

ORDINANCE NO. 2012-03

BE IT ORDAINED by the City Council of the City of Alexander City, Alabama, as follows:

That the Code of Ordinances of the City of Alexander City, Alabama, Chapter 10, with the exception of Article 1, Section 10.2 is hereby amended to read as follows:

SECTION 1. DEFINITIONS

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this chapter. The following words, terms and phrases, when used herein, shall have the meaning ascribed to them by the definitions set forth herein, except where the context clearly indicates a different meaning.

As used in this chapter, the definitions of the following terms are:

**7 Day Holding Period:** Any dog, cat or ferret impounded must be held for 7 days before it may be destroyed or adopted. (Alabama State Law 3-7A-8) STATE LAW

**Adequate Shelter:** shall be defined as a house with a floor, a roof, 3 full sides, and a side for entrance and exit. The dog/cat should have enough room inside the shelter to stand without the head touching the roof and also be able to turn a full circle.

**Animal:** living creature, domestic or wild.

**Animal Control Office:** The Alexander City Police Department

**Animal Control Officer:** The head or any other person designated by the City as an enforcement officer relating to matters involving animals, or anyone employed by the Alexander City Police Department as an animal control officer.

**Animal shelter:** Any premises designated by the City for the purpose of impounding and caring for animals held under authority of this chapter.

**At Large:** shall mean any animal when it is off the property of its owner or person in charge and not carried by said person, kept in an effective enclosure or controlled by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging and attacking persons or animals is deemed to be at large prevent its free movement and so as to prevent the animal from freely charging or attacking a person or animal..

**Bitten:** Shall mean seized with teeth or jaws, such that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin as determined by a licensed physician.

**Caged:** Shall mean in a container, which may include a vehicle, in such a way that the free movement of an animal is restrained and so as to prevent the animal so caged from biting or attacking a person or animal.

**Cat:** Any member of the domestic feline family.

**Continuous:** shall mean marked by uninterrupted extension in space, time, or sequence

**Corral:** shall mean any uncovered, enclosed parcel of land where animals are kept.

**Dog:** shall mean and include all members of the domestic canine family.

**Dog presumed to be vicious:** shall mean any dog which is known by the owner or person in charge to habitually chase moving vehicles or to charge persons on the public streets and other public ways, whether or not such dog has actually bitten or attacked a person or other animal.

**Excessive:** exceeding what is usual, proper, necessary, or normal. To continue for approximately an hour.

**Fowl:** Any fowl of the duck, goose, chicken, guinea, peacock or pigeon or species or type.

**Glanders:** is an infectious disease that occurs primarily in horses, mules and donkeys. It can be contracted by other animals such as dogs, cats and goats. It is caused by infection with the bacterium *Burkholderia mallei* usually by ingestion of contaminated food or water. Symptoms of glanders include the formation of nodular lesions in the lungs and ulceration of the mucous membranes in the upper respiratory tract. The acute form results in coughing, fever and the release of an infectious nasal discharge, followed by septicaemia and death within days. In the chronic form, nasal and subcutaneous nodules develop, eventually ulcerating. Death can occur within months, while survivors act as carriers.

**Habitual:** Shall mean having the nature of a habit, doing, practicing, or acting in some manner by force of habit, resorted to on a regular basis

**Hobby breeder:** Anyone who sells, offers for sale, or lets for hire for breeding purposes two or more dogs and/or cats, the owner or proprietor of which does not possess a license to conduct wholesale or retail business for the purpose of selling animals.

**Horse:** Any member of the equine family.

**Keep:** Shall include "confine," "harbor," and "allow to remain."

**Kennel:** Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species.

**Owner or person in charge:** Shall mean the actual owner of the animal or any person in whose charge the animal is being kept, and all the responsible adult members of the household where an animal is regularly kept or allowed or suffered to remain. Any person, partnership or corporation owning, keeping or harboring animals.

**Person:** Shall mean any individual, partnership, company, corporation or other legal entity.

**Restraint:** Shall mean any animal is considered to be under restraint if it is confined within the property limits of its owner or person in charge by a suitable fence or securely restrained within the premises by a leash affixed to a securely fixed object.

**Revenue department:** Shall mean the City Revenue Department which is in charge of issuing and collecting the licenses and license tags and preparing the necessary materials thereof.

**Stray animal:** Shall mean any animal running at large, the owner or person in charge of which is unknown.

**Summons:** Shall mean written documentation of a violation, date and time in which to appear in court

**Vicious animal:** Shall mean any animal which is known to have bitten or attacked a person or other animal without adequate provocation or cause; or, additionally, in the case of a dog, one which has been trained as a guard dog or otherwise, to attack persons or domestic animals.

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

## SECTION 2. ANIMAL CONTROL OFFICER

(a) There is hereby designated within the City the position of Animal Control Officer. The officer shall be designated or appointed by the Chief of Police.

(b) It shall be unlawful for any person knowingly and willfully to oppose or resist the Animal Control Officer or any of his/her agents in executing or attempting to execute any lawful process or in attempting to make or in assisting with any lawful arrest or in the discharge of any regular duty, or in any way to interfere with, hinder or prevent any such officer from discharging his duty.

### SECTION 3. ENFORCEMENT POWERS OF ANIMAL CONTROL OFFICER

(a) The Animal Control Officer shall be empowered to issue summons for violations of the provisions of this Ordinance and is authorized to investigate the commission of misdemeanors and present himself/herself before the city magistrate for the purposes of making affidavits, filing complaints or presenting evidence and testimony in connection with the enforcement of the provisions of this Ordinance.

(b) The municipal court of the City of Alexander City, Alabama, shall have the jurisdiction to hear cases made under the provisions of this chapter.

### SECTION 4. CHAINING OR TETHERING DOGS TO ANY STATIONARY OBJECT OR POINT IS PROHIBITED. ATTACHING DOGS TO A RUNNER LINE OR TROLLEY IS PERMITTED, PROVIDED THAT THE LINES IS AT LEAST 10 FEET LONG. ENCLOSURES MUST PROVIDE A MINIMUM OF 100 SQUARE FEET FOR DOG OVER 6 MONTHS OF AGE

(a) Any person owning and/or controlling dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow said animal to be tied or chained to dog houses, or other stationary objects.

(b) No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied to a stationary/fixed object while such dog is on the dog owner's property or on the property of the dog owner's landlord, or on any property within the corporate limits of the City of Alexander City, Alabama, when owner/person in charge is not present. (puppies under 6 months of age are prohibited to be on a trolley system)

(c) Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least 100 square feet per dog. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner or person in charge of said dog shall provide an enclosure for such dogs meeting the 100 square foot per dog dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be sufficient height to prevent the dog from escaping from such enclosure, and shall meet the requirements of the Alabama animal rights protection act 13A-11-241.

(d) Nothing in this ordinance shall be construed to prohibit owners or others walking dogs with a hand held leash.

(e) Nothing in this ordinance shall be construed to prohibit owners from allowing dogs to be attached to over head runs (i.e. cable attached to an over head wire at least 10 feet long and mounted at least 4 feet high and no more than 7 feet above ground, that allows the dog to move unheeded. Chains or cables must not exceed 5% of the dogs body weight)

### SECTION 5. APPLICATION TO POLICE JURISDICTION

Due to the large and sparsely populated area within the police jurisdiction of, but without the corporate limits of the City, only certain sections of this chapter apply within the police jurisdiction. No Animal Control Officer will be required regularly to patrol or to answer calls or complaints within the police jurisdiction; however, any person may initiate a prosecution for the violation of those sections which by their terms apply within the Police Jurisdiction (state law only) by appearing before a duly authorized magistrate of the City and making an appropriate application under oath.

### SECTION 6. SUMMONS

When any animal is found by an animal control officer or any officer of the law, to be in violation of any provision of this chapter, and the person or persons responsible become known to an animal control officer or any other officer of the law, he/she may issue a summons to the owner or person in charge for the violation directing him to appear in the Municipal Court of the City of Alexander City, Alabama, at a time and a date stated therein to answer to charges of violations of this chapter, which charges shall be stated in the summons. It shall be unlawful and a misdemeanor for any person to fail to appear in municipal court at the time and place stated in a summons issued by an animal control officer or any other officer of the law.

### SECTION 7. DISPOSITION OF FEES

All revenues collected, as provided for in this chapter, shall be turned over and delivered forthwith to the City Finance Department.

## SECTION 8. MINIMUM PENALTIES

Any person violating any provision of this chapter shall be punished as provided in the general penalty provision of the Code; provided, however, that where any person is found guilty of violating any provision of this chapter for which a fine is provided and imposed, in addition to such other punishment as may be provided by the Court, the minimum fines shall apply.

## SECTION 9. PROTECTION OF LAWNS, YARDS, GARDENS, ETC.

It shall be unlawful for any person to suffer any chicken or other domestic fowl or any horse, cow, dog, cat or other domestic animal in his control or possession to go, stray or wander upon the lawn, yard, garden or premises of any other person in the City Limits.

## SECTION 10. ANIMALS HAVING GLANDERS OR ANY OTHER DANGEROUS DISEASE

Upon the complaint of the Health Officer that a horse has glanders and is dangerous to the health of man or beast or that any animal is diseased and thus dangerous or for any other reason is a nuisance and is dangerous to health and safety of man or beast in the City the Judge of the Municipal Court shall take the evidence of two (2) disinterested and reputable citizens and may thereupon, if satisfied that such complaint is well founded, in his discretion, issue a warrant directed to any police officer, requiring him to enter upon the premises where such animal or object is and under the direction of the health officer remove it, alive or dead, to a place of safety. Such warrant shall also authorize the officer if so directed by the health officer for prudential reasons, to kill an infected animal before removal.

## SECTION 11. KEEPING WILD, DANGEROUS OR POISONOUS ANIMALS

(a) This section shall apply within the corporate limits of the City of Alexander City, Alabama.

(b) It shall be unlawful for any owner or person in charge to keep any wild, dangerous or poisonous animal on his premises in such a manner as to endanger the life or health of any person. Any wild, dangerous or poisonous animal shall be securely and humanely confined or bound in such a manner as to prevent such animal from biting or attacking a person or another animal.

(c) It shall be unlawful for any owner or person in charge to suffer, allow or permit any animal which is vicious or presumed to be vicious to be off the premises of the owner or person in charge, unless the animal is caged or leashed and muzzled and under effective control or restraint such as will prevent it from attacking or injuring a person or another animal.

(d) It shall be unlawful for the owner or person in charge to keep or to permit to be kept on any residential premises any wild or vicious animal for display or for exhibition purposes either gratuitously or for a fee.

(e) It shall be allowed with a license from the City of Alexander City Licensing Officer for purposes as follows: display at public events, displays at school shows, educational training, etc.

(f) It shall be unlawful for any person to keep any wild, dangerous or exotic animal or fowl within the City without a written permit issued by the Chief of Alexander City Police Department or Animal Control Office which shall specify the conditions under which the animal must be kept. No permit shall be given to any wolf or wolf hybrid animal.

## SECTION 12. NOISY ANIMALS

(a) It shall be unlawful and a nuisance for any person to keep on a residential lot or premises within the corporate limits of the city any animal or group of animals, known to the person, habitually, continuously or intermittently to make or emit sounds or noises of such volume and nature as unreasonably to interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent property.

(b) It shall be unlawful and a nuisance for any person to keep on any tract, lot or premises within the City any animal or group of animals, whether the same is housed in a corral, kennel, building or other structure(s) under such circumstances that the sounds or noises emitted by the animals are of such volume and nature as unreasonably to interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities in the reasonable use and enjoyment of any adjacent property used for residential purposes.

(c) Any owner or person in charge violating this section shall be guilty of maintaining a nuisance. However, no prosecution shall be commenced and no arrest made pursuant to this section, except upon affidavit made before, and warrant issued by a municipal judge or magistrate of the City.

### SECTION 13. KEEPING ANIMALS EMITTING OFFENSIVE ODORS PROHIBITED

It shall be unlawful and an offense against the City of Alexander City, Alabama, for any person to keep any animal, in any part of the city, in such manner as to cause the emission of offensive odors from the premises on which such animal is kept, thereby interfering with the comfort of persons residing in the vicinity.

### SECTION 14. SANITATION OF PREMISES WHERE ANIMALS ARE KEPT

It shall be unlawful for any owner or person in charge to keep or maintain a pen, stable or enclosure wherein animals are kept in such an unsanitary condition that the lives, health of the public generally, of the owner or person in charge or his family, or of the animals contained, shall be endangered. The presence in or about such pen, stable or enclosure of the live larvae of flies under conditions which permit or favor growth or development of flies shall be prima facie evidence of keeping or maintaining such pen, stable or enclosure, wherein animals are kept in violation of this section. All pens, stables or enclosures where animals are kept shall comply with all the regulations of the county health department pertaining to same and shall be cleaned each day and the residue disposed of in a sanitary manner.

### SECTION 15. CRUELTY TO ANIMALS

(a) Any person who overrides, overdrives, overloads, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or procures to be overridden, overdriven, overloaded, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, abandoned or cruelly killed any animal;

(b) any person who having the charge or custody of such animal, either as owner or otherwise, inflicts unnecessary cruelty upon same or fails to provide the same with proper food, drink or protection from the weather or abandons or cruelly drives or rides or allows to be ridden or overdriven when unfit for labor;

(c) any person who having the charge or custody of any animal known to him to require medical treatment or care in order to prevent unjustifiable physical pain, suffering or death, who have such knowledge fails to provide proper treatment and care, or in the alternative to cause the animal to be humanely disposed of,

(d) No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary treatment when needed to prevent suffering. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans; no owner of an animal shall abandon such animals nor stake an animal in a cruel and unorthodox manner. No person except a licensed veterinarian shall crop a dog's/cat's ears or tails. No person except a licensed veterinarian may spay a female dog, cat or ferret. It shall be unlawful and declared a public nuisance for any owner or person to harbor a dogs or cats under such unsanitary conditions that the maintenance or keeping of same creates vile smells to the annoyance of the public in the vicinity. Failure to comply with this section shall result in revoking permits and levying fines on the owner.

(e) This section shall not be construed as prohibiting the dehorning of cattle.

### SECTION 16. HUMANE TRAPS

(a) Any Animal Control Officer is hereby authorized, in order to apprehend animals in violation of this chapter, which are otherwise difficult to apprehend, to use traps designed humanely to capture the animals by placing the same upon any public property of the City, upon the right-of-way of any public street or highway, or upon the private property of any person granting permission therefore.

(b) It shall be the duty of the Animal Control Officer to check such traps daily and remove captured dog or cat there from to the Animal Shelter where they shall be held for 7 days.

(c) It shall be unlawful for any person to molest or tamper with any such trap or to remove any animal captured in any such trap or to interfere with an Animal Control Officer in setting or servicing any such trap.

(d) Any owner or person in charge of any premises within the corporate limits of the City may set their own humane trap on such premises for the purpose of removing any animal, which have entered on the premises; wildlife can only be trapped with a license from the Department of Conservation.

(e) It shall be the duty of the owner or person in charge to check such trap daily and deliver any dog or cat captured therein to the Animal Shelter or relocate any wildlife not to cross a body of water.

(f) Any owner or person in charge of any dog captured in a humane trap which is off the premises of the owner or person in charge thereof shall be prima facie presumed to have allowed, suffered or permitted such animal to be or to run at large. At any time a dog is captured by use of such trap, and the owner or person in charge is known or becomes known to the Animal Control Officer, such owner or person in charge shall be given a summons to appear in the municipal court.

#### SECTION 17. BIRDS, TURTLES, REPTILES, ETC., KEPT IN CAPTIVITY

(a) Failing or refusing to provide clean and adequate water and food and clean and sanitary cage, etc. It shall be unlawful for any person having in captivity any bird, turtle, reptile or other animal of any other class or kind for purposes of display, sale, amusement or any other purpose to fail or refuse to provide such bird, turtle, reptile or other animal with clean and adequate water and food or to fail to keep the cage or other place or area of confinement in a clean and sanitary condition. Each occasion, whether part or all of a day, of failure or refusal to furnish clean and adequate water or clean and adequate food or a clean cage or area of confinement shall constitute a separate offense.

(b) Goading, molesting, torturing, etc. It shall be unlawful for any person having in captivity any bird, turtle, reptile or other animal of any other class or kind to cause or to allow the same to be goaded, molested, annoyed, tormented or tortured while under his custody or control. Each separate act of goading, molesting, annoying, tormenting or torturing shall constitute a separate offense.

(c) Adequate space, perches, etc., required. It shall be unlawful to keep birds, turtles, reptiles or animals of any other class or kind in cages or other places or areas of confinement unless adequate space, perches, spaces for lying down or resting are provided in proportion to the size of the animals and to their number.

(d) Bird cage, etc., to be designed to prevent droppings from contaminating water and food. It shall be unlawful for any person having in captivity any bird for sale or for display to keep the same in a cage or place of confinement which is not properly designed so as to prevent the droppings from such bird from contaminating such bird's water and food supply.

#### SECTION 18. DEAD ANIMALS

(a) Deposit on streets. It shall be unlawful for any person to cast, throw, drop or otherwise deposit any dead animal in or upon any street, sidewalk, park or other public place in the corporate limits of the City of Alexander City, Alabama.

(b) Disposal of dead animals. All owners or persons in charge of animals which die or are killed in their possession or custody, other than such as are slaughtered for food within twenty-four (24) hours, shall notify the appropriate city official, as set forth in subsection (c) of such dead animal and request its removal as provided in subsection (d), or shall cause the remains of such animals to be buried at least two (2) feet below the surface of the ground in accordance with this chapter. Animals dying from any communicable disease whatever shall be reported to the City of Alexander City Animal Control and Tallapoosa County Health Department in accordance with subsection (c). No such animal shall be buried sufficiently near a residence or residences or in such a manner as to create a nuisance. In no case shall a dead horse, bull, mule, cow or other large animal be buried within three hundred (300) feet of a residence. This section shall apply within the corporate limits of the City of Alexander City, Alabama.

(c) Appropriate city official for notification.

(1) A small dead animal, such as a dog weighing less than One Hundred (100) pounds, cat, fox, skunk, etc., shall be reported to the Public Works Department of the City.

(2) A large dead animal, such as a horse, mule, cow, hog, dog weighing in excess of One Hundred (100) pounds, etc., is the owner's responsibility to burn or bury within 24 Hours.

(3) Animals dying from any zoonotic disease shall be reported to the County Health Department and the Animal Control Office in addition to reporting such dead animal to the appropriate official for removal. (diseased animals must be burned)

(d) Removal by city of dead animals. Whenever a request is made to the Public Works Department of the City for removal of a small dead animal, it shall thereupon be the duty of the official receiving the request to demand of such person his name and address, including street and house number, and a description of the dead animal. Immediately upon receipt of the information demanded, the official receiving the request shall cause the remains of such dead animal to be removed and buried at least two (2) feet below the surface of the ground or to be burned; if the death is due to a communicable disease, the remains must be burned. However, the Department of Public Works Official may require that the requesting party place any such small dead animal in

a securely fastened plastic bag or similar container and make the same.

#### SECTION 19. RABIES VACCINATION REQUIRED

(a) It shall be unlawful for any owner or person in charge of any premises where dogs, cats or ferrets are kept to keep any dog, cat or ferret more than three (3) months of age, thereon, which has not been vaccinated against rabies within the preceding twelve (12) months.

(b) Any owner or person in charge in violation thereof shall be subject to a penalty not to exceed an amount equal to twice the state approved charge for inoculation, to be imposed by the County Rabies Inspector or Animal Control Officer, in addition to the fee prescribed for the inoculation.

#### SECTION 20. REQUIREMENTS FOR VACCINES AND METHODS OF VACCINATION

In order to be sufficient under this article, vaccination of dogs, cats, and ferrets shall be accomplished by any duly licensed veterinarian by injecting an amount of Anti-Rabies Vaccine recommended by the manufacturer thereof, such manufacturer having been licensed to manufacture such. In order to be sufficient under this article, vaccination of dogs, cats, and vaccine by the United States Department of Agriculture. Such vaccine and the amount to be used shall have been approved by the state health department.

#### SECTION 21. TAG ISSUED AT TIME OF INOCULATION

Coincident with the vaccination or inoculation of dogs, cats, and ferrets a duly licensed veterinarian administering the anti-rabies vaccine shall furnish a serially numbered tag bearing the year such vaccine was administered, together with a certificate of inoculation bearing the same serial number and year as the tag bears.

#### SECTION 22. LOST TAG; DUPLICATE CERTIFICATES, LICENSES

In case the tag provided for in SECTION 21 is lost, a new tag may be issued a duly licensed veterinarian who issued the original tag provided the original vaccination certificate is furnished as evidence of original vaccination. In such instance, a new certificate marked "duplicate" may be issued, setting forth the number of the new tag.

#### SECTION 23. PERIOD VACCINATION GOOD FOR

The vaccination of dogs, cats and ferrets against rabies shall be good for the period of time the Rabies Vaccination Manufacturer list on the label of the Rabies Vaccination given to the animal at that time. Refer to State Law 3-7a-2

#### SECTION 24. CONFINEMENT OF DOGS OR CATS IN HEAT OR SEASON

- (a) Every female dog or cat in heat shall be kept confined by the owner or person in charge.
- (b) It shall be unlawful for the owner or person in charge of any such cat or dog to fail to comply fully with this section. Any person in violation of this section shall be punished by summons.
- (c) Dogs trained to assist disabled persons are exempt from this section.

#### SECTION 25. STRAY DOGS OR CATS

Any person in the City of Alexander City, Alabama, finding any dog or cat running at large about his premises or residences or the residence of which he is in charge, whether or not the owner or person in charge of the animal is known, may deliver such animal to Animal Shelter or an Animal Control Officer as an at-large animal or stray for confinement at the animal shelter free of charge.

#### SECTION 26. DOGS AND CATS UNLAWFULLY AT LARGE TO BE CONFINED; HOLDING PERIOD

- (a) It shall be unlawful for any dog to run at large in the City on public property, or private property where the property owner has not consented to the animal's presence.
- (b) Any dog/cat found unlawfully to be at large within the City is hereby declared to be a nuisance and shall be seized by an animal control officer and held the animal shelter and cared for in a humane manner for a

period of not less than seven (7) days.

(c) In addition to, or in lieu of, confining a dog/cat found unlawfully at large, when the owner or person in charge of the dog or cat is known to the Animal Shelter or the Animal Control Officer, the Animal Control Officer may return the dog to the owner or person in charge and issue a citation for violation of this section.

(d) Immediately upon confinement of dogs/cats the Animal Shelter shall make a honest effort to ascertain the identity of and notify the owner or person in charge of such dogs/cats or of their confinement and of the conditions under which they may regain possession of such animal.

#### SECTION 27. CONFINEMENT WITH ANIMAL SHELTER

When animals are redeemed and claimed by the owner, the Animal Control Officer shall be entitled to issue a summons along with the sum set by the Animal Shelter for confining and keeping each and every dog/cat plus the cost of any veterinary services deemed necessary to the well being and life of the animal, plus a per diem charge for upkeep of the animal.

(a) Unrestrained dogs and cats at large unlawfully may be taken by police or the Animal Control Officers and is impounded in an animal shelter, and there confined in a humane manner. Impounded dogs/cats shall be kept for seven (7) days unless reclaimed by their owners. The maximum time animals will be kept is seven days for claim. If by a permit tag or by other means the owner can be identified, the Animal Shelter shall immediately notify the owner of the animal by telephone or other means. Dogs/Cats not claimed by their owners within seven days from impoundment date shall be adopted or humanely disposed of by the agency delegated by the City to exercise that authority. Dogs/Cats creating a nuisance under the provisions of this ordinance will be likewise impounded, whether under restraint or not.

(b) After a dog/cat has been confined for the period of time provided by this chapter and if the owner or person in charge entitled to possession fails to make application for the release of such dog, as herein provided, or fails to pay the charges as herein provided, or fails to pay for the proper inoculation for Rabies if given, or if such satisfactory evidence as required by this chapter was not provided, then such dog or cat is hereby declared a nuisance and a danger to the health, safety and welfare of the City and the Animal Shelter shall cause such dog/cat to become property of animal shelter as herein provided; however, any dog/cat under two weeks old or whose eyes have not opened since birth may be humanely disposed of immediately upon being impounded where it has been found in violation of this chapter.

(c) Any confined dog/cat that is injured or diseased will, as an act of mercy, be humanely destroyed immediately after inspection by a veterinarian found that such destruction is necessary to prevent unnecessary suffering, to prevent the spread of disease, or because the animal is incurable. A written statement to this effect shall be signed by those inspecting the animal and such statement shall be retained by the Animal Control Office for a period of three year. The Animal Control Officer, when required to dispose of dogs/cats under the provisions of this chapter shall do so by such process as is recognized by veterinary science as being a humane manner in which to destroy dogs and cats.

#### SECTION 28. REDEMPTION OF IMPOUNDED DOGS/CATS

(a) The owner or person in charge entitled to possession of any dog confined under the provisions of this chapter may recover possession of such dog/cat upon payment of charges set forth in this chapter. The owner must also produce a certificate of evidence satisfactory to the proper authority that such dog/cat has, within 12 months prior to being confined, been inoculated for rabies by a licensed veterinarian and also evidence that all required license fees have been paid for the current year. If the owner or person in charge entitled to possession of any dog or cat so confined is unable to produce a certificate of satisfactory evidence of inoculation for rabies by a licensed veterinarian and of proper licensing of said dog within the twelve-month period prior to confinement of the dog claim can be turned down.

(b) Animals impounded by Animal Control may have a hold placed and cannot be released to owner until a summons is issued to the owner or person in charge.

#### SECTION 29. FEES FOR REDEMPTION OF IMPOUNDED ANIMALS

Fees for redemption of impoundment are set by the Animal Shelter. the City of Alexander City, Alabama, is not responsible for any boarding fees accrued by the animal.

#### SECTION 30. IMPOUNDMENT FEES

(a) All impoundment fees will be retained by the Animal Shelter.

SECTION 31. REDEMPTION OF CONFINED STRAYS OR NUISANCE ANIMALS

(a) The owner or person in charge entitled to possession of any dog/cat confined under the provisions of this chapter may recover possession of such dog/cat upon payment of the charges set forth by the Animal Shelter provided such owner or person in charge entitled to recover possession of any dog/cat three (3) months of age or older shall produce a certificate or evidence satisfactory to the shelter that such dog/cat has within twelve (12) months prior to being confined been inoculated for rabies.

(b) It shall be unlawful for any person to secure any dog or cat from the Animal Shelter without authority to do so.

SECTION 32. LICENSE REQUIRED FOR DOMESTIC ANIMALS TO VIOLATORS OF ANIMAL LAW, VICIOUS DOG AND PRESUMED VICIOUS DOG

(a) The owner or person in charge of every dog/cat in the City that has been proven guilty of any animal crime shall annually register the same as to sex, breed, description and name of the dog/cat, altered or not, and name and address of the owner or person in charge.

(b) All dogs found to be vicious or presumed vicious in the courts of the City of Alexander City, Alabama, shall annually register the same as to sex, breed, description and name of the dog/cat, altered or not, and name and address of the owner or person in charge.

(c) At the time of such registration, such owner or person in charge shall obtain a license for such dog/cat and shall pay a license tax or fee as follows:

(1) All owners under 65 years of age:

Unspayed or unneutered dog: \$20.00

Unspayed or unneutered cat: \$15.00

Spayed or neutered male or female dog/cat: \$10.00

(2) Senior citizens 65 or older:

Unspayed or unneutered male or female dog: \$15.00

Unspayed or unneutered male or female cat: \$12.00

Spayed or neutered male or female dog: \$8.00

(a) At the time of such registration, such owner or person in charge shall obtain a license for such dog/cat issued by the Animal Control or its agent and shall be issued a metal tag or decal suitable for affixing to the rabies tag required by state law as evidence of such license effective for the period from January 1 through December 31 of each year. The shape and number, or the color, of the metal tag or decal shall be changed each year from that of the preceding year. No license tag shall be issued for any dog/cat until it has been inoculated against rabies in accordance with the law of the State of Alabama.

(b) The owner or person in charge shall, at all times, except when the dog/cat is under restraint on his own premises, keep the tag affixed to the dog. It shall be unlawful for any owner or person in charge to fail to comply fully with all requirements of this section by failing to obtain a license or otherwise. It shall also be unlawful for any person, except the owner or person in charge, or his agent, and upon his own premises, to remove a tag from a dog tagged under the provisions of this section, to place a tag upon any dog for which the tag was not issued, to procure a tag from the City or its agent by fraud or misrepresentation, or to disfigure or alter the words or figures upon a tag.

### SECTION 33. LICENSE

(a) No person convicted of any animal crime shall, without first obtaining a license in writing from the City Animal Control or his designated agent, own, keep, harbor, or have custody of any domestic animal, except that this section shall not apply to the keeping of small cage-birds or aquatic and amphibian animals solely as pets.

(b) No dog deemed vicious or presumed vicious by the courts of the City of Alexander City, Alabama, without first obtaining a license in writing from the city animal control or his designated agent, own, keep, harbor, or have custody of any vicious or presumed vicious dog.

(c) No license shall be issued in the name of any person under 18 years of age unless a parent or guardian accepts responsibility for care of the animal.

### SECTION 34. REVOCATION OF LICENSE FOR LACK OF COMPLIANCE; RIGHT TO INSPECT

The Animal Control Officer shall revoke any permit if the person holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the Animal Control Officer, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all animals being owned, kept or harbored by such person and no part of the permit fee shall be refunded. It shall be the condition of the issuance of any permit to any owner of animals kept for commercial purposes that animal control officer shall be permitted to inspect all animals and the premises where animals are kept at any time. If permission for such inspections is refused, license will be revoked of the refusing owner.

### SECTION 35. TAG REQUIRED; FEES; RABIES INOCULATION PREREQUISITE TO ISSUANCE

It shall be unlawful for any person to possess, keep, harbor or maintain in the City during the calendar year after the month of February, any dog/cat that does not have attached to its collar a dog/cat license tag, with appropriate decal. The Animal Control Department shall prepare, or cause to be prepared, an adequate number of dog/cat license tags and decals for issue for each calendar year. A dog license shall be issued by the Revenue Department or Animal Control upon payment of a license tax as provided hereinabove; provided, however, that the person applying for a dog/cat license shall not be entitled to the issuance of such license unless, at the time of making such application, a rabies inoculation certificate not over one (1) year old covering such dog is exhibited to the revenue department or the director.

### SECTION 36. SERIALLY NUMBERED TAG TO BE ATTACHED TO COLLAR; DUPLICATE; TAG ISSUED FOR DIFFERENT DOG

When the license is issued for any dog/cat, Animal Control shall, in addition, furnish to the applicant thereof a serially numbered tag or decal bearing the same number and year as the license bears. One (1) such tag or decal shall be issued for the appropriate calendar year for each dog/cat for which application for such tag or decal is made. Such license tag or decal shall be attached to a collar or harness worn by the dog/cat for which the license and tag are issued at all times; however, the tag or decal need not be attached during supervised obedience training or American Kennel Club dog shows. In the event the license tag or decal is lost during the year for which it was procured, the person to whom it was issued may obtain a duplicate by paying an issuance fee of three dollars (\$3.00). It shall be unlawful for any person to permit or allow any dog/cat in his charge or control to wear a dog/cat license tag or decal issued for a different dog.

### SECTION 37. ATTACHING TAG TO COLLAR OR HARNESS; FAILURE TO DO SO

The serially numbered rabies tag issued at time of inoculation and also the license tag issued pursuant to this article shall at all times be attached to a collar or harness worn by the dog/cat for which the tag was issued. It shall be unlawful for any owner or person in charge of any dog/cat not to keep attached to the dog/cat the tag evidencing the anti-rabies vaccine inoculation as provided in this article; however, the tag need not be attached during supervised obedience training classes or American Kennel Club dog shows.

### SECTION 38. DUTY TO RESTRAIN DOGS

It shall be the duty of every owner or person in charge of a dog to keep said animal under effective restraint, while the same is within the corporate limits of the city, whether or not the dog is upon or away from the owner's premises. It shall be unlawful for the owner or person in charge of any dog to fail to keep the animal under effective restraint. Proof that a dog was not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. Negligent failure to provide or maintain

effective restraint shall not be a defense; however, competent evidence that the failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the City to prove otherwise. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section except upon affidavit made before and warrant issued by a judge or magistrate of the municipal court.

#### SECTION 39. OWNER'S DUTY TO REMOVE DEPOSITED FECECS

(a) It shall be the duty of the owner or person in charge of any animal which has been allowed by that person to be at large to remove and dispose of any feces deposited by the animal upon any residential lot of another occupied for human habitation, or upon any right-of-way adjacent thereto, upon demand from the owner or occupant thereof, or upon demand of any Animal Control Officer or any sworn officer of the law.

(b) It shall be unlawful for any person to fail or refuse to remove such feces; however, no prosecution shall be commenced and no arrest made pursuant to this section except upon affidavit made before and warrant issued by a municipal judge or magistrate.

(c) However if an Animal Control Officer or any other sworn officer with the City of Alexander City, Alabama, witnesses the deposit of feces and the person in charge fails or refuses to remove such feces they will be issued a summons.

#### SECTION 40. OWNER'S DUTY TO REMOVE SCATTERED GARBAGE

(a) It shall be the duty of the owner or person in charge of any animal which has been allowed or suffered by that person to run at large, to pick up and remove to a secure authorized container, any garbage or refuse which the animal has caused to be overturned, spilled or scattered upon any residential lot occupied for human habitation, or upon any right-of-way adjacent thereto, upon demand from the owner or occupant thereof, or upon demand of animal control or any law enforcement officer of the city under the supervision of the Alexander City Police Department, and it shall be unlawful for any such person to fail or refuse to do so; provided, however, that no prosecution shall be commenced, and no arrest made pursuant to this section except upon affidavit made before and warrant issued by a duly appointed municipal judge or magistrate of the City.

(b) However if an Animal Control Officer or any other sworn officer with the City of Alexander City, Alabama, witnesses the animal destroy, scatter or overturn garbage and the person in charge fails or refuses to remove such garbage they will be issued a summons.

#### SECTION 41. PUBLIC NUISANCE

No owner shall fail to exercise the proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous, and untimely barking, molesting passers-by, chasing vehicles, habitually attacking other animals, trespassing upon school grounds, turning over garbage cans or otherwise scattering garbage, or trespassing on private property in such a manner as to damage property or cause unsanitary conditions shall be deemed a nuisance and unlawful.

#### SECTION 42. SALES

(a) No person or business may sell animals (canine, feline, fowl, rabbits, reptiles, etc.) in a public place, within the city limits of the City of Alexander City, Alabama, without proper business license.

(b) Hobby Breeders are required to obtain a business license for any monies made off the sale of animals or their stud.

#### SECTION 43. DOGS AND CATS; RESTRAINT

(a) Dogs. All dogs shall be kept under restraint or prevented from being at large at all times.

(b) Cats. It shall be unlawful for the owner or any person having custody or control of any cat within the City of Alexander City, Alabama, to allow said cat to run at large if said cat habitually causes destruction or damage to the property of another or creates a nuisance. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section except upon affidavit made by the aggrieved party before a judge or magistrate of the Municipal Court and a warrant issued by said judge or magistrate.

#### SECTION 44. CONFINEMENT OF FEMALES WHEN IN HEAT OR SEASON

Every female dog or cat in heat or season shall be confined by the owner or harbored of such animal in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

#### SECTION 45. KEEPING FOWL

It shall be unlawful for any person to keep any fowl in such a manner that shall cause a public nuisance or shall allow such fowl to be at large.

#### SECTION 46. GUARD DOG

Any dog trained for guard dog protection must be registered with the City of Alexander City Police Department, Chief of Police and Animal Control as such. A "guard dog on duty" sign must be posted where the sign can easily be seen.

#### SECTION 47. SERVICE DOG

No owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel, restaurant, eating establishment, barbershop, billiard parlor, store, public conveyance, theater, motion picture house, public educational institution or elevator shall refuse to permit a guide dog to accompany a blind or handicapped person entering such place or making use of the accommodation available when such blind or handicapped person is being led by the guide dog; provided that such guide dog is wearing a harness; and provided further that such blind or handicapped person shall present for inspection credentials issued by an accredited school for training guide dogs.

#### SECTION 48. DOG PRESUMED TO BE VICIOUS

(a) Dog presumed to be vicious-any dog which is known by the owner or person in charge habitually to chase moving vehicles or to charge persons on the public streets and other public ways, whether or not such dog has actually bitten or attacked a person or other animal.

(b) However, that no prosecution shall be commenced, and no arrest made pursuant to this section except upon affidavit made before and warrant issued by a duly appointed municipal judge or magistrate of the City.

#### SECTION 49. VICIOUS DOG

##### (a) REPORT OF VICIOUS DOG BY SWORN STATEMENT

When any person claims that a dog is vicious, he shall make a sworn statement before an officer authorized to administer oaths in the City, and such sworn statement shall set forth the reasons for believing the dog to be vicious. Such sworn statement shall be delivered to the animal control officer. Upon receipt of such sworn statement, the dog control office shall immediately make an investigation. If, in his opinion, the dog is vicious, and if he further finds that the incident reported is the first incident or indications of viciousness on the part of the dog, the dog control officer shall order the owner to confine the dog. After the dog is confined, the owner may, if he disagrees, appeal to the municipal judge for him to decide if the dog is to be declared vicious.

##### (b) CONFINEMENT REQUIRED

It shall be unlawful for the owner or other person in charge thereof to keep in the City a vicious dog, unless such dog is securely confined, bound, or adequately leashed in such a manner as to prevent such dog from escaping, biting, or attacking a person or other animal. If the dog has been registered as a "guard dog" or "guide dog" and was acting as a guard dog at the registered premises or guide dog at the time of the bite, the dog shall not be quarantined. The owner shall, however, report to the Animal Control Officer or the Police Department if the dog is to be removed from the City within ten (10) days of the time of the bite.

##### (c) ENCLOSURES FOR VICIOUS DOGS - POSTING OF PREMISES

Whenever a vicious dog is permitted to run at large within a wall, fence, or other enclosure, it shall be the duty of the owner or person in charge of such dog to give public notice or warning that such dog is at large within such enclosure by conspicuously posting a written or printed notice at every unlocked entrance to such enclosure.

##### (d) LIABILITY OF OWNER

A person owns or keeps a vicious dog in the City at his own risk. If a vicious dog escapes from its enclosure or injures any person outside of the enclosure, the owner of such dog shall be criminally liable, whether such escape or injury occurred with or without negligence of the owner, the keeper or any other person.

(e) REMEDIES OF DIVISION TO BE CUMULATIVE

The remedies provided in this division are cumulative and shall in no way affect any other remedies provided by law and shall be in addition to the criminal prosecution of the owner or keeper of any vicious dog.

SECTION 50. PENALTIES FOR VIOLATION OF CHAPTER

Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 and not more than \$500.00 plus court cost. If any violation be continuing, each day's violation shall be deemed a separate violation. If any person found guilty by a court of violating the section prohibiting cruelty to animals, his permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued for a period of two years and upon a second conviction, no permit shall issue to such person during any time:

SECTION 51. APPLICABILITY OF PROVISIONS TO NONRESIDENTS

The sections of this chapter requiring a permit shall not apply to nonresidents of the City who are keeping only domestic pets, provided that animals of such owners shall not be kept in the city longer than 30 days and that the animals are kept under restraint.

SECTION 52. ANIMAL BITES; QUARANTINE OF ANIMAL

Any animal which bites a person shall be quarantined for ten days in a veterinary hospital for observation at the expense of the owner. The animal shall be securely confined and kept from contact with any other animals during the quarantine period. Sentry, Tracking, Multipurpose or Guard dogs used in law enforcement work shall be exempt from the quarantine period where such bite occurs in the line of duty and evidence of proper vaccination against rabies is provided, but shall be examined by a licensed veterinarian at the end of ten days after such bite.

SECTION 53. KEEPING OF SWINE

It shall be unlawful for any person to keep within the City any hog or other animal of the swine family, with the exception of a Vietnamese pot-bellied pig if kept as a household pet.

SECTION 54. KEEPING OF CATTLE AND HORSES WITHIN CITY LIMITS

Refer to Zoning Ordinance, Section 5-RR, 5.3 I, K and L

SECTION 55. PROPER ENCLOSURES REQUIRED

(a) It shall be unlawful and shall constitute a public nuisance for any person having charge, custody or control of any animal in any enclosure in the City, unless such enclosure is so constructed and maintained that any animal kept therein is securely confined and prevented from escaping there from. The running at large of any animal or fowl shall be prima facie evidence that the enclosure wherein the animal was kept is not constructed and maintained according to the requirements of this section and that the keeping of the animal in such enclosures is unlawful. A proper enclosure shall include a chemical, electric or fence so designed to keep an animal securely enclosed and on and within the property of the owner of the animal.

(b) For the protection of the public health, it shall be the duty of every person who keeps any animal in an enclosure within the city at all times to maintain the premises or area where such animal is confined in a sanitary condition; to prevent the hatching of any fly or insect larvae; to prevent offensive odors emanation there from; to permit the animal control officer or health officer to go on the premises at any reasonable time to inspect the premises; and to comply with all reasonable requirements and directions given by the animal control officer or health officer, pertaining to public health, sanitation, fly or insect larvae control and to the prevention of offensive odors.

(c) Any person, having care, custody or control of any premises where any animal is kept confined or in an enclosure, who is given a written notice or health officer pointing out any conditions which exist in violation of the provisions of this section and who fails to remedy such conditions within five days from the receipt of the notice shall be guilty of a misdemeanor.

(d) Any person who fails within five days after the receipt of the notice from the Animal Control Officer or the health officer to correct the conditions pointed out therein shall be guilty of a misdemeanor and shall be not be allowed to further keep or maintain the domestic animal within the City.

(e) Any person keeping an animal within the City in such a manner that is unsanitary or in such a manner that allows the hatching of any fly or insect larvae or causes offensive or vile odors to emanate there from as a result of the keeping of said animal shall be guilty of a misdemeanor. The Animal Control Officer shall be empowered to enforce violations of the provisions of this Ordinance by issuing citations for the violation or filing complaints in order to bring the offender before the municipal court of the City of Alexander City, Alabama.

#### SECTION 56. FAILURE TO COMPLY WITH NOTICE RELATIVE PREMISES

(a) Any person having charge, custody or control of any premises where any animal or fowl is kept who is given written notice by the animal control officer or health officer, pointing out any conditions which exist in violation of the provisions of this chapter and who fails to remedy such condition within five days from the receipt of the notice shall be guilty of a misdemeanor.

(b) It shall be unlawful for any person who fails within five days after the receipt of such notice from either the Animal Control Officer or Health Officer to correct the conditions pointed out therein, to further keep or maintain the animal or fowl within the City.

#### SECTION 57. MANDATORY SPAY AND NEUTER LAW

Any facility operated by or under contract for the State or any County, Municipal Corporation, or other political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare organization, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals and any unincorporated nonprofit organization or business entity existing for fostering and adopting dogs and cats by the public, shall make provisions for the sterilization of all dogs or cats acquired from a shelter, agency, or humane society, by providing for all of the following:

(a) Sterilization by a licensed veterinarian before relinquishing custody of the animal.

(b) Entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days after acquisition of the animal, or within 30 days of the sexual maturity of an animal.

(Alabama Mandatory Spay and Neuter Law, BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, April 2006)

#### SECTION 58. PENALTIES

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than \$50.00 nor more than \$500.00 or be imprisoned for a period of time in the City Jail not to exceed thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

#### SECTION 59. INTERFERENCE WITH ENFORCEMENT OF ARTICLE

It shall be unlawful and punishable as a misdemeanor as stated in Section 58 above for any person to interfere, impede or hinder with any person authorized or empowered to perform any duty under this article.

#### SECTION 60. SEVERABILITY

(a) If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separated, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(b) That any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed and rescinded.

SECTION 61. PROVISIONS CUMULATIVE

The provisions of this Ordinance are cumulative and in addition to any other procedure now authorized by law for the accomplishment of the objectives hereinafter contemplated.

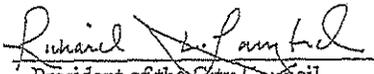
SECTION 62. EFFECTIVE DATE

This ordinance shall be effective upon adoption and publication as required by law.

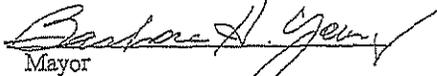
SECTION 63. SUPERSESION OF ORDINANCES

This ordinance supersedes all City ordinances which are codified as Chapter 10 of the Code of Ordinances of the City of Alexander City, Alabama, with the exception of Article 1, Section 10.2 - "Bird Sanctuary" which remains in full force and effect.

ADOPTED this 7<sup>th</sup> day for November, 2011.

  
President of the City Council

APPROVED this 7<sup>th</sup> day of November, 2011.

  
Mayor

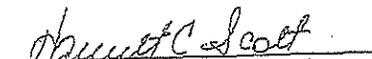
ATTEST:

  
City Clerk---Acting

CERTIFICATION OF CITY CLERK

The undersigned, as Acting Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a true, correct, and complete copy of Ordinance No 2012-03 which was duly adopted by the City Council on the 7<sup>th</sup> of November, 2011.

WITNESS MY SIGNATURE, as Acting Clerk of the City of Alexander City, Alabama, under the seal thereof, this 7<sup>th</sup> day of November, 2011.

  
As Acting Clerk of the City of  
Alexander City, AL

SEAL