

City of Lake Charles, LA

Ordinance: 17879

An ordinance amending Secs. 4-20, 4-21, 4-27, 4-32, and 4-45 of Chapter 4 and Sec. 2-102 of Appendix A - Zoning of the Code of Ordinances to provide for City animal control regulations in reference to “Wild and Exotic Animals”, animals at large in general, additional definitions in the “Domesticated Animals” section, and private kennel restrictions.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session, that:

SECTION 1: Sec. 4-20 of Chapter 4 of the Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted to read as follows:

“Sec. 4-20. Wild and Exotic Animals Prohibited.

It shall be unlawful to own, keep, possess, maintain, or harbor any “wild and exotic” animal.

For purposes of this section “wild and exotic animal” shall mean: (i) any animal or fowl which is not normally domesticated or kept as a pet; (ii) any animal or fowl, the majority of which members of the same species are not domesticated; (iii) any animal or fowl which, as a species, has demonstrated in overt ways or is commonly known to have a propensity to bite or inflict harm on human beings without provocation; including but not limited to lions, tigers, cougars, leopards, bears, poisonous snakes and snakes that can reach a length of over seven feet at maturity, poisonous lizards, poisonous amphibians, alligators, squirrels, skunks, raccoons, foxes, wolves, otters, monkeys, prairie dogs, kangaroos, and apes; or (iv) wild animals crossbred with domestic animals to create hybrids considered wildlife by the Compendium of Public Health Veterinarians and the Department of Health and Hospitals.”

SECTION 2: Sec. 4-21 of Chapter 4 of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted to read as follows:

“Sec. 4-21. Exceptions.

The prohibition under Sec. 4-20 shall not apply to wild and exotic animals that are totally helpless and because of such helplessness, require the care of human beings in order to survive. Said animal shall be required to be under the care and custody of a licensed, accredited, and/or permitted person or organization.

The prohibition under Sec. 4-20 also shall not apply to animals in traveling shows, exhibitions, and carnivals which present non-domesticated animals for display or use such animals, as set forth herein, in their acts as permitted under the United States Department of Agriculture, Animal and Plant Health Inspection Service - Animal Welfare Act, nor does it exempt such animals protected under Louisiana R.S. 14:102.”

SECTION 3: The definition of “At large” in Sec. 4-27 of Chapter 4 of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted to read as follows:

“*At large*: An animal on or off the premises of its owner and not under the direct control of the responsible owner. An owner may, however, leash, tie, state, adequately fence, or house the animal in any humane manner so as to keep the animal confined to the owner’s property where it cannot leave at will without the animal being defined as at large. Permitting to run at large outside of said enclosure or allowing the dog to be unrestrained in an enclosed yard when gates are open shall be in violation of the at large section 4-41. Hunting and stock dogs while being worked by a responsible person shall not be defined as at large.”

SECTION 4: Sec. 4-32 of Chapter 4 of the Code of Ordinances of the City of Lake Charles, Louisiana is hereby amended and reenacted to read as follows:

“Sec. 4-32. Definitions.

As used in this article the following terms shall have the meanings ascribed to them respectively:

Abandonment shall mean the act of relinquishment of the custody of an animal without making arrangements for its care, or leaving an animal confined without providing adequate shelter, water and feed.

Adequate feed shall mean the provision at least every twenty-four (24) hours of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain an adequate level of nutrition in each animal.

Adequate shelter shall mean a structurally sound enclosure made with such materials so as to provide the animal with shade and protection from extreme temperatures or elements.

Adequate water shall mean constant access to a supply of clean, fresh water provided in a sanitary manner and appropriate for the species at least every twenty-four (24) hours.

Animal shall mean mammals, birds, fowl, reptile, amphibian, and fish, except when referring specifically to the control of rabies when the word "animal" shall mean only mammal. For the purposes of this article, animal shall not include homo sapiens.

Animal control officer shall mean any person employed by the mayor for the enforcement of this article.

Animal services and adoption center shall mean the parish animal services and adoption center operated by the parish police jury.

Animal shelter shall mean a place designated by the mayor or his designee for keeping dogs taken into custody under the provisions of this article.

At-large. An animal shall be deemed at large if, while unaccompanied by its owner or keeper, it is unrestrained on any road, street, public place, or trespasses on the premises of any person other than its owner. Hunting, law enforcement and stock dogs while being worked by a responsible person shall not be defined as at-large.

Attack shall mean aggressive, unprovoked behavior by an animal that would involve biting and/or shaking of its victim.

Basic medical care shall mean general health treatment expected for the care of the animal, as prescribed by the American Veterinary Medical Association.

Bird shall mean any of a class (Aves) of warm-blooded vertebrates distinguished by having the body more or less completely covered with feathers and the forelimb modified as wings. For the purposes of this article, fowl, poultry, or ratites are not defined as birds.

Bite shall mean any puncture, tear, or abrasion of the skin inflicted by an animal.

Bona fide, for purposes of this article, shall mean as verified by the Calcasieu Parish Animal Services and Adoption Center.

Cat shall mean a feline or the family thereof, either domestic or feral.

Collar shall mean a band, chain, harness, or other device worn around the neck of an animal to which a vaccination tag may be affixed.

Confinement devices shall mean an effective electronic or signal system designed to act as a boundary or enclosure.

Confinement requirements (dangerous) shall mean a securely enclosed and locked pen or structure suitable to prevent a dog from coming into contact with a human being other than

the owner or any other animal and designed to prevent the animal from escaping. The pen shall be constructed of nine-gauge material or stronger. The pen shall be no smaller than one hundred (100) square feet in area with sides no shorter than six (6) feet. The sides must be embedded into the ground not less than one (1) foot if the pen is not on a concrete slab. Pen or dog run area must also have a secure top connected to the sides to assure that the animal cannot climb out. It shall also include a material, dog house or area to provide the dog with shade and protection from the elements. The pen shall provide a humane existence for the dog in addition to protection from the elements. When allowed on a leash, owner will muzzle dog.

Confinement requirements (general) shall mean a securely enclosed yard, premises, pen, structure, or device, with adequate shelter, on the owner's property, suitable to prevent a dog from leaving the owner's property. Any dog confined within a fenced yard must have an adequate space for exercise having dimensions not less than one hundred (100) square feet. Where dogs are kept or housed on property without a fenced yard, the enclosure for such dogs shall be constructed of chain link or other material that permits adequate ventilation with all sides enclosed and shall contain an area of not less than one hundred (100) square feet. The enclosure shall be of sufficient height to prevent the dog from escaping. The area shall have a top, a dog house, or other area constructed with such materials so as to provide the dog with shade and protection from the elements.

Cruelty shall mean an act inflicted upon an animal with malicious intent to cause pain and or suffering to the animal.

Dangerous animal shall mean any animal that has demonstrated in overt ways a propensity to endanger the safety of humans or other animals by threatening, chasing, or growling without provocation on or off the premises of the owner.

Director shall mean the director of the parish animal services and adoption center.

Dog shall mean relating to canines, the family canidae, not including wildlife.

Domesticated animal shall mean an animal whose species has adapted to life in close association with a human caretaker.

Euthanasia shall mean the humane destruction of any animal accomplished by a method that involves the use of an agent which produces painless loss of consciousness and subsequent death during such loss of consciousness.

Exotic species shall mean any species of animal born or whose natural habitat is outside the continental United States as well as any non-domesticated animal indigenous to the U.S.A. which can normally be found in the wild state which is legally marketed within the pet market (see also wildlife/wild animal below).

Health unit shall mean the parish health unit operated by the parish police jury for disease control.

Health officer shall mean the director of the parish health unit or his designee.

Humane society shall mean a not-for-profit 501(c)3 status organization acting on behalf of the welfare of animals.

License shall mean a license given at the time the animal is vaccinated against rabies identifying the animal as residing in the parish.

License fee shall mean a fee as set by the parish police jury for the licensing of any animal as defined by this article within the parish.

Microchip shall mean an identification device approved by the animal services and adoption center which is intended to be implanted within an animal for identification purposes.

Mutilating shall mean a physical alteration of any domesticated animal by anyone not trained to do so.

Owner shall mean any person, business, corporation, or other legal entity who keeps in his care, harbors, acts as custodian or guardian, permits an animal to remain on his premises,

or feeds the animal for more than three (3) days.

Provoke shall mean any action which arouses, tempts, stimulates, or stirs an animal to action.

Unsanitary conditions shall mean any conditions which encourage the breeding of parasites, insects, and flies and causes odors offensive to a reasonable person.

Vaccination against rabies shall mean an inoculation with a recognized anti-rabies vaccine by a licensed veterinarian or other qualified person under the direct supervision of a veterinarian.

Vaccination license certificate shall mean a serially numbered certificate, approved by the director, giving the name of the animal owner, description of animal, year issued, valid time period, and certifying the animal was vaccinated against rabies and licensed by the parish.

Vaccination license tag shall mean a suitable tag approved by the director bearing the same number as the vaccination license certificate and the year issued.

Veterinarian shall mean any person duly licensed to practice veterinary medicine by the state of his residency.

Veterinary hospital shall mean a place where medical and surgical treatment is administered to the animals by or under the direct supervision of a veterinarian.

Wildlife/wild animal shall mean any animal which occurs naturally, either presently or historically, in a wild state within the boundaries of the United States, including, but not limited to, animals indigenous to Louisiana. This includes any animal which is part wildlife (hybrids) as classified in the Compendium of Animal Rabies Control and the National Association of State Public Health Veterinarians.

SECTION 5: Chapter 4 of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended to add a new subsection to be numbered 4-45, said new subsection to read as follows:

“Sec. 4-45. Private kennel restricted.

It shall be unlawful to keep more than three (3) dogs or cats over six (6) months of age on any area on a person’s property outside the principal building unless permitted to do so under the provisions of the zoning code in Appendix A of the City’s Code of Ordinances.”

SECTION 6. Sec. 2-102 of Appendix A-Zoning Code of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted by adding a new definition, said new definition to read as follows:

“Sec. 2-102. Definitions.

Kennel. A facility for the care or boarding of animals which is operated for economic gain or the keeping of more than three (3) dogs or cats over six (6) months of age outside the principle building.”

SECTION 7: All other paragraphs, subsections, subparagraphs, clauses, phrases and words of this section, not specifically amended by this ordinance, are to remain the same.

I, Lynn F. Thibodeaux, Clerk of the Council, certify that this is a true copy of Ordinance number 17879 passed by the City Council on 6/7/2017.