

TITLE XV - ENVIRONMENTAL CODE

CHAPTER 1. ANIMAL CONTROL PROVISIONS

Sec. 101. Definitions.

For the purpose of this [TitleArticle](#), the following terms, phrases, words and derivations shall have the meaning given herein, unless it shall be apparent from the context that a different meaning is intended.

~~(A) Adequate Fee:~~ The provision at suitable intervals not to exceed 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. Such foodstuff shall be served in a sanitized receptacle, dish, or container.

~~(AB) Adequate Water:~~ A constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed twenty-four (24) hours at any interval.

~~(BC) Advisor:~~ A Louisiana licensed practicing Veterinarian, who shall be appointed by the Chitimacha Tribal Council, to provide services upon their request.

~~(CD) Animal:~~ Any living creature except human beings, including but not limited to mammals, birds, fowls, reptiles and fish, except when referring specifically to the control of rabies when the word ~~Animal~~ shall mean only mammal.

~~(DE) Animal Control Department:~~ A division of the Chitimacha Police Department, responsible for the collection, impounding, care and disposal of animals on the Chitimacha Reservation, known as the Chitimacha Animal Control Department; which department is hereby authorized to perform those functions within as permitted by Tribal Law.

~~(EF) Animal Control Officer:~~ Animal Control Officers of the Chitimacha Police Department, known as the Chitimacha Animal Control Officer, who are authorized to cite for violations and otherwise enforce the provisions contained herein.

~~(FG) Animal Shelter:~~ Holding facility for animals as designated by the Chitimacha Tribe of Louisiana.

(GH) **At Large:** An animal may be deemed at large if it is not leashed and/or if it is off of the premises of its owner or keeper and not under the immediate control of a responsible person.

(HI) **Bite:** Any abrasion, – puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

(IJ) **Cat:** Cat of a domesticated species.

(JK) **Complainant:** Any person submitting a written and signed complaint and/or the Chitimacha Animal Control Officer.

(K) **Dangerous Dog:** Any dog that has either attacked a person or another animal without justification, such act causing injury or death, or any dog that exhibits behaviors that firmly suggest a substantial risk of such attack.

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(L) **Euthanasia:** The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which produces painless loss of consciousness, and subsequent death during such loss of consciousness.

(M) **Exposed to Rabies:** An animal has been exposed to rabies if it has been bitten by a known rabid animal or if it has been in contact with any animal known to be or suspected of being infected with rabies.

(N) **Kennel:** A place or establishment, other than the Animal Shelter, where animals are sheltered, fed and watered in return for a fee.

(O) **Owner:** Any person, partnership, business, corporation, firm, investment stock company, association or other legal entity owning, keeping or harboring any animal or having in ~~their~~his care an animal owned or about his premises.

(P) **Rabies Vaccinations:** Inoculation with a recognized anti-rabies vaccine approved by the St. Mary Parish Health Unit.

(Q) **Service Animal:** A dog that is trained to do work or perform tasks for a person with a disability.

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(RQ) **St. Mary Parish Animal Control Department:** The department responsible for the collection, impounding, care and disposal of animals in St. Mary Parish; which department is authorized to perform those functions under State law.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

CHAPTER 2. DESIGNATED TRIBAL OFFICIAL

Sec. 201. Animal Control Officer.

The Chitimacha Animal Control Officer, shall be that employee of the Chitimacha Police Department, who is hereby vested with the authority to cite for violations and otherwise enforce the provisions contained herein. Such authority includes the affirmative duty to monitor whether a person is complying with this Title in the first instance, as well as whether a person remains in compliance with this Ordinance or the conditions of a Citation, Certification, or directive issued pursuant to this Title. In situations of animals being at large and animals which have bitten persons, the authority of the Chitimacha Animal Control Officer shall be concurrent with that of the St. Mary Parish Animal Control Department.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

CHAPTER 3. RULES AND REGULATIONS

Sec. 301. Rabies Vaccination.

All dogs, cats, and ferrets shall be vaccinated initially with a series of two (2) vaccinations, the first to be administered at three (3) months of age, and the second to be administered one (1) year after the initial vaccination. Subsequent booster vaccines shall be administered one (1) year after the administration of a vaccine that confers one (1) year of immunity and three (3) years after the administration of a vaccine.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 302. Rabies Control and Bites Cases.

(A) Should a dog, cat, or any other animal bite a person or be reported to have bitten a person within the limits of the Chitimacha Reservation, it shall be the duty of the owner, ~~or~~ the person having same in his possession or under his control, or a person who assumes the role of caretaker of an animal that they do not own by providing the animal with

sustenance on a regular basis throughout a calendar week or more. to immediately notify the Chitimacha Police Department, and surrender said dog, cat or animal to the Chitimacha Police Department, who is herewith authorized and empowered to enter the premises in order to make any inspection or examination of said dog, cat or animal as may be deemed necessary. It shall be the duty of the Chitimacha Animal Control Officer to impound or cause to be impounded any such dog, cat or animal for a period of ten (10) days for observation either in the hospital facilities of a licensed veterinarian or at the St. Mary Parish Animal Control Shelter or require such animal to be confined securely for a period of ten (10) days by the person owning same or having possession thereof in such manner and on such premises as may be designated by the Chitimacha Animal Control Officer.

The Chitimacha Police Department, Animal Control Officer or, a licensed veterinarian may order the destruction of such animal and send its head to the Bureau of Laboratories of the Louisiana Department of Health for a rabies laboratory test whenever deemed necessary for the protection of the bite victim.

(B) Should any animal undergoing the ten (10) days observation for having bitten a person show indications of rabies, the destruction of such animal may be ordered after confirming diagnosis by a licensed veterinarian. The head of any such animal, which was destroyed or died during the rabies quarantine, shall be sent to the Bureau of Laboratories of the Louisiana Department of Health for a rabies laboratory test.

(C) It shall be the duty of every veterinarian having an animal quarantined for a bite incident to submit a report to the Chitimacha Police Department as to the condition of said quarantined animal on the initial day of observation and the tenth (10th) day immediately following the date of said bite incident.

(D) Any animal impounded or confined for rabies quarantine may be released upon completion of the ten (10) days observation period only upon authorization as required. Any such animal, if a dog or cat, must have a valid vaccination tag before it may be released or it must be vaccinated after completion of the rabies quarantine prior to being released. Any animal so impounded or confined for rabies may not be released until it has been examined by and issued a certificate of health from a Louisiana licensed veterinarian.

(E) If any animal is suspected of having been exposed to rabies, all persons having knowledge of such condition or event shall forthwith surrender animal to the Chitimacha Animal Control Officer, and shall fully advise same of all the facts and circumstances involved. Such animal may be quarantined, confined, humanely destroyed, if the exposure warrants such action, or released under the direction and supervision of the Chitimacha Animal Control Officer as he deems advisable in rabies control.

(F) No person shall fail or refuse to surrender an animal for supervised quarantine, confinement or humane destruction as required herein for rabies control when deemed advisable by the Chitimacha Animal Control Officer.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 303. Prohibitions.

(A) It shall be unlawful for any person to release or entice any animal secured by the owner or keeper within his or her yard outside of the premises of such keeper or owner.

(B) No person shall poison or ill treat an animal, nor may an animal be abandoned. No person shall ~~unnecessarily or cruelly~~ beat, mutilate, kill, torture, or abuse or cause same to be ~~cruelly~~ beaten, mutilated, killed, tortured or abused. Such person may be subject to the maximum penalties provided.

(C) Every person who owns, keeps, or assumes the role of caretaker of an animal that they do not own or keep by providing the animal with sustenance on a regular basis throughout a calendar week or more, owner or keeper of animals shall exercise proper care and control of such animals so as to prevent them from creating or becoming a public nuisance. Excessive or untimely barking, howling or yelping so as to disturb the peace and quiet of a neighborhood or its residents or to disturb the health or repose of the residents; attacking or molesting passersby or other animals; and/or being repeatedly at large; may be deemed to be the creation of a public nuisance and the owner or keeper of an animal causing such public nuisance may be deemed guilty of an infraction and subject to the penalties contained herein.

(D) Premises on which animals are kept, including where fowl are kept, shall be maintained so as to prevent disagreeable odors arising therefrom, or the presence of breeding of flies,

mosquitos and other pests.

(E) **Vicious Animals.** Fierce, dangerous or vicious animals, including those specifically deemed dangerous dogs under this section, shall be confined either within the owner's residence or in a fully enclosed pen a minimum size measuring four (4') feet by seven (7') feet 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 embedded no less than twenty-four (24") inches into the ground. Said enclosure shall be securely closed and locked at all times, inspected annually or upon a complaint made to the Chitimacha Animal Control Officer regarding said enclosure. The owner shall have posted at each possible entrance to the owner's property where the animal is kept, a conspicuous and clearly legible warning sign. Said sign must be at least eight (8") inches by ten (10") inches in rectangular dimensions and contain a succinct warning for the relevant animal (e.g., ~~only the words~~ "BEWARE OF DOG") in lettering not less than two (2") inches in height. Confinement shall be in such a manner that the animal cannot come in contact with any person or other animal except under supervised conditions. All such animals, including but not limited to guard or K-9 dogs, must be under direct manual control, tethered on a leash and muzzled when not confined as required above.

(F) Dangerous Dog Classification.

- (1) Any dog that is the subject of a dangerous dog investigation, that is not impounded, shall be confined by the owner, keeper, or caretaker, in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification.
- (2) No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of the investigation or any hearings related to the determination of a dangerous dog classification.
- (3) After the investigation, the Chitimacha Animal Control Officer involved shall make an initial determination as to whether there is sufficient cause to classify a dog as dangerous. If the Chitimacha Animal Control Officer makes an initial determination that a dog should be classified as a dangerous dog, then the Chitimacha Animal Control Officer shall provide written notification of such to the

owner, keeper, or caretaker of the dog, by registered mail or personal service in conformance with the statutory provisions relating to the service of process. To fulfill the notice requirement hereunder, the Chitimacha Animal Control Officer must only take measures reasonable under the circumstances to identify the caretaker of a dangerous dog.

(4) Once a dog is classified as a dangerous dog and the owner, keeper, or caretaker has been properly notified, the ownersaid person may file a written request for a hearing in the Chitimacha Tribal Court to appeal the classification within ten (10) business days after receipt of the written determination of dangerous dog classification. The dog must remain confined in a securely fenced or enclosed area pending a resolution of the appeal.

~~(G) Warning Signs. All owners of any dog trained to attack or deemed to be a dangerous canine species shall display in a prominent place on their premises and at each entrance or exit to the area where such dog is confined, a sign easily readable by the public using the words "BEWARE OF DOG".~~

~~(GH) Nuisance Dog.~~ Any owner, keeper, or caretaker whose dog is determined to be a public nuisance is subject to the penalties described in this Title.

Any unclaimed dog shall become the property if the Chitimacha Tribe of Louisiana and ~~may be humanely destroyed,~~ transferred to a humane society or placed in the custody of the same person deemed to be a responsible and suitable owner who agrees to comply with all of the provisions of this Chapter. If no animal shelter or suitable owner is available to accept responsibility of said nuisance or unclaimed dog, the dog may be humanely destroyed. No waiting period shall be required to destroy any dog suffering from an infectious disease or for a seriously ill dog.

~~(H)~~ The Chitimacha Animal Control Officer may destroy and/or order the destruction of any wild or vicious dog or other animal found in violation of this TitleArticle, which cannot be safely taken up or impounded, but it shall be unlawful for any other person to kill any dog or other animal by shooting or poisoning at any place other than the Animal Shelter, provided that in cases of bona fide emergency any person may take such measure as may be necessary for protection of

person and property.

(~~JD~~) No person shall expose any known poisonous, dangerous or noxious substance, whether mixed with food or not, so that same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his property common rat poison mixed only with vegetable substances. Rat poison, however, shall be exposed only in a manner which assures that it will not be ingested by dogs or cats.

(~~JK~~) For the purposes of this subparagraph, the Chitimacha Animal Control Officer must take measures reasonable under the circumstances to identify the evident owner, keeper, or caretaker of an animal. After due notice to the known owner, keeper, or caretaker of an animal, the Chitimacha Animal Control Officer may cause the muzzling, secure confinement, removal from or the humane destruction of any animal for any of the following reasons:

- (1) Whenever an animal has committed an unprovoked attack upon any person or animal on more than one occasion;
- (2) Whenever an animal has undergone quarantine for rabies observation twice.
- (3) Whenever any ~~lawful patron or visitor of a~~ business whose physical safety is jeopardized by an animal used ~~to guard the business~~ when that animal is not securely confined during hours said business is open to the public.

(~~KL~~) Duty of ~~Animal~~Dog Owners to Be Responsible. It shall be the duty of the owner, keeper, or caretaker or keeper of an animal, including persons who assume the role of caretaker of an animal that they do not own or keep by providing the animal with sustenance on a regular basis throughout a calendar week or more, to have such animal confined within his or her yard or enclosure, or secured by a humane method therein.

- (1) No animal shall be permitted to run or be upon any street, highway, common or public square or any other facility used by the public unless under the immediate control of a competent person and restrained by a substantial chain or leash not exceeding six (6) feet in length. Animals found to be at large may be seized and impounded or, as an alternative, the Chitimacha Animal Control Officer finding the said animal at large may issue a notice to the owner, keeper, or caretaker that his animal is in violation of this Section.

(2) The owner, keeper, or caretaker may be entitled to resume possession with any impounded animal upon payment of the impoundment and daily board fees and compliance with vaccination requirements; provided application for such possession, with payment of all required fees, is made within the time provided by the rules, after impoundment.

(3) Owners, keepers, and caretakers shall not permit their animals on any school ground when school is in session, or on any public recreation area when an organized activity is being conducted, unless the animal is controlled by leash or similar device to prevent the animal from biting any person or other animal. Animals shall not be permitted in restaurants or other places serving food, establishments selling food or edible products, or in any place of business when prohibited by the owner of same. The provision shall not apply to A Seeing Eye service animals dogs.

(4) Every female animal in heat shall be confined so that the animal cannot come into contact with a male animal of the same species which has not been castrated or vasectomized, except for planned breeding.

(5) It shall be the duty of every owner, keeper, and caretaker of any animal dog or anyone having any animal dog in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from his animal dog's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity.

(6) In the event that the owner, keeper, or caretaker ~~or keeper~~ of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this Chapter are complied with.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 304. Humane Care of Animals.

Every person owning, keeping or having responsibility for an animal or animals, including

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those who assume responsibility for an animal by providing sustenance to the animal on a regular basis throughout a calendar week or more, shall provide said animal or animals with adequate fresh and wholesome food and water, specific to each species, at least once every twenty-four (24) hours, and protection from environmental stress. Each and every animal shall be maintained in a good state of health, so as to ensure control, relief and resolution of diseases or conditions causing pain, debilitation, anxiety or discomfort, including but not limited to conditions involving the skin, ears, teeth, internal parasites and external parasites. Any animal afflicted with disease or conditions as described above, or any animal suffering from starvation or physical abuse, shall be provided with appropriate medical care and management with the intent to control, relieve and resolve said disease or condition. Dogs shall be immunized annually for canine distemper, hepatitis, leptospirosis, ~~and rabies~~, and any other disease or condition that is commonly recommended by veterinarians for immunizations. Cats shall be immunized annually for feline distemper, rhinotracheitis, calici, pneumonitis, ~~and rabies~~, and any other disease or condition that is commonly recommended by veterinarians for immunizations. Kittens and puppies shall be immunized in accordance with veterinary recommendations as per their age or conditions; but all dogs and cats shall receive the immunizations described above by four (4) months of age, unless their physical condition dictates otherwise as per specific veterinary recommendations.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993)

Sec. 305. Confinement of Diseased Animals.

No animal which is afflicted with a disease or condition which is communicable to humans shall be housed within the Chitimacha Reservation unless appropriate precautions are taken to ensure that said condition is confined to said animal and to ensure control and resolution of said disease or condition. No animal afflicted with a contagious disease or condition shall be exposed to any other animal or person in such a manner which allows the spread of said disease or condition to the other animal or person.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 306. Failure to Provide Humane Care - Impoundment of Animals.

In cases where it alleged that humane care, as defined in the preceding sections, is not provided to an animal, the Chitimacha Animal Control Officer shall investigate, and may make specific recommendations along with issuing a Notice of Violation. If the failure to care for an animal, as defined in the preceding sections, continues, the Chitimacha Animal Control Officer has the authority to seize and impound said animal and submit said animal to the Animal Shelter for medical evaluation and treatment. The expenses incurred in said medical treatment shall be considered in addition to the impoundment fee and charges to the owner, keeper, or caretaker of the animal in question.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 307. Reasons for Duty to Impoundment.

~~(A)~~ Whenever animals are kept within any building or on any premises without adequate food, water or proper care and attention, or required medical care, or are kept in violation of the provisions contained herein, or are infected with disease or condition or kept under conditions which could endanger public health or create a nuisance, it shall be the duty of the Chitimacha Animal Control Officer to enter said building or premises to take possession of and remove said animals abandoned or neglected. Animals impounded shall only be released or disposed of in accordance with Section 314, subject to the additional requirement that an animal impounded for failure to provide humane care may only be released to an owner, keeper, or caretaker if the reason for which the animal was impounded is corrected. ~~not be released before the reason for causing said impoundment has been corrected.~~

~~(B) If any impounded animal, impounded for being at large, is not reclaimed by the owner upon payment of impoundment and daily board fees and compliance with other legal requirements for keeping an animal, or if the reason for causing said impoundment is not corrected within a reasonable time, the animal may be held for such time as deemed reasonable, considering the animal's probable value, condition of health, and suitability for use. Upon expiration of such reasonable time, the animal may be offered for adoption, or humanely destroyed.~~

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 308. Owner Notification, Holding Time, Release of Animal, Adoption and Disposal of Animal.

~~Owner~~The notification, holding time, release of animals, adoption and disposal of animals impounded in the Animal Shelter, as each apply to an owner, keeper, or known caretaker, shall be in accordance with the rules and regulations provided for the operation of said Animal Shelter.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993)

Sec. 309. Liability of Owner or Responsible Party for Animals.

In addition to the fees and charges to be paid to the Animal Shelter for the release of any impounded animal, any owner, keeper, or otherwise responsible party, including persons who assume the role of caretaker of an animal that they do not own or keep by providing the animal with sustenance on a regular basis throughout a calendar week or more, who has permitted a licensed or unlicensed animal to roam at large may be found guilty of an infraction, and shall be subject to a penalty as set forth herein.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993)

Sec. 310. Unwanted Animals.

Owners of unwanted animals may bring such animals to the Animal Shelter at no cost to the owner to be made available for adoption or other disposition at the discretion of the Animal Shelter.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993)

Sec. 311. Disposal of Live Animals.

Live animals may not be disposed of to any school, college, university, association, laboratory or corporation for experimentation purposes or to any person providing, selling or supplying dogs and other animals to any school, college, university, association or corporation for experimentation.

Any person that disposes of the carcass of any dead animal~~dog~~ shall do so in a manner consistent with applicable health regulations.

(Added by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 312. Animals At Large.

The Chitimacha Animal Control Officer may impound any animal found to be at large. The procedures prescribed in Section 314 shall govern the disposition of an animal impounded because it was found to be at large.

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~~Any such animal impounded may be reclaimed by the owner upon payment of impoundment and daily board fees and compliance with other legal requirements for keeping of such animal. If no claim is made on any such animal after seven (7) days of impoundment, the St. Mary Parish Animal Warden may humanely dispose of same at its discretion.~~

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 313. Failure to Care For.

Failure of any person to adequately house, feed and water or maintain and care for as defined herein for animals in his possession or custody, shall constitute a violation of this ~~Title~~Article and may be subject to the maximum penalties provided. Such animals shall be subject to seizure and impoundment and upon proof of violation, may be sold, ~~or~~ euthanized, or otherwise disposed of in accordance with the procedures prescribed in Section 314.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 314. Disposition of an Impounded Animal,

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(A) The disposition of any animal impounded under this Title shall be in accordance with the following procedures.

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(B) An owner, keeper, or caretaker may reclaim an impounded animal if he or she:

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- (1) pays for the cost of the impoundment, including boarding fees; and
- (2) to ensure that a claimant complies with the legal requirements prescribed by this Title, the claimant must execute a Certification of Animal Control Compliance certifying that the claimant has received a copy of this Title, agrees to comply with its terms and conditions, and that failure to comply with the Title's terms and

conditions may result in the claimant being subject to increased penalties; and
(3) where the claimant is an owner, keeper, or caretaker of an animal impounded for failure to provide humane care, the claimant must both execute the Certification of Animal Control Compliance and correct the reason for which the animal was impounded.

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(C) Twenty-four (24) hours after an animal has been impounded, the Chitimacha Animal Control Officer, in his or her discretion, may:

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- (1) maintain custody of the animal for a period of time that is reasonable under the circumstances for the purpose of providing a claimant an opportunity to fulfil the obligations required to reclaim the animal;
- (2) deliver the animal to a suitable Animal Shelter, to be reclaimed or adopted in accordance with the procedures or laws to which the shelter is subject; or
- (3) deliver the animal to the St. Mary Parish Animal Warden, to be reclaimed, adopted, or humanely disposed of in accordance with the procedures or laws to which that official is subject.

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Sec. 3154. Interference with Designated Officer and/or Agents.

It shall be unlawful for any person to hinder, resist, molest or interfere with any Chitimacha Animal Control Officer and/or Agent in the performance of his duties as provided herein.

No person shall, without authority, release or attempt to release or remove any animal from the custody of the Chitimacha Animal Control Officer.

No person shall tear down, burn, deface, destroy or otherwise injure an Animal Shelter, animal restraint device, cage, or enclosure, unless such property is destroyed by its owner.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

CHAPTER 4. PENALTIES

Sec. 401. Failure to Obey Rules and Regulations.

Any person who fails to obey the Rules and Regulations as provided herein, shall be guilty of an infraction, for which a ~~Citation/Summons~~Citation/Summons may be issued by the

Chitimacha Animal Control Officer.

If deemed necessary, the animal involved may be impounded by the Chitimacha Animal Control Officer.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 402. Investigations.

The Chitimacha Animal Control Officer may request the owners, keepers, or caretakers of any animals to exhibit the animal and, if applicable, the registration certificate of such animal and it shall be the duty of the Chitimacha Animal Control Officer to keep the following records:

- (A) accurate and detailed records of the registration, impoundment and disposition of all animals coming into his custody;
- (B) accurate and detailed records of all reported bite cases and investigations for a period of three (3) years; and accurate records of all rabies certificates.

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(Added by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 403. Citation/Summons to be Issued.

(A) A Citation/Summons for which there has been non-compliance within the time allowed, shall then be filed by the Chitimacha Animal Control Officer in the Chitimacha Tribal Court for processing.

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-(B) When service has been completed, the original Citation/Summons shall be filed with the Clerk of Court, as a Civil Complaint and placed for hearing on the appropriate docket.

(C) All Court costs, fees and/or expenses shall be the responsibility of the party in violation of this TitleArticle.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 404. Applicable Fines.

Any persons who fail to comply, resulting in a Citation/Summons being issued shall be subject to the applicable fines, as follows;

(A) First Offense

A minimum fine of not less than **Twenty-Five Dollars (\$25.00)** up to a maximum fine of **One Hundred Twenty-Five Dollars (\$125.00)** shall be imposed.

(B) Second Offense

A minimum fine of not less than **Fifty Dollars (\$50.00)** up to a maximum fine of **One Hundred Fifty Dollars (\$150.00)** shall be imposed.

(C) Third Offense

A minimum fine of not less than **Seventy-Five Dollars (\$75.00)** up to a maximum fine of **One Hundred Seventy-Five Dollars (\$175.00)** shall be imposed.

(D) Fourth and Subsequent Offenses

A fine not to exceed **Two Hundred Dollars (\$200.00)** shall be imposed, and/or any additional penalties which shall be deemed appropriate at the discretion of the Court.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 405. Enhanced Penalty for Violation of Certification of Animal Control Compliance.

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Any person who claims and receives an impounded animal in accordance with Section 314, executes a Certificate of Animal Control Compliance, and violates this Title may be issued a Citation for both the relevant underlying violation and for the violation of the Certificate of Animal Control Compliance. Upon issuance of such Citation, such person shall, upon conviction, be subject to the maximum penalty prescribed for the underlying violation, as dictated by Section 404, and the maximum penalty prescribed for a Second Offense under Section 404(B) for the additional violation of the Certificate of Animal Control Compliance.

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Sec. 406. Failure To Appear.

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Failure to appear at the date and time indicated without paying the statutory fine and costs prior to hearing date shall be deemed an admission to the infraction by the party, for which, additional penalties and Court costs may be imposed.

~~If any section, paragraph, sentence, clause or part of this Article is declared unconstitutional or in any way invalid, the remaining parts shall remain in full force and effect.~~

~~All ordinances or parts thereof in conflict herewith are hereby repealed.~~

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 407. Limitation on Enforcement of Penalties Against Caretakers.

(A) Before issuing a citation that imposes the penalties prescribed under this Title for a violation of the conditions prescribed under this Title to any person who has assumed the role of caretaker of an animal that they do not own or keep by providing the animal with sustenance on a regular basis throughout a calendar week or more, the Chitimacha Animal Control Officer shall first issue a written Notice of Violation to the caretaker that specifies the basis for the violation and, if applicable, the action that the caretaker must take to cure said violation. Any such caretaker who after receiving the written Notice of Violation commits the same violation a second time or fails to cure the violation as prescribed in the Notice of Violation may, in the discretion of the Chitimacha Animal Control Officer, be subject to a citation that imposes the penalties prescribed under this Title for the relevant infraction.

(B) Any person subject to a Notice of Violation who concludes that he or she cannot continue to care for the animal may bring such animal to the Animal Shelter at no cost to the caretaker to be made available for adoption or other disposition at the discretion of the Animal Shelter.

(C) A caretaker who claims and receives an impounded animal shall be deemed an owner of that animal and therefore not entitled to any limitation on enforcement prescribed under this Section 407.

CHAPTER 5. MAINTENANCE OF TRIBAL LANDS

Sec. 501. Tribal Land Maintenance Officer.

The Chitimacha Police Department shall designate an officer or officers to serve as a Tribal Land Maintenance Officer. The Tribal Land Maintenance Officer is hereby vested with the authority and the duty to cite for violations and otherwise enforce the provisions prescribed under this Chapter 5. Such authority includes the affirmative duty to monitor whether persons are complying with this Chapter, as well as whether a person remains in compliance with this Chapter or the conditions of a citation or directive issued under it. For the purposes of this Chapter 5, by

virtue of the delegation of authority provided herein, any authority granted to the Chitimacha Police Department is also granted to the Tribal Land Maintenance Officer, and vice versa.

Sec. 5021. Tall Grass and/or Weeds.

No person shall allow tall grass and/or weeds to grow on any land within the Chitimacha Reservation. If the grass and/or weeds are not cut, a "Citation/Summons" may be issued by the Chitimacha Police Department. If the grass and/or weeds remain uncut 14 days after the Chitimacha Police Department issues a Citation/Summons, the ~~A designated employee of the Chitimacha Tribe of Louisiana or its designated agent may shall~~ enter the land and cut same at the expense of the person found in violation of this Section. In addition, any and all civil penalties as provided herein shall also be imposed.

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(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 5032. Burning of Debris Restricted.

No person shall burn any and all debris, including but not limited to leaves, grass, weeds and/or trash within one hundred (100') feet of any public right of way, road, highway and/or within fifty (50') feet of the nearest structure or residence. Any person found in violation of this Section shall be subject to the penalties provided herein.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance #01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 5043. Sewage Disposal Requirements.

No person shall maintain an open sewer on any lands within the Chitimacha Reservation. Any and all persons who have been assigned the use of Tribal land, shall connect to a public sewer system. If a person fails to comply with these requirements, a "Citation/Summons" may be issued by the Chitimacha Police Department. The situation shall be remedied at the expense of the person in possession of the land. In addition, any and all civil penalties as provided herein shall also be imposed.

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(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance #01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 5054. Dismantled and/or Junked Vehicles, Engines, Motors and/or Appliances Prohibited.

No vehicles, engines, motors, appliances, and/or other large metal devices ~~ne of the above~~ shall be dismantled and/or junked on land within the Chitimacha Reservation.

(A) These items may be deemed dismantled and/or junked if they are;

(1) lacking in one or more parts essential to its mechanical functioning, or otherwise inoperable so that it has no substantial potential for further use consistent with its usual functions, and;

(2) not repaired or moved ~~and no repairs attempted~~ for ninety (90) consecutive days.

If a person fails to comply with this provision, a "Citation/Summons" may be issued by the Chitimacha Police Department. The item and/or items as referenced above may be removed and sold or disposed of by the Chitimacha Tribe of Louisiana. In addition, the person in possession of the property shall be subject to the penalties provided herein.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 5065. Unightly Litter, Trash, Debris, Garbage, Etc.

No person shall permit or contribute to the placement, accumulation, or continued presence of litter, trash, debris, yard waste, or garbage on lands within the exterior boundaries of the Chitimacha Reservation that is unsightly, poses a danger to the public's health or safety, interferes with or degrades the use or enjoyment of said lands, or undermines the public purpose of said lands or the improvements thereon. ~~nor contribute to the presence of unsightly litter, trash, debris, garbage, etc., to be placed and/or accumulate on Tribal lands.~~ If a person fails to comply with this provision, by removal of same, a "Citation/Summons" may be issued by the Chitimacha Police Department. Removal and/or clean up may will be completed at their expense.

In addition, they shall be subject to the penalties provided herein.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

CHAPTER 6. PENALTIES

Sec. 601. Citation/Summons.

Any person who fails to obey the provisions in the preceding Chapter, shall be guilty of an infraction, for which a [Citation/Summons](#) may be issued through personal service or certified restricted delivery mail, by the Chitimacha Police Department. Failure to do so may result with compliance being met at the expense of the person cited, plus additional penalties being imposed.

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(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 602. Citation/Summons to be Issued.

(A) Citation/Summons for which there has been non-compliance within the time allowed, shall be submitted by the Chitimacha Police Department, along with a statement for expenses incurred to be assessed against the person cited, to the Chitimacha Police Department for processing.

(B) The Citation/Summons shall be prepared, and served along with a copy of the statement upon the party. This document shall reflect the;

- (1) name and address of the party being cited;
- (2) violation for which [Citation/Summons](#) was served;
- (3) date the [Citation/Summons](#) was served; and
- (4) date and time this matter shall be heard before the Chitimacha Tribal Court;

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(C) When service has been completed, the original Citation/Summons, along with a copy of the Statement of Expenses, shall be filed with the Clerk of Court, as a Civil Complaint and placed for hearing on the appropriate docket.

(D) All Court costs, fees and/or expenses shall be the responsibility of the party found in violation of this [TitleArticle](#).

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 603. Applicable Fines.

Any person who fails to comply, resulting in a Citation/Summons being issued shall be subject to the applicable fines as follows, in addition to fees, costs and/or expenses which were incurred;

(A) **First Offense**

A minimum fine of not less than **Twenty-Five Dollars (\$25.00)** up to a maximum fine of **One Hundred Twenty-Five Dollars (\$125.00)** shall be imposed.

(B) **Second Offense**

A minimum fine of not less than **Fifty Dollars (\$50.00)** up to a maximum fine of **One Hundred Fifty Dollars (\$150.00)** shall be imposed.

(C) **Third Offense**

A minimum fine of not less than **Seventy-Five Dollars (\$75.00)** up to a maximum fine of **One Hundred Seventy-Five Dollars (\$175.00)** shall be imposed.

(D) **Fourth and Subsequent Offenses.**

A fine not to exceed **Two Hundred Dollars (\$200.00)** shall be imposed, and/or any additional penalties which shall be deemed appropriate at the discretion of the Court.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993; Revised by Ordinance # 01-11; Adopted: January 13, 2011; Effective: January 13, 2011)

Sec. 604. Failure To Appear.

Failure to appear at the date and time indicated without paying the statutory fine and costs prior to the hearing date shall be deemed an admission to the infraction by the party, for which, additional penalties and Court costs may be imposed.

If any section, paragraph, sentence, clause or part of this **TitleArticle** is declared unconstitutional or in any way invalid, the remaining parts shall remain in full force and effect.

All ordinances or parts thereof in conflict herewith are hereby repealed.

(Added by Ordinance #12-93; Adopted: October 1, 1993; Effective: October 1, 1993)

Sec. 605 Recovery of Costs

If the person responsible for the conditions described in the preceding Chapter does not properly abate the prohibited condition of their property, is thereafter found in violation of this

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Title, and the Tribe is required to remove any prohibited conditions under Section 501-505 of this Title, the Tribe will send a bill documenting the costs incurred by the Tribe in removing the prohibited condition and requiring payment of the costs within 60 days. If the person responsible for the condition is a member and does not timely pay the outstanding cost, the Tribe may garnish the member's per capita payments to satisfy the debt.