

**PROCEEDINGS OF THE
BOARD OF COUNCILMEN
TOWN OF MERRYVILLE
STATE OF LOUISIANA
PUBLIC/REGULAR MEETING
MONDAY, MAY 10, 2010
AT 5:30PM/6:00PM**

Prior to the beginning of the regularly scheduled meeting, the Town of Merryville held a public meeting at 5:30pm in regards to Chapter 21 titled "Animals" sections 21.16 through 21.21. Due to lack of public interest, Mayor Charles Hudson closed the public hearing and 6:00 pm and opened the regularly scheduled meeting.

The Board of Councilmen of the Town of Merryville met in a public meeting at its regular meeting place, Town Hall, 530 Hennigan Street, Merryville, Louisiana

Mayor Charles E. Hudson called the meeting to order. Councilman Webb Stark gave the invocation. The Pledge of Allegiance was recited. Council members in attendance: Beaver Knighton, Cheryl Arnold, David E. Eaves, Webb Stark, and Carolyn S. Rhodes. Also in attendance: Keith Milam, Town Attorney, Jennifer Hatfield, Town Clerk and Chief of Police James Longoria.

Amendments to the agenda: None.

Councilman Stark made a motion to dispense the reading of the minutes for the April 12, 2010 public/regular meeting. Councilwoman Arnold seconded the motion. Motion carried unanimously.

Councilwoman Arnold a motion to approve the minutes of the April 12, 2010 public/regular meeting as was published in the official journal. Councilman Knighton seconded the motion. Motion carried unanimously.

Mayor Hudson explained to the council and the public that one of our generators that has fifty six hours on it and the fuel pump went out and the town had to be replaced also the generator at the sewer pump the water pump went out on it and had to be replaced. They have started constructed at the sewer plant. The current council members only have one more meeting before the newly elected council members take office.

Councilman Eaves made a motion to amend Chapter 21 titled "Animals" Article B sections 21.16 through 21.21. Councilwoman Rhodes seconded the motion. Motion carried unanimously.

Councilman Eaves made a motion to increase the garbage rate from \$3.75 to \$4.35 effective the bill due on June 20, 2010. Councilman Stark seconded the motion. Motion carried unanimously.

Councilman Stark made a motion to introduce the proposed budget for the fiscal year of July 1, 2010 through June 30, 2011. Councilman Eaves seconded the motion. Motion carried unanimously.

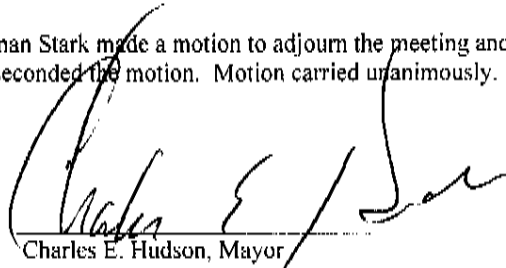
Councilman Eaves made a motion to allow Mayor Hudson to discuss and enter into a contract with Richard Tate of XL Bingo with the following stipulations: 1) The Town of Merryville would receive fifteen percent (15%) revenue after all payouts and etc. 2) It would not be allowed to be open on Sundays. 3) The contract would be renewable in one (1) year. The new contract would take effect June of 2010 and expiring June of 2011. Councilman Stark seconded the motion. Motion passed 4 to 1 with votes as follows: Councilman Knighton, Councilman Eaves, Councilman Stark and Councilwoman Rhodes voting yea and Councilwoman Arnold voting nay.

Councilman Eaves made a motion to allow Mayor Hudson to send a resolution to the Louisiana Board Of Ethics Administration requesting an opinion on Mr. Elton R. Havens, Mrs. Teresa Havens, and Mrs. Tami Longoria in regards to video bingo and the police department. Councilman Stark seconded the motion. Motion carried unanimously.

Councilman Stark made a motion to give the salaried employees a three (3%) percent raise effective July 1, 2010. Councilman Eaves seconded the motion. Motion carried unanimously.

Having no further business before the council, Councilman Stark made a motion to adjourn the meeting and approve the bills by signature. Councilwoman Arnold seconded the motion. Motion carried unanimously.

Meeting adjourned.



Charles E. Hudson, Mayor

ATTEST:



Jennifer Hatfield, Town Clerk

ARTICLE B.	Dogs
Section 21.16	Nuisance Animals
Section 21.17	Cruelty
Section 21.18	Vaccination/Rabies
Section 21.19	Vicious/Dangerous Dogs
Section 21.20	Fines and Penalties
Section 21.21	through section 21.23 reserved

Section 21.16 Nuisance Animals reads as follows

(a) Any animal which:

- (1) Molests persons present, passerby or passing vehicles
- (2) Attacks persons or other animals
- (3) Trespasses on school grounds or other public places, such as churches, cemeteries, post office, stores, etc., to include adjacent parking lots, except guide dogs, and those leashed animals allowed outside only while under the control of the owners.
- (4) Damages public or private property, i.e., breaking into secure garbage/trash containers, defecating/urinating on shrubbery or other objects which might cause decay or staining, or digging under/jumping over/compromising fences or chewing/clawing past any restraining material.
- (5) Makes excess sounds, otherwise natural to the animal, such as, continuous barking which creates a disturbance in the neighborhood.
- (6) Causes unsanitary conditions on any public or private property while committing any act described herein, and such animal(s) is deemed and declared a public nuisance upon sworn statement of two (2) witnesses not in the same household, except in those instances where only one (1) person resides in an offended household, then the statement of that person and witness by the law officer shall be sufficient to investigate. Upon confirmation, the owner of the animal must take actions described elsewhere herein, and may also be penalized as provided for in this ordinance. The animal may be seized and impounded by the Town of Merryville.

Section 21.17 Cruelty

It shall be unlawful to be cruel or inhumane to any animal. Such cruelty shall include but not be limited to, beating, torturing, and failure to provide adequate shelter, food and water in a sanitary manner at intervals not to exceed twenty four (24) hours at any interval.

Section 21.18 Vaccination/Rabies

It shall be unlawful to own, keep, harbor or maintain an animal over the age of three (3) months without having the animal vaccinated against rabies and other diseases as required by the parish and/or state. Proof of all required vaccinations must be made immediately available upon necessary request by a law enforcement officer. Loose dogs reported and found wandering without an ID collar indicating the name and telephone number of owner, may be impounded if owner cannot be readily determined and contacted, with immediate retrieval expected. Necessary alternatives will be at the owner's expense; to include any penalties.

Section 21.19 Vicious/Dangerous Dogs

- a) Some breeds of dogs are known to have the propensity to be vicious/dangerous or unpredictable. Owners should be aware of the traits of the breed of dog they acquire, and provide suitable restraint/confinement as appropriate. All such reputed breeds must be controlled/maintained inside an escape-proof fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children. Such enclosures shall be securely closed and locked at all times and shall have secure sides and a secure top attached to its sides. Such structures shall further have a secure bottom or floor attached to the sides or alternatively, having the sides embedded no less than thirty (30) inches into the ground. Signs MUST be posted. When a dog is kept tethered on a rope or chain, it must have adequate housing suitable for the animal. The enclosure must be at least two (2) times the size of the animal to be sufficient for the dog to get out of inclement weather. This will insure the dog will have adequate shelter to be housed. Failure to provide adequate shelter for the animal will result in a written warning first and if there is a second offense, a fine of \$50.00, and if not properly housed, the dog or dogs will be removed by animal control officer and held for three (3) days in order to comply with proper housing. Failure to comply with proper housing the dog(s) will be disposed of. Food and fresh water must be kept in or around where the dog(s) is kept and it must be able to get to the food and water at all times. Failure to do this will result in removing the animal or animals from the premises. No dog(s) will be kept and not properly fed and watered. If it is determined that the animal is being abused, there will be a \$500.00 fine and the owner will lose the animal that is being abused. No abuse of an animal will be allowed at any time if kept

tethered or running loose in a fenced or compound yard. This same restriction/control must be imposed on any other dog not previously reputed as vicious/dangerous but which has committed, or unreasonably threatened any violent offense against a person(s), or other domestic animal. Any of the above accommodations must not restrict access of utilities personnel; such as water, gas and electrical meter readers.

- (b) Vicious/dangerous dog shall mean one demonstrating a mean or bad temper or which has demonstrated in overt ways a propensity to bite or attack humans or other animals without provocation. (The entry of service personnel into a dog owner's property does not constitute provocation; however, advancing into a "controlling" area without a police escort, against a dog which is present and threatening is highly discouraged.) Any law enforcement officer may determine a dog to be unrestricted AND vicious or dangerous. With reasonable justification, the law officer may order it's impoundment by animal control or kill the animal, AND shall not be liable for damages or prosecution by reason of killing a dangerous or vicious dog(s) The only exception hereto shall be for a citizen, who in self defense or defense of another on the citizen's property, or on neutral ground, when retreat is not an option, may kill the attacking animal(s) and no citizen or law enforcement officer shall be liable for damages or to prosecution by reason of killing any dangerous or vicious dog. Post-attack disposition of an offending animal must be carried out by a law enforcement officer.

Section 21.20 Fines and Penalties

Any person(s) who causes, allows or promotes any violations of the provisions of this ordinance, through their own actions, or those of their animals, through deliberate or neglect, shall be ordered to make immediate restitution/correction, and may be prosecuted for that violation, conviction for which will normally constitute, but not limited, to a misdemeanor; and may be considered for additional charges for flagrant violations and/or if inaction or noncompliance has resulted in bodily injury or disfigurement to a person(s) or an innocent pet. Fines may also be imposed of not less than one hundred (100) dollars plus restitution for the first offense. In the case of flagrant attack or damage, the offending animal may be immediately destroyed with appropriate charges against the owner to follow. ANY dog that bites or attacks a person or another animal must be quarantined for 10 days; MUST BE REMOVED from the city limits of the Town of Merryville AND DOCUMENTATION PRODUCED that the animal has been removed. If ordinance is not complied with, charges will be filed against the owner of the dog and may result in a fine of five hundred (500) dollars and jail time up to sixty (60) days.