

## Chapter 6 - ANIMALS<sup>(1)</sup>

### Footnotes:

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**State Law reference**— Municipal authority to regulate animals, Code of Ala. 1975, §§ 3-5-14, 3-7-13, 11-47-110; animals generally, Code of Ala. 1975, § 3-1-1 et seq.; estrays and animals running at large, Code of Ala. 1975, § 3-2-1 et seq.; fences and livestock, Code of Ala. 1975, § 3-4-1 et seq.; liability of owners of dogs biting or injuring persons, Code of Ala. 1975, § 3-6-1 et seq.; rabies, Code of Ala. 1975, § 3-7A-1 et seq.; sterilization of dogs and cats, Code of Ala. 1975, § 3-9-1 et seq.

### ARTICLE I. - IN GENERAL

#### Sec. 6-1. - 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:

*Animal* means and includes female, spayed female, male, neutered male animals, including, but not limited to, dogs (all members of the canine family, including dog hybrids) goats, horses, mules, cattle, swine, asses, cats, livestock, fowl or other mammals, fish, birds, or reptiles.

*Animal control officer* means any city official or employee designated to enforce this chapter including, without limitation, city and county law enforcement officers and authorized county animal control personnel.

*At large* means an animal off the premises of the owner and not under the control of the owner or his agent either by leash, cord, chain or otherwise.

*Cruel* and *cruelty* mean every act, omission, or neglect, including abandonment, where unnecessary or unjustifiable pain or suffering, including abandonment, is caused or where unnecessary pain or suffering is allowed to continue.

*Dog* and *cat* mean any domesticated member of the dog or cat family.

*Enclosure* means pens, barns, sheds, lots, acreage, enclosures or other places where livestock are kept within the city limits.

*Livestock* means chickens and other fowl, pigs, cows, mules, calves, hogs, horses, ponies or animals of like kind.

*Owner* means any person owning or having care or custody of an animal.

*Premises* means any building, where one or more persons work, sleep, eat, or reside, all or any portion of the day.

*Vicious dog* means:

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;
- (2) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this article;
- (3) Any dog that, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
- (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(Ord. No. 409, 1-28-1980; Ord. No. 435, 11-18-1983; Ord. No. 2009-2, art. 2, § 1, art. 3, § 1, 2-2-2009)

Sec. 6-2. - City and county officers to enforce.

- (a) The mayor, with advice and consent of the city council, may appoint one or more city animal control officers who may, but need not be, members of the police department.
- (b) Regardless of whether a city animal control officer is appointed, the animal control personnel of the county are authorized to enforce the provisions of this chapter within the territorial limits and the police jurisdiction of the city.
- (c) Every animal control officer authorized to enforce this chapter shall have the same powers as police officers for animal control purposes.

Sec. 6-3. - Interference with animal control and other officers prohibited.

It shall be unlawful for any person knowingly and willfully to oppose or resist the animal control officer or law enforcement officer in executing or attempting to execute any lawful process or in attempting to make or in making 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.

Secs. 6-4—6-24. - Reserved.

## ARTICLE II. - CARE AND CONTROL

Sec. 6-25. - Applicability of county regulations.

The keeping of all animals within the city shall be subject to all pertinent regulations of the state health department and the county health department.

Sec. 6-26. - Adequate food, water and shelter required.

It shall be unlawful for the owner or keeper of any dog to keep such dog in any enclosure or on any leash or other restraint, unless the same shall be so arranged that such dog shall at all times have available water, food, shade, and proper shelter, or to treat any dog in any other inhumane manner.

Sec. 6-27. - Animals, cruelty to.

Any person who overrides, overdrives, overloads, drives when overloaded, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills, or causes or procures to be overridden, overdriven, driven when overloaded, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed, any animal; and whoever, having charge or custody of any animal, as owner or otherwise, inflicts unnecessary cruelty upon the same, or fails to provide the same with proper food, drink or protection from weather, or cruelly drives the same when unfit for labor, shall be guilty of a misdemeanor.

(Code 1942, § 196)

**State Law reference**— Cruelty, Code of Ala. 1975, § 13A-11-14; authorization for seizure of abused animals by certain officials and organizations, Code of Ala. 1975, § 3-1-13.

Sec. 6-28. - Animals running at large.

No owner or custodian shall permit any cattle, horse, mule, sheep, goat, geese, ducks, chickens or any other animal to run at large within the city. Tying such animal for grazing in any street or other public place shall be deemed running at large within the meaning of this section. To permit running at large is declared to be a nuisance and dangerous to public health and safety. No animal running at large by accident with a person in immediate pursuit of it shall be deemed a stray within the provisions of this article.

**State Law reference**— Estrays and animals running at large generally, Code of Ala. 1975, § 3-2-1 et seq.

Sec. 6-29. - Animals, dead.

It is unlawful to throw or convey any offal or dead animal or fowl on or into any lot, house, street or alley.

(Code 1942, § 121)

Sec. 6-30. - Noisy animals.

- (a) It is unlawful and a nuisance for any person to confine, harbor, or keep on a residential lot or premises within the city any animal or group of animals, that habitually, continuously, or intermittently make or emit sounds or noises of such volume and nature as to unreasonably 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 property.
- (b) It is unlawful and a nuisance for any person to confine, harbor, or 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, under such circumstances that the sounds or noises emitted by said animals are of such volume and nature as to unreasonably 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 person violating this section shall be guilty of maintaining a nuisance but no prosecution shall be commenced and no arrest shall be made for such violation, except upon affidavit made before and warrant issued by the city judge or magistrate. The fine for violation of this section is a minimum of \$25.00 for the first offense and \$100.00 for each subsequent offense within 12 months of the first offense.

(Ord. No. 489, 10-8-1991)

Secs. 6-31—6-50. - Reserved.

ARTICLE III. - DOGS AND CATS

DIVISION 1. - GENERALLY

Sec. 6-51. - Rabies vaccinations.

It is unlawful for any dog to be kept within the police jurisdiction of the city, unless the owner or keeper of such dog has had such animal properly vaccinated or inoculated for the prevention of rabies, in accordance with the regulations prescribed by the state board of health. And such dog shall wear a collar with a proper tag indicating such vaccination or inoculation.

(Code 1942, § 127)

**State Law reference**— Dogs, cats and ferrets to be immunized, Code of Ala. 1975, § 3-7A-2; issuance of rabies tags, Code of Ala. 1975, § 3-7A-4; replacement tags and certificates, Code of Ala. 1975, § 3-7A-5.

Sec. 6-52. - Dogs to be confined or restrained.

- (a) Every person owning or having charge of any dog shall at all times confine the dog to the limits of his own premises or the premises on which the dog is regularly kept. Nothing in this section shall prevent the owner of any dog or person having charge of the dog from allowing the dog to accompany the owner or person in charge elsewhere than on the premises on which the dog is regularly kept; provided, the owner or person having charge of the dog shall, at all times, keep control of the dog through the use of a leash or harness or through other means sufficient to keep the dog within the premises of the owner or person having charge of the dog.
- (b) Nothing in this section shall be construed to limit or affect, in any manner, the use or keeping of guide dogs accompanying a blind person nor shall it affect or limit the use of official police dogs or search dogs.
- (c) Any person may file a formal written complaint alleging violation of this section with the city court clerk or the police department.

(Ord. No. 2009-2, art. 1, §§ 1—3, 2-2-2009)

**State Law reference**— Estrays and animals running at large generally, Code of Ala. 1975, § 3-2-1 et seq.; dogs at large prohibited, Code of Ala. 1975, § 3-1-5; authority of city to regulate animals at large, Code of Ala. 1975, § 11-47-110.

Sec. 6-53. - Impounding dogs at large.

- (a) Any dog found within the police jurisdiction of the city at large in violation of this division shall be taken into custody by city animal control officers and disposed of in accordance with the procedure provided in this section.
- (b) Direct written notice of impoundment of a dog under this section shall be given to the dog's owner, if known, by personal delivery or U.S. mail not less than within 24 hours of impoundment. The owner shall also be notified by telephone, if telephone numbers can be reasonably obtained.
- (c) The owner of an impounded dog may redeem the dog upon proof of or payment for rabies vaccination, payment of impoundment and daily boarding fees in the amount provided in the city fee schedule, payment of any veterinary fees incurred by the city in providing necessary medical treatment to the dog, and payment of a fine in the amount established by the city council.
- (d) If the impounded dog is not redeemed, it may, at the discretion of the animal control officer, be humanely destroyed and disposed of or placed for adoption.

(Code 1942, § 129)

**State Law reference**— Destruction of impounded dogs, cats and ferrets, Code of Ala. 1975, § 3-7A-8; redemption and destruction of impounded animals, Code of Ala. 1975, § 3-7A-9; destruction of domesticated species exposed to rabid animal, Code of Ala. 1975, § 3-7A-10.

Sec. 6-54. - Vicious dog control.

- (a) *Confinement required.* The owner of a vicious dog shall not permit the dog to go unconfined. A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog.
- (b) *Enclosure specifications.* The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.
- (c) *Leash and muzzle required.* The owner of a vicious dog shall not permit the dog to go beyond the premises of the owner, unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- (d) *Posting of warning signs.* The owner of a vicious dog shall display in a prominent place on his premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(Ord. No. 2009-2, art. 2, §§ 2—4, 2-2-2009)

**State Law reference**— Estrays and animals running at large generally, Code of Ala. 1975, § 3-2-1 et seq.; dogs at large prohibited, Code of Ala. 1975, § 3-1-5; liability of owner for injuries caused by vicious or dangerous animal, Code of Ala. 1975, § 3-1-3.

Sec. 6-55. - Dog fighting prohibited.

No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(Ord. No. 2009-2, art. 2, § 5, 2-2-2009)

Sec. 6-56. - Dogs, unlawful killing of.

Any person who unlawfully, intentionally or maliciously kills, disables, disfigures or injures any dog, the property of another, without good excuse therefor, shall be guilty of a misdemeanor.

(Code 1942, § 220)

Secs. 6-57—6-85. - Reserved.

DIVISION 2. - CRUEL TREATMENT<sup>121</sup>

Footnotes:

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**State Law reference**— Cruelty to animals, Code of Ala. 1975, § 13A-11-14; authorization for seizure of abused animals by certain officials and organizations, Code of Ala. 1975, § 3-1-13; cruelty to dog or cat, Code of Ala. 1975, § 13A-11-246 et seq.

Sec. 6-86. - Cruelty to dogs and cats prohibited; enforcement.

No person shall, in a cruel manner, overload, overdrive, deprive of necessary sustenance or shelter, unnecessarily or cruelly beat, injure, or mutilate any dog or cat, or cause or permit the same to be done to a dog or cat.

(Ord. No. 2009-2, art. 3, § 2, 2-2-2009)

Sec. 6-87. - Administration and enforcement.

- (a) *Appointment of trained agents to investigate.* Upon an alleged violation of this article, the city may appoint one or more trained agents to inspect the allegations of violations of this article, to protect dogs or cats from any cruelty charged, and to prevent any cruelty to any dog or cat. Any appointment made pursuant to this section shall be made at a meeting of the city council duly called with notice. Persons appointed pursuant to this subsection shall be designated as animal control officers for purposes of this division.
- (b) *Removal of animal.* Any city animal control officer having reasonable belief, evidence of, or having found a dog or cat to be neglected or cruelly treated may remove the dog or cat from its present location or order the owner of the dog or cat to provide certain care to the dog or cat at the owner's expense without the removal of the dog or cat from its present location.
- (c) *Care of animal pending final determination.* The animal control officer may provide for the dog or cat until either the dog or cat is returned to the owner by the court, or the court refuses to return the dog or cat to the owner and implements one of the procedures pursuant to this article.
- (d) *Municipal court hearing.* The animal control officer, without the requirement of any fee or charge for court costs, upon removal of dogs or cats under this division, shall immediately petition the municipal court for a hearing to be set within 20 days of seizure of the dog or cat or issuance of the order to provide care. The hearing shall be held not more than ten days after the setting of the date to determine whether the owner, if known, is able to provide adequately and protectively for the dog or cat and is fit to have custody of the dog or cat. The hearing shall be concluded and the court order entered within 30 days after the date the hearing is commenced.
- (e) *Notice to owner.* The owner, at least five days prior to holding such a hearing, shall be notified of the date of the hearing to determine if the owner is able to provide adequately and protectively for and is fit to have custody of the dog or cat.
- (f) *Final court order.* If the owner is adjudged by the court, with certification from a licensed veterinarian, to be able to provide adequately for and have custody of the dog or cat, the dog or cat shall be returned to the owner. If the court determines that the owner of the dog or cat is unable, unwilling or unfit to adequately provide for, protect, and have custody of the dog or cat, the court may order as follows:
  - (1) Upon the testimony of the person taking custody, a licensed veterinarian, or another qualified witness that the dog or cat requires destruction or other disposition for humane reasons or is of no commercial value, order the dog or cat destroyed or remanded directly to the custody of the dog or cat control, humane shelter, or similar facility designated by the city or other appropriate person to be disposed of by the facility or person in a humane manner, whether it be by sale, adoption, destruction or other humane dispositions.
  - (2) Upon proof of the costs incurred by the agent or agency having custody of the dog or cat, order that the owner pay any costs incurred for the care of the dog or cat and for any costs incurred in destroying the dog or cat.
  - (3) If the dog or cat was not originally seized as permitted in this division, the court may enjoin the owner of further possession or custody of the unseized dog or cat and may authorize seizure of such animal and disposition as permitted in this division or by state law.

- (g) *Court costs.* A separate hearing may be held by the judge of the municipal court on the assessment of costs, which assessment shall include all costs of notice and hearing. In the event the court finds the owner innocent of charges, the owner shall not be charged with costs of the care of the dog or cat in custody.
- (h) *No city liability for good faith acts.* The city and its authorized employees and agents, acting in good faith, shall not be liable for any actions taken under this division regardless of whether the dog or cat is returned to its owner after impoundment.

(Ord. No. 2009-2, art. 3, §§ 3—6, 2-2-2009)

Sec. 6-88. - Applicability, construction, exceptions and conflicts of law.

- (a) This division does not apply to any of the following persons or institutions:
  - (1) Academic and research enterprises that use dogs or cats for medical or pharmaceutical research or testing.
  - (2) Any owner of a dog or cat who euthanizes the dog or cat for humane purposes.
  - (3) Any person who kills a dog or cat found outside of the owned or rented property of the owner or custodian of the dog or cat when the dog or cat threatens immediate physical injury or is causing physical injury to any person, animal, bird, or silvicultural or agricultural industry.
  - (4) Any person who shoots a dog or cat with a BB gun not capable of inflicting serious injury when the dog or cat is defecating or urinating on the person's property.
  - (5) A person who uses a training device, anti-bark collar, or an invisible fence on his own dog or cat or with permission of the owner.
- (b) This division shall not be construed to repeal other criminal laws. Whenever conduct prescribed by any provision of this division is also prescribed by any other provision of law under this Code or state statutes, the provision that carries the greater penalty shall be applied.

(Ord. No. 2009-2, art. 3, §§ 7, 8, 2-2-2009)

**State Law reference**— Similar provisions, Code of Ala. 1975, §§ 13A-11-246, 13A-11-247.

Secs. 6-89—6-119. - Reserved.

#### ARTICLE IV. - LIVESTOCK

Sec. 6-120. - Permit and enclosure required; conditions for issuance; revocation.

- (a) It is unlawful for any person to keep livestock in the city limits, except in a proper, secure enclosure with a valid permit issued under this section.
- (b) No permit shall be granted, and it shall be the duty of the mayor or revoke the same if it has been granted, authorizing a person to keep livestock when, in the judgment of the mayor, the keeping of such animals will endanger or impair the health of all or any of the inhabitants of the city. It shall not be necessary for the mayor, in revoking a permit, to assign, except upon order of court, any reason for such revocation.
- (c) It is mandatory that the mayor revoke a permit if the permittee fails to obey strictly all regulations in this chapter. The mayor may revoke the permit for such other causes or reasons that are conducive to preserving or protecting the health of the inhabitants of the city.

- (d) If a permit issued under this article is revoked, the permittee shall immediately, upon notice of revocation, remove all animals that were the subject of the permit.

(Ord. No. 409, 1-28-1980)

Sec. 6-121. - Enclosure standards.

- (a) Enclosures for pigs or hogs shall be not less than 250 square feet in area for each animal penned and may not be floored. The enclosure shall be kept clean in such a manner that no foul or offensive odor emanates from the enclosure. Enclosures for pigs or hogs must be at least 150 feet from any premises.
- (b) Enclosures for cows, calves, mules or horses shall be not less than 100 square feet in area for each animal penned. Enclosures for cows or calves must be at least 25 feet from any premises.
- (c) It is the duty of the animal owner or keeper and of the owner of the property upon which the animal enclosure is located to remove livestock excreta from enclosures of less than 500 square feet in area and to collect such waste outside the enclosure, in an open, sunny location for drying.
- (d) If an enclosure permitted under this article creates any foul or offensive odor, the mayor shall revoke the permit and the permittee shall immediately, upon notice, remove all animals and all animal waste from the enclosure.

(Ord. No. 409, 1-28-1980)

Sec. 6-122. - Enclosures to be kept clean.

It shall be unlawful to own, use, or have in one's possession or under one's control, any stable, hog pen, cow lot, chicken coop, or other place or thing of like character, unless the same shall be kept in a clean, sanitary condition, and well drained.

(Code 1942, § 135)

Sec. 6-123. - Running at large; impoundment and disposition.

Any person, being the owner of or having under his control any horse, mule, jack, jennet, mare, colt, cow, calf, yearling, sheep, bull, ox, goat, kid or hog, who knowingly permits any such stock to go at large within the police jurisdiction of the city shall be guilty of a misdemeanor. It shall be the duty of city animal control officers to take possession of any such stock found at large, and to immediately notify the owner or person having control of such animal, if known, who may reclaim the animal in the manner provided by state law. If the animal is not reclaimed, it shall be disposed of in accordance with state law.

(Code 1942, §§ 197—199)

**State Law reference**— Destruction of impounded dogs, cats and ferrets, Code of Ala. 1975, § 3-7A-8; redemption and destruction of impounded animals, Code of Ala. 1975, § 3-7A-9; destruction of domesticated species exposed to rabid animal, Code of Ala. 1975, § 3-7A-10.

Sec. 6-124. - Transporting diseased horses and mules into city.

It shall be unlawful to knowingly bring into the city any horse or mule having glanders, nasal gleet, or other infectious or contagious disease, thereby the health or life of any other horse or mule may be endangered.



(Code 1942, § 122)

Sec. 6-125. - Keeping diseased horses and mules.

It shall be unlawful for one to keep or allow to be kept on his premises any glandered or diseased horse or mule, or to allow the same to run at large, whereby the health or life of any other horse or mule may be endangered.

(Code 1942, § 123)

Sec. 6-126. - Diseased animals running at large.

It shall be unlawful for any person owning or having under his control any animal diseased with glanders, nasal gleet, distemper or other contagious disease to allow such animal to go at large.

(Code 1942, § 124)

Sec. 6-127. - Selling diseased horses and mules.

It shall be unlawful for any person, acting for himself or as an agent of another, to knowingly sell or exchange any horse or mule subject to the disease or affection known as "choking," or any other animal, including horses and mules affected with glanders, nasal gleet or other infectious or contagious disease.

(Code 1942, § 125)