

ORDINANCE 322-10(0)

AN ANIMAL CONTROL ORDINANCE TO PROVIDE REGULATIONS WITHIN THE AREA OF LINCOLN PARISH TO CONTROL DOGS RUNNING AT LARGE; TO PROVIDE FOR THE EFFECTIVE DATE THEREOF; AND OTHERWISE TO PROVIDE WITH RESPECT THERETO.

SECTION 1

PURPOSE/INTENT.

The purpose of this ordinance is to provide regulations within the area of Lincoln Parish to control animal conduct. Nothing in this ordinance shall be intended or construed to create any liability on the part of the parish, its officers, employees, agents, or contractors. It is not the purpose or intent of this ordinance to create on the part of the parish employees any special duties to or relationship with specific individuals. This article has been enacted for the welfare of the public as a whole.

SECTION 2

DEFINITIONS.

As used in this division:

*Owner* means any person, firm, corporation, organization or department processing or harboring or having the care or custody of a dog.

*Adult dog* means any dog, male or female, seven (7) months of age or older.

*Allow* means to permit by neglecting to restrain or prevent.

*Vicious dog* means:

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;
- (2) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this division;
- (3) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal;
- (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
- (5) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

*Unconfined* means the vicious dog is not securely confined indoors or confined in a security enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot. All such pens or structures must be adequately lighted and kept.

### SECTION 3

#### CONFINEMENT.

The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

### SECTION 4

#### LEASH AND MUZZLE.

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

### SECTION 5

#### SIGNS.

The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

### SECTION 6

#### DOG FIGHTING.

No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

### SECTION 7

#### INSURANCE.

Owners of vicious dogs must, within twenty (20) days of the effective date of this division, provide proof to the Police Jury Secretary or his designee of public liability insurance in the amount of at least twenty thousand dollars (\$20,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog if requested by the Lincoln Parish Police Jury Secretary or his designee.

### SECTION 8

#### EXCEPTIONS.

The confinement section shall not apply to dogs while engaged in one of the following activities directly supervised by the owner or keeper so as to keep it from being a nuisance or danger to people or domestic animals:

- (1) Sanctioned search and rescue missions operated by or through authority of the Sheriff's Office.
- (2) Lawful herding of farm animals.
- (3) Lawful animal competition sanctioned by a nationally recognized organization or a local chapter thereof.

- (4) Lawful hunting activities.
- (5) Lawful training in preparation for such herding, hunting or competition activities.
- (6) Dog obedience training with the owner or keeper in attendance.

**SECTION 9**

**PENALTIES.**

Whoever violates any provision of this division shall be guilty of a misdemeanor and may be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment of not more than sixty (60) days in jail, or both.

**SECTION 10**

The effective date of this Ordinance shall be \_\_\_\_\_.

**SECTION 11**

If any section, paragraph, sentence, clause and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable or invalid by the valid judgment of any court of competent jurisdiction such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and/or phrases of this Ordinance, since the same would have been enacted by the Parish of Lincoln without the incorporation in this Ordinance of any such unconstitutional, unenforceable or invalid section, paragraph, sentence, clause or phrase. To that end, the provisions of this Ordinance are hereby declared severable.

**SECTION 12**

All other ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

The ordinance was read and considered by sections and as a whole, and on motion by \_\_\_\_\_ and seconded by \_\_\_\_\_.

was adopted by the following YEA and NAY vote:

YEAS:

NAYS:

ABSENT:

WHEREUPON, the Ordinance was declared duly adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
TERESA WYATT, President  
LINCOLN PARISH POLICE JURY