

Regular Session, 2010

HOUSE BILL NO. 910

BY REPRESENTATIVE MILLS

ANIMALS: Provides for regulation of dogs and livestock running at large in St. Martin Parish

1 AN ACT

2 To enact R.S. 3:2779 and 3015, relative to the regulation of dogs and livestock running at
3 large in St. Martin Parish; to provide for seizure and impoundment; to provide for
4 notification; to provide for sale of unclaimed livestock; to provide for disposition of
5 proceeds; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:2779 and 3015 are hereby enacted to read as follows:

11 §2779. St. Martin Parish; dogs as personal property; seizure of dogs running at large
12 or on property fenced as a fox pen; notice to owner; dangerous or vicious
13 dogs

14 A. Dogs owned by citizens of this state and by citizens of other states and
15 situated and located in this state are declared to be personal property of such citizens.

16 B. The sheriff or sheriff's deputy shall seize any dog found unaccompanied
17 by its owner or keeper and running at large on any road, street, or other public place,
18 or trespassing on any premises other than the premises of the owner. If the dog is
19 wearing a collar bearing a tag showing the name and address of its owner, it shall be
20 impounded and the officer so seizing and impounding the dog shall immediately

1 thereafter by written notice notify the owner of the dog, at the address disclosed by
2 the tag on the dog's collar, that the dog has been seized and impounded at the St.
3 Martin Parish Animal Shelter. The owner or keeper of the dog shall, within seven
4 days from the receipt of the notice, claim the dog and pay the St. Martin Parish
5 Sheriff's Office a fee of twenty dollars for seizing and pay the St. Martin Parish
6 Animal Shelter a fee of four dollars per day for impoundment. The fees shall be paid
7 at the time that the dog is claimed or adopted.

8 C. The sheriff or sheriff's deputy shall seize any dog found unaccompanied
9 by its owner or keeper and trespassing on any premises that is fenced with at least
10 a two-inch by four-inch wire mesh that is a minimum of four feet high. If the dog
11 is wearing a collar bearing a tag showing the name and address of its owner, it shall
12 be impounded at the St. Martin Parish Animal Shelter, and the officer so seizing and
13 impounding the dog shall immediately thereafter, by written notice, notify the owner
14 of the dog, at the address disclosed by the tag on the collar of the dog, that the dog
15 has been seized and impounded by him. The owner or keeper of the dog shall,
16 within seven days from receipt of the notice, claim the dog and pay a seizing fee of
17 forty dollars to the St. Martin Parish Sheriff's Office and an impoundment fee of four
18 dollars per day to the St. Martin Parish Animal Shelter. The fees shall be collected
19 at the time that the dog is claimed or adopted. This Subsection shall apply only to
20 fox pens.

21 D. In the event that a dog is not claimed or adopted, it shall be disposed of
22 in a humane manner.

23 E. Any citizen, officer, sheriff, or sheriff's deputy may kill any dangerous or
24 vicious dog, and no citizen, officer, sheriff, or sheriff's deputy shall be liable for
25 damages or to prosecution by reason of killing any dangerous or vicious dog.

26 F. The sheriff or the sheriff's deputy shall not be responsible for enforcing
27 the rabies control, tagging, population control, sterilization, licensing, sheltering, or
28 any other program relative to dogs or any other type of animal under this Section.

1 transportation, boarding, feeding, caring, examination, medical treatment, evaluation,
2 euthanasia, advertising, locating, sale, and auctioning. This fee shall be collected by
3 the St. Martin Parish Government at its animal shelter at the time the livestock is
4 claimed or adopted prior to release of the livestock to its owner. Upon receipt of
5 such fees and expenses, the sheriff shall release such livestock to its owner.

6 C. If after the notice provided for in Subsection A of this Section the owner
7 does not appear before the sheriff at a time of not more than six days from the date
8 of the notice to provide proof of ownership of the impounded livestock, the sheriff
9 shall proceed to sell such impounded livestock after proper advertisement.

10 D. If the livestock is adopted or sold at public or private sale, the proceeds
11 shall be applied to the amount due first to the St. Martin Parish Sheriff's Office for
12 taking possession of the animal and for any other related expenses, then next to the
13 St. Martin Parish Government for any expenses, goods, or services provided in
14 regards to the said livestock, including, but not limited to, the actual cost of all
15 reasonable charges for impoundment, transportation, boarding, feeding, caring,
16 examination, medical treatment, evaluation, euthanasia, notice, advertising, locating,
17 sale, auctioning, and legal and court fees.

18 E. Twenty-five percent of the balance, if any, after the amounts noted in
19 Subsection D of this Section are applied shall be remitted to the St. Martin Parish
20 Sheriff's Office and twenty-five percent to the St. Martin Parish Government for
21 maintenance of the animal control program. The remaining fifty percent of the
22 balance, if any, shall be held on account by the St. Martin Parish Government for a
23 period of up to one year, in the event that the prior owner is located to receive such
24 funds. After one year from the date of sale, these proceeds shall be available to the
25 St. Martin Parish Government's general fund.

26 F. The sheriff or the sheriff's deputies shall not be responsible for enforcing
27 any other livestock, horses, swine, or any other type of animal regulations under this
28 Title, other than those identified in this Section.

29 G. For purposes of this Section, certain terms are defined as follows:

1 (1) "Abandoned livestock" are livestock for which the owner thereof has not
2 paid the fees and expenses noted in Subsection B of this Section within ten days after
3 rendition to the owner of the invoice for such. The owner of an abandoned animal
4 shall be deemed to have relinquished all rights and claims to such animal by virtue
5 of such abandonment.

6 (2) "Equidae" shall include horses, burros, assess, donkeys, zebras, and
7 cross-hybrids such as mules.

8 (3) "Livestock" shall include members of the domesticated Equidae, bovine,
9 and swine families.

10 (4) "Proper advertisement" means giving notice by advertising in a
11 newspaper having general circulation within the parish once a week for one week.

12 The notice set forth shall include all of the following:

13 (a) A description of the livestock.

14 (b) A statement that the owner is either unknown, unable to be located, or
15 has failed to timely satisfy the payment of fees and expenses to the sheriff and parish
16 government as outlined in Subsections B and G(1) of this Section.

17 (c) A statement indicating when and where the livestock was found.

18 (d) A location where the owner can prove ownership and reclaim the
19 livestock.

20 (5) "Unclaimed livestock" are livestock for which no one claims ownership
21 after reasonable notice has been provided regarding its custody.

22 H.(1) In regards to the scope of the St. Martin Parish Sheriff's Office
23 responsibility for control of livestock found at large in the incorporated areas of St.
24 Martin Parish, this Section shall not abrogate the duties of the law enforcement
25 agency of the municipality where the livestock control incident occurs. Such agency
26 shall have the responsibility for the seizure and impoundment of such livestock.

27 (2) Should the local law enforcement agency or its governing municipality
28 require assistance from the sheriff or sheriff's deputy including those services
29 outlined in Subsection A of this Section, that municipality shall be responsible to the

1 sheriff for all fees and expenses noted in this Section in situations in which livestock
2 is unclaimed or abandoned.

3 I. This Section shall not abrogate the duties of the parish governing authority
4 regarding any aspect of livestock control or other aspects of this Title.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Mills

HB No. 910

Abstract: Provides for the regulation of dogs and livestock running at large in St. Martin Parish

Proposed law provides for the sheriff or sheriff's deputy to seize and impound dogs found unaccompanied by its owner and running at large on any public property or private property of another person. Provides for written notification to the owner of seizure and impoundment. Further provides for \$20 seizing fee payable to the St. Martin Parish sheriff's Office and a \$4 per day impoundment fee to the St. Martin Parish Animal Shelter.

Proposed law provides for the sheriff or sheriff's deputy to seize and impound dogs found unaccompanied by its owner and trespassing on premises fenced with at least a two inch by four inch wire mesh that is a minimum of four feet high. Provides for written notification to the owner of seizure and impoundment. Further provides for \$40 seizing fee payable to the St. Martin Parish Sheriff's Office and a \$4 per day impoundment fee to the St. Martin Parish Animal Shelter.

Proposed law provides for the humane disposal of any dog not claimed or adopted after a certain time period.

Proposed law authorizes any citizen, officer, sheriff, or sheriff's deputy to kill any dangerous or vicious dog without the burden of liability for damages or prosecution for such action.

Proposed law provides that the sheriff or sheriff's deputy shall not be responsible for enforcing rabies control tagging, population control, sterilization, licensing, sheltering, or any other program relative dogs or other animals.

Proposed law provides for the sheriff or sheriff's deputy to take possession of any livestock found roaming at large upon certain public highways or certain public or private property in unincorporated areas of the parish. Provides for written notification to the owner of the possession. Further provides for the owner to secure his livestock upon payment of a \$60 per head fee to the sheriff. Additionally provides for owner to pay to the St. Martin Parish Sheriff's Office and parish government actual costs associated with certain expenses.

Proposed law provides for sale of unclaimed livestock after proper advertisement by the sheriff. Provides for proceeds to be applied first to St. Martin Parish Sheriff's Office for taking possession of livestock and related expenses, and then to St. Martin Parish Government for actual costs related to certain expenses, goods, and services. Further provides for the disposition of any remaining balance of proceeds as follows: 25% remitted to the St. Martin Parish Sheriff's Office, 25% to the St. Martin Parish Government for animal control program, and the remaining 50% to be held on account for one year by the St. Martin

Parish Government in case prior owner is located, otherwise monies are made available to the parish general fund.

Proposed law provides that the sheriff or sheriff's deputy shall not be responsible for enforcing any other animal regulations except those identified in this Subsection.

Proposed law provides for the definitions of "abandoned livestock", "Equidae", "livestock", "proper advertisement", and "unclaimed livestock".

(Adds R. S. 3:2779 and 3015)