



SHELBY COUNTY ANIMAL CONTROL

P. O. Box 467
Columbiana, AL 35051

Alabama Code §3-1
§3-7A-6-leash

To Whom It May Concern:

The attached information is provided to you to illustrate our current policies and activities associated with Animal Control in Shelby County.

I hope this information explains our processes required due to the laws adopted through the State of Alabama Legislature.

Do not hesitate to contact us with additional questions.

Sincerely,

Alex Dudchock
County Manager

AD:ms

Alex Dudchock
County Manager
Tel. (205) 669-3708
Fax (205) 669-3864

SHELBY COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

Wayne Jones
Supervisor
Tel. (205) 669-3968
Fax (205) 669-3968

SHELBY COUNTY RABIES CONTROL AND ANIMAL BITES - EXPOSURES GUIDELINES

Primary Agencies Involved:

- Shelby County Health Department
- Shelby County Rabies Officer
- Shelby County Animal Control
- Shelby County Humane Society
- Shelby County Sheriff and
Municipal Police Departments

Rabies Law - Code of Alabama. 1975, Title 3, Chapter 7-A

Rabies is a fatal disease which is transmitted through the saliva or central nervous system of an infected animal to another animal via bite or contact with an abrasion, wound, or any mucous membrane (exposed).

There is a ten (10) day period in which rabies infected dogs and cats will begin to display symptoms of rabies. Hence, the ten (10) day mandatory quarantine for cats and dogs.

An official exposure occurs when it is confirmed by a physician. Doctors and emergency rooms are required by law to report exposures to the County Health Department or Rabies Officer. Others may report the bite/exposure, but quarantine or sacrifice cannot be required until the exposure is official and confirmed by a physician.

If an animal has to be killed, do not damage the head. After death, the animal should be refrigerated or frozen until it is taken to the pound, health department offices or laboratory.

Animal bites should be reported to the Shelby County Health Department between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. While persons bitten may need immediate medical attention, the bite report is not an emergency. However, it should be reported the same day or the next working day.



COUNTY COMMISSION
SHELBY COUNTY
P. O. Box 467
COLUMBIANA, AL 35051

MEMBERS
DIST. 1. BILLY THOMPSON
2. GEORGE DAILEY
3. MICHELE GEORGE-CAMP
4. DANIEL M. ACKER
5. W. PAUL YEAGER
6. LARRY DILLARD
7. LINDSEY ALLISON
8. TED CROCKETT
9. DON ARMSTRONG

Note: If you are located within the limits of a city, please contact your local municipality for animal control information in your area.

SHELBY COUNTY ANIMAL CONTROL GUIDELINES

~ These guidelines are not applicable for the Animal Bites/ Exposures procedures previously adopted for Shelby County

~ Animal Control calls should be directed to 669-8766 Monday thru Friday 8:00 - 4:30 P.M. Domestic Livestock calls must be directed to the Sheriff's Office 669-4181.

~ Dogs

Leash Law - This law applies only to dogs. Animal Control can only collect a dog in violation of the leash law if it does not have a current rabies tag. The State of Alabama Department of Health recognizes a current rabies immunization as being a vaccination within a one year period. Should a citizen contact Animal Control (669-8766) with a complaint concerning a possible leash law violation, the county will mail a notice letter to the possible dog owner. The complainant can elect to report to the Sheriff's Office for the processing of a written complaint and subsequently take action through the District Attorney's office if need be. The owner of a dog in violation of the leash law can be subject to a misdemeanor offense and payment of a fine of \$2.00 to \$50.00 if a warrant is processed against them.

~ Dogs & Cats

Dogs and cats will be captured and transported, if possible, as determined by the Animal Control Officer in the field, to the County Pound if they are not wearing evidence of a current rabies immunization.

~ Domestic Livestock

(Cattle, horses, goats, chickens, etc.)

Animal Control will not capture and transport domestic livestock unless the County Sheriff's Office has requested assistance in the seizure pursuant to 3-5-2--3-5-4.

~ Other Animals

(Raccoons, snakes, etc.)

Animal Control will provide limited capturing and/or destroying of animals who are endangering citizens. Animal Control will not perform services due to property or other damages.

~ General Guidelines

On average, Animal Control will be performing these duties three days per week.

Citizens can request and provide a deposit for a cage trap from either Animal Control or the Humane Society. The citizen will be responsible for the operation and activities associated with the trap.

The following outlines the guidelines for processing destroyed animals which are found in the County:

Citizens will manage the remains of an animal that has been destroyed. The citizens cannot dispose of the remains within their garbage services. Any remains not managed within the property must be transported to the County Pound for cremation. The Landfill cannot accept destroyed animals. When possible, the Highway Department and/or Animal Control will manage destroyed animals located on a public road.

The County Manager is directed and authorized to manage the animal control activities for Shelby County through the Environmental Office and Animal Control Department. The County Manager can establish policies and procedures as deemed necessary for the consistent administration of animal control within Shelby County (unincorporated).

LEASH LAW

Resolution 90-8-27-15

Whereas, the County has received numerous complaints of dogs running at large in the County that are not under the reasonable control of their owners; and

Whereas, such dogs cause a serious danger to the health and safety of the citizens of the County; and

Whereas, the County is authorized to require the residents of the County to keep their dogs on their own premises,

Now, therefore, be it Resolved by the County Commission:

1. Every person owning or having in charge any dog or dogs shall at all times confine such dog or dogs to the limit of his own premises or the premises on which such dog or dogs is or are regularly kept. Nothing in this resolution shall prevent the owner of any dog or dogs to accompany such owner or other person or Persons elsewhere than on the premises on which such dog or dogs is or are regularly kept. Any person violating this resolution shall be guilty of a misdemeanor and shall be fined not less than \$2.00 nor more than \$50.00.
2. This resolution shall not apply to the running at large of any dog or dogs within the corporate limits of any city or town in Shelby County that require a license tag to be kept on dogs.
3. The Commission adopts the provisions of Ala. Code, 3-1-5 as applicable in Shelby County effective immediately.

RESPONSIBILITY OF EACH SHELBY COUNTY AGENCY

Shelby County Health Department - 620-1650

The Health Department, by law, has general supervision and administrative authority to oversee the implementation of the Rabies Law. It is the responsibility to investigate the bite and require quarantine of animals and to determine an animals status, owned or stray, and to prosecute those who violate the law.

Shelby County Rabies Officer - Lawrence Possien DVM (1999)- 988-3559

The Rabies Officer is appointed by the State Board of Health and serves a one year term. He is responsible for seeing that all dogs and cats in the county are vaccinated against rabies as required by law, to prosecute those who fail to do so and to assist the County Health Department when needed.

Shelby County Animal Control - 669-8766

Responsible for capture and transport of unowned/stray, unvaccinated animals which has bitten a human. The unowned animal shall be transported to the county pound and transferred over to the County Pound for processing.

Shelby County Humane Society - 669-3916 - Animal Shelter - "County Pound"

As operators of the county pound, they are responsible for holding animals collected by the Shelby County Animal Control. If the animal has bitten or exposed a human, the Humane Society will humanely destroy the animal and store the head until it is sent to the State Lab for rabies examination. The County Pound will not quarantine an owned animal who has bitten someone. All animals transported to the County Pound following an official exposure will be destroyed and head provided to the County Health Department. Should an owned animal be transported to the County Pound, the Humane Society will attempt to notify the owner and said animal shall be picked up immediately by the owner and transported to a licensed veterinarian. The owner will be responsible for paying the expense associated with the temporary holding of said animal. If the animal is not picked up within seven (7) days from compoundment, it shall be destroyed pursuant to 3-7A-8 and 3-7A-9.

Owned animals are the responsibility of the owner and must be quarantined under the control of a licensed veterinarian.

Any persons removing animal heads should receive the pre-exposure rabies vaccine.

Shelby County Sheriff's Office and Municipal Police Departments

Local law enforcement officers are considered aide to the Rabies Officer and are expected to cooperate with him and the local health department in carrying out the provision of the law.

PROCEDURES - ANIMAL BITES-EXPOSURES

Call County Health Department - 620-1650

Monday - Friday, 8:00 a.m. - 5:00 p.m.

Physicians and Emergency Room	Required to report animal bite/exposure to County Health Department
E.M.T.'s, Law Enforcement, Other Medical Personnel	May report bites if person bitten in not taken to a medical facility or physician.
Individuals	May report to County Health Department or Investigation
Biting Animals Dogs and Cats	If owner, the owner will be required to quarantine the animal under the direct supervision of a duly licensed veterinarian. If unowned or stray and if there is a chance of disappearance, the animal should be captured or detained by animal control or law enforcement or citizen.
Livestock and other domestic Animals	Contact County Health Department
Wildlife	Capture and or sacrifice the animal by either animal control, law enforcement or citizen.

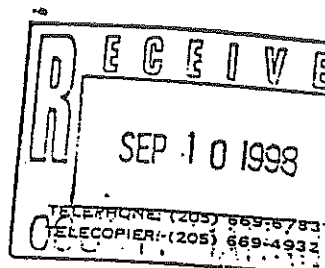
Any person bitten or exposed should see their physician!!!

If an animal must be killed in the field, do not damage the head & immediately deliver to the county pound. If the pound is closed, the animal should be refrigerated or placed in freezer until it can be delivered to either the County Pound or the County Health Department.

WALLACE, ELLIS, FOWLER & HEAD
ATTORNEYS AT LAW
POST OFFICE BOX 587
COLUMBIANA, ALABAMA 35051

FRANK C. ELLIS, JR.
CONRAD M. FOWLER, JR.
J. FRANK HEAD
FRANK HEAD (1891-1979)
WALES W. WALLACE, JR. (1919-1986)

September 8, 1998



Mr. Alex Dudchock, County Manager
Shelby County Commission
P. O. Box 467
Columbiana, Alabama 35051

9/11/98
CL. Ronnie Jordan
PAT Lombard
FAC. MANT / ASSISTANT
Olson

Re: Shelby County Commission - Authority to Impound Animals
Pursuant to Section 3-1-5, Code of Alabama

Dear Alex:

You have requested my opinion as County Attorney to the following question: May the County Commission currently impound dogs, running at large, in violation of Section 3-1-5, Code of Alabama, 1975, and in violation of the Shelby County Commission Resolution of September 27, 1990, which adopts the State Statute?

It is my opinion that Shelby County does not currently have the power to impound dogs running at large in violation of the aforesaid Section 3-1-5, Code of Alabama, 1975, if the animal in question is carrying a valid and current Rabies License tag.

The Shelby County Commission by Resolution No. 90-08-27-15, did, as is allowed by State of Alabama law, adopt the provisions of Section 3-1-5, Code of Alabama, 1975. This, in my opinion, applies to animals running at large in Shelby County, Alabama, but does not give Shelby County or the Shelby County Commission any power to impound animals running in violation thereof. I understand that your office currently does, upon receiving complaints, issue warning letters to the alleged owners of such dogs, warning them of possible legal consequences if the dogs are not restrained and confined. I think your warning letters are an appropriate exercise of legal powers by your office and that of the Animal Control Officer of Shelby County. In the event, however, the owners of such dogs fail to heed such warnings, the Shelby County Animal Control Officer nor any other County employee, is not, in my opinion, legally authorized by existing law to impound such animal for an alleged violation of said Section 3-1-5.

Under the circumstances described in Section 3-1-5, supra, the owner of an animal may be guilty of a misdemeanor by allowing his or her animal to run at large in violation of that section. A complaining party should be directed by your department or the Shelby County Animal Control Officer to file a report with the Sheriff's Office - assuming that this occurs in an unincorporated area of Shelby County. That complaining party may then obtain a copy of that report to the Sheriff's

Mr. Alex Dudchock, County Manager
September 8, 1998
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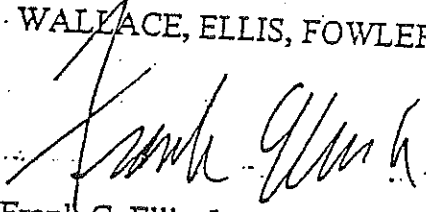
Office and take this to either the District Attorney's office for further evaluation and prosecution or may, if the complaining party desires to do so, go to the Magistrate in the Office of the Clerk of the Circuit Court of Shelby County, Alabama in Columbiana, and apply for a warrant. I would suggest that for the complaining party's own protection, that he or she seek advice from either the District Attorney or his or her own attorney prior to commencing legal criminal action against the alleged violator.

If I may be of further service, or if you have any other questions, please feel free to contact me.

With every good wish, I am

Yours very truly,

WALLACE, ELLIS, FOWLER & HEAD



Frank C. Ellis, Jr.

FCE:ph

§ 3-1-3

ANIMALS

§ 3-1-8

§ 3-1-10

§ 3-1-3. Liability of owner, etc., permitting vicious or dangerous animal to be at liberty, etc., for injuries caused by same.

Collateral references.

Liability for personal injury or death caused by trespassing or intruding livestock. 49 ALR4th 710.

Liability of owner or operator of business premises for injury to patron by dog or cat. 67 ALR4th 976.

Liability for injuries caused by cat. 68 ALR4th 823.

Landlord's liability to third person for injury resulting from attack on leased premises by dangerous or vicious animal kept by tenant. 87 ALR4th 1004.

§ 3-1-4. Permitting dog or hog known to kill, etc., sheep, domestic fowl, etc., to run at large.

Collateral references.

Who "harbors" or "keeps" dog under animal liability statute. 64 ALR4th 963.

§ 3-1-5. Permitting dogs to run at large; applicability of provisions of section in counties and certain cities or towns.

This section is clearly a general law as defined by Alabama's Constitution and, thus, outside the purview of Art. IV, § 106. State v. Golden, 531 So. 2d 941 (Ala. Crim. App. 1988).

This section is known as a "local option statute." As such, it applies to all counties that choose to adopt it; by its terms, it does not apply to any particular locality to the exclusion of others. State v. Golden, 531 So. 2d 941 (Ala. Crim. App. 1988).

This section applies to the whole state, for it gives, to all counties, the option to avail

themselves of its provisions. State v. Golden, 531 So. 2d 941 (Ala. Crim. App. 1988).

Cited in Allen v. Whitehead, 423 So. 2d 835 (Ala. 1982).

Collateral references.

Liability of owner of animal for damage to motor vehicle or injury to person riding therein resulting from collision with domestic animal at large in street or highway. 29 ALR4th 431.

Who "harbors" or "keeps" dog under animal liability statute. 64 ALR4th 963.

§ 3-1-6. Liability of owner, etc., for injuries to livestock, etc., caused by dog while off premises of owner, etc.

Collateral references.

Who "harbors" or "keeps" dog under animal liability statute. 64 ALR4th 963.

§ 3-1-8. Destruction of certain abandoned animals by members, etc., of societies for prevention of cruelty to animals.

Collateral references.

Construction of provisions of statute or ordinance governing occasion, time, or manner of summary destruction of domestic animals by public authorities. 42 ALR4th 839.

Applicability of state animal cruelty statute to medical or scientific experimentation employing animals. 42 ALR4th 860.

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§ 3-7A-5. Replacement of certificate and tag.

In the event of tag loss when the same has been legally issued, every replacement thereof shall be upon such terms as may be agreed upon with the rabies officer or veterinarian by whom the animal has been immunized. In such instance, a new certificate marked "duplicate" may be issued setting forth the number of the new tag and the certificate issued and distributed according to section 3-7A-2. (Acts 1990, No. 90-530, p. 816, § 5.)

→ § 3-7A-6. Penalty for dog or cat without tag or certificate.

The owner of any dog or cat found not wearing the evidence of current immunization as provided herein or for which no certificate of current immunization can be produced, and which is apprehended by an officer or other person charged with the enforcement of this chapter, shall forthwith be subject to a penalty to be imposed by the rabies officer not to exceed an amount equal to twice the state approved charge for immunization, in addition to the fee heretofore prescribed for immunization. When collecting the said penalty shall accrue to the rabies officer or his agent, except in the case of a rabies officer employed full-time on salary, in which case the penalty shall accrue to the employing agency or agencies. (Acts 1990, No. 90-530, p. 816, § 6.)

Rabies officer = Veterinarian

§ 3-7A-7. Maintenance of pound; notice of impoundment; adoption of animals.

It shall be the duty of each and every county in the state to provide a suitable county pound and impounding officer for the impoundment of dogs and cats found running at large in violation of the provisions of this chapter. Every municipality with a population over 5,000 in which the county pound is not located shall maintain a suitable pound or contribute their pro rata share to the staffing and upkeep of the county pound. When dogs and cats are impounded and if the owner thereof is known, such owner shall be given direct notice of the impoundment of said animal or animals belonging to him or the impounding officer may make said animal or animals available for adoption after a period of not less than seven days. (Acts 1990, No. 90-530, p. 816, § 7.)

§ 3-7A-8. Destruction of impounded dogs and cats; when authorized; redemption by owner; sale of impounded animals.

All dogs and cats which have been impounded for lack of rabies immunization in accordance with the provisions of this chapter, due notice of which shall have been given to the owner as provided in Section 3-7A-7, may humanely destroyed and disposed of when not redeemed by the owner within seven days. In case the owner of an impounded dog or cat desires to make redemption thereof, he may do so on the following condition: He shall pay the immunization of the animal and the penalty as prescribed in Section 3-7A-6.

3-7A-6 if certificate of current immunization cannot be produced, and in addition, pay for the board of the animal for the period for which it was impounded. The amount paid for the board of the dog or cat shall accrue to the credit of the city or county, depending upon the jurisdiction of the pound in which the animal was confined. At his discretion, the said impounding officer may sell any dog or cat not redeemed or claimed or otherwise disposed of, to any purchaser desiring the said animal, which said purchaser must comply with all the provisions of this chapter. (Acts 1990, No. 90-530, p. 816, § 8.)

§ 3-7A-9. Quarantine of dog or cat which bites human being; destruction of animal and examination of head; certain acts of or omissions by owner unlawful; delivery of quarantine instructions to owner; report of results; canine corps and seeing eye dogs.

(a) Whenever the rabies officer or the health officer shall receive information that a human being has been bitten or exposed by a dog or cat required to be immunized against rabies, the health officer or his authorized agent shall cause said dog or cat to be placed in quarantine under the direct supervision of a duly licensed veterinarian for rabies observation as prescribed in Section 3-7A-1. It shall be unlawful for any person having knowledge that a human being has been bitten or exposed by a dog or cat to fail to notify one or more of the aforementioned officers.

(b) When said dog or cat is unowned, as determined by the rabies officer or the health officer after reasonable investigation, or where the owner of a dog or cat agrees in writing, or when ordered by the health officer, the animal shall be humanely destroyed immediately after the exposure and the head shall be submitted for rabies examination to the state health department laboratory.

(c) The period of quarantine for animals other than domesticated dogs and cats which have bitten or exposed a human being shall be determined by the Alabama Department of Public Health upon consultation with the U.S. Public Health Service. Provided, however, for those animal species where reliable epidemiologic data are lacking regarding duration of rabies virus secretion from the salivary glands, said animals shall be humanely destroyed and the head submitted for rabies examination to the state health department laboratory.

(d) It shall be a violation of this chapter for the owner of such animal to refuse to comply with the lawful order of the health officer in any particular case. It is unlawful for the owner to sell, give away, transfer to another location or otherwise dispose of any such animal that is known to have bitten or exposed a human being until it is released from quarantine by the rabies officer, duly licensed veterinarian or by the appropriate health officer.

(e) Instructions for the quarantine of the offending animal shall be delivered in person or by telephone to the owner by the health officer or his authorized agent. If such instructions cannot be delivered in such manner,

they shall be mailed by regular mail, postage prepaid and addressed to the owner of the animal. The affidavit or testimony of the health officer or his authorized agent, who delivers or mails such instructions, shall be prima facie evidence of the receipt of such instructions by the owner of the animal. All expenses incurred in the quarantine of the offending animal under this section and Section 3-7A-8 shall be borne by the owner.

(f) The veterinarian under whose care the offending animal has been committed for quarantine shall promptly report the results of his observation of said animal to the attending physician of the human being bitten, exposed and the appropriate health officer.

(g) Canine corps dogs and seeing eye dogs shall be exempt from the quarantine period where such exposure occurs in the line of duty and evidence of proper immunization against rabies is presented, but shall be examined immediately at the end of 10 days by a licensed veterinarian, who shall report the results of his examination to the appropriate health officer as previously authorized. (Acts 1990, No. 90-530, p. 816, § 9.)

§ 3-7A-10. Destruction of domesticated species exposed to rabid animal; quarantine as option on recommendation of department of public health.

Those domesticated species, for which antirabies vaccine is recognized and recommended, upon exposure or potential exposure to a known rabid animal shall be humanely destroyed or slaughtered immediately. Provided, however, the owner may have the option of quarantining said animals based on the recommendations of the Alabama Department of Public Health upon consultation with the U.S. Public Health Service. (Acts 1990, No. 90-530, p. 816 § 10.)

§ 3-7A-11. County rabies officer; application; appointment; term; powers and duties; authority of county board of health

(a) It shall be the responsibility of the county board of health to nominate annually one duly licensed veterinarian from each county within the state for the position of rabies officer. Applications for this position may be received from any duly licensed veterinarian residing within the county, or in the event that no applications are received, from the Alabama Veterinary Medical Association. Said applications shall be provided to the chairman of each county board of health during the month of November. It shall be the responsibility of the county board of health, within or prior to the month of January of the appointing year, to select and appoint a nominee, subject to the approval of the state health officer and the state veterinarian. The appointee's term of office shall expire on December 31 of the year of appointment provided, however, that he shall be eligible for reappointment. The rabies officer may be removed from office, for cause, by the county board of health or the state health officer.

(b) Appointments not made within the prescribed time limits specified in this section shall become the joint prerogative of the state health officer and the state veterinarian after due consultation with the appropriate health officer.

(c) For the purpose of providing proper enforcement of this chapter, the county board of health is hereby invested with general supervisory and administrative authority for the implementation of this chapter. It shall be the duty of the rabies officer to immunize for rabies all dogs and cats covered under the provisions of this chapter and he may employ as many license veterinarians to serve as deputies to aid him as he may desire. The rabies officer and his deputies in each county are clothed with limited police power to the extent that they may issue citations for violations of this chapter as an agent of the county board of health, and shall not be subject to the limitation of Section 36-21-50. The sheriff and his deputies in each county and the police officers in each incorporated municipality shall be aides, and are hereby instructed to cooperate with said rabies officer in carrying out the provisions of this chapter. The compensation of the rabies officer and his deputies shall be limited to the fees collected from enforcement of the provisions of this chapter. (Acts 1990, No. 90-530, p. 816, § 11.)

§ 3-7A-12. Penalty for violations.

Any person violating or aiding or abetting the violation of any provision of this chapter, or counterfeiting or forging any certificate or tag, or making any misrepresentation in regard to any matter prescribed by this chapter or rule promulgated hereunder or except as otherwise provided, or resisting, obstructing, or impeding any authorized officer in enforcing the provisions of this chapter, or refusing to produce for immunization any animal in his possession for which antirabies vaccine is recognized and recommended, or for failing to report an animal bite, shall be charged with a Class C misdemeanor, and for the purpose of enforcing this chapter, shall be fined not less than \$25.00 nor more than \$100.00, and for the purpose of enforcing this chapter, resort may be had to any court of competent jurisdiction. (Acts 1990, No. 90-530, p. 816, § 12.)

§ 3-7A-13. Placement of area under quarantine; additional measures.

(a) The state health officer, upon request of authorized local officials, may place certain areas of the state under a rabies quarantine to prevent the spread of rabies. In extreme situations, the state health officer may place the area under quarantine without waiting for local request.

(b) Whenever the state health officer or local health authorities are convinced that the situation is conducive to the spread of rabies, additional measures may be imposed as are deemed necessary to prevent the spread of rabies among dogs, cats, and other animals. (Acts 1990, No. 90-530, p. 816, § 13.)

Section 3-5-1

"Livestock" or "animal" defined.

The term "livestock" or "animal," where it occurs in this chapter, shall be held to be limited to and to refer to horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats and pigs.

(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §77.)

Section 3-5-2**Permitting livestock or animals to run at large upon premises of another without permission or upon public lands, highways, etc., generally.**

(a) It shall be unlawful for the owner of any livestock or animal, as defined in Section 3-5-1, to knowingly, voluntarily, negligently or wilfully permit any such livestock or animal to go at large in the State of Alabama either upon the premises of another or upon the public lands, highways, roads or streets in the State of Alabama.

(b) Nothing in this section or elsewhere in this chapter shall be construed to make it unlawful for livestock or other animals to run at large on the premises of another when the owner or person in charge of the premises has consented in writing to let livestock or other animals run at large on the same or to subject the owner of such livestock or other animals to criminal prosecution therefor.

(c) There shall be no "open range" counties in this state. This section shall apply to all counties within the state.

(d) Any person or persons owning or having the possession, custody or control of any livestock who unlawfully and knowingly permit the same to run or be at large, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than double the damages sustained by the injured party or parties, but in no case more than \$50.00, one half of such fine to go to the injured party or parties, and may also be imprisoned in the county jail or sentenced to hard labor for the county for a term not exceeding six months at the discretion of the court trying the case.

(Acts 1909, No. 50, p. 41; Code 1923, §3224; Acts 1939, No. 368, p. 487; Code 1940, T. 3, §§78, 93(1), 95; Acts 1951, No. 53, p. 266, §1.)

Section 3-5-3

Liability of owner for damages done by livestock or animals running at large; judgment lien upon animal or livestock causing damage.

(a) The owner of such livestock or animal being or running at large upon the premises of another or upon the public lands, roads, highways or streets in the State of Alabama shall be liable for all damages done to crops, shade or fruit trees or ornamental shrubs and flowers of any person, to be recovered before any court of competent jurisdiction; provided, that the owner of any stock or animal shall not be liable for any damages to any motor vehicle or any occupant thereof suffered, caused by or resulting from a collision with such stock or other animal, unless it be proven that such owner knowingly or wilfully put or placed such stock upon such public highway, road or street where such damages were occasioned.

(b) The judgment of the court against the owner of such livestock or animal so depredating shall be a lien superior to all other liens on the livestock or animal causing the damage, except as to taxes.

(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §79.)

Section 3-5-4**Taking up of livestock or animals running at large by highway patrol, etc.; notification of owner thereof generally.**

Any state trooper, the sheriff and his deputies of any county, or the constable of any precinct or any law enforcement officer of any municipality shall take possession of any livestock or animal found at large upon the premises of another or upon the public lands, roads, highways or streets in the State of Alabama, and the owner of such livestock or animal, when so taken up, shall be notified personally or the owner may be notified by leaving a written notice at the usual place of residence of such owner, within 24 hours after the taking up of such livestock or animal.

(Acts 1939, No. 368, p. 487.)