

ORDINANCE NO. 1640

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA, as follows:

SECTION 1. DEPARTMENT OF ANIMAL CONTROL.

It shall be the duty of the Supervisor and each Animal Control Officer to enforce the provisions of this ordinance in accordance with the law and the terms and provisions of this ordinance.

It shall be unlawful and a violation of this ordinance for any person to oppose, resist, or hinder Animal Control Officers in the discharge of their duties.

All complaints received by the Police Department or other City agencies relating to this ordinance shall be referred to immediately and acted upon by the Department of Animal Control.

All City agencies shall reasonably assist the Department of Animal Control in the discharge of its duties pursuant to this ordinance, including the providing of equipment and manpower when necessary.

The Department of Animal Control shall be the licensing authority for the issuance of all licenses and permits required pursuant to this ordinance, and for the collection of fees incident thereto.

SECTION 2. DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this chapter.

1. PRICHARD ANIMAL SHELTER: The place designated or used as such by the City for a place of confinement for animals held under the authority of this ordinance.

2. ANIMAL CONTROL OFFICERS: The Supervisor, Assistant Supervisor, and all enforcement officers assigned to the Prichard Animal Shelter.

3. AT LARGE: Any animal shall be "at large" when it is off the property of its owner and not under the immediate

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control of a person by sufficient means, such as a lease or enclosure, sufficient to prevent the free movement of the animal. An animal not confined in an enclosure and which is more than fifteen feet from the actual location of the person in charge of the animal shall not be considered under the immediate control of said person.

4. BEE: A social colonial hymenopterous insect kept in a state of domestication.

5. BITTEN: Seized with teeth or jaws, such that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin as determined by a licensed physician.

6. CAGED: Confinement in a humane container with proper ventilation, which may include a vehicle, in such a way that the free movement of an animal is restrained and so as to prevent the animal so caged from biting or attacking a person or animal.

7. CAT: Shall mean and include all members of the domestic feline family.

8. CORRAL: Any uncovered, enclosed parcel of land where animals are kept.

9. DOG: Shall mean and include all members of the domestic canine family.

10. DOG HOUSE: Shelter constructed not less than 3X3 in size.

11. DOG PRESUMED TO BE VICIOUS: Any dog which chases, charges, harasses or molests moving vehicles, persons, or other animals on the public streets or public ways, whether or not such dog has actually bitten or attacked a person or other animal.

12. KEEP: Such term shall include confine, harbor, and allow to remain.

13. LIVESTOCK: Such term 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.

14. OWNER OR PERSON IN CHARGE: The actual owner of an animal, or any person assuming the care or control of an animal.

15. PERSON: Any individual, partnership, company, corporation or other legal entity.

16. RABBIT: Shall mean and include all members of the hare family.

17. REPTILE: An animal that crawls or moves (as a snake) on its belly or (as a lizard) on small short legs, also alligators, crocodiles, and turtles.

18. RESTRAINT: An animal is considered to be under restraint if it is confined on the property of its owner, by enclosure, fence, leash or otherwise, in a manner that prevents it from leaving said property.

19. SQUIRREL: Shall mean and include all members of the sciuridae family.

20. STRAY ANIMAL: Any animal running at large, the owner or person in charge of which is unknown.

21. VICIOUS ANIMAL: Any animal which has bitten or attacked a person or other animal without adequate provocation or cause; or, additionally, in the case of a dog, one which has been trained as a guard dog or otherwise, to attack persons or other animals.

22. PUBLIC NUISANCE: Any animal or animals which:

- a. molests passerby or passing vehicles
- b. attacks other animals
- c. trespasses on school grounds
- d. is repeatedly at large
- e. damages private or public property
- f. barks, whines, or howls in an excessive, continuous, or untimely fashion.
- g. is defined to be such by other provisions of this ordinance.

23. UNDOMESTICATED ANIMAL: Any animal not domesticated such as a bear, elephant, lion, or tiger.

24. FOWL: Any fowl of the duck, goose, chicken, guinea, peacock, turkey, or pigeon species or type.

25. STABLE: Any building, structure, or shed in which sheep, horses, cows, goats, hogs or similar species or types, or fowl are kept.

SECTION 3. REGISTRATION AND LICENSE REQUIRED.

It shall be unlawful, and a violation of this ordinance, for any owner or person in charge to possess, keep, harbor or maintain any dog or cat within the police jurisdiction of the City of Prichard that does not have attached to it a dog or cat license tag, with appropriate decal, issued in accordance with the provisions of this article.

The owner or person in charge of every dog or cat more than three (3) months of age shall register the same as to name, sex, breed, description, owner's name, phone number and address. Such registration shall be done within thirty (30) days of the possession of the dog or cat by the owner or person in charge. Failure to timely register the dog or cat shall subject the owner or the person in charge to a \$10.00 penalty in addition to the license fees required hereunder.

At the time of such registration, the owner or person in charge shall obtain a license for such dog or cat issued by the Animal Control Officer or his agent and shall pay a license fee as follows:

Unspayed or unneutered

male or female \$6.00

Spayed or neutered

male or female \$3.00

At the time of the issuance of the license, such owner or person in charge shall be issued by the Animal Control Officer or his agent a metal tag or decal suitable for affixing to the rabies tag required by State law as evidence of such license. The tag shall be affixed by the owner or person in charge to the rabies tag required by State law and

shall be serially numbered bearing the same number and year as the license bears. One such tag or decal shall be issued by the City Animal Control Office for the appropriate calendar year for each dog or cat for which application for such tag or decal is made. Such tag or decal shall be attached to a collar or harness worn by the dog or cat for which the license and tag are issued at all times, unless otherwise provided herein. In the event that the license tag or decal is lost during the year for which it was procured, the person to whom it was issued may obtain a duplicate by paying to the City Animal Control Office an issuance fee of two dollars (\$2.00). The license issued pursuant to this section shall expire on December 31 of the year of issuance, and shall be renewed on an annual basis. The license may be renewed without penalty prior to February 1 following the expiration date. A late charge of \$10.00 shall be assessed for any license not timely renewed. The shape and number, or the color, of the metal tag or decal shall be changed each year from that of the preceding year. No license tag shall be issued for any dog or cat until it has been inoculated against rabies in accordance with the laws of the State, and, at the time of making application for the license, a rabies inoculation certificate not over one year old and covering the particular dog or cat sought to be licensed shall be exhibited and approved as a prerequisite to issuance of the license.

The provisions of this section shall apply to the owners of dogs or cats which are kept or are to be kept within the police jurisdiction of the City of Prichard for a period to exceed thirty days. No license shall be required for seeing eye dogs or governmental police dogs.

Provided, however, that where a license issued for a dog or cat too young to be subjected to alteration because it is less than six months old at the time said license is issued, and said dog or cat is altered subsequent to the beginning of the next license year, upon proof of said

alteration the Supervisor may issue said license free for one license year period only.

The owner or person in charge shall, at all times, except when the dog or cat is under restraint or is involved in supervised obedience training or an American Kennel Club Dog Show, keep the tag affixed to said dog. It shall be unlawful for any owner to fail to comply fully with all requirements of this section by failing to obtain a license or otherwise. It shall also be unlawful for any person, except the owner or his agent, and upon his own premises, to remove a tag from a dog or cat tagged under the provision of this section, to place a tag upon any dog or cat for which said tag was not issued, to procure a tag from the City or its agent by fraud or misrepresentation, or to disfigure, or alter the words or figures upon a tag.

SECTION 4. PERMITS.

(a) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.

(b) Any animal housed at any kennel for six months or more shall be required individual license and rabies inoculation therein.

(c) The Licensing Authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. The Licensing Authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(d) Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the Licensing Authority, a permit shall be issued upon payment of the applicable fee.

(e) The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for

permits shall be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. Application for permit to establish a new commercial animal establishment under the provisions of this ordinance may be made at any time.

(f) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a \$10.00 transfer fee.

(g) Annual permits shall be issued upon payment of the applicable fee:

1. for each kennel authorized to house
less than 10 dogs or cats or other
smaller animals.....\$ 25
2. for each kennel authorized to house 50
or more dogs, cats or other smaller animals... 100
3. for each kennel authorized to house 10 or
more but less than 50..... 50
4. for each pet shop..... 75
5. for each riding stable..... 75
6. for each auction..... 50
7. for each zoological park..... 100
8. for each circus..... 25
9. for each performing animal exhibition..... 50
10. for each grooming shop..... 50

(h) Every facility regulated by this ordinance shall be considered a separate enterprise and requires an individual permit.

(i) Persons operating kennels for the breeding of dogs or cats which handle less than ten (10) animals may elect to license such animals individually. This applies to other small animals.

(j) No fee may be required of any veterinary hospital, animal shelter, or government-operated zoological park.

(k) Failure to obtain a permit before opening any

facility covered in this section shall result in a fine of \$200.00.

(1) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

SECTION 5. LIMITATION REQUIREMENTS ON AMOUNT OF DOGS OR CATS AT RESIDENTIAL OR BUSINESS PREMISES MAINTAINED FOR PETS OR SECURITY.

Any residential or business premises maintaining, keeping, harboring, protecting or utilizing any animal for the purpose of pets or security shall not exceed the total count of four (4). Any resident or business exceeding the count of four (4) dogs or cats must be properly zoned and licensed.

SECTION 6. LICENSE AND PERMIT ISSUANCE AND REVOCATION.

The Licensing Authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the Licensing Authority, or any law governing the protection and keeping of animals.

Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept, or harbored by such person and no part of the permit or license fee shall be refunded.

It shall be a condition of the issuance of any permit or license that the Licensing Authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.

If the applicant has withheld or falsified any information on the application, the Licensing Authority shall refuse to issue a permit or license.

No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial

animal establishment.

Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a \$10.00 fee.

SECTION 7. RABIES VACCINATION REQUIRED.

It shall be unlawful and a violation of this ordinance for any person to keep, possess or harbor any dog or cat not vaccinated for rabies in accordance with the laws of the State and County. The vaccination of dogs and cats against rabies shall be good for a period of one (1) year.

Coincident with the vaccination or inoculation of dogs and cats, the rabies inspector, his authorized representative or the duly licensed veterinarian administering the antirabies vaccine shall furnish a serially numbered tag bearing the year such vaccine was administered, together with a certificate of inoculation bearing the same serial number and year as the tag bears along with the description of animal, name and address of owner.

In case the tag provided for in this section is lost, a new tag may be issued by the rabies inspector, his authorized representative or the duly licensed veterinarian who issued the original tag provided the original vaccination certificate is furnished as evidence of original vaccination. In such instance, a new certificate marked "duplicate" may be issued, setting forth the number of the new tag.

The serially numbered rabies tag issued at time of inoculation and also the license tag issued pursuant to this ordinance shall at all times be attached to a collar or harness worn by the dog or cat for which the tag was issued. It shall be unlawful for any owner or person in charge of any dog or cat not to keep attached to said dog or cat the tag evidencing the antirabies vaccine inoculation as provided in this section; however, said tag need not be attached during supervised obedience training classes or

American Kennel Club Dog Shows.

SECTION 8. CONFINEMENT OF DOGS OR CATS IN HEAT.

Every female dog or cat in heat shall be kept confined by the owner or person in charge in a solid floored building or in a solid floored structure so designed that said dog or cat cannot come into contact with the ground underneath said floor or with the ground surrounding said structure, all to the end that the scent from said cat or dog will not be transmitted to adjoining property, or to places where other cats or dogs on the owner's premises are kept. At any time the scent from a female cat or dog in heat is found to be causing a disturbance of cats and dogs on adjoining premises, it shall be the duty of the owner or person in charge of said dog or cat to confine, immediately, said dog or cat in such a manner as to avoid said disturbance.

Every female dog or cat in heat shall be confined in a building or structure as described above by the owner or person in charge in such a manner that said female dog or cat cannot come into contact with another dog or cat except for planned breeding.

This section shall apply both within the corporate limits and within the police jurisdiction of the City.

It shall be unlawful for the owner or person in charge of any such cat or dog to fail to comply fully with this section. Any person in violation of this section shall be punished as provided by the general penalty clause of the City Ordinance, but not less than \$50.00.

SECTION 9. GUIDE DOG ACCOMPANYING BLIND PERSON.

No owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, amusement or recreation, including but not limited to, any inn, hotel, restaurant, eating establishment, barbershop, billiard parlor, store, public conveyance, theater, motion-picture house, public educational institution or elevator shall refuse to permit a guide dog to accompany a blind person entering such place or making use of the

accommodations available when such blind person is being led by the guide dog; provided, that such guide dog is wearing a harness; and provided further, that such blind person shall present for inspection credentials issued by an accredited school for training guide dogs. Any person who violates this section shall be guilty of a misdemeanor.

SECTION 10. DUTY OF OWNER FOR REMOVAL OF FECES.

It shall be the duty of the owner or person in charge of any dog which has been allowed by said person to be at large to remove and dispose of any feces deposited by said animal upon any residential lot of another occupied for human habitation, or upon any right of way adjacent thereto, upon demand from the owner or occupant thereof, or upon demand of the Supervisor or any Animal Control Officer.

It shall be unlawful for any person to fail or refuse to remove such feces, provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section except upon affidavit made before and warrant issued by a municipal judge or magistrate.

SECTION 11. OWNER'S DUTY TO REMOVE OVERTURNED OR SCATTERED GARBAGE.

It shall be the duty of the owner or person in charge of any dog or cat which has been allowed or suffered by said person to run at large, to pick up and remove to the City landfill, or to a secure authorized container, any garbage or refuse which said animal has caused to be overturned, spilled, or scattered upon any residential lot occupied for human habitation, or upon any right of way adjacent thereto, upon demand from the owner or occupant thereof, or upon demand of the Supervisor or any enforcement officer under the supervision of the Supervisor, and it shall be unlawful for any such person to fail or refuse to do so, provided however, that no prosecution shall be commenced, and no arrest made pursuant to this section except upon affidavit made before and warrant issued by a duly appointed municipal judge or magistrate of the City.

SECTION 12. DUTY TO RESTRAIN DOGS.

(a) It shall be the duty of every owner or person in charge of a dog to keep said animal under effective restraint, while the same is within the corporate limits of the City, whether or not said dog is upon or away from his or her premises. It shall be unlawful for the owner or person in charge of any dog to fail to keep said animal under effective restraint. Proof that a dog was not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. Negligent failure to provide or maintain effective restraint shall not be a defense, however, competent evidence that said failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the City to prove otherwise.

DUTY TO RESTRAIN CATS.

(b) It shall be unlawful for the owner or any person having custody or control of any cat within the corporate limits of the City known to said person to habitually cause destruction or damage to the property of another to allow said cat to run at large. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section except upon affidavit made before, and warrant issued by a judge or magistrate of the Municipal Court.

(c) In addition to Section 12-a, of this ordinance all dogs that are found to be vicious or in other words will intentionally attack, bite, or try to attack or bite a human being if the opportunity presents itself regardless whether the exposure is intentional or accidental shall henceforth be required to be fenced in by means of a chain link fence not less than six (6) feet high and a roaming space therein no less than fifteen (15) feet wide and no less than fifteen (15) feet long per dog and the perimeter base of said fence be fortified with concrete to prevent dog from digging out beneath fence.

SECTION 13. STRAY DOGS OR CATS MAY BE TAKEN UP: HOT PURSUIT.

(a) Any person in the City, finding any dog or cat running at large about his premises or residence, or the residence of which he is in charge, whether or not the owner or person in charge of said animal is known, may have such animal confined by the Supervisor or any Animal Control Officer as an at large animal or stray.

(b) For the purpose of this Section a person shall be considered to be lawfully upon the private property of the owner of such dog when he is on such property in the performance of any duty imposed upon him by the laws of this State or by the laws of the United States or the postal laws and regulations of the United States or City ordinances, when reading meters, when delivering milk, when inspecting animal facilities, when making repairs to any public utility or service upon said premises or when on such property upon the invitation, either expressed or implied, of the owner or lessee of such property.

(c) In the event an animal is found to be a threat to the health or safety of the general public or running at large and all attempts on the part of the Animal Control Officers fail to apprehend, whereas said animal evades capture by running away to another street, yard or district shall be declared hot pursuit and all Animal Control personnel and Police Officers shall have full authority to pursue and capture the animal, waving all other legal formalities of entry onto all premises.

(d) It is unlawful for the owner or lessee of any property to disallow any Animal Control Officer to inspect animal facilities and conditions on premises.

SECTION 14. DRIVING ANIMALS INTO CITY FOR PURPOSE OF IMPOUNDING - ABANDONING ANIMALS.

It shall be unlawful for any person to drive or bring, or attempt to drive or bring, any animal into the City for the purpose of having the same impounded; provided, however,

that dogs and cats brought in from outside the City may be accepted by the Supervisor or an Animal Control Officer from the owner or other person in charge for immediate disposal or adoption only.

Any animal found to be abandoned by its owner for a period of 72 hours and provided there exist supportive evidence of said abandonment, then the said animal is to be brought to the Animal Shelter where it will be kept in a humane manner. Upon the return of the owner or person in charge the Animal Shelter will inform them of the requirements to reclaim the animal(s). There shall be a citation of \$25.00 in addition to the charges for feeding and keeping the animal. The animal(s) will become the property of the City if the owner fails to reclaim the animal(s) or notify the Animal Shelter Officials within four (4) weeks.

SECTION 15. DOGS, CATS, OR OTHER SMALL ANIMALS UNLAWFULLY AT LARGE TO BE CONFINED; SALE OF DOG, CATS, OR OTHER SMALL ANIMALS CONFINED.

(a) Any dog or cat found unlawfully to be at large or otherwise unleashed on any place of public accommodation facility that is open to the general public such as night clubs, public schools, hotels, motels, churches, supermarkets, cafes, etc., within the City and its police jurisdiction is hereby declared to be a threat to the health and safety of the general public and a nuisance and shall be seized and confined by the Supervisor or an Animal Control Officer at the Prichard Animal Shelter and cared for in a humane manner for a period of not less than five (5) working days; provided, however, that for the year beginning on the effective date of this ordinance, the Supervisor may dispose of any dog or cat so confined, failing to have a license tag or decal, or current rabies tag affixed thereto after only four (4) days confinement, and for the year next thereafter any dog or cat so confined failing to have a name plate, license or current rabies tag affixed thereto may be

disposed of after only three (3) working days confinement.

(b) MULTIPLE FAMILY DWELLINGS - ANIMALS UNLEASHED, AND, OR AT LARGE.

In the event an owner or person in charge of an animal that is found to be unleashed or at large and said owner of premises of same cannot be determined as a result of no definite boundary and no means of determining which resident a particular animal may belong, every animal on the premises of a multiple family dwelling, housing project, apartments or trailer park must be properly restrained. When an animal is found running at large or unleashed on the premises of one of the aforementioned, then that animal shall be apprehended and impounded by the Supervisor, Animal Control Officer, or Police Officer, provided that one or more individuals that reside in said multiple dwelling sign a written statement that said animal is a nuisance and owner or person in charge is unknown.

In addition to, or in lieu of, confining a dog or cat found unlawfully at large, when the owner or person in charge of said dog or cat is known to the Supervisor or the Animal Control Officer, the Supervisor or Animal Control Officer may release the dog or cat to the owner or person in charge and issue a citation for violation of this ordinance.

(c) Immediately upon confinement of dogs or cats the Supervisor shall make reasonable effort to ascertain the identity of and notify the owner or person in charge of such dogs or cats of their confinement and of the conditions under which they may regain possession of such animal.

SECTION 16. CHARGES FOR CONFINEMENT AND CARING.

The City shall be entitled to and shall receive:

\$25.00 Pick up fee	\$5.00 per day feed & keep -	Horse
\$25.00 Pick up fee	5.00 per day feed & keep -	Mule
\$25.00 Pick up fee	5.00 per day feed & keep -	Cow
\$25.00 Pick up fee	5.00 per day feed & keep -	Hog
\$15.00 Pick up fee	3.00 per day feed & keep -	Goat
\$15.00 Pick up fee	3.00 per day feed & keep -	Sheep

\$10.00 Pick up fee 2.00 per day feed & keep - Dog
\$ 5.00 Pick up fee 1.00 per day feed & keep - Cat
All other smaller animals e.g. rabbits, fowls, turtles,
etc.

\$ 3.00 Pick up fee .50 per day feed & keep
plus the costs of rabies inoculation, and any other
veterinary services deemed necessary to the well being and
life of the animal.

SECTION 17. REDEMPTION OF DOGS AND CATS CONFINED AS
STRAYS OR NUISANCES.

(a) The owner or person in charge entitled to possession of any dog or cat confined under the provisions of this chapter may immediately recover possession of such dog or cat upon payment of the charges set forth in Section 16. to the Supervisor provided such owner or person in charge entitled to recover possession of any dog or cat three (3) months of age or older shall produce a certificate of proof of ownership such as a written document of veterinary or medical history pertaining to any one of several references such as any form of inoculations, showing any degree of office visits for any single treatment or consultation, or notarized bill of sale with date of purchase bearing a distinguishable description of animal that also bears the name of person who is claiming said animal, or evidence satisfactory to the Supervisor that such dog or cat has within twelve (12) months prior to being confined been inoculated for rabies and also evidence that all required license fees have been paid for the current year.

(b) If the owner or person in charge entitled to possession of any dog or cat so confined is unable to produce a certificate or satisfactory evidence as set forth in Section 17(a) of said dog or cat within the twelve (12) month period prior to the confinement of the dog or cat, then before the Supervisor shall release the dog or cat, it must be confined until the end of prescribed days of

detaimment then such dog or cat shall be duly inoculated for rabies at the expense of the owner or person in charge entitled to possession of said dog or cat, and shall also upon payment of the proper fee therefore, be properly licensed before said release.

SECTION 18. ADOPTION PROCEDURE FOR DOGS, CATS, AND OTHER SMALL ANIMALS.

Any animal not reclaimed by its owner or person in charge within the prescribed days of detainment shall become the property of the City and shall be exhibited for adoption or humanely disposed of. If a person chooses to adopt a dog, cat, or any other small animal, he must follow the same procedures described in Section 16.

SECTION 19. LIVESTOCK AT LARGE TO BE IMPOUNDED: SALE OF LIVESTOCK IMPOUNDED: DISPOSAL: CATS, DOGS, AND OTHER SMALL ANIMALS REGULATED IN SECTION 18.

(a) Dogs; cats, and other small animals are specifically excluded from this section since they are regulated in Section 18.

(b) Any animal found to be running at large within the City is hereby declared to be a nuisance and shall be seized and confined by an Animal Control Officer, and shall be cared for in a humane manner for a period of not less than five (5) days or such other time as hereinafter provided.

(c) When such an animal has been seized and confined, the Supervisor or authorized enforcement officer shall proceed to sell the same at public auction to the highest bidder for cash within the legal hours of sale in front of the Animal Shelter after first giving five (5) days notice of the time and place of sale, together with a description of the animal to be sold, by posting a notice at a conspicuous place in the Animal Shelter and by publication one time in a newspaper published in the City. The proceeds from the sale shall be paid to the City Clerk-Treasurer.

(d) Any animal not claimed by its owner and not being purchased when placed at public auction shall become

property of the City and shall be disposed of in a humane manner at the discretion of the Supervisor.

SECTION 20. CHARGES FOR ADVERTISING AND CARE OF IMPOUNDED LIVESTOCK; CATS, DOGS, AND OTHER SMALL ANIMALS REGULATED IN SECTION 18.

(a) Cats, dogs, and other small animals are specifically excluded from this section since they are regulated in Section 18.

(b) The City shall be entitled to and shall receive the fees as described in Section 16, plus the cost of advertising as set forth in Section 18, for such animals kept and cared for by the City pending the redemption or sale of same.

SECTION 21. DEFINING OWNERSHIP INVOLVING A DISPUTE BETWEEN TWO OR MORE PERSONS CLAIMING SAME ANIMAL.

(a) Any person who finds an animal that does not belong to him and wishes to keep the animal, shall report their findings to the Animal Shelter. The Animal Shelter must hold the animal for five (5) working days. If the original owner has not reclaimed the animal in the five (5) day period then the finder shall have the option to claim the animal by paying the fees as set forth in Section 16 to the Animal Shelter to legally establish full ownership.

(b) It shall be unlawful for any person to secure any dog or cat from the Prichard Animal Shelter without authority to do so.

(c) It shall be unlawful for any employee of the Prichard Animal Shelter to redeem any dog or cat or become directly or indirectly interested in the redemption of any dog or cat not owned by such employee of the Prichard Animal Shelter prior to being taken up by the Supervisor or an Animal Control Officer.

SECTION 22. WHEN DISPOSAL OF DOGS AND CATS MAY TAKE PLACE.

(a) After a dog or cat or any other small animal has been confined for the period of time provided by Section 15

of this ordinance, and if the owner or person in charge entitled to possession fails to make application for the release of such dog, cat, or any other small animal, as herein provided, or fails to pay the charges as herein provided, or fails to pay for the proper inoculation for rabies, or if such satisfactory evidence as required by Section 17 was not provided, then such dog, cat or other small animal is hereby declared a nuisance and a danger to the health, safety and welfare of the City and the Supervisor or authorized Assistant Supervisor shall cause such dog, cat or small animal to be humanely destroyed as herein provided, however, any dog or cat under two weeks old or whose eyes have not opened since birth, may be humanely disposed of immediately upon being impounded where they have been found in violation of this ordinance.

(b) The Supervisor, or any Animal Control Officer authorized by the Supervisor to carry a sidearm, assisting in impounding any dog or cat shall have the authority to shoot and kill such dog or cat, if in attempting to capture the same or in otherwise keeping the same, it shall become an immediate hazard to the health and safety of said person or to the health and safety of persons or animals in the immediate vicinity.

(c) Any confined dog or cat that is injured or diseased, and the owner is not known, will, as an act of mercy, be humanely destroyed immediately after inspection by a veterinarian, or by the Supervisor or his representative, if it is agreed that such destruction is necessary to prevent unnecessary suffering, to prevent the spread of disease or because the animal is incurable.

SECTION 23. MANNER OF DISPOSAL OF DOGS AND CATS.

The Supervisor, when required to dispose of dogs or cats under the provisions of Section 22 shall do so by such process as is recognized by veterinary science as being a humane manner in which to destroy dogs and cats.

SECTION 24. KEEPING WILD OR VICIOUS MAMMALS, FOWL OR REPTILES, POISONOUS OR NOT, AND ALLOWING SAME TO BE AT LARGE,

(a) It shall be unlawful for any owner or person in charge to keep any wild, dangerous, or poisonous animal on his premises in such a manner as to prevent such animal from biting or attacking a person or another animal.

(b) It shall be unlawful for any owner or person in charge to suffer, allow or permit any animal which is vicious or presumed to be vicious to be off the premises of the owner or person in charge, unless said animal is caged or leashed and muzzled and under effective control or restraint such as will prevent it from attacking or injuring a person or another animal.

(c) It shall be unlawful for the owner or person in charge to keep or to permit to be kept on any residential premises any wild or vicious animal for display or for exhibition purposes either gratuitously or for a fee.

(d) This section shall apply both within the corporate limits of the City and within the police jurisdiction thereof.

SECTION 25. NOISY ANIMALS.

(a) It shall be unlawful and a nuisance for any person to keep on a residential lot or premises within the corporate limits of the City any animal or group of animals, known to said person, habitually, continuously, or intermittently to make or emit sound or noises of such volume and nature as to unreasonably interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of adjacent property.

(b) It shall be unlawful and a nuisance for any person to keep on any tract, lot or premises within the City any animal or group of animals, whether the same is housed in a corral, kennel, building or other structure(s) under such circumstances that the sounds or noises emitted by said

animals are of such volume and nature as to unreasonably interfere with or disturb the peace, quiet, comfort and repose of persons of ordinary sensibilities in the reasonable use and enjoyment of any adjacent property used for residential purposes.

(c) Any owner or person in charge violating this section shall be guilty of maintaining a nuisance. Provided, however, that no prosecution shall be commenced and no arrest made pursuant to this section, except upon affidavit made before, and warrant issued by a Municipal Judge or Magistrate of the City.

SECTION 26. SANITATION OF PREMISES WHERE ANIMALS KEPT.

(a) It shall be unlawful for any owner or person in charge to keep or maintain a pen, stable, or enclosure wherein animals are kept in such an unsanitary condition that the lives, health of the public generally, of the owner or person in charge or his family, or of the animals contained, shall be endangered. The presence in or about such pen, stable or enclosure of the live larva of flies under conditions which permit or favor growth or development of flies shall be prima facie evidence of keeping or maintaining such pen, stable or enclosure wherein animals are kept in violation of this section. All pens, stables, or enclosures where animals are kept shall comply with all the regulations of the Mobile County Health Department pertaining to same and shall be cleaned each day and the residue disposed of in a sanitary manner.

Every stable shall have, either within or immediately adjoining it, an approved flyproof container or room for receiving and holding animal manure and litter accumulating between the times of removal from the premises. The fitness of such container (30 gallon galvanized can with lid and plastic liner within) shall be passed upon by the Animal Control Department or its agent. Such bin or container shall be located at a point most remote from any dwelling or other structure owned or occupied by other than the owner of

the premises and shall likewise be placed at a point most remote on the premises from any street or avenue.

(b) All accumulations of manure, and bedding material soiled by animal waste, in and about such stable, corral or pen shall be collected at least once each day and immediately deposited in the container provided for in Section 26(a). Such collections may be kept stored within such container for a period of not more than one week, after which time such collection shall be removed from the premises and disposed of in such a manner as to prevent fly breeding and odor therein. In lieu of storage, as herein provided, manure and other soiled material, when collected in accordance with the provisions hereof and being free of live fly larvae or pupae, may be disposed of within twenty-four hours from time of collection, by burial underground, or by spreading same thinly upon the surface of the ground in a granular fashion at some place distant from human habitation so that such collections will be fully exposed to the effects of sunlight; provided, that any of such persons may use such manure on their premises for the purpose of enriching their own ground or for any other use to which manure can properly be put when the same is not offensive or unsanitary.

(c) STORAGE OF FEED IN STABLES.

All such stables shall have a feed bin for the storage of feed which is of ratproof construction. All grain, malt or other animal feed, except hay, stored or kept in such stable, shall be kept in such feed bin. Such feed bin shall be kept closed at all times, except when momentarily opened to take food therefrom or when the same is being filled. No feed shall be scattered about outside such bin or in the stable, and all such feed found on the floor or in the stalls of such stable shall be removed daily and placed in the manure receptacle. No foodstuff intended for human consumption shall be kept or stored in any stable or any other place where animals are kept.

(d) APPLICABILITY OF SECTION.

The provisions of this section shall not apply to licensed stockyards, holding pens, sales barns, wholesale cattle dealers or slaughterhouses.

SECTION 27. CRUELTY TO ANIMALS.

(a) Any person who (a) overrides, overdrives, overloads, drives when overloaded, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be overridden, overdriven, overloaded, driven when overloaded, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed any animal; and (b) any person who having the charge or custody of such animal, either as owner or otherwise, inflicts unnecessary cruelty upon same, or fails to provide the same with proper food, drink, or protection from the weather, or cruelly drives or rides or allows to be ridden or overdriven when unfit for labor; and (c) any person who having the charge or custody of any animal known to him to require medical treatment or care in order to prevent unjustifiable physical pain, suffering, or death, who having such knowledge fails to provide proper treatment and care, or in the alternative to cause said animal to be humanely disposed of; and (d) any person who unlawfully or maliciously kills, disables, disfigures, or injures any animal, without good excuse, shall be guilty of a misdemeanor; but this section shall not be construed as prohibiting the dehorning of cattle.

(b) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(c) Chickens or ducklings younger than eight weeks of

age may not be sold in quantities of less than twenty-five to a single purchaser.

(d) No person shall expose any known poisonous substance, whether mixed with food or not so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.

(e) Any individual that has in his or her possession any animal that is hurt, crippled, suffering from malnutrition, or obviously in need of veterinarian treatment. The owner or person in charge will be required within 24 hours to have said animal admitted to an animal hospital. If said animal is not treated within 24 hours, the animal will be confiscated and placed with a licensed veterinarian. The owner or person in charge will be obligated to pay the fees that are charged for services rendered by the veterinarian. If the owner or person in charge refuse to do so after being advised, then he or she shall be placed on docket. The dog will become the property of the City and will be humanely disposed of as a last result to the problem, if the owner or person in charge cannot afford the veterinarian fees or Animal Shelter cannot find another home for said animal.

(f) This section shall apply within the corporate limits of the City and the police jurisdiction thereof.

SECTION 28. HUMANE TRAPS.

(a) The Supervisor or any Animal Control Officer is hereby authorized, in order to apprehend animals in violation of this ordinance, which are otherwise difficult to apprehend, to use traps designed humanely to capture said animals by placing the same upon any public property of the City, upon the right of way of any public street or highway, or upon the private property of any person granting permission therefore.

It shall be the duty of the Supervisor or any Animal

Control Officer to check such traps daily and remove captured animals therefrom to the Prichard Animal Shelter where they shall be disposed of as otherwise provided herein.

It shall be unlawful for any person to molest or tamper with any such trap or to remove any animal captured in any such trap or to interfere with the Supervisor or any Animal Control Officer in setting or servicing any such trap.

(b) Any owner or person in charge of any premises within the corporate limits of the City may set their own humane trap on such premises for the purpose of removing any animal, except songbirds, which have entered onto the premises.

It shall be the duty of the owner or person in charge to check such trap daily and deliver any animal captured therein to the Prichard Animal Shelter or to the animal's owner.

(c) Any owner or person in charge of any dog captured in a humane trap which is off the premises of the owner or person in charge thereof shall be prima facie presumed to have allowed, suffered or permitted such animal to be or to run at large. At any time a dog or cat is captured by use of such trap, and the owner or person in charge is known or becomes known to the Supervisor or an Animal Control Officer, such owner or person in charge shall be given a citation to appear in the Municipal Court as provided in Section 28. hereof.

SECTION 29. CITATIONS.

When any animal is found by the Supervisor or by an Animal Control Officer to be in violation of any provision of this ordinance, and the person or persons responsible become known to the Supervisor or to an Animal Control Officer, he may issue a citation to the owner or person in charge for said violation directing him to appear in the Municipal Court of the City of Prichard, Alabama, at a time and a date stated therein to answer to charges of violations

of this ordinance, which said charges shall be stated in said citation. It shall be unlawful and a misdemeanor for any person to fail to appear in Municipal Court of the City of Prichard, Alabama, at the time and place stated in a citation issued by the Supervisor or an Animal Control Officer. Any person failing to or refusing to accept said warning or citation to show acknowledgement of said presentation will be grounds for immediate arrest of said person and fined no less than \$50.00.

All person will be obligated to present some type of personal identification when being served an official warning or citation. If a person is in violation and refuses to present personal identification, the animal is to be impounded immediately and held for the prescribed days of detention in this ordinance and the person promptly arrested and fined no less than \$50.00. In addition to other ordinance violations, said person may reclaim animal under the procedures so prescribed in Section 16.

SECTION 30. DISPOSITION OF FEES.

All monies collected, as provided for in this ordinance, shall be turned over and delivered forthwith to the City Clerk-Treasurer.

SECTION 31. APPLICATION OF THIS ORDINANCE TO POLICE JURISDICTION OF THE CITY.

Due to the large and sparsely populated area within the police jurisdiction of, but without the corporate limits of the City, only certain sections of this ordinance apply within said police jurisdiction. Neither the Supervisor nor any Animal Control Officer is required regularly to patrol or to answer calls or complaints within said police jurisdiction; however, any person may initiate a prosecution for the violation of those sections which by their terms apply within said police jurisdiction by appearing before a duly authorized magistrate of the City and making an appropriate application under oath.

SECTION 33. MINIMUM PENALTIES.

Any person violating any provision of this ordinance shall be punished as provided in the general penalty provision of the Code of Ordinances of the City of Prichard, provided, however, that where any person is found guilty of violating any provision of this ordinance for which a fine is provided and imposed, in addition to such other punishment as may be provided by the court, the minimum fines shall apply as follows:

<u>DESCRIPTION OF OFFENSE</u>	<u>FINE</u>	<u>FINE</u>	<u>FINE</u>
	<u>1st OFFENSE</u>	<u>2nd OFFENSE</u>	<u>3rd OFFENSE</u>
			<u>HABITUAL</u>
Allowing an animal other than a dog or cat to be at large	\$50.00	\$100.00	\$200.00
Allowing a dog or cat to be at large without proper license affixed	\$25.00	\$50.00	\$100.00
Undomesticated or poisonous animal to be at large	\$200.00	\$500.00	10 day confinement
Allowing a dog or cat to be at large having proper license tag affixed	\$15.00	\$25.00	\$50.00
Insufficient Veterinarian care	\$25.00	\$50.00	\$100.00
Menacing	Docket		
Failure to attach tag and license to collar or harness of dogs and cats	\$25.00	\$50.00	\$100.00
Improper tag	\$50.00	\$100.00	\$200.00
Not properly confining a female dog or cat in heat	\$50.00	\$100.00	\$200.00
Permitting cock or animal fights	\$200.00	\$500.00	10 day confinement
Failure to license animal	\$50.00	\$100.00	\$200.00
Cruelty to animals	\$200.00	\$500.00	10 day confinement
Violation of guide dog accompanying blind person	\$100.00	\$200.00	\$500.00

No shelter for an animal	\$50.00	\$100.00	\$200.00
Failure to remove and dispose animal feces	\$50.00	\$100.00	\$200.00
Failure to inoculate animal against rabies	\$10.00	\$25.00	\$50.00
Owner refusing to remove overturned or scattered garbage	\$50.00	\$100.00	\$200.00
Animal on leash whereas chain reach off the owner's property	\$25.00	\$50.00	\$100.00
Abandoned animal	\$50.00	\$100.00	\$200.00
Allowing an animal known or presumed to be vicious to be at large	\$100.00	\$200.00	\$500.00
Failure to restrain animal	\$50.00	\$100.00	\$200.00
Interfering with Animal Control Officer	Docket		

SECTION 33. DEAD ANIMALS - DEPOSIT ON STREETS.

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

SECTION 34. DISPOSAL OF DEAD ANIMALS.

All owners or persons in charge of animals which die or are killed in their possession or custody, other than such as are slaughtered for food within twenty-four (24) hours, shall notify the appropriate City official, as set forth in Section 35, of such dead animal and request its removal as provided in Section 36, or shall cause the remains of such animals to be buried at least two (2) feet below the surface of the ground in accordance with this ordinance. Animals dying from any communicable disease whatever shall be reported to the City in accordance with Section 35. No such animal shall be buried sufficiently near a residence or residences, or in such a manner as to create a nuisance. In no case shall a dead horse, bull, mule, cow or other large animal be buried within three hundred (300) feet of a

residence. This section shall apply both within the corporate limits of the City and within the police jurisdiction thereof.

SECTION 35. APPROPRIATE CITY OFFICIAL FOR NOTIFICATION.

A small dead animal, such as a dog, cat, fox, skunk, etc. shall be reported to the Supervisor or an Animal Control Officer.

A large dead animal, such as a horse, mule, cow, hog, etc., shall be reported to the Superintendent of Public Works.

Animals dying from any communicable disease shall be reported to the Mobile County Health Department in addition to reporting such dead animal to the appropriate official for removal.

SECTION 36. REMOVAL BY CITY OF DEAD ANIMALS.

It shall be unlawful for any person, firm, association or corporation to permit the dead body of a horse, mule, cow, goat, sheep or dog to remain on his or their premises for a period longer than twenty-four (24) hours. It shall be the duty of the owner or person in charge of such dead animal or, if the owner or person in charge is not to be identified, then it shall be the duty of the owner of the property upon which the animal was said to have died to remove the carcass at his or their expense.

Whenever a request is made to the Supervisor or an Animal Control Officer for removal of a small dead animal, or when a request is made to the Superintendent of Streets for removal of a large dead animal, it shall thereupon be the duty of the official receiving the request to demand of such person his name, address, and phone number including street and house number, and a description of the dead animal. Immediately upon receipt of the information demanded, the official receiving the request shall cause the remains of such dead animal to be removed and buried at least two (2) feet below the surface of the ground or to be

burned; if the death is due to a communicable disease, the remains shall be burned. Provided, however, that the Supervisor or an Animal Control Officer may require that the requesting party place said small dead animal in a securely fastened plastic bag or similar container and make the same accessible at the curb or at such other place upon the property as he may direct.

This section shall apply both within the corporate limits of the City and within the police jurisdiction thereof.

SECTION 37. FEES FOR REMOVAL OF DEAD ANIMAL BY CITY.

For removal of any large dead animal such as a horse, mule, cow, hog, etc., the owner or person in charge of such animal requesting its removal by the City shall be charged a fee of TWENTY FIVE AND NO/100 (\$25.00) DOLLARS. For removal of any small dead animal such as a dog, cat, fox, skunk, etc., the owner or person in charge of such animal requesting its removal by the City shall be charged a fee of SIX AND NO/100 (\$6.00) DOLLARS. This section shall include all licensed veterinarians and kennels, however; the supervisor may, if he chooses to, enter into a written in kind service agreement with designated veterinarians for veterinarian service to the City and its citizens without charge in exchange for the City picking up dead animals from veterinarians without charge and that either party, if he chooses, may void said in kind agreement for simple cause, thus; reverting automatically back to the fees charged in this section and the veterinarians charging the City for services rendered. This section shall apply within the corporate limits of the City and within the police jurisdiction thereof. It shall be unlawful for any person liable for the expenses of such removal to fail to pay such fees.

SECTION 38. UNLAWFUL TO REMOVE DEAD ANIMAL EXCEPT AS PROVIDED.

It shall be unlawful for any person to remove any dead

animal from any public street, sidewalk, park or public place or from any private premises in the City or the police jurisdiction thereof, except in the manner provided by this ordinance.

SECTION 39. AUTHORITY TO REQUIRE QUARANTINE OR CONFINEMENT OF ANIMALS.

The Mobile County Health Officer, Supervisor or Rabies Inspector shall have authority to quarantine or require confinement of any or all animals in any part or all of the City or police jurisdiction thereof, for such period of time and in such manner as he may determine whenever he considers such quarantine or confinement necessary for the control of rabies.

SECTION 40. ANIMALS SUSPECTED OF HAVING RABIES DECLARED NUISANCES; IMPOUNDMENT OF SAME.

Any animal suspected of infection with rabies is hereby declared to be a public nuisance and a danger to the health and safety of the community. The Supervisor or an Animal Control Officer may take up and confine any such animal.

SECTION 41. CONFINEMENT OF ANIMALS KNOWN OR SUSPECTED TO HAVE RABIES.

It shall be unlawful for any person to keep, on or about any place or premises in the City or police jurisdiction thereof, any animal which is known to have, or reasonably suspected of having rabies, unless such animal is securely confined in such a manner as effectually to prevent contact with or injury to persons or other animals, and any animal not so confined shall either be destroyed or removed to the Prichard Animal Shelter, veterinarian or other appropriate place by a person designated for that purpose by the City and there securely confined as aforesaid, under the supervision of a licensed veterinarian or Mobile County Health Department for observation.

SECTION 42. CONFINEMENT FOLLOWING BITING OF HUMAN BEINGS.

It shall be the duty of the owner or person in charge

of any animal required by the laws of the State of Alabama to be inoculated against rabies which has bitten a human being to notify the health officer, Supervisor, or County Rabies Inspector of such fact immediately upon learning thereof, and it shall thereupon be the duty of such owner or person in charge to have the said animal confined under the direct care, custody, control and supervision of a licensed veterinarian for a period of ten (10) days. It shall be unlawful for any person having knowledge that any person has been bitten by any such animal to refuse to notify promptly the health officer, Animal Shelter or County Rabies Inspector. It shall be unlawful for the owner or person in charge of any such animal to refuse or to fail to comply with the written recommendations made by the County Health Officer, County Rabies Inspector or Supervisor in any particular case. Any expenses incurred in the handling of any animal under this section shall be borne by the owner or person in charge. The veterinarian under whose care the animal has been committed shall report the results of his observations of said animal to the attending physician of the person bitten and to the Animal Shelter. Any animal known or reported to have bitten a person shall be confined by the owner or person in charge as herein provided, or in the alternative, the owner or person in charge may authorize the Mobile County Health Department or the Supervisor to dispose humanely of the animal and to submit its head to a public laboratory for proper examination and tests. Any animal confined by the Supervisor or Animal Control Officer which is known or reported to have bitten a person, and which is a stray animal, as determined by the Supervisor or County Rabies Inspector, with no owner or person in charge, or a wild animal that was in confinement or captured after the bite, or where the owner or person in charge of any exotic or wildlife pet agrees in writing, the animal can be humanely destroyed immediately after the bite and have said animal submitted to a licensed veterinarian for decapitation

and the head submitted for appropriate examination by the State Health Department Laboratory for rabies examination.

If the owner or person in charge of a biting animal fails to have said vicious animal confined by a licensed veterinarian within twenty-four (24) hours after being notified, the owner will be issued a warrant and the said biting animal will be confiscated and placed with a licensed veterinarian and the owner or person in charge of the animal will be fined no less than fifty (\$50.00) dollars and will also be held responsible for the veterinarian fees. This action will also be upheld in the event of a multiple dog biting incident. If the owner or person in charge cannot afford to have the animal observed for ten (10) days then the animal will be humanely disposed of and its head sent to the State Health Department Laboratory for rabies examination.

Any person that has in his or her possession any animal that has attacked or bitten any one person three times within a twelve (12) month period; or attacks or bites three (3) separate individuals within a twelve (12) month period; or any person that has been officially warned three (3) times or more for allowing a vicious animal to be at large within a twelve (12) month period, then this animal will be declared an extreme threat to the general public's safety and health. The animal's owner or person in charge shall submit said vicious animal to a licensed veterinarian or Animal Shelter to be humanely disposed of. If owner or person in charge fails to submit said vicious animal then the animal shall be confiscated and owner put on docket and fined no less than one hundred (\$100.00) dollars for violating this ordinance section.

This section shall apply within the City and the police jurisdiction thereof.

SECTION 43. CONFINEMENT OF ANIMALS BITTEN BY SUSPECTED ANIMALS.

It shall be unlawful for any person to keep, harbor or

maintain on or about any place or premises in the City any animal whatsoever which has been or is reasonably suspected to have bitten or otherwise injured by or in contact with another animal afflicted with or suspected of being afflicted with rabies in such a manner as to permit or favor transmission of such disease, unless such animal so bitten, injured or in contact shall be securely confined for not less than four (4) months.

SECTION 44. AUTHORITY OF HEALTH OFFICER, SUPERVISOR, AND COUNTY RABIES INSPECTOR.

The health officer, Supervisor, or County Rabies Inspector shall have the right at any time to move or cause to be moved to the Prichard Animal Shelter or other place designated by him under direct veterinarian supervision for observation or examination, any animal which is reasonably suspected to be afflicted with rabies, or which has bitten or otherwise injured a human being in such manner as would permit or favor the transmission of the virus of rabies, or which has been, or is reasonable suspected to have been bitten or injured, or in contact with another animal afflicted or reasonably suspected of being afflicted with rabies, and it shall be unlawful for any person to hinder, obstruct, or interfere with the health officer, Supervisor, or County Rabies Inspector or their authorized agent or deputy in the exercise of the authority herein conferred upon him. It shall be the duty of the health officer, Supervisor, or County Rabies Inspector to destroy, or cause to be destroyed, any animal found to be afflicted with rabies.

SECTION 45. LAW ENFORCEMENT DOGS EXEMPT FROM QUARANTINE.

Dogs used in law enforcement work under the control and supervision of a law enforcement officer shall be exempt from the quarantine period where such bite occurs in the line of duty and evidence of proper vaccination against rabies, but shall be examined at the end of ten (10) days by

a licensed veterinarian.

SECTION 46. CORRALS, PENS & STABLES - MINIMUM AREA - ANIMALS.

It shall be unlawful for any person to keep any sheep, horse, cow, goat, hog, or similar species or types, in any corral in the City or police jurisdiction thereof unless such corral shall have a stable and a minimum area of twelve thousand (12,000) square feet for one such animal and an additional ten thousand (10,000) square feet for each additional animal there kept to every portion of which each and every animal shall have free and unrestricted access.

Every stable, shed or lot where a horse, mule or cow is kept in the City or police jurisdiction shall be kept clean and dry and such stable shall have sufficient light to make cleaning practicable and sufficient ventilation to keep the air of such building pure at all times.

Every stable, shed or building where a horse, mule or cow is kept in the City or police jurisdiction should be constructed no less than nine (9) feet long, twelve (12) feet wide, and nine (9) feet high for one horse, mule or cow.

SECTION 47. CORRALS, PENS, STABLES - MINIMUM AREA - FOWL.

It shall be unlawful for any person to keep any fowl, as defined in this section, in any corral in the City or its police jurisdiction thereof unless such corral shall have a minimum area of fifteen (15) square feet of space for each fowl to which space each fowl shall have access.

Injured, diseased or dead fowl shall, immediately upon discovery of the injury, disease or death, be removed from the crate or coop in which same are shipped, carried or kept.

SECTION 48. DISTANCE OF CORRALS FROM DWELLINGS, ETC.

It shall be unlawful for any owner or person in charge to keep any animal or fowl in the City or the police jurisdiction thereof in any corral or stable any part of

which is within two hundred (200) feet of a dwelling occupied by a person other than the owner or person in charge of said animal or fowl or if such dwelling is not occupied, owned by a person other than the owner or person in charge of said animal or fowl, provided, however, that this section shall not apply to enclosures where animals or fowl have been continuously kept since prior to the passage of or amendment to this ordinance.

SECTION 49. KEEPING OF HOG PROHIBITED: EXCEPTIONS.

(a) It shall be unlawful for any person to keep hogs within the corporate limits of the City, except on established farms where hogs have been kept continuously since prior to the passage of this ordinance, and under circumstances where no noise, odor, or pollution violation or nuisance is occasioned thereby, and at a place more than nine hundred (900) feet from any residence, business house, church, or school yard other than the residence of the owner or person in charge of said hogs.

(b) It shall be unlawful for any person within the police jurisdiction of the City to keep a hog pen, stable, or enclosure wherein hogs are kept within nine hundred (900) feet of any residence, business house, church or school other than the residence of the owner or person in charge of such hogs.

(c) All hogs in transit or housed or penned for sale at a duly authorized marketing place within the corporate limits of the City or the police jurisdiction, thereof, shall be removed by sale, slaughtering, or otherwise within eight (8) days. All pens or enclosures wherein said hogs are kept shall have concrete floors with ample drains and water connections, as approved by the Health Department, and must be cleaned daily and suitable insecticides or deodorants, or both, as approved by the Health Department, shall be used each day to the extent that fly control is satisfactorily maintained.

Any person in violation of this section shall be

punished as provided by the general penalty clause of the City Code, but in no event less than \$50.00.

SECTION 50. CITY DECLARED BIRD SANCTUARY; ABATEMENT OF BIRDS UNDER CERTAIN CIRCUMSTANCES, CAPTURING OR KILLING BIRDS, SQUIRRELS, ETC., PROHIBITED.

(a) It shall be unlawful for any person to pursue, injure, capture, kill or destroy any squirrel or song bird of any kind, at any time, within the corporate limits of the City. Provided, however, that squirrels may be captured in a humane trap, furnished by the owner or person in charge of the premises, on the premises of the owner or person in charge thereof and delivered to the Prichard Animal Shelter. This section shall not be construed so as to apply to the Supervisor, the Animal Control Officers or to any law enforcement officer when a nuisance exists or when there is a hazard to health or safety which in the judgment of said officer cannot be otherwise remedied.

(b) The entire area embraced within the corporate limits of the City of Prichard shall be, and the same is hereby designated as a bird sanctuary.

SECTION 51. HORSES NOT TO STAND IN STREETS UNLESS HITCHED OR ATTENDED.

It shall be unlawful for any owner or person in charge to allow a horse to stand in any street within the City or police jurisdiction thereof, unless the owner or person in charge is in attendance or the horse is securely hitched. Any horse not attended or securely hitched shall be considered to be at large.

SECTION 52. MAINTAINING BEES.

(a) It shall be unlawful for any person to raise, keep, house, farm or maintain bees within the corporate city limits of Prichard, Alabama.

(b) It shall be unlawful for any person within the police jurisdiction or City to keep, raise, house, farm or maintain bees in any pen or enclosure wherein bees are kept within three hundred (300) feet of any residence, business

house, church, or school yard other than the residence of the owner or person in charge of such bees.

SECTION 53. CASE NUMBER ASSIGNMENT AND ANIMAL ORDINANCE VIOLATION REPORTS.

The City of Prichard Animal Control Agency is hereby assigned a case number relating to any and all animal ordinance violations, arrests, and court schedules.

The case number will be documented within the Police Department Magistrate or Judge's Office and Animal Control Agency.

The case number shall bare the prescribed initials P-A-O representing Prichard Animal Ordinance and proceeded by the number of the year this ordinance is adopted - 1985 - followed by additional digits to the end of the case number which will represent a combined total of cases referred to citations, docket or court cases initiated by the Animal Control Agency. The Animal Control Officer shall henceforth have the authority to directly petition the Municipal Judge or their Magistrate for writs of arrest, speedy warrants, and court dates.

Any and all animal ordinance violation reports made by the Animal Control Officer shall have the same meaning and affect as a police report.

SECTION 54. LICENSING PROVISION EFFECTIVE.

The licensing provisions of this ordinance shall be effective for the license year beginning January 1, 1986.

SECTION 55. SEVERABILITY.

(a) Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

(b) All other stipulations or procedures for the purchase, adoption, release of animals existing in City

ordinances prior to the adoption of this ordinance and any other ordinance that may conflict with this ordinance shall become void.

SECTION 56. HARDSHIP CASES.

The Supervisor shall hereby be authorized to void any citation issued under this Ordinance if in the Supervisor's judgment said violator is a hardship case. And further, said violator agrees in writing to have violation corrected within a reasonable and safe designated time to be determined by the Supervisor.

SECTION 57. EFFECTIVE DATE.

This ordinance shall take effect upon its adoption and publication.

APPROVED:

MAYOR

ATTEST:

CITY CLERK