

Chapter 4 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to place upon public property or within a public building unattended or uncared for; and/or upon private property without prior permission of the owner, tenant or custodian of the property; and/or upon private property unattended or uncared for.

Animal means dogs, cats, fowl, livestock, and any other domesticated mammals, reptiles or birds.

Animal control officer means employees of the animal control unit duly and legally authorized by the city to enforce this chapter and carry out all other duties expressed or implied in any city ordinance relating to animals or animal control; provided, however, that such officers shall not have the power of custodial arrest, and they shall function under the supervision of the police chief.

Animal control unit means the unit within the city police department responsible for enforcement of this chapter.

Animal shelter means the company, partnership, association, organization or corporation with whom the city contracts for the purpose of impounding and caring for animals held under authority of this chapter.

Attack means to charge in a menacing and threatening fashion growling, barking or uttering other noises which places the citizen in imminent fear of injury.

Bite means to seize with the teeth so the skin of the person or animal seized has been wounded or pierced with a break or abrasion.

Impound means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered by city law, and transporting it to the animal shelter.

Livestock means domestic animals, such as horses, mares, mules, jacks, chickens, emus, pigeons, jennies, colts, cows, calves, yearlings, bulls, oxen, goats, pigs, hogs, sheep, or lambs, raised or kept for home use or for profit.

Owner means any person having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian, or who permits the animal to remain on or about any premises occupied by him.

Premises means any real property titled in the name of, held in fee by, rented or leased to an individual, company or corporation.

Severe injury means any injury which results in a broken bone, internal bodily injury or the death of any person.

Wild animal means any animal that is not cultivated, tamed or adjusted to live in a human environment.

(Ord. No. 29-2001, § II(5-1), 6-21-2001)

Cross reference— *Definitions generally, § 1-2.*

Sec. 4-2. Penalty for violation of chapter.

(a)

Minimum fines for conviction of violation under Chapter 4, Article I—In general.

(1)

First violation. Upon conviction, shall be a minimum fine of \$50.00. Any individual who witnesses a violation may make a sworn statement before a Magistrate of the City and a complaint will be issued to the owner of the dog.

(2)

Second violation. For second violation within a 12-month period, upon conviction, shall be a minimum fine of \$250.00.

(3)

For third and all subsequent violations. For third and all subsequent violations within a 12-month period, upon conviction, shall be a minimum fine of \$500.00.

(b)

Minimum fines for conviction of violation under Chapter 4, Article III—Rabies control.

(1)

First violation. Upon conviction, shall be a minimum fine of \$50.00.

(2)

Second violation. For second violation within a 12-month period, upon conviction, shall be a minimum fine of \$250.00.

(3)

For third and all subsequent violations. For third and any subsequent violation within 12-month period, upon conviction, shall be a minimum fine of \$500.00.

(c)

Minimum fines for conviction of violation under Chapter 4, Article IV—Vicious animals. Upon conviction, shall be a minimum fine of \$500.00.

(d)

Unless otherwise specified in this chapter, violations of any section of this chapter are subject to punishment in accordance with section 1-6 of this Code.

(Ord. No. 29-2001, § II(5-11), 6-21-2001; Ord. No. 20-2011, § I, 6-21-2011)

Sec. 4-3. Public nuisance animals.

(a)

Public nuisance prohibited. It shall be unlawful for any person to fail to exercise the necessary care and control to prevent an animal in their possession or care from becoming a public nuisance animal. For purposes of this section, an animal is a public nuisance animal if the animal:

(1)

Habitually makes disturbing noises including, but not limited to barking, yelping, whining, or other utterances causing unreasonable annoyance or discomfort to others in close proximity to the premises where the animal is kept;

(2)

Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and, thereby, creates unreasonable annoyance or discomfort to persons in close proximity to where the animal is kept;

(3)

Trespasses on private property in such a manner as to create unsanitary conditions; or

(4)

Damages property belonging to anyone other than its owner, including damage to flowers, gardens and shrubs.

(b)

Complaints of public nuisance animals.

(1)

Whenever any person shall complain to animal control officer or city police officer concerning a public nuisance animal, the animal control officer or city police officer will notify the owner or keeper of said animal or animals by written warning, that a complaint has been received and that the person

should take whatever steps necessary to alleviate the specified nuisance. Such warning may be hand delivered or delivered by United States mail.

(2)

If within seven days of the issuance of the warning specified in subsection (a), the owner or keeper of said animal or animals has not remedied or made substantial progress towards remedying the specified nuisance, then the complainant shall have the right to appear before the municipal court warrant clerk between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday and complete an affidavit/summons against the owner or keeper of said animal or animals. Before issuing said summons, the warrant clerk shall verify that the warning specified in subsection (a) was issued at least seven days prior to the filing of the affidavit by the complainant.

(c)

Effect of article on public nuisance animals. This article is cumulative in effect and shall not be held to restrict, repeal or limit any other sections or authority legally provided for or possessed by the city under this Code, but shall be construed to constitute a separate and supplemental provision.

(Ord. No. 29-2001, § II(5-21—5-23), 6-21-2001; Ord. No. 72-2006, 12-19-2006)

Cross reference— *General nuisances, § 12-31 et seq.*

State law reference— *Nuisance abatement generally, Code of Ala. 1975, §§ 11-47-117, 11-47-118.*

Sec. 4-4. Abandonment of domesticated animals.

It shall be unlawful for any person to knowingly abandon any animal or litter of any animal within the city. Each person who does abandon, or knowingly and willfully permits such abandonment, or aids in the abandonment of any animal shall be in violation of this section.

(Ord. No. 29-2001, § II(5-2), 6-21-2001)

State law reference— *Destruction of abandoned animals by SPCA, Code of Ala. 1975, § 3-1-8.*

Sec. 4-5. Cruelty to animals.

It shall be unlawful for any person to mistreat, torture, disfigure, mutilate, torment, or cruelly tease an animal; deprive an animal of food, water, or shelter; keep an animal under unsanitary conditions; leave an animal unattended in a vehicle without proper ventilation; beat, kill or injure an animal without good cause; override, overdrive or overload an animal; and/or to set out upon any public or private property any stakes, pits, snares, traps, poisons, antifreeze, or other devices or substances intended to cause harm, injury or death to any animal. This section shall not be construed as prohibiting the branding or dehorning of livestock, or any other acts considered customary in the management or care of livestock.

(Ord. No. 29-2001, § II(5-3), 6-21-2001)

State law reference— *Cruelty to animals, Code of Ala. 1975, § 13A-11-14.*

Sec. 4-6. Animal fights; participation in and bets thereon.

It shall be unlawful for any person to own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting with another animal or human. It shall be unlawful to cause any animal to fight another animal or human, or to knowingly be present as a spectator or participant at any place where an exhibition of fighting animals is taking place, or to knowingly wager anything of value on the outcome of such fight.

(Ord. No. 29-2001, § II(5-4), 6-21-2001)

State law reference— *Dog fighting, Code of Ala. 1975, § 3-1-29.*

Sec. 4-7. Tying of animal on public property.

It shall be unlawful for any person to tie, stake, or fasten any animal in such a manner that the animal has access to any portion of a street, highway, road, alley, sidewalk, right-of-way or other public place.

(Ord. No. 29-2001, § II(5-5), 6-21-2001)

Sec. 4-8. Tying of animal on another's property without permission.

It shall be unlawful for any person to tie, stake, or fasten any animal upon private property of another without the express permission of the property owner.

(Ord. No. 29-2001, § II(5-6), 6-21-2001)

Sec. 4-9. Tying of animal allowing access to another's property.

It shall be unlawful for any person to tie, stake, or fasten an animal in such a manner as to permit such animal to cross onto private property without the express permission of the property owner.

(Ord. No. 29-2001, § II(5-7), 6-21-2001)

Sec. 4-10. Leaving of dead animal on premises.

It shall be unlawful for any person to leave or cause to be left upon any private or public property, sidewalk, alley, or right-of-way, any dead animal or the offal of any dead animal, for more than 24 hours after the death of such animal.

(Ord. No. 29-2001, § II(5-8), 6-21-2001)

Sec. 4-11. Possession of wild animals.

It shall be unlawful for any person to keep or possess any wild animal or wild bird except as permitted by state law or federal law.

(Ord. No. 29-2001, § II(5-9), 6-21-2001)

State law reference— Possession of wild animals, Code of Ala. 1975, § 9-11-230 et seq.

Sec. 4-12. Bird sanctuary established.

The territory comprising the city is declared a bird sanctuary. It shall be unlawful for any person to maim, kill or injure any wild or migrating bird within such territory.

(Ord. No. 29-2001, § II(5-10), 6-21-2001)

Sec. 4-13. Dogs running at large.

(a)

Running at large of dogs prohibited. It shall be unlawful for the owner of or any person having custody or control of any dog to allow or permit a dog to run at large within the city.

(1)

A dog is running at large if it is not under the control of the owner or a person acting for the owner and it is not:

a.

Confined within a fence, wall or other enclosure in such a manner so as to effectively prevent the dog from traveling unto public property or the private property of another;

b.

On a leash not more than ten feet in length, while walking, secured by a collar or harness with swivel connections in such a manner to effectively prevent the escape of the dog;

c.

On a chain or tether not less than ten feet in length without access to others property secured on private property and secured by a collar or harness with swivel connections in such a manner to effectively prevent the escape of the dog;

d.

Enclosed in a vehicle; or

e.

Confined by an electronic animal confinement system which is maintained in continuous working order, provided that the dog wears the appropriate electronic collar, has received appropriate training with the collar and signs indicating the use of said system are

prominently posted at 20-foot intervals around the perimeter of the confinement area.

(2)

It shall be no defense in any prosecution for a violation of this section that such dog was at large without the knowledge, consent, or permission of the person charged with such violation.

(b)

Reserved.

(c)

Enforcement of the prohibition against dogs running at large. It shall be the duty of the animal control unit to capture and remove by impoundment any dogs found running at large within the city.

(1)

Any dog impounded pursuant to this section shall to be turned over to the animal shelter where they will be housed for a period not less than five days. However, any dog that appear to be diseased, injured or wild can be humanely destroyed at any time during the five-day period with the joint approval of either the director or director of operations of the animal shelter and a licensed veterinarian.

(2)

Dogs claimed within the five days will be returned to the owner after the owner has provided proof of rabies inoculation and paid all required fees as set out in subsection (c)(3). Dogs that are not claimed within five days after impoundment will become the property of the animal shelter.

(3)

Owners claiming dogs from impoundment for violation of the prohibition against running at large shall be required to pay a fee of \$35.00 to the animal shelter for the pickup of the dog, one half of which will be returned by the animal shelter to the city general fund, and a fee of \$20.00 per day, per animal for each day the dog was housed at the animal shelter. The total amount of the daily housing fee is to be retained by the animal shelter.

(Ord. No. 29-2001, § II(5-13—5-15), 6-21-2001; Ord. No. 72-2006, 12-19-2006; Ord. No. 20-2011, § II, 6-21-2011)

State law reference— *Confinement of dogs, Code of Ala. 1975, § 3-1-5; limitations on penalties, Code of Ala. 1975, § 11-45-9.*

Secs. 4-14—4-40. Reserved.