

## REGULAR MEETING

**JULY 10, 2001**

The Mayor and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a regular session at 6:00 p.m. Tuesday the 10<sup>th</sup> day of July, 2001, at the regular meeting place of said Mayor and Board of Aldermen, the City Hall, 426 North Avenue F, Crowley, Louisiana.

Mayor Isabella L. de la Houssaye presided with the following Aldermen present: James M. Buatt, J. Elliot Doré, Greg Jones, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Ira Thomas and Jolene Williams. Aldermen Steven C. Premeaux was absent.

Alderswoman Williams led the Pledge of Allegiance to the flag and Reverend Lloyd Singley gave the invocation.

Alderman Buatt offered a motion to amend the agenda to include a beer and liquor license for Ann's Downtown Café. Seconded by Alderman Martin and duly adopted.

Alderswoman Pete offered a motion to amend the agenda to include the resignation of two firemen. Seconded by Alderman Thomas and duly adopted.

Alderswoman Melancon offered a motion to amend the agenda to include a resolution for a grant application from the La. Decentralized Arts Funding Program. Seconded by Alderman Thomas and duly adopted.

### **PUBLIC HEARING:**

Mayor de la Houssaye opened the public hearing on proposed ordinance # 1252.

The ordinance was read by title.

She asked for opponents of the proposed ordinance # 1252. A third and final call was made with no one coming forward to speak.

Three calls were made for proponents to the proposed ordinance # 1252. No comments were made.

Mayor de la Houssaye called the public hearing on ordinance # 1252 to a close.

Mayor de la Houssaye opened the public hearing on proposed ordinance # 1253. The ordinance was read by title.

She asked for opponents of the proposed ordinance # 1253. A third and final call was made with no one coming forward to speak.

Three calls were made for proponents to the proposed ordinance # 1253. No comments were made.

Mayor de la Houssaye called the public hearing on ordinance # 1253 to a close.

**PRESENTATION:**

A proclamation was presented to Sergeant Michael J. Huesers who was awarded the Purple Heart for his extraordinary heroism in action against any armed enemy under extremely difficult and hazardous conditions during World War II.

### **READING & APPROVAL OF MINUTES / BILLS:**

Alderman Martin moved to dispense with the reading of the minutes of the June 12, 2001 regular council; and approve them as written and distributed to each Alderman. Seconded by Alderwoman Melancon and duly adopted.

Alderman Doré moved to approve all bills presented for payment. Seconded by Alderman Thomas and duly adopted.

### **MAYOR'S REPORT:**

The Mayor presented the Sales Tax Report, User Fee Report and the Recap of all Funds Report.

### **STANDING COMMITTEE REPORTS:**

### **PUBLIC WORKS:**

Alderwoman Melancon offered a motion to approve \$75,299.26 for Partial Payment No. 2 to H & S Construction for work completed on the "Street Improvements at Test Blocks" project. Seconded by Alderman Thomas and duly adopted.

### **UTILITY:**

Alderman Martin offered a motion to approve Partial Payment # 3 to E. L. Habetz Builders, Inc. in the amount of \$18,921 for Landscaping of the Wet Weather Basin Park.

Seconded by Alderman Jones and duly adopted.

Alderman Martin offered a motion to approve a Change Order for the sodding of the four corners of the wetweather basin. Seconded by Alderwoman Melancon and duly adopted.

Alderman Martin offered a motion to approve Partial Payment #2 to Wastewater Services, International, Inc. in the amount of \$29,859.30. Seconded by Alderman Jones and duly adopted.

### **PUBLIC SAFETY:**

Alderman Buatt offered a motion to approve an application from Etheline A. Thibeaux for a new 2001 Class A – Retail Outlet Beer Permit for Ann’s Downtown Café, 414 North Parkerson Avenue, Crowley, La., contingent upon the approval of the Fire Marshal and the Board of Health. Seconded by Alderman Jones and duly adopted.

### **ZONING & ANNEXATION:**

Alderman Jones offered a motion to grant a variance to Joseph and Lisa Bailey to erect a 6-foot fence that exceeds 8 feet beyond the setback requirements of the code of ordinance at the property located at 622 West 15<sup>th</sup> Street. Seconded by Alderwoman Pete and duly adopted.

Alderman Jones offered a motion to approve the Planning Commission’s recommendation to allow the operation of a barber shop at 427 North Avenue C. Seconded by Alderman Martin and duly adopted.

### **INSURANCE & PERSONNEL:**

Alderwoman Pete offered a motion to accept the resignations of firefighter Damon Paul LeBlanc effective May 6, 2001 and firefighter Ryan Landry effective May 30, 2001. Seconded by Alderman Doré and duly adopted.

**COMMUNITY & ECONOMIC DEVELOPMENT:**

Alderwoman Williams offered a motion to approve a special event beer license for July 13, 2001 for Main Street Alive to be held on the One Stop Facility building grounds from 5:30 p.m. to 8:30 p.m. Seconded by Alderwoman Melancon and duly adopted.

**RECREATION:**

Alderman Thomas offered a motion to approve Partial Payment No.1 to LADCO for the new sewer service to Miller Stadium in the amount of \$6,397.06. Seconded by Alderman Jones and duly adopted.

**REVENUE & FINANCE:**

The following resolution was offered by Alderman Doré, seconded by Alderman Buatt, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH , LA, CALLING FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ADJUSTED MILLAGE RATES FOR THE TAX YEAR 2001 AND TO ROLL FORWARD THE MILLAGE TO RATES NOT TO EXCEED THE PRIOR YEAR'S MAXIMUM MILLAGE FOR THE TAX YEAR 2001

WHEREAS, the Board of Aldermen of the City of Crowley must adopt ad valorem millage rates for the tax year 2001; and

WHEREAS, to consider the adoption of the adjusted millage rate and to roll forward the millage rates after re-assessment, two (2) resolutions must be considered; and

WHEREAS, to consider these resolutions a public hearing must be held to receive public comment prior to consideration of adoption by the Board of Aldermen; and

WHEREAS, notice of the intent of the resolutions must be published twice, more than thirty (30) days prior to the hearing, in the official journal of the City of Crowley, which notice shall provide for the date, time and place where the Board of Aldermen will consider their adoption;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Crowley, in regular session duly convened that a public hearing will be held by the Mayor and Board of Aldermen on the 14<sup>th</sup> day of August, 2001 at 6:00 p.m., to-wit:

1. ADOPT THE ADJUSTED MILLAGE RATES FOR THE TAX YEAR 2001;
2. ADOPT THE ADJUSTED MILLAGE RATES AFTER RE-ASSESSMENT AND ROLL FORWARD THE MILLAGE TO RATES NOT TO EXCEED THE PRIOR YEAR'S MAXIMUM MILLAGE FOR THE TAX YEAR 2001.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen, that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE  
A public hearing will be held by the City of Crowley as follows:

DATE : August 14, 2001

TIME: 6:00 p.m.  
PLACE OF MEETING: COUNCIL CHAMBERS OF CITY HALL  
426 NORTH AVENUE F  
CROWLEY, LA 70526

The Board of Aldermen of the City of Crowley, shall hear any comment concerning the reassessment and revaluation of property within the City of Crowley relative to the adoption of ad valorem tax millages.

The Board of Aldermen of the City of Crowley, shall meet on the 14<sup>th</sup> day of August, 2001 at 6:00 p.m. in the Council Chambers, City Hall, Crowley, LA, to consider the following:

1. Adopt the adjusted millage rates for the tax year 2001;
2. Adopt the adjusted millage rates after Reassessment and roll forward the millage to rates not to exceed the prior year's maximum millage for the tax year 2001.

SIGNED on July 10, 2001 at Crowley, LA.

MAYOR

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ISABELLA DE LA HOUSSAYE,  
CITY OF CROWLEY  
P. O. BOX 1463, CROWLEY, LA 70526  
PHONE: (337) 783-0824

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Judy L. Istre at (337) 788-4103, describing the assistance that is necessary.

Post at City Hall on Wednesday, July 11, 2001 at 8:00 a.m. and displayed until time of meeting on August 14, 2001.

Published twice in Crowley Post Signal on July 11, 2001 and July 12, 2001:

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THUS DONE, SIGNED AND ADOPTED on this the 10<sup>th</sup> day of July, 2001.

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ISABELLA DE LA HOUSSAYE,

MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Doré, seconded by Alderman Buatt, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LA, FIXING A DATE FOR A PUBLIC HEARING TO BE HELD TO CONSIDER THE ADOPTION OF THE ANNUAL BUDGET FOR FISCAL YEAR 2002 AND AUTHORIZING PUBLICATION OF NOTICE OF A PUBLIC HEARING AND AVAILABILITY OF THE PROPOSED ANNUAL BUDGET FOR FISCAL YEAR 2002

WHEREAS, the Board of Aldermen of the City of Crowley have received a proposed budget for fiscal year 2002 for their consideration and adoption; and

WHEREAS, a public hearing must be held to receive public comment prior to adoption of the annual budget by the Board of Aldermen; and

WHEREAS, notice of the availability of the proposed annual budget and of the public hearing to receive public comment must be published once in the official journal of the City of Crowley, no less than ten (10) days prior to the date of the hearing, which notice shall provide for the date, time and place where the Board of Aldermen will consider their adoption;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Crowley, in regular session duly convened that a public hearing will be held by the Mayor and Board of Aldermen on the 30<sup>th</sup> day of July, 2001 at 10:00 a.m. in Council



Chambers, City Hall, to receive public comment upon the adoption of the proposed annual budget for fiscal year 2002; and

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen, that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PUBLIC HEARING ON THE PROPOSED  
ANNUAL BUDGET FOR FISCAL YEAR 2002, CITY OF CROWLEY

Public notice is hereby given that the proposed annual budget of the City of Crowley for fiscal year 2002 is available for public inspection at the office of the City Clerk, City Hall, 426 N. Avenue F, Crowley, Louisiana, during the hours of 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., Monday through Friday. Copies of the budget are also available at a nominal cost.

Notice is hereby given that a public hearing will be held by the Mayor and Board of Aldermen concerning the adoption of the annual budget for the fiscal year 2002 as follows:

DATE : July 30, 2001  
TIME: 10:00 a.m.  
PLACE OF MEETING: COUNCIL CHAMBERS OF CITY HALL  
426 NORTH AVENUE F  
  
CROWLEY, LA 70526

The Board of Aldermen of the City of Crowley, shall hear any and all comments concerning the revenues and expenditures of the City of Crowley relative to the adoption of the annual budget for fiscal year 2002.

SIGNED on July 10, 2001 at Crowley, LA.

MAYOR

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ISABELLA DE LA HOUSSAYE,

CITY OF CROWLEY  
P. O. BOX 1463, CROWLEY, LA 70526  
PHONE: (337) 783-0824

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Judy L. Istre at (337) 788-4103, describing the assistance that is necessary.

Post at City Hall on Wednesday, July 11, 2001 at 8:00 a.m. and displayed until time of meeting on July 30, 2001.

Published once in Crowley Post Signal on July 17, 2001.

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THE ABOVE RESOLUTION WAS DULY ADOPTED on this the 10<sup>th</sup> day of July, 2001 at Crowley, Acadia Parish, Louisiana.

MAYOR

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ISABELLA DE LA HOUSSAYE,

ATTEST:

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JUDY L. ISTRE, CITY CLERK

**RESOLUTIONS:**

The following resolution was offered by Alderman Doré, seconded by Alderman Thomas, and duly resolved and adopted.

RESOLUTION OF THE MAYOR AND BOARD OF  
ALDERMEN OF THE CITY OF CROWLEY, ACADIA  
PARISH, LOUISIANA. AUTHORIZING AN  
APPLICATION FOR A DEVELOPMENTAL ARTS GRANT  
TO THE LOUISIANA DECENTRALIZED ARTS  
FUNDING PROGRAM FOR THE DEVELOPMENT OF  
ARTS AND CRAFT CLASSES FOR GRADE SCHOOL  
CHILDREN

WHEREAS, the City of Crowley has been advised that the Louisiana Decentralized Arts Funding Program has made available grants for the funding of developmental arts; and

WHEREAS, the City of Crowley desires to continue and enhance its Summer Recreation Program which provides creative and artistic opportunities for grade school children, ages 7 through 14, which includes instruction for arts, crafts and music appreciation classes; and

WHEREAS, the City of Crowley has been able to provide access to art and craft instruction and music appreciation with the assistance of previous grants for technical assistance; and

WHEREAS, in order to continue to expand the program during the summer months for the development of arts, crafts and music appreciation in young children, additional funds will be necessary; and

WHEREAS, the City of Crowley will provide administrative support staff, facilities and buildings for the classes and qualified volunteers for instruction and supervision during the summer program;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby authorize, empower and direct the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, to submit an application to the Louisiana Decentralized Arts

Funding Program for a Developmental Arts Grant for the year 2001-2002 through the Acadiana Arts Council to provide funds for artistic education, craft education, music appreciation, materials and supplies for the Summer Recreation Program for the youth of the City of Crowley to expand the City's current Summer Program; and

BE IT FURTHER RESOLVED that said application shall include a commitment by the City of Crowley for the sponsorship of an Arts and Craft Program to be held during the Summer Recreation Program for ages 7 through 14 for classes to be held five days per week to be conducted at the Rice Festival Building and Martin Luther King Center and to provide administrative assistance, support and management for the classes and said application shall be authorized for the sum of \$10,000.00; and

BE IT FURTHER RESOLVED that the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, be and she is hereby authorized, empowered and directed to provide any and all necessary documentation, submissions and signing of all necessary forms and documents as may be necessary and proper in the circumstances.

THUS DONE AND ADOPTED on this the 10<sup>th</sup> day of July, 2001, in regular session duly convened, called pursuant to notice, by voice vote of the Board of Aldermen at Crowley, Acadia Parish, LA.

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MAYOR

ISABELLA L. DE LA HOUSSAYE,

ATTEST:

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JUDY L. ISTRE, CITY CLERK

**ORDINANCES:**

The following ordinance as amended was offered by Alderman Buatt, seconded by Alderman Doré, and duly ordained and adopted.

ORDINANCE NO. 1252

SECTION AN ORDINANCE TO AMEND AND RE-ENACT

4 4-1 AND SECTIONS 4-16 THROUGH 4-21 OF CHAPTER  
OF THE CODE OF ORDINANCES OF THE CITY OF  
CROWLEY TO REGULATE AND RESTRICT THE  
KEEPING OF DANGEROUS DOGS, TO PROVIDE FOR  
DEFINITIONS THEREOF, TO PROVIDE FOR  
PROCEDURES TO DECLARE SUCH ANIMALS  
DANGEROUS, TO PROVIDE FOR THE IMPOUNDING  
AND DESTRUCTION OF SUCH ANIMALS KEPT IN  
VIOLATION OF THE ORDINANCE, TO PROVIDE FOR  
PENALTIES THEREFOR, AND TO PROVIDE FOR ALL  
RELATED MATTERS THEREOF, AND TO REPEAL ALL  
ORDINANCES OR PARTS OF ORDINANCES IN  
CONFLICT THEREWITH OR CONTRARY HERETO.

WHEREAS, the Mayor and Board of Aldermen of the City of Crowley find that aggressive and vicious dogs represent a risk of serious harm or death to human beings; and

WHEREAS, this ordinance had been duly introduced and notice of this ordinance and notice of public hearing having been published; and

WHEREAS, s public hearing having been held in accordance with law on the 10<sup>th</sup> day of July, 2001 at 6:00 p.m.; and

WHEREAS, this ordinance is adopted to promote the public health, safety and general welfare of the citizens of the City of Crowley. It is intended to be applicable to "dangerous" dogs as defined herein, and to regulate dogs that are commonly referred to as "pit bulls", as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance.

NOW THEREFORE, BE IT ORDINANCE BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, IN REGULAR SESSION, DULY CONVENED, that:

SECTION 1: Section 4-1 of Chapter 4 of the Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to read as follows, to-wit:

Section 4-1. Definitions.

When used in this Ordinance, the following words, terms and phrases, and their derivations shall have the meaning ascribed to them in this Section, except where the content clearly indicates a different meaning:

(a) *Animal*: Any living domestic or wild creature.

(b) *Dangerous Dog*: Any dog that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term "dangerous dogs" includes any dog that according to the records of either the City Animal Shelter, the City Department of Animal Control, or any law enforcement agency:

- (1) Has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street,

sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above-referenced authorities;

- (2) Has more than once severely injured or killed a domestic animal while off the owner's property; or
- (3) Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

(c) *Animal Shelter*: Any premises designated by city administrative authority for the impounding and caring for animals held under authority of this chapter.

(d) *Circus*: A nonresident variety show which features animal acts.

(e) *Animal control officer*: Any person employed or appointed by the City or any Parish or local Law Enforcement Office (including duly commissioned police officers and sheriff deputies), is authorized to investigate and enforce violations relating to animal control or cruelty under the authority of the entity by whom the officer is employed.

(f) *Kennel*: Any person engaged in the business of breeding, buying, selling or boarding dogs and cats or engaged in the training of dogs for guard or sentry purposes; or any person not engaged in business having or maintaining four (4) or more over the age of six (6) months.

(g) *Owner*: Any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or, sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(h) *Pet Shop*: Any person engaged in the business of breeding, buying, selling or boarding animals of any species.

(i) *Restraint*: An animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(j) *Theatrical exhibit*: Any exhibition or act featuring performing animals.

(k) *Veterinary hospital*: Any established maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

(l) *Zoological garden*: Any park or zoo operated by any person for the keeping of animals.

(m) *At large*: A dog is not under the direct control of the owner.

(n) *Direct Control*: Immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and bearing of the dog, voice control shall be considered direct control when the dog is actually participating in training or in an official showing, obedience, or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.

(o) *Director*: The Chief Animal Control Warden of the City of Crowley.

(p) *Impoundment*: Taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this Ordinance.



(q) *Muzzle*: A device constructed of strong, soft material or of metal designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(r) *Pit bull*: Means and includes any of the following dogs:

(1) The Staffordshire Bull Terrier breed of dogs.

(2) The American Staffordshire Terrier breed of dogs.

(3) The American Pit Bull terrier breed of dogs.

(4) Dogs that have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.

(s) *Sanitary condition*: A condition of good order and cleanliness to minimize the possibility of disease transmission.

SECTION 2: Section 4-16 of Chapter 4 of the Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to read as follows, to-wit;

#### Section 4-16. Dangerous and Vicious Dogs.

No owner shall keep or permit to be kept within the corporate limits of the City of Crowley any dogs that have the appearance and characteristics of prominent breeds being fierce, savage, dangerous, wild or vicious.

- (1) Any animal of a predominant breed which has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above referred authorities, shall be declared dangerous and vicious;
- (2) Any animal of predominant breed which has more than once severely injured or killed a domestic animal while off the owner's property shall be declared dangerous and vicious;
- (3) Any dog or animal which has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting, which shows signs and marking of being used for fighting shall be declared dangerous and vicious, except that excluded herefrom are all dogs which are professionally trained for law enforcement use.

SECTION 3: Section 4-17 of Chapter 4 of the Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to read as follows, to-wit:

Section 4-17. Procedure for Declaring a Dog Dangerous.

(A) An animal control officer or any adult person may request under oath that a dog be classified as dangerous as defined in Section 14-1(b) by submitting a sworn written complaint on a form approved by the Director of the Department of Animal Control. Upon receipt of such complaint, the Director shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(B) At the conclusion of an investigation, the Director may:

- (1) Determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the

dog to its owner; or

- (2) Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in Section 4-21, and if the dog is impounded, release the dog to its owner after the owner had paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) business days after a final determination that a dog is dangerous, the Director may cause the dog to be humanely destroyed.

SECTION 4: Section 4-18 of Chapter 4 of the Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to read as follows, to-wit:

Section 4-18. Notification of Dangerous Dogs Declaration.

(A) Within five (5) business days after declaring a dog dangerous, the Director shall notify the owner by certified mail of the dog's designation as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in Section 4-21 of this Ordinance. The Director also shall notify the Chief Executive and the Police Department of the designation of any dog as a dangerous dog. Such notification shall describe the dog and specifically any particular requirements or conditions placed upon the dog owner.

(B) The notice shall inform the dog owner that he may request, in writing, a hearing to contest the Director's finding and designation within five (5) business days after delivery of the dangerous dog declaration notice.

(C) If the Director cannot with due diligence locate the owner of a dog that has been seized pursuant to this Ordinance, the Director shall cause the dog to be impounded for not less than five (5) business days. If after five (5) days, the owner fails to claim the dog, the Director may cause the dog to be humanely destroyed.

SECTION 5: Section 4-19 of Chapter 4 of the Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to read as follows, to-wit:

Section 4-19. Hearing on Dangerous Dog Declaration.

(A) The Department of Animal Control shall hold a hearing within fifteen (15) business days after receiving the dog owner's written request for such a hearing. The Department shall provide notice of the date, time and location of the hearing to the dog owner by certified mail and to the complainant by regular mail.

(B) At a hearing, all interest persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this Section shall include but not limited to the following:

- (1) Provocation;
- (2) Severity of attack or injury to a person or domestic animal;
- (3) Previous aggressive history of the dog;
- (4) Observable behavior of the dog;
- (5) Site and circumstances of the incident, and;
- (6) Statements from interested parties.

(C) A determination at a hearing that the dog is in fact a dangerous dog as defined in Section 4-1 (b) shall subject the dog and its owner to the provisions of this Ordinance.

(D) Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this Ordinance.

SECTION 6: Section 4-20 of Chapter 4 of Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to read as follows, to-wit:

Section 4-20 Appeal from Dangerous Declaration.

If the Director determine that a dog is dangerous at the conclusion of a hearing conducted under Section 4-19, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within ten (10) days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the Director's determination of dangerousness.

SECTION 7: Section 4-21 of Chapter 4 of the Code of Ordinances of the City of Crowley, be and the same is hereby amended and re-enacted to read as follows, to-wit:

Section 4-21. Keeping of Dangerous Dogs.

The keeping of a dangerous dog as defined in Section 4-1(b) shall be subject to the following requirements.

(a) Leash. No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its kennel, pen or other proper enclosure unless such dog is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person capable of controlling the dog is in physical control of the leash.

(b) Muzzle. It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted

muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(c) Confinement. Except when leashed and muzzled as provided in this Section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- (1) The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;
- (2) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and
- (3) The structure must be a such material and closed in such a manner that the dog cannot exit the enclosure on its own.

(d) Indoor Confinement. No dangerous dog shall be kept on a porch, patio or in any part of the house or structure that would allow the dog to exit such building on its own violation. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(e) Signs. All owners, keepers or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog."

(f) Animals Born of Registered Dogs. All offspring born of dangerous dogs registered with the Department of Animal Control also must be registered with the Department within six (6) weeks of birth.

(g) Notification of Escape. The owner or keeper of a dangerous dog shall notify the Department of Animal Control immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

(h) Failure to Comply. It shall be unlawful and a misdemeanor for any owner of a dangerous dog registered with the Department of Animal Control to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this Ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such animal.

#### Section 4-21.1. Permit and Tag Requirement for a Dangerous Dog.

(a) The owner of a dangerous dog shall, within three (3) business days after the classification of the dog as dangerous or upon acquisition of such a dog, obtain an annual permit from the Department of Animal Control to harbor the dog. The fee for such permit shall be fifty dollars (\$50.00) per year.

(b) At the time the permit is issued a red circular tag shall be issued to the owner of the dangerous dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a dangerous dog.

(c) The permit for maintaining a dangerous dog shall be presented to an animal control officer upon demand.

#### Section 4-21.2. Pit Bull Dogs Presumed Dangerous.

There shall be an irrefutable presumption that any dog registered with the Department of Animal Control as a pit bull dog is a dangerous dog and is therefore subject to the requirements of this Ordinance.

### Section 4-21.3. Notification of Intent to Impound.

(a) When the Director of Animal Control or his designee intends to impound a dog declared to be dangerous for violation of Section 4-21, he shall notify the owner or custodian of the dog, by certified mail, of the intended impoundment at least five (5) business days prior to the intended impoundment, except as provided In Section 4-21.4.

(b) The notice of intent to impound shall inform the owner or custodian of the dog that he may request in writing, within five (5) business days prior to the intended impoundment, a hearing to contest the intended impoundment and finding of violation.

(c) Upon request by the owner or custodian of the dog for a hearing pursuant to subsection (b), a hearing shall be held within ten (10) business days after the request for a hearing. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog's owner or custodian requesting such hearing.

(d) If the owner or custodian requests a hearing pursuant to subsection (b), no impoundment shall take place until conclusion of the hearing, except as authorized in Section 4-21.4.

### Section 4-21.4. Immediate Impoundment.

(a) A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when the Director of Animal Control or his designee determines such immediate impoundment is necessary for the protection of public health or safety. Such immediate impoundment may be ordered for violation of Section 14-21 or when the dog bites a person or domestic animal.

(b) The owner or custodian of the dog immediately impounded pursuant to subsection (a) shall be notified of the impoundment by certified mail within five (5)



business days after the dog's impoundment.

(c) The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five (5) business days after the mailing of the notice of impoundment.

(d) Upon request by the owner or custodian of the dog for a hearing under subsection (c), a hearing shall be held within ten (10) business days after such request. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog owner requesting the hearing.

#### Section 4-21.5. Impoundment Hearing.

(a) If after a hearing on impoundment, the Director or his designee finds no violation of Section 4-21, or that the dog has not bitten an individual, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.

(b) Incident to the findings and conclusions made at the impoundment hearing, the Director or his designee may impose reasonable restrictions and conditions for the maintenance of the dog to ensure the health and safety of the public and the animal. Such conditions may include, but shall not be limited to:

- (1) Posting of bond or other proof of ability to respond in damages;
- (2) Specific requirements as to size, construction and design of a kennel in which to house the dog;
- (3) Requirements as to type and method of restraint and /or muzzling of the dog.
- (4) Photo identification or permanent marking of the dog for purposes of

identification; and

- (5) Payment of reasonable fees to recover the costs incurred by the Department of Animal Control in ensuring compliance with this Ordinance.

#### Section 4-21.6. Destruction.

(a) The Director of Animal Control or his designee may order the destruction of a dog that it determines to be extremely dangerous to public health or safety, a dog that has made an extremely vicious attack upon an individual, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.

(b) The Director or his designee shall give written notice by certified mail of his intention to destroy such dog to the owner or custodian of the dog, who may request in writing, within ten (10) business days after delivery of such notice, a hearing to contest the intended destruction.

(c) If no hearing is requested pursuant to subsection (b), the dog shall be destroyed pursuant to applicable provisions of law.

(d) If a hearing is requested pursuant to subsection (b), such hearing shall be held within ten (10) business days after the request; and the dog shall not be destroyed prior to the conclusion of the hearing.

(e) The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the City to humanely and safely keep the animal during any legal proceeding.

#### Section 4-21.7. Appeal from Order of Humane Destruction.

If the Director or his designee orders a dangerous dog to be humanely destroyed pursuant to Section 4-21.6, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) days after receiving notice of the destruction order. If an appeal is timely filed, the Director shall suspend the destruction order pending the final determination of the court. The appeal hearing must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the Director's destruction order.

#### Section 4-21.8. Change of Ownership.

(a) Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten (10) business days after such change of ownership or residence, provide written notification to the Department of Animal Control of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classifications as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the Department of Animal Control along with written acknowledgement by the new owner of his receipt of such notification. The Director of Animal Control or his designee shall notify the Chief Executive or the Police Department of any changes of ownership, custody or residence of the dog within three (3) business days after receiving the required information from the previous dog owner.

(b) Any person receiving a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this Ordinance pertaining to obtaining liability insurance, payment of fees, and maintenance, control and ownership of a dangerous dog.

#### Section 4-21.9. Continuation of Dangerous Dog Declaration.

Any dog that has been declared dangerous by any agency or department of this City, another municipality, county or state shall be subject to the provisions of this Ordinance for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county or state government shall notify the Department of Animal Control of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the City of Crowley. The restrictions and condition of maintenance of any dog declared dangerous by this City, another municipality, county or

state shall remain in force while the dog remains in the City.

SECTION 8: Conflicting Ordinances.

All other Ordinances of the City of Crowley which are in conflict with this Ordinance are hereby repealed to the extent of such conflict and specifically Ordinance No. 1240 regulating and restricting the keeping of dogs and other animals shall be amended only to the extent that they are in conflict herewith.

SECTION 9: Severability.

The provisions of his Ordinance are declared to be severable. If any section, sentence, clause or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

THUS DONE AND ADOPTED on this the 10<sup>th</sup> day of July, 2001 at Crowley, Acadia Parish, LA after a roll call vote as follows:

YEAS: James M. Buatt, J. Elliot Doré, Greg Jones, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Ira Thomas and Jolene Williams

NAYS: None

ABSTAIN: None

ABSENT: Steven C. Premeaux

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ISABELLA L. DE LA HOUSSAYE,

MAYOR

ATTEST:

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JUDY L. ISTRE, CITY CLERK

The following ordinance as amended was offered by Alderman Jones, seconded by Alderman Doré, and duly ordained and adopted.

ORDINANCE NO. 1253

AN ORDINANCE TO REVOKE THE DEDICATION OF THE ALLEYWAY SITUATED IN BLOCK SIXTY-EIGHT (68) OF THE CROWLEY INDUSTRIAL COMPANY ADDITION NO. 1 TO THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AS PER PLAT OF CROWLEY INDUSTRIAL COMPANY ADDITION NO. 1; AND TO PROVIDE FOR ALL RELATED MATTERS THEREOF, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH OR CONTRARY HERETO.

WHEREAS, the alleyway situated in Block 68 of the Crowley Industrial Company Addition No. 1 to the City of Crowley, as per plat thereof on file and of record of the Clerk and Recorder of Acadia Parish, Louisiana, is no longer needed for any public purpose; and

WHEREAS, The City of Crowley desires to abandon said alleyway and allow the property to revert to the adjacent property owners reserving unto the City a 5 foot right of way on all utility servitudes and the ownership of all oil, gas and mineral rights;

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 10<sup>th</sup> day of July, 2001 at 6:00 p.m.;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, IN REGULAR SESSION, DULY CONVENEED THAT:

SECTION 1: The alleyway situated in Block 68 of the Crowley Industrial Company Addition No. 1 to the City of Crowley is no longer needed for any public purpose or as a public thoroughfare.

SECTION 2: The dedication and donation of the alleyway situated in and on Block 68 of the Crowley Industrial Company Addition No. 1 to the City of Crowley, Acadia Parish, Louisiana, as per plat thereof filed in the records of the Clerk and Recorder of Acadia Parish, Louisiana; be and the same is hereby revoked, set aside and all right, title and interest to the City of Crowley, in and to said alleyway and the property thereunder is hereby abandoned and relinquished, reserving all utility servitudes and all oil, gas and mineral rights belonging or appertaining to said property.

SECTION 3: All the area covered by and embraced by the said property to the center line thereof shall revert to the present owner or owners of the said lands contiguous thereto on each side of the said alleyway of Block 68 as follows, to-wit:

Part of Lots 1 & 2

Rice City Gymnastics, Inc.

Part of Lots 3 & 4 and

Western 9.53' of Lot 5	Harriet H. Felbert
Part of Lots 3 & 4 and Eastern 30.47' of Lot 5	Mark Adam Leleux
N/2 of Lots 6 & 7	Troy J. & Monica Hebert
Lot 8	Olite Lagrange, et al
Lot 9 & 10	Jay J. Lejeune
Lot 11	Mary S. Davis, et al
Lot 12	Charles W. Davis
Lot 13 & 14	Rice City Gymnastics, Inc.

SECTION 4: All ordinances or parts of ordinances or resolutions or parts of resolutions inconsistent with or in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 5: Should any part, word, section or article of this ordinance be invalidated by any Court of competent jurisdiction, the remaining provisions, words or sections shall not be affected and shall continue in full force and effect.

SECTION 6: This Ordinance shall become effective on the 10<sup>th</sup> day of July, 2001.

THUS DONE AND ADOPTED on this 10<sup>th</sup> day of July, 2001 at Crowley, Acadia Parish, LA, after a roll call vote as follows:

YEAS: James M. Buatt, J. Elliot Doré, Greg Jones, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Ira Thomas and Jolene Williams

NAYS: None

ABSTAIN: None

ABSENT: Steven C. Premeaux

MAYOR

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ISABELLA L. DE LA HOUSSAYE,

ATTEST:

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JUDY L. ISTRE, CITY CLERK

There being no further business to come before the Council upon motion duly made and seconded the meeting was adjourned at 6:40 p.m.

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ISABELLA L. DE LA HOUSSAYE,



MAYOR

ATTEST:

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JUDY L. ISTRE, CLERK

Presented rough draft to Mayor on July 12 2001 at 5:30 p.m.

Presented for Mayor's signature on July 13, 2001 at 3:45 p.m.

Mayor Signed & returned to City Clerk on July      , 2001 at      m.  
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