

Ordinance 02-17-06

Section 4-1.

In addition to such definitions as may be found herein, the following definitions shall apply in this chapter:

Animal: The term shall have its usual and customary meaning and shall include without limitation dogs, cats, fowl, livestock, pets and all mammals except humans.

Animal Control Officer: Any City Employee charged with the animal control duties or any independent contractor to the city whose contractual duties include animal control unless the contract specifically excludes such independent contractor from the definition, any employed representative from the Chilton County Humane Society charged with animal control duties.

Cat: Any domesticated member of the feline family of either sex and any age, whether or not vaccinated against rabies as required by law.

Dog: Any domesticated member of the canine family of either sex of any age, whether or not vaccinated against rabies as required by law.

Enclosure: The entire housed or fenced area where an animal is confined and also the area where the animal is tied, chained or tethered.

Fowl: All Birds

Livestock: Any horse, hog, cow, sheep, or any other animal of the equine, swine, bovine, or ovine family; provided, however, that the use of the word "livestock" in any section of this article shall not be construed as permitting the keeping of any hog or any other member of the swine family in violation of this chapter.

Owner: In reference to an animal, any person having the right of property in the animal, or who keeps or harbors the animal, or who has it in such persons care, or acts as its custodian, or who permits the animal to remain on or about any premise under the control of such person.

Section 4-2.

Unless otherwise specifically provided, all provisions of this ordinance shall apply only within the corporate limits of Jemison except those provisions relating to animal cruelty or to rabies control shall also apply within the police jurisdiction. Provided, however, that the city shall have no affirmative duty to patrol, investigate or perform any animal control function.

Section 4-3 Animal Control Officer.

Animal control officers are authorized to enforce all ordinances in the chapter or which otherwise pertain to animal control; to seize and impound any animal in accordance with this chapter which is the subject of animal cruelty or is illegally running at large or is considered to be vicious; to investigate possible violations of animal control ordinances; to attempt to resolve animal control problems or violations through conference and advice; to issue citations or court summons for violations of any provision of law relating to animals; and to carryout any other duties expressed or implied in any ordinance relating to animals or in such officer's job description pertaining to animals or animal control, provided that such officers shall not have the power of custodial arrest.

Section 4-4. Resisting, interfering with, ect., animal control officers.

(a) It shall be unlawful for any person by any physical act to interfere with, resist, molest, obstruct, hinder or impede any animal control officer in the discharge of such officer's duty or to assault, attack, strike, or to use any type of physical force towards any such animal control officer while in the discharge of such officer's duty.

(b) When an animal control officer of the city is engaged in the discharge of such officer's duty and this is, or should be, evident to a reasonably prudent person then present, or if such animal control officer is known to such person to be an animal control officer of the city, or such animal control officer is in a regular animal control uniform or exhibits an animal control badge / code enforcement badge or credentials or otherwise identifies himself / herself as such animal control officer, it shall of itself be prima facie notice to such person that the animal control officer is such and is then and there so acting.

(c) Violation of this section shall be considered a misdemeanor and punishable by a fine of no less then \$100.00 and not to exceed \$1000.00 and / or up to 1 year incarcerated in the Chilton County Jail.

Section 4-5. Duty upon injuring an animal.

It shall be unlawful for any person who strikes, injures or kills any domestic animal within the city limits to fail to immediately report or cause to be reported such injury to an animal control officer or to the police. This provision applies without limitation to the operators of motor vehicles.

Section 4-6. Protection of wild birds or animals.

Except upon property of the owner and as otherwise may be permitted by state law, it shall be unlawful for any person to catch, kill or possess any wild bird or animal or intentionally allow or knowingly permit any domesticated dog or cat said person owns, controls or maintains, to catch, kill or injure any wild bird or animal, whether such animal

or bird is alive or dead or to take or willfully destroy the nest or den of such bird or animal or to have the nest or egg of such bird in such persons possession.

Section 4-7. Cruelty to animals.

- (a) It shall be unlawful to commit an act of animal cruelty upon any animal in the city or police jurisdiction. 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 in warm weather or intentionally abandon an animal, or to fail to provide the necessary food, water and shelter as set out below.
- (1) *Food.* The foods 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 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.* Shelter for any dog or other domestic animal requiring shelter to be at least a 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 any stakes, pits, snares, traps, poisons, antifreeze or other devices or substances capable of causing hurt, 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) This section shall not apply to the dehorning of cattle and normally accepted husbandry practices nor to the use of animals in connection with medical or scientific teaching or research.
- (d) Cruelty to animals is a Class B misdemeanor. Ref. State Code 13A-11-14

Section 4-8. Seizure of animals.

- (a) *Purpose.* This section is intended to promote the city's interest in seeing that animals are treated humanly and in preventing animals from illegally running at large, while also protecting the owner's right to due process.
- (b) *Authority to seize.* Any animal control officer or any police officer is hereby authorized to seize any animal in conformity with this section whenever he has reasonable cause to believe any of the following situations exist:
- (1) The animal is the subject of an act of animal cruelty as prohibited by ordinance or state law, including abandonment; or
 - (2) The animal is running at large in violation of any ordinance.
- (c) *Procedure:*
- (1) *Generally.* Essential due process as provided herein shall be accorded in all cases that an animal is seized pursuant to this ordinance. No procedure provided herein shall preclude criminal charges against an owner or other person.
 - (2) *Pre-seizure notice.* If the owner of the animal seized or to be seized is known, and if practicable, the animal control officer shall give written notice to any known owner prior to the seizure of the animal.
 - (3) *Post-seizure notice.* If circumstances exist or reasonably appear to exist which would make pre-seizure notice impracticable, such as the reasonability apparent need for immediate veterinary care for the animal, the need to capture an animal running at large or similar circumstances, post-seizure written notice may be given. Whenever an animal is seized without giving pre-seizure notice, the animal control officer shall give post-seizure written notice to any owner as soon as practical. An animal running at large may always be seized without giving pre-seizure notice.
 - (4) *Owner unknown.* If the owner is unknown, the animal control officer shall make reasonable inquiry to attempt to ascertain the owner's name and address. If the animal is seized from private property, and after reasonable inquiry, the owner cannot otherwise be determined; notice may be given to the person in charge or control of such property. If at any time the animal control officer learns the true owner's name, notice shall be given to such owner regardless of notice having been previously given to another person.
 - (5) *Contents and manner of giving notice.* Notice in all cases shall be in writing, shall be served on any known owner as provided

below, shall state that the animal has been seized pursuant to this section, shall state the reason and date of such seizure, and shall state the procedure set out below for the owner to contest the seizure and obtain possession of the animal, including the address and office telephone number of the animal control officers and any scheduled date for disposing of the animal.

Such notice may be served in person by an animal control officer, police officer or any city employee, or may be served by certified mail with return receipt, or may be served by posting prominently on the premises of the owner's residence or any private premises from which the animal was taken; provided, that if the person serving the notice has actual knowledge that the owner has not received notice in a timely fashion, other attempts to give actual notice may be made in any of the manners provided above or by verbal notice, personal contact, telephone, regular mail or other means reasonable calculated to give actual notice.

- (6) *Procedure for contesting seizure.* Upon receipt of notice of the seizure and at least twenty-four (24) hours before any scheduled disposition of the animal, the owner may contact the animal control officer and request a hearing to contest the seizure of the animal. Such request for a hearing shall stay any disposition of the animal until all appeals are concluded and/or the hearing shall be scheduled within three (3) days of the request and all parties shall be notified of the time and place.

The initial hearing shall be conducted before the animal control officer and his or her supervisor. The owner shall have the right to be heard and may appear in person, by attorney or both. The city attorney or his designee shall also have the right to attend and be heard. The initial hearing shall be informal and shall have the purpose of attempting to reach consensus and understanding as to why the animal was seized, what remedial measures can or should be made by the owner to promote the welfare of the animal, all factors in the owner's favor mitigating against the seizure and impoundment, under what conditions the animal should be returned, and all other matters relevant to the proceeding. At the conclusion of the hearing, the animal control officer or his supervisor may take any of the following actions:

- a. Return the animal to the owner without conditions or fines imposed upon the owner; provided this section

shall not relieve the owner of responsibility for any fees owed to the shelter where the animal has been kept; or

- b. Return the animal to the owner conditioned upon the owner paying all reasonable expenses arising out of the seizure, impoundment and care of the animal and/or conditioned upon the owner agreeing to certain conditions reasonably calculated to promote the welfare of the animal and prevent recurrence of the situation which gave to the seizure.
- c. Not return the animal, provided that this action shall be taken only if the owner fails or refuses to agree to remedy any condition or conduct which gave rise to the seizure, or this action shall be taken only if the owner has previously breached an agreement regarding any animal which was seized based upon reasonable cause to believe such animal was the subject of an act of animal cruelty as prohibited by any ordinance or statute.

(d) *Appeal.* If the owner is aggrieved by the animal control officer's decision, he may appeal within three (3) days to the municipal court clerk, who shall conduct a hearing within a reasonable time and who shall consider the same factors and have the same authority of disposition as the animal control officer.

Section 4-9. Activities related to animal fighting prohibited.

- (a) It shall be unlawful for any person:
 - (1) To own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting with another animal or human;
 - (2) To cause any animal to fight another animal or human or to injure or kill another animal; or
 - (3) To knowingly be present as a spectator or participant at any place where an exhibition of fighting animals is taking place or is being prepared, or to knowingly wager anything of value on the outcome of such a fight whether or not actually present.
- (b) This section shall not apply to any activities relating to animal fights which are made a felony under state law such as activities relating to dog fights.

State law reference: Dog fighting constitutes felony, Code of Ala. 1975, Section 3-1-29; cockfighting, section 13A-12-4.

Section 4-10. Confinement of vicious, dangerous or poisonous animal.

- (a) *Confinement in enclosure.* It shall be unlawful for any person to keep or maintain within the city any vicious, dangerous or poisonous animal, except when kept confined in an enclosure or cage which shall be sufficiently secure to prevent the escape of such animal as well as prevent access by persons other than the keeper. The enclosure or cage shall not be kept or maintained within three hundred (300) feet of the boundary line of any property upon which is located any public park, playground, public building or residence of another.
- (b) *Application to scientific establishments.* This section shall not apply to any scientific establishment which keeps such animals for scientific purposes, nor to the premises of any veterinary hospital, provided such establishments provide adequate security and protection from such animals.

State law reference: Liability for vicious animals, Code of Ala. 1975 Section 3-1-3

Section 4-11. Bees and bee hives; keeping near schools, parks or residence

It shall be unlawful for any person to keep or maintain bees or bee hives within one hundred fifty (150) feet of the boundary line of any property upon which is any school ground, public park or public playground in the city or within three hundred (300) feet of the boundary line of any property upon which is the residence of another person in the city.

Section 4-12. Reasonable dog and cat owners; public nuisance.

- (a) All owners of cats or dogs in the corporate limits of the city are expected and required to exercise control over the animal in such a manor and to such an extent as to prevent damage, inconvenience, annoyance or alarm to others. It shall therefore be unlawful and constitute a public nuisance for any person, including those that own, control or maintain any cat or dog in such a manner that the same is allowed or permitted to commit or engage in any of the following acts or conduct:
- (1) Damage the property of another, including, but not limited to, damages to shrubs, flowers or other vegetation, entering into or searching through garbage and other waste receptacles, defecating upon the property of another, entering into, over or upon automobiles or motor vehicles of others in such a manner as to scratch, dent, mark or otherwise damage the same.
 - (2) Habitually or repeatedly chases, attacks, barks, snaps, or engages in overtly hostile or aggressive behavior towards others, including, but not limited to, children, pedestrians, joggers, bicyclers, or other

vehicles or other animals lawfully at large in the presence of their owner or upon property of the owner.

- (3) Hunting, stalking or attacking animals or fowl, whether wild or domesticated, on the property of another.
- (b) It shall also be unlawful and shall constitute a public nuisance for any person that owns, controls or maintains any cat or dog within the corporate limits of the city in such a manner that the area in which the animal is kept is habitually in an unsanitary condition or results in offensive odors, damage to the animals, damage to the public health, safety or welfare, or is maintained in such a manner as to create the potential for the breeding and transmission of diseases or obnoxious odors.

Section 4-13. Limitations on number of cats.

- (a) It shall be unlawful for any person to keep or board on such person's premise within the corporate limits of the city more than three (3) cats. Provided, however, this section shall not apply to kittens under the age of (3) months.
- (b) A violation of this section existing at the adoption of this section may continue; however; additional cats shall be prohibited.

Section 4-14. Running at large prohibited

- (a) It shall be unlawful for the owner of any dog to allow or permit such dog to be at large, unconfined or able to travel on public property of another in the city unless such dog is restrained by a leash, rope or chain of not more than ten (10) feet in length and of sufficient strength to control the actions of such dog.
- (b) It shall be no defense in any prosecution for a violation of this section that such dog was at large without the knowledge, consent or permission of the person charged with such violation.

Sate law reference: Similar provisions, Code of Ala. 1975 section 3-1-5

Section 4-15. Killing certain dogs

The animal control officer or any police officer of the city exercising police authority is authorized to kill any dog running at large contrary to the provisions of any section of this chapter, provided that such officer has tried to capture such dog by every reasonable means or to locate the owner and such dog, in that officer's opinion, constitutes a menace or nuisance to the public health, safety or welfare.

Section 4-16. Female dogs or cats in season to be confined.

- (a) It shall be unlawful for the owner of any female dog or cat to permit such dog or cat, while she is in season, to be within the city unless confined in such a manner as to prevent access to her by other animals.
- (b) It shall be no defense in any prosecution for violation of this section that other dogs or cats had entered the area of confinement without the knowledge, consent or permission of the persons charged with such violation.

Section 4-17. Vicious or dangerous dogs

- (a) *Defined.* As used in this section, the phrase “vicious or dangerous dog” shall mean and include:
- (1) Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing, snapping or barking;
 - (2) Any dog which attacks a human being or another domestic animal without provocation; or
 - (3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- (b) *Running at large prohibited.* It shall be unlawful for the owner of any vicious or dangerous dog to allow such dog to be at large or unrestrained within the city.
- (c) *Conditions permitting dangerous dogs to be taken off premises.* It shall be unlawful for the owner of any vicious or dangerous dog to allow such dog to be at large or off the owner’s property unless the dog is securely muzzled so as to effectively prevent such dog from biting another animal or person and unless such dog is secured on a leash or chain of not more than five (5) feet in length that is held or controlled by a person of not less than sixteen (16) years of age.
- (d) *Owning / training dogs for fighting or attacking.* No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to engage in unprovoked attacks upon human beings or domestic animals.
- (e) *Keeping in multiple dwelling.* No vicious dog may be kept in any portion of any multiple dwelling.
- (f) *Signs.* All owners, keepers or harborer of any vicious dog, as determined by a court of competent jurisdiction, shall display in a prominent place on their premise a sign easily readable by the public using the words “Beware of Dog”.
- (g) *Destruction.* Any vicious or dangerous dog which attacks a human being or domestic animal may be ordered destroyed when in judgment of court of competent jurisdiction the dog represents a continuing threat of serious harm to human beings or domestic animals.
- (h) *Running at large or improper muzzling without owners knowledge deemed no defense.* It shall be no defense in any prosecution for a violation of subsections (b) and (c) that such dog was at large or improperly muzzled without the knowledge, consent or permission of the person charged with such violation.
- (i) *Penalty for violations.* Violations of the provisions of this section, unless otherwise enumerated, shall be considered a misdemeanor and upon conviction are punishable by a fine not to exceed five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six months (6 months) or both so fined an imprisoned in the discretion of the Judge of the Municipal Court.
- (j) *Violator liable for expense.* Any person found guilty of violating this section shall pay all expenses including shelter, food, veterinary expenses for

veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses that may be required for the destruction of any dog.

- (k) *Application to police dogs.* The provisions of this section shall have no applicability to dogs while engaged in police service at a recognized and duly licensed facility and under supervision of professional instructors.
- (l) *Validity.* If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court, such a decision shall not affect the validity of the remaining portions of the section.

State Law References: Liability for injury by dog Code of Ala. 1975 SS 3-6-1 et seq.

Sec 4-18. Tethering near property line.

It shall be unlawful for the owner of any dog to tie, chain or tether such dog as so it has access to public property or the property of another without the consent of the owner or person in charge of such property.

Sec 4-19. Enclosures- Sanitary requirements; enforcement.

- (a) For the protection of the public health, it shall be the duty of every person who keeps any dog in an enclosure within the city limits at all times to maintain the premises or area where such dog is confined in a sanitary condition to prevent the hatching of any fly or insect larvae, to prevent offensive or noxious odors emanating there from 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 prevent offensive odors.
- (b) Any person having care, custody or control of such premises where any dog is kept confined or in an enclosure who is given written notice by the animal control officer or health officer indicating any conditions which exist in violation of the provisions of this section and who fails to remedy such conditions within five (5) days from the receipt of such notice shall be guilty of an offense.
- (c) It shall be unlawful for any person who fails within five (5) days after the receipt of such notice from the animal control officer or the health officer to correct the conditions pointed out therein to further keep or maintain such dog or dogs within the city.

Sec. 4-20. Same Location.

It shall be unlawful for any person to keep or board on such person's premise within the city limits more than three (3) dogs where any point of the enclosure of the dogs is less than three hundred (300) feet from the residence or dwelling of another person, unless such person operates a licensed kennel,

veterinary office, humane society or the city's animal shelter. Provided, however, this section shall not apply to puppies under (3) months.

Sec. 4-21. Continuous barking prohibited.

(a) *Definitions.*

(1) "Bark," "Barks," or "Barking" shall mean barking, yelping, howling, growling or otherwise making noise.

(2) "Continuously," in regard to barking, shall mean barking which occurs during the majority of any ten minute period.

(b) *Prohibition.* It shall be unlawful for any person in charge or control of any premises within the city to have or allow upon such premises any dog which barks continuously.

Sec 4-22. Rabies Control

It shall be unlawful for any person within the city or police jurisdiction to fail to comply with any state law pertaining to rabies or rabies control or inoculation of animals against rabies.

State law references: Rabies Code of Ala. 1975 SS 3-7A-1 et seq.

Sec 4-23. Penalties.

Violation of any provision of state law requiring rabies or rabies control shall be punished in accordance with Ordinance 04-01-30 of the City Code, if not otherwise provide for in this section.

Violation for any provision of this Ordinance 02-17-06, unless otherwise provided for in this Ordinance, shall be punishable, upon conviction, by a fine not less then twenty five dollars (\$25.00) and not to exceed two hundred and fifty dollars (\$250.00) and any applicable court cost or expense incurred enforcing this ordinance at the discretion of the Judge of the Municipal Court.

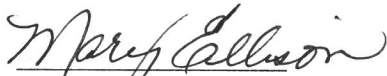
All Ordinances or Part of Ordinances, which conflict, with this ordinance are hereby repealed.

This Ordinance shall become effective immediately upon its passage, approval and publication, as required by law.

ADOPTED AND APPROVED THIS 20TH DAY OF MARCH, 2006.


MAYOR

Attest:


City Clerk.

STATE OF ALABAMA
CHILTON COUNTY
CITY OF JEMISON

I, Mary Ellison, Clerk of the City of Jemison do hereby certify that the above and foregoing Ordinance was by me duly published by posting copies in (3) places, one such place being in the City Hall.

Witness my hand this 2 day of May, 206

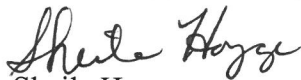
Mary Ellison

Mary Ellison
City Clerk
City of Jemison

STATE OF ALABAMA
CHILTON COUNTY
CITY OF JEMISON

I, Sheila Hogge, Clerk of the City of Jemison do hereby certify that the above and foregoing Ordinance was by me duly published by posting copies in (3) places, one such place being in the City Hall.

Witness my hand this 7 day of Sept, 2010



Sheila Hogge
City Clerk
City of Jemison

STATE OF ALABAMA
CHILTON COUNTY
CITY OF JEMISON

ORDINANCE #02-17-06A

**AN ORDINANCE AMENDING PREVIOUS ORDINANCE #02-17-06 OF THE
CITY OF JEMISON, ALABAMA AND PROSCRIBING AND SETTING
CERTAIN PENALTIES FOR THE VIOLATION OF THE ANIMAL
ORDINANCE**

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

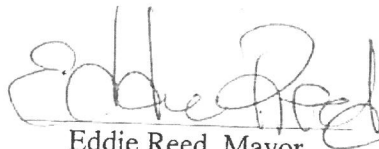
THE ORDINANCE is hereby amended by changing the section 4-23 PENALTIES for
the violation of any provision of Ordinance 02-17-06 within the City Limits of Jemison.

BE IT FURTHER ORDAINED that violation for any provision of Ordinance 02-17-06,
unless otherwise provided for in this Ordinance, shall be punishable, upon conviction, by
a fine not less than twenty-five dollars (\$25.00) and not to exceed five hundred dollars
(\$500.00) and any applicable court cost or expense incurred enforcing this ordinance at
the discretion of the Judge of the Municipal Court or be imprisoned in the County Jail for
a period not exceeding ninety (90) days or be both so fined and imprisoned. Each and
every day during which such violation continues shall be deemed a separate offense.

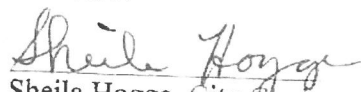
ORDINANCE#02-17-06 shall in all other respects remain unchanged.

THIS AMENDED ORDINANCE shall become effective immediately upon its passage,
approval, and publication, as required by law.

ADOPTED AND APPROVED THIS 4th day of April, 2013.


Eddie Reed, Mayor

ATTEST:


Sheila Hogge, City Clerk

ORDINANCE #02-17-06A

AN ORDINANCE AMENDING SECTION 4-10 (A) OF ORDINANCE #02-17-06

(CONFINEMENT OF VICIOUS, DANGEROUS ANIMALS)

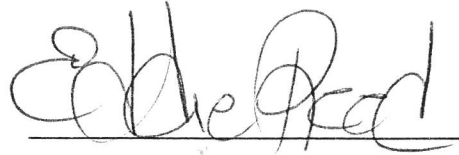
It shall be unlawful for any person to keep or maintain within the City of Jemison any dog classified as vicious according to the Code of Alabama 1975 Section 3-3-3 unless confined within an 8x8x12 fence which shall be sufficiently secured to prevent the escape of such vicious dog as well as prevent access by persons other than the keeper.

Violation for any provision of this Ordinance 02-17-06, unless otherwise provided for in this Ordinance, shall be punishable, upon conviction, by a fine not less than twenty five dollars (\$25.00) and not to exceed two hundred and fifty dollars (\$250.00) and any applicable court cost or expense incurred enforcing this ordinance at the discretion of the Judge of the Municipal Court.

All other parts of Ordinance #02-17-06 shall remain in effect as written and approved.

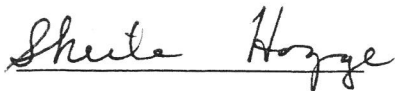
This Ordinance shall become effective immediately upon its passage, approval and publication, as required by law.

ADOPTED AND APPROVED THIS 7TH DAY OF SEPTEMBER 2010.



MAYOR

ATTEST:



CITY CLERK