

## ORDINANCE NO. 1799

AN ORDINANCE TO REGULATE AND PREVENT THE RUNNING AT LARGE OF ANIMALS UPON THE PUBLIC STREETS AND OTHER PUBLIC PROPERTY WITHIN THE CITY OF TALLADEGA, ALABAMA; TO DECLARE THE RUNNING AT LARGE OF ANIMALS ON THE PUBLIC STREETS AND OTHER PUBLIC PROPERTY IN THE CITY OF TALLADEGA TO BE PUBLIC NUISANCE; TO PROVIDE A PROCEDURE FOR THE ABATEMENT OF SUCH NUISANCE; TO PROVIDE FOR THE IMPOUNDING AND DISPOSITION OF SUCH ANIMALS IN VIOLATION HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF; AND TO REPEAL ORDINANCE NO. 1286 IN ITS ENTIRETY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALLADEGA, ALABAMA, AS FOLLOWS:

### SECTION 1. DEFINITIONS.

For the purpose of this Ordinance, the following terms shall be defined as follows:

Adequate Shelter: A structure with a floor, a roof, three full sides and a side for entrance and exit. The animal 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: Every nonhuman living creature, domestic or wild.

Animal Control Facility: Any facility maintained by the City and any facility maintained by a municipal agency as approved by the City Council for the confinement, care, control or disposition of animals that come into its custody.

Animal Control Officer: Any person employed by the City and assigned to the Animal Control Department to supervise the operation of the City Animal Control Facility and/or and to perform the other duties as are required for the enforcement of the provisions of this Ordinance. The Animal Control Officer shall have all powers, authorities and duties necessary and incident to the enforcement of the provisions of this Ordinance.

At Large: An animal shall be deemed to be at large when it is not under restraint by its owner or a competent person having charge or control of it, or it is not confined within a wall, fence, vehicle, or other enclosure in such manner as to effectively prevent its escape.

Bitten: 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.

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

Cat: Any members of the feline family.

City: City of Talladega, Alabama.

City Council: The duly elected City Council of the City of Talladega, Alabama.

Dog: Any members of the canine family.

Exposed to Rabies: An animal has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

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

Hobby breeder: Any person who does not possess a license to conduct a wholesale or retail business for the purpose of selling animals who sells, offers for sale or lets for hire for breeding purposes four (4) or more animals.

Hobby/Agricultural Farms: Larger parcels of property being five (5) acres or greater in size located within the corporate city limits which are designated as R-1 Agricultural Zoning Districts by the Talladega City Zoning Ordinance.

Inoculation: The injection, subcutaneously or otherwise, of animals with an anti-rabies vaccine approved by the Alabama State Health Officer and a licensed veterinarian.

Kennel: Any person engaged in the business or service for a fee of breeding, buying, selling or boarding animals.

Owner or person in charge: Any person having a right of property in an animal or who has care of it, acts as the animal's custodian, or keeps it, allows it food and/or refuge on or about any premises occupied by such person or harbors it in any manner.

Person: Any human being or artificial being.

Rabies Officer: A veterinarian duly licensed by the State of Alabama appointed by the City Council. The tenure of office of the Rabies Officer shall be at the will of the City Council. The Rabies Officer shall have all power, authority and duties as are more particularly described under the terms and provisions of Ala. Code 1975, Title 3, Chapter 7A; provided, that the Rabies Officer shall have full authority and power to inoculate animals against rabies. The City Council shall have authority to appoint one or more suitable persons as deputy Rabies Officers who shall hold office at the pleasure of the City Council. A deputy Rabies Officer shall have such authority as is delegated to the Rabies Officer; except, that the Rabies Officer shall have full authority, supervision and control over a deputy Rabies Officer.

State: The State of Alabama.

Under Restraint: Control of any animal by leash, cord, chain or similar means in the hands of the owner or person in charge, or tethered in a humane manner so as to remain upon private property and in the presence of the owner or person in charge of such animal.

Vicious animal: Shall mean any animal with a known history of (a) attack on a person or animal unprovoked; (b) chasing humans; (c) approaching or threatening persons in public areas with an apparent attitude of attack; (d) causing injury to or otherwise endangering the safety of humans or domestic animals; or (f) found to attack a human being or domestic animal without provocation, whether or not such animal has previously bitten or attacked a person or domestic animal. A vicious animal does not include: an animal assisting a peace officer engaged in law enforcement duty, or an animal that attacks or inflicts bites upon a trespasser of a fully enclosed building or enclosed within a wall or fence of the premises owned or occupied by the owner or person in charge of the animal.

## **SECTION 2. ANIMALS AT LARGE.**

A. It shall be unlawful for the owner or person in charge to allow or permit any animal to go at large within the corporate limits of the City.

B. It shall be unlawful for the owner or person in charge of any animal to harbor or keep in the City such animal unless the same is securely confined or bound in such a manner as to prevent such animal from going beyond the premises owned or legally occupied by the person so harboring or in charge of said animal.

### **SECTION 3. NOISY ANIMAL.**

It shall be unlawful for any person to confine, harbor or keep on a lot, place or premises any animal which habitually, continuously or intermittently makes or emits sounds or noises of such volume, nature and extent as to be a public nuisance or private nuisance to any individual occupying premises near or adjacent to the area in which the animal is being harbored or kept.

### **SECTION 4. KEEPING ANIMALS EMITTING OFFENSIVE ODORS PROHIBITED.**

It shall be unlawful for any person to keep any animal in such manner as to cause the emission of offensive odors from the premises on which such animal is kept.

### **SECTION 5. RESPONSIBILITY FOR SANITATION.**

#### **A. Confinement Sanitation**

1. 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 an unsanitary condition such that the lives and health of the owner or person in charge, his or her family, the public generally, or the animals confined shall be endangered. The presence in or about such pen, stable or enclosure of the live larvae of flies or other insects or vermin under conditions which permit favorable growth or development of flies, insects or vermin shall be *prima facie* evidence of an unsanitary condition. A pen, stable or enclosure wherein animals are kept shall comply with all the regulations and laws of the Talladega County Health Department, the Alabama State Department of Public Health and the City of Talladega pertaining to the same.

2. A pen, stable or enclosure wherein animals are kept shall be cleaned each day and the residue disposed of in a sanitary manner.

#### **B. Removal of Scattered Garbage**

1. 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 solid waste container, any garbage or refuse which the animal has caused to be overturned, spilled or scattered upon any residential lot or upon any right-of-way adjacent thereto.

2. It shall be unlawful for any owner or person in charge of any animal which has been allowed or suffered by that person to run at large and such animal has caused to be overturned, spilled or scattered upon any residential lot or upon any right of way adjacent thereto any garbage or refuse to fail or refuse a lawful order from a City Police Officer to pick up and remove to a secure solid waste container said garbage or refuse.

#### **C. Removal of Feces on Public and Residential Property**

1. 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, or such animal is under the restraint of the owner, to remove and dispose of any feces deposited by the animal upon any residential lot, excluding that lot of the owner, or upon any right-of-way adjacent to any residential lot, or upon any public property.

2. It shall be unlawful for any owner or person in charge of any animal which has been allowed or suffered by that person to run at large, or such animal is under the restraint of the owner, to refuse a lawful order from a City Police Officer to remove any feces deposited by the animal upon any right-of-way adjacent to any residential lot or upon public property.

### **SECTION 6. CRUELTY TO ANIMALS.**

A. It shall be unlawful to commit an act of animal cruelty upon any animal in the City. An "act of animal cruelty" shall be defined as to torture, torment, mutilate, kill or injure without good cause, override, overload, confine in a vehicle or intentionally abandon an animal, or to fail to provide the necessary food, water and shelter as set out below:

(1) Food. The food for any animal shall be wholesome, palatable and free from contamination, and of sufficient quantity and nutritive value to maintain such animal in good health. All food receptacles shall be kept clean and sanitary.

(2) Water. If potable water is not available at all times, then it shall be provided as often as necessary for the health and comfort of each animal. All domestic animals shall be watered at least once a day and all water receptacles shall be kept clean and sanitary.

(3) Shelter. Adequate shelter for any dog or other domestic animal requiring shelter shall be at least three sided, roofed, moisture-proof and wind-proof structure made of a durable material of suitable size to accommodate the animal and retain body heat, and shall be cleaned periodically to remove excreta and other waste materials so as to minimize disease, hazards and odor.

B. An “act of animal cruelty” shall also be defined as to set out upon any property: stakes, pits, snares, traps, poisons, anti-freeze or other devices or substances capable of causing harm, injury or death to any domestic animal. The fact that such device or substance is found or located on such property shall be *prima facie* evidence that the same was set by the person in charge or control of such property.

C. An “act of animal cruelty” shall also be defined as the failure by any owner or person in charge of an animal to provide proper treatment and care for such animal when said owner or person in charge knows or should know that the animal requires medical treatment or care in order to prevent unjustifiable pain, suffering or death.

D. This section shall not apply to normally accepted husbandry practices, nor to the use of animals in connection with medical or scientific teaching or research.

#### **SECTION 7. HUMANE TRAPPING BY ANIMAL CONTROL OFFICER.**

A. Any Animal Control Officer is hereby authorized in the enforcement of this Ordinance to use traps designed to humanely capture animals by placing the same upon any public property, upon the right-of-way of any public street or highway, or upon the private property of any person granting permission for placement of said traps.

B. It shall be the duty of the Animal Control Officer to check such traps daily and remove captured animals therefrom by transporting said animal to the Animal Control Facility.

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, inspecting or servicing such trap.

D. Any owner or person in charge of any premises within the corporate limits of the City may set a humane trap on such premise for the purpose of removing any animal which has entered on the premise of the owner; provided however, that wildlife may only be trapped by a person holding a license for trapping from The Alabama Department of Conservation and Natural Resources. It shall be the duty of the owner or person in charge to check such trap daily and deliver any domesticated animals captured therein to the Animal Control Facility.

E. It shall be *prima facie* evidence of a violation of this Ordinance by any owner or person in charge of any animal captured in a humane trap that is off the premises of the owner or person in charge, and said owner or person in charge shall be presumed to have allowed, suffered or permitted such animal to be or to run at large. Each time an animal is captured by use of such trap, the owner or person in charge of such animal shall be in violation of this Ordinance.

**SECTION 8. CITY DECLARED BIRD SANCTUARY.**

A. The territory within the corporate limits of the City is hereby declared to be a bird sanctuary.

B. It shall be unlawful for any person to maim, kill or in any manner injure any domesticated bird, wild song bird or migratory bird within the bird sanctuary.

**SECTION 9. STRAY DOGS OR CATS.**

A. Any person in the City finding any animal running at large, whether or not the owner or person in charge of the animal is known to them, may capture and deliver such animal to the Animal Control Facility or an Animal Control Officer as an at large animal or stray for confinement at the Animal Control Facility for the statutorily designated period of time at no cost to the person making the delivery of said animal.

**SECTION 10. DEAD ANIMALS.**

A. It shall be unlawful for any person to cast, throw, drop or otherwise deposit any dead animal in or upon any private property or any street, sidewalk, park or other public place in the corporate limits of the City.

B. All owners or persons in charge of animals which die or are killed in their possession or custody, other than such animals as are slaughtered for food, within twenty-four (24) hours of the demise of said animal, shall notify the Appropriate City Official, as set forth in subsection (C) of the location of said dead animal and request its removal as provided in subsection (C), or said person shall cause the remains of such animal to be buried at least two (2) feet below the surface of the ground on the property of said person. Any animal dying from any communicable disease shall be released to the Talladega County Health Department and/or the Animal Control Facility in accordance with the requirements of subsection (C). No such animal shall be buried so near a residence or residences or in such a manner as to create a nuisance. No dead horse, bull, mule, cow or other large animal shall be buried nearer than three hundred (300) feet of a residence.

C. Appropriate City Official Notification.

1. The existence of a small dead animal, such as a dog weighing less than seventy-five (75) pounds, a cat, fox, skunk, armadillo, opossum, raccoon, bird or other similarly small animal located within the City right-of-way shall be reported to the Animal Control Facility.

2. The existence of a large dead animal such as a horse, mule, cow, hog, dog weighing in excess of seventy-five (75) pounds or similar animals of large size shall be buried by the owner of such animal or disposed of in a sanitary manner.

3. Any animals known to be dying or have died from any zoonotic disease shall be reported to the Talladega County Health Department and the Animal Control Facility for removal. Any such animal suffering or dying from a zoonotic disease shall be disposed of by cremation.

**SECTION 11. CERTAIN ANIMALS PROHIBITED WITHIN CITY; EXCEPTION.**

A. It shall be unlawful for any person to keep a hog or pig within the corporate limits of the City.

B. It shall be unlawful for any person to keep or allow to remain upon that person's property any colony, swarm, hive or other group of bees within the corporate limits of the City.

C. Notwithstanding the foregoing Sections A and B, the keeping of hogs, pigs or bees shall not be unlawful in those areas of the City wherein the keeping of hogs, pigs and/or bees is a permitted use under the zoning district classification for that

geographic area of the City, provided that the structures housing such animals or insects shall not be located closer than one hundred (100) feet to any property line; and further provided that no hog, pig or bees shall be kept closer than five hundred (500) feet from any residence not owned or occupied by the owner or keeper of such animals or insects without the owner first obtaining the written consent of the owners and/or occupants of any adjoining residences within said five hundred (500) feet.

## **SECTION 12. IMPOUNDMENT OF ANIMALS.**

A. At large animals shall be taken by an Animal Control Officer, the City Police or such other person that captures the animal to the Animal Control Facility, and confined there in a humane manner. Impounded animals shall be kept for a period not to exceed seven (7) days unless reclaimed by the owner of the animal. If the owner of the animal can be determined from identifying information on the animal or by any other means, the Animal Control Facility will notify the owner of the animal of its impoundment by any reasonable means. Any impounded animal not claimed by its owner within seven days from the impoundment date shall be made available for adoption or humanely disposed of by an Animal Control Officer duly trained and certified to humanely euthanize an animal.

B. Any animal that has been confined for a minimum of seven (7) days and remains unclaimed by the owner or person in charge of such animal, or upon the owner or person in charge failing to pay the costs of services due the Animal Control Facility, as hereinafter provided, or if satisfactory evidence regarding ownership, vaccinations or such other information deemed necessary is not furnished as required by this Ordinance, then such impounded animal is hereby declared a nuisance and a danger to the health, safety and welfare of the citizens of the City, and the Animal Control Facility shall cause such animal to become the property of the Animal Control Facility as herein provided; however, any animal impounded that is less than two (2) weeks of age or whose eyes have not opened since birth, may be humanely disposed of immediately upon being impounded

C. Any impounded animal that is injured or diseased may, as an act of mercy, be humanely euthanized upon the recommendation of a duly licensed veterinarian or duly certified Animal Control Officer who finds that such euthanization is necessary to prevent unnecessary suffering to the animal, to prevent the spread of the disease, or because the animal is incurable. Any Animal Control Officer charged with the responsibility of disposing of impounded animals under the provisions of this Ordinance shall do so by a process that is recognized by veterinary science as being a humane manner in which to euthanize animals of the species so impounded.

## **SECTION 13. REDEMPTION OF IMPOUNDED ANIMALS.**

A. The owner or person in charge of any animal impounded under the terms of this Ordinance may recover possession of such animal upon payment of charges hereinafter provided. The owner or person in charge must produce a certification executed by a licensed veterinarian that said animal has within twelve (12) months prior to its impoundment been inoculated for rabies as required by State law. Failure to produce satisfactory evidence of inoculation for rabies by a licensed veterinarian of said animal within said twelve (12) month period shall be grounds for denial of the claim for redemption of the animal. No animal required by State law to have a current rabies vaccination shall be released from impoundment from the Animal Control Facility without evidence of a current rabies vaccination. Any impounded animal lacking current rabies vaccination certification may at the request of the owner or person in charge of such animal be transported by an Animal Control Officer to a licensed veterinarian doing business within the City of Talladega to be inoculated for rabies at the sole cost of the owner or person in charge, said cost to be paid in advance of said inoculation. Any fees for rabies vaccination are at the veterinarian's discretion and shall be paid directly to the veterinarian's office.

B. No animal impounded at the Animal Control Facility shall be released to the owner or person in charge until all costs and fees assessed as hereinafter provided have been paid. The redemption fee to be paid to the Animal Control Facility by the person redeeming an impounded animal shall be in addition to any other fees and/or fines due hereunder. The impoundment redemption fee is \$15.00 per day per animal for each day that the animal remains at the Animal Control Facility.

## **SECTION 14. ANIMALS PRESUMED TO BE VICIOUS.**

A. Any animal which is known by the owner or person in charge to be on the public streets and other public ways of the City, whether or not such animal has actually bitten or attacked a human being or other animal, shall be presumed to be vicious. The presumption provided for herein is a rebuttable presumption and no arrest made pursuant to this Ordinance, nor any prosecution shall be commenced except upon affidavit as provided in Section B.

B. When any person claims that an animal is vicious, that person shall make a sworn statement before an officer authorized to administer oaths employed by the City, and such sworn statement shall set forth the specific circumstances for believing the animal to be vicious. The sworn statement shall be delivered to the Animal Control Officer. Upon receipt of the sworn statement, the Animal Control Officer shall make an immediate investigation of the circumstances alleged in the affidavit. Upon completion of the investigation, if in the opinion of the Animal Control Officer, the animal is determined to be vicious, and the Animal Control Officer makes a further finding that the incident is the first incident or indication of viciousness on the part of the animal, the Animal Control Officer shall order the owner or person in charge to confine the animal. Upon receipt of the Order of Confinement, the owner or person in charge may file a notice of appeal with the Municipal Court of the City within five (5) days from the date of the order requesting a finding by the municipal court judge of whether the animal is vicious. Upon a finding by the municipal court that the animal is vicious, the animal shall be confined as hereinafter provided. Upon a finding by the municipal court that the animal is not vicious, then the Order of Confinement shall be quashed.

### **C. Confinement Required.**

It shall be unlawful for the owner or person in charge of a vicious animal to keep in the City a vicious animal unless such animal is securely confined, bound or adequately leashed in such manner as to prevent such animal from escaping, biting or attacking a human being or other animal. Any vicious animal found to have bitten or attacked a human being or other animal in the City shall be removed from the City by the owner or person in charge within ten (10) days from the time of the bite or attack, and the owner or person in charge of such vicious animal shall report the removal of the animal to the Animal Control Officer or the Police Department of the City declaring the date of removal and the location to which the vicious animal has been removed.

### **D. Enclosure for Vicious Animals – Posting of Premises.**

Whenever a vicious animal is permitted to run at large within a wall, fence or other enclosure of the premises of the owner or person in charge, it shall be the duty of the owner or person in charge of such vicious animal to give public notice or warning that such animal is at large within such enclosure. Notice shall be made by conspicuously posting a written or printed notice at every unlocked entrance to such enclosure in lettering of sufficient size that it may be easily read from a distance of ten (10) feet.

### **E. Registration.**

An owner or person in charge of a vicious animal shall register said animal with the Animal Control Facility in writing and upon a form furnished by the Animal Control Facility. The application shall be verified by the person who desires to keep, harbor, own, or in any way possess a vicious animal and shall set forth the following:

- (1) Name, address, and telephone number of the applicant.
- (2) The applicant's interest in owning or keeping such vicious animal.
- (3) The number and description of each animal kept that is deemed vicious.
- (4) The confinement and housing arrangement for all vicious animals with particular details to safety or structure locks, fencing and other constraints.

(5) Safety precautions to be taken by the applicant to guarantee the safety of the citizens of the City and other animals.

(6) Color frontal photograph and color side photograph of the vicious animals. Any owner or person in charge of a registered vicious animal shall within ten (10) days of the effective date of this ordinance provide to the Animal Control Department two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal. The photographs must dimensionally be at least four (4) inches by six (6) inches in size. The animal must be the primary object shown in the photograph.

(7) Payment of a registration fee to the Animal Control Facility as hereinafter provided.

F. Leash and Muzzle.

No person shall permit a vicious animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the chain, rope or leash. Vicious animals may not be leashed to inanimate objects such as trees, posts, buildings, or vehicles. All vicious animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting human beings or other animals.

G. Number of Vicious Animals.

It shall be unlawful for any person to own, keep, or harbor more than two (2) vicious animals at any time within the City.

**SECTION 15. ANIMAL BITES: QUARANTINE OF ANIMAL**

A. All animal bites of a human person must be reported to the Talladega County Health Department by any person having knowledge of said bite within twenty-four (24) hours of the occurrence of the bite.

B. Any animal that bites a person shall be quarantined for ten (10) 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. An animal assisting a peace officer engaged in law enforcement duty 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; provided however, said animal shall be examined by a licensed veterinarian at the end of ten (10) days following the occurrence of such bite.

**SECTION 16. CAUSING ESCAPE, REMOVAL OR RELEASE OF CONFINED ANIMAL.**

It shall be unlawful for any person to take an animal from confinement or control of the animal's owner or person in charge, or to cause an animal to escape from confinement or restraint without specific permission from the owner or person in charge.

**SECTION 17. CARE OF TETHERED ANIMALS.**

In addition to the provisions of Section 6 of this Ordinance, it shall be unlawful for:

A. Any person to tether an animal in an inhumane manner.

B. Any person to leave an animal tethered in such a manner as to prevent its owner or person in charge the opportunity to care for the animal.

C. An animal to be tethered in a location where water and shelter are not available.

D. An animal to be tethered on a chain, cable or woven rope/leash more than twice the animal's body weight.



- E. An animal to be tethered on a chain, cable or woven rope/leash more than ten (10) feet in length.
- F. An animal to be tethered on a chain, cable or woven rope/leash at a location where the animal can access public right-of-way without direct supervision of the animal's owner or person in charge.
- G. An animal to be tethered in a manner to create immobility of the animal.

**SECTION 18. IMPOUNDMENT; NOTICE OF ORDINANCE VIOLATIONS.**

- A. Any animal that is required by State law to be vaccinated against rabies that is found within the corporate limits of the City, or the police jurisdiction thereof, that does not have attached to it a current rabies license tag, shall be picked up by the Rabies Officer, Deputy Rabies Officer, Animal Control Officer or by any City Police Officer and impounded in the Animal Control Facility, and there confined in a humane manner for a period of not less than seven (7) days; and thereafter, said animal shall be subject to being disposed of in a humane manner as provided in Section 12 of this Ordinance.
- B. An owner or person in charge of an impounded animal may reclaim possession of the impounded animal upon compliance with the rabies immunization requirements of this Ordinance and State law upon providing photographic evidence or certification of ownership of said impounded animal and the payment of the costs and fees assessed as hereinafter provided in Section 12.
- C. Any animal control officer, or his authorized assistant, any rabies inspector, or his authorized assistant or any police officer of the City shall be authorized to issue a notice of Ordinance violation citing the specific violation of this Ordinance to the owner or person in charge of an animal found at large or running at large without a current rabies license tag. In the prosecution of any individual for the violation of the provisions of this section, evidence of a notice of Ordinance violation given to the individual prior to the violation for which the individual is being prosecuted shall be admissible evidence for the limited purpose of showing the individual's knowledge of the condition for which the individual is being prosecuted when such knowledge is an issue.

**SECTION 19. RABIES CONTROL; EXCEPTION.**

- A. It shall be unlawful for the owner or any person in charge to possess, keep or harbor in the City any animal which has not been inoculated against rabies within the preceding twelve (12) months as required by State law.
- B. It shall be unlawful for the owner or person in charge of an animal required by State law to be immunized against rabies to allow said animal to be within the corporate limits of the City or its police jurisdiction without a collar or harness having affixed thereto a current rabies vaccination tag issued by a duly licensed veterinarian.
- C. All animals in the possession of the Rabies Inspector, Deputy Rabies Inspector, Animal Control Officer or City Police that are found to be rabid shall be promptly destroyed by the Animal Control Officer in a humane manner without holding said animal for any period of time for redemption or advertisement for sale.
- D. The vaccination requirements of this section do not apply to any animal belonging to a non-resident of the City and kept within the City for not longer than thirty (30) days; provided, that all such animals shall, at all times while in the City, be confined within a building or enclosure, or be under restraint or tethered as required in this Ordinance.

**SECTION 20. QUARANTINE OR CONFINEMENT OF ANIMALS.**

- A. The County Health Officer shall have authority to quarantine or require confinement of any or all animals in any part or all of the City for such period of time, or in such manner as said health officer may determine, whenever said health officer considers such quarantine or confinement

necessary for the control of rabies.

B. Whenever the County Health Officer shall receive information that any person has been bitten by an animal, the County Health Officer shall require the owner or person in charge of said animal to have the animal confined under the direct care, custody, control and supervision of a licensed veterinarian for a period of ten (10) days. It shall be unlawful for the owner or person in charge of any such animal to refuse or fail to comply with the written direction made by the County Health Officer. Any expense incurred in the handling of any animal under this section shall be borne by the owner or person in charge. A veterinarian under whose care an animal has been committed due to a bite shall report the results of the clinical observation of such animal to the physician attending the person bitten.

C. It shall be unlawful for any person to keep, harbor or maintain in or about any place or premises in the City, an animal which is known to have, or is reasonably suspected of having, rabies. Any such animal located within the city limits and confirmed to have rabies shall be forthwith destroyed or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian and held under six-months quarantine by the owner in the same manner as other animals are quarantined as hereinabove provided.

D. It shall be unlawful for any person to keep, harbor or maintain in or about any place or premises in the City, or the police jurisdiction thereof, any animal which has been, or is reasonably suspected to have been, bitten or otherwise injured by or in contact with another animal afflicted with, or suspected of being afflicted with, rabies in such a manner as to permit or favor transmission of such disease, unless such animal so bitten, injured by or in contact with the rabid animal shall be securely confined for not less than six months in the same manner as other animals are quarantined as hereinabove provided.

E. When an animal under quarantine dies while under observation for rabies, the head of such animal shall be sent to the appropriate governmental laboratory for pathological examination.

F. When a laboratory report, either preliminary or final, gives a positive diagnosis of rabies, the County Health Officer, the Animal Control Officer or the Rabies Inspector may declare a city-wide quarantine, or a quarantine of any part of the City, for a period of thirty (30) days; and upon the invoking of such quarantine, no animal shall be permitted to be out of confinement within a wall, fence or other enclosure except on a leash, muzzled and accompanied by a responsible person during such period of quarantine. During such quarantine, no animal may be taken or shipped from the City without permission of the County Health officer, Animal Control Officer or Rabies Inspector. During the quarantine period, the County Health Officer, Animal Control Officer or Rabies Inspector shall be empowered to provide for a program of mass immunization of dogs by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of health jurisdiction.

G. No animal which has been impounded and unclaimed by its owner may be adopted from an Animal Control Facility during the period of rabies emergency quarantine, except by special authorization of the County Health Officer, Animal Control Officer or Rabies Inspector.

H. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian and held under six-months quarantine by the owner in the same manner as other animals are quarantined.

I. In the event there are additional positive cases of rabies during the period of quarantine, such period of quarantine may be extended for an additional six months.

J. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, any animal that has bitten a human, except as herein provided, or remove the same from the city limits without written permission from the County Health Officer, Animal Control Officer or Rabies Inspector.

K. The carcass of any dead animal exposed to rabies shall be surrendered, upon demand, to the

County Health Officer, Animal Control Officer or Rabies Inspector.

L. The County Health Officer, Animal Control Officer or Rabies Inspector shall have the power to direct the disposition of any animal found to be infected with rabies.

M. No person shall fail or refuse to surrender any animal for quarantine or destruction, as required herein, when demand is made thereof by the County Health Officer, Animal Control Officer or Rabies Inspector.

N. For the purpose of discharging the duties imposed by this section and to enforce its provisions, the County Health Officer or his authorized representative, the Animal Control Officer or his authorized representative, the Rabies Inspector or his authorized representative or any police officer is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of the certificate of vaccination for such animal.

#### **SECTION 21. INTERFERENCE WITH OFFICIALS PROHIBITED.**

A. It shall be unlawful for any person to interfere with, hinder or molest any Rabies Officer, Deputy Rabies Officer, Animal Control Officer, employees of the Animal Control Facility or City Police Officer in the performance of the exercise of any responsibilities under this Ordinance.

B. It shall be unlawful for any person to interfere with or seek to release any animal in the custody of the Talladega County Health Officer, Rabies Officer, Deputy Rabies Officer, Animal Control Officer, City Police Officer or veterinarian without the consent of said officer having custody of the animal.

#### **SECTION 22. RECORDS REQUIRED.**

A. The Animal Control Officer and the Rabies Officer shall keep, or caused to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into their custody for a period of five (5) years from the date of said impoundment.

B. The Rabies Officer and Animal Control Officer shall keep, or cause to be kept, accurate records of all animal-bite cases reported to either of them and the written investigation report of such bites for a period of five (5) years from the date of the bite.

C. The Animal Control Officer and Rabies Officer shall keep, or cause to be kept, accurate and detailed records of all monies belonging to the City collected by either of them in connection with the enforcement of the provisions of this Ordinance, and the said records shall be subject to audit by the City annually in the same manner as other municipal, financial records are audited.

#### **SECTION 23. PROPER FENCING AND ENCLOSURES.**

A. Fenced confinement areas should be made of material with sufficient strength to contain the animal confined and should have spacing large enough for the animal's head to not become trapped. Any animal confined within a fenced area must have adequate space for exercise based upon the dimension of at least 100 square feet per animal. Such enclosures must have all four sides enclosed to contain the animal. Such enclosures should meet the requirements of the Alabama Animal Rights Protection Act. Upon inspection by the Animal Control Officer or a City Police Officer, if the fencing is found to be inadequate the owner or person in charge shall receive written notification from said officer to comply with the terms of this Ordinance. Failure to conform to the terms of the notice and this Ordinance within five (5) days of the date of said notice shall be a violation of this Ordinance.

B. Where an animal is humanely tied to a runner, such runner shall be a minimum of twenty (20) feet long and the animal shall have a minimum shade area or structure that allows the animal to escape direct sunlight. Upon inspection by the Animal Control Officer or a City Police Officer, if the runner is found to be inadequate the owner or person in charge shall receive written notification from said officer to comply with the terms of this Ordinance. Failure to conform to the terms of the notice and this Ordinance within five (5) days of the date of said notice shall be a violation of

this Ordinance.

C. No domesticated animal shall be restrained with a restraining device less than six (6) feet long unless the owner or person in charge is walking or training such animal.

D. It shall be unlawful to place, confine or allowed to be placed or confined any animal in a motor vehicle under such conditions for such a period of time as to endanger the health or welfare of the animal because of temperature, lack of food or water, or such other conditions as may be reasonably expected to cause suffering, disability or death.

E. It shall be unlawful to chain any domesticated animal with a chain or cable more than twice its body weight.

F. It shall be unlawful for any person, having care, custody or control of any premises where any animal is kept confined or is in an enclosure, who is given written notice from a person duly authorized under this Ordinance to make inspections of said premises describing conditions which exist in violation of the provisions of this section to remedy such conditions within five days from the receipt of said notice. Failure to conform to the terms of the notice and this Ordinance within five (5) days of the date of said notice shall be guilty of this Ordinance.

G. Hobby/Agricultural farms located in those zoning districts of the City wherein the permitted uses allow the keeping or maintaining of livestock shall provide and continuously maintain a minimum of one acre of open land available per animal for animal exercise and manure management, and adequate food, water and shelter shall be made available at all time. No livestock shall be allowed to remain tethered without its owner or a competent person present to care for it.

#### **SECTION 24. CONFINEMENT OF FEMALE ANIMALS WHEN IN HEAT OR SEASON.**

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

#### **SECTION 25. SCHEDULE OF FINES AND FEES.**

A. Adoptions - Adoption fees include neutering, rabies vaccination, parasite exam, worming and first viral disease inoculation. An animal not old enough to be spayed or neutered will receive a certificate for spay/neutering and the procedure for spay/neutering must be completed within six months from the date of adoption. Failure to complete spay/neutering for an animal will be a breach of the Adoption Agreement and a violation of this Ordinance. Adoption fees for animals shall be set by the Animal Control Officer.

B. Fee for Registration of Vicious Animal - Any owner or person in charge of any animal known to be vicious is required to register the animal with the Animal Control Officer. An application of Fifty and no/100 (\$50.00) Dollars shall accompany the application to cover the cost of processing the application.

C. Schedule of Fines for Violation of this Ordinance - The schedule of fines for violation of this Ordinance shall be as follows:

1. For the first conviction during any twelve (12) month period the fine shall be Fifty and no/100 (\$50.00) Dollars;
2. For a second conviction during any twelve (12) month period the fine shall be One Hundred and no/100 (\$100.00) Dollars;
3. For a third or subsequent conviction during any twelve (12) month period the fine shall be Three Hundred and no/100 (\$300.00) Dollars.

#### **SECTION 26. VIOLATION OR ORDINANCE.**

Any person may cause a complaint to be filed in the Municipal Court of the City of Talladega alleging a violation of any provision of this Ordinance against any person alleged to be in violation of this Ordinance, which said complaint shall be heard and tried in the Municipal Court of the City of Talladega in the same manner as other violations of Municipal Ordinances of this City. Any person found to be in violation of any of the provisions of this Ordinance by the Municipal Court of the City of Talladega shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined as provided in Section 25.

**SECTION 27. SEVERABILITY.**

All sections of this Ordinance are hereby declared to be severable; and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by any Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 28. REPEAL.**

Upon the effective date of this Ordinance, Ordinance Number 1286 and any amendments thereto are hereby repealed in their entirety.

**SECTION 29. ADOPTION AND EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its passage and publication as provided by law.

**ADOPTED AND APPROVED** this the 10<sup>th</sup> day of September, 2015.

Councilman Horace Patterson  
Councilman Joe Ballow  
Councilman Ricky Simpson  
Councilman Donnie Miller  
Councilman Jarvis Elston  
City Manager Patrick Bryant

**Attested to:** Elizabeth Cheeks, City Clerk