per pit bull.

(d) The pit bull license is not transferable. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag shall be attached to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a \$20.00 fee.

(e) The owner shall keep the pit bull "confined" either within the owner's residence or in a fully enclosed pen a minimum size measuring four (4') feet by seven (7') with a concrete floor at least two and one-half (2 ½") inches thick and at least six (6') foot high fencing on all sides with a secure cover. The sides must be attached to the floor or alternatively, the sides must be embedded no less than twenty-four (24) inches into the ground. Said enclosure shall be securely closed and locked at all times. Said enclosures shall be inspected annually or upon complaint made to the Parish regarding said enclosure. When the animal is not confined, the owner shall have the pit bull securely leashed. At the time of the annual inspection, the owner shall pay an inspection fee of \$50.00 per facility inspected by the Parish.

(f) The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept, a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by ten inches in rectangular

dimensions and shall contain only the words "BEWARE OF DOG" in lettering not less than two inches in height.

4. An owner found to be in violation of this article as a first offense shall be fined not more than five hundred (\$500.00) dollars. An owner found to be in violation of this article as a second offense shall be fined not less than three hundred (\$300.00) dollars nor more than five hundred (\$500.00) dollars. An owner found to be in violation of this article as a third or subsequent offense shall be fined five hundred (\$500.00) dollars and the pit bull(s) kept in violation of this article shall be impounded.

5. When St. Mary Parish has impounded any pit bull pursuant to this article, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with St. Mary Parish for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. St. Mary Parish will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten days prior to the date of the hearing. Where no written request from the owner for a hearing is received by St. Mary Parish within seven days of impoundment, the pit bull shall be destroyed.

The hearing, if any, will be held before a hearing officer designated by St. Mary Parish. Any facts which the petitioners wish to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The hearing officer shall make a final determination whether the dog is a pit bull as defined in this article. Such determination shall be considered a final order of St. Mary Parish. The owner or St. Mary Parish may appeal the hearing officer's determination to the appropriate state district court within ten (10) days of the date of hearing officer's determination.

If the dog is found to be a pit bull the owner shall have fourteen (14) days to produce evidence deemed sufficient by St. Mary Parish showing either compliance with the requirements of this article or that the pit bull is to be permanently taken out of the unincorporated area of St. Mary Parish and in either case, the owner pays the cost of impoundment. Failing this, the dog shall be destroyed.

If the dog is found not to be a pit bull the dog shall be released to the owner upon payment to the Parish for the cost of impoundment.

This ordinance shall become effective and be in full force upon publication in the official journal of the Parish.

This ordinance having been offered and read on this the 24th day of February 2010, having been published in accordance with law and having been heard in a public hearing in Franklin, Louisiana on the 24th day of March 2010 was adopted by the following vote on the 24th day of March 2010:

AYES: Rev. Craig Mathews, Charles Middleton, David Hanagriff, Glen Hidalgo, Ken Singleton, Logan Fromenthal, Kevin Voisin, Gary Duhon, Steve Bierhorst and Albert Foulcard.

NAYS: None.

ABSENT: Charles Walters.

ABSTAIN: None.

APPROVED:
s/g Albert Foulcard

ALBERT FOULCARD, CHAIRMAN
ST. MARY PARISH COUNCIL

ATTEST:
s/g Kimberly W. Pusateri

KIMBERLY W. PUSATERI, CLERK
ST. MARY PARISH COUNCIL

This ordinance was submitted to the President of St. Mary Parish on this 26th day of March 2010, at the hour of 11:45 a.m.

APPROVED:

s/g Paul P. Naquin, Jr.

**PAUL P. NAQUIN, JR., PRESIDENT
ST. MARY PARISH**

This ordinance was returned to the Clerk of the Council on this the 29th day of March 2010, at the hour of 9:12 a.m.