

ORDINANCE NUMBER 2023-03-01

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE FOR THE CITY OF RED BAY, ALABAMA, PREVIOUSLY ADOPTED BY ORDINANCE 95-11-27 AND AMENDED BY ORDINANCE NUMBER 97-09-15 AND AMENDED BY ORDINANCE NUMBER 05-01-17.

BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF RED BAY, ALABAMA, AS FOLLOWS:

That Section 7 of Ordinance Number 95-11-27 amended by Ordinance Number 97-09-15 and amended by Ordinance Number 05-01-17 of the City of Red Bay is hereby amended and replaced with wording as follows:

SECTION 7. RELEASING IMPOUNDED ANIMALS.

No person shall, without authority, release any animal impounded in accordance with the provision within this section.

- (A) UNCLAIMED ANIMALS – If the owner of any animal impounded is unknown, or if the owner is known and fails to claim such animal within 10 (ten) days of the date of impoundment, the animal will be transported to the Franklin County Animal Control Impoundment Center and the animal will no longer be the property or the responsibility of the City of Red Bay.
- (B) Delete Section (B)
- (C) Delete Section (C)

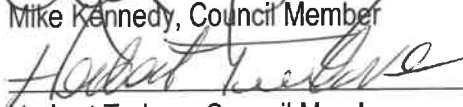
ADOPTED AND APPROVED this the 22 day of March, 2023.



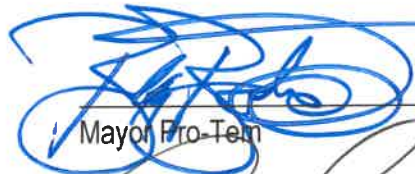
Mayor



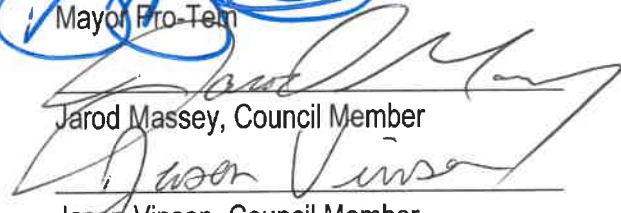
Mike Kennedy, Council Member



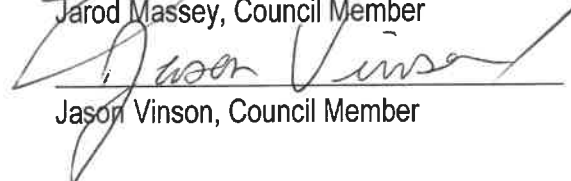
Herbert Trulove, Council Member



Jarod Massey, Council Member

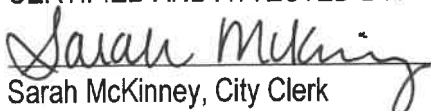


Jason Vinson, Council Member



Jason Vinson, Council Member

CERTIFIED AND ATTESTED BY:



Sarah McKinney, City Clerk

COPY

ORDINANCE NUMBER 05-01-17

with ordinance
95-11-27
attached

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE FOR THE CITY OF RED BAY, ALABAMA, PREVIOUSLY ADOPTED BY ORDINANCE 95-11-27 AND AMENDED BY ORDINANCE 97-09-15.

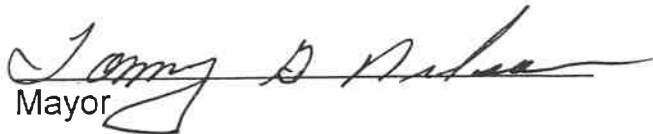
BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF RED BAY, ALABAMA, as follows:

That Section 5 of Ordinance 95-11-27 and amended by Ordinance 97-09-15 of the City of Red Bay is hereby amended by adding the following:

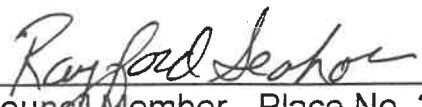
(C). Law enforcement is hereby authorized to use deadly force, if necessary, to restrain a vicious animal that poses an immediate threat to city personnel attempting to discharge the duties of their employment or to the public at large.

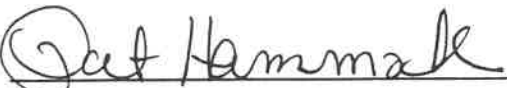
ADOPTED AND APPROVED the 17 day of January, 2005.

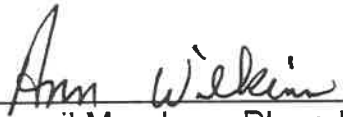
COUNCIL OF THE CITY OF
RED BAY, ALABAMA

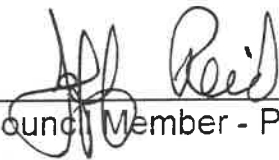

Mayor


Council Member - Place No. 1


Council Member - Place No. 2


Council Member - Place No. 3


Council Member - Place No. 4


Council Member - Place No. 5

CERTIFIED AND ATTESTED A TRUE COPY:


City Clerk

CITY OF RED BAY
ANIMAL CONTROL ORDINANCE

95-11-27

ORDINANCE #58-11 IS HEREBY REPEALED UPON THE PROVISIONS OF THIS ORDINANCE BECOMING EFFECTIVE.

INDEX:

SECTION 1: Definitions.

SECTION 2: Animals Running at Large Generally.

SECTION 3: Inoculation Against Rabies.

SECTION 4: Issuance of Licensed Certificate/Metallic Tag.

SECTION 5: Vicious Animals.

SECTION 6: Trespassing Injuring Public/Private Property.

SECTION 7: Releasing Impounded Animals.

SECTION 8: Cruelty to Animals.

SECTION 9: Animals Confined Near Utility Meters such as Gas, Water, and Electric Meters - Prohibited.

SECTION 10: Noise.

SECTION 11: Dead Animals.

SECTION 12: Animal Waste.

SECTION 13: Poisonous Substances.

SECTION 14: Running of Dogs.

SECTION 15: Official Animal Shelter; Area Described.

SECTION 16: Official City Veterinarian.

SECTION 17: Keeping Livestock in Sanitary Condition.

SECTION 18: Commercial Chicken Houses Prohibited.

SECTION 19: Regulations of Hog Pens.

SECTION 20: Interference with City Personnel in their Official Duties Deemed Unlawful.

SECTION 21: Penalty.

SECTION 22: Separability of Provisions.

SECTION 23: Adoption of Animal Control Ordinance.

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

This Ordinance upon its' enactment does hereby repeal the existing dog ordinance dated November 17, 1958, bearing Ordinance #58-11 and Ordinance dated April 19, 1929, bearing no number.

SECTION 1. Definitions of terms as used in this ordinance unless the context otherwise indicates.

"Dog or other animal" shall be intended to mean male and female;

"Owner" shall be any person, firm association, or corporation, owning, keeping, or harboring a dog or other animal;

"At large" shall mean off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash, cord, chain, or otherwise;

"City personnel" shall mean any city employee who is given the responsibility of administering any duties concerning the within ordinance, by the Red Bay City Council.

"Hog pen" shall mean any place in which hogs are penned or kept in an enclosure or house of any description.

SECTION 2. ANIMAL RUNNING AT LARGE GENERALLY.

(A) PROHIBITED: It shall be unlawful for any dog, hog, sheep, goat, bull, cow, calf, horse, or other domestic animal of like-kind to run at large within the city limits of Red Bay.

(B) IMPOUNDING: It shall be the duty of the proper personnel of the City to take up and impound any stray animal, as referenced in this section, found at large within the city limits of Red Bay.

(C) PROCEDURE AFTER IMPOUNDMENT; REDEMPTION; REDEMPTION COSTS; SALE OR DESTRUCTION OF UNREDEEMED ANIMALS:

(a) Every animal taken up as required by this section, except animals which may be immediately destroyed under the state statute, shall be impounded in a suitable place for not less than seven (7) days. During such seven (7) days or thereafter, the same shall be advertised for not less than five (5) days, by posting written or printed notice thereof, containing a brief description of such animal at the place where the same is impounded. (Red Bay Landfill) and on the bulletin board at the Red Bay City Hall. At the end of seven (7) days from being taken up, such animal shall become the property of the impounding authority. While the animal is impounded, it shall be provided with reasonable, wholesome, and sufficient food and water, and shall otherwise be humanely treated.

(b) Dogs taken up and impounded may be redeemed by the owner or the agent of such owner, at any time, prior to their becoming the property of the impounding authority, upon payment of the following:

Fifteen dollars (\$15.00) for a first offense of a particular animal for impounding, plus five dollars (\$5.00) per day for boarding, plus, if the animal has not been inoculated against rabies, in the case of a dog, the costs of inoculation. No such dog shall be released if not inoculated.

(c) Thirty dollars (\$30.00) for a second offense for a particular animal, plus all other costs as outlined in paragraph (b).

(d) The preceding paragraphs, under this section, shall also apply to pets of exotic wildlife, such as skunks, raccoons, ocelots, foxes, etc., that are capable of having and transmitting rabies and for which the vaccines are recommended.

(e) All other animals taken and impounded may be redeemed upon payment of catching fee and board bills.

(f) Any animal taken up and impounded as required in this section, if not redeemed, may be sold by the impounding authority.

(g) Any animal taken up and impounded under the provisions of this section and advertised by posting a notice, as herein required, if neither redeemed nor sold as provided herein, may be humanely destroyed.

SECTION 3. INOCULATION AGAINST RABIES.

(A) As used in this ordinance, inoculation requirements shall mean all members of the canine family, three (3) months of age or older, and the feline family is also included as to inoculation requirements of three (3) months old and older and all pets of exotic wildlife, such as skunks, raccoons, ocelots, foxes, etc., that are capable of having and transmitting rabies and for which the vaccines are recommended.

(B) Every owner of an animal as described in the above Section 3(A) shall cause such animal to be inoculated against rabies when the animal is of proper age of inoculation. All animals shall be inoculated in calendar year cycles.

SECTION 4. CITY SHALL ISSUE TO THE OWNER OF AN ANIMAL REQUIRED TO BE INOCULATED FOR RABIES A LICENSED CERTIFICATE AND METALLIC TAG FOR EACH ANIMAL SO LICENSED.

(A) Every owner shall be required to provide each animal required, in this ordinance, to be inoculated against rabies with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. Said tag shall have stamped thereon the serial number of

vaccination and the year in which said animal was vaccinated as provided by law and lack of such action shall be a violation of this ordinance.

(B) In case a tag is lost or destroyed, a duplicate will be issued by the City upon presentation of the original certificate. Tags shall not be transferable from one animal to another.

(C) The owner shall state at the time the application is made for such license and upon printed forms provided by such purposes, his name and address, and name, breed, color, and sex of each animal owned or kept by him, which shall be required to be inoculated as stated in this ordinance. The provisions of this section shall not be intended to apply to animals whose owners are non-residents temporarily within the City of Red Bay, nor to animals brought into the city for the purpose of participating in any shows nor to "seeing-eye dogs" properly trained to assist blind persons for properly aiding them in going from place to place.

SECTION 5. VICIOUS ANIMALS; CONFINEMENT OF RESTRAINT REQUIRED; ENCLOSURE REQUIREMENTS.

(A) It shall be unlawful for any owner or person to maintain or harbor within the city limits of Red Bay, a manifestly vicious animal, unless the same is securely but humanely confined or restrained in such a manner as to prevent such animal from attacking or biting a person or other animals. It shall be prima facie evidence of viciousness if an animal, without provocation, fiercely attacks or bites persons or animals not on the owner's premises.

(B) When vicious animals are kept continuously in an enclosure within such city limits, such enclosure shall be sufficiently constructed as to keep such enclosed animal from contact with outside animals and shall have an area sufficient to allow such animal reasonable outdoor exercise. Reasonable protection from weather, including shade in the summer, shall be provided in such area.

SECTION 6. TRESPASSING DOGS INJURING PUBLIC OR PRIVATE PROPERTY DECLARED NUISANCE.

(A) Every dog which trespasses on and does injury to public property or to the property of another person other than the owner, keeper, or harbinger thereof is hereby declared to be a nuisance, and such dog shall be subject to be impounded.

SECTION 7. RELEASING IMPOUNDED ANIMALS.

No person shall, without authority, release any animal impounded in accordance with any provisions within this section.

(A) UNCLAIMED ANIMALS- ADVERTISING FOR SALE. If the owner of any animal impounded is unknown, or if he is known and fails to claim such animal within the proper time

frame as specified in this ordinance and pay all lawful charges, city personnel shall advertise the animal for sale. Such advertisement shall be a notice published once by posting notice on the Red Bay City Hall bulletin board and by posting notice at the impoundment location (Red Bay Landfill) giving a description of the animal and the time and place of sale. No unclaimed animals may be given away by city personnel.

(B) SALE: IMPOUNDING AND SALE FEES. (a) The sale of impounded animals shall take place of not less than five (5) days after publication of the notice provided for in section 2(c).

(b) City personnel shall sell such animal to the highest bidder for cash and after deducting all costs of sale and of feeding and care for such animal and the catching fee for taking up such animal and five dollars (\$5.00) per day for board.

SECTION 8. CRUELTY TO ANIMALS.

(A) It shall be unlawful for any person to violate the Code of Alabama, Section 13A-11-14.

(B) Any person who tortures, torments, cruelly beats, mutilates, or cruelly kills, or inflicts any unnecessary cruelty upon any animal and whoever having charge, custody, or control of any animal, either as owner or otherwise, inflict any unnecessary sustenance, food, water, and proper shelter, being a four (4) sided structure with a top and bottom. If confined by chain or other apparatus, it must be tangle free and a minimum of eight (8) feet long. Any person must, upon conviction, be fined not more than five hundred dollars (\$500.00) and, in addition thereto, may be sentenced to jail for not more than three (3) months.

(C) City personnel shall have the right to take charge of and care for neglected and abused animals; given written notice to owner from whom animal is taken and the city shall be reimbursed by owner for all expenses for care and keeping of animal.

(D) Any duly authorized city personnel shall have the right to take charge of any animal, which is sick or disabled, due to neglect or cruelty, and to provided care for such animal until it is deemed to be in suitable condition to be returned to its owner or to the person from whose custody such animal was taken.

(E) The city personnel so taking such animal shall, at the time of taking such animal, give written notice to owner or person from whose custody it was taken.

(F) The necessary expense incurred for the care and keeping of the animal, after such notice by city personnel, shall be a lien thereon and if the animal is not reclaimed within seven (7) days from the giving of such notice, city personnel may sell the animal to satisfy such lien. If city personnel determines that the animal cannot be sold, it may cause the animal to be otherwise disposed.

(G) Any person who unlawfully or maliciously kills, disables, disfigures, or injures any animal, which is the property of another, without good excuse must, upon conviction, be fined not more than

five hundred dollars (\$500.00) and may also be imprisoned in jail or sentenced to hard labor for the City for not more than six (6) months.

SECTION 9. ANIMALS CONFINED NEAR UTILITY METERS SUCH AS GAS, WATER, AND ELECTRIC METERS ARE PROHIBITED.

(A) It shall be unlawful for any owner or person to maintain or harbor, within the city limits of Red Bay, an animal confined by leash or a pen in an area where the meters for utilities are located because of danger to the utility inspector in attempting to read meters periodically. If this area is already confined by a pen, then the owner shall take action to remove pen and/or fence from area restricting access to the meters.

SECTION 10. NOISE.

(A) It shall be unlawful for the owner or other person in charge of any animal to suffer or permit the loud and frequent or continued barking, howling, or yelping of such animal as to annoy and disturb any person or neighborhood.

(B) No person shall keep any other animal which shall disturb the comfort or rest of any person in the vicinity with frequent or long continued noises.

SECTION 11. DEAD ANIMALS.

(A) No person shall permit any dead animal to remain on his premises, nor deposit the same at any place in the city limits of Red Bay. No person shall knowingly permit any dead animals to remain in the street in front of or near his residence for failing to report the same to the City Hall.

SECTION 12. ANIMAL WASTE.

(A) The owner of every animal shall be responsible for the removal of any waste deposited by his animal(s) on public walks, recreation areas, or private property.

SECTION 13. POISONOUS SUBSTANCES.

(A) It shall be unlawful for any person to expose or put out upon his premises or upon the premises of another, or upon property owned or held through easement by the City of Red Bay, any substance known to be poisonous to any animals, which is poured over, wrapped in, or otherwise combined with food, with the apparent intent of enticing such animals to eat poisonous substances and to become poisoned thereby. The finding of such poisonous substance or poisoned foods, together with proof as to the identity of a person exposing or putting out the same, shall be prima facie evidence

of the intent to poison and destroy such animals.

SECTION 14. RUNNING OF DOGS.

(A) It shall be unlawful for any owner of dogs to permit the running of his dogs to enter any residential area in the city limits of Red Bay. Any violations herein shall be considered a misdemeanor. If the owner "runs" his dogs, he must make sure they are in an area that the dogs will not run their game, or otherwise, enter into any concentrated subdivision, residential area, or any sparsely populated area where it is against the wishes of the owner.

SECTION 15. OFFICIAL ANIMAL SHELTER; AREA DESCRIBED.

(A) The official animal shelter for the City of Red Bay shall be located on Old Vina Road, Red Bay, Alabama.

SECTION 16. OFFICIAL CITY VETERINARIAN.

(A) The official veterinarian of the city shall be designated by the Red Bay City Council from time to time.

SECTION 17. KEEPING LIVESTOCK IN SANITARY CONDITION.

(A) It shall be unlawful to keep or maintain within the city limits of Red Bay, any barn, shed, yard, or other like enclosure in which livestock are kept unless the same shall be maintained in a sanitary condition.

(B) No owner or proprietor of any stable, stall, or apartment, in which any livestock may be kept in which the waste from such animal may collect or accumulate, shall fail to keep such stable, stall or apartments, and the drainage yard and appurtenances thereto, in a clean, wholesome, condition, so as to maintain a sanitary condition.

(C) PERMITTING STABLES TO BECOME OFFENSIVE. (a) It shall be unlawful for any person to allow his stable to become offensive to the adjoining inhabitants, or to persons passing along the streets.

SECTION 18. COMMERCIAL CHICKEN HOUSES PROHIBITED.

(A) It shall be unlawful for any person, partnership, or corporation, to possess any fowl, such as chickens, turkeys, and ostriches, commercially inside the city limits of Red Bay, because of the offensive odor associated with these type operations. The owner of any yard chicken shall take any

action necessary to prohibit the wandering of said chicken and fowls to property owned by other citizens.

SECTION 19. REGULATIONS OF HOG PENS.

(A) No hog or hogs shall be kept in a pen, enclosure or house, in the City of Red Bay, which has not at least one hundred (100) square yards of surface space per hog.

(B) No hog or hogs shall be kept in a pen, enclosure or house of any kind, in the City of Red Bay, which is closer than three hundred (300) feet to a cafe, restaurant, hotel, or dwelling house of any kind in which human beings reside.

(C) All pens, enclosures or houses in which hogs are kept in the City of Red Bay, Alabama, shall be kept in such sanitary conditions as not to become a public nuisance.

SECTION 20. INTERFERENCE WITH CITY PERSONNEL IN THEIR OFFICIAL DUTIES DEEMED UNLAWFUL.

(A) Any city personnel as designated by the Red Bay City Council is authorized to capture and impound any animal as required by this section. It shall be unlawful for any person to interfere with or resist such city personnel charged with the enforcement of the provisions of this ordinance in the discharge of any act required or permitted hereby.

SECTION 21. PENALTY.

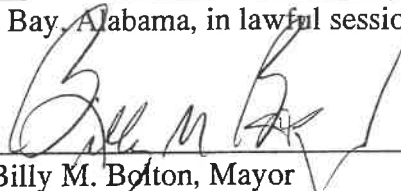
(A) All violations of this ordinance and any section of this ordinance, by the owner of any animals, if convicted, shall be guilty of a misdemeanor and all fines, as outlined herein, which anyone shall violate, shall be subject to said fine as levied by the City of Red Bay Municipal Court System.

SECTION 22. SEPARABILITY OF PROVISION.

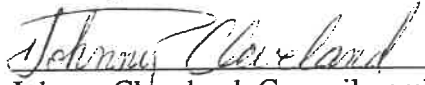
(A) It is the intention of the Red Bay City Council that each separate provisions of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Red Bay City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 23. This ordinance shall take effect with full force and effect from and after its passage in the manner provided by law.

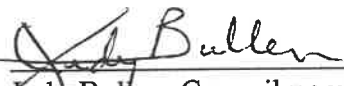
Said ordinance is hereby adopted on this 27th day of November, 1995, by the Mayor and City Council of the City of Red Bay, Red Bay, Alabama, in lawful session assembled.


Billy M. Bolton, Mayor


Rayford Seahorn, Mayor Pro-Tem


Johnny Cleveland, Councilmember

William Markham, Councilmember


Judy Bullen, Councilmember


Don Hastings, Councilmember

ATTEST:


Charlene Fancher, City Clerk

ORDINANCE NUMBER 05-01-17

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE FOR THE CITY OF RED BAY, ALABAMA, PREVIOUSLY ADOPTED BY ORDINANCE 95-11-27 AND AMENDED BY ORDINANCE 97-09-15.

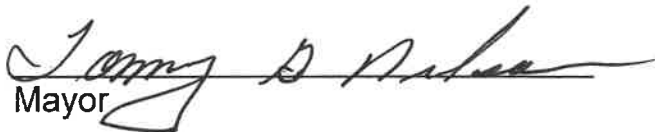
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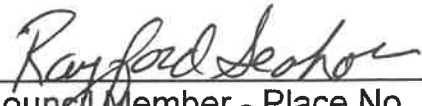
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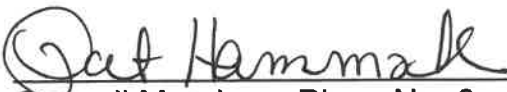
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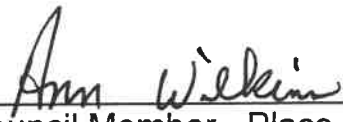
COUNCIL OF THE CITY OF
RED BAY, ALABAMA


Mayor


Council Member - Place No. 1

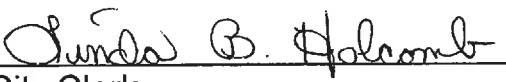

Council Member - Place No. 2


Council Member - Place No. 3


Council Member - Place No. 4


Council Member - Place No. 5

CERTIFIED AND ATTESTED A TRUE COPY:


City Clerk

COPY

ORDINANCE NUMBER 05-01-17

with ordinance
95-11-27
attached

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE FOR THE CITY OF RED BAY, ALABAMA, PREVIOUSLY ADOPTED BY ORDINANCE 95-11-27 AND AMENDED BY ORDINANCE 97-09-15.

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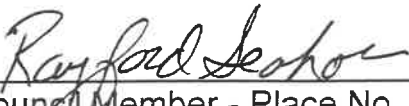
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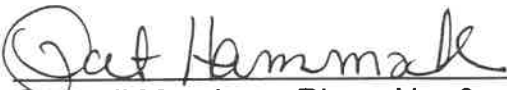
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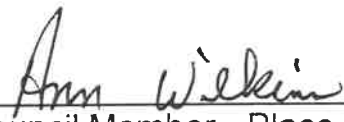
COUNCIL OF THE CITY OF
RED BAY, ALABAMA


Mayor


Council Member - Place No. 1


Council Member - Place No. 2


Council Member - Place No. 3


Council Member - Place No. 4


Council Member - Place No. 5

CERTIFIED AND ATTESTED A TRUE COPY:


City Clerk

CITY OF RED BAY
ANIMAL CONTROL ORDINANCE

95-11-27

ORDINANCE #58-11 IS HEREBY REPEALED UPON THE PROVISIONS OF THIS ORDINANCE BECOMING EFFECTIVE.

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"Hog pen" shall mean any place in which hogs are penned or kept in an enclosure or house of any description.

SECTION 2. ANIMAL RUNNING AT LARGE GENERALLY.

(A) PROHIBITED: It shall be unlawful for any dog, hog, sheep, goat, bull, cow, calf, horse, or other domestic animal of like-kind to run at large within the city limits of Red Bay.

(B) IMPOUNDING: It shall be the duty of the proper personnel of the City to take up and impound any stray animal, as referenced in this section, found at large within the city limits of Red Bay.

(C) PROCEDURE AFTER IMPOUNDMENT; REDEMPTION; REDEMPTION COSTS; SALE OR DESTRUCTION OF UNREDEEMED ANIMALS:

(a) Every animal taken up as required by this section, except animals which may be immediately destroyed under the state statute, shall be impounded in a suitable place for not less than seven (7) days. During such seven (7) days or thereafter, the same shall be advertised for not less than five (5) days, by posting written or printed notice thereof, containing a brief description of such animal at the place where the same is impounded. (Red Bay Landfill) and on the bulletin board at the Red Bay City Hall. At the end of seven (7) days from being taken up, such animal shall become the property of the impounding authority. While the animal is impounded, it shall be provided with reasonable, wholesome, and sufficient food and water, and shall otherwise be humanely treated.

(b) Dogs taken up and impounded may be redeemed by the owner or the agent of such owner, at any time, prior to their becoming the property of the impounding authority, upon payment of the following:

Fifteen dollars (\$15.00) for a first offense of a particular animal for impounding, plus five dollars (\$5.00) per day for boarding, plus, if the animal has not been inoculated against rabies, in the case of a dog, the costs of inoculation. No such dog shall be released if not inoculated.

(c) Thirty dollars (\$30.00) for a second offense for a particular animal, plus all other costs as outlined in paragraph (b).

(d) The preceding paragraphs, under this section, shall also apply to pets of exotic wildlife, such as skunks, raccoons, ocelots, foxes, etc., that are capable of having and transmitting rabies and for which the vaccines are recommended.

(e) All other animals taken and impounded may be redeemed upon payment of catching fee and board bills.

(f) Any animal taken up and impounded as required in this section, if not redeemed, may be sold by the impounding authority.

(g) Any animal taken up and impounded under the provisions of this section and advertised by posting a notice, as herein required, if neither redeemed nor sold as provided herein, may be humanely destroyed.

SECTION 3. INOCULATION AGAINST RABIES.

(A) As used in this ordinance, inoculation requirements shall mean all members of the canine family, three (3) months of age or older, and the feline family is also included as to inoculation requirements of three (3) months old and older and all pets of exotic wildlife, such as skunks, raccoons, ocelots, foxes, etc., that are capable of having and transmitting rabies and for which the vaccines are recommended.

(B) Every owner of an animal as described in the above Section 3(A) shall cause such animal to be inoculated against rabies when the animal is of proper age of inoculation. All animals shall be inoculated in calendar year cycles.

SECTION 4. CITY SHALL ISSUE TO THE OWNER OF AN ANIMAL REQUIRED TO BE INOCULATED FOR RABIES A LICENSED CERTIFICATE AND METALLIC TAG FOR EACH ANIMAL SO LICENSED.

(A) Every owner shall be required to provide each animal required, in this ordinance, to be inoculated against rabies with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. Said tag shall have stamped thereon the serial number of

vaccination and the year in which said animal was vaccinated as provided by law and lack of such action shall be a violation of this ordinance.

(B) In case a tag is lost or destroyed, a duplicate will be issued by the City upon presentation of the original certificate. Tags shall not be transferable from one animal to another.

(C) The owner shall state at the time the application is made for such license and upon printed forms provided by such purposes, his name and address, and name, breed, color, and sex of each animal owned or kept by him, which shall be required to be inoculated as stated in this ordinance. The provisions of this section shall not be intended to apply to animals whose owners are non-residents temporarily within the City of Red Bay, nor to animals brought into the city for the purpose of participating in any shows nor to "seeing-eye dogs" properly trained to assist blind persons for properly aiding them in going from place to place.

SECTION 5. VICIOUS ANIMALS; CONFINEMENT OF RESTRAINT REQUIRED; ENCLOSURE REQUIREMENTS.

(A) It shall be unlawful for any owner or person to maintain or harbor within the city limits of Red Bay, a manifestly vicious animal, unless the same is securely but humanely confined or restrained in such a manner as to prevent such animal from attacking or biting a person or other animals. It shall be prima facie evidence of viciousness if an animal, without provocation, fiercely attacks or bites persons or animals not on the owner's premises.

(B) When vicious animals are kept continuously in an enclosure within such city limits, such enclosure shall be sufficiently constructed as to keep such enclosed animal from contact with outside animals and shall have an area sufficient to allow such animal reasonable outdoor exercise. Reasonable protection from weather, including shade in the summer, shall be provided in such area.

SECTION 6. TRESPASSING DOGS INJURING PUBLIC OR PRIVATE PROPERTY DECLARED NUISANCE.

(A) Every dog which trespasses on and does injury to public property or to the property of another person other than the owner, keeper, or harbinger thereof is hereby declared to be a nuisance, and such dog shall be subject to be impounded.

SECTION 7. RELEASING IMPOUNDED ANIMALS.

No person shall, without authority, release any animal impounded in accordance with any provisions within this section.

(A) UNCLAIMED ANIMALS- ADVERTISING FOR SALE. If the owner of any animal impounded is unknown, or if he is known and fails to claim such animal within the proper time

frame as specified in this ordinance and pay all lawful charges, city personnel shall advertise the animal for sale. Such advertisement shall be a notice published once by posting notice on the Red Bay City Hall bulletin board and by posting notice at the impoundment location (Red Bay Landfill) giving a description of the animal and the time and place of sale. No unclaimed animals may be given away by city personnel.

(B) SALE: IMPOUNDING AND SALE FEES. (a) The sale of impounded animals shall take place of not less than five (5) days after publication of the notice provided for in section 2(c).

(b) City personnel shall sell such animal to the highest bidder for cash and after deducting all costs of sale and of feeding and care for such animal and the catching fee for taking up such animal and five dollars (\$5.00) per day for board.

SECTION 8. CRUELTY TO ANIMALS.

(A) It shall be unlawful for any person to violate the Code of Alabama, Section 13A-11-14.

(B) Any person who tortures, torments, cruelly beats, mutilates, or cruelly kills, or inflicts any unnecessary cruelty upon any animal and whoever having charge, custody, or control of any animal, either as owner or otherwise, inflict any unnecessary sustenance, food, water, and proper shelter, being a four (4) sided structure with a top and bottom. If confined by chain or other apparatus, it must be tangle free and a minimum of eight (8) feet long. Any person must, upon conviction, be fined not more than five hundred dollars (\$500.00) and, in addition thereto, may be sentenced to jail for not more than three (3) months.

(C) City personnel shall have the right to take charge of and care for neglected and abused animals; given written notice to owner from whom animal is taken and the city shall be reimbursed by owner for all expenses for care and keeping of animal.

(D) Any duly authorized city personnel shall have the right to take charge of any animal, which is sick or disabled, due to neglect or cruelty, and to provided care for such animal until it is deemed to be in suitable condition to be returned to its owner or to the person from whose custody such animal was taken.

(E) The city personnel so taking such animal shall, at the time of taking such animal, give written notice to owner or person from whose custody it was taken.

(F) The necessary expense incurred for the care and keeping of the animal, after such notice by city personnel, shall be a lien thereon and if the animal is not reclaimed within seven (7) days from the giving of such notice, city personnel may sell the animal to satisfy such lien. If city personnel determines that the animal cannot be sold, it may cause the animal to be otherwise disposed.

(G) Any person who unlawfully or maliciously kills, disables, disfigures, or injures any animal, which is the property of another, without good excuse must, upon conviction, be fined not more than

five hundred dollars (\$500.00) and may also be imprisoned in jail or sentenced to hard labor for the City for not more than six (6) months.

SECTION 9. ANIMALS CONFINED NEAR UTILITY METERS SUCH AS GAS, WATER, AND ELECTRIC METERS ARE PROHIBITED.

(A) It shall be unlawful for any owner or person to maintain or harbor, within the city limits of Red Bay, an animal confined by leash or a pen in an area where the meters for utilities are located because of danger to the utility inspector in attempting to read meters periodically. If this area is already confined by a pen, then the owner shall take action to remove pen and/or fence from area restricting access to the meters.

SECTION 10. NOISE.

(A) It shall be unlawful for the owner or other person in charge of any animal to suffer or permit the loud and frequent or continued barking, howling, or yelping of such animal as to annoy and disturb any person or neighborhood.

(B) No person shall keep any other animal which shall disturb the comfort or rest of any person in the vicinity with frequent or long continued noises.

SECTION 11. DEAD ANIMALS.

(A) No person shall permit any dead animal to remain on his premises, nor deposit the same at any place in the city limits of Red Bay. No person shall knowingly permit any dead animals to remain in the street in front of or near his residence for failing to report the same to the City Hall.

SECTION 12. ANIMAL WASTE.

(A) The owner of every animal shall be responsible for the removal of any waste deposited by his animal(s) on public walks, recreation areas, or private property.

SECTION 13. POISONOUS SUBSTANCES.

(A) It shall be unlawful for any person to expose or put out upon his premises or upon the premises of another, or upon property owned or held through easement by the City of Red Bay, any substance known to be poisonous to any animals, which is poured over, wrapped in, or otherwise combined with food, with the apparent intent of enticing such animals to eat poisonous substances and to become poisoned thereby. The finding of such poisonous substance or poisoned foods, together with proof as to the identity of a person exposing or putting out the same, shall be prima facie evidence

of the intent to poison and destroy such animals.

SECTION 14. RUNNING OF DOGS.

(A) It shall be unlawful for any owner of dogs to permit the running of his dogs to enter any residential area in the city limits of Red Bay. Any violations herein shall be considered a misdemeanor. If the owner "runs" his dogs, he must make sure they are in an area that the dogs will not run their game, or otherwise, enter into any concentrated subdivision, residential area, or any sparcely populated area where it is against the wishes of the owner.

SECTION 15. OFFICIAL ANIMAL SHELTER; AREA DESCRIBED.

(A) The official animal shelter for the City of Red Bay shall be located on Old Vina Road, Red Bay, Alabama.

SECTION 16. OFFICIAL CITY VETERINARIAN.

(A) The official veterinarian of the city shall be dsignated by the Red Bay City Council from time to time.

SECTION 17. KEEPING LIVESTOCK IN SANITARY CONDITION.

(A) It shall be unlawful to keep or maintain within the city limits of Red Bay, any barn, shed, yard, or other like enclosure in which livestock are kept unless the same shall be maintained in a sanitary condition.

(B) No owner or proprietor of any stable, stall, or apartment, in which any livestock may be kept in which the waste from such animal may collect or accumulate, shall fail to keep such stable, stall or apartments, and the drainage yard and appurtenances thereto, in a clean, wholesome, condition, so as to maintain a sanitary condition.

(C) PERMITTING STABLES TO BECOME OFFENSIVE. (a) It shall be unlawful for any person to allow his stable to become offensive to the adjoining inhabitants, or to persons passing along the streets.

SECTION 18. COMMERCIAL CHICKEN HOUSES PROHIBITED.

(A) It shall be unlawful for any person, partnership, or corporation, to possess any fowl, such as chickens, turkeys, and ostriches, commercially inside the city limits of Red Bay, because of the offensive odor associated with these type operations. The owner of any yard chicken shall take any

action necessary to prohibit the wandering of said chicken and fowls to property owned by other citizens.

SECTION 19. REGULATIONS OF HOG PENS.

(A) No hog or hogs shall be kept in a pen, enclosure or house, in the City of Red Bay, which has not at least one hundred (100) square yards of surface space per hog.

(B) No hog or hogs shall be kept in a pen, enclosure or house of any kind, in the City of Red Bay, which is closer than three hundred (300) feet to a cafe, restaurant, hotel, or dwelling house of any kind in which human beings reside.

(C) All pens, enclosures or houses in which hogs are kept in the City of Red Bay, Alabama, shall be kept in such sanitary conditions as not to become a public nuisance.

SECTION 20. INTERFERENCE WITH CITY PERSONNEL IN THEIR OFFICIAL DUTIES DEEMED UNLAWFUL.

(A) Any city personnel as designated by the Red Bay City Council is authorized to capture and impound any animal as required by this section. It shall be unlawful for any person to interfere with or resist such city personnel charged with the enforcement of the provisions of this ordinance in the discharge of any act required or permitted hereby.

SECTION 21. PENALTY.

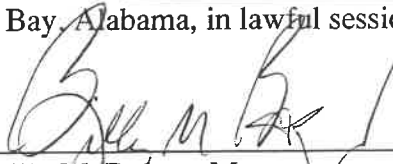
(A) All violations of this ordinance and any section of this ordinance, by the owner of any animals, if convicted, shall be guilty of a misdemeanor and all fines, as outlined herein, which anyone shall violate, shall be subject to said fine as levied by the City of Red Bay Municipal Court System.

SECTION 22. SEPARABILITY OF PROVISION.

(A) It is the intention of the Red Bay City Council that each separate provisions of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Red Bay City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 23. This ordinance shall take effect with full force and effect from and after its passage in the manner provided by law.

Said ordinance is hereby adopted on this 27th day of November, 1995, by the Mayor and City Council of the City of Red Bay, Red Bay, Alabama, in lawful session assembled.


Billy M. Bolton, Mayor


Rayford Seahorn, Mayor Pro-Tem


Johnny Cleveland, Councilmember

William Markham, Councilmember


Judy Bullen, Councilmember


Don Hastings, Councilmember

ATTEST:


Charlene Fancher, City Clerk

ORDINANCE NUMBER 05-01-17

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE FOR THE CITY OF RED BAY, ALABAMA, PREVIOUSLY ADOPTED BY ORDINANCE 95-11-27 AND AMENDED BY ORDINANCE 97-09-15.

BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF RED BAY, ALABAMA, as follows:

That Section 5 of Ordinance 95-11-27 and amended by Ordinance 97-09-15 of the City of Red Bay is hereby amended by adding the following:

(C). Law enforcement is hereby authorized to use deadly force, if necessary, to restrain a vicious animal that poses an immediate threat to city personnel attempting to discharge the duties of their employment or to the public at large.

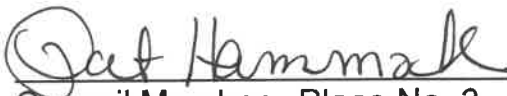
ADOPTED AND APPROVED the 17 day of January, 2005.

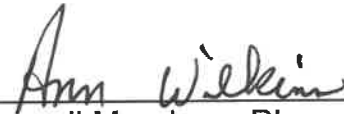
COUNCIL OF THE CITY OF
RED BAY, ALABAMA


Mayor


Council Member - Place No. 1

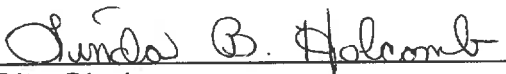

Council Member - Place No. 2


Council Member - Place No. 3


Council Member - Place No. 4


Council Member - Place No. 5

CERTIFIED AND ATTESTED A TRUE COPY:


City Clerk