

ORDINANCE NO. 1402

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD
AS FOLLOWS:

SECTION I. Definitions

As used in this ordinance the following terms mean:

Animal: Any live, vertebrate creature, domestic or wild;

Animal Shelter: Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law;

Auctions: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners;

Circus: A commercial variety show featuring animal acts for public entertainment;

Commercial Animal Establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel;

Grooming Shop: A commercial establishment where animals are bathed, clipped; plucked, or otherwise groomed;

Humane Officer: Any person designated by the State of Alabama, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this State;

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats;

Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more;

Performing Animal Exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used;

Pet: Any animal kept for pleasure rather than utility;

Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animal;

Public Nuisance: Any animal or animals which:

1. molests passersby or passing vehicles
2. attacks other animals
3. trespasses on school grounds
4. is repeatedly at large
5. damages private or public property
6. barks, whines, or howls in an excessive, continuous, or untimely fashion;

Restraint: Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner;

Riding School or Stable: Any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro;

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;

Vicious Animal: Any animal or animals that constitute a physical threat to human beings or other animals;

Wild Animal: Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warmblooded animal which can normally be found in the wild state;

Zoological Park: Any facility, other than a pet shop or kennel,

displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation, or governmental agency.

SECTION 2. Licensing

- (a) Any person owning, keeping, harboring, or having custody of any animal over three months of age within this municipality must obtain a license as herein provided. This provision may not apply to the keeping of small cage birds, or aquatic and amphibian animals solely as pets.
- (b) Written application for licenses shall be made to the Licensing Authority which shall include name and address of applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.
- (c) If not revoked, licenses for the keeping of dogs and cats shall be for a period of up to one year.
- (d) Application for a license must be made within thirty days after obtaining a dog or cat over three months, except that this requirement will not apply to a non-resident keeping a dog or cat within the municipality for no longer than sixty days.
- (e) License fees shall not be required for seeing eye dogs or governmental police dogs.
- (f) Upon acceptance of the license application and fee, the Licensing Authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- (g) Dogs and cats must wear identification tags or collars at all times when off the premises of the owners.
- (h) The Licensing Authority shall maintain a record of the identifying numbers of all tags issued and shall make this

record available to the public.

(i) The licensing period shall begin with the fiscal year and shall run for one year. Application for license may be made thirty days prior to, and up to, sixty days after the start of the fiscal year. Persons applying for a license during the licensing year shall be required to pay 50% of the fee stipulated in this section.

(j) Persons who fail to obtain a license as required within the time period specified in this section shall be subjected to a fine of \$10.

(k) A license shall be issued after payment of the applicable fee:

	<u>1 year</u>
1. for each unneutered male dog	\$3
2. for each unneutered male cat	3
3. for each unspayed female dog	3
4. for each unspayed female cat	3
5. for each neutered male dog	1
6. for each neutered male cat	1
7. for each spayed female dog	1
8. for each spayed female cat	1

(l) A duplicate license may be obtained upon payment of a \$2 replacement fee.

(m) No person may use any license for any animal other than the animal for which it was issued.

SECTION 3. 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) 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.

(c) 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.

(d) The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for permits shall be made thirty days prior to, and up to sixty 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.

(e) 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 transfer fee.

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

1. for each kennel authorized to house
less than 10 dogs or cats \$25
2. for each kennel authorized to house
10 or more but less than 50 50
3. for each kennel authorized to house
50 or more dogs or cats 100
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

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

(h) Persons operating kennels for the breeding of dogs or cats which handle less than ten animals may elect to license such animals individually.

(c) 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.

(d) The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for permits shall be made thirty days prior to, and up to sixty 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.

(e) 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 transfer fee.

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

1. for each kennel authorized to house less than 10 dogs or cats	\$25
2. for each kennel authorized to house 10 or more but less than 50	50
3. for each kennel authorized to house 50 or more dogs or cats	100
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

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

(h) Persons operating kennels for the breeding of dogs or cats which handle less than ten animals may elect to license such animals individually.

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

(j) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of \$200.

(k) 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 4. License and Permit Issuance and Revocation

(a) 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.

(b) Any person whose permit or license is revoked shall, within ten 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.

(c) 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.

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

(e) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(f) Any person having been denied a license or permit may not reapply for a period of thirty days. Each reapplication shall be accompanied by a \$10 fee.

SECTION 5. Restraint

- (a) All dogs shall be kept under restraint.
- (b) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (d) Every vicious animal shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 6. Impoundment and Violation Notice

- (a) Unrestrained dogs and nuisance animals shall be taken by the police, animal control officers, or humane officers and impounded in an animal shelter and there confined in a humane manner.
- (b) Impounded dogs and cats shall be kept for not less than five working days.
- (c) If by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail.
- (d) An owner reclaiming an impounded cat shall pay a fee of \$2, plus \$.50 for each day the animal has been impounded.
- (e) An owner reclaiming an impounded dog shall pay a fee of \$5, plus \$1 for each day the animal has been impounded.
- (f) Any animal not reclaimed by its owner within five working days shall become the property of the local government authority, or humane society, and shall be placed for adoption in a suitable home or humanely euthanized.
- (g) In addition to, or in lieu of, impounding an animal found at large, the animal control officer, humane officer,

or police officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of \$5 which may, at the discretion of the animal owner, be paid to any agency designated by the Licensing Authority within seventy-two hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a magistrate and upon conviction of a violation of this ordinance, the owner shall be punished as provided in Section 15 of this ordinance.

(h) The owner of an impounded animal may also be proceeded against for violation of this ordinance.

(i) The Commission shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve month period.

SECTION 7. Animal Care

(a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, with humane care and treatment, and daily exercise.

(b) No person shall beat, cruelly ill treat, torment, confine, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(c) No owner of an animal shall abandon such animal.

(d) No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.

(e) Chickens or ducklings younger than eight weeks of age may not be sold in quantities of less than twenty-five to a single purchaser.

(f) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(g) 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.

(h) 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.

SECTION 8. Keeping of Wild Animals

(a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(b) No person shall keep or permit to be kept any wild animal as a pet.

(c) The Licensing Authority may issue a temporary permit for the keeping, care, and protection of an infant animal native to this area which has been deemed to be homeless.

(d) The Commission shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.

SECTION 9. Performing Animal Exhibitions

(a) No performing animal exhibitions or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

SECTION 10. Animal Waste

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

SECTION 11. Sterilization

No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized.

SECTION 12. Enforcement

The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this ordinance to interfere with a humane officer in the performance of his duties.

SECTION 13. Penalties

Any person violating any provision of this ordinance in the City of Prichard or its police jurisdiction shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$200. If any violation be

continuing, each day's violation shall be deemed a separate violation. If any person be found guilty by a court of violating Section 8, his permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

SECTION 14. Conflicting Ordinances

All other ordinances of the City of Prichard that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 15. Severability Clause

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Adopted this 1st day of July, 1975.

APPROVED:

A. J. Cooper, Jr., Mayor

ATTEST:

Eva C. Greene, City Clerk - Treasurer